



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

April 5, 2011



Folder      Time      Description

**9:04 a.m.** Meeting Called to Order at the Mariposa County Government Center with Supervisor Bibby excused due to illness.

Pledge of Allegiance

Chair Allen called for a moment of silence and thanks for our troops fighting worldwide; and for wishing Supervisor Bibby a speedy recovery.

Introductions – none

- 1      Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)  
**NOTE:** The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda  
**BOARD ACTION:** Input from the public was provided by the following:  
            Brad Aborn, former Supervisor, referred to item 115 and commended Nancy Jones for her service.  
            Supervisor Cann referred to items 106 and 107 and asked about reimbursement of costs; and Rick Benson/County Administrative Officer advised that the costs will be submitted for reimbursement and he noted that we are still waiting for the Governor’s response to the County’s request for an emergency declaration as a result of the March storms.  
            Supervisor Cann referred to item 120 and asked whether the Airport Advisory Committee has reviewed this item. Allen Toschi, Public Works Director, advised that the Committee reviewed the five-year program which included this project, and it was reviewed again a couple of months ago.  
            (M)Stetson, (S)Turpin, all items were approved/Ayes: Stetson, Turpin, Cann, Allen; Excused: Bibby.
- 2      **Chair Allen**  
Resolution Recognizing Don Simms, Upon his Retirement from the United States Department of Agriculture  
**BOARD ACTION:** Input from the public was provided by the following:  
            Doug Binnewies, Sheriff, noted Don’s personal attributes and commended him for his service.  
            Frank Milazzo, Fish and Game Warden, presented Don with a plaque commending him for his work with Fish and Game.

Cathi Boze, Agricultural Commissioner, noted that her department administers the contract for the Wildlife Services, and she presented Don with a stuffed skunk and a “weed warrior” badge and wished him well in retirement.

Brad Aborn commended Don for his knowledge and wished him a happy retirement.

Board members expressed appreciation and thanked Don for his service. (M)Turpin, (S)Cann, Res. 11-109 was adopted and presented to Don Simms/Ayes: Stetson, Turpin, Cann, Allen; Excused: Bibby. Chair Allen also presented Don with a certificate of appreciation from our State legislative representatives and an entry in the Congressional Record by former Congressman Radanovich. Don introduced his family that was present: his wife – Judy; daughter – Andrea and her husband Lance and their children Kaleb and Ava; his parents’ Don and Nita Simms; his sister Sharon and her husband Kenny; and his cousin Roger. He thanked the Board, Cathi Boze and the Agriculture Department, California Fish and Game, and the Sheriff’s Department and Animal Control for their support.

**9:35 a.m.** Recess

**9:50 a.m.** The Board reconvened.

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

Jim Wilson, Fire Chief and Coordinator for Office of Emergency Services, provided a status report on the severe winter storms and emergency response, they will continue to work on communication issues with residents that occur when the power is out; power has been restored to the residents; they are in the recovery phase and cleaning up and grinding the wood debris; the Yosemite West water system is working; they are working on the accounting phase of the disaster; and they are planning an “after action meeting” to review the event for future planning purposes. Board members thanked all of the agencies and people involved in the disaster and noted the difficulties of this storm as it caused problems countywide.

Doug Binnewies, Sheriff, thanked the Board for its support during the emergency and communication issues and technology capabilities.

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

Lester Bridges, President and Interim Executive Director for the Chamber of Commerce, advised of upcoming events: Mariposa Gem and Mining Show this weekend; Mariposa Safe Families’ Safe at Home event the next weekend; and Las Mariposas Civil War Days the next weekend. He commented on the billboard advertising the County on Highway 41 and the need to re-do the sign on Highway 140 at the County line. He thanked the Board for its continued support.

Les Marsden, Mariposa Symphony Orchestra Conductor and Planning Commissioner – District V, stated he is speaking as a member of the public. He expressed his gratitude for how well the recent storm situation was dealt with by the County departments. On behalf of the Orchestra, he noted that we may be the smallest town in all of America with a symphony orchestra and they are entering their tenth anniversary. He advised of the concerts planned for this weekend.

Ralph Mendershausen advised of the release and availability of a DVD relative to HR 69 (Denham), and he stated he feels that this legislation is a major issue and he feels that “wild and scenic” is the issue, and that this legislation could set precedent. Rick Benson, County Administrative Officer, advised that staff is working on copying the DVD.

Tony Madrigal, California United Homecare Workers representing the IHSS (in-home support services) workers, suggested the Board recognize the IHSS workers who have provided years of service and he noted that many of the workers never retire. He advised that the workers receive \$8.75 an hour and no health benefits; and he commented on how the funding works for this program, and he feels that funding is available to provide health benefits.

Ron Schmidt, IHSS care provider, stated he has two clients in the County, and he advised that they are not reimbursed for their mileage and the workers would like to have some form of medical benefits. He asked if the County received a reduced rate on fuel, whether that could be passed along to the workers. He asked why there were no warming centers during the recent storm. Chair Allen advised that there were warming centers. Ron Schmidt expressed his concern with the lack of communication on what was available during the storm.

Margaret Tysers, IHSS care provider, stated she came here from Washington to care for her sibling, and she commented on the differences in pay and benefits the providers receive here – wages are low and there are no benefits. She feels their work is important and asked that consideration be given for their care of the elderly and handicapped. She feels that health insurance is important.

Bill McMurry, IHSS client, commented on his appearance four years ago before the Board on the IHSS issues. He feels that the State has funds available for the County to use for salary and benefits for the providers.

Eleanor Keuning suggested that the public be allowed to comment on the department head reports under Departmental Presentations at that time versus now. She expressed appreciation to PG&E and the Road crews for their work during the recent storms. She advised of the situation with her elderly neighbor and the request for a welfare check during the storm. She referred to a *Fresno Bee* story that Madera and Merced Counties are going to sue the State over taking First 5 funds to fill the budget gap. She suggested that Les Marsden post updates to the Gold Rush Cam and Gazette websites on the status of the orchestra's performance scheduled for the Ahwahnee on Sunday.

Jonathon Habarod stated he is a parent of school children and he expressed concern with the lack of State support for the schools. He asked if the County has plans to support the local schools if the State cuts results in negative impacts. He asked whether the Board/County could support private fundraising for the schools with things like benefits and festivals. Chair Allen asked the County Administrative Officer to contact him and explain the difference between the County and School Board and what the County can and cannot do.

Pete Judy commented on the Lions' Club fundraising efforts for the schools. He noted that he sees the Board members at various community events and fundraisers for the schools and he thanked them for their support.

#### Board Information

Supervisor Stetson advised that the El Portal Town Planning Advisory Committee is meeting next Tuesday evening.

Supervisor Cann noted that the Governor signed legislation relative to inmates and juvenile retention that will impact the County. He has several meetings scheduled this week, including tourism visioning, cemetery maintenance and development, proposal relative to a possible partnership with North Fork Green Waste Recycler, Integrated Regional Water Management Plan meeting on Thursday, and meeting with Sierra Nevada Conservancy and Resource Conservation District. He commented on the possible closure of Yosemite if there is a Federal government shutdown.

Supervisor Turpin advised that he attended the CSAC (California State Association of Counties) Board of Directors meeting last week and discussion was held relative to the Governor's proposed Constitutional Amendment as it relates to realignment;

and he noted that the Governor was in attendance. He plans to attend a meeting with the USFS in Groveland this week; and a meeting on Wednesday relative to the North Fork mill site biomass project.

Supervisor Allen commented on the Governor's signature on legislation that shifts inmates to the local government and parolees to Probation without funding. He commented on the possible Federal government shutdown this Saturday and potential impacts on the County. He reminded everyone that property taxes are due on April 10<sup>th</sup>.

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### **Administration**

Discussion and Possible Direction to Staff on Projects Regarding FY 2010-2011 Planning and Technical Assistance Allocation Funded by the State of California Department of Housing and Community Development

**BOARD ACTION:** Rick Benson introduced the item. Marilyn Lidyoff, Business Development Coordinator, advised of available funding and potential projects that were submitted by the departments. Discussion was held relative to the suggested projects, and relative to targeted income group (TIG) area studies – what areas have been studied and relative to conducting studies in other areas to see if they would qualify for this funding in the future. Allen Toschi provided input on the Coulterville water system upgrades and funding status, including the status of the previous grant application for the project. Supervisor Cann suggested that consideration be given to adding the sidewalk project in Mariposa and a public parking facility for downtown to the list of project for consideration. The Board concurred with directing that funding be pursued for the following projects: 1) transitional youth program/\$35,000; 2) Coulterville water system upgrade – well/\$35,000; 3) parking facility with roughly 80-percent for Mariposa and 20-percent for Coulterville review/\$70,000; with the Airport Master Plan to be an alternative project, and with the Parks and Recreation Master Plan to be a second alternative project.

**11:44 a.m.** Recess

**11:50 a.m.** The Board reconvened.

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### **Administration (10:00 a.m. Estimated Time)**

Discussion and Provide Direction to Staff Regarding the Use of Secure Rural Schools and Community Self Determination Act of 2000 (SR 2008) Funds for Continued Funding of the Mariposa County Fire Safe Council from July 1, 2011 through June 30, 2012, in the Amount of \$48,200, and to Provide Funding of \$5,000 to the Mariposa County Fire Department for the Purchase of Educational Materials for the County's Fire Safety Trailer

**BOARD ACTION:** Megan Redding, Fire Safe Council Project Coordinator, provided information on the services they are providing, including fuel breaks, defensible space projects, and brushing and chipping program. She advised of their funding sources and of other projects they are involved with, including educational components. She also noted the other agencies they are associated with. Discussion was held and Board members commended the Council for its work. (M)Cann, (S)Turpin, Res. 11-132 was adopted tentatively approving the projects for continued funding of the Fire Safe Council and for the purchase of educational materials for the Fire Safety Trailer, with direction to staff to notice the projects and begin the 45-day comment period/Ayes: Stetson, Turpin, Cann, Allen; Excused: Bibby.

5

### **Public Works**

PUBLIC HEARING to Vacate a Portion of Don Pedro Pedestrian Equestrian Trail as Shown on Map Entitled "Lake Don Pedro Subdivision Unit No. 2-M", Lot 638, Filed for Recordation on September 8, 1969 as Map No. 1676, Mariposa County Records

**BOARD ACTION:** Allen Toschi presented the staff report. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Turpin, (S)Stetson, Res. 11-133 was adopted approving the vacation of the portion of trail as recommended/Ayes: Stetson, Turpin, Cann, Allen; Excused: Bibby. The hearing was closed.

6

**Planning**

Waive the Second Reading and Adopt an Ordinance Amending the Mariposa County Zoning Map Pursuant to General Plan/Zoning Amendment No. 2010-128. The Ordinance will Rezone APN 012-180-014 from the Mountain General Zone to the Resort Commercial Zone; Victoria and Bryan Imrie (Yosemite Adventure Ranch), Project Applicant

**BOARD ACTION:** Chair Allen read the title of the Ordinance into the record. (M)Cann, (S)Stetson, the second reading was waived and Ordinance No. 1077 was adopted as recommended/Ayes: Stetson, Turpin, Cann, Allen; Excused: Bibby.

7

**Administration**

Oppose the Inclusion of Mariposa County Property APN Nos. 012-142-026 and 012-142-027 (Regional Park) in the Mariposa Public Utility District (MPUD) Assessment Districts No. 94-1 and 89-1, and Authorize the County Administrative Officer to Sign the Assessment Ballots Opposing the Assessment; Direct Staff to Request a Continuance at MPUD's Public Hearing

**BOARD ACTION:** Discussion was held with Rick Benson, and he asked the Board to request a continuance of the MPUD's hearing to review how this assessment might be set up; and if the hearing is not continued, that he be authorized to vote on behalf of the County in the negative on the Assessment Districts. (M)Cann, (S)Stetson, Res. 11-134 was adopted requesting that MPUD continue their public hearing for further discussion on this; and if the hearing is not continued, that authorization be given for the County Administrative Officer to vote on behalf of the County in the negative on the Assessment Districts/Ayes: Stetson, Turpin, Cann, Allen; Excused: Bibby.

**12:16 p.m. Lunch**

**2:04 p.m.** Reconvene

10

**Public Works/Solid Waste**

PUBLIC HEARING to Establish a New Disposal Fee Schedule for the Coulterville, Hornitos, Fish Camp and North County (Don Pedro) Transfer Stations

**BOARD ACTION:** Allen Toschi presented the staff report, and he advised that the increase from \$3.00 to \$5.00 a bag will reduce the negative cash flow from \$71,000 to \$28,752 a year. He responded to questions from the Board relative to the recommended effective date – May 1, 2011; relative to the funding status and operational costs of the transfer stations; and clarifying that the \$5.00 bag cost is per 33-gallon bag. Allen Toschi presented additional information on the refuse breakdown and operational costs and revenues for the transfer stations. Luis Mercado/PWD-Accountant, responded to questions from the Board relative to the analysis of the transfer stations and advised that the analysis was done on the prior year's information and did not take into account the possibility of a decrease in tonnage with the increase of the fees. Supervisor Allen expressed concern with moving forward with the fee increase for the transfer stations prior to meeting with Total Waste Systems and looking at options such as making the landfill a transfer station and hauling the trash to Merced. Allen Toschi responded that consideration of turning the landfill into a transfer station is a study of itself; and that it is necessary to keep the landfill open to collect the fees for future closure. He provided input on the status of the life of landfill. Supervisor

Allen asked if the compost facility is working as the project was explained to the public – Allen Toschi responded that it is not working as a composter in general, but is working to provide alternate daily cover. Supervisor Allen asked whether the \$100,000 is still needed for cover – Allen Toschi responded that the funding is still necessary; and he advised that they would like to look at all of the options, including possibly privatization. Supervisor Allen expressed concern with the changes in the proposed fees and accounting information that has been provided over the last few months, and with the use of the funds in Wawona. Supervisor Cann commented on consideration of closure and options for the landfill, and he noted that there may be ramifications with the funds that were received for the compost project. Allen Toschi responded to questions from the Board relative to staffing and what is needed for the solid waste function.

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

Ruth Catalan stated she feels this is an inadequate “bandage” – she feels that people will recycle more with the increase in fees and that will create a revenue shortfall. She feels that we need mandatory recycling and that this should not be an enterprise fund. She does not feel that the compost facility works. She noted that she recycles and recently took two bags that contained no recyclable materials to the landfill, but they still had her place the bags in the compost facility versus in the landfill – she feels this was a waste of staff time. She referred to a report that stated if the fees were raised, that trash will be dumped along the road and that will negate the increase.

Joe Tyler stated he lives in the Don Pedro subdivision in Mariposa County; and he advised of his observations at the Don Pedro transfer station – he has never seen the attendant fill out a receipt, he just makes change from his pocket. When he asked him about a receipt, he was told that he fills it out for every vehicle. He feels there should be better accounting and spot checks by administrative staff.

Carl Harla, Coulterville, asked what percentage of the total costs of the transfer station goes to wages and benefits.

Joe Tyler noted that he has never been asked to show where he lives (which County) so he questioned what the point is of having a different fee for the Lake Don Pedro Tuolumne County residents.

The public portion of the hearing was closed and the Board commenced with deliberations. Allen Toschi responded to the questions that were raised by the public – he advised that 23-percent of the operating costs for the Coulterville transfer station is for wages, the biggest cost is hauling. He responded to a question from the Board and advised that about 8-percent of the Don Pedro transfer station trash is from out-of-county. Luis Mercado advised that the trash from out-of-county is being tracked now. Supervisor Turpin noted that the wage cost is low because the staff is extra help. Discussion was held.

(M)Cann, (S)Turpin, Res. 11-135 was adopted approving the rate increases as recommended. The motion was amended by the second, agreeable with the maker, to include assurance that these rates will not be increased for two years; and that the new rates take effect on May 1, 2011/Ayes: Stetson, Turpin, Cann; Noes: Allen; Excused: Bibby. Allen Toschi clarified that 17-percent is for the out-of-county trash for Don Pedro for FY 2009-2010. The hearing was closed.

**2:52 p.m.** Recess

**3:04 p.m.** The Board reconvened.

8                   **Administration**  
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) for In-Home Supportive Services (IHSS) Providers; Name of County Designated Representative: Mary Hodson  
**BOARD ACTION:** Input from the public was provided by the following:  
Ruth Catalan stated she feels that the IHSS workers do a lot of work, and she feels the County should make an effort to use any funds that are available for health benefits and that the salaries should be increased.  
(M)Stetson, (S)Cann, the closed session was held after the following action/Ayes: Stetson, Turpin, Cann, Allen; Excused: Bibby.

9                   Consider Items Removed from the Consent Agenda – none

11                   **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Administrative Officer;

12                   **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Counsel;

13                   **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Agriculture Commissioner/Sealer;

14                   **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Director of Human Services; and

15                   **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Director of Public Works  
**BOARD ACTION:** (M)Turpin, (S)Cann, action was taken to continue this meeting to Monday, April 11, 2011, at 8:30 a.m. to hold these closed sessions/Ayes: Stetson, Turpin, Cann, Allen; Excused: Bibby.

**3:11 p.m.** The Board convened in closed session.

**3:31 p.m.** Report from Closed Session  
Chair Allen reported that information was received as a result of the closed session for item 8.

**Consent Agenda**

CA-101           **Clerk of the Board**  
Approval of Summary of Proceedings of March 14, 2011, Continued Meeting;  
Approval of Summary of Proceedings of March 15, 2011, Regular Meeting

CA-102           **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-110

CA-103           **Administration**  
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-111

- CA-104      **Administration**  
Resolution Continuing the Local Emergency Due to Severe Weather throughout Mariposa County in March of 2011; Res. 11-112
- CA-105      **Administration**  
Receive the List of Contracts Entered into by the County Administrative Officer Pursuant to Ordinance 3.08 for the Months of July, November, December 2010, and January, February, March 2011; Res. 11-113
- CA-106      **Administration**  
Ratify a Contract with ALW Enterprises, Incl in the Amount of \$24,000 for Wood Waste Grinding Services Approved by the County Administrative Officer in his Capacity as Emergency Services Officer; Res. 11-114
- CA-107      **Administration**  
Ratify a Contract with the Mariposa County Fire Safe Council in the Amount of \$13,000 for Wood Waste Grinding Services Approved by the County Administrative Officer in his Capacity as Emergency Services Officer; Res. 11-115
- CA-108      **Probation**  
Approve an Agreement for Participation in the Franchise Tax Board's Court Ordered Debt Program (FTB COD) from June 1, 2011 through May 31, 2014, and Authorize the Chief Probation Officer to Sign the Agreement; Res. 11-116
- CA-109      **Sheriff**  
Approve an Agreement with R. W. Rosebrock to Euthanize Stray/Unwanted Domestic Pets and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-117
- CA-110      **Sheriff**  
Approve a Lease Agreement with William A. Freeman for the Property Located at 5012 Fairgrounds Road, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-118
- CA-111      **Sheriff**  
Approve an Agreement for Sheriff's Community Organized Policing Effort (SCOPE) to Participate and Provide Services at the 2011 Annual Mariposa County Fair, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-119
- CA-112      **Sheriff**  
Approve an Agreement with Stanislaus County Sheriff's Office Coroner's Division to Provide Forensic Pathology Services for the Mariposa County Sheriff's Office, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-120
- CA-113      **Sheriff**  
Approve Agreement 07-LE-11051360-006 with the United States Department of Agriculture, Sierra and Stanislaus National Forest to Assist in Providing Law Enforcement Services including Narcotics Investigations and Enforcement Relating to Marijuana Cultivation on Forest Service Lands, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-121
- CA-114      **Sheriff**  
Approve Agreement 07-LE-11051360-006 with the United States Department of Agriculture, Sierra and Stanislaus National Forest to Assist in Providing Law Enforcement Services on National Forest Lands including Patrol Activities within the



Merced River Canyon, Rural Forest Roads, Campgrounds, Recreation Areas, Trails, Trailheads and Forest Service Facilities of Mariposa County, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-122

- CA-115      **Supervisor Stetson**  
Accept the Resignation of Nancy Jones from the Midpines Planning Advisory Committee
- CA-116      **Supervisor Turpin**  
Appoint Tim Eiland to the Pedestrian and Equestrian Trails Advisory Board for a Term Expiring June 30, 2014
- CA-117      **Community Services**  
Approve Amended Agreements for FY 2011-2012 for Title III C-1 Congregate Meals for an Increase Reimbursement of \$970, Title III C-1 Restaurant Meals for an Increase Reimbursement of \$270, Title III C-2 Home Delivered Meals for an Increase Reimbursement of \$121, and Title III B-Transportation for a Decrease Reimbursement of \$9,000 from Area 12 Agency on Aging, and Authorize the Board of Supervisors Chair to Sign the Amendments; Res. 11-123
- CA-118      **Agricultural Commissioner**  
Approve the Combined County Petroleum Products Compliance and Weighmaster Enforcement Program Cooperative Agreement No. 11-0021-SA for FY 2011/2012 with California Department of Food and Agriculture (CDFA), and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-124
- CA-119      **District Attorney**  
Approve a Three Year Agreement with John C. Fremont Healthcare District to Provide Services to Draw Blood on Suspected Driving Under the Influence of Alcohol and/or Drug Cases for the Term of February 14, 2011 through February 13, 2014, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-125
- CA-120      **Public Works**  
Approve the Application for Federal Assistance from the Federal Aviation Administration (FAA) for the Slurry Sealing of the Runway Project Scheduled for this Year at the Mariposa-Yosemite Airport, and Authorize the Public Works Director to Sign and Submit the Application; Res. 11-126
- CA-121      **Public Works**  
Adopt a Resolution Authorizing the Director of Public Works to Sign Right of Way Certifications Required for Federal Funding; Res. 11-127
- CA-122      **Public Works**  
Approve Plans and Specifications for Bidding Purposes, and Authorize the Public Works Director to Award an Agreement to the Lowest Responsible Bidder for the Energy Efficiency and Conservation Block Grant (EECBG) Project #10-02, and Authorize the Public Works Director to Sign the Agreement; Res. 11-128
- CA-123      **Public Works / Community Services**  
Approve Budget Action Reducing Contingency in the Transit Fund to Allow for State Sales Tax on the Purchase of Two Buses (\$17,400) (4/5ths Vote Required); Res. 11-129

- CA-124      **Elections**  
Approve Budget Action Transferring Funds in the Elections Budget to Cover the GIS Coordinator's attending a Redistricting Training Conference (\$300); Res. 11-130
- CA-125      **Human Services**  
Accept the Resignation of Nancy Damm from the Local Child Care Planning Council (LCCPC); Appoint Launa Gann as the Public Agency Representative Alternate to the LCCPC with a Term Expiring April 6, 2014
- CA-126      **Planning**  
Approve Termination of the Planning Department's Lease Agreement for the Color Copier/Scanner/Printer with US Bancorp, Approve a New 5-Year Agreement with Great America Leasing Corporation for a New Machine and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-131

The Board recessed at 3:32 p.m. in memory of Julia L. Slack and Lawrence Mitchell and continued the meeting to Monday, April 11, 2011, at 8:30 a.m.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

April 11, 2011

(Meeting Continued from 4-5-11)



Folder      Time      Description

**8:30 a.m.** Continued meeting from April 5, 2011, was called to order at the Mariposa County Government Center with Supervisor Bibby excused due to illness. The Board convened in closed session for the following matters:

- 11      **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Administrative Officer;
- 12      **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Counsel; and
- 13      **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Agriculture Commissioner/Sealer

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

**1:30 p.m.** The Board reconvened in closed session for the following matters:

- 14      **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Director of Human Services; and
- 15      **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Director of Public Works

**4:55 p.m.** Report from Closed Session  
Chair Allen reported that the performance evaluations were conducted and no action was taken for closed session items 11, 12, 13, 14, and 15.

The meeting was adjourned at 4:56 p.m.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

April 12, 2011



Folder      Time      Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for our troops fighting for our freedoms throughout the world.

Introductions – none

- 1      Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)  
**NOTE:** The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda  
**BOARD ACTION:** Chair Allen advised that item 109 was withdrawn by the department.  
    Input from the public was provided by the following:  
    Ruth Catalan referred to item 105 and asked what the total legal costs have been for this matter.  
    Chair Allen pulled item 105. Supervisor Bibby pulled the April 5, 2011, summary of proceedings from item 101 for separate action since she was excused from that meeting; and she pulled items 107, 108, and 113. Supervisors Turpin and Cann also pulled item 113. (M)Stetson, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.
- 8      Consider Items Removed from the Consent Agenda  
    Item 101 – (M)Turpin, (S)Stetson, the summary of proceedings for April 5, 2011, were approved/Ayes: Stetson, Turpin, Cann, Allen; Abstained: Bibby.  
    Item 105 – Rick Benson, County Administrative Officer, advised that funds were allocated for this invoice during the mid-year budget process; and he estimates the total costs to be just shy of \$30,000 for the legal fees on the FICA matter. (M)Stetson, (S)Cann, item 105 was approved/Ayes: Unanimous.  
    Item 107 – Supervisor Bibby initiated discussion; and she asked that there be a contingency that alcohol is not covered under the County, that the County’s Risk Manager identify a event representative that will be responsible during the event as a contact person if any issues arise, and that all federal, state, and local rules be complied with – including assemblage and facilities, zoning, health, and all applicable standards. Supervisor Allen commented that the plan is for the Lions’ Club to handle the insurance and alcohol service.  
    Input from the public was provided by the following on this item:

Don Phillips, Wagon Master, advised that they understand that alcohol is not covered under the County's insurance; and he advised that they have never had more than 200 people attend an event, so they do not feel the assemblage is a problem.

(M)Bibby, (S)Cann, item 107 was approved with direction that the alcohol is not covered under the County and contingent on there being compliance with all federal, state, and local rules/Ayes: Unanimous.

Item 108 – Supervisor Bibby initiated discussion relative to the request, and she expressed concern with the vehicle being included versus going through the normal auction process. Jim Rydingsword, Human Services Director, and Cindy Larca/HSD-Fiscal Officer, responded to questions and provided input on the request. (M)Cann, (S)Stetson, item 108 was approved subject to the County Administrative Officer verifying that the County has the legal right to transfer the vehicle/Ayes: Stetson, Turpin, Cann, Allen; Noes: Bibby.

Item 113 – Supervisor Bibby initiated discussion relative to the request, and she asked for verification that no General Fund dollars will be used. Allen Toschi, Public Works Director, and John Ainsworth, Assistant Public Works Director, responded to questions and provided input on the request. Supervisor Turpin expressed concern with the impact the costs will have on the rate payers. (M)Turpin, (S)Bibby, item 113 was approved. The motion was amended, agreeable with the maker and second, to include direction that the districts will be responsible for all costs /Ayes: Unanimous.

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

Terri Haworth, Community Services Director, announced that this week is "National Volunteer Week" and she acknowledged all that the volunteers do within this County, including service on committees and contributions to programs. She advised that they will recognize the volunteers at lunch on Thursday.

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

Lester Bridges, President and Interim Executive Director for the Chamber of Commerce, advised that they are moving the visitors' center in Coulterville to across the street from where the existing center is located, and they feel that this will be good for the community and for the tourists. He advised of upcoming events: Mariposa Safe Families' Safe at Home event this weekend; Las Mariposas Civil War Days the next weekend; and the Butterfly Festival the end of the month – he thanked the volunteers that make these events happen. He referred to plans for a music event to be held in Catheys Valley in June, and he noted that he Chamber supports businesses and bringing musical venues to the County. He noted the bicycle/pedestrian path workshop is scheduled for Wednesday at the Government Center and the consultant will present three proposals. He advised the next business mixer is at the Mariposa Martial Arts and involves Mariposa Safe Families. He commented on the Mariposa visitors' center activity; and he responded to a question from Supervisor Cann relative to Park Rangers assisting this summer.

Connie Waldron, on behalf of the Merced River Chapter of the Daughters of the American Revolution, announced that April 22<sup>nd</sup> is "Earth Day" and April 29<sup>th</sup> is "Arbor Day" and she provided input on these events. A bulletin board display is at the Library.

Board Information

Supervisor Bibby thanked Connie Waldron for bringing public events to the Board's attention and public awareness. She extended a special thanks to all of the volunteers in the County; and she extended warm wishes to Don Simms and his family

as she missed his retirement recognition last week. She expressed appreciation to CHP and the Sheriff's Department for staying in contact with Board members when events/accidents occur.

Supervisor Turpin commented on activities in North County and expressed appreciation for the volunteers. He advised that after the Board meeting last week, he and Supervisor Stetson met with the Public Works Director relative to the State's requirements for sewer facilities. He met on Wednesday with the County Administrative Officer and the Chamber of Commerce on the future of Courthouse and old Jail tours. In the afternoon he met with representatives of Madera County relative to a biomass and recycling project. He met with the Stanislaus Forest Service in Groveland. He attended the Board meeting on Monday for department head evaluations. He plans to attend the SWIFT (South West Interface Team) meeting on Wednesday in Moccasin, then the Water Agency Advisory Board meeting, and the bicycle/pedestrian path workshop in the evening. He plans to attend the Fire Safe Council meeting on Thursday. He noted the Board will continue with department head evaluations on Monday. He reminded everyone that income taxes are due April 18<sup>th</sup>.

Supervisor Cann thanked Lester Bridges for his service. He thanked Terri Haworth for announcing the volunteer recognition and he expressed appreciation for all that the volunteers do. He advised that he attended a meeting last week with a volunteer group helping to maintain the cemeteries; and he noted there is a cemetery meeting next week and that they need more land. He referred to the meeting with the Madera County Planning Commission Chair and the owner of Green Waste Recycling that Supervisor Turpin mentioned relative to the biomass project at the old North Fork mill site. He commented on work being done on the IRWMP (Integrated Regional Water Management Plan)/watershed management plan and on the importance of this Plan. He plans to attend the Water Agency Advisory Board meeting, and advised they are working on issues relative to the contract with MID (Merced Irrigation District) and legislation introduced by Congressman Denham relative to the water level for Exchequer Dam. He commented on recognition of "Earth Day" and asked the County Administrative Officer to schedule a proclamation on the next agenda.

Supervisor Stetson thanked Public Works for bringing forth the work on the plans for the sewer facilities. He advised that he plans to attend the Water Agency Advisory Board meeting and the bicycle/pedestrian pathway workshop on Wednesday; and the El Portal Planning Advisory Committee meeting this evening. He plans to attend the Yosemite Gateway Partners meeting in Yosemite on Thursday; and he noted the Midpines Planning Advisory Committee is meeting next Tuesday.

