



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

January 6, 2009



Time Description

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

Pledge of Allegiance Led by Representatives of Local Veterans Organizations: Jonathan Turner/Mariposa VFW Post 6042, Bob Johns/Community Services Department – Veterans Service Officer, Louis Bickford/Coulterville VFW Post 9454 and Al Ranson, Representative of American Legion Post 567

Ray Jellison provided information on the history and sang the following songs: “National Anthem,” “This Land is Your Land” and “You’re a Grand Old Flag – Refrain.”

Rod Fiester, Conductor, and the Mariposa County High School Advanced Chorus (chorus members: Darcy Blackburn, Kaitlyn Carlson, Macken Conway, Morgan Foley, Gabrielle Forga, Janae Gregory, Laura Hill, Sandra Ibarra, Alisha Jenkins, Amber Lundin-Hartgrave, Jarrett Miller, Sidney Murphy, Amanda Patterson, Brittany Pierson, Esther Robinson, Sarah Standen, and Morg Tramontin) sang the following songs, with Doris Taylor accompanying on the piano, and with Sidney Murphy and Jarrett Miller singing a duet: “God Bless the U.S.A.” “America the Beautiful” and “God Bless America.”

Judge Dana Walton, Superior Court conducted the Swearing-in Ceremony for Judge Wayne Parrish.

Judge Wayne Parrish, Superior Court conducted the Swearing-in Ceremony for elected/re-elected Supervisor Lyle Turpin, and elected Supervisors Kevin Cann and Jim Allen.

9:20 a.m. Recess for Refreshment Break and Photographs by Leroy Radanovich.

10:30 a.m. Selection of Chair for 2009

BOARD ACTION: (M)Allen, (S)Cann, to select Supervisor Bibby as Chair failed by the following vote: Ayes: Allen, Cann; Abstained: Aborn, Bibby, and Turpin. (M)Bibby, (S)Cann, Supervisor Aborn was selected as Chair/Ayes: Unanimous.

Selection of Vice-Chair for 2009

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

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

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

BOARD ACTION: Supervisor Turpin pulled item 1 for discussion and input from Dr. Mosher.

Input from the public was provided by the following:

Mike McCreary referred to the State’s ongoing fiscal situation and the contingency clause in State contracts and grants relative to the budget. He referred to his earlier request to the Board that

more information be included in the agenda wording so that there will be a sense of whether there would be an increase in the net County costs. He feels that the County should be planning for the fiscal storm, and he would like to see a more proactive stance in terms of managing our finances.

Discussion was held. Supervisor Bibby asked the County Administrative Officer to bring back an item with the vacant positions; and she asked that the departments be reminded that if grant funding goes away, the position(s) funded by the grant also go away; so that the County can be proactive versus reactive to the State's budget situation. Discussion was held with Dr. Mosher, Health Officer, relative the history of this program and its future.

Leroy Radanovich provided information on the history of the immunization program in the County; and he stated he feels that the health programs should be reviewed given the State's budget situation so there will be a plan in case the programs are not funded.

(M)Turpin, (S)Bibby, item 1 was approved/Ayes: Unanimous. Chair Aborn asked the County Administrative Officer to meet with the departments to review the status of the grant programs and the State budget impacts.

(M)Bibby, (S)Turpin, item 2 was approved/Ayes: Unanimous.

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

Dana Hertfelder, Public Works Director, advised that the California State Pooled Investment Fund Board has stopped payment on all projects – this affects the following projects: Darrah Road, Mariposa Creek Parkway Acquisition, and three Proposition 40 projects for Mariposa Pool/heater, Red Cloud Park, and Hornitos Park/handicapped bathroom. Discussion was held. Chair Aborn asked Public Works to provide a monthly report to the Board on the status of projects.

Len McKenzie, Mariposa County Resource Conservation District, advised of the suspension of grant funds for their projects by the California State Pooled Investment Fund Board, and he noted that this may impact the line of credit agreement they have with the County. This suspension is also affecting the Upper Merced Watershed projects.

Supervisor Allen stated he feels that the status of grants in the County needs to be reviewed; and he asked the County Administrative Officer to provide the Board with information on the status of grants and payments and fund balances, along with the status of vacant positions. Supervisor Bibby asked that there be assurance that the accounting system is set up so that expenses for grant-funded programs do not exceed the revenue that is received. Rick Benson advised of his discussion with the Auditor and the Treasurer/Tax Collector on these issues; and he advised that he will be bringing an interim report to the Board in two weeks, and he will expand on that report based on the comments made today.

Bob Rudzik and Paul Oldale, representing SCOPE, presented a "politician's start-up kit" plaque to Supervisor Allen.

Dick Hutchinson provided input on the status of the restroom project for the Visitors' Center – they are applying for the building permit and the Contractors Association is ready to begin construction.

Dr. Mosher, Health Officer, urged the citizens to speak out on the State's draft septic regulations; and he advised of the dissemination of information on this matter. He advised that he is preparing an item for the Board's agenda for January 20th, and that February 9th is the deadline for submitting comments. Chair Aborn read a statement that he prepared on this matter requesting that the County be exempted from the regulations.

Ruth Catalan stated she does not feel that it is appropriate for the Board members to speak under this Public Presentation time on the agenda.

Ruth Shane added input to the recommendation for reviewing the grants, and she suggested that the prime grant also be reviewed for each of the programs.

Introductions

Board Information

Supervisor Cann commented on the tremendous sense of community that was heard this morning as a part of the swearing-in ceremony; and he advised that he is proud to be a part of this and is pleased with the turn-out for the ceremony.

Supervisor Bibby expressed appreciation to the new Board members for their commitment to the community and future generations, and she welcomed the new Board members and returning Supervisor Turpin. She thanked all of the department heads and staff members for their work and wished everyone a happy and prosperous 2009. She thanked Supervisor Turpin for the tour of the Red Cloud Library and looks forward to the grand opening. She advised that she attended the Foreign Trade Zone meeting.

Supervisor Turpin thanked everyone, and recognized Supervisors Allen and Cann on joining the Board. He thanked the North County for support with the December 20th activities in Coulterville. He thanked the past Board for attending the acceptance of the Red Cloud Library, and advised that a ribbon cutting ceremony is being planned. He plans to attend the Solid Waste Task Force meeting on Wednesday morning at the Landfill, and the Red Cloud Library Board meeting in the afternoon. He wished everyone a prosperous New Year.

Supervisor Allen thanked everyone for their attendance at the swearing-in ceremony. He advised that he intends to help solve some issues in the County. He plans to attend a meeting on Saturday with the homeowners in Wawona.

Supervisor Aborn reiterated the importance of commenting on the septic regulations.

Dana Hertfelder, Public Works Director;
Discussion, Direction and Possible Action Regarding the Option to Buy Hanger #37 at the Mariposa-Yosemite Airport

BOARD ACTION: Discussion was held with Dana Hertfelder; and he recommended that the Board further consider this matter in 2014 when the lease agreement expires, as the County will have more options at that time.

Input from the public was provided by the following:

Ruth Catalan stated she does not see any profit in the County purchasing the hanger at this time.

Following discussion, (M)Bibby, (S)Allen, Res. 09-2 was adopted declining to purchase this hanger at this time, and direction was given for the matter to be revisited in 2014 when the leases for the hangers are discussed/Ayes: Unanimous.

LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) Approve Budget Action Recognizing \$159,502 in Unanticipated Revenue from CalTrans for the Retrofit of Two Diesel Dump Trucks and Authorize the Executive Director to Sign Agreements and Documents Required by CalTrans for these Congestion Mitigation Air Quality Funds (4/5ths Vote Required) (Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Bibby, (S)Aborn, LTC Res. 09-1 was adopted approving the recommended actions/Ayes: Unanimous.

11:53 a.m. The Board reconvened.

Approval of Summary of Proceedings of December 16, 2008, Regular Meeting and December 18, 2008, Continued Meeting (Clerk of the Board)

BOARD ACTION: (M)Turpin, (S)Bibby, the Summary of Proceedings were approved, including a typographical correction for December 16th/Ayes: Aborn, Turpin, Bibby; Abstained: Allen and Cann.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued; and he advised that he plans to participate by telephone in the upcoming CalTrans planning meeting. Supervisor Cann advised of information he received at Yosemite National Park that CalTrans is planning to hold a meeting in Mariposa for environmental groups to comment on their preliminary design for the project.