Supervisor Allen advised that he attended the EMCC (Emergency Medical Care Committee) meeting last Thursday. He attended the Board meeting on Monday for department head evaluations. After today's meeting, he is planning to meet with the County Administrative Officer and Supervisor Turpin relative to Total Waste Systems. He plans to attend the Mountain Valley EMSA (Emergency Medical Services Agency) meeting in Copperopolis on Wednesday. He plans to go to Woodland School on Thursday for recognition of the students that participated in the reading program sponsored by County Fire and Sierra Telephone. He plans to attend the WAPOA (Wawona Area Property Owners Association) meeting on Saturday. He noted the Board will continue with department head performance reviews on Monday.

Supervisor Turpin commented on his citing of a roadrunner.

2

### **Treasurer/Tax Collector/County Clerk**

Annual Presentation from Investment Consultant, Fiduciary Trust

**BOARD ACTION:** Keith Williams/Treasurer, introduced Eric Reynolds/Managing Director-Portfolio Manager for Fiduciary Trust International, and he gave a presentation on in the County's investment performance and the economy. Discussion was held.

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

**11:01 a.m.** The Board reconvened.

3 **Treasurer/Tax Collector/County Clerk**

Authorize the Transfer of the *Mariposa Gazette* Newspapers from the Administration Building Storage to the Mariposa History and Mining Museum

**BOARD ACTION:** Chair Allen clarified that the vault is at the Mariposa Museum and History Center. Keith Williams/County Clerk, reviewed the history of the storage of the *Mariposa Gazette* newspapers and presented the request to transfer them to the vault at the Mariposa Museum and History Center. Discussion was held, and Keith Williams will advise when the transfer process is complete. (M)Cann, (S)Bibby, Res. 11-148 was adopted approving the transfer as requested. The motion was amended by the second, agreeable with the maker, to clarify that the newspapers are to remain in the temperature controlled vault at the History Center/Ayes: Unanimous.

4 **Fire Protection**

Approve the Renewal of the Cooperative Fire Protection Agreement Between the United States Department of Agriculture (USDA) Sierra National Forest and Mariposa County Fire Department, and Authorize the Fire Chief to Sign the Agreement

**BOARD ACTION:** Discussion was held with Jim Wilson, Fire Chief, relative to the agreement; and he recommended that two sections be deleted: 1) the “Description of Department Direct Protection Area”; and 2) the “Payment of Structure Protection.” (M)Cann, (S)Turpin, Res. 11-146 was adopted approving the agreement with the deletion of the two sections as recommended on circle page 16 of the agenda package/page 2 of 11 of the agreement; and circle page 18 of the agenda package/page 4 of 11 of the agreement/Ayes: Unanimous.

**11:36 a.m.** Board Convened as

**LOCAL TRANSPORTATION COMMISSION**

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

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

6 **Public Works**

Appoint James Rydingsword to the Social Service Transportation Advisory Council (SSTAC) as a Social Service Provider for Seniors Member for a Term Expiring April 12, 2014

**COMMISSION ACTION:** Barbara Carrier/PWD-Transportation Planner, presented the request. (M)Allen, (S)Bibby, Jim Rydingsword was appointed as recommended/Ayes: Unanimous.

**11:39 a.m.** Reconvened as

**BOARD OF SUPERVISORS**

**MARIPOSA COUNTY BOARD OF SUPERVISORS/MARIPOSA PARKING DISTRICT**

7 **Supervisors Bibby and Cann**

Approve 2-Year Lease Extension Agreements for the Mariposa Downtown Parking Lots, and Authorize the Board of Supervisors Chair to Sign the Agreements

**BOARD/PARKING DISTRICT ACTION:** Supervisor Cann initiated discussion relative to the request. It was noted that all but one Lease Extension has been signed and returned. Supervisor Bibby thanked everyone who has been involved in this process. (M)Bibby, (S)Cann, Res. 11-147 and Parking District Res. 11-1 were adopted approving the agreements as recommended/Ayes: Unanimous.

9

**Administration**

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

**BOARD ACTION:** Item was withdrawn.

**11:44 a.m. Lunch**

**2:01 p.m.** The Board reconvened

10

**Planning**

PUBLIC HEARING to Consider Appeal No. 2010-175, an Appeal of the Planning Commission's Denial of Variance No. 2010-101, which was Requested to Allow an Existing Structure Located in the Property Line Setback Area. Variance Applicant and Appellant: John O. Reynolds. Property is Located at 9997 Incline Road in El Portal. The Subject Appeal and Variance Involves APN 006-030-009, a 0.74 Acre Parcel in the General Forest (GF) and Scenic Highway Overlay (SHO) Zones

**NOTE: Public Hearing will be Continued to May 17, 2011 at 2:00 p.m.**

**BOARD ACTION:** Kris Schenk, Planning Director, advised of the recommendation to continue the hearing at the request of the appellant. (M)Bibby, (S)Stetson, the hearing was continued to May 17, 2011, at 2:00 p.m./Ayes: Unanimous.

13

**Administration**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Community Services Director;

**BOARD ACTION:** It was noted that this matter has been continued to May 2, 2011.

11

**Administration**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Building Director;

12

**Administration**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Child Support Services Director;

14

**Administration**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Technical Services Director;

15

**Administration**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Planning Director; and

16

**Administration**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Health Officer

**BOARD ACTION:** (M)Bibby, (S)Stetson, action was taken to continue this meeting to Monday, April 18, 2011, at 8:30 a.m. to hold these closed sessions/Ayes: Unanimous.



## Consent Agenda

- CA-101      **Clerk of the Board**  
Approval of Summary of Proceedings of March 22, 2011, Regular Meeting;  
Approval of Summary of Proceedings of April 5, 2011, Regular Meeting
- CA-102      **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140  
Enroute to Yosemite National Park; Res. 11-136
- CA-103      **Administration**  
Resolution Continuing the Local Emergency Due to Damages Associated with the  
Rains in Late December 2010, Including Ben Hur Road; Res. 11-137
- CA-104      **Administration**  
Resolution Continuing the Local Emergency Due to Severe Weather throughout  
Mariposa County in March of 2011; Res. 11-138
- CA-105      **Administration**  
Authorize the Auditor to Pay the Remaining Invoice of \$3,699.50 to Hansen Bridgett  
for Legal Advice Regarding the Federal Insurance Contributions Act (FICA) Issue;  
Res. 11-142
- CA-106      **Supervisor Bibby**  
Approve a Certificate of Appreciation to Sierra Telephone for Providing Books to the  
Read and Ride Incentive Program Sponsored by the Mariposa County Fire Department
- CA-107      **County Counsel**  
Approve the Annual Mariposa County Pioneer Wagon Train Event and the Pioneer  
Wagon Train Appreciation Dinner as County Sponsored Activities, and Authorize the  
Board of Supervisors Chair to Sign the Agreement with Steve Allison for the use of the  
Van Ness Ranch; Res. 11-143, with direction that the alcohol is not covered under the  
County and contingent on there being compliance with all federal, state, and local rules.
- CA-108      **Human Services**  
Approve the Donation of Surplus Items to the Heritage House Non-Profit Group; Res.  
11-144 was adopted subject to the County Administrative Officer verifying that the  
County has the legal right to transfer the vehicle.
- CA-109      **Human Services**  
Approve an Agreement with Mariposa Safe Families, Inc. to Administer the Parent  
Partner Program, and Authorize the Board of Supervisors Chair to Sign the Agreement;  
Item was withdrawn by the department
- CA-110      **Agricultural Commissioner**  
Approve Agreement No. 10-PA-11051650-072, Modification 1, with the Stanislaus  
National Forest for the Eradication of Yellow Starthistle and other Noxious Weeds in  
the Merced River Canyon Project, and Authorize the Board of Supervisors Chair to  
Sign the Agreement; Res. 11-139
- CA-111      **Agricultural Commissioner**  
Approve an Agreement with Dan Wice and Custom Weed Control for the Eradication  
of Yellow Starthistle and other Noxious Weeds in the Merced River Canyon Project,  
and Authorize the Board of Supervisors to Sign the Agreements; Res. 11-140

- CA-112      **Public Works**  
Approve Plans and Specifications for Bidding Purposes for Services on two Roads – Incline Road (2.00 Miles) and Colorado Road (1.36 Miles), Project No. 06-21, Consisting of a Total of 3.36 Miles in Mariposa County Funded Under SAFETEA-LU, Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder, and Sign the Agreement; Res. 11-141
- CA-113      **Public Works**  
Approve the Sanitary Sewer Monitoring Plans for Coulterville, Don Pedro, and Yosemite West Sanitary Sewer Districts; Res. 11-145, with direction that the districts will be responsible for all costs.

The Board recessed at 2:05 p.m. in memory of Woodrow W. Gregory and continued the meeting to Monday, April 18, 2011, at 8:30 a.m.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS



### SUMMARY OF PROCEEDINGS April 18, 2011 (Meeting Continued from 4-12-11)

Folder      Time      Description

**8:30 a.m.** Continued meeting from April 12, 2011, was called to order at the Mariposa County Government Center with Supervisor Bibby excused due to illness. The Board convened in closed session for the following matters:

- 11      **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Building Director;
- 12      **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Child Support Services Director; and
- 16      **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Health Officer

**12:15 p.m.** Lunch

**1:35 p.m.** The Board reconvened in closed session for the following matters:

- 14      **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Technical Services Director; and
- 15      **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Planning Director

**3:00 p.m.** **Report from Closed Session**

Chair Allen reported that the performance evaluations were conducted and no action was taken for closed session items 11, 12, 16, and 14. He further reported that item 15 was rescheduled for May 2, 2011.

The meeting was adjourned at 3:01 p.m.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

April 19, 2011



Folder Time Description

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

Pledge of Allegiance

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

Introductions – none

1 Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)
NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda
BOARD ACTION: Chair Allen advised that the April 11, 2011, Summary of Proceedings in item 101 is pulled for separate action as Supervisor Bibby was excused from that meeting. Supervisor Cann referred to item 104 and asked about the status of funding for the Emergency Declaration; and Rick Benson advised that the Fire Chief is planning to give the Board a report under Departmental Presentation. (M)Turpin, (S)Bibby, the balance of the items was approved/Ayes: Unanimous. (M)Turpin, (S)Cann, the April 11, 2011, Summary of Proceedings in item 101 was approved/Ayes: Stetson, Turpin, Cann, Allen; Abstained: Bibby.

2 Chair Allen
Proclaim the Month of April as “Sexual Assault Awareness Month” and April 27, 2011 as “Denim Day” (Alison Tudor, Mountain Crisis Services)
BOARD ACTION: (M)Stetson, (S)Bibby, the Proclamation was approved and presented to Alison Tudor/Ayes: Unanimous.

3 Chair Allen
Proclaim the Month of April as “Mariposa Earth Month”
BOARD ACTION: (M)Stetson, (S)Bibby, the Proclamation was approved/Ayes: Unanimous.

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

Jim Wilson, Fire Chief, advised of the Emergency Declaration by the Governor for the 19 counties following the severe March storms; and he noted that the Declaration does not include the usual wording that “Cal EMA (Emergency Management Agency) provide local government assistance under the authority of the

California Disaster Assistance Act.” This Declaration only makes available Federal funding for CalTrans for road repairs. He presented a copy of a letter that he drafted with the County Administrative Officer and sent to Cal EMA documenting the operational and financial disaster that the County suffered and the need for disaster assistance. Discussion was held. Supervisor Cann advised that he will discuss this situation with RCRC (Regional Council of Rural Counties). Rick Benson commented on the impact of this disaster on the County.

Allen Toschi, Public Works Director, advised that the Emergency Declaration for the storms in December 2010, does cover the costs of those damages. He advised that they are moving forward with the repair work on the Old Highway slide; they are almost ready to go out to bid for the work on Old Toll Road; and CalTrans is coming tomorrow to do the environmental assessment for the Ben Hur Road repairs and then they can proceed with the project – hope to have construction completed by September. He advised that the Courthouse clock has been reconstructed and rebuilt, including replacement of one of the cables. They just received cost estimates for a multitude of projects at the History Center. Supervisor Bibby asked for clarification that the costs for the Courthouse clock are being paid from the Courthouse Construction Fund.

Rick Benson, County Administrative Officer, announced that the back up material to the agenda is now available on the web; and he thanked the Clerk of the Board and the Technical Services Director for their work on this.

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

Tony Madrigal, California United Homecare Workers representing the IHSS (in-home support services) workers, asked if there has been any follow-up on his previous suggestion that the Board recognize the IHSS workers who have provided years of service, and he noted that many of the workers never retire. He advised that he attended the IHSS Advisory Committee meeting and shared this idea.

Linda Lefforge, Chair of the California United Health Workers (CUHW) Union, stated she was on the IHSS Advisory Committee for eight years and she supports Tony’s idea for recognition of the workers.

Marvin Wells introduced his grandchildren: Maggie and George, and they wished everyone a Happy Easter. Marvin referred to Supervisor Cann’s request for help in finding land for a cemetery; and he advised of his work and research with others and of their suggestion that the “field of dreams” property owned by the County be considered for this purpose.

#### Board Information

Supervisor Stetson advised that the El Portal Planning Advisory Committee meeting was canceled last Tuesday due to illness of several members. He attended the Water Agency Advisory Board meeting and the bicycle/pedestrian path workshop on Wednesday. He attended the Gateway Partners meeting in Yosemite on Thursday, and he thanked the National Park Service for their assistance during the March storms. He attended the Earth Day events in Yosemite and this is National Park Week in Yosemite. He advised that the Midpines Planning Advisory Committee meeting is scheduled for this evening. He plans to meet with the Sheriff, Health Officer, and the Fire Chief and others on Friday relative to the communication issues that occurred during the recent storms. He commented on the activities that are planned at the landfill on Saturday, and noted the current tire disposal program.

Supervisor Cann commented on the electronic recycling event scheduled at the Fairgrounds on Friday and Saturday. He advised that he attended the Civil War Reenactment. He attended the Water Agency Advisory Board meeting on Wednesday; and he clarified that he and Supervisor Turpin are liaison to the Advisory Board, and that Supervisor Stetson was there as an observer. He noted that they discussed the

legislation proposed by Congressman Denham relative to the water level at Exchequer. He went to Woodland School last Thursday for the reading awards program and he attended the senior volunteer award lunch. He had a good discussion about the lingering issue of food vendors in the Rest Area parking lot, and stated he feel that this needs to be worked on. He plans to attend the Solid Waste Task Force meeting on Wednesday; and continue with the sign ordinance work later today. He plans to attend a cemetery meeting on Wednesday; and he thanked Marvin Wells for his suggestion and advised that they are reviewing all County-owned property. He advised that he has a meeting on Thursday with a group relative to the crosswalks in town. He plans to attend the RCRC (Regional Council of Rural Counties) Executive Committee meeting next Wednesday, with a goal of setting this as a teleconference call.

Supervisor Turpin noted the redbud and the bush lupine are blooming along Highway 49 North; and he commented on the water level at Bagby. He attended the SWIFT (South West Interface Team) meeting last week and there was a report on the snow and water levels. He attended the Water Agency Advisory Board meeting and the bicycle/pedestrian path workshop on Wednesday. He attended the community meeting in Greeley Hill with the School Superintendent and discussion was held relative to the potential of closing the Greeley Hill School. He attended the fire station planning meeting on Friday. He attended the Board meeting on Monday for department head evaluations. He advised that the Greeley Hill Community Club is holding their annual meeting this evening. He plans to attend the Solid Waste Task Force meeting, the Airport Advisory Committee meeting, and a meeting with the local contractors relative to fire station construction on Wednesday. He plans to attend the Resource Conservation and Development "livestock added value" discussion at Merced College on Monday.

Supervisor Bibby extended a special thanks to Sierra Telephone for sponsoring the reading program and providing the books to the students, and advised that she attended the awards presentation at Woodland and Catheys Valley Schools. She attended the Mental Health Governing Board meeting last Thursday; they are planning to have a booth at the Butterfly Days Festival; and she noted that Deputy Jeremy Briese was recently selected to serve on the California Association of Local Mental Health Boards and Commissions (CALMHBC). She attended a meeting relative to signs with Supervisor Cann and Planning staff. She noted that she has been ill and is still responding to emails, etc. She thanked Maggie and George for their Easter wishes, and Marvin Wells; and she wished everyone a Happy Easter.

Supervisor Turpin thanked Marvin Wells for bringing his grandchildren to the Board meeting today as they are our future residents, leadership, and taxpayers; and he expressed appreciation for all of the grandparents that invest in their grandchildren.

Supervisor Allen agreed with Supervisor Turpin's comments on grandchildren. He advised that he attended the Mountain Valley Emergency Medical Services Agency meeting in Copperopolis on Wednesday – they will interview applicants for the Executive Director position in a few weeks. He attended the Woodland School reading award program last Thursday; and he thanked the Fire Department and staff and Sierra Telephone for their involvement with this program. He attended the senior volunteer recognition lunch and noted that the volunteers are very much appreciated. He attended the tri-tip fundraiser dinner for Woodland School on Friday, and he noted that the Lion's Club handled the cooking for the event. He attended the Wawona Property Owners' Association meeting on Saturday, and he thanked the Fire Chief and Public Works Director for attending – they reviewed the recent storms and planning. Afterwards he attended the benefit dinner in Wawona for their school. He attended the Board meeting on Monday for performance reviews of department heads. He wished everyone a Happy Easter. He congratulated Supervisor Cann on his daughter running and completing the Boston Marathon.

Supervisor Bibby thanked the Chief Probation Officer for committing a representative of the department for attending the Mental Health Governing Board meetings.

Supervisor Cann noted that he was very proud of his daughter for finishing the Boston Marathon. He referred to the senior recognition luncheon and noted that Supervisor Allen and his wife, LeeAnn, were recognized for the many services they provide at the Senior Center.

4

#### **UC Cooperative Extension/Master Gardener Program**

Master Gardener Coordinator Kris Randal to Provide an Overview of the Master Gardener Program Focusing on its Benefits to Mariposa County

**BOARD ACTION:** Maxwell Norton, Interim Farm Advisor, introduced the item; and he commended the volunteers that help with the Master Gardener program and with the 4-H program in his department. Kris Randal gave a PowerPoint presentation on the Master Gardener program, its history, training program, and reviewing their activities and upcoming programs. Board members thanked Kris and the volunteers for their service with the program; and discussion was held. Supervisor Bibby suggested that there be a review of the various activities and potential funding sources.

**10:23 a.m.** Recess

**10:37 a.m.** The Board reconvened.

5

#### **Administration**

Approve the Proposed Budget Development Guidelines for FY 2011-2012

**BOARD ACTION:** Rick Benson, County Administrative Officer, advised of his meeting held with the department heads and discussion concerning the budget; and he thanked them for their participation and willingness to help work on making things better for the County. He advised that the request from the department head meeting was that: 1) they be given as much flexibility as possible to manage their individual budgets – i.e., some departments could manage better with furloughs and others with layoffs; and in the case of Human Services, they would lose revenue with furloughs or layoffs; 2) that other revenue sources be explored – i.e., look at increasing the TOT (transient occupancy tax) and other fees; 3) that everything in the budget be reviewed when looking at reductions; 4) there was discussion about how retirement benefits are being paid and that there is pending legislation relative to the payment of the employee share; and 5) thinking outside of the box – there was a suggestion of folding some visitor center responsibilities into the Library. He reviewed the proposed budget development guidelines, advised that a five-percent reduction in General Fund contribution may be necessary to balance the budget, advised of anticipated increased costs, advised of projections for TOT revenues, and he noted that department heads have advised that there are other unmet needs that need to be considered such as IT (information technology) equipment and deferred maintenance on buildings. He reviewed the following options that he feels need to be considered: furloughs, departmental layoffs, vehicles replacement charges, elimination of extra help, hiring freeze, and discretionary expenses. He advised that unless there is an objection by the Board, he plans to impose requirements that any new hire will start at step “A” of the salary schedule, and that there will be no advanced step increases. He advised of the additional potential impact to the budget with the State change in the last emergency disaster declaration concerning funding.

Supervisor Allen stated he would like to see a list of the discretionary programs/departments and costs, and review the efficiency and effectiveness of departments and consider what can be privatized. He does not care for the furloughs

because we are here to provide a public service. He feels we need to discuss the budget situation with the unions and associations to see where savings could occur.

Supervisor Turpin asked about the status of the funds that were borrowed to balance this current budget; and Mary Hodson, Deputy County Administrative Officer, responded - \$250,000 was came from the Pension Obligation Designation, \$180,000 was taken from Vehicle Replacement, and about \$150,000 is the remaining balance due the Tobacco Settlement Fund from the payment to IRS for the FICA issue.

Supervisor Bibby stated she would like a list of departments with discretionary funds. She feels that the five-percent step-down budget plan should be for anything that is funded by the General Fund, including Tourism. She would like to look at the Economic Development function and the Revenue and Reimbursement function, as they are new functions, to see if they are paying for themselves. She would like to look at new programs that have been added, including extra help and permanent positions that have been added in the last five years. She would like further discussion relative to the furlough option, including how that would affect the Road Division staffing during storms, etc. She would like the flex schedules reviewed to see whether extra help or overtime is being incurred as a result of these schedules. She feels the funds that were borrowed to balance this budget need to be paid back. She would like to look at positions that were supposed to be carried through for salary savings. She agrees with looking at possibly increasing the TOT. She feels office space issues should be reviewed – that those functions that receive reimbursement and/or grant funding be located in the rented facilities, and that the others be located in County-owned facilities. She feels that there should be a review of what is really needed for the type of vehicles that are purchased. She feels that we need to look at cost impacts to departments for providing services to events; i.e., trash, fire, law enforcement, and the use permit processing. She is supportive of looking at moving the visitor center function to the Library versus reducing hours at the Library. She feels that the Parks and Recreation function should be reviewed. She feels that the rental space for the MDIT (Multi-Disciplinary Interview Team) in the District Attorney's department should be reviewed; and that the facilities being vacated by the Human Services Department when they move to their new facilities should be reviewed. She questioned whether all maintenance associated with the Courthouse is being charged to the Courthouse Construction Fund; and she suggested that consideration be given to things like the Master Gardeners' improvements at the Courthouse. She feels there should be a review to see if there are things that can be charged to categorical funds. She expressed concern with deferring maintenance on vehicles; and she does not support deferring or not paying for the fire truck replacements. She asked for information on the status of property tax revenues and on assessment districts revenues. She referred to freezing fixed asset purchases and suggested a freeze on travel that is not required for continuing education from June 2011, to the adoption of the final budget. She feels there should be a review of the status of funds that are owed to the Water Agency, including the funds for the IRWMP (Integrated Regional Water Management Plan). She expressed concern with the Federal government passing programs to the State and programs subsequently being passed to the counties without sufficient funding and the impacts; i.e., the shift in inmates and parolee supervision.

Supervisor Cann stated he agrees with holding final budget hearings no later than the second week in August. He provided input on the importance of the IRWMP and the need to do a plan, and relative to their repayment of the funds that were loaned from the Water Agency. He stated he feels that the retirement and health benefits are strangling the County and that we should have a target of defined contribution versus defined benefit. He strongly agrees with the departments having flexibility and he feels that they should be able to request changes in positions. He supports the County Administrative Officer coming to the Board with the commitment of funding \$500,000 for the Tourism Bureau; and that the Board review during the final budget hearings



whether it can be funded at that level versus coming in with a less amount to start with. He noted the TOT is saving the County's budget and the revenue is continuing to grow because of the investment the County and the hoteliers are making in the Tourism Bureau. He is not against considering raising the TOT as most other destination areas are higher. But he would not support an increase if it is to pay personnel costs or to just keep doing what we are doing. He feels the increase needs to be targeted as an investment for the business that is making us money and would include costs such as increased expenses to safety for services being provided as a result of additional impacts from the tourists, and a small meeting and convention center that could also hopefully serve as a performing arts center. He also suggested that there be a commitment to some portion, perhaps five-percent, of the increase going to the Tourism Bureau. He cautioned against making sweeping changes such as cutting extra help, and he noted that some extra help may be necessary if permanent staff is cut. He feels that we need to review the solid waste operations.

Supervisor Stetson expressed concern with the impact of potentially not being reimbursed by the State for the March storm damages. He stated he would like more detailed information on the furlough option. He agrees with the departments having flexibility. He would like to see a list of the discretionary expenses and impacts. He feels the quality of life issues with programs provided by the Master Gardener and Arts Council programs, etc., are a positive and need to be considered. He agrees with keeping the current level of funding for the Tourism Bureau at this point. He agrees with looking at increasing the TOT, and giving consideration to whether Economic Development and Visitor Center services can be rolled into whatever contribution is being made to the Tourism Bureau; and he agrees that targeting a portion for a convention center is a reasonable idea.

Supervisor Turpin stated he feels that an increase in the TOT needs to be reviewed carefully and that a portion of the revenue should be invested back into the community to accommodate the tourists. He referred to the declining student enrollment and stated he feels that we need to be more business friendly.

Supervisor Bibby referred to work that is being done to create a grant consortium, and she feels that this may help to find grant funding for special programs – hopefully for some things that are currently being funded by the General Fund. She supports looking at the feasibility of privatization of some functions, perhaps functions in Public Works and Economic Development. She feels that more road maintenance is needed; asked about the status of the impact fees; and noted that there are future needs, i.e., with jail facilities. She supports the Assessor being able to audit properties, and looking at a code enforcement position. She extended a special thanks to the bargaining units for their continued support and commended them on recent concessions.

Input from the public was provided by the following:

Joel Bibby, Undersheriff, read a statement on behalf of Sheriff Binnewies who was unable to be present as he was attending a Sheriffs' meeting. The statement advised of the potential impact if the State doesn't provide continued funding for the Rural County Crime Prevention and the Supplemental Law Enforcement Fund – these dollars support eight positions in the department. The statement noted the additional impacts with changes in the State prison and parolee functions being transferred to the counties. The Jail budget is a skeleton budget now and it may be necessary to increase staffing. There are two front-line positions that have been frozen to meet previous budget cuts, and the department's service requests have increased. The Sheriff is willing to assist with the budget process. Joel expressed safety concerns with deferral of vehicle maintenance and replacement. Discussion was held relative to the impact with the shift of State prison inmates to counties and the Jail housing status; being able to address the increased fuel costs and still cover the 24-hour services that are being provided.

Supervisor Bibby asked about the status of the providing a subsidy for the ambulance service, and she asked the County Administrative Officer to check on whether a subsidy will be requested.

Allen Toschi, Public Works Director, expressed concern with the impacts a five-percent reduction will have on their budgets. He commented on other potential losses of funding and increased costs for their budgets. He stated he feels that services that are provided to the public may need to be reviewed. Supervisor Bibby suggested that the Public Works' programs and utility expenses be reviewed.

Tony Madrigal stated he has found this discussion to be interesting; and he is very encouraged by the openness to consider increasing the TOT.

Bill McMurry stated he is hearing a lot of things he likes today; including the idea of finding other funds (versus General Fund dollars) for the Master Gardener program. He stated he feels there is funding available from the State for health care for the IHSS workers, and he is here to ask for that.

Rick Benson reviewed his recommendation for the Board to affirm the budget development guidelines, and he noted that this does not exclude the other suggestions made by the Board members. Supervisor Cann suggested that it be clarified that no reduction in the Tourism Bureau contribution of \$500,000 is to be considered "in the initial presentation."

(M)Turpin, (S)Stetson, Res. 11-156 was adopted approving the budget development guidelines, with the inclusion of the following: 1) no General Fund increase to any department other than to account for negotiated benefit increases; 2) all General Fund departmental budgets are to be submitted without any additional position requests; 3) all departments are to prepare a five-percent step down plan as a contingency for internal use; and 4) no reduction in the Tourism Bureau contribution of \$500,000 is to be considered – these items are a foundation for starting to address our challenges facing us. Discussion was held relative to clarifying item 4. The motion was amended, agreeable with the maker and second, to add "in the initial presentation" to item 4. Ayes: Unanimous.

6 Consider Items Removed from the Consent Agenda – none

7 **Administration**

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

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

Tony Madrigal asked that given the nature of the work the IHSS care givers provide that they be taken out of turn on the agenda in the future. He urged the Board to find a way to provide relatively low cost health care benefits for the providers; and he provided input on the coverage and costs that they are looking at. He advised that it is very difficult for the providers to find independent health insurance coverage because of the type of work they do and their age.

Bill McMurry referred to the budget discussion and noted that the providers do not receive any benefits; and he asked the Board members to think about what they would want if they were in his position.

Theresa Sanger asked when was the last time that the Board members made \$8.75 an hour. She noted that without health care coverage, it becomes a burden to have a cold, and the providers can not go the emergency room without paying a high cost. They would appreciate help with health care. She referred to the Pledge of Allegiance and commented on what "with liberty and justice for all" means. She asked that the dignity level in taking care of people be considered.

Margaret Tysers, IHSS care provider, stated she cares for her brother; and she referred to the budget discussion and advised that if they were on a higher pay

scale, she would be happy to give back. In another twenty years, she will be fighting for the next person who will take care of her. She noted that she does not have a savings or retirement and \$8.75 is barely enough money and they do not have any benefits. She asked that funds be found in the budget for health benefits. She suggested that consideration could be given to closing the Library one day a month or allowing volunteers to help provide staffing.

Tim Davis, Chair of the IHSS Advisory Committee and Vice President of the California IHSS Consumer Alliance Program, commented on their goal to help the providers. He advised that his wife is in the Ewing Wing and he does not want to go to a nursing home. He asked that health care be provided.

Linda Lefforge referred to proposed legislation to raise the minimum wage to \$8.50, and she feels that this is about poverty level. She advised that she can not afford to seek medical attention, and she asked the Board to be fair.

Ron Schmidt referred to his recent visit to Fremont Hospital and his portion of the costs, even with health coverage. He noted that his wife, who is also a care provider, does not have health insurance coverage, and he is concerned about what happens if she or others without health insurance need medical attention. He listened to the budget discussion and feels that there needs to be some work done on this. He commented on the high cost for placing those who need care in an institution or facility versus using the IHSS program. He feels that it is up to the Supervisors to give what assistance they can.

Leo Topia stated he supports his mother in what she does as a care provider; and he noted that we all have to be accountable for our positions and life. He feels there is a need here that needs to be met; and that we need to acknowledge God in everything we do.

Gary Holden stated he used to be a care provider and he knows how hard it is; and he knows that they need more money. He has coverage and can get medical attention, and he feels the providers need that ability. He commented on a provider being bitten by a spider and not having coverage to be able to seek medical attention.

Supervisor Cann asked for clarification of the County's portion that is required to provide health insurance coverage. Mary Hodson responded and advised that the cost is about eleven cents an hour which equates to about \$23,000 based on last year's hours. (M)Cann, (S)Turpin, the closed session was held at 12:40 p.m./Ayes: Unanimous.

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### **County Counsel**

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

**BOARD ACTION:** (M)Bibby, (S)Cann, action was taken to continue this meeting to Wednesday, April 20, 2011, at 3:00 p.m. to hold this closed session/Ayes: Unanimous.