Supervisor Bibby advised that she has a call in to Kome Ajise/CalTrans District 10 Director, to make sure that nothing has changed with the funding, etc. for the project. (M)Bibby, (S)Cann, Res. 09-3 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued until such time as full reimbursement is received. (M)Turpin, (S)Allen, Res. 09-4 was adopted finding the local emergency due to the Oliver Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer)

BOARD ACTION: Rick Benson advised that Public Works received some reimbursement funding and they are checking to see if this was intended for the Fire Department, and he will report back to the Board. He recommended that the local emergency be continued. (M)Bibby, (S)Cann, Res. 09-5 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Rick Benson referred to the problems Board members have been experiencing with the microphones in the Chambers and advised that replacement is scheduled.

12:04 p.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

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

1:05 p.m. The Board reconvened in open session. Chair Aborn announced that direction was given as a result of the closed session matter.

CONSENT AGENDA:

- CA-1 Approve an Agreement with San Joaquin County Health Department for Participation in a Computerized Immunization Registry Program for Fiscal Year 2008-2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (Health Officer); Res. 09-1
- CA-2 Accept the Resignation of Rhonda Scherf and Marty Livingston from the Parks and Recreation Commission; Appoint Ronald Loya as the Member for District I and Deni Smith as an At-large Member to the Parks and Recreation Commission with Terms Expiring January 6, 2013 (Public Works Director)

1:06 p.m. (M)Allen, (S)Cann, the Board adjourned in memory of Christopher James Radanovich, Ray Hender, May E. Reed, Ida May Brown, and Thelma Bell Martin/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

January 13, 2009

Time Description

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

Pledge of Allegiance

Introductions

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

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

BOARD ACTION: Supervisor Bibby pulled item 7. (M)Turpin, (S)Cann, the balance of the items was approved/Ayes: Unanimous.

Item 7 – Discussion was held with Rick Benson, County Administrative Officer, and Marilyn Lidyoff/Administration-Business Development Coordinator, relative to the status of funding and the project. Supervisor Bibby requested that written progress reports be provided, and that the draft study document be routed to Public Works for review. Supervisor Turpin requested that Public Works be involved in the tasks. (M)Cann, (S)Allen, item 7 was approved/Ayes: Unanimous.

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

Eleanor Keuning welcomed the new Board members. She expressed disappointment in the new brochure that was developed for the landfill, and she advised of a High School class where the students perform community service and suggested that they be involved in these types of projects.

Kris Casto welcomed the new Board members. She suggested that the Board adopt procedures for the Board of Supervisors and presented “Council Norms and Procedures” that were developed for the City of Los Altos.

Approve Mariposa County Joining the Tuolumne County Resource Advisory Council (RAC) Pertaining to the Secure Rural Schools and Community Self-Determination Act (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson and Mary Hodson, Deputy County Administrative Officer, relative to the recommendation and the appointment process.

Input from the public was provided by the following:

Mike McCreary stated he agreed with the recommendation that a new RAC not be created. However, since the County will be a minority member of the Tuolumne County RAC, he agrees with the recommendation that a side letter be developed calling for Mariposa County’s portion of the contribution of funding to be used to the benefit of Mariposa County.

(M)Turpin, (S)Cann, Res. 09-12 was adopted approving joining the Tuolumne County RAC, with a side letter agreement to be developed for Mariposa County’s portion of the contribution of funding to be used for the general benefit of Mariposa County. Further discussion was held. Ayes: Unanimous.

Board Information

Supervisor Cann advised that he attended the Solid Waste Task Force meeting and the Lushmeadows Association meeting. He met with the Planning and Human Services Departments on issues.

Supervisor Allen thanked his colleagues for the vote of support for the appointment of Les Marsden to the Planning Commission, and he introduced Les. He advised that he has been busy this past week and met with several department heads. He attended the Town Planning Advisory meeting in Wawona.

Supervisor Turpin advised that he attended the Solid Waste Task Force meeting. He also attended the Friends of the Red Cloud Library Board meeting and they are planning their St. Patrick's Day fundraising event. He noted that last week was Ted Selb's last week with Merced Irrigation District; and he advised that they are trying to arrange a tour of the Exchequer Power House for the Board. He attended the Coulterville Community Club meeting on Monday. He referred to a story relative to AB 885 in the Farm Bureau's Ag Alert magazine relative to statewide minimum standards for onsite sewage treatment systems. He plans to meet with Marv Daily on Wednesday relative to high-speed internet service in the North County. He is planning to hold a District 2 meeting in Coulterville on January 29th at 6:30 p.m. and the Coulterville Water Advisory Board is planning to present its annual report relative to the status of water rates at 7:00 p.m.

Supervisor Bibby noted that the Sheriff's Department and SCOPE had their annual lunch on Saturday, and she thanked SCOPE for their volunteer service. She plans to attend the Catheys Valley Town Planning Advisory Committee meeting on Thursday, and she noted the importance for the public to attend and to provide input. She welcomed Les Marsden as a new member of the Planning Commission. She advised that the Airport Advisory Committee will meet on Wednesday to discuss the draft Airport Master Plan.

Supervisor Aborn advised that the El Portal Town Planning Advisory Committee is meeting this evening. He attended the YARTS meeting on Monday and commented on corridor issues. He extended his welcome to Supervisors Cann and Allen. He thanked the Sheriff's Department and SCOPE for assistance with their animals during the Telegraph Fire.

Rick Benson advised that he plans to attend a meeting in Sacramento on Friday with the County Administrative Officers' Association and representatives of the Governor's Finance Office relative to their budget plans and affects on counties. They will also have a subcommittee meeting of the mountain counties.

Rick Peresan, Technical Services Director;

Waive First Reading and Introduce Ordinance Creating Chapter 2.30 of the Mariposa County Code Identifying the Department of Technical Services and its Purpose

BOARD ACTION: Discussion was held with Rick Peresan and Board members commended him for the services he provides. (M)Bibby, (S)Allen, the first reading was waived and the Ordinance was introduced as recommended. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)

BOARD ACTION: Rick Benson advised that the next CalTrans Planned Development Team meeting on this project is scheduled for January 22nd; and that CalTrans is hosting a meeting at the Government Center with environmental groups; and he recommended that the local emergency be continued until a permanent fix is in place. Supervisor Bibby advised of her conversation with Kome Ajise asking to obtain information on the January 28th meeting and relative to the status of funding for the project. (M)Cann, (S)Turpin, Res. 09-13 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued until such time as full reimbursement is received. (M)Bibby, (S)Allen, Res. 09-14 was adopted finding the local emergency due to the Oliver Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended continuing the local emergency until full reimbursement is received. (M)Allen, (S)Turpin, Res. 09-15 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings. Supervisor Turpin asked about the status of funds received by Public Works. Dana Hertfelder advised that they received a receipt of approval of funding through FEMA for the Oliver and Telegraph Fires and that information was forwarded to the Fire Department. Rick Benson advised that he will ask the Fire Chief to give the Board an update on these items at the next meeting. Supervisor Bibby asked for a breakdown and a copy of the claims that were submitted. Ayes: Unanimous.

10:04 a.m. Recess

10:15 a.m. PUBLIC HEARING to Consider a Proposed Increase for Solid Waste Removal Services in the Wawona County Service Area (CSA) 2-W

BOARD ACTION: Dana Hertfelder presented the staff report; and he advised that sixty cents is held out of the \$15.00 rate to cover administrative costs and the balance of \$14.40 is paid to Total Waste Systems (TWS) for solid waste collected and disposal services and this rate has not been increased since 1999. He reviewed the history of the rate increase discussions, and he advised that one letter was received in opposition to the proposed increase. Supervisor Allen advised that he received one letter and two emails opposing the proposed increase, and he advised that the Wawona Committee voted to accept the increase and he thanked everyone for attending the meeting in Wawona on Saturday. Dana Hertfelder responded to questions from the Board relative to including a CPI increase in the new contract with TWS; and relative to the original contract with TWS and subsequent extensions and the plan for the new contract. Dana Hertfelder recommended that the fee increase be effective February 1, 2009. The public portion of the hearing was opened and there was no public input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Bibby, (S)Cann, Res. 09-16 was adopted approving the recommended rate increase to \$23.75 effective February 1, 2009/Ayes: Unanimous. The hearing was closed.