### **1:25 p.m. Report from Closed Session**

Chair Allen reported that information was received and direction given as a result of closed session item 7/IHSS labor negotiations.

## **Consent Agenda**

CA-101

### **Clerk of the Board**

Approval of Summary of Proceedings of April 11, 2011, Continued Meeting;  
Approval of Summary of Proceedings of April 12, 2011, Regular Meeting

- CA-102      **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-149
- CA-103      **Administration**  
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-150
- CA-104      **Administration**  
Resolution Continuing the Local Emergency Due to Severe Weather throughout Mariposa County in March of 2011; Res. 11-151
- CA-105      **Human Services**  
Approve an Agreement with Doctors Medical Center in Modesto, CA for Psychiatric Inpatient Services, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-152
- CA-106      **Human Services**  
Reappoint Yolanda Cheley and James Mason to the Alcohol and Drug Abuse Advisory Board for a Term Expiring April 19, 2014
- CA-107      **Human Services**  
Approve an Agreement with Datatech IT Solutions for the Purchase of Telecommunications Equipment and Services for Secure Communications as Outlined by the MEDS Security Agreement, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-153
- CA-108      **Supervisor Bibby**  
Authorize the Board of Supervisors Chair to Sign a Letter to Document the Support of Mariposa County for Inclusion in the Service Area of Foreign-Trade Zone (FTZ) No. 226; Res. 11-154
- CA-109      **Public Works**  
Approve Budget Action Reducing General Fund Contingency to Cover Project Engineering and Start-up Construction Costs for the Damage Caused to County Roads by the Severe Winter Storms that Occurred December 17, 2010, through January 4, 2011, and Waive Interest Charges to Fund 306 (4/5ths Vote Required) (\$120,000); Res. 11-155

The meeting was recessed at 1:26 p.m. in memory of Evelyn E. Dennis and continued to Wednesday, April 20, 2011, at 3:00 p.m.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

April 20, 2011

(Meeting Continued from 4-19-11)



Folder      Time      Description

**3:03 p.m.** Continued meeting from April 19, 2011, was called to order at the Mariposa County Government Center. The Board convened in closed session for the following matter:

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**County Counsel**

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

**4:08 p.m. Report from Closed Session**

Chair Allen reported that information was received and direction given as a result of closed session item 8/anticipated litigation.

The meeting was adjourned at 4:09 p.m.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

April 26, 2011



Folder      Time      Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for our troops fighting for us worldwide and for friends and families enduring the tornadoes and floods.

Introductions – none

- 1      **Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)**  
**NOTE:** The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda  
**BOARD ACTION:** Supervisor Bibby asked for clarification on items 107 and 114. Marilyn Lidyoff/Business Development Coordinator, responded to questions relative to item 107 and advised that it is planned for the CDC crews to do the work under the supervision of Public Works. Allen Toschi/Public Works Director, responded to questions relative to item 114 and advised that no General Fund dollars are involved. (M)Stetson, (S)Cann, all items were approved/Ayes: Unanimous.
  
- 2      **Chair Allen**  
Proclaim May 3, 2011, as “World Asthma Day” and May 2011, as “World Asthma Month” (Lori Ferriera, Representing Merced/Mariposa County Asthma Coalition)  
**BOARD ACTION:** (M)Bibby, (S)Stetson, the Proclamation was approved and presented to Lori Ferriera/Ayes: Unanimous. Lori provided input on asthma and advised of the Merced-Mariposa County Asthma meetings and of the “Asthma Circuit” event scheduled this weekend at Mercy Hospital.
  
- 3      **Supervisor Bibby**  
Approve and Present Certificates of Recognition to Ann Harris, Teachers Aide – Acorn Cooperative Preschool; Dr. Thomas Wieg, DDS; Dr. Barbara Kelly, DMD; and Dr. Philip DeBry, DDS, in Recognition of their nomination as “Hands on Heroes of Mariposa County” (First 5 of Mariposa County)  
**BOARD ACTION:** Supervisor Bibby introduced the item. (M)Bibby, (S)Cann, the Certificates were approved and presented to the recipients/Ayes: Unanimous. Jeane Hetland/First 5 of Mariposa County Executive Director, commended the recipients. Supervisor Bibby noted the following First 5 Board members were present: Dr.

Mosher/Health Officer, Jim Rydingsword/Human Services Director, and Randy Brower.

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### **Public Works**

Approve a Design-Build Process for the Construction of Four Fire Station Buildings in Mariposa County, with the General Contractor for Each Building being Responsible for the Design, Engineering, Permitting, Construction and Inspection of the Building Shell, Interior and all Support Systems, to Deliver Complete Finished Fire Stations

**BOARD ACTION:** Chair Allen advised that this item has been withdrawn.

**9:26 a.m.** Recess

**9:37 a.m.** Departmental Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda

Jim Wilson, Fire Chief, presented a copy of a letter from Governor Brown to President Obama requesting a Presidential major disaster declaration for the State following the March 2011, storms. Discussion was held relative to the status and the amount of reimbursement to the County.

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

Dick Hutchinson expressed concern with the suggestion that was made to move the visitors' center to the Library, and he presented a letter citing reasons that he feels the center should stay on the main highway where the tourists travel. He suggested that a way to cut funding for the visitors' center is for the Tourism Bureau to take the function over within their existing budget; and if the County received more transient occupancy tax, that the Bureau would receive an increase. Chair Allen clarified that this was a suggestion that came from a brain storming session relative to the budget.

Dell Knell, Mariposa Butterfly Festival Chair, provided information on the schedule and activities planned for this weekend. She announced that this is her last year as Chair of the Festival, and she introduced her successor – Ramiro Guzman.

MaryAnn Huff, on behalf of the Chamber of Commerce, announced that the after hours business mixer is being hosted by the Mariposa Martial Arts Academy this evening; and she thanked the Board for its continued support of the Chamber.

Marvin Well reported on his discussion with his grandchildren after they visited the Board meeting last week. He stated members of the audience are having a difficult time hearing Supervisor Stetson and suggested that the microphone level be reviewed. He referred to his previous suggestion that a portion of the "field of dreams/sports complex" be considered for the cemetery; and he advised that they are willing to provide a tour of what the group of people he worked with feel could be an idea situation. He commented on the earlier recognition of the dentists and the fact that cake was served during the refreshment break.

Eleanor Keuning referred to the input provided by Dick Hutchinson and stated she does not agree with the idea of moving the visitors' center, and expressed concern with the availability of parking at the Library especially during jury trials and Board meetings. She noted that as a docent at the Mining and Mineral Exhibit and at the Mariposa Museum and History Center that the tourists ask where to get a sandwich – she expressed concern that she has overheard docents refer them to Subway and she feels that information should be provided on all of the sandwich places. She expressed concern with the funding status for the friendly visitor program, and advised that they will be at the Senior Activity Center on Wednesday.

Don Fox, representing the Commission on Aging and the Advisory Council to the Area 12 Agency on Aging, advised of the availability of the Senior Needs Assessment Survey and urged those over the age of 50 to complete a survey.

#### Board Information

Supervisor Stetson advised that he attended the following: a presentation on the Limestone Salamander on Thursday at the Bug Hostel; and a debriefing of the March 2011, storm damage emergency on Friday and communication issues were discussed. He plans to attend the following: a meeting with Supervisor Cann and the Pacific Forest Trust this afternoon relative to returning land to the National Park Service; the Butterfly Festival on Sunday; and the Board meeting on Monday for continued department head evaluations.

Supervisor Cann commented on the value of the friendly visitor program and advised of efforts to find a non-profit to oversee the program; and he advised that the Human Services Director has been asked to give a presentation to the Board. He referred to the comments by Dick Hutchinson concerning the location of the visitors' center, and noted the vision for a future world-class visitor/discovery center. He attended a meeting with the Planning staff on Tuesday to finalize plans for reviewing the sign ordinance – rather than forming another committee, he and Supervisor Bibby have scheduled a workshop for May 10<sup>th</sup> from 6:00 p.m. to 9:00 p.m. to discuss the sign ordinance issues and they plan to bring a recommendation back to the Board for a formal hearing, along with discussion of enforcement. He attended the Solid Waste Task Force meeting on Wednesday. He attended the Cemetery Advisory Committee meeting on Wednesday – discussion was held relative to taking care of the current cemetery and developing a new five-acre cemetery, and he advised that the suggestion of the “field of dreams” land will take some legal work and would require the County to purchase the land back – they are reviewing that and they will tour other potential sites. He met with a crosswalk team that is looking at safety issues and the possibilities of installing sidewalks on the streets on Thursday. He met with some representatives of the Historic Sites and Records Preservation Commission relative to the property across the street and the “Garber” house (property the County recently purchased from the SPCA) and they are working on the historic issues. In the afternoon he met with Congressman Denham and toured with the new green waste recycler at the old North Fork Mill the project with the goal of a co-generation plant. He plans to participate in the RCRC (Regional Council of Rural Counties) meeting by teleconference on Wednesday – the State budget is still a major issue, and he commented on the status of funding for the Rural Sheriffs' Crime Prevention Funds. He advised that the Water Agency Advisory Board meeting that was scheduled for Wednesday has been cancelled to obtain more information on Congressman Denham's legislation relative to the water level at Exchequer. He thanked Dell Knell for her work with the Butterfly Festival.

Supervisor Turpin thanked everyone who contributes to community activities. He advised that he attended the Solid Waste Task Force meeting on Wednesday – direction was given to the Public Works Director and the County Administrative Officer to put together a request for proposals relative to the landfill operations. He attended the Airport Advisory Committee meeting, and then he met with the local contractors relative to the fire station projects. He met with the Human Services Director on Thursday. He attended the fire station planning meeting on Friday. He attended a meeting in Merced on Monday relative to “added value to local livestock – natural grass fed.” He plans to meet with the Forest Service in Groveland on Thursday relative to the County roads in the Forest. He plans to attend the Calaveras-Mariposa Community Action Agency meeting in Calaveras on Friday; and the Board meeting on Monday for continued department head evaluations. He noted that spring is here and the wildflowers are blooming.



Supervisor Bibby noted that correspondence is being received concerning Congressman Denham's legislation relative to the water level at Exchequer and expressing concern with the Wild and Scenic designation of the Merced River; and she suggested that citizens send their comments to Congressman Denham as well. She referred to the review of the sign ordinance and asked that information be provided up front so that it can be considered – their goal is to have buy-in by the community to reduce code enforcement. She referred to the budget discussions and stated she feels that everything should be considered and public input is welcomed. She extended a special thanks to Dell Knell for her work with the Butterfly Festival. She met with CalTrans at the Ben Hur slide area on April 20<sup>th</sup>. She advised of a water problem at the Catheys Valley Park – it is being monitored by Public Works and Health – some additional repairs may need to be done. She met with the Human Services Director on April 21<sup>st</sup> relative to various department issues. She attended the meeting with the local contractors and stated she feels it is imperative that County Counsel and the Building Director be involved in the plans and specifications for projects. She met with the Farm Advisor relative to staffing and funding for the Master Gardener and 4-H programs. She plans to meet later this week with staff relative to the fleet function. She advised of a telephone call she received from the School Superintendent relative to scheduling a public outreach meeting on the possible closure of schools, and she encouraged citizens to participate. She plans to attend the Calaveras-Mariposa Community Action Agency meeting on Friday and thanked the applicants for filling vacant positions. She noted the FFA Boosters dinner is scheduled for Saturday.

Supervisor Allen advised that he attended the debriefing of the recent storm emergency at the Emergency Operation Center on Friday. He noted the pancake breakfast fundraiser is scheduled for Saturday at the Bootjack Fire Station; and that there is a breakfast fundraiser at the Butterfly Festival. He plans to be in Fish Camp at the Town Planning Advisory Committee meeting on Saturday. He plans to attend the Butterfly Festival events and the graduation ceremony for the CNAs at John C. Fremont Hospital on Friday. He advised that he met with the Human Services Director and he appreciates the regular briefings on issues pertaining to his department.

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#### **Administration**

PUBLIC HEARING to Adopt a Resolution Approving an Amendment of a Proposal to the State of California Housing and Community Development Block Grant under the 2008 Disaster Recovery Initiative (DRI) Program to Increase the Application to the Maximum Limit of \$8.5M; for Public Improvements to W. Whitlock Road; Dogtown Road and two Bridges; Bondurant Bridge; and Schilling Road; and Update of the Safety Element to the General Plan; Development of a Local Hazard Mitigation Plan and Development of a GIS/Map Book Identifying Latitude/Longitude Data of all County Roads/Routes; and Authorize the County Administrative Officer or his Designee to Sign the Grant Agreement and any Subsequent Amendments thereto with the State of California for the Purpose of this Grant

**BOARD ACTION:** Rick Benson presented the staff report and he reviewed the projects proposed with the grant amendment. Board members thanked Marilyn Lidyoff for her work on this grant. Allen Toschi/Public Works Director, responded to a question from the Board and clarified that the proposal is only for the County-maintained portions of the roads. Marilyn Lidyoff responded to questions from the Board relative to specifying staffing in the proposal. Chair Allen thanked Ruth Catalan for her assistance with surveying the areas. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed. (M)Turpin, (S)Cann, Res. 11-168 was adopted approving the grant amendment as recommended/Ayes: Unanimous. The hearing was closed.

### **Public Works**

Approve the Filing of a Notice of Determination Adopting a California Environmental Quality Act (CEQA) Mitigated Negative Declaration for the Construction of the Midpines Fire Station; and Authorize the Public Works Director to Sign the Notice of Determination

**BOARD ACTION:** Discussion was held with Allen Toschi relative to the request and the NEPA (National Environmental Policy Act) and CEQA (California Environmental Quality Act) processes for this project. Supervisor Bibby expressed concern that she did not have a chance to review the mitigation measures. Supervisor Cann requested that the County Administrative Officer or the Board be kept up-to-date on the NEPA process – Allen Toschi advised that he can bring the NEPA report to the Board when it is complete. Supervisor Stetson commented on the input that was received from the community about the location of the road, and he questioned why the funds allocated for the temporary road couldn't be used to move the restrooms as a part of the project.

Input from the public was provided by the following:

John Brady, representing MERG (Mariposans for the Environment and Responsible Government), stated they support this and the other fire stations in the County, but they have concerns with this project. He advised that they were not provided notice and they would like an opportunity to review the CEQA document, and the NEPA document when it is complete – and he doesn't feel the Board should take action until these processes are complete.

Don Fox, Midpines resident and Advisory Committee member, stated he has been involved with this project since 2009. He commented on the process and expressed concern with the activities that occur at the Park and being able to maintain public safety – he is concerned with having the temporary road behind the community hall. He recommended waiting to take action until the response is received from NEPA. He wants the fire station fenced and separated from the other activities. He presented a copy of his comments on the CEQA document, and he advised that he mailed his response on the NEPA process to FEMA (Federal Emergency Management Agency). He questioned the public notice in the Gazette and notice of the NEPA/CEQA process.

Supervisor Cann noted that the information was made available to the public and the Board members received the document on a disk. Rick Benson provided input relative to the public notice and advised of the availability of the information. Supervisor Cann commented that this is a well-known project and he noted no comments were received.

Don Fox responded to the issue relative to the lack of comments; and stated he feels that we are doing the compliance process after the plans are mostly complete; and that it was felt that they would not be heard.

Discussion was held.

Don Fox provided additional input relative to the Advisory Committee's discussions with the Public Works Director relative to the aesthetics of the structure given its location to the Highway and their concerns with competing functions at the Park.

John Brady presented a letter which reflected his verbal comments. He suggested that documents be posted on the County's website; and he noted that MERG has requested since 2003 that documents be posted on the web.

Further discussion was held. Allen Toschi advised of his past conversations with Don Fox and stated he personally notified him that these documents were available for review and provided him with a digital copy. Supervisor Bibby stated she did not receive the mitigation measures information; and she asked why this item was an addendum to the agenda – Allen Toschi responded that the item did not get

done for the regular agenda; and he further advised that they still need to receive the hydrology study and the NEPA information should be received in a few days. Discussion was held relative to consideration of continuing this matter. (M)Stetson, (S)Cann, to give direction to continue this matter. County Counsel advised that if the matter is continued, it needs to be to a date and time certain. The motion was amended, agreeable with the maker and second to give direction to continue the matter to May 10, 2011, at 9:00 a.m. Discussion was held relative to taking additional input on May 10<sup>th</sup>. Supervisor Turpin clarified that the written comment period for the CEQA/NEPA process is not being extended. It was also clarified that the CEQA document is done and the comment period for that closed on April 18<sup>th</sup>. Supervisor Cann withdrew his second as the environmental concerns will be addressed. Supervisor Stetson withdrew the motion.

(M)Stetson, (S)Cann, Res. 11-169 was adopted approving the item. Rick Benson clarified that the approval of the item is approval of the action as recommended by staff; and the maker and second of the motion concurred. Ayes: Stetson, Turpin, Cann, Allen; Abstained: Bibby.

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**Fire**

Discussion and Possible Direction to the Fire Chief Regarding a Request by Bootjack Company 37 for Permission to Park Four Pieces of County-Owned Fire Apparatus Outside the Fire Station Overnight

**BOARD ACTION:** Discussion was held with Jim Wilson relative to the request and his recommendation to not leave the fire apparatus outside overnight from a policy standpoint.

Input from the public was provided by the following:

Rich Hulbert, volunteer with Company 37, advised they have four breakfast fundraisers every year – January, April, July and October; and they set up the night before. Last January was the first time they were told they couldn't pull the vehicles out the night before. He advised that they do request the Sheriff's Office to patrol and they have not experienced any problems.

Discussion was held, including consideration of weather for this and future events. (M)Cann, (S)Stetson, Res. 11-170 was adopted approving this request as described to allow Company 37 to park the apparatus outside of the fire station overnight for this one event. Further discussion was held relative to officially requesting additional security. Ayes: Unanimous.

7

**Clerk of the Board**

Approval of Summary of Proceedings of April 18, 2011, Continued Meeting

**BOARD ACTION:** (M)Stetson, (S)Cann, the Summary of Proceedings was approved/Ayes: Stetson, Turpin, Cann, Allen; Abstained: Bibby.

8

Consider Items Removed from the Consent Agenda – none

9

**2:00 p.m. LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting (See Separate Minutes)**

10

**Administration**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Librarian;

11

**Administration**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Fire Chief;

- 12           **Administration**  
 CLOSED SESSION: Public Employee Performance Evaluation; Position of  
 Employee Under Review: Community Services Director;
- 13           **Administration**  
 CLOSED SESSION: Public Employee Performance Evaluation; Position of  
 Employee Under Review: Public Works Director (Continued from April 11, 2011);  
 and
- 14           **Administration**  
 CLOSED SESSION: Public Employee Performance Evaluation; Position of  
 Employee Under Review: Planning Director (Continued from April 18, 2011)  
**BOARD ACTION:** (M)Bibby, (S)Turpin, action was taken to continue this meeting  
 to Monday, May 2, 2011, at 8:30 a.m. to hold these closed sessions/Ayes:  
 Unanimous.

**Consent Agenda**

- CA-101       **Clerk of the Board**  
 Approval of Summary of Proceedings of April 19, 2011, Regular Meeting; and  
 Approval of Summary of Proceedings of April 20, 2011, Continued Meeting
- CA-102       **Administration**  
 Resolution Continuing the Local Emergency Due to Landslides on Highway 140  
 Enroute to Yosemite National Park; Res. 11-157
- CA-103       **Administration**  
 Resolution Continuing the Local Emergency Due to Damages Associated with the  
 Rains in Late December 2010, Including Ben Hur Road; Res. 11-158
- CA-104       **Administration**  
 Resolution Continuing the Local Emergency Due to Severe Weather throughout  
 Mariposa County in March of 2011; Res. 11-159
- CA-105       **Administration**  
 Approve a One-Year Memorandum of Understanding (MOU) with the Mariposa  
 County Managerial and Confidential Organization (MCMCO) Effective November 1,  
 2010, and Authorize the Board of Supervisors Chair to Sign the MOU; Authorize the  
 Auditor to Transfer Appropriations to each Affected Budget Unit in Order to  
 Implement Provisions of the MOU; Res. 11-160
- CA-106       **Administration**  
 Approve the Reappointment of Kathleen A. Boze as Agricultural Commissioner and  
 Sealer of Weights and Measures Effective May 1, 2011
- CA-107       **Administration**  
 Approve Grant Application to Pacific Gas and Electric (PG&E) in the Amount of  
 \$5,000 to Cover Cleanup on the Mariposa Creek Parkway; Res. 11-161
- CA-108       **Supervisor Allen**  
 Appoint Pamela Salisbury to the Fish Camp Town Planning Advisory Council for a  
 Term Expiring on February 28, 2013

- CA-109      **Human Services**  
Approve an Agreement with Alameda County for Crisis Support Phone Services, and Authorize the Board of Supervisors to Sign the Agreement; Res. 11-162
- CA-110      **Public Works**  
Approve the First Amendment to an Agreement for Services with Thunder Ridge Company in the Amount of \$8,428 for Snow Plowing Operations in Fish Camp and Mt. Raymond Road, Authorize the Public Works Director to Sign the Amendment, and Approve Budget Action Transferring Funds within the Road Fund to Cover the Agreement (\$8,428); Res. 11-163
- CA-111      **Public Works**  
Waive Encroachment Fee for the Closure of Jessie Street to Hold an Annual Open House Event at the Mariposa History Museum to be Held on May 28, 2011, from 6:00 a.m. to 7:00 p.m.; Res. 11-164
- CA-112      **Public Works**  
Approve an Agreement with CH2M Hill Company in the not to Exceed Amount of \$35,000 to Provide a Feasibility Study for the Darrah Road Bridge Widening, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-165
- CA-113      **Public Works**  
Approve Amendment No. One in the Amount of \$6,000 to an Agreement with Roger Stephens Engineering to Provide Drafting and Engineering Services for Various Small Projects, and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-166
- CA-114      **Public Works**  
Approve the Award of Bid to Howk Systems in the Amount of \$111,465 for Six New Pumps, Six Motors, Twelve Soft Starts, Four Variable Frequency Drives, and Electrical Upgrades to the Eight Sewer Lift Stations for Don Pedro Sewer Collection System; Res. 11-167

The meeting was recessed at 12:08 p.m. in memory of Denise Annette DuPertuis, Ernestine Reynolds, and Allen “Chip” Helgeson, Jr., and continued to Monday, May 2, 2011, at 8:30 a.m.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS



### SUMMARY OF PROCEEDINGS May 2, 2011 (Meeting Continued from 4-26-11)

Folder      Time      Description

**8:30 a.m.** Continued meeting from April 26, 2011, was called to order at the Mariposa County Government Center. The Board convened in closed session for the following matters:

10      **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Librarian

11      **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Fire Chief

12      **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Community Services Director

**12:03 p.m.** Lunch

**1:00 p.m.** The Board reconvened in closed session for the following matters:

13      **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Public Works Director (Continued from April 11, 2011)

14      **Administration**  
CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Planning Director (Continued from April 18, 2011)

**4:50 p.m.** **Report from Closed Session**

Chair Allen reported that the performance evaluations were conducted and no action was taken for closed session items 10, 11, 12, and 13. He further reported that item 14 was rescheduled for May 10, 2011.

The meeting was adjourned at 4:51 p.m.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

May 3, 2011



Folder      Time      Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence in honor of our men and women fighting throughout the world and with special thanks for our special forces.

Introductions – none

- 1      **Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)**  
**NOTE:** The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda  
**BOARD ACTION:** Chair Allen advised that item 114 has been withdrawn by the department. Input from the public was provided by the following:  
    Eleanor Keuning referred to items 111 and 112 and asked about accepting the projects as complete when the marking for the parking spaces have not been repainted.  
    Supervisor Bibby pulled items 111, 112, 115, 116, and 118. Allen Toschi, Public responded to the questions relative to items 111 and 112 – he advised that the contractor was responsible for the seal coat and that work is complete; he can have the road crews clean the existing marking if that is needed. Rick Benson, County Administrative Officer, responded to the question relative to item 115 – he advised that this item is not about the bark, but is for bookkeeping purposes. Supervisor Bibby asked that item 116 be brought back to the Board to award the contract following the bid process, and she questioned whether the Board Chair should sign the contract versus the Public Works Director – Steve Dahlem, County Counsel, responded this could be handled either way. Jim Wilson, Fire Chief, responded to the question relative to item 118 – he advised that Fleet supports this request.  
    (M)Bibby, (S)Stetson, all items, except 114, were approved; including direction that item 116 be brought back to the Board for the award of the contract/Ayes: Unanimous.
- 2      **Chair Allen**  
Proclaim May 6, 2011 as “Child Care Provider Appreciation Day” (Amber Chambers, Mariposa Local Child Care Planning Council Coordinator)  
**BOARD ACTION:** (M)Bibby, (S)Cann, the Proclamation was approved and presented to Amber Chambers/Ayes: Unanimous. The child care providers and ICES were commended for the services they provide.

**Chair Allen**

Proclaim the Month of May 2011 as “National Military Appreciation Month”(Connie Waldron - National Society Daughters of the American Revolution, Merced River Chapter; Andrea Summerlin - Commander - American Legion Post 567; Tom Williams - Commander, Veterans of Foreign Wars, Keith M. Bertken Post 6042; Dennis "Doc" Croucher - President, Mariposa Chapter 368, Vietnam Veterans of America)

**BOARD ACTION:** Board members commended our military personnel for their service. (M)Turpin, (S)Cann, the Proclamation was approved and presented to Connie Waldron, Andrea Summerlin, and Tom Williams/Ayes: Unanimous. Andrea Summerlin provided input and advised that cards will be available at the Library for citizens to sign to send to military personnel in appreciation of their service. Tom Williams invited everyone to the Memorial Day service at the Mariposa Cemetery on May 28<sup>th</sup>. Connie Waldron advised that ribbons will be available at the Library to show support for our troops.

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

Jim Rydingsword, Human Services Director, advised that they are working with John C. Fremont Hospital to collaborate on the Friendly Visitor Program - looking at the possibility of putting it with the In-home Health and Hospice Program. He advised that he will bring an item to the Board. He recognized Billie Dayton, Friendly Visitor Coordinator; and she responded to a question from the Board relative to the training that is involved in the program.

Allen Toschi provided a status report on the new fire station projects for Don Pedro, Midpines, Fish Camp, and Bridgeport; and he advised that information on the environmental reports is available on the County's website.

Terri Haworth, Community Services Director, announced that the Board members and staff are serving lunch at the Senior Activity Center today; the Senior Prom is scheduled for May 20<sup>th</sup>, and she is working with the FFA (Future Farmers of America) to schedule FFA Day – tentative for May 12<sup>th</sup>. Chair Allen noted that he Senior Expo is scheduled for May 6<sup>th</sup>.

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

Lester Bridges, President and Interim Executive Director of the Chamber of Commerce, advised that the North County visitors' center moved in Coulterville, and that the historic Jeffrey Hotel is hoping to reopen on June 1<sup>st</sup>. He advised that the visitors' center in Mariposa will be open longer hours beginning May 15<sup>th</sup> and they are hiring new employees to provide coverage. He thanked the Probation Department for their community service work in helping to clean around the Chamber facilities. He noted the Butterfly Festival was a success. The Chamber is currently interviewing for docents for the Courthouse; and they are still reviewing the old jail tour program. Supervisor Bibby thanked the Chamber for MaryAnn Huff's willingness to serve on the Calaveras-Mariposa Community Action Agency. Supervisor Cann referred to his discussions with other rural county supervisors relative to budget issues and the differences in Mariposa County with our tourism visitation – he thanked the Chamber and the Tourism Bureau and the businesses for their efforts.

Jeanetta Phillips, representing the Butterfly Festival, commented on the success of the event; and she expressed concern with the Encroachment Permit that was given for 7<sup>th</sup> Street and suggested that there be a process for reviewing any potential conflict with permits in the future.

Margaret Tysers stated she is an in-home health care provider for her brother and she feels that the workers in the County need health care benefits.



Lloyd Clark stated he is an in-home health care provider for his mother and he feels that the workers in the County need health care benefits and an increase in salary.

A lady (who did not identify herself) stated she is an in-home health care provider and they need help - her uncle paid for her glasses because she could not afford to.

Jeanetta Phillips stated she recently has had to care for her husband for four months and she agrees with the workers needing any consideration.

Tony Madrigal, California United Homecare Workers representing the IHSS (in-home support services) workers, thanked the Board for the movement it has shown at the bargaining table so far; and stated he hopes a way can be found for the workers to have health care coverage. The workers understand that not every employee will be covered.

Debbie Hushbeck stated her son watches after her, and she is concerned with the previous Governor's action to cut the pay for the workers – she urged the Board to take care of the workers.

Eleanor Keuning provided input on a couple of procedural issues: she feels that the podium needs to be able to accommodate more things without them falling off; and she suggested that there be a process for attendees to sign forms that are needed for public hearings. She stated she feels that the Mariposa Post Office landscaping needs work.

Marty Allan, representing the Mariposa Master Gardeners, noted that Chair Allen is coming to the graduation ceremony on Wednesday for the 20 new Master Gardeners. They will have their annual plant sale on Saturday at the Fairgrounds; their garden tour on June 4<sup>th</sup>; and he advised that the Post Office is on their schedule to help with the landscaping.

Ruth Sellers stated she agrees that the Master Gardener program is wonderful, and she reminded the Board that there is also the Butterfly Garden Club and they collect funds for a scholarship and they have contributed on various County landscaping projects.

**10:01 a.m.** Recess

**10:14 a.m.** The Board reconvened.

#### Board Information

Supervisor Bibby advised that she attended a sign ordinance meeting with Planning staff and a public workshop is scheduled for May 10<sup>th</sup> from 6 to 9 p.m. She asked that Board members provide questions or comments for consideration. She attended a meeting with Fleet staff relative to the budget and vehicle replacement on April 28<sup>th</sup>. She attended the School District workshop and noted there was discussion of possibly asking the County to take over school fields and libraries. She attended the Calaveras-Mariposa Community Action Agency meeting on April 29<sup>th</sup> – they are continuing to explore leveraging funds and they are compliant with audit requirements. She attended the FFA Boosters dinner and the Butterfly Festival. She thanked the department heads for going through the evaluations. She extended a special thanks to the Clampers for cleaning the Indian Gulch/Santa Cruz cemetery; and to Public Works staff for addressing complaints on road maintenance.

Supervisor Turpin advised that he attended the Economic Development Corporation meeting at the Library. He met with several people this past week on private fence location issues. He met with the Groveland Forest Service on Thursday and discussed the off-highway vehicle trails map; and he advised that a letter is being drafted responding to the County's mitigation measures as previously agreed to. He attended the Board meetings for the department head evaluations. He noted the Board members are serving lunch at the Senior Activity Center at lunch. He plans to attend the CSAC (California State Association of Counties) Executive Committee meeting on

Thursday in Sacramento and a session on public retirement. He plans to attend the Tuolumne-Mariposa Resource Advisory Committee meeting on Monday, and they will review the applications for future projects benefiting the national forests.