10:26 a.m. MARIPOSA COUNTY WATER AGENCY
(Chair – Director Aborn; Vice-Chair – Director Turpin)

A. Public Presentation – none.

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

AGENCY ACTION: (M)Bibby, (S)Allen, Director Cann was selected as Chair/Ayes: Unanimous. (M)Allen, (S)Bibby, Director Aborn was selected as Vice-Chair/Ayes: Unanimous.

10:28 a.m. LOCAL TRANSPORTATION COMMISSION
(Chair – Commissioner Lyle Turpin, Vice-Chair – Vacant)

A. Public Presentation – Ruth Catalan asked that the status of the 2:00 p.m. public hearing on the Board's agenda be addressed after this item.

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

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

10:34 a.m. The Board of Supervisors reconvened. Supervisor Bibby asked if Ruth Catalan's question could be answered relative to the status of the 2:00 p.m. public hearing to consider appeal No. 2008-193. Rick Benson advised that it will be recommended that the hearing be opened and it will be up to the Board to determine whether to honor the appellant's request for a continuance.

Review and Provide Direction Relative to Board Member Representation on the Following County Committees and Commissions: Local Agency Formation Commission (LAFCo), Mariposa County Juvenile Justice Coordinating Council, Local Enforcement Agency (LEA) Hearing Panel, Mental Health Board, and the Mariposa County Solid Waste AB939 Local Task Force (Clerk of the Board)

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

Witt Hawkins asked about the Juvenile Justice Coordinating Council, and was advised of its purpose.

Following discussion, (M)Cann, (S)Turpin, Supervisors Turpin, Bibby, and Allen were selected to serve on LAFCo, with Supervisor Cann to serve as an alternate/Ayes: Unanimous.

(M)Turpin, (S)Cann, Supervisor Allen was selected to serve on the Juvenile Justice Coordinating Council/Ayes: Unanimous.

(M)Cann, (S)Turpin, Supervisor Bibby was selected to continue serving on the LEA Hearing Panel/Ayes: Unanimous.

(M)Allen, (S)Turpin, Supervisor Bibby was selected to continue serving on the Mental Health Board/Ayes: Unanimous.

(M)Allen, (S)Bibby, Supervisors Turpin and Cann were selected to serve on the Solid Waste AB939 Local Task Force/Ayes: Unanimous.

Ruth Catalan questioned whether the Board could act on the First 5 membership as it was not shown on the agenda. No action was taken on the First 5 of Mariposa County as Supervisor Bibby's term does not expire until May 6, 2011.

Discussion and Provide Direction Relative to Appointment of Board Member Ad Hoc Committees (Clerk of the Board)

BOARD ACTION: Discussion was held and Supervisor Bibby clarified that there is flexibility for other Board members to work on these projects.

Discussion was held relative to the Ad Hoc Committee for the Recreation/Sports Complex (Field of Dreams). Supervisor Cann noted that there is a group trying to establish a YMCA. (M)Bibby, (S)Cann, the Board agreed that this Ad Hoc committee should be eliminated as this matter falls under the Board member liaison policy area for Developmental Services. The vote was taken after the following public input:

Witt Hawkins asked for clarification that since the property for the recreation/sports complex is County property, that there would be a public process and that it would take Board action to proceed with any development on the property; and he was advised that is correct.

Ruth Catalan stated she feels that we are "up to our ears" in committees and that this committee is not necessary. When there is something concrete, a committee should be formed.

Supervisor Bibby noted the involvement of the Parks and Recreation. Ayes: Unanimous.

Following discussion, (M)Bibby, (S)Allen, Supervisors Aborn and Cann were selected to service on the Yosemite Gateway Socioeconomics workshops/Ayes: Unanimous.

Following discussion, (M)Bibby, (S)Allen, Supervisor Aborn was selected to serve for the High Speed Rail Authority/Ayes: Unanimous.

Following discussion, (M)Cann, (S)Turpin, Supervisors Aborn and Allen were selected to serve as contacts for Yosemite National Park Service issues/Ayes: Unanimous.

Following discussion, (M)Turpin, (S)Bibby, it was agreed to delete the California State Mining and Mineral Exhibit issues contact at this time, and address it if needed in the future/Ayes: Unanimous.

Following discussion, (M)Turpin, (S)Allen, Supervisors Aborn and Bibby were selected to continue to serve as liaisons for the Ferguson Rockslide, with the County Administrative Officer to continue as the contact person/Ayes: Unanimous.

Ruth Catalan responded to the Chair's question of the Board as to whether any other ad hoc committees should be formed, and stated she feels a committee could be put together if needed.

Following discussion, (M)Bibby, (S)Turpin, no change was made in the previous direction that was given for the County Administrative Officer to handle space needs issues/Ayes: Unanimous.

11:24 a.m. Recess

11:31 a.m. Selection of Board Member Representation on Agencies (Clerk of the Board)

BOARD ACTION: Discussion was held. (M)Bibby, (S)Allen, the following appointments were made:

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

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

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

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

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

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

Foreign Trade Zone Advisory: Member – Supervisor Bibby

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

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

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

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

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

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

San Joaquin Valley Rail Committee: Representatives – Supervisor Aborn & the second position will be further reviewed with consideration to be given to appointing a public member or a staff person

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

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

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

Yosemite/Sequoia Resource Conservation and Development Area:
Representative – Supervisor Turpin; Alternate – Supervisor (Vacant)

Ayes: Unanimous.

Review and Provide Direction Relative to Board Member Liaison Policy Areas and Selection of Board Member Representation (Clerk of the Board)

BOARD ACTION: Discussion was held. (M)Bibby, (S)Turpin, the following selections were made:

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

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: The County Administrative Officer withdrew this item.

12:12 p.m. Lunch

2:00 p.m. Kris Schenk, Planning Director;

PUBLIC HEARING to Consider Appeal No. 2008-193, an Appeal of the Planning Commission's Denial of Appeal No. 2008-155 for the Planning Director's Zoning Use Determination Resulting from Review of Building Permit No. 27681. Building Permit Applicant and Appellant: Theresa Castaldi. Coyote Springs Ranch is Located at 2100 Old Highway, Catheys Valley and Includes Ten Parcels. The Subject Appeal and Permit Involves APN 016-220-008, a 21.47 Acre Parcel.

BOARD ACTION: Chair Aborn advised of the request that was received from the appellant to continue this hearing for two weeks; and he opened the hearing and advised that input would be taken only on the request for the continuance. Jeff Green, Interim County Counsel, advised that the Board will need to take action on the request to continue the appeal, and that it is appropriate for the Board to take public comment on the request for continuance. If the Board denies the request, the Board would take action on the substantive issues of the appeal.

Input from the public was provided by the following:

Ruth Catalan asked for information on the reason for the request for the continuance. Chair Aborn responded that there is a request to try and reach an agreement.

Rita Kidd stated she feels that we have a situation where this appeal was asked to be held over beyond the timeframe for hearing an appeal for the new Board to hear the appeal, and this date was specifically requested by the appellant. Now we have a request for another continuance and she feels that this is stealing time from the County and staff for something that is not even a project. She feels we should have completed Title 17 in the last two years, but have spent time on road standards and agri-tourism – issues related to this project. She asked that the Board look at the reasonableness of what is happening to the County; and she feels that the County is being played and she believes the purpose is to destroy the General Plan implementation. She asked that if this continuance is granted, that another one not be granted.

Jeff Green advised that for purposes of the public to understand the request and the reason his office and Planning has not objected to the continuance request, is that they were approached last week by the agent for Castaldi and he indicated that they would like a week or two to meet with staff to reach an agreement to reduce the two issues in this appeal. The two issues are: 1) size and type of the kitchen facilities based on the Board's approval of six cabins; and 2) what, if anything, does Title 17 allow for activities in the agri-tourism area. He advised that it is the position of staff that the kitchen facilities must be geared to the occupancy of the cabins only as there are no other facilities that would call for a kitchen on the Agriculture Exclusive land. The way Title 17 is currently structured, there are no permitted activities for agri-tourism. He further advised that they hope to be able to come back to the Board on January 27th with an agreement signed by the applicant for the Board to approve. Staff will not bring back an agreement relative to these issues that is not consistent with the recommendation that is before the Board today. He further noted that requests for continuances have not been denied in the past.