Supervisor Cann advised that a public workshop will be held on the sign ordinance on May 10<sup>th</sup>. He attended the RCRC (Regional Council of Rural Counties) Executive Committee meeting on Wednesday and State budget issues were discussed. He attended a meeting on Thursday with Supervisor Bibby to review Fleet operations. He attended the Taste of Mariposa and Hat Contest for the Butterfly Festival on Friday. He attended the Bootjack Fire Company breakfast, the Butterfly Festival, and the FFA Boosters dinner on Saturday. He attended the Board meeting on Monday for continued department head evaluations. He is meeting with a group on Thursday to review potential land for cemetery expansion. He advised the Relay for Life is holding a breakfast on Saturday.

Supervisor Stetson advised that he met with Supervisor Cann and Meagan Wargo relative to the Yosemite National Park boundary line adjustment proposed by the Pacific Forest Trust. He attended the Butterfly Festival. He attended the Board meeting on Monday for continued department head evaluations. He is looking forward to attending the groundbreaking ceremony this afternoon for the new Don Pedro fire station, and the Senior Expo on Friday. He plans to attend the El Portal Planning Advisory Committee meeting next Tuesday evening.

Supervisor Allen advised that he met with the manager of Idle Wheels last Thursday, and he delivered a memorial certificate to a mother who recently lost her son. He met with the County Administrative Officer and Public Works staff relative to the fleet budget, including depreciation and vehicle replacement charges. He attended the CNA graduation at the Hospital on Friday evening. He attended the Fish Camp Planning Advisory Committee meeting and the Butterfly Festival on Saturday. He attended the Board meeting on Monday for continued department head evaluations. He attended the Northside Ambulance Association dinner in Greeley Hill on Sunday. He plans to attend the graduation ceremony for the Master Gardeners on Wednesday in Catheys Valley. He plans to meet with the County Ombudsman and to attend the High School Student Loan Association meeting on Thursday. He noted the Senior Expo is on Friday; and that Mother's Day is on Sunday.

4

#### **Public Works**

Approve Parks and Recreation Division's Request to Solicit and Accept Donations from the Public to Hold a "Movie in the Park" Event in the Summer of 2011 at the Mariposa Park

**BOARD ACTION:** Discussion was held with Allen Toschi and Shannon Hansen/Parks and Recreation Manager, relative to the request and the donation and sponsorship process; and consideration of running this through a non-profit organization. Allen Toschi stated that they would like to have permission to contact the non-profits for donations. Motion by Bibby to direct that the Parks and Recreation Manager be authorized to solicit and accept donations for holding the "movie in the park" event, and that the donations be paid directly to the vendor or an account through the County's regular process; died for lack of a second. (M)Cann, (S)Turpin, Res. 11-186 was adopted authorizing Parks and Recreation to set up a process for allowing private funding of the "movie in the park" event and to move forward with soliciting donations; and with direction that the money is not be processing through the County/Ayes: Unanimous.

5

#### **Administration**

Authorize the Elimination of One 60% Permanent Part-Time Transit System Bus Driver Allocation Effective May 18, 2011 which will Result in the Lay-Off of One Employee in the Community Services Department

**BOARD ACTION:** Discussion was held with Rick Benson, and he advised that the requested action will ratify the lay-off notice that was given to the employee. (M)Cann, (S)Turpin, Res. 11-187 was adopted approving the requested action/Ayes: Unanimous.

6 Consider Items Removed from the Consent Agenda – none

7 **County Counsel**

CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: Phillip Brooks v. County of Mariposa; Case No. 1:10-CV-00800-AWI-SKO; and

8 **County Counsel**

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

**BOARD ACTION:** (M)Stetson, (S)Turpin, the closed sessions were held at 10:52 a.m./Ayes: Unanimous.

**11:20 a.m. Report from Closed Session:**

Chair Allen announced that as a result of closed session, information was received and direction was given for item 7/existing litigation with Brooks; and information was received for item 8/anticipated litigation.

The Board was in recess.

**11:45 a.m.** Lunch Service at Senior Center

**3:00 p.m. CALENDAR**

The Board reconvened at the new Don Pedro Fire Station, Station 24, located at 9729 Merced Falls Road, Don Pedro

No Folder

**County Fire**

Ground Breaking Ceremony for the Construction of the New Don Pedro Fire Station was held.

**NOTE:** No County business was conducted during the ceremony.

**Consent Agenda**

CA-101

**Clerk of the Board**

Approval of Summary of Proceedings of April 26, Regular Meeting; and Correction to Summary of Proceedings of March 22, 2011, Regular Meeting; Res. 11-171

CA-102

**Administration**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-172

CA-103

**Administration**

Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-173

CA-104

**Administration**

Resolution Continuing the Local Emergency Due to Severe Weather throughout Mariposa County in March of 2011; Res. 11-174

- CA-105      **Administration**  
Informational Report of Liability Claims Rejected by the County Administrative Officer/Risk Manager for the Month of March 2011; Res. 11-175
- CA-106      **Administration**  
Authorize the Board of Supervisors Chair to Sign a Letter Opposing AB 392 (Alejo) – Ralph M. Brown Act; Posting Agendas; Res. 11-176
- CA-107      **Community Services**  
Proclaim the Month of May 2011 as “Older Americans’ Month”
- CA-108      **Human Services**  
Accept the Resignation of Chevon Kothari and Kathy Rumpfelt from the Mental Health Board; Appoint Eleanor Keuning and Joey Curti to the Mental Health Board with Terms Expiring May 3, 2014
- CA-109      **Human Services**  
Approve an Agreement with Value Options (VO) for Administration of Mental Health Counseling and Medication Services for Foster Children Placed out of the County, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-177
- CA-110      **Human Services**  
Approve an Agreement with California State University Fresno Foundation through its Social Welfare Evaluation research and Training Center (SWERT) to Assist with the Development of the MHSA Innovation Program and to Create an Evaluation Design that will be used to Measure Project Outcomes; Approve Budget Action Transferring Funds within the Mental Health Services Act Fund to Cover the Anticipated Expenditures for the Agreement, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-178
- CA-111      **Public Works**  
Accept the Coakley Circle Project as Complete, and Authorize the Public Works Director to Record the Notice of Completion and Release the Retention; Res. 11-179
- CA-112      **Public Works**  
Accept the Jessie Street Project as Complete, and Authorize the Public Works Director to Record the Notice of Completion and Release the Retention; Res. 11-180
- CA-113      **Public Works**  
Authorize Mariposa County Employees to Donate Vacation Time and/or Compensatory for an Employee in the Public Works Department Road Division for a Period of Three Months from the Approval Date of May 3, 2011; Res. 11-181
- CA-114      **Public Works**  
Authorize Public Works to Solicit Proposals from Qualified Design Professional for the Design Engineering Necessary to Produce Plans, Specifications and an Engineer’s Estimate for the Repairs of the Slide Damage on Ben Hur Road, and Authorize the Public Works Director to Award the Agreement to the Most Qualified Professional and to Sign the Agreement; Item was withdrawn.

- CA-115      **Public Works**  
Approve Budget Action Reducing General Fund Contingency to Reimburse Negative Interest Charges Accrued to the Proposition 40 Projects (\$5,619) (4/5ths Vote Required); Res. 11-182
- CA-116      **Public Works**  
Authorize Public Works to Advertise for Liquid Propane Gas Heating Fuel for County Facilities; Authorize the Public Works Director to Award Agreement to Lowest Responsible Bidder and Sign the Agreement; Res. 11-183, with direction that the award of the contact is to come back to the Board.
- CA-117      **Treasurer/Tax Collector/County Clerk**  
Approve the 5-Year Tax Defaulted Parcels Scheduled for Auction on August 12, 2011; Res. 11-184
- CA-118      **Fire**  
Approve Budget Action Transferring Funds from the Fire Department Budget to the Fire Vehicle Replacement Fund to Cover the Expense of Vehicle Replacement of E-621, 2002 Ford F450 Midpines Fire Truck, Damaged in a Roll-Over Incident During a Series of Severe Storms in Late March (\$15,788) (4/5ths Vote Required); Res. 11-185

The meeting was adjourned at 3:20 p.m. in memory of George Wesley Johnston.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

May 10, 2011



Folder      Time      Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence in honor of our troops fighting around the world.

Introductions – none

- 1      

Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)  
**NOTE:** The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda  
**BOARD ACTION:** Chair Allen advised that item 113 has been withdrawn by the department. (M)Cann, (S)Stetson, the balance of the items was approved/Ayes: Unanimous.
- 2      

**Chair Allen**  
Proclaim the Week of May 10<sup>th</sup> through May 16<sup>th</sup>, 2011, as “National Hospital Week” (Chuck Bill, CEO – John C. Fremont Healthcare District)  
**BOARD ACTION:** (M)Bibby, (S)Turpin, the Proclamation was approved and presented to Maureen Spacke/RN-Patient Care Services Director; Tish Miller/CFO; and to the following Hospital Board members: Bob Rudzik, Candy O’Donel-Browne and Candace Harrison/Ayes: Unanimous.

Departmental Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda  
Allen Toschi, Public Works Director, advised of repair work being done on a sink hole on Ben Hur Road; and he provided a status report on the Don Pedro Fire Station project.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)  
Lester Bridges, President and interim Executive Director of the Chamber of Commerce and Visitor Centers, provided information on the statistics for the visitor centers and advised that they are increasing their hours of operation. They are still looking for docents for the Courthouse tours.  
Eleanor Keuning commented on a number of things: the importance of the Hospital; concern with two major meetings being held this evening - the County

holding a sign ordinance workshop and the School Board holding a special meeting to consider closing schools; lack of landscaping at the Post Office and she presented photographs; a "Home Sweet Home" story in AARP on a program that links neighbors together to help one another remain in their homes, and she noted the availability of the "Mariposa Time Bank"; homelessness problem; presented a photograph showing the poor visibility of the parking markings on Coakley Circle; presented a photograph of a grader parked at the end of Leonard Road and stated she hopes that it will be used to grade the road; and she suggested that the Chamber publicize the training schedule for docents for the Courthouse tours.

Marvin Wells referred to Lester Bridges' comments about promoting Coulterville, and he suggested that the roadrunner be mentioned in the promotion. He commented on the cemetery issues and stated he feels it is important for people to be on the committee that want to be buried in the cemetery; and he provided suggestions for development and management of a cemetery, and stated he feels that the funds could be used to help with the cemetery and road maintenance versus the speed humps in El Portal. Supervisor Turpin clarified that the Board approved the speed humps, but no County funding was provided.

#### Board Information

Supervisor Bibby noted she had a great time serving the seniors last week for lunch; and she thanked the staff and cooks and those who make this program possible. She attended the Mother Lode Job Training and the First 5 meetings on Monday and discussed funding issues. She noted the School Board is meeting this evening and that the sign ordinance workshop is this evening. She is planning to attend a meeting relative to mobile vendors, and a meeting with Health Department staff relative to various issues on Wednesday; a meeting with Public Works staff on Thursday relative to road issues; and the Catheys Valley 4-H rigatoni dinner on Saturday. She thanked Public Works staff for the road maintenance on Mt. Bullion Cutoff. She encouraged the Chamber to solicit high school juniors and seniors to be docents for the Courthouse tours.

Supervisor Turpin stated it was a privilege to help with serving lunch at the Senior Activity Center last Tuesday. He thanked those who attended the groundbreaking ceremony for the Don Pedro fire station, and the Fire Department for coordinating the event. He attended the CSAC (California State Association of Counties) session on public retirement in Sacramento on Thursday; the fire station planning meeting on Friday; and the Tuolumne-Mariposa Resource Advisory Committee meeting on Monday. He plans to attend the Solid Waste Task Force meeting, and a meeting with the Public Works Director and the Road Superintendent relative to road issues on Wednesday. He advised that the Coulterville Community Club is meeting on Wednesday evening to hear a presentation from Public Works on the sewer management plan requirements being mandated by the State.

Supervisor Cann noted that the sign ordinance workshop was scheduled over five weeks ago, and that the School Board meeting was scheduled with tight time constraints. He referred to Eleanor Keuning's comments about the landscaping at the Post Office and advised that he is following up with the Master Gardeners on this project. He referred to the comments on the cemetery review and advised that the focus of the committee now is to find land and they have made progress. He clarified that the Board's action to approve the speed humps in El Portal did not include County funding. He plans to attend the Solid Waste Task Force meeting, attend a meeting relative to possible sponsorship for the Fairgrounds, attend a visioning meeting looking at ways to improve Mariposa, and attend a public meeting in the evening at the Fairgrounds relative to its future on Wednesday. He plans to attend a meeting on B&B issues and code applications. He plans to accept an invitation to attend a reception for the State Health and Human Services Secretary in Fresno.

Supervisor Stetson advised that he attended the groundbreaking ceremony for the Don Pedro fire station, and he thanked the Sheriff for an opportunity to tour the boating facility. He attended the BBQ at the Hospital with Supervisor Cann and County Counsel. He plans to attend the El Portal Planning Advisory Committee meeting this evening and the Yosemite West Maintenance Committee meeting on Thursday. The Midpines Planning Advisory Committee is scheduled to meet next week. He spoke with CalTrans this morning relative to the status of the Ferguson Slide, and he was advised that because of the input provided by the Forest Service, it will be late August before CalTrans can begin to make a decision on which alternative to pursue.

Supervisor Allen advised that he attended the lunch at the Senior Activity Center and he encouraged citizens to attend; and he attended the groundbreaking ceremony for the Don Pedro fire station on Tuesday. He attended the graduation ceremony for the Master Gardeners in Catheys Valley on Wednesday. He attended the Student Loan Association meeting on Thursday and they had five students apply for loans. He attended the Pow Wow on Saturday. There is a spaghetti dinner at the Ponderosa Fire Station next Saturday. He plans to attend the Area 12 Agency on Aging meeting in Sonora on Monday.

8

**County Counsel**

CLOSED SESSION: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; Number of Cases to be Discussed: 1

**BOARD ACTION:** Chair Allen advised that this item was withdrawn.

Chair Allen announced that the 2:00 p.m. Bankhead appeal has been cancelled and will be rescheduled.

3

**Agriculture Commissioner**

Approve Agreement No. 11-73-06-0260-RA, the Annual Work Plan, Annual County Summary FY 2009-2010, and a Letter of Intent for FY 2011-2012; Authorize the Board of Supervisors Chair to Sign the Agreement and the Letter of Intent

**BOARD ACTION:** Cathi Boze, Agricultural Commissioner, introduced Mac Crone – the new Wildlife Services Specialist, and he provided input on his background. Wade Carlson, Central District Supervisor, reviewed the annual report, and discussion was held. (M)Bibby, (S)Stetson, Res. 11-201 was adopted approving the recommended actions. The motion was amended by the second, agreeable with the maker, to include the addition of 87 feral hogs to the account summary/Ayes: Unanimous.

4

**Public Works**

Approve the Process for the Construction of Four Fire Station Buildings in Mariposa County. The County will Solicit Requests for Proposals for the Design, Plans, Specifications, Engineering, Construction Administration and Inspection for the Buildings Foundation, Shell, Interior, Exterior and all Support Systems, to Deliver a Complete and Finished Set of Biddable Documents for Each Fire Station

**BOARD ACTION:** Discussion was held with Allen Toschi relative to the process and timelines for the four projects. Chair Allen noted that May 31<sup>st</sup> is a fifth Tuesday and the Board will not be meeting that day. (M)Turpin, (S)Stetson, Res. 11-202 was adopted approving the recommended actions. Supervisor Bibby clarified that the contracts will come back to the Board for approval, and Allen Toschi concurred. Ayes: Unanimous.

5

**Public Works**

Authorize the Public Works Director and the County Administrative Officer to Prepare the Specifications and Solicitation for a Request for Proposals for the Privatization of



the Solid Waste, Recycling & Composting Division and to Bring the Finished Request for Proposals Back to the Board as Soon as Possible for Authorization to Advertise  
**BOARD ACTION:** Discussion was held with Allen Toschi and Rick Benson. Supervisor Turpin suggested that the proposals be prepared for “operation” versus “privatization.”

Input from the public was provided by the following:

Eleanor Keuning commented on the history of the planning for the solid waste facility; and she stated she feels we should be more aggressive with encouraging recycling – there still needs to be an educational process.

Following discussion, (M)Cann, (S)Turpin, the Board approved the recommendation, including the change for “operation”/Ayes: Unanimous.

6

### **Administration**

Authorize the County Administrative Officer to Take the Necessary Steps in Order to Demolish the Structures on the Property Located at 5101 Bullion Street

**BOARD ACTION:** Discussion was held with Rick Benson relative to the request and process. Supervisor Cann suggested that there be allowance for an option to remove any and all facilities from the site; that there be communication with the State Historic Preservation Office on the “Garber House,” and he asked about the status of input from the Historic Sites and Records Preservation Commission. Supervisor Bibby suggested that the current Building Director review the structures.

Input from the public was provided by the following:

Eleanor Keuning, Secretary of the Historical Sites and Records Preservation Commission, presented a copy of the April 25, 2011, letter that Ruth Sellers wrote to the Board and an email from Frank Long relative to the “Garber House.” She advised of her discussion with Ron Loya about looking at the facilities.

Ruth Sellers expressed concern that the Commission did not get a response to her letter – she noted the Commissioners volunteer their time and do not feel they have received support. She feels that they should be given the option to have an unbiased opinion on the “Garber House.” She feels our history is of value to promoting tourism. She suggested that the house be moved to the two vacant lots in town, be reconditioned, and used as a visitor center. She clarified that the History Center, referring to Ron Loya’s review of the facilities, is not the Commission.

Allen Toschi expressed concern with safety issues if volunteers are allowed through the buildings.

Pat Stacy, President of the SPCA, stated she is speaking as a private citizen that is familiar with the history of trying to demolish the buildings. She feels that the SPCA was put in an intolerable position with the conditions. She advised of her meeting with the Commission; and of her contacts with the Garber Trust – the Trust was interested in preserving the “Garber House” but didn’t have any funds or land for the house. She does not feel that the materials in the building would survive a move. She commented that representatives of the History Center went through the buildings in 2003-04 and that members of the SPCA became ill after being in the buildings. She recommends that the buildings be demolished.

Ruth Sellers repudiated the statement that the SPCA brought this issue to the Commission. She wants everyone to be aware that the Historical Sites and Records Preservation Commission is a part of the process for these types of things.

Rick Benson stated he agrees that going through the Commission is a step that is necessary; however, he feels that he needs the Board’s direction first. Supervisor Turpin suggested that the authorization be to “remove” versus “demolish” the structures. (M)Stetson, (S)Turpin, Res. 11-203 was adopted authorizing the County Administrative Officer to take the necessary steps in order to commence the process to demolish or remove the structures on the property located at 5101 Bullion Street. Supervisor Bibby requested that the direction include following up with the

Commission and with the State on the process; contacting the Health Officer to make sure there are no environmental concerns before allowing access to the buildings; and that there be a review by the current Building Director. Ayes: Unanimous.

7

**County Counsel**

Discussion and Direction Regarding Conditional Gift of Real Property in Catheys Valley to be Used as a Public Library

**BOARD ACTION:** Discussion was held with Steve Dahlem, County Counsel, and he recommended that direction be given to continue to monitor this matter until information is obtained on the estimated costs and a reasonable timeline is determined. Rick Benson commented on the possibility of the availability of State grant funds for a library. County Counsel advised that based on the discussion, he will monitor this matter and follow-up with the estimated costs and initiating conversation with the Executor of the Estate relative to her concept of a reasonable timeline.

9

Consider Items Removed from the Consent Agenda – none

**12:11 p.m. Lunch**

**2:03 p.m.** The Board reconvened.

10

**Planning**

PUBLIC HEARING to Consider Appeal No. 2009-161, an Appeal of the Planning Director's Determination that Amended Reclamation Plan No. 2009-149 is Incomplete for Processing. Amended Reclamation Plan Applicant, Property Owner and Appellant: Jack Bankhead.

The Property, the Mount Gaines Mine, is Located at 7176 Mount Gaines Road off of Bear Valley Road. The Subject Appeal and Amended Reclamation Plan Involve APN 007-130-023, a 40 Acre Parcel and APN 007-130-022, a 160 Acre Parcel, both of which are in the Agriculture Exclusive (AE) Zone

**NOTE: THIS PUBLIC HEARING IS CANCELLED AND WILL BE RESCHEDULED AND RE-NOTICED TO ACCOMMODATE THE SCHEDULES OF ALL PARTIES INVOLVED IN THE HEARING**

**BOARD ACTION:** Chair Allen advised that the hearing is cancelled and will be rescheduled.

11

**2:04 p.m. Administration**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Planning Director (Continued from May 2, 2011)

**BOARD ACTION:** (M)Cann, (S)Bibby, the closed session was held at 2:11 p.m./Ayes: Unanimous.

**5:00 p.m. Report from Closed Session:**

Chair Allen reported that the performance evaluation was conducted and no action was taken for closed session item 11.

**Consent Agenda**

CA-101

**Clerk of the Board**

Approval of Summary of Proceedings of May 2, 2011, Continued Meeting;  
Approval of Summary of Proceedings of May 3, Regular Meeting

- CA-102      **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-188
- CA-103      **Administration**  
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-189
- CA-104      **Administration**  
Resolution Continuing the Local Emergency Due to Severe Weather throughout Mariposa County in March of 2011; Res. 11-190
- CA-105      **Administration**  
Approve a Resolution Certifying the Industrial Disability Retirement of Former Sheriff's Deputy James Conrad Effective May 1, 2011; Res. 11-191
- CA-106      **Supervisor Stetson**  
Authorize the Board of Supervisors Chair to Sign a Letter Supporting the Yosemite National Park (YNP) Boundary Line Adjustment Proposed by the Pacific Forest Trust; Res. 11-192
- CA-107      **Community Services**  
Approve an Agreement with Coulter Café for the Senior Nutrition Program for the Area 12 Agency on Aging Title III C-1 Restaurant Program for FY 2011-2012, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-193
- CA-108      **Sheriff**  
Approve an Agreement with the United States Drug Enforcement Administration for Reimbursement for Marijuana/Drug Investigations, and Authorize the Sheriff to Sign the Agreement; Res. 11-194
- CA-109      **Library**  
Approve Budget Action Appropriating Revenue and Expenses in the Library Donation Fund (\$382, 538.49); and Transferring Funding to the Library Operating Budget for Materials and Equipment to Aid Underserved and Disabled Patrons (\$50,000) (4/5ths Vote Required); Res. 11-195
- CA-110      **Public Works**  
Authorize Public Works to Solicit a Request for Proposals (RFP) for Emergency Repairs on Old Toll Road Due to Storm Damage and Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder, and Sign the Agreement; Res. 11-196
- CA-111      **Public Works**  
Approve Specifications and Authorize the Public Works Director to Advertise and Award the Agreement to the Lowest Responsible bidder for the Asphalt Overlay of Smith Station Road (Project 07-18) from Milepost 10.00 to Milepost 13.87, and Authorize the Public Works Director to Sign the Agreement; Res. 11-197
- CA-112      **Public Works**  
Approve Specifications and Authorize the Public Works Director to Advertise and Award the Agreement to the Lowest Responsible bidder for the Crack filling and Asphalt Overlay of Triangle Road (Project 07-06) from Milepost 14.11 to Milepost 15.11, and Authorize the Public Works Director to Sign the Agreement; Res. 11-198

CA-113

**Human Services**

Approve Three Agreements with Anita Petrich for Patient Rights Advocate, Team Decision Making Facilitator, and Parenting Class Instructions, and Authorize the County Administrative Officer to Sign the Agreements; Item was withdrawn

CA-114

**Human Services**

Approve Budget Action Increasing Revenue and Appropriations in the Behavioral Health Budget for Early Periodic Screening Diagnosis and Treatment (EPSDT) Medical Funding and Corresponding Expenditures (\$155,821) (4/5ths Vote Required); Res. 11-199

CA-115

**Human Services**

Approve Three Agreements with SADA Systems for Google Apps Services, Google Apps Training Services and Google Apps Implementation and Data Migration, and Authorize the County Administrative Officer to Sign the Agreements; Res. 11-200

**5:01 p.m.** Adjournment in memory of Helen Graeves Fincham, Dennis Hopkins, Mark Montoya, and Thomas “Richard” Moody.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

May 17, 2011



Folder      Time      Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for our troops throughout the world.

Introductions – none

- 1      Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)  
**NOTE:** The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda  
**BOARD ACTION:** Input from the public was provided by the following:  
Ruth Catalan referred to item 111 and asked why the contract is being addressed after the lease expired – she would like to see things done in a more timely fashion.  
Supervisor Bibby pulled items 116 and 119. Supervisor Turpin pulled item 116. (M)Turpin, (S)Stetson, the balance of the items was approved/Ayes: Unanimous.

- 2      **Chair Allen**  
Resolution Recognizing the Week of May 15 – 21, 2011, as “National Emergency Medical Services Week” and Recognizing Emergency Medical Service Personnel for Outstanding Professional Performance During the Previous Year as Follows: Physician - Dr. Daniel Merges of John C. Fremont Hospital, ER Nurse - Wendy Gillespie of John C. Fremont Hospital, Paramedic - Kristina Pastian of Mercy Medical Transport, Emergency Medical Technician - Karen Wilson of Mariposa County Fire Department, First Responders - Myles Jellison of Mariposa Public Utility District and Brian Conley of Mariposa County Fire Department, Chuck Machak of Search and Rescue, and Sheriffs Deputies - Michael King and Rudy Mirelez (Health Officer)  
**BOARD ACTION:** Board members thanked every involved in emergency services for their tremendous commitment. (M)Bibby, (S)Turpin, Res. 11-204 was adopted and presented to Dr. Mosher/Health Officer/Ayes: Unanimous. Plaques were presented to the recipients (Dr. Merges and Deputy King were unable to be present). Dr. Mosher and Sheriff Doug Binnewies commended everyone for their involvement in the emergency services system.

**9:22 a.m.** Recess

**9:34 a.m.** Departmental Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda – none

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

Lester Bridges, President and Interim Executive Director for the Chamber of Commerce, noted there are lots of events scheduled for this weekend – they have begun the Courthouse and old jail tours, Relay for Life, CMA (Christian Motorcyclist Association) is in town, Coyote Howl in Coulterville; and he advised that next Tuesday evening the business mixer is scheduled to be held at Granite Dell Gardens on Highway 132.

Eleanor Keuning referred to the closure of State parks and expressed concern with the inclusion of the State Mining and Mineral Exhibit – she asked what will happen to the collection and hopes citizens will write letters opposing the closure. She noted the bulldozer is still parked on Usona Road and there is another one at the Tip Top turnout – she is hoping they will grade Leonard Road. She referred to stories in the *Fresno Bee* relative to adult day health care services and the farm-food connection.

Maxwell Norton, Interim Farm Advisor, advised that the Master Gardeners are working to prepare the ground at the Post Office to plant native Manzanita this fall.

Sheriff Binnewies provided a status report on Deputy Ferguson's recovery from cancer.

Chair Allen advised that he will allow three speakers who are unable to stay to speak at this time on the IHSS (in-home support services) labor negotiations - item 9, which is scheduled for later in the meeting; and he will allow for public comment again when that item is considered.

Margaret Tysers, IHSS care provider, asked the Board to consider the \$8.75 an hour pay they receive, and noted that is without health insurance. She feels that is not enough for the type of work they do.

Tony Madrigal, California United Homecare Workers representing the IHSS workers, reiterated their previous request for the Board to find a way to find a solution provide health insurance, and he provided input on how the insurance coverage works. He provided input on the status of the State budget for their program.

Lloyd Clark stated he has been a care provider for five years and he feels that this program saves the State money; and that the recipients receive better care with the program. He feels they need medical coverage and an increase in wages; and he noted that he has been unable to seek medical attention for his injuries.

#### Board Information

Supervisor Stetson advised that he attended the El Portal Planning Advisory Committee meeting on Tuesday and discussion was held relative to the status of the Ferguson Rockslide. He attended the Yosemite West Maintenance Advisory Committee meeting on Thursday with the Public Works Director; and in the afternoon he met with Dr. Mosher and a representative of Yosemite National Park relative to the ambulance service agreement for El Portal. He attended the Democratic Club meeting on Saturday, and he noted that Supervisor Cann spoke relative to the state of the County. He plans to meet with the Human Services Director and Supervisor Turpin later today for an update on Human Services issues. He advised that the Midpines Planning Advisory Committee meeting that was scheduled for this evening has been cancelled. He plans to attend the YARTS meeting on Monday in Merced, and they are discussing revenues and representation.

Supervisor Cann referred to the earlier awards for safety and emergency services personnel and commented on the partnership between the County and the various agencies for mutual aid. He advised that he and Supervisor Bibby co-chaired the sign workshop last Tuesday evening, and they plan to hold another workshop on June 13<sup>th</sup> at

6:00 p.m. He met with an ad hoc group on tourism visioning. He attended a meeting at the Fairgrounds on Wednesday where it was decided to form a non-profit "friends of the fair" and he suggested that it should be "friends of the fairgrounds" to help support the fairgrounds. He attended a reception in Fresno for the new State Health and Human Services Agency Secretary Diana Dooley. He referred to the Board's previous action on proposed legislation to amend the Brown Act to require the back up to agenda items to be posted online; and he noted that the Clerk of the Board has been posting the items online. He also advised that he plans to attend a meeting on Wednesday to discuss evolving in this process to make it better. He plans to attend the Tourism Bureau meeting on Wednesday.

Supervisor Turpin advised that he attended the Solid Waste Task Force meeting on Wednesday and they are moving forward with preparing request for proposals for operation of the landfill; then he and Supervisor Stetson met with Public Works on road issues; and in the evening he attended the meeting in Coulterville on the sewer management plan. He attended an organizational meeting on Thursday in Don Pedro on the sewer management plan, and they will hold a meeting on Wednesday on the plan. He plans to attend the Red Cloud Friends of the Library meeting in Greeley Hill on Wednesday; and he noted the School Board's decision to close the Greeley Hill School. He plans to attend the added livestock value meeting and the Forest Service Regional Management Plan meeting in Sonora on Friday. He announced that the annual Coyote Howl is scheduled for this Saturday in Coulterville.

Supervisor Bibby advised of inquiries she has been receiving relative to privatizing the landfill operations, and she noted that we need to make sure that we still comply with all rules and regulations, including diversion requirements. She advised that there is a meeting next Tuesday with the School District and First 5 relative to the impacts to First 5 with the closure of schools – the School Board voted to close Catheys Valley and Greeley Hill Elementary Schools. She attended the School Board meeting last Tuesday and the sign ordinance workshop. She plans to attend the Mental Health Drug and Alcohol roundtable meeting on May 18<sup>th</sup>; and a meeting on roads and the Child Abuse Prevention Program on May 19<sup>th</sup>. She noted that the Relay for Life event is scheduled for this weekend. She attended a 4-H meeting last week; and she advised that she has been meeting with departments to discuss budgets and she feels that everything needs to be reviewed. She extended a special thanks to the department heads and emergency services providers.

Supervisor Allen advised that he attended the spaghetti dinner on Saturday at the Ponderosa Basin Fire Station; and the Area 12 Agency on Aging meeting on Monday in Sonora. He plans to attend a meeting on Wednesday relative to automating the agenda and he thanked staff for the work on this. He plans to attend a meeting on roads and the Child Abuse Prevention Program on Thursday. He plans to give two kindergarten classes a tour of the Government Center on Friday. He noted the Relay for Life event is scheduled for this weekend. He plans to attend the Mountain Valley Emergency Medical Services Agency meeting on Monday to conduct interviews for the Executive Director position. He referred to the input on the closure of the Mining and Mineral Exhibit and stated he is concerned and hopes it can remain open, and he encouraged letters be written. He noted that the Planning Commission for District 5, Les Marsden, was present.

Rick Benson, County Administrative Officer, provided input on the Governor's May Revise of the State Budget; and he advised that there will be a statewide telephone call for the County Administrative Officers to discuss the budget. Discussion was held relative to the status of the Williamson Act subvention funding and the optional program. Supervisor Bibby commented on seeing information on the possibility of Fish and Game taking over management of the grasslands; and she commented on the status of Mental Health and Alcohol and Drug funds.

3

**Administration**

PUBLIC HEARING to Adopt a Resolution Approving an Application for Funding to the State of California Department of Housing and Community Development Block Grant Planning Technical Assistance Allocation Program in the Amount of \$105,000 for an Environmental Study, Transitional Aged Youth Needs Assessment and Strategic Plan, and Parking Facility(s) Study; and Authorize the County Administrative Officer or his Designee to Sign the Grant Agreement and any Subsequent Amendments thereto with the State of California for the Purpose of this Grant

**BOARD ACTION:** Rick Benson introduced the matter. Marilyn Lidyoff, Administration/Business Development Coordinator, presented the staff report and reviewed the projects: environmental study for installation of new water well in Coulterville/\$35,000; transitional aged youth needs assessment and strategic plan/\$35,000; and parking facility study/\$35,000. Staff responded to questions from the Board relative to the number of homes in Coulterville – it was clarified that there are about 100 versus 300 and this will be corrected in the application; relative to the language regarding parking concerns and liability; involvement of Ethos with the transitional aged youth needs assessment and requirements for compliance with terms of the grant, including prohibition of tobacco usage for the minors; and relative to the cash match for the projects and the portion for the well being covered by the District, and as to whether the property owners in the Parking District were made aware of this project and costs.

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

Jim Rydingsword, Human Services Director, provided input on the transitional aged youth needs assessment project and he noted that the youth conduct the assessment themselves; and he stated he supports this application.

Eleanor Keuning stated she thought the youth project would address the needs of foster youth once they turn 18; and she asked about the funds for Ethos.

Dick Hutchinson provided input on the youth project and suggested that the School District be involved with the child parenting program as they have dolls that they are not using. He referred to the parking project and stated he feels that the intersection of Highway 140 and 5<sup>th</sup> Street needs better lighting.

The public portion of the hearing was closed and the Board commenced with deliberations. Supervisor Cann referred to the input on the crosswalk concerns and advised that there is a team of folks that are working on this issue. Supervisor Turpin suggested that the Lighting budget be reviewed to see if funds are available for a street light project. (M)Cann, (S)Turpin, Res. 11-220 was adopted approving the recommended actions, including verbiage changes regarding the parking liability concerns/Ayes: Unanimous. The hearing was closed.

**10:58 a.m.** Recess

**11:10 a.m.** The Board reconvened.

4

**Administration**

Receive the Annual Report from the Economic Development Corporation of Mariposa County (EDC); and the Comprehensive Economic Development Strategy (CEDS); and Approve Renewal of the Public/Private Partnership Between Mariposa County and the Economic Development Corporation of Mariposa County (EDC); and Authorize the Board of Supervisors Chair to Sign the Agreement

**BOARD ACTION:** Rick Benson introduced the item. Roger Biery/First Vice-President of the EDC, presented their annual report and advised of their activities. Marilyn Lidyoff provided input on the partnership between the County and the EDC. Discussion was held relative to incentive options for encouraging new larger



businesses; and relative to working with the County Clerk, the County Administrative Officer, and the Business Development Coordinator on possibly pursuing business licenses. Supervisor Bibby asked that feedback be provided on the types of businesses that are seeking information. Discussion was held relative to renewing the agreement – Supervisor Bibby stated she feels the renewal should be considered in the context of the final budget hearings. (M)Cann, (S)Turpin, Res. 11-221 was adopted approving the agreement, with the inclusion of a termination clause. Further discussion was held relative to the termination clause and progress reports, and Steve Dahlem, County Counsel, provided input on the termination clause. Ayes: Stetson, Turpin, Cann, Allen; Noes: Bibby. Supervisor Stetson asked about investigating pursuing business licenses, and Rick Benson advised that the County Administrative Officer’s Office would be appropriate to follow-up on this.

7

**Auditor**

Resolution Adopting Equity Adjustment for the Assistant Auditor Effective 7-1-11 to Increase Ratio of Assistant Auditor/Auditor to Equal that of the Assistant Treasurer/Treasurer

**BOARD ACTION:** Bill Davis reviewed the history of the salary for the Assistant Auditor and concern with the change in bargaining unit assignment, and he presented information on the request for an equity adjustment. Discussion was held, and it was clarified that he did not object to the change in bargaining unit, just the methodology.

Input from the public was provided by the following:

Chris Ebie, retired Auditor, stated for the record that he takes exception to the letter written by Mr. Davis relative to his treatment of employees. He feels that while he served as Auditor that he treated each employee fairly. He stated that if an equity adjustment is merited, then those facts should be presented. He took personnel seriously as a part of his office.

Discussion was held relative to the request – whether there was a change in the job duties for the subject position and relative to the minimum qualifications for this position and the positions used in the Auditor’s salary comparison information. Supervisor Allen expressed concern with the language in the Auditor’s letter regarding “unjust and improper treatment” of employees. Rick Benson objected to the tone of the letter from the Auditor and the implication that employees are treated unfairly; he commented on the reassignment to “confidential” and the process; he provided input on consideration of the longevity issue; advised that the methodology referred to by the Auditor is not how the salaries were set; and he provided input on consideration of an equity adjustment and the budget status. He recommended that an equity adjustment not be granted at this time; and he stated this could be addressed in conjunction with labor negotiations, noting that said review will not necessarily result in a recommendation for a change in compensation. Further discussion was held, and no action was taken.

**1:02 p.m. Lunch**

**2:02 p.m.** The Board reconvened.

10

**Planning**

PUBLIC HEARING to Consider Appeal No. 2010-175, an Appeal of the Planning Commission’s Denial of Variance No. 2010-101, which was Requested to Allow an Existing Structure Located in the Property Line Setback Area. Variance Applicant and Appellant: John O. Reynolds. Property is Located at 9997 Incline Road in El Portal. The Subject Appeal and Variance Involves APN 006-030-009, a 0.74 Acre Parcel in the General Forest (GF) and Scenic Highway Overlay (SHO) Zones (Public Hearing is Continued From April 12, 2011)

**BOARD ACTION:** Kris Schenk, Planning Director, and Sarah Williams, Deputy Planning Director, were present. Alvaro Arias, Associate Planner, clarified that the hearing is to be held and following action by the Board, the recommendation is to continue the hearing with direction to staff to bring back a formal resolution reflective of the action(s) taken. He presented the staff report, reviewing the history of the appeal and the structure that was built without permits. He reviewed the three issues that were raised in the appeal: 1) footprint of the previous structure and for the new structure, and he advised of information obtained from the Assessor's Office; 2) nonconforming uses and restoration – County Code Section 17.08.020E; and 3) what constitutes “addition” – vertical or horizontal construction or both. He reviewed the findings that would need to be made to grant a variance; the five appellant's statements and staff's response; and the four options for action. He advised of additional correspondence that was received after the staff report was prepared, and of staff's response to the correspondence received from Roger Stephens. Staff responded to questions from the Board relative to the option to direct staff to bring back a resolution of intention to initiate an amendment to the Zoning Ordinance to establish standards for both nonconforming uses and nonconforming structures; whether there was a different interpretation between the three Building Directors that were here during the timeframe involved in this matter relative to the setbacks – staff clarified that the setback determination would come from Planning; whether the difference in square footage between the Assessor's records and what the appellant is stating is the difference between the drip line and the foundation; and relative to staff's review of the Assessor's records. Brent Joseph, Assistant Assessor-Recorder, responded to questions from the Board and stated he feels confident with the information in their records dated 1978 and 1988/property site visit, and he noted that the information was collaborated by a separate assessment and diagram done by the State Board of Equalization in a sampling. He further responded that the measurement would be of exterior walls and not the drip line. Staff responded to questions from the Board as to a record of when the permit was requested and received for the septic upgrade; relative to other options for expansion; and when the first complaint was received and whether the structure was completed.

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

**Appellant's Presentation:**

John Reynolds, appellant, advised that when he started this project, he did not know about the intricacies of building permits. He stated his contractor told him to do the project without obtaining permits so that it could be done faster, and that he could obtain the permits after the fact. He stated the new structure was built on the existing footprint, and he attended a meeting with Planning staff on-site to show what evidence he had that this was built on the existing footprint. He supplied a copy of the records from the Assessor's office to the Planning staff to prove that there was an existing building, and he pointed out to staff that the description and dimensions in the records were inaccurate. He provided information on the size and use of the original structure and discrepancies in the staff report. He advised that the new structure is not a three-story – it has a large loft over the kitchen for storage, it is a two-story structure with a slanted roof for a row of windows and the only access is by ladder. He noted he is being penalized with penalties for not pulling a permit before construction. He stated others in the neighborhood have been allowed to build additions. He responded to questions from the Board as to whether the contractor he used was licensed and whether there was a written contract; and he responded that the contractor was/is licensed and there was a verbal agreement with installment payments. He further advised that he planned to live in this residence while refurbishing his other residence. He took his contractor's advice, but realizes that this is his responsibility; and per his discussion with Attorney Anita Starchman Bryant, his building would have been

permitted for where it is located now. He further responded that Roger Stephens is preparing drawings for the building, and he added that the Building Department has photographs that were taken by the contractor during the building process. Supervisor Turpin clarified that the issue today is not the building permit, but whether the building was constructed on the same footprint. John Reynolds responded to additional questions from the Board as to why the structure was built in the same footprint since it was raised and whether he has any other documents showing the size of the original structure; and he advised that the same footprint was used because his contractor told him that would be okay and he could get permits later, he has no additional documents and no appraisals were done when he purchased the property.

Anita Starchman Bryant, Starchman & Bryant Law Offices, stated they represent the appellant in this appeal, and she presented a written outline of her presentation and exhibits. She stated she feels they have the right to address any new information and rebut during deliberations. She advised that it is their opinion that had Mr. Reynolds originally applied for a building permit, he would have been granted one for this project. She stated Mr. Reynolds built within the original footprint; setback requirements apply to structures and not uses; and they feel that setback requirements for additions apply horizontally and not vertically. Thus, they do not feel that a variance is necessary and should not have been applied for, and the Planning Commission hearing was not necessary. However, if the Board does not agree, she can address the variance findings. She agrees that a mistake was made with not applying for the building and septic permits; but noted that this is an existing structure that meets setback requirements and Planning can sign-off on the permits retroactively. She reviewed the list of what they consider to be facts in this matter, including information on the history and the appellant's attempts to take care of the permit issues. She responded to questions from the Board and advised that the septic was constructed without a permit and only feeds the new structure, and she advised that photographs of the structure are included in the Planning staff report. Attorney Starchman Bryant continued with her presentation and reviewed their evidence for each of the three issues that were raised in the appeal. She suggested that the Assessor be asked if they have ever been incorrect on documents. She responded to questions from the Board relative to the setback for Laurel Anderson's addition and the "office use only" page. In summary, Attorney Starchman Bryant stated Mr. Reynolds rebuilt in the original footprint; setback standards are for structures and not uses; and the setback was met because Mr. Reynolds rebuilt in the original footprint and the setback standards do not regulate second stories built within the original footprint. She asked again to be able to address any new information, and to address the variance findings if the variance issue is further considered. She responded to a question from the Board and clarified that that each residence has its own septic system; the system failed for the structure that was torn down after it was rebuilt and a new tank and leach line was installed.

Steve Dahlem, County Counsel, asked the Board to address Attorney Starchman Bryant's request to bifurcate the appeal issues, and he suggested that direction be given to future speakers to address the three appeals issues and not the variance at this time. The Board concurred.

**Speakers in Support of the Appellant:**

Mark Harris verified the same footprint was used from what he could tell by the photographs and his site visit. He responded to a question from the Board as to what would happen if he drilled a well without a permit; and he responded that the contractor should be held accountable. He feels that the County should make the penalty more severe to encourage permits to be obtained.

John Reynolds advised that he was planning to obtain a permit; but during construction his wife asked for a divorce and the permit was not his highest priority.

Don Starchman, Starchman & Bryant Law Offices, stated he is unaware of any situation in the County where a building was to be removed. He feels that staff is aware of other situations where permits were not obtained, and he feels that those people are just as negligent as Mr. Reynolds. He stated he feels that relying on a document with discrepancies versus the property owner's statement is unrealistic. The difference in the square footage is 30 square feet, and he does not feel that any court would uphold a decision to tear down a building for this. He does not feel that a vertical expansion is restricted to the setbacks, and he feels that Mr. Reynolds is entitled to a building permit.

Laurel Anderson stated she is the neighbor that built a two-story addition with a building permit. She stated she was finishing her house when Mr. Reynolds was starting his, and she can verify that he built in the same footprint – she walked by almost every day. She can understand Carol's (Bragg) complaint about the issues, but she feels that Mr. Reynolds would have received a permit if he applied for one as he did a similar addition to hers – both are close to the property line, and she added four feet to her foundation. She has known Mr. Reynolds since he was 12 years old and she does not feel that this is something that he would try to get away with. She does not feel that requiring the building to be torn down would accomplish anything and Carol's complaints would still remain. She encouraged the Board to choose the option that benefits all of them. She responded to a question from the Board and clarified that the four feet she added was on the other side of her house and not within the setback.

Anna Reynolds, mother to John Reynolds, agreed that John acted in error by not applying for a building permit before construction took place; and she advised that he applied for the variance on the advice of Planning staff. She stated the contractor measured the old building before it was torn down; and she noted that the distance between a rock outcropping and the building is the same now as it was with the old building. She referred to statements made at the Planning Commission's hearing relative to the vertical expansion; and to the staff report and stated she feels it contains inaccuracies; i.e., the structure is two-stories and not three, the previous structure had cement and wood floors and not dirt, and relative to the reference that it was a shed. She feels it is better to have the new structure, and she stated that John advised Planning that the documents from the Assessor's Office were incorrect. She referred to Alvaro's visit to the site to measure the structure. She stated this building was constructed on the footprint of the original building.

**4:10 p.m.** Recess

**4:24 p.m.** The Board reconvened and continued with the hearing.

**Opponents Presentation:**

Carol Bragg stated she is a neighbor with adjoining property to Mr. Reynolds and has pictures showing the previous structure to be smaller; and she believes the Assessor's records are correct. She referred to a conversation she had with Mr. Reynolds after the flood in 1997, and he made a statement that the County will not let you do anything, so just do it, and plead ignorance. She advised that the Reynolds' family built two homes in the County in the 1970's and should know the process. She commented on the previous structure and advised that the property line is not straight. She feels the footprint for the new structure is expanded from the previous structure. She stated there is a grey water line that was dumping on her property; there is constant noise from people camping in their cars and tents in addition to the tenants; she has problems with people parking on her property. She responded to questions from the Board advising that her delay in filing a complaint was because she was going through a divorce and had to go into hiding with her children and then she went back to school and was working full-time. She said the structure went up so fast she thought it was

okay, then she found out it was constructed without a permit and the septic system continued to back up and the noise became unbearable. She further responded that if the structure is taken down and relocated on the property – to behind the residence where Mr. Reynolds resides, she feels that the problems will be monitored better by Mr. Reynolds. She stated that if someone feels that they can do whatever they want that feeling carries on – she feels that this is fraudulent and needs to be addressed. She responded that she moved there in November 1985.

Becky Crafts, Assessor, stated she is not in opposition, and noted that she went to school with John Reynolds and Mark Harris. She feels the basic question is whether the Assessor's Office records are correct and she cannot say "yes" or "no." She provided input on their staff inspection of the property when it was purchased by Mr. Reynolds in 1988 – she cannot verify that the shop or garage was measured. She agreed with Attorney Starchman Bryant that if a permit was applied for before construction, it probably would have been issued. She referred to situations where applicants apply for a deck replacement permit; and when staff checks with the Assessor's Office, they find there was never a deck in the first place. She advised that they were just asked to show their records for this matter. She responded to a question from the Board and agreed that the Assessor relies on their records until they have something that shows they should be different.

**Rebuttal by Appellant:** none

**Staff Wind-up:** Staff responded to questions from the Board relative to the setback for the adjoining parcel; issue of vertical addition and discrepancy; relative to the option 3 action – the Board could determine that the text in Section 17.108.130 is not clear as to whether it applies the same to both "horizontal" expansion and "vertical" expansion of a structure that does not meet setbacks; relative to the history of allowing vertical expansions in setbacks and the Anderson project; whether the Planning Commission was given the information on the vertical/horizontal issue; and work on the draft Catheys Valley Community Plan and the status of allowing for expansion of a structure.

The public portion of the hearing was closed and the Board commenced with deliberations. Supervisor Allen commented on a recent appraisal he received on his residence with a different measurement of size from previous measurements. Staff responded to questions from the Board and reviewed the three appeal issues. County Counsel responded to a question from the Board and advised that he believes the primary issues were raised in the Planning Commission's hearing and he advised that this Board has the authority to consider additional issues related to whether the permit should have been issued and relative to variance application requirements.

(M)Turpin, (S)Stetson, Res. 11-222 was adopted, finding that based on the testimony received that the new structure was built on the existing footprint, and approving option 3 in the staff report – determining that the text in Section 17.108.130 is not clear as to whether it applies the same to both "horizontal" expansion and "vertical" expansion of a structure that does not meet setbacks; directing staff to bring back a Resolution of Intention to initiate an amendment to the Zoning Ordinance to clarify this section of code. Sarah Williams advised that there is no need for a variance with the finding that the rebuilt structure is in the same footprint as the original structure. She further advised that this action will define that "addition" is for horizontal expansion for this issue. She stated direction should be given to staff to clarify the County Code for this issue/option 3; and that direction should be given to staff to bring back a Resolution of Intention to initiate an amendment to the Zoning Ordinance/County Code Section 17.08.020 to establish standards for both nonconforming uses and nonconforming structures/option 4 – the motion was amended to include this direction, agreeable with the maker and second. Further discussion was held. Ayes: Stetson, Turpin, Cann, Allen; Noes: Bibby. The hearing was closed.

5

**Administration**

Adopt a Resolution of Intention to Approve an Amendment to the Agreement with CalPERS to Provide for a Change to the Retirement Formula for Miscellaneous Employees from 2.7% @ 55 to 2% @ 55 and for Safety Employees from 3% @ 50 to 3% @ 55; Implement a Hiring Moratorium Effective July 1, 2011 until Such Time as the Agreement Amendment Becomes Effective

**BOARD ACTION:** Supervisor Bibby advised that she has not participated in the labor negotiations with the safety members due to a potential conflict of interest; but she checked with County Counsel and it was determined that there is no conflict of interest for this matter because there are no salary adjustments that could be made. Rick Benson reviewed the request, including the recommendation to implement a hiring moratorium. Supervisor Turpin requested that any vacancy starting now for a permanent position be brought to the County Administrative Officer for determination of whether the position must be filled. Discussion was held.

Input from the public was provided by the following:

Bud Munck stated he feels that there should not be any permanent hires done until the new Agreement with PERS is implemented.

Ruth Catalan agreed with Bud Munck.

Further discussion was held relative to implementing a hiring moratorium. Rick Benson clarified the Board’s intent to implement a hiring moratorium for permanent positions effective immediately and to remain until the new agreement is effective; and if there is an exception, it will require Board approval. Supervisor Cann requested that the Solid Waste Manager position be exempted as the department is in the interview process for this position. (M)Turpin, (S)Cann, Res. 11-223 was adopted approving the intent to approve an amendment to the Agreement with CalPERS; and implementing a hiring moratorium for permanent positions effective immediately as discussed, and with the exception of the Solid Waste Manager position/Ayes: Unanimous.

6

**Administration**

Approve an Amendment to the 2010-2012 Memorandum of Understanding (MOU) with the Sheriffs’ Management Association (SMA), and Authorize the Board of Supervisors Chair to Sign the Amended MOU; Authorize the Auditor to Transfer Appropriations to each affected Budget Unit in Order to Implement Provisions of the MOU

**BOARD ACTION:** Supervisor Bibby excused herself from the meeting at 5:32 p.m. for this item due to a potential conflict of interest as she has a family member in DSA and her husband is a member of SMA. Discussion was held with Rick Benson. Doug Binnewies, Sheriff, thanked the Board for making this correction to the MOU. (M)Stetson, (S)Turpin, Res. 11-224 was adopted approving the amendment to the MOU/Ayes: Stetson, Turpin, Cann, Allen; Excused: Bibby. Supervisor Bibby returned to the meeting at 5:35 p.m.

8

Consider Items Removed from the Consent Agenda

Item 116 – Supervisors Bibby and Turpin initiated discussion with Allen Toschi, Public Works Director, relative to the status of funding for this project and relative to the project itself. Supervisor Turpin referred to the history of this project and stated he feels the road needs an overlay versus oil. Allen Toschi advised that this request is for a seal coat on the new pavement portion and they will have to wait for funds to become available to do more work. Discussion was held, and Allen Toschi advised of his discussion with CalTrans on this project and options. At Supervisor Turpin’s suggestion, Allen Toschi withdrew this item and advised that he will come back with a different project for this road.

Item 119 – Supervisor Bibby initiated discussion with Allen Toschi relative to the project and status of funding. (M)Bibby, (S)Stetson, item 119 was approved/Ayes: Unanimous.

9

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers; Name of County Designated Representative: Mary Hodson; Title of Unrepresented Individuals with Whom Negotiations are being Conducted: In-Home Support Service Providers

**BOARD ACTION:** (M)Bibby, (S)Cann, this closed session was held at 5:47 p.m. with Supervisor Bibby excused for the rest of the meeting/Ayes: Unanimous.

**6:03 p.m.** Report from Closed Session:

Chair Allen advised that information was received and direction given on the closed session matter/item 9.

**Consent Agenda**

CA-101

**Clerk of the Board**

Approval of Summary of Proceedings of May 10, 2011, Regular Meeting

CA-102

**Administration**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-205

CA-103

**Administration**

Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-206

CA-104

**Administration**

Resolution Continuing the Local Emergency Due to Severe Weather throughout Mariposa County in March of 2011; Res. 11-207

CA-105

**Administration**

Approve the First Amendment to a Grant Agreement with the Mariposa County Fire Safe Council Amending Exhibit “A” of the Agreement, the Amount Designated for Employee Health Insurance and Apply this Funding to the Salary of the Coordinator, and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-208

CA-106

**County Counsel**

Approve a Lease Agreement with Kiwanis Preschool, a California Non-Profit Corporation, for use of the Darrah Schoolhouse Building for FY 2011-2012, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-209

CA-107

**County Counsel**

Approve a Lease Agreement with Kenneth and Lamerna Mari for Office Space Occupied by the Grand Jury for a One Year Term, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-210

CA-108

**Community Services**

Approve Budget Action Receiving One-Time-Only Funding from Area 12 Agency on Aging and Authorize the Purchase of a Replacement of the Original Walk-in

Freezer/Cooler Combination Refrigeration System (\$14,007) (4/5ths Vote Required); Res. 11-211

- CA-109      **Community Services**  
Approve Budget Action Receiving Appropriations of One-Time-Only Funding from Area 12 Agency on Aging to Modernize the C-1 Congregate Program with the Purchase of Kitchen Equipment (\$6,208) (4/5ths Vote Required); Res. 11-212
- CA-110      **Human Services**  
Approve an Agreement with Crestwood Behavioral Health for Residential Psychiatric Care, and Authorize the Board of Supervisors Chair to Sign the Agreement, and Authorize the Board of Supervisors Chair; Res. 11-213
- CA-111      **Human Services**  
Approve an Amendment to Original Lease Agreement with Oakhurst Property Management for the Property Located at 5119 Jones Street, Unit #A and #B; and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-214
- CA-112      **Human Services**  
Approve an Agreement with Donna Lerner, Licensed Clinical Social Worker (LCSW), to Provide Counseling Services for Mental Health Clients who have Mariposa County Medi-Cal for the Balance of FY 2010-2011 and FY 2011-2012, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-215
- CA-113      **Human Services**  
Approve Reassignment of Colleen Charlton to In Home Supportive Services Advisory Committee as a Current/Past User of Personal Assistance Services Member; Appoint Sally Punte as Representative from Community Organization that Advocates for Home Care Employees, and Appoint John Stewart as a Member-at-Large for Continuous Terms
- CA-114      **Public Works**  
Waive Encroachment Fee for Annual Kids Day at The Mariposa/Yosemite Airport Event to be held on May 21, 2011 at The Mariposa/Yosemite Airport; Res. 11-216
- CA-115      **Public Works**  
Approve Public Works, Solid Waste & Recycling Division's Request to Apply for Department of Conservation (DOC) County Payment Program (SB332) Funding Grant for FY2010/11 to Expand Beverage Container Recycling Program; Res. 11-217
- CA-116      **Public Works**  
Approve Plans and Specifications and Agreement for Piney Creek Road (1.34 miles), Project No. 06-21(34A), Under SAFETEA-LU, Authorize Director of Public Works to Award the Agreement to the Lowest Responsible Bidder, and Sign the Agreement; Following discussion, Allen Toschi withdrew this item and advised that he will come back with a different project for this road.
- CA-117      **Public Works**  
Authorize the Director of Public Works to Issue a Request for Bid Proposals (RFP) for the Design and Engineering of the Lake Don Pedro Fire Station Building; Res. 11-218
- CA-118      **Public Works**  
Authorize the Director of Public Works to Issue a Request for Bid Proposals (RFP) for the Site Work for the Fish Camp Fire Station Building; Res. 11-219



CA-119

**Public Works**

Approve Plans and Specifications and Agreement for Reconstruction of Silver Bar Road (Project 06-21 & 08-21) from Milepost 15.078 to Milepost 16.12; Authorize Public Works Director to Advertise, Award the Agreement to the Lowest Responsible Bidder, and Sign the Agreement; Res. 11-225

**6:03 p.m.** Adjournment

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

May 24, 2011



Folder                      Time                      Description

**9:02 a.m.** Meeting Called to Order at the Mariposa County Government Center with Supervisor Stetson excused due to illness.

Pledge of Allegiance

Chair Allen called for a moment of silence for our men and women fighting throughout the world and for the victims and families affected by the tornado in Joplin, Missouri.

Introductions – none

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

**BOARD ACTION:** Supervisor Cann referred to item 115 and asked that letters of interest from the applicants be provided to the Board in the future for committees. Supervisor Turpin pulled item 117. (M)Bibby, (S)Cann, the balance of the items was approved/Ayes: Turpin, Bibby, Cann, Allen; Excused: Stetson.

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

Allen Toschi, Public Works Director, provided a status report on the Ben Hur Road repairs; and he thanked the Mariposa Gazette and Pioneer Market for their contributions for the “movie in the park.” Supervisor Cann referred to a request from Assemblywoman Kristin Olsen and noted that he will follow-up with Allen Toschi relative to fees and insurance requirements for use of the Board Chambers. Supervisor Bibby asked for an update on the water problems at McCay Hall and asked for clarification of the emergency funding for the Ben Hur Road repairs; and Allen Toschi responded.

Cathi Boze, Agricultural Commissioner, provided a status report on the Equine Herpes Virus in horses in California; and she commented on the status of other types of infections and of the importance of bio-security. Discussion was held.

Pete Judy, Chief Probation Officer, referred to AB 109 and he advised of the status of the shift of prisoners and parolees from the State to the counties, funding issues, and of provisions for a committee to meet and provide recommendations. Discussion was held.

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

Lester Bridges, Interim Executive Director and President of the Chamber of Commerce, advised that the mixer is scheduled for this evening at Granite Dell Gardens; advised they hired new staff and extended the visitor centers' hours; last weekend was the CMA and this weekend is the BMW motorcycle group; and he advised of the schedule for the Courthouse and old jail tours. Supervisor Cann thanked Lester and the Chamber for their work with the visitor centers.

#### Board Information

Supervisor Cann advised that he and Supervisor Allen and staff met with the Technical Services Director regarding a proposal on automating the Board's agenda process. He met last Wednesday with staff and others on CDBG (Community Development Block Grant), and in the afternoon with the Tourism Bureau Board of Directors and discussion was held relative to their marketing efforts and the EDC's (Economic Development Corporation) proposal to hire a grant writing lobbyist. He met with staff and Supervisor Turpin on Thursday relative the County's contract with MID (Merced Irrigation District). He attended the kick-off for the Relay for Life event on Saturday, and he went to Chico for a graduation ceremony. He met with the crosswalk team on Monday relative to safety and accessibility issues – this group was formed from Rotary working with Public Works and the School District on Safe Routes to Schools funding. He plans to attend the RCRC (Regional Council of Rural Counties) meeting on Wednesday and they will discuss State realignment issues, changes with the shift of inmates to counties, septic waste management legislation/AB 885, and solid waste importation legislation. He plans to speak to a group of managers from Amtrak on Thursday who is assessing the interaction with Mariposa and the Highway 140 corridor.

Supervisor Turpin advised that he attended the sanitation sewer collection briefing in Don Pedro on Wednesday. He participated by teleconference in the added livestock values meeting on Friday morning, and attended a meeting with the Forest Service in Sonora in the afternoon relative to future resource enhancement projects. The Coyote Howl was held Saturday in Coulterville. He attended a meeting in Sacramento on Thursday relative to the contract with MID. He plans to meet with the Business Development Coordinator later in the week to look at a potential expansion project in Buck Meadows. He noted the Chamber mixer is this evening. He plans to attend the CSAC (California State Association of Counties) Conference in Sacramento on Wednesday and Thursday. He referred to AB 885/septic waste management legislation and a recent story in the Farm Bureau Ag Alert.