Gary Fredo advised that he is a neighbor the property, and he expressed concern that this has been dragging on and he feels there should be a plan for what they want to do on the property. He questioned the stability of the pole barn.

Ruth Catalan stated she feels the appeal should be denied at this point, and the applicant can come back with their plan and agreement.

Laurel Siebecker referred to the October 17, 2008 Planning Commission summary and recommendation; and she agrees that there should be a stop to this because the requested use is Resort Commercial and agri-tourism.

Robert Brockman referred to the discussion that a meeting was held relative to working out some deal, and he expressed concern that applicant gets their way and he feels they should be told "no." He noted the applicants are losing a portion a portion of their property by auction on Wednesday. He further feels that if the restaurant is approved as they want, that they will want more.

Shirley Schmelzer stated she feels that the applicants have broken the law many times and this is costing the County and Planning staff; and she feels we should be working on Title 17 and other projects. She feels if the rules are changed for this project, it will set precedence.

Discussion was held relative to the request to grant a continuance. Jeff Green responded to questions from the Board and provided additional input relative to Friday's meeting and the attempt to resolve this by agreement so that all parties know what they are permitted to do. He explained that it was not possible to do that before today and the appellant was asked to submit a written request for the continuance of the hearing. He advised the appellant that the continuance would be a discretionary act of the Board. He further responded that the December 19th cut-off date would not apply to submitting a request for a continuance. Further discussion was held regarding the request for a continuance. (M)Turpin, (S)Cann, Res. 09-17 was adopted approving the request for a continuance of the hearing, and the hearing was continued to January 27, 2009 at 10:00 a.m./Ayes: Aborn, Turpin, Cann; Noes: Bibby, Allen.

Kris Schenk advised they are planning to bring the agri-tourism workshop schedule back to the Board on January 27th before this hearing. The matter will include a contract with Karen Robb and a resolution to set up the composition and role of the agri-tourism stakeholders committee. He suggested that if anyone is interested in knowing whether an agreement is signed by Castaldi prior to January 27th, that they let Planning know and they will provide notification.

Supervisor Bibby clarified that written comments can still be submitted to become a part of the formal record on this appeal. Jeff Green advised that if an agreement is not reached for staff to recommend to the Board on January 27th, then the actual appeal hearing will be conducted to take action on the issues of the appeal. He further responded to a question from the Board and advised that because the Board is in the hearing process that information should not be received outside of this public hearing process. If Board members receive any correspondence, it should be delivered to the Clerk of the Board for inclusion in the record. He further advised that the Board members should refrain from any discussion of this matter outside of the formal hearing process. Further discussion relative to the time that was set for the appeal and scheduling the agri-tourism matter. Motion by Turpin to amend the previous action and to set the hearing for 10:30 a.m. was withdrawn following further discussion.

Rita Kidd stated she feels that confusion arises when these two topics are discussed at the same meeting.

Supervisor Bibby noted that the agri-tourism matter is not on the agenda today to be scheduled.

Dennis Bunning stated he feels the Board is going to try to cut a deal behind closed doors, and he feels the agreement will need to come to the Board for input and action. Jeff Green responded that the agreement would have to be brought before the Board for action.

Ruth Catalan clarified the continuance of the appeal and asked whether the proposed agreement would be considered before or after the appeal. Jeff Green advised that if agreement is reached, that would take care of the appeal issues and he assumes the applicant would withdraw the appeal. He provided additional input relative to the process.

Gary Williams, neighboring property owner, provided input on his dealings and problems with Coyote Springs Ranch; and he stated he wants to see things done right.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of January 6, 2009, Regular Meeting (Clerk of the Board)
- CA-2 Approve an Agreement with Forensic Nurse Specialists of Central California, Inc. for Sexual Assault Examination Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-6
- CA-3 Approve an Interim Rental Agreement with 35-A District Agricultural Association for use of the Fairgrounds Facility for Calendar Year 2009 for Trainings and other Similar Events and/or Activities and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-7
- CA-4 Accept the Resignations of Gail Dreifus and Ron Skelton from the El Portal Planning Advisory Committee (Supervisor Aborn)
- CA-5 Re-appoint John Schroeder to the Midpines Planning Advisory Committee for a Term Expiring February 28, 2011 (Supervisor Aborn)
- CA-6 Accept the Resignation of Robert Jobe from the Coulterville Planning Advisory Committee (Supervisor Turpin)
- CA-7 Approve an Agreement with Roger Stephens Engineering in the Amount of \$33,250 to Conduct a Drainage Study for the Town of Mariposa (3rd to 5th Street) and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 09-11, with direction to staff relative to progress reports and coordinating with Public Works
- CA-8 Approve an Agreement with Victor Treatment Center, Inc. for Mental Health Services for Children Placed in Foster Care Outside of Mariposa County and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Transferring Funds within the Mental Health Services Act Fund to Cover Residential Treatment for Children Placed in Foster Care Outside of Mariposa County (\$30,200) (Human Services Director); Res. 09-8
- CA-9 Approve Budget Action Adjusting Revenue and Increasing Appropriations in the Employment Community Development Budget (\$86,496) (4/5ths Vote Required); Transferring Appropriations within the Realignment Social Services Fund (\$9,504); Increasing Revenue and Appropriations in the Assistance Advance Fund (\$96,000) (4/5ths Vote Required) (Human Services Director); Res. 09-9
- CA-10 Accept the Resignation of Holly Warner from the Mental Health Board (Human Services Director)
- CA-11 Approve an Agreement with Robert N. Pool, Trustee of the J. Hampton/Olive Pool Trust and the Mariposa County Pioneer Wagon Train, Inc. Allowing the Wagon Train to Make an Additional Overnight Stop During the Annual Mariposa County Wagon Train Event (County Counsel); Res. 09-10
- CA-12 Appoint Les Marsden to the Mariposa County Planning Commission Representing District 5 (Supervisor Allen)

(M)Turpin, (S)Bibby, the Board adjourned at 2:55 p.m. in memory of Beverly Jean Guenthart, Cheryle Lynn Michael, and Dorothy May (Espe) Erickson/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

January 20, 2009

Time Description

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

Pledge of Allegiance

Introductions

Chair Aborn commented on the Presidential inauguration that is occurring this morning and he offered a prayer for leadership.

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

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

BOARD ACTION: Supervisor Turpin pulled item 6, and discussion was held with Jim Rydingsword concerning the status of the LIHEAP program. It was noted that this will now be an in-County program. (M)Turpin, (S)Bibby, all items were approved/Ayes: Unanimous.

Supervisor Allen;

Adopt a Resolution and Present a Tile Plaque to Paul DeSantis for his Outstanding Service as Planning Commissioner for Supervisorial District V

BOARD ACTION: (M)Allen, (S)Bibby, Res. 09-18 was adopted and presented to Paul DeSantis, along with a tile plaque/Ayes: Unanimous.

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

Helen Kwalwasser advised that she was present to answer questions relative to the status of the Gold Coin building. Chair Aborn asked that she provide an update on the status. Helen advised that the building was "blue tagged" on Friday and that they have power. She is meeting with the contractor on Wednesday on beginning work on the first stabilization project for the back of the adobe wall. She advised that the structure is stable. Supervisor Bibby thanked Helen for being responsive to her telephone call and she thanked the Building Director for response to the concerns. Supervisor Cann thanked Helen for taking on this project; and he noted that the Park Service was asked to take this project on several years ago and was unable to do so. Helen noted that she has been working on the permit process for about four years.

Connie Waldron, retired federal employee, thanked the Board for the letter of support to the Federal Prevailing Rate Advisory Committee for the Wage Area Petition for the Yosemite Wage Grade Employees that they have been working on for over six years. She advised that a decision was reached in Washington D.C. in December to approve the petition to move the area of survey from Fresno to Stockton and that resulted in a wage increase and that included federal employees in Merced County.

Board Information

Supervisor Bibby advised that she plans to attend the Mother Lode Job Training meeting in Sonora on Thursday; and she commented on the statistics for SCOPE activities and she will copy them for the Board members.