Supervisor Bibby extended special congratulations to Tanya Parker, daughter of Cathi Boze, on her wedding. She attended the Mental Health and Alcohol and Drug meeting on May 18<sup>th</sup> relative to putting together a collaborative effort with organizations and agencies to pursue grants. She attended a meeting relative to roads and funding on May 19<sup>th</sup>, the child abuse prevention program meeting with the Human Services Director, and the Mt. Bullion community meeting. She plans to attend a meeting later today with the School District and First 5 relative to the Greeley Hill Pre School agreement and funding. She plans to attend the Calaveras-Mariposa Community Action Agency meeting on May 27<sup>th</sup> relative to the CAP plan and leveraging dollars. She noted this Saturday is the Memorial Day parade and wreath presentation.

Supervisor Allen advised that he attended the agenda automation process meeting, the meeting on roads, and the child abuse prevention program meeting. He gave a tour of the Board Chambers to a Kindergarten class on Friday, and he visited with folks at the Veterans Administration Hospital in Fresno in the afternoon, and he noted that Congressman Denham was there. He participated in interviews in Modesto for the Mountain Valley Emergency Medical Services Agency Director position on Monday; and they plan to continue with interviews on Tuesday, with interviews of the final two

applicants before the full Board of the Agency in July. He noted that the Memorial Day parade and service at the cemetery is scheduled for Saturday.

Supervisor Bibby commented on the statistics from the Storytelling Festival, and she noted the next event is scheduled for March 9-11, 2012.

3 **Kiwanis Club of Mariposa (Helen Kwalwasser, Vice President)**

Discuss the Possibilities for Continuing the Annual 4<sup>th</sup> of July Celebration

**BOARD ACTION:** Helen Kwalwasser presented their request for \$3,000 to be able to continue with the fireworks for the annual 4<sup>th</sup> of July celebration – they would like to make it a two-day event this year, with the fireworks occurring on Sunday/July 3<sup>rd</sup>. Discussion was held relative to the request and costs for the event – about \$10,000 total. Board members suggested that service organizations be contacted for assistance; and agreed that a request for action to consider the request for funding would be scheduled on the June 7<sup>th</sup> agenda.

4 **Fire**

Approve the Cooperative Fire Protection Agreement Between the United States Department of Agriculture Sierra National Forest and Mariposa County Fire Department, and Authorize the Fire Chief to Sign the Agreement

**BOARD ACTION:** Discussion was held with Jim Wilson, Fire Chief, relative to the Agreement. (M)Cann, (S)Turpin, Res. 11-240 was adopted approving the agreement/Ayes: Turpin, Bibby, Cann, Allen; Excused: Stetson.

**10:21 a.m.** Board Convened as

**LOCAL TRANSPORTATION COMMISSION**

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

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

6 **Public Works**

Adopt a Resolution Approving the Draft Bicycle Transportation Plan/Pedestrian Transportation Plan

**COMMISSION ACTION:** Discussion was held with Barbara Carrier/PWD-Transportation Planner, and Charles Alexander/Fehr and Peers (consultant) relative to the draft Plan and the need to have an adopted Plan to be eligible for some of the funding sources for projects. Discussion was held relative to proposed routes, consideration of the routes with the closure of Catheys Valley and Greeley Hill schools, relative to routes proposed on private property versus public road easements, and relative to accident/fatality statistics. Supervisor Bibby noted Guadalupe Mountain Road is a private road with a closed gate – staff to review the input that was provided for this route. It was noted that the public comment period will close on June 10<sup>th</sup> on the Plan. Supervisor Turpin expressed concern with being able to meet environmental requirements for the trail around Lake McClure; and asked about being able to realistically obtaining funding for proposed projects.

Input from the public was provided by the following:

Marilyn Saunders urged the Board to adopt the draft Plan – she feels that this will help with tourism, and that going after the Safe Routes to Schools funding is essential especially with bringing more students to Mariposa Elementary School.

(M)Cann, (S)Allen, LTC Res. 11-7 was adopted approving the draft Plan/Ayes: Turpin, Bibby, Cann, Allen; Excused: Stetson.

**10:47 a.m.** Reconvened as

## **BOARD OF SUPERVISORS**

- 8 Consider Items Removed from the Consent Agenda  
Item 117 – Supervisor Turpin thanked Public Works for bring this project to this point, and he noted that although the Greeley Hill Elementary School is closing, it compliments the Red Cloud Library. (M)Turpin, (S)Cann, item 117 was approved/Ayes: Turpin, Bibby, Cann, Allen; Excused: Stetson.
- 7 **Administration**  
Waive the First Reading and Introduce an Ordinance Amending the Agreement with CalPERS to Provide for a Change to the Retirement Formula for Miscellaneous Employees from 2.7% @ 55 to 2% @ 55 and for Safety Employees from 3% @ 50 to 3% @ 55  
**BOARD ACTION:** Chair Allen read the title of the Ordinance into the record. (M)Bibby, (S)Cann, the first reading was waived and the Ordinance was introduced/Ayes: Turpin, Bibby, Cann, Allen; Excused: Stetson. Supervisor Bibby advised that she did not excuse herself from this item because it is reflective of the agreement that was reached from negotiations.

### **Consent Agenda**

- CA-101 **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-226
- CA-102 **Administration**  
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-227
- CA-103 **Administration**  
Resolution Continuing the Local Emergency Due to Severe Weather throughout Mariposa County in March of 2011; Res. 11-228
- CA-104 **Administration**  
Adopt a Resolution Designating the Mariposa County Arts Council as the County's Authorized Partner in the California Arts Council's State-Local Partnership Program; Res. 11-229
- CA-105 **Chair Allen**  
Approve a Loan Agreement with the Area 12 Agency on Aging to Loan up to \$23,704 to Assist with their Cash Needs in Funding their Operation until the State Budget is Adopted, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-230
- CA-106 **Agricultural Commissioner**  
Approve Organic Program Cooperative Agreement No. 11-0098-SA for FY 2011/2012 with California Department of Food and Agriculture (CDFA) for Work Performed in Mariposa County in the Enforcement of the California Organic Foods Act, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-231
- CA-107 **Human Services**  
Approve the 2011 Community Services Block Grant (CSBG) Subcontract with the Calaveras-Mariposa Community Action Agency, Agreement Number 11M-03 for the

Amount of \$26,747, and Authorize the Human Services Director to Sign the Agreement and Any Subsequent Amendments; Res. 11-232

- CA-108      **Human Services**  
Approve Mariposa County Fair and Homecoming Fairtime Rental Agreement #2010-18 for the Alcohol and Drug Advisory Board Information Booth September 2, 2011 through September 5, 2011; and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-233
- CA-109      **Human Services**  
Approve an Agreement with Milhous Children's Services for Mental Health Services for Children Placed in Foster Care Outside of the County, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-234
- CA-110      **Human Services**  
Approve Two Agreements with Panational, Inc. to Provide Translation/Interpretation Services for Mariposa County Behavioral Health for the Balance of FY 2010/2011 and FY 2011/2012, and Authorize the Board of Supervisors Chair to Sign the Agreements; Res. 11-235
- CA-111      **Human Services**  
Authorize Mariposa County Employees to Donate Vacation and/or Compensatory Time to an Employee of the Humans Services Department for a Period of One Month from the Approval Date of May 24, 2011; Res. 11-236
- CA-112      **Human Services**  
Approve Purchase Agreement with California SAWS Consortium IV for Upgrades to the Current Eligibility Computer System for C-IV Project, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-237
- CA-113      **Fire**  
Permit Company 23, Catheys Valley, to Park Two Pieces of County-Owned Fire Apparatus Outside the Fire Station for Three Nights so New Floor Coating will Cure Before Driving on it; Res. 11-238
- CA-114      **Fire**  
Approve Budget Action Establishing Revenue and Appropriations in the Disaster Recovery Budget for the March 2011 Storm Disaster Recovery Budget. This Budget Action is for General Funded Departments and does not Include Damages Incurred to Capital Expenses (\$223,000) (4/5ths Vote Required); Res. 11-239
- CA-115      **Supervisor Stetson**  
Reappoint Don Pitts to Yosemite West Community Planning Advisory Committee for a Term Expiring on February 28, 2013; Accept Resignations of Peter Ulyatt, Jeff Hornacek and Robert Kroon from the Yosemite West Community Planning Advisory Committee; Appoint Harry Hagan and Robert Woolard to the Yosemite West Community Planning Advisory Committee for Terms Expiring February 28, 2013
- CA-116      **Supervisor Stetson**  
Reappoint Mark Deglomine to the El Portal Planning Advisory Committee for a Term Expiring February 28, 2013

CA-117

**Public Works**

Approve Plans and Specifications for the Greeley Hill Sidewalks, Project No. 97-27, and Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder and to Sign the Agreement; Res. 11-242

**10:50 a.m.** Adjournment

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

June 7, 2011



Folder      Time      Description

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

Chair Allen advised that item 7/State Fire Marshal Requirements within MPUD will be moved to the first part of the agenda.

Pledge of Allegiance

Chair Allen called for a moment of silence for our men and women fighting for our freedoms throughout the world.

Introductions – none

1

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

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

**BOARD ACTION:** Chair Allen advised of a correction to item 112 for the Human Services Director to sign the document versus the Board Chair; and he advised that the minutes for May 24<sup>th</sup> in item 101 are pulled for separate action as Supervisor Stetson was excused from that meeting. A revised resolution to correct errors was distributed for item 118. Supervisor Turpin pulled items 120, 121, and 122. Supervisor Bibby pulled items 108, 112, and 118; she commented on item 106 – commending Tillie Stroming and the Tedrow family for the donation; and she noted that fire station should be plural in item 120 in the reference to use of the Tobacco Settlement Funds. (M)Bibby, (S)Stetson, the balance of the items was approved/Ayes: Unanimous. (M)Cann, (S)Turpin, the minutes for May 24<sup>th</sup> in item 101 were approved/Ayes: Turpin, Bibby, Cann, Allen; Abstained: Stetson.

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

Allen Toschi, Public Works Director, advised that the Department is hosting the San Joaquin Valley Engineers Association lunch at Catheys Valley Park on Friday, and they will have a presentation from Congressman Denham’s Office on the Highway Use Tax. Supervisor Bibby asked about the status of the drainage issue at the Catheys Valley Park and she clarified that the restrooms are in full working order. Allen Toschi responded with information on the drainage issue.

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



Dick Hutchinson stated there will be a one percent reduction in the State sales tax effective July 1<sup>st</sup> and that will impact the budget. He referred to the rain and lightening storm on Sunday evening and noted that he was listening to emergency calls on the scanner and that when MPUD responded to the new Human Services facility that there was no lock box, and he feels that one should be installed today.

Lester Bridges, Interim Executive Director and President of the Chamber of Commerce and Visitor Centers, noted that this was a busy weekend and that all of the passes over the Sierras' were closed except Highway 80 due to the storms; the John Muir Days was cancelled and rescheduled for July 16<sup>th</sup>; visitation was down in May; the Courthouse tours are in place; and he thanked the Board for continued support.

Dieter Dubberke referred to the recent extensive remodeling of Pioneer Market and he thanked the County for the repaving in the area. He provided input and expressed concern with the cost and time delays they experienced with their recent remodel with the State Fire Marshal inspection services being handled by CalFire out of Fresno. He presented information on the expenses he incurred; and he asked the County to help resolve this matter.

Cruz Solorio, Red Fox Restaurant, expressed concern with the State Fire Marshal fees and services being handled out of Fresno. Chair Allen advised that input on the Fire Marshal issues should be provided with item 7.

Mike Simpson, Simpson Transport and Construction, advised that he is moving a lot of mobile homes out of the County. He advised that he is operating within the guidelines of CalTrans and the Road Department; however, there have been problems with tax assessments that were not current and with tracking movement of the mobiles with the Assessor's Office and the Building Department. He stated he feels that the County should have a policy in place. Supervisor Bibby suggested that he contact the affected departments.

Marvin Wells advised that he met with New Mexico State Governor Susana Martinez, the State's first woman Governor, during his recent travels and during their discussion of Mariposa, he noted Supervisor Turpin's interest with the roadrunners. She gave him a small roadrunner decoration which he passed along to Supervisor Turpin.

#### Board Information

Supervisor Stetson advised that he attended the meeting on Monday evening with Congressman Denham at the Fairgrounds. He attended the dedication of the Bean Creek Preserve on Saturday, and he commended the Pulvino family and the Sierra Foothill Conservancy for establishing this preserve, and he noted that Supervisors Cann and Turpin also attended.

Supervisor Cann advised that he attended the dedication of the Bean Creek Preserve – part of the John Muir Days. He attended a meeting with the restaurant and grocery store representatives relative to wet (kitchen) waste and looking at ways to make disposal at the landfill/compost facility as efficient as possible. He attended the Grammy presentation to the High School Band; the meeting with Congressman Denham and a meeting with his Chief of Staff on the concept for the visitor center/Yosemite Valley Museum expansion/discovery center.

Supervisor Turpin advised that he visited four different businesses in Buck Meadows/Coulterville area on Friday with the Business Development Coordinator relative to possible expansions. He thanked the CDC crews for the work at the County cemeteries. He attended the CSAC (California State Association of Counties) mid-year conference and Board of Directors meeting in Sacramento on Wednesday and Thursday – discussion was held with the Governor's staff on pension reform and regulation relief, and discussion was held relative to the State budget. He attended the Sierra Foothill Conservancy ceremony for the Bean Creek Preserve, and he noted that Caroline Korn

gave a presentation on the history of Bower Cave. He plans to attend a solid waste meeting on Wednesday, and a Foothill Legacy meeting in Sonora on Thursday.

Supervisor Bibby advised that she attended a meeting on May 24<sup>th</sup> with the School District and First 5 relative to the pre-schools at Don Pedro, Catheys Valley and Greeley Hill and continued funding and issues with Proposition 10 funding. She extended a special thanks to those who participated in the Memorial Day parade and ceremony, and to CalFire for the “boot” fundraising drive. She plans to attend the Foreign Trade Zone meeting in Fresno on Wednesday. She wished all of the graduates a safe and wonderful future, and expressed appreciation to the teachers.

Supervisor Turpin thanked Marvin Wells for the roadrunner, and he noted that a couple told him they saw a roadrunner between Schilling Road and Bagby on Monday.

Supervisor Allen advised that he was in Modesto last Tuesday for interviews for the Executive Director for the Mountain Valley Emergency Medical Services Agency – the final two applicants will be interviewed by their full Board in July. He attended the Emergency Medical Care Committee meeting on Thursday, and they were informed that the Yosemite Medical Clinic is now open and the Regional Chief Executive Officer for Red Cross gave a brief overview of their operations. He extended congratulations to the High School Band for their outstanding performance on Thursday, and he noted that Sheila E. matched the Grammy award of \$5,500. He attended the fire station update meeting on Friday and they discussed the requests for proposals and site work. He plans to attend the Mountain Valley Regional Emergency Medical Services Agency meeting in Copperopolis on Wednesday; and the High School graduation and grad night events on Friday.

Chair Allen advised that item 7 will be taken next, followed by item 9, and then the remaining agenda items.

7

### **Administration**

Discussion and Clarification of the County’s Position Regarding Enforcement of State Fire Marshal Requirements within the Territory Serviced by the Mariposa Public Utility District (MPUD)

**BOARD ACTION:** Rick Benson advised of correspondence received from MPUD and of review of the regulations by County staff, including an Attorney General’s Opinion relative to responsibility for enforcement of the State Fire Marshal requirements within MPUD for the new fire sprinkler requirements for residential construction; and of his recommendation. Steve Dahlem, County Counsel, advised that he contacted MPUD relative to this item being moved up on the agenda, and he advised that the opinion from the Attorney General was based on a request from MPUD. He feels that this is a matter of MPUD accepting the responsibility and requesting assistance from the County. Discussion was held relative to the jurisdictional issue.

Input from the public was provided by the following:

Pramod “Paul” Patel, Best Western Yosemite Way Station, commented on his contacts with MPUD relative to the inspections; and he expressed concern with the high cost and time delays he experiences for the inspections for the Hotel. He asked if this service could be done locally, and he commented on the requirements, including signage, asked whether the Government Center is in compliance with all of the requirements. He has previous construction experience in large counties and questions the situation here.

Cruz Solorio provided input relative to the delays and costs he experienced with the Red Fox Restaurant with the State Fire Marshal services coming from Fresno; and he asked that we have a local inspector.

Mike Simpson stated they have a big project on the table and he expressed concern with the plan approval process and costs; and he requested that the County handle the inspections.

Dave Lawson, local building contractor, referred to his experience with the Pioneer Market remodel – phase I inspections were handled by CalFire through the local office and they were very efficient; and he complimented the County for improvements with the Building Department. But, he is hearing today that we need to have local control again; and he stated he is willing to help with this.

Eleanor Keuning thanked the Road crews for grading Leonard Road. She asked whether RCRC is addressing the Fire Marshal issues.

Kevin Barry stated he is working with Linda Halvorson on the Gold Coin, and he expressed concern with the State Fire Marshal services and the delays they are experiencing; and he asked for local control and understanding.

Mark Harris asked what liability the County would have if it took over the Fire Marshal services as it does not have liability for other inspections.

Dieter Dubberke referred to his earlier comments and the information he presented relative to the costs and processing; and he stated he hopes that the County can reach an agreement with MPUD to bring the inspection process back to the local level.

Further discussion was held. Mark Rowney, MPUD General Manager, asked for clarification of whether this discussion is concerning their letter to the Building Director relative to the residential fire sprinkler requirements as the commercial structure issue is a separate matter. Following discussion, Mark Rowney advised that they are willing to work with the County on these issues.

(M)Bibby, (S)Cann, Res. 11-264 was adopted approving the recommendation in the June 7, 2011, memorandum from the County Administrative Officer that responsibility for enforcing fire codes, including fire sprinkler requirements, within the boundaries of MPUD will not be accepted by the County at this time based on the Attorney General's Opinion; and directing that there be a continued dialogue with MPUD to resolve these issues. Supervisor Cann commented on RCRC's work on these issues. Mark Rowney responded to a question from the Board and acknowledged that MPUD has the jurisdiction for the commercial based on their discussions with the State. Discussion was held. Chair Allen asked the County Administrative Officer to come back in two weeks with an update on the status of resolving these issues. Ayes: Unanimous.

9

### **Administration**

Consider Funding Request by Kiwanis Club of Mariposa to Provide Funding of \$3,000 for the Down Payment of their Fireworks Display and Direct Staff to Prepare Necessary Budget Action if Funding is Approved

**BOARD ACTION:** Rick Benson reviewed the request, and he advised of liability and budget concerns and advised that he can not recommend funding this request.

Discussion was held. Helen Kwalwasser, Kiwanis Club, responded to questions from the Board relative to the costs for the 4<sup>th</sup> of July events, and she advised of the insurance coverage that Piro (vendor for the fireworks) and Kiwanis has. She further responded that they have talked with CalFire relative to their plans for the event; and she advised of the response they have received for assistance from Rotary and the Tourism Bureau.

Input from the public was provided by the following:

Eleanor Keuning, current President of Kiwanis, referred to a recent story in the Fresno Bee talking about developing a “bucket list” of essential experiences Americans should have and fireworks is number 16 on the list. She advised that Rotary declined their request for funding because it did not meet their educational requirements and they are working with the Tourism Bureau. She noted this event involves an inspection by the Fire Marshal.

Ron Iudice encouraged the Board to support this event.

Discussion was held relative to the request and options for processing the funding. (M)Bibby, (S)Cann, Res. 11-265 was adopted allocating up to \$3,000 with direction to the County Administrative Officer/Risk Manager and County Counsel to work out the best way to dispense the funds; and with direction that this funding is a one-time only authorization. Supervisor Turpin noted that the programs need to be supported at budget time on a countywide basis. Rick Benson advised that the only source of funding is General Contingency. The motion was amended, agreeable with the maker and second, to include direction that the funds be transferred from General Contingency. Discussion was held relative to exploring the possible availability of Tobacco Funds for this event, and Supervisor Bibby suggested that if funding is needed in the future that there be a request for Tobacco Cessation Funding through the Health Department. Ayes: Unanimous.

**10:59 a.m.** Recess

**11:13 a.m.** The Board reconvened.

Chair Allen advised that the Local Transportation Commission and Public Works items have been continued to 4:30 p.m.

6

**Human Services (10:00 a.m. Estimated Time)**

DesCor, Inc. to Present Update on the Progress of the New Human Services Building; to Provide an Update on the Lot Split and Ownership Transfer of the Family Service Center; Approve the New Human Services Department Logo; and Authorize the Board of Supervisors Chair to Sign the Lease Commencement Date Certificate, the Base Monthly Rent Confirmation Statement, and the Estoppel Certificate for Acceptance of Leased Premises

**BOARD ACTION:** Neal Cordeiro, DesCor Manager, provided an update on the construction of the new buildings and on the status of the lot split and ownership transfer of the Family Service Center – the anticipated move in dates are June 17<sup>th</sup> and 24<sup>th</sup>, with a community tour event to be scheduled in September. Jim Rydingsword, Human Services Director, presented the new Department logo. Discussion was held relative to the status of receiving the Silver LEED certificate and Neal advised that he would like to formally present the plaque to the Board when it is received in about six months. He advised of the involvement of over 40 local vendors and contractors for this project. Discussion was held relative to parking – there are 150 spaces. Jim Rydingsword responded to questions from the Board relative to the status of employees with the move and he verified that no General Fund dollars were used for this project or in the Department. Board members complimented the Human Services Director and DesCor for their vision and work to make this project happen. (M)Cann, (S)Turpin, Res. 11-266 was adopted accepting the report; approving the logo; and authorizing the Chair to sign requested supplemental documents/Ayes: Unanimous.

13

**County Counsel**

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

**BOARD ACTION:** (M)Bibby, (S)Stetson, the closed session was held at 11:39 a.m./Ayes: Unanimous.

Chair Allen advised that the Board will tour the Human Services facility at 1:00 p.m. and reconvene at 2:00 p.m. for item 14/redistricting and the remaining items will follow.

**12:44 a.m. Lunch**

**1:00 p.m. CALENDAR – RECONVENED AT NEW HUMAN SERVICES FACILITY LOCATION, 5336 Highway 49 North, Mariposa**

No Folder

**Human Services**

Visit to the New Human Services Facility Under Construction;

NOTE: No County Business was Conducted During the Visit

**2:15 p.m.** The Board reconvened.

**Report from Closed Session:**

Chair Allen announced that information was received and direction was given to staff as a result of the closed session matter.

14

**Administration**

Review Initial Draft Proposals and Provide Direction Regarding Redistricting of the Supervisorial District Boundaries as Required by Elections Code Section 21500

**BOARD ACTION:** Rick Benson gave a PowerPoint presentation, reviewing Election Code requirements for redistricting, the current population status for each of the supervisorial districts, and the process with staff of developing proposals as a starting point for review and discussion. He advised that Emily Meriam/Planning Technician prepared the maps and has been the point person for information and that she has made contact with the Census Bureau relative to a mistake that was made in the 2000 census in the Yosemite area. Supervisor Turpin asked whether the census blocks follow the County line or the Assessor's line with the Tuolumne County boundary. Keith Williams/County Clerk, advised that they follow the County line. Discussion was held relative to being able to deviate from the census blocks and the 20-percent population target for each supervisorial district. Supervisor Stetson questioned the statistics for the vacancy rates in District I, especially for El Portal.

Rick Benson reviewed option 1/extending the boundaries out from District I and adjusting the other districts based on changes (six options for boundary changes); and option 2/same as option 1 with the exception that Wawona remains in District V offset by additional residents in the Jerseydale area moving into District I and continues to have two Supervisors representing residents in Yosemite National Park. Discussion was held relative to option 1-A and the census blocks for Briceburg, Anderson Valley and Grizzly Flat areas – Supervisors Turpin and Stetson agreed with moving one census block of 12 people from District II to I. Discussion was held relative to option 2 and consolidating all of the Jerseydale area into one district; consolidating the Lushmeadows area and the Mariposa town area. Discussion was held relative to representation for the Yosemite area – whether it should be in one district or represented by two Supervisors, and relative to Wawona, Yosemite West, and Foresta being in the same district as they have similar issues. Supervisor Cann suggested that from his experience in working in Yosemite that it would be better to have the area consolidated in one district. Supervisor Bibby asked for clarification that French Camp and Yaqui Gulch are included in option 1-C, and she asked about the census block for Miller Road. Supervisor Stetson suggested that he feels it would be better to have two Supervisors representing the Yosemite area; and he expressed geographic concerns with including Wawona in District I; and he suggested that District V could be extended into the Park.

Rick Benson reviewed option 3/extend boundaries out from densely populated areas (six options for boundary changes). Discussion was held, with concern expressed about the Lushmeadows area in this option, and relative to option 3-B and changes to District III.

Input from the public was provided by the following:

Ruth Sellers stated she has twenty years of dealing with the census and noted the supervisorial district changes she has experienced. She stated she does not feel that anyone on this side of the River should be in District II as they have nothing in common. She stated the Board needs to remember that the purpose of redistricting is for the residents and not for the Board members to decide who to represent. Common interests need to be considered and she suggested that the 1990 boundaries be looked at. She feels the interests of Wawona, Fish Camp and Yosemite West should be considered; that District II stop on the other side of the River; that District III be kept similar to what is existing; and suggested separating Districts IV and V with the remaining area and make adjustments on the edges.

Joe Coho stated he is a member of the Mt. Bullion citizens committee and the Airport Advisory Committee, and he provided input on the history of their input during the General Plan process of wanting to be represented as a town planning area versus an extension of the town of Mariposa. They would like to remain separate from Mariposa as they feel they have a unique identity and special issues with their proximity to the Airport. He noted that residents from the area are here because of their interest in this matter. Supervisor Bibby asked Mr. Coho to clarify his comments as to whether they are okay with a portion of the town of Mariposa being in District III. Supervisor Cann asked for clarification relative to their request for representation of the Mt. Bullion area and whether having more than one supervisorial district cover the area would be a problem. Mr. Coho advised that he does not have a problem with any of the options presented.

Ruth Sellers stated she is happy being in District IV, but noted that she has been attending the Mt. Bullion community meetings because they have more in common. However, she does not feel that District II has anything in common with her area.

Steve Smallcomb, recent resident of the Jerseydale area, stated he feels it would be good to have a single representative for the Jerseydale area and the same for other community areas. He does not feel that a one to three-percent deviation from the 20-percent population target would be a problem.

Ruth Catalan stated she has been in two different districts since she moved here and the options may put her in a third district. She agrees with Ruth Sellers that the boundaries should be decided by common interests.

Discussion was held relative to allowance for deviating from the twenty-percent. Steve Dahlem advised that the California Courts have found that a range of seventeen to twenty-three percent is presumptively valid. Supervisor Allen asked that staff bring back an option that would divide the districts by the River/geographic boundaries. Supervisor Turpin asked for clarification of Map I-2, Pendola Garden area. Sarah Williams/Deputy Planning Director stated she would like to bring back information on the definition of "vacancy" as used in the census. Keith Williams clarified that the Board is okay with options that deviate a little more from the twenty-percent. The Board concurred with staff bringing back revised proposals as discussed on July 12, 2011, at 2:00 p.m. for additional review and public input.

**3:52 p.m.** Recess

**4:09 p.m.** The Board reconvened.

8

### **Administration**

Waive the Second Reading and Adopt an Ordinance Amending the Agreement with CalPERS to Provide for a Change to the Retirement Formula for Miscellaneous Employees from 2.7% @ 55 to 2% @ 55 and for Safety Employees from 3% @ 50 to 3% @ 55

**BOARD ACTION:** Rick Benson read the title of the Ordinance into the record. (M)Cann, (S)Turpin, the second reading was waived and Ordinance No. 1078 was adopted/Ayes: Unanimous.

12

Consider Items Removed from the Consent Agenda

Item 108 – Supervisor Bibby asked about the status of the grant for the cut, pile and brush chipping program, and she noted the input received from the Master Gardeners about their educational component. The County Administrative Officer will ask the Fire Safe Council to provide information on the status of the program as requested. (M)Bibby, (S)Stetson, item 108 was approved, with direction for the information to be provided as requested/Ayes: Unanimous.

Item 112 – Supervisor Bibby asked that the minutes reflect that no General Fund dollars will be utilized for this program; and she asked that the Risk Manager review the transportation portion. (M)Bibby, (S)Cann, item 112 was approved with authorization for the Human Services Director to sign the submission/Ayes: Unanimous.

Item 118 – Supervisor Bibby asked whether the Assessor has reviewed the resolution. Steve Dahlem advised of his discussion with the appellant’s attorney and that he indicated that this matter would be considered at 4:30 p.m. He further noted that the requested action is to approve the format of the resolution which is consistent with the action taken by the Board at the appeal hearing. The Board concurred with continuing this matter to later in the meeting.

Items 120, 121, and 122 – Supervisor Turpin stated he feels the bid openings should be split to occur a couple of hours apart as this could be of economic benefit to the County as it would allow the bidders to adjust their bids for the second and third projects versus opening all of the bids at one time for the three projects. Rick Benson concurred and stated he could work with Public Works on the bid documents and opening to accommodate this. (M)Turpin, (S)Stetson, Res. 11-269/Bridgeport (item 120), Res. 11-270/Fish Camp (item 121), and Res. 11-271/Midpines (item 122) were adopted authorizing the Director of Public Works to issue an RFP for the design and engineering for these three fire station buildings; with modification of the bid opening as discussed to stagger the openings with suggested times of 11:00 a.m., 1:00 p.m., and 3:00 p.m. Rick Benson advised that these are RFPs and not straight bid openings and that the department is not bound to go with the low bidder. Ayes: Unanimous.

**4:26 p.m.** Board Convened as

**MARIPOSA COUNTY WATER AGENCY**

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

10

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

11

**County Counsel**

Approve the Second Amendment Increasing Compensation by \$10,000 to a Professional Services Agreement with the Firm of Kronick, Moskovitz, Tiedemann & Girard to Monitor the Federal Energy Regulatory Commission (FERC) Relicensing Process for the Merced River Hydroelectric Project being Undertaken by the Merced Irrigation District (MID) and to Advise the County Water Agency with Regard to its Rights Under the Contracts and Agreements Potentially Affected by this Process, and Authorize the Board of Supervisors Chair to Sign the Agreement

**WATER AGENCY ACTION:** (M)Stetson, (S)Allen, Water Agency Res. 11-2 was adopted approving the amendment/Ayes: Unanimous.

**4:28 p.m.** Reconvened as  
**BOARD OF SUPERVISORS**

- 12 Consider Items Removed from the Consent Agenda  
Continued Item 118 – Supervisor Bibby expressed concern with respect to the findings referencing the Assessor and State official records in general for that timeframe; and she noted that she did not support the appeal. (M)Cann, (S)Stetson, item 118 was approved/Ayes: Stetson, Turpin, Cann, Allen; Noes: Bibby.

**4:20 p.m.** Board Convened as

**LOCAL TRANSPORTATION COMMISSION**

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

Allen Toschi, LTC Executive Director, was present for the following items:

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

3 **Public Works**

PUBLIC HEARING to Take Testimony Regarding Possible Unmet Transportation Needs within Mariposa County for FY 2010/2011 and Adopt a Resolution finding one of the following: A) There are no New Unmet Needs; B) There are no New Unmet Transit Needs that are Reasonable to Meet; C) There are Unmet Transit Needs, Including Needs that are Reasonable to Meet; D) Grant a Continuance of the Public Hearing Until a Later Date

**COMMISSION ACTION:** Barbara Carrier/Transportation Planner, presented the staff report; and she responded to questions from the Commission relative to notification of this hearing. The public portion of the hearing was opened and there was no input. The public portion was closed and the Commission commenced with deliberations. Staff responded to a question from County Counsel as to whether there is a difference between finding that there are no unmet needs that are reasonable to meet and no unmet needs; and advised that they are the same. (M)Bibby, (S)Allen, LTC Res. 11-8 was adopted finding there are no unmet transit needs that are reasonable to meet/Ayes: Unanimous. The hearing was closed.

4 **Public Works**

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

**COMMISSION ACTION:** Discussion was held with Barbara Carrier. (M)Allen, (S)Stetson, LTC Res. 11-9 was adopted as recommended/Ayes: Unanimous.

5 **Public Works**

Adopt a Resolution Adopting the Transportation Planning Overall Work Program (OWP) for FY 2011-2012, and Authorize the Executive Director to Submit the OWP, and Sign the Necessary Agreement

**COMMISSION ACTION:** Discussion was held with Barbara Carrier. (M)Stetson, (S)Cann, LTC Res. 11-10 was adopted approving the recommended actions/Ayes: Unanimous.

**4:45 p.m.** Reconvened as  
**BOARD OF SUPERVISORS**



## Consent Agenda

- CA-101      **Clerk of the Board**  
Approval of Summary of Proceedings of May 17, 2011, Regular Meeting;  
Approval of Summary of Proceedings of May 24, 2011, Regular Meeting
- CA-102      **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140  
Enroute to Yosemite National Park; Res. 11-243
- CA-103      **Administration**  
Resolution Continuing the Local Emergency Due to Damages Associated with the  
Rains in Late December 2010, Including Ben Hur Road; Res. 11-244
- CA-104      **Administration**  
Resolution Continuing the Local Emergency Due to Severe Weather Throughout  
Mariposa County in March of 2011; Res. 11-245
- CA-105      **Administration**  
Approve a Two Year Legal Services Agreement for Indigent Defense Legal Services  
with Gary Collings, Thomas Cooke, and Michael Fagalde, in an Annual Amount of  
\$327,933, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res.  
11-246
- CA-106      **Administration**  
Accept the Final Distribution from the Mathilde K. Stroming 2001 Living Trust;  
Authorize the Board of Supervisors Chair to Sign the Acknowledgement of Receipt and  
the Consent to Supplemental Account Upon Final Distribution and Waiver of Objection  
Form; Res. 11-247
- CA-107      **Administration**  
Approve the Use of Title III Funding from the Secure Rural Schools and Community  
Self-Determination Act of 2000 (SR 2008) in the Amount of \$5,000 to Purchase  
Educational Supplies for the Mariposa County Fire Safety Trailer; Res. 11-248
- CA-108      **Administration**  
Approve the Grant Agreement for the Use of Title III Funding from the Secure Rural  
Schools and Community Self-Determination Act of 2000 (SR 2008) for the Continued  
Funding of the Mariposa County Fire Safe Council for FY 2011-2012, in the Amount  
of \$48,200, and Authorize the Board of Supervisors Chair to Sign the Grant  
Agreement; Res. 11-267, with follow-up information to be presented
- CA-109      **Human Services**  
Approve a Five Year Sub-Lease Agreement with Mother Lode Job Training for Office  
Space at the Mariposa County Human Services Center, Located at 5336 Highway 49  
North, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-  
249
- CA-110      **Human Services**  
Approve a New Policy and Procedure Regarding Student Stipend Programs Available  
to Employees of the Mariposa County Human Services Department to be Effective July  
1, 2011; Res. 11-250

- CA-111      **Human Services**  
 Approve a Sub-Lease Agreement with Mariposa County Child Support Services for Office Space at the Mariposa County Human Services Center, Located at 5336 Highway 49 North, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-251
- CA-112      **Human Services**  
 Approve Submission of the Joint Adult Drug Court Solicitation to Enhance Services, Coordination and Treatment (OMB No. 1121-0329) in the Amount of \$1,200,000 to the U.S. Department of Justice - Bureau of Justice Assistance and the Department of Health Services – Substance Abuse and Mental Health Services, and Authorize the Board of Supervisors Chair to Sign the Submission; Res. 11-268, with authorization for the Human Services Director to sign the submission.
- CA-113      **Sheriff**  
 Approve a Two Year Lease Agreement with Mr. Ralph Swenson for the Greeley Hill Sheriff Station One Located at 10549 Fiske Road for FY 2011-2012 and FY 2012-2013, and Authorize the Board of Supervisors Chair to Sign the Agreements; Res. 11-252
- CA-114      **County Counsel**  
 Approve a Lease Agreement with Mariposa Preschool Cooperative, a California Non-Profit Corporation, for Use of the Woodland Community Building for FY 2011-2012, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-253
- CA-115      **Fire**  
 Approve a Lease Agreement with Robert Bondshu for County Fire Office Space Located at 5080 and 5082 Bullion Street for FY 2011-2012, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-254
- CA-116      **Probation**  
 Approve an Agreement with California State University Fresno Foundation to Provide Services for Facilitating and Developing a Mariposa County Justice and Mental Health Collaborative Plan in an Amount not to Exceed of \$15,000, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-255
- CA-117      **Probation**  
 Approve an Agreement with John C. Fremont Healthcare District for Routine Medical Screening for Juveniles Detained for FY 2011-2012, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-256
- CA-118      **Planning**  
 Approve Format for Resolution Finding that a Structure Built Without a Building Permit, Located Two Feet from the Eastern Side Yard Property Line on Assessor's Parcel Number 006-030-009, was Built within the Previous Foot Print and Abrogating Appeal No. 2010-101. Applicant and Appellant: John O. Reynolds. Project Site Location: 9997 Incline Road in El Portal; Res. 11-272
- CA-119      **Human Services**  
 Accept the Resignation of Nancy Damm from First 5 of Mariposa; Appoint Joe Borges as Designee Appointed Member of the Superintendent of Mariposa County School District to First 5 of Mariposa

- CA-120      **Public Works**  
 Authorize the Public Works Director to Issue a Request for Proposals for the Design and Engineering of the Bridgeport Fire Station Building; Res. 11-269, with direction
- CA-121      **Public Works**  
 Authorize the Public Works Director to Issue a Request for Proposals for the Design and Engineering of the Fish Camp Fire Station Building; Res. 11-270, with direction
- CA-122      **Public Works**  
 Authorize the Public Works Director to Issue a Request for Proposals for the Design and Engineering of the Midpines Fire Station Building; Res. 11-271, with direction
- CA-123      **Public Works**  
 Approve the First Amendment with Garcia Paving Company Inc. for the Coakley Circle Rehabilitation Project # 06-21 (296) Funded by SAFETEA-LU, Extending the Term of the Agreement to August 1, 2011, and Authorize the Public Works Director to Sign the Amendment; Res. 11-257
- CA-124      **Public Works**  
 Approve the First Amendment with W. Jaxon Baker Inc. for the Ben Hur Road Overlay Project # 06-21 (08) Funded by SAFETEA-LU, Extending the Term of the Agreement to October 1, 2011, and Authorize the Public Works Director to Sign the Amendment; Res. 11-258
- CA-125      **Public Works**  
 Approve the First Amendment with Garcia Paving Company Inc. for the Jessie Street Rehabilitation Project # 06-21 (87Y) Funded by SAFETEA-LU, Extending the Term of the Agreement to August 1, 2011, and Authorize the Public Works Director to Sign the Amendment; Res. 11-259
- CA-126      **Public Works**  
 Approve the First Amendment with Lee's Paving Inc. for the Cole Road Reconstruction Project # 06-21 (109) Funded by the SAFETEA-LU, Extending the Term of the Agreement to August 1, 2011, and Authorize the Public Works Director to Sign the Amendment; Res. 11-260
- CA-127      **Public Works**  
 Approve Plans and Specifications for the East Whitlock Road Overlay Project No. 06-21 (11), of 1.12 Miles from P.M. 17.88 to P.M. 19.00, in Mariposa County; Approve the Agreement and Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder and Sign the Agreement; Res. 11-261
- CA-128      **Public Works**  
 Approve Plans and Specifications for the Bullion Street Project No. 06-21 (87B), of 0.97 Miles from P.M. 10.00 to P.M. 10.97, in Mariposa County; Approve the Agreement and Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder and Sign the Agreement; Res. 11-262
- CA-129      **Supervisor Allen**  
 Approve an Administrative Match Agreement with Area 12 Agency on Aging for In-Kind Legal Services in the Amount of \$29,290 for FY 2011-2012, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-263

**4:45 p.m.** Adjournment in memory of Esther Lucille Red Fitzpatrick, Joseph Paul Davis, Don VanBibber, Scott Bradford, David Marks and Elizabeth Ann Hughes.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

June 14, 2011



Folder      Time      Description

**9:04 a.m.** Meeting Called to Order at the Mariposa County Government Center with Supervisor Turpin excused due to a ranch accident.

Pledge of Allegiance

Chair Allen called for a moment of silence for our troops throughout the world, and a special prayer for Supervisor Turpin.

Introductions – none

- 7      **County Counsel**  
CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: County of Mariposa v. Wayne and Dorothy Scholkowsky, Mariposa County Superior Court Case No. 8890  
**BOARD ACTION:** Chair Allen advised that this item was withdrawn.

- 1      Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)  
**NOTE:** The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda  
**BOARD ACTION:** Supervisor Bibby pulled items 105, 118, and 120; and she asked for clarification on item 123 as the requested action wording on the agenda and on the item itself is different. Rick Benson advised that there was a change in the explanation wording; however, the action is still to approve a budget transfer. Steve Dahlem, County Counsel, responded to a question from the Board as to whether it is appropriate for the Board to take action today, and he advised that it is. (M)Cann, (S)Stetson, the balance of the items was approved/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

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

Pete Judy, Chief Probation Officer, advised that Marvin Wells, member of the Juvenile Justice Commission, was in an automobile accident in Sacramento. Supervisor Cann asked about the status of AB 109, and he responded that it appears that implementation has been delayed until October – discussion was held.

Cathi Boze, Agricultural Commissioner, provided an update on agricultural issues – changes in federal regulations for anticoagulant bait, West Nile virus, grasshoppers, noted today is Flag Day, and advised that the Certified Farmers’ Market is open on Wednesdays.

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

Lester Bridges, President and Interim Executive Director of the Chamber of Commerce, advised that they were busy at the Visitor Center over the weekend and that they have extended their hours to 84 a week. They conducted ten tours of the Courthouse on Saturday. He advised that this Saturday the Mariposa Safe Families is holding a pool party in Coulterville and a mobile van will be there to conduct hearing, vision, blood pressure and cholesterol checks.

Eleanor Keuning thanked the Board for providing funding to the Kiwanis for the fireworks. She stated she was sorry that Supervisor Turpin is not present as she wanted to share an observation she made of a tree squirrel getting into her hummingbird feeder. She advised that members of the Historical Sites and Records Preservation Commission plan to attend the Historic Preservation Conference on Friday in Sonora. She referred to the Arts Council's recent newsletter and of the formation of the Mariposa Playhouse and partnership with Kiwanis; of the Club Matisse – a history group that has been formed, and noted the Mariposa Evenings on the Green events are starting in July. She advised that she took a tour of the Courthouse and has signed up to be a tour guide for the Courthouse and the Old Jail.

#### Board Information

Supervisor Bibby wished Supervisor Turpin and Marvin Wells a speedy recovery. She attended the Foreign Trade Zone meeting on June 8<sup>th</sup> and commented on their available programs. She attended the final school day at the Catheys Valley Elementary School and noted the sadness that was felt by everyone, and she hopes the School District will monitor the students on their transition with the closure of this school. She attended the sign ordinance workshop on Monday and the First 5 meeting and commented on the status of funding. She plans to attend a meeting on June 20<sup>th</sup> relative to the Fire Marshal complaints.

Supervisor Cann referred to the "wedrawthelines.com" website and he noted the importance of the redistricting decisions for the district lines for the State and Federal representatives to the County. He commented on the status of the transient occupancy tax revenues. He met with the crosswalk group on Monday and advised that they are looking at applying for up to one million dollars of federal funds to improve the sidewalks. He attended a meeting with the Human Services Director and Mariposa Safe Families. He plans to attend an emergency RCRC (Regional Council of Rural Counties) meeting on Wednesday relative to the Secure Rural Schools Act funding. He is planning to meet later today with a representative of the Coalition Against Bigger Trucks – a coalition that is trying to limit the size of trucks. He attended the sign ordinance workshop on Monday, and they are planning to come to the Board with recommendations, probably in about a month. He suggested that Supervisor Bibby give a presentation to the EDC on the Foreign Trade Zone programs.

Supervisor Stetson advised that he attended meetings with constituents and department heads over the last week. He encouraged visitation to Yosemite as the water is astonishing. He met with a group of citizens in Midpines on Sunday relative to fire safety issues.

Supervisor Allen advised that he attended the Regional Emergency Medical Services Agency meeting in Copperopolis on Wednesday – they set final interviews for the Director position in July and they reviewed the budget. He was in Yosemite on Thursday and noted the waterfalls are outstanding. He attended the Sober Grad Night event on Friday with his wife and commended everyone who worked on this event. He attended the Wawona Area Property Owners' Association meeting on Saturday and discussion was held relative to redistricting, the pine needle pick-up event, and trash

dumpster issues – he commended the vendor for refurbishing the dumpsters. He attended the Rotary Wine and Art event at the Courthouse.

Rick Benson, County Administrative Officer, advised that a tentative two-year agreement has been reached with IHSS – it still needs to be ratified by their members, and he commended Mary Hodson/Deputy County Administrative Officer for her work with the labor negotiations.

2

#### Consider Items Removed from the Consent Agenda

Item 105 – Supervisor Bibby asked for assurance that no General Fund money is being used for the maintenance of the new facility, and she asked about the expenses for the Child Support and Mother Lode Job Training portions. Rick Benson advised that the expenses will be tracked by Public Works, that the General Fund will cover the expenses initially and that it will be reimbursed through the countywide cost allocation plan and that there is a two-year lag for reimbursement. Jim Rydingsword/Human Services Director, advised that reimbursement will be “dollar-for-dollar” and that they will capture all costs; and he responded to a question about finger printing personnel for security clearance. Allen Toschi/Public Works Director, advised that they are working with Administration to come up with a work program to track all costs. (M)Bibby, (S)Stetson, item 105 was approved with the understanding that the County will be reimbursed dollar-for-dollar/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

Item 118 – Supervisor Bibby asked about handling projects where Mr. Stephens may have a conflict. Allen Toschi responded relative to their process. (M)Bibby, (S)Stetson, item 118 was approved/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

Item 120 – Supervisor Bibby asked for assurance that the County will be reimbursed for all costs. Rick Benson advised that all costs will be covered by the Human Services Department budget. Allen Toschi advised that they will track all costs and advised that may or may not use an outside contractor for the maintenance. (M)Bibby, (S)Cann, item 120 was approved, with the understanding that the County will be reimbursed and that there is no cost to the General Fund/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

3

#### **Fire**

Authorize the Regional 9-11 Memorial to be Located and Constructed in the Northeast Corner of the County-Owned Art Park on Highway 140

**BOARD ACTION:** Jim Wilson, Fire Chief, reviewed the request. He recognized the work by a “local guidance committee” with representatives from the Sheriff, County Fire, MPUD Fire, Arts Council, American Legion and VFW on this project. He advised of review by Public Works and the Parks and Recreation Commission. Discussion was held relative to the monument design, the flags, and maintenance. Supervisor Cann requested that the logos and wording for the plaques come back to the Board for review.

Input from the public was provided by the following:

Marilyn Saunders asked whether there will be acknowledgement of the other sites from the 9-11 attacks.

Jim Wilson advised that they are trying to represent the four elements of the population that were affected. Rick Benson commented on his visit to New York and people feeling that the rest of the country had forgotten about them, and that he reassured them that we have not. Jim Wilson advised that memorials are going up all across the country.

(M)Bibby, (S)Stetson, Res. 11-294 was adopted approving the location and construction of the memorial as requested/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

Supervisor Cann asked about the fundraising efforts, and he stated he does not feel that donor plaques should be included in the memorial. Jim Wilson responded and advised that the Chowchilla Mountain Women's Club has adopted this program as finance managers.

4

**Supervisor Stetson**

Discussion and Direction Regarding Possible Changes to the Membership Structure of the Yosemite Area Regional Transportation System (YARTS) Board

**BOARD ACTION:** Supervisor Stetson initiated discussion relative to possible changes to the membership structure, and discussion was held relative to possible expansion of the YARTS service area.

Input from the public was provided by the following:

Ruth Sellers stated she attended some of the first YARTS meetings, and she hopes that as it expands that the new jurisdictions will participate in the funding. She agrees that perhaps someone from the School District Board should be considered for appointment if the membership is expanded.

Further discussion was held. The Board concurred with being supportive of an expansion of membership.

**10:30 a.m.** Recess

**10:42 a.m.** The Board reconvened.

5

**Administration**

Establish a Community Corrections Partnership (CCP) to be Chaired by the Chief Probation Officer as Required by SB 678; Establish an Executive Committee from this Partnership as required by AB 109; and Select a Board Member or the County Administrative Officer to the CCP

**BOARD ACTION:** Rick Benson reviewed the request, and he advised of changes in the legislation to remove the County Administrative Officer or County Supervisor from the Executive Committee. Discussion was held. Pete Judy, Chief Probation Officer, provided input and responded to questions relative to the committee and membership. (M)Cann, (S)Bibby, Res. 11-295 was adopted establishing the CCP and selecting Supervisor Allen as the Board member representative/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

6

**Administration**

Discuss and Provide Direction to Staff Regarding the Use of Secure Rural Schools and Community Self Determination Act of 2000 (SR 2008) Funds for Continued Funding of the South West Inter-Face Team Project Coordinator for a Period of Two-Years in the Amount of \$29,760

**BOARD ACTION:** Discussion was held with Rick Benson relative to the request. Mary Hodson, Deputy County Administrative Officer, responded to questions relative to the request. (M)Cann, (S)Stetson, the Board provided direction to staff to notice the project and begin the 45-day comment period/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

**Consent Agenda**

CA-101

**Clerk of the Board**

Approval of Summary of Proceedings of June 7, 2011, Regular Meeting



- CA-102      **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-273
- CA-103      **Administration**  
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-274
- CA-104      **Administration**  
Resolution Continuing the Local Emergency Due to Severe Weather Throughout Mariposa County in March of 2011; Res. 11-275
- CA-105      **Administration**  
Transfer the Custodian Allocation from the Human Services Department (.50 Alcohol and Drug and .50 Behavioral Health) to the Facilities Maintenance Division of the Public Works Department Effective July 1, 2011; Res. 11-291 with the understanding that the County will be reimbursed for costs
- CA-106      **Administration**  
Approve Budget Action Transferring Funding from the Tobacco Settlement Fund to the Bridgeport Fire Station Fund (\$300,000) (4/5ths Vote Required); Res. 11-276
- CA-107      **Community Services**  
Approve the 2011-2012 Area 12 on Aging Agreement for Title III C-1 Congregate Meals, Title III C-1 Restaurant Meals, Title III C-2 Home Delivered Meals, and Title III B-Transportation, and Authorize the Board of Supervisors to Sign the Agreement; Res. 11- 277
- CA-108      **Human Services**  
Approve an Agreement with Joy McClure, Licensed Clinical Social Worker (LCSW), to Provide Counseling Services for Mental Health Clients who have Mariposa County Medi-Cal and/or Medicare in a not to Exceed Amount of \$80,000, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-278
- CA-109      **Human Services**  
Approve an Agreement with John Muir Behavioral Health Center for Psychiatric Hospitalizations in an Amount not to Exceed of \$17,000, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-279
- CA-110      **Human Services**  
Approve the Removal of Sarah Holmes from the Alcohol and Drug Abuse Advisory Board Due to Excessive Unexcused Absences; Appoint Sterling S. Cramer and Virgil H. Campbell to the Alcohol and Drug Abuse Advisory Board for Terms Expiring June 14, 2014
- CA-111      **Human Services**  
Approve the Disposal and Sale at Auction of Four Vehicles from the Human Services Fleet; Res. 11-280
- CA-112      **Human Services**  
Approve Budget Action Transferring Funds within the Employment Community Development Budget in Order to Budget Funds in Appropriate Accounts (\$550,320); Res. 11-281

- CA-113      **District Attorney**  
 Approve Budget Action Transferring Funding within the Victim Witness Budget to Allow for the Reimbursement of all Eligible Grant Expenses Due to a Vacancy (\$11,347); Res. 11-282
- CA-114      **District Attorney**  
 Approve a Lease Agreement with Marc and Tracy Lingenfelter, for District Attorney Victim/Witness Program, Vertical Prosecution Program and Forensic Interview Office Space, Located at 5080 Jones Street, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-283
- CA-115      **Auditor**  
 Adopt a Resolution Establishing and Adopting a Fund Balance Policy to Meet the Requirements of the Government Accounting Standards Board, Statement 54; Res. 11-284
- CA-116      **Auditor**  
 Authorize a Mariposa County Employee to Donate Vacation and/or Compensatory Time Not to Exceed Sixty (60) Hours to an Employee in the Auditor's Office; Res. 11-285
- CA-117      **Public Works**  
 Approve an Agreement with Roger Stephens Engineering to Provide Drafting and Engineering Services for Various Small Projects in the not to Exceed Amount of \$25,000, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-286
- CA-118      **Public Works**  
 Approve an Agreement with Roger Stephens to Perform Map Checking, Legal Description Checking and General Surveying Document Checking and Executing Documents as the County Surveyor Under the Direction of the Public Works Director in the not to Exceed Amount of \$30,000, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-292
- CA-119      **Public Works**  
 Approve an Agreement with Cascade Software Systems, Inc. for Software Maintenance and Support for FY 2011-2012 in the Amount of \$11,067, and Authorize the Public Works Director to Sign the Agreement; Res. 11-287
- CA-120      **Public Works**  
 Approve an Agreement with Caltrans District 10 for Maintenance of the Landscaping, Irrigation, and Sidewalk Along Highway 49 North (Permit Number 1010-0380), and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-293 with the understanding that there is no cost to the General Fund
- CA-121      **Public Works**  
 Approve an Agreement Authorizing Mariposa County to Participate in the 2010-2011 Optional Federal Apportionment Exchange and State Match Program for Regional Surface Transportation Program (RSTP) Funds, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-288
- CA-122      **Public Works**  
 Approve a Request for Bid Proposals for the Site Work for the Bridgeport Fire Station Project, Authorize Public Works to Issue the Bid Proposals for the Site Work, Award

the Agreement to the Lowest Responsible Bidder, and Sign the Agreement; Res. 11-289

CA-123

**Fire**

Approve Budget Action Increasing Revenue and Appropriations in the Fire-SAFER Grant Budget to Cover Unanticipated Cost of Living Increase in Wages and Benefits for the Volunteer Fire Membership Coordinators (VFMC) (\$4,306) (4/5ths Vote Required); Res. 11-290

**11:11 a.m.** Adjournment in memory of Harter Bruch, Gerald “Jerry” Rose, Diane Sivers, and Ruth “Dete” Nutley.

8

**2:00 p.m.** LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting (See Separate Minutes)

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

June 21, 2011



Folder      Time      Description

**9:00 a.m.** Meeting Called to Order at the Mariposa County Government Center with Supervisor Turpin excused due to a ranch accident; and Chair Allen noted that we wish him well in his recovery.

Pledge of Allegiance

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

Introductions – none

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

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

Eleanor Keuning referred to the following items: 105/stated the budget has been decreasing, but the number of employees has increased; 114/questioned the services that are received; 115/asked what this contract is for; and 116/advised she heard that there will be a change to serving frozen meals at the Senior Center in the future.

Supervisor Bibby referred to item 114 and asked for information on the services that are provided. Supervisor Cann responded with his observations from working with the Solid Waste Task Force on the value of the services provided for items 114 and 115. Allen Toschi, Public Works Director, provided additional information on the services that are provided.

(M)Bibby, (S)Stetson, all items were approved/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

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

Jim Rydingsword, Human Services Director, advised that the consolidated Mariposa County Human Services Center opened for business at 8:00 a.m. this morning and the remaining divisions will move this weekend.

Allen Toschi presented information on the status of the fire station and road projects. Discussion was held relative to the status of the various projects. Rick Benson, County Administrative Officer, advised that he will provide information on the response to comments that were received during the NEPA process for the Midpines Fire Station.

Jim Wilson, Fire Chief, noted that this is the first day of summer; and he provided input on the status of the snow pack and run-off and advised of information from the National Weather Service relative to flood potential.

Doug Binnewies, Sheriff, advised of the status of staffing in the Department with injuries to four of the officers; and he commented on the arrests made in the burglary ring cases last week, and he thanked the Board members for their support during this investigation.

Rick Benson advised of a meeting held on Monday with Supervisors Cann and Bibby, representatives of the MPUD Board of Directors, and staff to try and identify a program that can be used to resolve State Fire Marshal inspection issues for residential and commercial. Currently MPUD is contracting with CalFire. He advised that the Fire Chief is helping to prepare a program and plan for review. Jim Wilson advised of his contact with an individual who is putting together an outline of a program and costs. Rick Benson further commented that consideration is being given to recommending adding a position to the Fire Department to handle these duties with the costs to be offset by fees. Supervisor Bibby commented on fire prevention services, inspections and fees.

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

Ron Loya, Historic Sites and Records Preservation Commissioner, advised of his review of the structures at 5101 Bullion Street – the property recently acquired by the County; and advised that he feels the buildings are an eyesore and a fire hazard. He feels the red house should come down. However, he feels that the white “Garber” house should be saved and he asked that a third party structural assessment be done. He advised of his contact with the National Park Service and he feels the State Historic Preservation Office should be consulted on this. He noted that the Commission has discussed this matter, but the subject of a demolition permit has never been brought before them.

Eleanor Keuning advised that members of the Historic Sites and Records Preservation Commission attended the Historic Preservation Conference in Sonora, and she noted the discussion on integrity versus condition – she feels that the “Garber” house is an example of a structure with good integrity, but it is in poor condition. She agreed with Mr. Loya's input, and noted the importance of our historic structures.

Steve Churgin asked the Board to recognize all of the food charities in the County.

Carol Johnson asked how Supervisor Turpin is doing and asked what people could do; and Chair Allen responded suggesting prayers.

Lester Bridges, Interim Executive Director and President of the Chamber of Commerce, thanked the Probation Department for their work with the landscaping at the intersection of Highway 140 with the community service crew. He commented on the increase of tourists, and he advised that the next business mixer is June 28<sup>th</sup> for Yosemite Close-Up Tours at the Highway 140 intersection. He advised that they are continuing with the tours of the Courthouse and the old jail.

Karen Morse noted that nine new businesses are opening in Coulterville, but expressed concern with restroom accessibility. She commented on the Visitor Center services in Coulterville and expressed concern with staffing and hours.

Eleanor Keuning commented on her stop at the Visitor Center in Coulterville and agreed that the newer residents do not know the history. She thanked the Board for assisting the Kiwanis with funding for the fireworks for July 3<sup>rd</sup>. She referred to the comment made during discussion on the landfill that educational information was distributed with water and sewer bills, and she noted that does not reach everyone.

## Board Information

Supervisor Stetson advised that he was in El Portal on Monday and the River was absolutely exuberant and he noted it is extraordinarily dangerous and that the Park has prohibited boating and that rafting hasn't started. The Midpines Advisory Committee is meeting this evening. He plans to attend the Calaveras-Mariposa Community Action Agency meeting in Coulterville on Friday in place of Supervisor Turpin.

Supervisor Cann commented on concerns for Supervisor Turpin and respecting his privacy, advised that he is still in the hospital and is expected to have surgery this week – he suggested sending cards and prayers and well wishes. He advised that he met with the Coalition Against Bigger Trucks last week concerning pending legislation. He attended the RCRC (Regional Council of Rural Counties) meeting on Wednesday and Thursday. He met with the Health Officer on Friday relative to his budget and department, and he commended Dr. Mosher for his service to the County. He attended the meeting on Monday relative to the State Fire Marshal inspection activities with the Manager and representatives of MPUD and the Fire Chief. In the afternoon he met with the tourism 20/20 group that is trying to look forward conceptually with where we want to be in the future, including tourism and public services issues. He plans to participate in an interview with the Fresno State Public Radio Broadcast on Friday on “all things Mariposa.” He plans to attend the group meeting on crosswalk/sidewalk /pedestrian and bicycle paths issues on Monday. He provided input on issues discussed at the RCRC meeting relative to budget matters. He plans to attend the “we draw the lines” public meeting relative to redistricting in Fresno on Thursday to give input and he noted the importance of the redistricting decisions to the County.

Supervisor Bibby advised that she attended the meeting on Monday relative to the State Fire Marshal duties, and she thanked the Fire Chief for his assistance. She noted that any complaints that are being received are being forwarded to CalFire. She extended prayers to Deputy Fire Chief Middleton and to Supervisor Turpin for speedy recovery. She advised that she met with Brian Bullis, Fair Manager, relative to the fairgrounds, and she noted that we need to fight to keep the facilities. She met with the Health Officer relative to the budget status of the department. She cautioned that fire season is here and of the need to be careful. She noted she is reviewing the grants to the Fire Safe Council relative to the fire clearance services. She extended a special thanks to CalFire and the CDC crews for their work around the Probation Department and in the community. She advised that she and Supervisor Stetson have been working with CalTrans to schedule an update on the Ferguson rockslide in July. She plans to attend the First 5 meeting on Monday.

Supervisor Allen advised that he attended the Community Corrections Partnership meeting and discussion was held relative to the shift of prison inmates and parolees to the counties.