Supervisor Turpin expressed appreciation for the services provided by the SCOPE members. He advised that he attended the Coulterville Fire Brigade meeting. He plans to attend the Greeley Hill Community Club meeting this evening. He plans to attend the Agricultural Advisory Committee meeting on Thursday. On Monday, he plans to attend a meeting with the Don Pedro Community Services District and Planning. He advised of work on the high speed internet access for North County. He wished President Obama well.

Supervisor Allen advised that he attended the Fish Camp Property Owners Association meeting on Saturday, and the Forest Service is going to get involved in assisting law enforcement with the snow play area. They discussed trash and snow removal and putting the Board's agenda online – he will meet with the Technical Services Director on this. He is planning to meet with the Golden Agers on Wednesday; and he plans to attend the PERS luncheon today if the Board meeting allows.

Supervisor Cann advised that he attended the Catheys Valleys Town Planning Advisory Committee meeting on Thursday and he feels that it was invaluable to him to see the details that are discussed at that level; and he intends to explore Board procedures that would allow all Board members to be in the audience for these meetings to gain insight on what is going on. He plans to attend the Gateway Partners meeting this Thursday.

Supervisor Aborn advised that he plans to attend the Gateway Partners meeting this Thursday. He advised that he attended a farewell banquet for Yosemite National Park Superintendent Tollefson on Saturday and that Supervisor Cann emceed a portion of the program. He advised that his three children received Christmas cards that were delivered through the US Post Office that had been opened and monetary gifts were removed. He recommended that anyone else who encountered these types of problems should file complaints.

Supervisor Bibby advised that a presentation by Dr. Suen, through the Upper Merced River Watershed Council, is scheduled for this evening on Understanding Sierra Groundwater.

Supervisor Turpin asked County Counsel to clarify the question that was raised about Board members attending meetings. Jeff Green, Interim County Counsel, advised that when more than two Board members attend meetings on matters that are not coming before the Board and they do not participate, that is not a violation of the Brown Act. However, when attending as a Board member and the subject is something that could come before the Board, he feels that issue should be explored in more detail.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
Approve an Agreement with Yosemite Area Regional Transportation System (YARTS) to use the Midpines Park as a Park & Ride Location

BOARD ACTION: Rick Benson provided input on the request.

Input from the public was provided by the following:

Dick Whittington, YARTS Transit Manager, advised that the agreement was approved on January 12th by the YARTS JPA Board.

Discussion was held. Dana Hertfelder, Public Works Director, responded to questions from Supervisor Bibby relative to the Department's concerns with impacts to the facilities and relative to the encroachment. Discussion was held with Dick Whittington relative to the previous consideration of locating the park and ride at the Post Office in Midpines; and relative to project funding. Supervisor Allen asked that Dick Whittington be scheduled to give an update to the Board on YARTS and possible corridor expansions. Rick Benson recommended that this report be scheduled on a future agenda. Supervisor Bibby asked the County Administrative Officer about reviewing the status of a former agreement, if one exists, with the landowner of the Post Office to see if anything further needs to be done if that location is not going to be used. Supervisor Turpin thanked Dick Whittington for his input and asked that he pursue information on any available funding to assist Public Works with projects for YARTS.

(M)Cann, (S)Allen, Res. 09-25 was adopted approving the agreement as recommended/Ayes: Unanimous.

9:54 a.m. Recess

10:03 a.m. Kris Schenk, Planning Director;

PUBLIC HEARING to Consider Specific Plan Amendment No. 2008-163 and Amended Site Plan No. 2008-164. Action Includes Adopting a Resolution Approving the Project, Adopting a Mitigated Negative Declaration, Waiving the First Reading and Introducing an Ordinance Amending the Land Use Map in the Fish Camp Specific Plan and Amending the Site Plan Approved for Conditional Use Permit No. 204, the Existing Use Permit for the Tenaya Lodge Site in Fish Camp. The Specific Plan Amendment Proposes to Amend the Land Use Map in the Fish Camp Specific Plan by Rezoning 6.07 Acres of Land Currently in the Single Family Residential 2.5-Acre Minimum Zone to the Resort Commercial Zone on APN 010-410-012. Delaware North Companies, Project Applicant

BOARD ACTION: Skip Strathearn, Senior Planner, presented the staff report; and he advised that an updated map/site plan was distributed and that the legal description for the rezone area is currently being prepared. He responded to questions from the Board as to whether the open space was a mitigation measure for approval of the original project – it was a condition of approval; as to whether there is adequate parking to handle the changes; and clarification of the change in the building foot print and whether there is an impact on the open space.

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

Tom McCann, General Manager for Tenaya Lodge/applicant, addressed the parking issues that were raised – they are the busiest when hosting local government association conferences, many of their guests fly in for conferences; they have many programs for parking and they have been successfully accommodating car shows in the summer in their parking lots by arranging for shuttles from the Mountain House, and they have back-up plans with neighbors which they have not had to use. He responded to questions from the Board and added input relative to their bus traffic which reduces the parking space needs; they are accommodating parking needs for the stables; and they recently acquired the Apple Tree facility and that staffing is handled from the Tenaya facilities, so that leaves the Apple Tree employee parking available. He further advised that they have incentives/encourage employee car pooling. He responded to questions from the Board and advised that they already have spa facilities so they do not feel the change with the spa will impact the parking. They can valet park all vehicles if needed. He responded to an additional question from the Board and advised that they do not have any concern with the condition for the mitigation measure for the expansion project requiring the Lodge to secure all permitting requirements relating to water supply before obtaining a Certificate of Occupancy.

Don Starchman, Starchman Bryant Law Offices, local counsel for Tenaya Lodge on this project, noted that they are not increasing the number of rooms. He advised that the spa changes are to keep up with changes in the market field. Because their guests are in Yosemite for the day, parking is available for the spa and restaurant. He referred to the term “green path” and noted that they are trying to take an environmental “green path” with their facilities to reduce water usage. He further advised that they are willing to meet any State requirements.

The public portion of the hearing was closed and the Board commenced with deliberations. Supervisor Allen advised that he attended the Fish Camp Town Planning Advisory Committee meeting and they unanimously supported this project. He further commented that he has been in Fish Camp the last four weekends and he has seen the commitment of the General Manager with the community as well as with the Lodge. He thanked Tom McCann and Skip Strathearn for their work on this project. Supervisor Cann commented on his work with Delaware North over the last fifteen years and stated he has been impressed and he doesn't have any concern about the challenges that this project might bring. He commented that the “green path” is a national certification. Skip Strathearn and Jeff Green responded to a question from the Board relative to the recommended actions and whether separate actions are necessary.

(M)Bibby, (S)Allen, a Mitigated Negative Declaration was adopted; and Res. 09-26 was adopted approving the amendment to the Land Use Map in the Fish Camp Specific Plan pursuant to Specific Plan Amendment No. 2008-163 and amending the site plan, with the updated dimensions for the 6.07-acre area to be rezoned on the project site, approved for Conditional Use Permit No. 204 pursuant to Amended Site Plan No. 164 with the recommended findings, mitigation measure, and conditions of approval/Ayes: Unanimous.

(M)Bibby, (S)Allen, the first reading was waived and Ordinance introduced amending the Land Use Map in the Fish Camp Specific Plan pursuant to Specific Plan Amendment No. 2008-163. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous. The hearing was closed.

Dana Hertfelder, Public Works Director;

Discussion and Possible Direction Regarding Mariposa Town Cemetery

BOARD ACTION: Discussion was held with Dana Hertfelder; and he advised of two alternatives: 1) no longer provide cemetery services for the area once the Mariposa Cemetery is full; and 2) to create a cemetery district and a new cemetery to serve the residents currently being served by the Mariposa Cemetery. Suggestions were made that Public Works investigate what is required for forming a cemetery district and costs and composition for the cemetery board; that updates be brought back to the Board periodically so that the Board could help direct this effort; that Planning be involved because of zoning and land use issues; and that Administration help with this project.

Input from the public was provided by the following:

Witt Hawkins suggested that Public Works not be burdened with this project as based on his experiences in serving on the Grand Jury, they are over burdened now.

Rick Benson advised that he would work with Public Works to pursue a cemetery district and options and costs. Supervisor Cann suggested that conceptual information be brought back versus detailed information to make sure that this is the path that the Board wants to minimize the work at this time. Supervisor Bibby asked about getting other departments to assist. The Board concurred with the County Administrative Officer working with Public Works, with Planning's involvement, to pursue the option of forming a cemetery district as discussed.

Dr. Mosher, Health Officer;

Adopt a Resolution Responding to State Water Resource Control Board Draft Regulations and Draft Environmental Impact Report (EIR) for On-site Sewage (Wastewater) Disposal

BOARD ACTION: Dr. Mosher gave a power point presentation on the septic and leach field process; and he compared what is done in Mariposa County versus what would be required with the draft regulations and the cost impact. Discussion was held. (M)Turpin, (S)Cann, Res. 09-27 was adopted responding to the State Water Resource Control Board draft regulations and draft EIR for on-site sewage disposal/Ayes: Unanimous.

11:55 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) PUBLIC HEARING to Review and Accept Comments on the Draft Mariposa County 2008 Regional Transportation Plan (RTP) (Dana Hertfelder, Public Works Director)

COMMISSION ACTION: Dana Hertfelder presented the staff report. He responded to questions from the Commissioners relative to funding sources for the projects; ability to amend the Plan; status of the Pavement Management Study; relative to the level of the services management rating; relative to the status of various pending projects; and relative to the Board's previous action by Resolution No. 08-441 claiming road interests and whether that impacts this Plan.

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

Witt Hawkins advised that during his tenure with the Grand Jury they looked at roads in the County and there was discussion about some of the roads that they felt needed to be widened

for emergency response; and he asked about the status of road widths. Chair Turpin responded that the list in the Plan is of potential projects. Dana Hertfelder responded relative to their efforts to get 22-foot width on paved roads where possible, with 2-foot shoulders.

The public portion of the hearing was closed. Staff responded to questions from the Commissioners relative to the definition of “county-maintained” roads; and relative to eligibility for maintenance project funding. Chair Turpin asked the County Administrative Officer to bring back information on becoming a self-help county without a defined sales tax commitment. Staff advised that no action is necessary at this time.

12:26 p.m. Lunch

2:08p.m. Dana Hertfelder, Public Works Director;

Presentation by Mead & Hunt on the Updated Airport Master Plan and Board Approval of the Plan

BOARD ACTION: Supervisor Bibby excused herself from the meeting for this item as the document has a reference to some property that she has a financial interest in as a remainder of a family estate. Dana Hertfelder introduced David Dietz and David Mead, consultants with Mead & Hunt. David Dietz gave a presentation on the updated Airport Master Plan. Discussion was held concerning the Plan, alternatives for hangar sites and helicopter parking pads, relative to review of the Plan by the Airport Advisory Committee and request for additional time to comment, relative to review of the Plan by the Forest Service and CAL FIRE, and relative to public review requirements for this document. Dana Hertfelder recommended that approval of the Plan be continued for a month to allow for further review by the Airport Advisory Committee.

Input from the public was provided by the following:

Joe Coho, member of the Airport Advisory Committee and the Mount Bullion Community Committee, commented on his goals on working on these committees to enhance public participation and to provide a liaison. He does not feel that there was sufficient time for the Airport Advisory Committee to review and provide comment on the proposed draft Plan. As a member of the Mount Bullion community, he feels there has been a lack of public notice and that a notice in the Gazette would have provided an opportunity for the citizens to come. He provided input on communication with the Airport Advisory Committee and its review of the draft chapters through the process. He recommended that there should be one more public meeting and that the Airport Advisory Committee be given time to meet and make recommendations.

Joel Bibby stated he is a member of the “small” cattle operation that was referred to in the Plan – however, this is a family operation that encompasses two counties and it is not small. He referred to the family’s previous experiences with condemnations; and he has a concern about the proposed restrictions on their land. He noted that the Airport is an enterprise fund and it should generate its own revenue and not need County general funds. He feels we are creating a bigger industry with this Plan and higher costs. He feels the Airport is a luxury item that benefits few people and tax dollars should not be used. He feels taking the property is wrong. He further noted that their family did not get a lot of input into this Plan as they did not know that the acquisition proposal was forthcoming. He advised that they have tried to be good neighbors.

Supervisor Allen asked staff to research to see if there is there is a past agreement with the neighboring property owner to not encumber their land. Dana Hertfelder noted that even though projects are included in the Plan, it will take further action by the Board to proceed, including acquisition of an easement. Discussion was held with David Dietz relative to the proposal to restrict development on the proposed easement. Supervisor Turpin asked Public Works to bring back information on the land use zoning for properties around the Airport. Supervisor Aborn commented on the importance of the Airport for firefighting efforts and for possible expansion if a conference center is constructed. He also asked if the Airport Pilots Association had any input on the Plan. The Board concurred with continuing this matter for input from the Airport Advisory Committee as discussed.

Fred Lustenberger, Building Department Director;
Building Department Budget Deficit Report and Possible Mitigation and Request to Include
Possible Lay-off of Departmental Personnel

BOARD ACTION: Discussion was held with Fred Lustenberger relative to the budget deficit report and alternatives, and the status of violations with unpaid permit fees. Supervisor Turpin asked about being able to tie unpaid permit fees to the property tax roll, and County Counsel advised that he would need to research that. Supervisor Turpin asked whether there could be a lien mechanism to recoup the unpaid permit fees if there is a change of ownership of the property. Supervisor Bibby asked about the status of the grading permit fee revenue, and she was advised that an invoice was recently sent to the Resource Conservation District. Rick Benson and Jeff Green provided input on the lay-off process.

Input from the public was provided by the following:

Floyd Davis stated he is an associate member of the Mariposa Contractor's Association, but he is speaking as an individual; and he asked for a copy of the memorandum that is being discussed.

(M)Cann, (S)Turpin, the Board gave direction to move forward with the recommendations in alternative 3 as recommended for laying off two staff members (Office Assistant II and Plans Examiner), increasing permit and plan check fees, increasing focus on revenue producing activities, and borrowing approximately \$40,000 from the General Fund to offset the current budget deficit for this fiscal year. Discussion was held relative to the proposal for fee increases and relative to addressing the code violations. It was clarified that that each of these recommendations will need to be brought back to the Board for final action. Ayes: Unanimous.

3:53 p.m. Recess

4:03 p.m. Discussion and Possible Direction Regarding County Revenues (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson presented the interim financial report and advised that the mid-year report will be forthcoming. He advised of information obtained at a meeting he attended on Friday with a representative from the Governor's Finance Office relative to budget impacts. He advised that he is still working with the Departments on gathering information on the status of programs and associated funding, including information received by the District Attorney on Friday that funding is being cut for one of their grant programs. He advised of the status of the Humans Services budget and proposed deferral of payments by the State. Discussion was held relative to the status of revenues for secured property taxes, sales taxes and the transient occupancy tax. Rick Benson provided input on the status of the PERS rates. Chris Ebie, Auditor, provided input on the deferral of payments to Human Services. Rick Benson advised that he is still planning to come back with information that the Board requested on the status of vacancies and department funding.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee
Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised that this closed session is not needed.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)

BOARD ACTION: Rick Benson advised that he has a conflict in his schedule with the next CalTrans Planned Development Team meeting on this project scheduled for January 22nd. He recommended that the local emergency be continued until a permanent fix is in place. Supervisor Cann asked about the process for continuing these emergency actions, and discussion was held. The Board concurred with moving the local emergency items to the Consent Agenda. (M)Bibby, (S)Turpin, Res. 09-28 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite

National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued until such time as full reimbursement is received. He advised of his review of the reimbursement report. (M)Bibby, (S)Cann, Res. 09-29 was adopted finding the local emergency due to the Oliver Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended continuing the local emergency until full reimbursement is received.

Input from the public was provided by the following:

Witt Hawkins stated he does not feel these items should be removed from the agenda until the reimbursement check is cashed.

(M)Turpin, (S)Bibby, Res. 09-30 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of January 13, 2009, Regular Meeting (Clerk of the Board)
- CA-2 Approve the Declaration of Intent not to Contract for Emergency Medical Services Appropriation (EMSA) Fiscal Year 2008-2009 and Authorize the Board of Supervisors Chair to Sign the Declaration (Health Officer); Res. 09-19
- CA-3 Approve Budget Action Increasing Revenue and Appropriations in Fleet Services to Establish a Budget Line for New Vehicle Set-Up Costs (\$71,000) (4/5ths Vote Required) (Public Works Director); Res. 09-20
- CA-4 Approve Budget Action Transferring Funds within the Yosemite West Sewer Budget to Cover Increase of Annual Fees for State Water Resource Conservation Board (SWRCB) (\$3,083) (Public Works Director); Res. 09-21
- CA-5 Approve the Issuance of a Letter of Public Convenience and Necessity to the Department of Alcohol Beverage Control to Increase the Number of On-Sale Alcohol Licenses from Twenty-one (21), to Twenty-two (22) in Mariposa County, Census Tract 001, for Virginia Carol Reardon at 5022 A Highway 140/Main Street Flower, Gift and Tea Room (Planning Director); Res. 09-22
- CA-6 Approve the 2009 Low Income Home Energy Assistance Program (LIHEAP) Agreement 09B-5523 and Authorize the Human Services Director to Sign the Agreement and Subsequent Amendments; Accept an Advance of \$50,000 in Anticipated Revenue from LIHEAP Agreement 09B-5523 (Human Services Director); Res. 09-23
- CA-7 Approve Behavioral Health to Submit a Plan to the Department of Mental Health for a New Component of the Mental Health Services Act Called Prevention and Early Intervention (Human Services Director); Res. 09-24
- CA-8 Re-appoint Norm Ross, Representing District II to the Planning Commission (Supervisor Turpin)

(M)Bibby, (S)Cann, the Board adjourned at 5:00 p.m. in memory of Pauline Trabucco/Ayes:
Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS January 27, 2009



Time Description

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

Pledge of Allegiance
Introductions

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

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

BOARD ACTION: Rick Benson, County Administrative Officer, stated he was involved in a teleconference with Caltrans regarding a permanent fix for Highway 140; and informed the Board that Caltrans is hosting a meeting tomorrow here in the Board Chambers calling it an Outreach to Environmental Groups with groups they have been working with on the permanent fix to discuss their options.

Supervisor Bibby pulled item 2; Supervisor Turpin commented on the item on the Telegraph Fire relative to the heavy rains we had last week and requested that the County Administrative Officer touch base with the Bureau of Land Management and request them to come to the Board with an update in regards to the affect of the recent rains. Chair Aborn referred to item 7 to announce the recipients of the Chamber of Commerce selected Business Man, Business Woman and Business of the year for 2008. (M)Turpin, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Supervisor Bibby requested additional information regarding item 2 and discussion was held with Dana Hertfelder concerning the process of this type of grant application. It was noted that verification will be made that this grant is applicable to each property prior to application processing.

Input from the public was provided by the following:

Ruth Catalan requested clarification as to if it has been determined if this property is designated as a farm or ranch. Dana Hertfelder, Public Works Director responded that this is a 22 acre parcel. She expressed concern that this may not be just a parcel.

(M)Cann, (S)Allen. Item 2 was approved/Ayes: Unanimous. Under discussion Supervisor Bibby requested additional input from Dana Hertfelder in regards to the criteria for the grant approval. Dana Hertfelder responded.

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

Eleanor Keuning thanked Supervisors Turpin and Aborn for attending the Historic Sites Records and Preservation Commission meeting yesterday. She also announced that Jeanetta Phillips was elected as the Chair and Ruth Sellers as the Vice-Chair. They will be adding 2 new at-large positions in the future.

MaryAnn Huff, President of Mariposa County Chamber of Commerce, announced that tonight is an after hours mixer at Mariposa Brewing Company and Jen Nersesian is coming from Yosemite National Park to give an update on their change of command. The Chamber of Commerce 2008 Business Man, Business Woman, and Business of the Year installation dinner is this Saturday, January 31st at Best Western at 5:30.

Ruth Catalan expressed concern relative to the affects of the recent rain on the Telegraph Fire area and recommended that Public Works go out and inspect the area.

Board Information

Supervisor Bibby attended the Mother Lode Job Training meeting where they discussed the increasing unemployment rates in surrounding rural counties. One of the counties reported they have had to reduce their Building Department by 70%. She commented on phone calls she is receiving from ranchers and producers concerned about a possible draught and wondering if Mariposa County is going declare another emergency for this.

Supervisor Turpin thanked the Board for unanimously approving Norm Ross to continue as District II Planning Commissioner. He attended the Greeley Hill Community Club meeting, and the Agricultural Advisory Committee and feels they are making great progress on addressing the Williamson Act and future policies. He attended the Historic Sites Records and Preservation Commission meeting. He will be having a District II meeting at the schoolhouse in Coulterville where Dr. Mosher will address the AB-885; they will also discuss the historic district and the old street lights. On Friday he will be attending a meeting with Bureau of Land Management and the Forest Service in Sonora addressing the Off Highway Vehicle trails.

Supervisor Allen attended the Fractured Rock Ground Water presentation and felt it was very well done. He met with Rick Peresan, Technical Services Director, regarding people that can't get to the Library to look at the Board agenda and says we are making progress and in the future will have that information on the internet for everyone to view. He met with the Golden Agers in regards to a agreement with the Senior Center and he believes both sides are happy with the agreement.

Supervisor Cann also attended the Fractured Rock Ground Water presentation. He and Supervisor Aborn attended the Yosemite Gateway Partners meeting, stating that in the past year they have taken on a new maturity. He briefly explained some of the statistics of the Yosemite National Park's discussion, including the recent calculation that 40% of tourists enter Yosemite National Park one way and leave another way and commented on working together in regards to raising the economic situation with regard to how tourists visit the greater Yosemite area. He thanked the Board for naming him Chair of the Water Agency, he spoke of the plan and the deadline coming up relative to the Integrated Regional Watershed Management Plan and briefly described the Counties that are involved in producing this plan. He recognized the Resource Conservation District staff for being proactive with this process and getting us where we are today. He stated he has been in contact with other counties who are ahead of Mariposa but are willing to assist us. He announced the upcoming Regional Council of Rural Counties meeting and informed the Board of two presentations that will be given that will include a report on the State Budget status and the Williamson Act, that he will be present for either by teleconference or personally attending.

Supervisor Aborn announced that tomorrow night he will be presenting awards at a dinner for the Future Farmers of America at the Merced County Fair Grounds and read the names of the recipients of the awards. He addressed the Midpines Planning Advisory Committee in regards to the fire. A YARTS agreement was approved last week and they will be moving forward regarding another piece of land that YARTS is interested in. He spoke of YARTS talking of expanding the routing of the 120 and the 41 corridor where there has been resistance in the past. He briefly gave the history of the issue.

Supervisor Turpin stated he will be taking part in the California State Association of Counties telephone conference regarding the Williamson Act.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
Approve the Human Services Department On-Call Coordinator Job Description, Allocate One Permanent Part-Time Position to Behavioral Health, set the Salary at \$4,509.96-\$5,481.84 (Aligned with the Social Worker Supervisor II) and Assign the Position to the MCMCO Bargaining Unit. Approve the

On-Call Social Worker IV Job Description, Assign it as an Extra-Help Specialized Classification, and Set the Hourly Rate at \$20.83 (First Step of Social Worker IV Classification). Additionally, Approve a \$350 Monthly Stipend for the On-Call Coordinator and On-Call Social Worker IV Classifications. Approve the Budget Actions that Coincide with this Proposal. This Action will be Effective February 1, 2009. Approve Budget Actions Transferring Funding within the Social Services, Alcohol & Drug, Mental Health Services Act, Proposition 36 – Substance Abuse, and Employment & Community Development Budgets to Increase Revenue and Appropriations in the Behavioral Health Budget Unit to Accommodate the New Positions and On-call Pay (\$15,250) (4/5ths Vote Required)

BOARD ACTION: Rick Benson presented information and the history of the proposal of this item and gave examples of the current process of Adult Protective Services and Child Welfare. Jim Rydingsword, Human Services Director, informed the Board of the behind the scenes work that staff has done including policies, protocols, training and how to transition. He feels it will take a fair amount of time to transition if this is approved. He stated there was discussion with staff and the Union regarding this transition and they are on board. Discussion was held relative to the amount of calls on average per month and per year. It was noted there is a demand for an increased level of service in the community. Jim Rydingsword responded to questions from the Board relative to the affect the State Budget may have on this stating this will not be affected and they are currently putting together a 5-year plan that he expects to present to the Board in a couple of months. Jim Rydingsword responded to further questions from the Board relative to the Alameda program, a backup system, the majority of the calls being mental health issues, funding of this program and the stipend in regards to filling the position. Further discussion was held relative to the position and the job description.

Input from the public was provided by the following:

Eleanor Keuning commented that she assumes the cost of the Alameda program will be equal to what this will cost. She then commented that in other counties some job descriptions require certain hours including odd hours and doesn't know if that is the case in Mariposa County.

Pam Hawkins, President of Service Employees International Union Local 521, informed the Board that she has been working with Jim Rydingsword on this and believes this is the perfect solution and is in full support.

Jim Rydingsword stated that they spent a great deal of time with staff to ensure staff supports this. Supervisor Bibby stated she feels this may improve the immediate response time and could relieve deputies after working their regular scheduled hours of having to respond to calls in the evenings and on weekends. Supervisor Bibby requested a report be brought back to the Board on the status and the progress. She commented that she will be checking with the hospital and deputies also regarding the status. (M)Allen, (S)Turpin, Res. 09-40 was adopted approving the recommended action/Ayes: Unanimous.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

Authorize Layoff of One Plan Checker/Inspector in the Building Department Effective March 2, 2009

BOARD ACTION: Rick Benson stated the Board received a report of the Building Department's status and in the report they were told that the department would have to lay off two employees. However since last week one employee voluntarily retired and at this time they request the Board approve the lay off of one Plan Checker/Inspector effective March 2, 2009. He stated since last week's meeting they have worked with Service Employees International Union 521 on this purposed action and is hoping this is a temporary layoff.

Supervisor Aborn stated he would like to see cross training before the layoff takes effect. (M)Turpin, (S)Allen, Res. 09-41 was adopted approving the layoff of one Plan Checker/Inspector in the Building Department effective March 2, 2009. Under discussion it was stressed how important is it to obtain proper permits prior to construction/Ayes: Unanimous.

10:05 a.m. Recess

10:16 a.m. CALENDAR Kris Schenk, Planning Director;

PUBLIC HEARING to Consider Appeal No. 2008-193, an Appeal of the Planning Commission's Denial of Appeal No. 2008-155 for the Planning Director's Zoning Use Determination Resulting from

Review of Building Permit No. 27681. Building Permit Applicant and Appellant: Theresa Castaldi. Coyote Springs Ranch is Located at 2100 Old Highway, Catheys Valley and Includes Ten Parcels. The Subject Appeal and Permit Involves APN 016-220-008, a 21.47 Acre Parcel. (Continued from January 13, 2009)

BOARD ACTION: Chair Aborn explained the appeal process for hearing. Kris Schenk informed the Board of recent discussions with Jeff Green, Interim County Counsel, and the appellant to come to an agreement that did not occur. Sarah Williams, Deputy Planning Director, presented staff report and the history of the permits requested. She explained the Planning Department's responsibility in regards to building permits. She stated the primary issue of the appeal is the non-fixed seating area occupancy that is not a permitted use in the Agriculture Exclusive Zone. She explained the process of a Zoning Amendment and a Conditional Use Permit and explained the process relative to the decision makers, the land owners, neighbors, and departments. She informed the Board that staff has relied on direction of the Planning Director's action and the Interim County Counsel's opinion addressing the need for Title 17 update addressing Agri-tourism. Sarah Williams addressed each appeal issue, made her recommendation and informed the Board of options available to the appellant, such as amending her building permit design, use mobile or temporary facilities and an assemblage permit, apply for a Conditional Use Permit, apply for a General Plan Zoning Amendment or await the outcome of the Agri-tourism code amendments. Staff concluded her presentation and stated it is not the plan of the department to shut down Coyote Springs Ranch. Clarification was made that the only action today is to either deny or approve the appeal. Further clarification was made as to the occupancy of the eating area being addressed in the Planning Director's decision and relative to the cabins that were authorized in October of 2007, which enables the appellant to build the cabins at this time.

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

Theresa Castaldi, Appellant, gave a brief history of the establishment of the ranch. She read a portion of the General Plan regarding Agri-tourism, and an email and letter from the Planning Department relative to serving guests. She stated she built the kitchen to the required commercial specifications and is appealing the denial of her kitchen. She responded to questions from the Board relative to the number of overnight and day guests to be served at Coyote Springs Ranch and what the hours of operations would be.

Al Castaldi, Appellant, responded to questions regarding the number of guests that could be served. He distributed memos from the Building and Planning Departments, and raised issues relative to the contents. He stated he feels the County is trying to limit this operation. He responded to questions of the Board relative to overnight guests permitted with the 6 cabins, the allowance of day guests with an assemblage permit and the probability of hiring local residents to operate the kitchen. He requested that the Board approve the appeal stating he believes they are within the Agri-tourism guidelines. He responded to questions of the Board relative to the Coyote Springs Ranch advertisement of a full service restaurant/conference center.

Jay Castaldi, Appellant, stated there won't be set hours for the kitchen. He read a letter from the Planning Department regarding Agriculture commenting on staff's conclusion regarding Agriculture use relative to Agri-tourism not needing a Conditional Use Permit. He spoke of possible employment on the ranch and benefits to the community and concluded stating they want a cattle ranch not a restaurant.

Input from the public was provided by the following in support of the appeal:

Friend of Jay Castaldi from Big Bear spoke in support of approving the appeal.

MaryAnn Huff, President of Mariposa County Chamber of Commerce, stated the general public has asked them to come and comment on the appeal, she can only comment on the economic development. She brought up discussion regarding the maximum allowance of guests allowed for the kitchen relative to the cabins.

Norm Miller spoke in support of the appeal and asked for clarification relative to the occupancy of the kitchen.

Ken Pulvino, Greeley Hill property owner, spoke in support of the appeal and the kitchen. He commented that Sarah Williams is a valued and talented employee and trusted in the community. He expressed concern relative to staff stating facts regarding Agri-tourism as if it was written in stone in a very gray area.

Katy Gorham spoke in support of the appeal and is in support of the ranch as an education for her boys. She requested the Board please allow the kitchen.

Jeanetta Phillips spoke in favor of the kitchen and urged the Board's approval.

Deanne Kiley spoke in favor of the kitchen acknowledging Theresa Castaldi for the ranch.

Joslin Hume, an Agri-tourist from Merced, spoke in support of the appeal, commenting that her family recently visited Coyote Springs Ranch and would have liked a meal.

Rick Lobaugh spoke in support of the appeal, commenting that Theresa Castaldi has been allowed cabins and is allowed to serve her guests; therefore, she needs a kitchen.

Brent Smith encouraged the Board to support the appeal; he feels it will serve the county well to encourage projects like this.

Input from the public was provided by the following in opposition to the appeal:

Bill McKay spoke opposing the appeal, commented that this has gone on for too long, he expressed concern relative to starting the kitchen without a permit and feels we need to get away from the emotion and get back to the rules and regulations.

Bart Brown spoke opposing the appeal; recommends Theresa Castaldi apply for a Conditional Use Permit. He thanked the Departments for their work on this project.

Rita Kidd offered the Board a publication called "What Can I Do On My Land" put out by UC Davis. She commented that the Planning Department requested a business plan so they could better assist Coyote Springs Ranch. She read the AB1258 Home Stay Bill regarding Agriculture to ensure it is included in the record, stating the previous Board cited this bill in a prior approval. She feels the County has been in support of Coyote Springs Ranch and that we need to stay focused on the issue at hand.

Debbie Lester spoke opposing the appeal stating this should be a Conditional Use Permit for Agri-tourism use.

Robert Brockman spoke opposing the appeal stating there is a restaurant in Catheys valley and Sal's Taco's would be willing to go to the ranch.

Mike McCreary spoke opposing the appeal and feels this would set precedence; he questioned what could happen if this is approved.

Rebuttal by appellant:

Al Castaldi, spoke in rebuttal stating this issue is for an Agriculture Exclusive Agri-tourism guest ranch capability which has been permitted. He commented on the safety issue during the events. He concluded that the kitchen will not have set hours and it will be for their guests only.

Theresa Castaldi stated this issue today is regarding the kitchen only, and then read a letter from the Planning Department relative to Agri-tourism in Agricultural Exclusive zoning.

12:20 p.m. Recess

12:37 p.m. Reconvene

Public portion of the hearing was closed.