2

### **Farm Advisor**

Update on Mariposa County State Fair Exhibit

**BOARD ACTION:** Donna Wice, 4-H Coordinator, provided an update on the exhibit.

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

**10:37 a.m.** The Board reconvened.

4

### **Supervisor Cann**

Approve Reimbursing the Economic Development Corporation (EDC) of Mariposa County \$8,500 for the First Year of the eCivis Subscription; Approve Budget Action Decreasing General Contingency to Fund the Reimbursement (4/5ths Vote Required)

**BOARD ACTION:** Supervisor Cann initiated discussion relative to the request.

Input from the public was provided by the following:

Carol Johnson, President of the EDC, provided input on the history of this matter and of their request for reimbursement.

Roger Biery provided input on the agreement and subsequent revision and intent of the EDC, and on their funding.

Barry Brouillette, EDC Board member, commented on the importance of trust and value in the community.

Tolley Gorham, EDC Board member, urged repayment of the funds to the EDC.

Marilyn Saunders, EDC Secretary, commented on the terms “County” versus “county” and noted the grant funds that were obtained were identified through the Business Development Coordinator’s portal to eCivis.

Eleanor Keuning stated she is concerned with accountability, and she asked what new businesses are contributing to the County because of the Economic Development Program, and whether the program is a function of the County or a non-profit.

Tolley Gorham responded to Eleanor Keuning’s comment and stated he feels that responsibility lies with both, and with the general public. He commented on staffing.

Karen Morse noted they are losing services, such as their Adult Day Health Care and transportation program in the North County, and she asked whether the Business Development Coordinator could help the community with grants.

Discussion was held relative to the contractual obligations. Steve Dahlem, County Counsel, responded that it is his opinion that the County does not have a contractual obligation; but there may be other reasons for the Board to approve the request. Supervisor Bibby asked about waiting until the final budget hearing to consider this request. Rick Benson advised that the budget for next year looks dire and he will probably recommend that the eCivis subscription not be renewed. Further discussion was held. (M)Cann, (S)Stetson, in recognition of the EDC buying the cCivis subscription initially and making it available to the County and the community and that grants were successfully obtained, Res. 11-311 was adopted granting \$8,500 from General Contingency to EDC separate from the original agreement in recognition of our partnership with EDC/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

**11:30 a.m.** Recess

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

3

### **Supervisor Cann**

Approve the County’s Financial Participation in Grant Writing Consortium with the Economic Development Corporation (EDC) of Mariposa County Contingent Upon Receipt and Approval of an Agreement with the EDC by County Counsel; Approve Budget Action Decreasing General Contingency by \$20,000 to Allow for Payment to the EDC for Participation in the Consortium (4/5ths Vote Required)

**BOARD ACTION:** Supervisor Cann initiated discussion relative to the request and he clarified that this request is for the The Townsend Public Affairs group versus the The Thompson group. He commented on pending grant projects for the multi-purpose gym and for the Safe Routes to Schools that could benefit from their services. Barbara Carrier/PWD-Transportation Planner, provided input on the Safe Route to Schools grant application process and advised of possible funding that may be available to help with the cost of service. Allen Toschi provided input relative to their efforts with the eCivis subscription and with not being able to pursue the available grants because of environmental and other study requirements, and he advised that he does not have any funds to put toward this. Rick Benson advised that he does not recommend a decision being made on this request outside of the final budget hearing process.

Input from the public was provided by the following:

Tolley Gorham commented on the population sign for town, and he stated he feels that we will always be a County living on tourism and grants and we will be cutting budgets unless we plant some seeds.

Brian Bullis, Fair Manager, stated he feels that this is a good opportunity for successfully obtaining Proposition 84 funds, and he commented on the benefits a multi-purpose gym would bring to the community. He feels that their lobbying efforts could be of assistance to the Fair as well.

Barry Brouillette thanked the Board members for the things they do that they don't get thanked for. He advised that he still does consulting work for the Fischer family, and that as a EDC member, he feels the primary benefit would be infrastructure development and that it could facilitate a convention center and 4-star hotel – this fits with their vision of expanding our economy and he feels the County should move forward with this today.

Roger Biery thanked the Board for the earlier action to grant funds to the EDC. He commented on the sense of urgency with this matter because of the timeframes involved in the multi-purpose gym project application. He feels that Townsend is the best opportunity to pursue a convention center. He further noted that the EDC would want a termination clause in the agreement if funding stops. He responded to questions from the Board as to how the EDC envisions this arrangement would work.

Karen Morse commented on efforts to try and keep Coulterville alive, and stated she supports this. She feels that Coulterville is a monument and will not grow, but feels that they need better communication.

Kevin Shelton, Vice-President of Operations and Marketing for Yosemite Management Group (Fischer family), stated he feels that this is an opportunity that is stacked in our favor, with potential for economic development for the County. He referred to their willingness to contribute \$5,000 to this.

Ruth Catalan stated she feels the County should be supporting this with the \$20,000 that is requested. She does not feel that we are doing enough with economic development in the County, and that we should do more like is being done with tourism. She questioned why we should look at building a gym if we do not attract and keep families.

Further discussion was held. Supervisor Bibby stated she would like to have more information, including who the partners are and whether there is buy-in from the departments, contacts, and relative to the arrangements for managing this – she would like to see these types of requests during the final budget hearing. Rick Benson advised that the General Contingency balance is \$123,815. (M)Cann, (S)Stetson, a motion was made to approve the requested allocation of \$20,000 subject to an acceptable legal agreement being reached and with Mariposa County having a commensurate role in the decision making process on how the money is allocated. Rick Benson suggested that the funds could be committed contingent on the Board approving an agreement. The motion was modified by the maker, agreeable with the second, allocating the funds subject to an operational agreement being reached that is acceptable to the EDC and the County Administrative Officer and County Counsel and approved by the Board/Ayes: Stetson, Cann, Allen; Noes: Bibby; Excused: Turpin. The motion failed.

5

### **Human Services**

PUBLIC HEARING Regarding the 2011-2012 Mental Health Services Act (MHSA) Plan Update; Approve Submission of the 2011-2012 MHSA Plan Update to the Department of Mental Health (DMH); Authorize the Human Services Director to Sign the Agreement and Any Subsequent Amendments with the State Department of Mental Health with Regards to the MHSA Plan; Authorize the Human Services Director to



Implement the Activities within the 2011-2012 MHSA Plan Update Upon DMH Approval

**BOARD ACTION:** Jim Rydingsword, Human Services Director, presented the staff report; and he responded to a question from the Board as to the amount of funds involved in the program. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Bibby, (S)Stetson, Res. 11-312 was adopted approving the recommended actions/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. The hearing was closed.

6

**Administration**

Recommend the Elimination of the Contract Administrator Allocation from the Human Services Department; Approve a New Classification of Staff Development Coordinator with a Monthly Salary Range of \$2,803.67 - \$3,407.91; Assign the New Classification to the SEIU Bargaining Unit; Re-Assign the Incumbent Contract Administrator to the Staff Development Coordinator Classification; and “Y” Rate the Incumbent’s Salary Effective July 1, 2011

**BOARD ACTION:** Discussion was held with Rick Benson and Jim Rydingsword. Rick Benson advised that the requested action includes approval of the job description which is included in the package. (M)Stetson, (S)Cann, Res. 11-313 was adopted approving the recommended actions/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

**1:01 p.m.** Board Convened as

**LOCAL TRANSPORTATION COMMISSION**

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

7

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

8

**Public Works**

Authorize Participation in the Optional Regional Surface Transportation Program (RSTP) Federal Exchange and State Match Program for FY 2010-2011, Approve an Agreement with Caltrans, and Authorize the Executive Director to Sign the Agreement

**COMMISSION ACTION:** Discussion was held with Barbara Carrier. (M)Bibby, (S)Allen, LTC Res. 11-11 was adopted approving the recommendation/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

**1:04 p.m.** Reconvened as

**BOARD OF SUPERVISORS**

9

**Public Works**

Authorization to Revise and Re-Submit the Application for Grant Funds in the Amount of \$5,000,000 from the Department of Parks and Recreation, Statewide Park Development and Community Revitalization Program of 2008 (Proposition 84) for the Construction of a Multi Purpose/Gym

**BOARD ACTION:** Discussion was held with Rick Benson. Supervisor Bibby asked about updating the information such as the unemployment rate, etc. Rick Benson advised that it is the intent that the grant application will be updated before being submitted, including an update on the geographical area being served. Further discussion was held. (M)Cann, (S)Bibby, Res. 11-314 was adopted authorizing re-submittal of the application. Supervisor Bibby asked if the County Administrative Officer will meet with the Parks and Recreation Manager relative to the suggested

changes. Supervisor Stetson stated he would like to see a full discussion in the future of possible uses for the sports complex property; i.e., archery course, mountain bike trail, walking trails, and botanical garden. Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

10 Consider Items Removed from the Consent Agenda – none

**Consent Agenda**

- CA-101 **Clerk of the Board**  
Approval of Summary of Proceedings of June 14, 2011, Regular Meeting
- CA-102 **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-296
- CA-103 **Administration**  
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-297
- CA-104 **Administration**  
Resolution Continuing the Local Emergency Due to Severe Weather Throughout Mariposa County in March of 2011; Res. 11-298
- CA-105 **Administration**  
Adopt a Resolution Approving the FY 2010-2011 Adjusted Budget as Mariposa County's Preliminary Recommended Budget which will Serve as the Operating Budget Until the Adoption of the FY 2011-2012 Final Budget in August 2011; Res. 11-299
- CA-106 **Administration**  
Waive the Hiring Moratorium for the Position of Victim/Witness Services Supervisor by Allowing the District Attorney to Fill the Position; Res. 11-300
- CA-107 **County Counsel**  
Approve a Small Claims Legal Advisor Agreement with the Mariposa County Bar Association for FY 2011-2012, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-301
- CA-108 **County Counsel**  
Approve an Agreement with Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority (JPA) to Continue Providing Public Transit Services, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-302
- CA-109 **Human Services**  
Approve an Agreement with Lori Ritter, Ph.D. to Provide Counseling Services as an Independent Community Contractor for Mental Health Clients who have Medi-Cal and/or Medicare and who have been Placed in the Sierra Quest Academy, for an Amount not to Exceed \$50,000, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-303

- CA-110      **Human Services**  
Approve an Agreement with Country Villa Health Services for Inpatient Residential Services, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-304
- CA-111      **Child Support Services**  
Approve the Transfer of Surplus Miscellaneous Office Furniture to the Mariposa County Superior Court; Res. 11-305
- CA-112      **Health**  
Approve an Agreement with the State for Electronic Reporting in Haz Mat Program in the Amount of \$34,794, and Authorize the Health Officer to Sign the Agreement; Res. 11-306
- CA-113      **Public Works**  
Approve a Program Agreement for the Main Street Project in Coulterville, and Authorize the Public Works Director to Sign the Agreement; Res. 11-307
- CA-114      **Public Works**  
Approve the First Amendment to an Agreement with Karen Dusek to Educate and Inform the Public of Recycling and Waste Reduction, Extending the Term of the Agreement to December 31, 2011, and Authorize the Public Works Director to Sign the Agreement; Res. 11-308
- CA-115      **Public Works**  
Approve the First Amendment to an Agreement with Fujii Civil Engineering to Assist with Solid Waste and Household Hazardous Waste Compliance Requirements, Extending the Term of the Agreement to December 31, 2011, and Authorize the Public Works Director to Sign the Agreement; Res. 11-309
- CA-116      **Community Services**  
Approve Budget Action Transferring Funds Between Senior Services and Senior Nutrition C-1 Budgets for Year End Adjustments Allowing Payment of Bills for the Remainder of FY 2010-2011 (\$1,950) (4/5ths Vote Required); Res. 11-310

**1:19 p.m.** Adjournment in memory of Robert “Bobby” Lewis Metzler, Joan Verna Kemp Faleski, and George Delbert “Del” Dice.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

June 28, 2011



Folder      Time      Description

**9:02 a.m.** Meeting Called to Order at the Mariposa County Government Center with Supervisor Turpin excused due to a ranch accident. Chair Allen advised that Supervisor Turpin is still in the hospital and hopefully will be in a rehabilitation facility by the end of the week.

Pledge of Allegiance

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

Introductions – Bill Hodson, retired CalFIRE Unit Chief, introduced Nancy Koerperich, the new CalFIRE Unit Chief for the Madera-Mariposa Unit.

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

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

Ruth Catalan referred to item 118 and expressed concern with the costs and asked why the Planning staff can’t handle this work.

Supervisor Bibby agreed that the Catheys Valley Community Plan should have been completed in June 2009, but noted that it was rewritten. Supervisor Cann pulled item 118. (M)Stetson, (S)Bibby, the balance of the items was approved/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

- 2      **Chair Allen**  
Resolution and Tile Plaque Recognizing Anita Grace Hopman, Upon her Retirement from the Probation Department (Probation)  
**BOARD ACTION:** (M)Bibby, (S)Stetson, Res. 11-315 was adopted and presented to Anita Hopman, along with the tile plaque/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. Pete Judy, Chief Probation Officer, commended Anita for her service and presented her with a retirement badge.

**9:27 a.m.** Recess

**9:37 a.m.** The Board reconvened.

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

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

Jeanetta Phillips stated the County applied for a demolition permit on June 17<sup>th</sup> for the structures on the Bullion Street property that it recently purchased. She expressed concern with the application as this matter was not brought to the Historical Sites and Records Preservation Commission for review and she feels the white house (Garber house) is solid. She expressed concern with allowing structures that are on the historical contributing list to be destroyed.

Eleanor Keuning, Historical Sites and Records Preservation Commissioner, stated she feels that people travel where they can experience history; and she advised the members of the Commission were attending a Historic Preservation Conference in Sonora on the date the permit was pulled. She feels the white house has integrity and that this issue should have come before the Commission.

Lester Bridges, Interim Executive Director and President of the Chamber of Commerce, advised that they continue to promote the historical Courthouse and old jail with tours. He provided information on the number of tours that have been given and on the visitor center statistics. He commented on the advantage of having Park Rangers at the visitor center. He noted that North County has a number of new businesses that are opening and they are planning to hold a ribbon cutting ceremony for the Hotel Jeffrey and the new visitor center location in Coulterville. He advised of the business mixer at the Chamber offices this evening for the Yosemite Close Up Tours.

Ron Iudice, President of the Mining Museum Association, advised that AB 42 has passed out of the Assembly and is going to the Senate – this will allow State parks to be run by non-profit organizations. He advised that a group went to Sacramento, and he encouraged the Board to write a letter to Senator Berryhill to support this legislation. Supervisor Cann commented on the impact made by citizens when they show support for legislation, and he advised that he will follow-up on the request. Ron Iudice also encouraged citizens to write letters. He commented on the loss of a dear friend last week – Earle Jorgensen, and advised that a memorial service is scheduled for Saturday.

Eleanor Keuning advised that the Mariposa Symphony will be performing at the amphitheater on July 2<sup>nd</sup> with the Sierra Riders; the Kiwanis fireworks and activities will be held on Sunday, July 3<sup>rd</sup> at the Fairgrounds; she attended two tours of training to be a Courthouse tour guide; and she commented on a town she heard about that pipes soothing music through its downtown area.

#### Board Information

Supervisor Bibby wished everyone a happy 4<sup>th</sup>; and she noted that Coulterville is busy – she was there on Friday for a Calaveras-Mariposa Community Action Agency meeting. She advised that she received an email from the Fair Manager and she has been meeting with him – it looks like the recent funding they received should keep the Fair in operation until 2013. She extended a special thanks to the Jorgensen family for allowing the use of their property for the Kids First fundraising event, and extended prayers to the family on Earle Jorgensen's passing. She extended a special thanks to CalFIRE and PG&E for removing a tree that fell; and she provided input on the chipping program through the Fire Safe Council. She advised that CalTrans will be at the Board meeting on July 12<sup>th</sup> at 10:00 a.m. to provide an update on the Ferguson rockslide project. They had a fire in Hornitos, and she extended a special thanks to Fire and emergency responders.

Supervisor Cann commented on Fair issues, including funding and the supplemental disbursement by the Division of Exposition and Fairs to the Fair, and of the importance of the fair facilities. He advised that he attended the State Redistricting meeting held by the Commission. He was interviewed by KFSR public radio in Fresno on Friday relative to Mariposa. He attended the Kids First event on Saturday. He met

with the crosswalk team on Monday and they are putting together a proposal for a sidewalk project on Bullion Street for the Safe Route to Schools funding – they will meet with representatives of the schools on Wednesday to get more information; and will schedule this grant request on July 12<sup>th</sup> for the Board.

Supervisor Stetson advised that he attended the Midpines Planning Advisory Committee meeting on Tuesday and the Calaveras-Mariposa Community Action Agency meeting on Friday in Coulterville as an alternate to Supervisor Turpin.

Supervisor Allen advised that he met with the Fair Manager on Monday, and he commended him for his fortitude and efforts with the Fair issues. He noted that the Board will not meet next Tuesday, July 5<sup>th</sup>. He plans to attend the fire station meeting on Friday; the final interviews for the director for the Mountain Valley Emergency Medical Services Agency on Wednesday; and the Commission on Aging meeting on Thursday.

Supervisor Bibby noted that the Friends of the Fair is still needed. Supervisors Bibby and Allen commented on the invasion of the grasshoppers.

**10:06 a.m.** Board Convened as

**LOCAL TRANSPORTATION COMMISSION**

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

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

4 **Public Works**

Adopt a Resolution Approving the Final Bicycle Transportation Plan/Pedestrian Transportation Plan

**COMMISSION ACTION:** Discussion was held with Barbara Carrier/PWD-Transportation Planner, and Charles Alexander/Fehr and Peers (consultant) relative to the Plan, and relative to the references to the schools that the District is closing. The Board concurred with leaving the references to the schools in the Plan at this time. (M)Cann, (S)Allen, LTC Res. 11-12 was adopted approving the Plan, with a typographical correction/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

**10:19 a.m.** Reconvened as

**BOARD OF SUPERVISORS**

5 **Public Works**

Waive the First Reading and Introduce an Ordinance Establishing Assessment Fees for the Royal Oaks Estates Zone of Benefit

**BOARD ACTION:** Discussion was held with Allen Toschi/Public Works Director, and Mark Dvorak/PWD-Engineering Technician, relative to the request. Supervisor Cann asked about the costs and whether there is a document that addresses the limits. Rick Benson advised of the ordinance process and that language could be incorporated in future zone of benefit documents. (M)Stetson, (S)Bibby, the first reading was waived and the Ordinance was introduced. Chair Allen read the title of the Ordinance into the record. Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

**10:29 a.m.** Recess

**10:37 a.m.** The Board reconvened.

## **Administration**

Update, Discussion and Direction Regarding 2011-2012 Budget

**BOARD ACTION:** Chair Allen advised that this is not the final budget hearings, that this is an opportunity for the County Administrative Officer to provide an update on the budget. Rick Benson, County Administrative Officer, presented an update on the budget status; reviewed options for reductions, including personnel actions and targeted cuts; and he reviewed a recommendation to increase the transient occupancy tax (TOT). Discussion was held, including scheduling the final budget hearings.

Input from the public was provided by the following:

Ruth Catalan stated she does not mind increasing the TOT to twelve percent, but questioned what will happen in a couple of years when there is a budget shortfall again if things remain status quo. She feels that the County needs to tighten its belt, and she questioned whether the salaried and hourly employees would take the furlough cuts. She does not feel that the Reserve for Contingency funds should be used. Rick Benson responded that his recommendation would include all management employees in the County; that the only employees that the cuts can not be imposed on are the elected officials.

Discussion was held relative to the status of revenues and the fund balance. Bill Davis, Auditor, commented that more information would be known on the expenditures at the end of July and on the revenues at the end of August or September.

Supervisor Cann stated he feels that the loan of approximately \$160,000 from the Tobacco Settlement Fund for the FICA issue should be taken off the books versus cutting staff by that amount.

Supervisor Allen referred to the existing fund balances, including vehicle maintenance, and stated he hopes that the departments do not try to spend their budgets down by the end of the fiscal year. He stated he is opposed to furloughs – he would like the County Administrative Officer to come back with information on which positions in the County are mandated and the associated costs. He further stated that he is okay with discussing negotiations with the unions.

Supervisor Bibby agreed with Supervisor Allen on getting information on mandated positions and with not supporting furloughs – but if furloughs are going to be done, she feels that all employees need to be included, and that costs need to be monitored so that there is not an increase in overtime. She disagrees with dipping in the reserve funds, and she is concerned with the future economy. She suggested that the Park Service should do the “free Park entrance days” in the off season. She disagrees with the option of deferring fire truck maintenance. She asked for more information on what the impacts to the roads would be with the suggestion of reducing the General Fund contribution by \$300,000. She would like to consider a shift of the economic development function to the EDC if the EDC is going to receive funding. She reminded everyone of the requirement to submit written requests for budget items. She would like to consider the transfer of the visitor center function to the Tourism Bureau; and the possibility of closing the swimming pools early – she asked that Public Works provide budget information on the pool costs. Allen Toschi advised that he will provide the information. Supervisor Bibby asked if the Master Gardener program would qualify for the RAC funding; stated she would be supportive of looking at merging departments; suggested that consideration be given to closing offices at the Agriculture/Farm complex when staffing is not available and save extra help costs; asked about spreading furlough days throughout the year; and requested information on what services are related to tourism.

Supervisor Stetson stated he agrees with looking at increasing the TOT by two percent; agrees with Supervisor Cann on removing the \$160,000 borrowed from the Tobacco Settlement Fund from the books; agrees with Supervisor Allen’s request for a list of mandatory/essential positions and costs and with not spending the fund balance down; and he agrees with health and safety being the focus of financial needs. He

stated he has huge reservations with cutting support to community and cultural organizations.

Supervisor Allen suggested that there be a review of the cell phones that the County is paying for; and that there be a review of using the two million dollars that was set aside to pay back PERS to bring down that debt at this time. Rick Benson advised that he could run an analysis and bring back information.

Supervisor Bibby asked for information on when the deadline is for paying invoices from the FY 2010-11 budget; and Mary Hodson, Deputy County Administrative Officer, responded. Supervisor Bibby asked for information on property tax audits – when the last physical audit was done and whether the Tax Code provided for a district-by-district audit.

Supervisor Cann stated he feels that we need to combine budgeting with visioning and the economy of the County.

Supervisor Bibby stated she feels that if consideration is given to adding programs that we need to make certain that there are adequate funds for operation; and she commented on shifting grant funds to categorical funds. She noted the addition of facilities, and suggested that consideration be given to having volunteers help in areas such as the parks.

Supervisor Cann stated he does not agree with raising the TOT if it to cover County employee expenses – he feels that we need to guarantee a percentage to the Tourism Bureau and to other functions and to growing the future.

Supervisor Allen clarified his input relative to meeting the unions, and he stated he feels the meeting should be to see what the employees want relative to the options for reducing personnel costs.

Discussion was held relative to scheduling the final budget hearings – the Board concurred with meeting on Wednesday/August 17 in the evening to take public input on the budget; and with meeting on August 18, 19, 22, and 23<sup>rd</sup> for the hearings.

7

Consider Items Removed from the Consent Agenda

Item 118 – Supervisor Cann initiated discussion on whether this request for additional funds should be considered outside of the final budget hearing process. Kris Schenk, Planning Director, provided input on the request and responded to questions. He advised that without the contract amendment that work on the Catheys Valley Community Plan would stop on June 30<sup>th</sup>. He provided input on the investment on the Plan and commitment of completing the work program with the implementation of the General Plan. Steve Dahlem, County Counsel, responded to a question from the Board and advised that a 4/5ths vote is not required for this item. Kris Schenk responded to additional questions and advised that staff is working on the Plan; however, there is technical expertise that is required that is not available in-house; i.e., traffic and air quality and noise impacts. Supervisor Bibby commented on the Plan's process and stated she is torn about supporting the request for funding for a revised Plan she does not support. Further discussion was held. Rita Kidd asked to be able to provide input from the public. County Counsel responded with the Brown Act requirement for the public to be able to address the Board; and he advised that the Board opened the meeting for public comment before considering the Consent Agenda items earlier in this meeting. Motion by Stetson to approve item 118, died for lack of a second. Chair Allen noted that the item can be considered during the final budget hearings; and it was further noted that if funding is approved in the budget, that a separate action would still be required to approve the contract amendment.

**12:26 p.m. Lunch**

**2:02 p.m.** The Board reconvened.



8

**Public Works**

Authorize Parks and Recreation Staff to Proceed with an Update of the Parks and Recreation Division's Use Fees and to Set a Date and Time for the Public Hearing for July 19, 2011

**BOARD ACTION:** Discussion was held with Allen Toschi and Shannon Hansen, Parks and Recreation Manager, relative to the request and as to whether potential users have been contacted. Rick Benson responded to a question relative to the proposed fees and advised that if there is a gray area, the County Administrative Officer makes the call. (M)Cann, (S)Stetson, authorization was given to proceed with the public hearing – to be held July 19<sup>th</sup> at 2:00 p.m./Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

**Consent Agenda**

CA-101

**Clerk of the Board**

Approval of Summary of Proceedings of June 21, 2011, Regular Meeting

CA-102

**Administration**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-316

CA-103

**Administration**

Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-317

CA-104

**Administration**

Resolution Continuing the Local Emergency Due to Severe Weather Throughout Mariposa County in March of 2011; Res. 11-318

CA-105

**Administration**

Approve a 20-month Memorandum of Understanding (MOU) with the California United Homecare Workers (CUHW) Union and the Mariposa County In-Home Supportive Services (IHSS) Public Authority (PA) and Authorize the Chair of the Board of Supervisors to sign the MOU; Res. 11-319

CA-106

**Supervisor Stetson**

Appoint Sam Hays to the El Portal Planning Advisory Committee for a Term Expiring February 28, 2013

CA-107

**Human Services**

Approve Memorandum of Understandings (MOU) Between Mountain Crisis Services and the Department of Human Services to Provide for Cooperation between the Agencies for Work with Victims of Domestic Violence and Sexual Assault and for Work with Rape Victims and their Families, and Authorize the Human Services Director to Sign the MOUs; Res. 11-320

CA-108

**Human Services**

Approve an Amendment to an Agreement with Merced County Department of Mental Health for Residential Inpatient Services, and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-321

- CA-109      **District Attorney**  
 Approve an Amendment to the 2010-2011 District Attorney’s Vertical Prosecution Block Grant, Increasing the Grant Amount by \$27,446 to \$189,379; Res. 11-322
- CA-110      **Human Services**  
 Approve an Agreement with Mariposa Safe Families, Inc. to Administer the Parent Partner Program for October 2010 thru June 2012, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-323
- CA-111      **Sheriff**  
 Approve an Agreement with J.K. Mortuary Services for Removal of Deceased Bodies for FY 2011-2012, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-324
- CA-112      **Sheriff**  
 Approve an Agreement with John C. Fremont Healthcare District to Provide Medical Services to the Mariposa County Sheriff’s Adult Detention Facility, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-325
- CA-113      **Public Works**  
 Approve the Program Agreement for the Indian Peak Road Project, and Authorize the Public Works Director to Sign the Agreement; Res. 11-326
- CA-114      **Public Works**  
 Accept the Cole Road Project as Complete, and Authorize the Public Works Director to Record the Notice of Completion and Release the Retention; Res. 11-327
- CA-115      **Public Works**  
 Approve the Disposal by Sale at Auction of Various Unneeded Surplus Furniture and Furnishings Left by Human Services and Child Support Services after their Re-Location to their New Building; Res. 11-328
- CA-116      **Public Works**  
 Approve a Change Order for \$31,000 to Monighan Design for Project 09-14 Lower Courtroom Remodel, and Authorize the Public Works Director to Sign the Change Order; Res. 11-329
- CA-117      **Agricultural Commissioner**  
 Approve Agreement No. 10-0121-SF for the Period of February 1 to June 20, 2011, with the California Department of Food and Agriculture (CDFA), and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-330 – term of agreement is to June 30, 2011
- CA-118      **Planning**  
 Approve Amendment No. 5 to Task Order No. 2 with Hauge Brueck Associates in the Amount of \$28,800 to Allow Completion and Recirculation of the Catheys Valley Community Plan (CVCP) and Supplemental EIR, and Authorize the Board of Supervisors Chair to Sign the Amendment; this item was not approved
- CA-119      **Planning**  
 Approve an Agreement with Abbott & Kindermann, LLP, Providing On-Call Legal Consultation, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-331

Chair Allen advised that the meeting will be continued to Thursday, June 30, 2011, at 10:00 a.m. for the following and that the hearing will be rescheduled for Thursday, August 11, 2011, at 9:00 a.m.:

9

**Planning**

PUBLIC HEARING to Consider **Appeal No. 2009-161**, an Appeal of the Planning Director's Determination that Amended Reclamation Plan No. 2009-149 is Incomplete for Processing. Amended Reclamation Plan Applicant, Property Owner and Appellant: Jack Bankhead. The Property, the Mount Gaines Mine, is Located at 7176 Mount Gaines Road off of Bear Valley Road. The Subject Appeal and Amended Reclamation Plan Involve APN 007-130-023, a 40 Acre Parcel and APN 007-130-022, a 160 Acre Parcel, Both of Which are in the Agriculture Exclusive (AE) Zone.

**NOTE: This Hearing will be Cancelled and Rescheduled to a Date in August. The rescheduled Hearing will be Fully Noticed.**

**2:11 p.m.** Adjournment in memory of Andrew Patrick Maloney, Earle Jorgensen, Mary Louis Parkins, and Arthur Lee Hayes.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

June 30, 2011

(Continued from June 28, 2011)

Time \_\_\_\_\_ Description

**10:01 a.m.** The continued meeting was called to order at the Mariposa County Government Center.

Chair Allen and Supervisor Bibby were present.

9

**Planning**

PUBLIC HEARING to Consider **Appeal No. 2009-161**, an Appeal of the Planning Director's Determination that Amended Reclamation Plan No. 2009-149 is Incomplete for Processing. Amended Reclamation Plan Applicant, Property Owner and Appellant: Jack Bankhead. The Property, the Mount Gaines Mine, is Located at 7176 Mount Gaines Road off of Bear Valley Road. The Subject Appeal and Amended Reclamation Plan Involve APN 007-130-023, a 40 Acre Parcel and APN 007-130-022, a 160 Acre Parcel, Both of Which are in the Agriculture Exclusive (AE) Zone.

**NOTE: This Hearing will be Cancelled and Rescheduled to a Date in August. The rescheduled Hearing will be Fully Noticed.**

Chair Allen advised that the hearing will be rescheduled for Thursday, August 11, 2011, at 9:00 a.m.

The meeting was adjourned at 10:02 a.m.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

By: TRACY GAUTHIER  
Deputy Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors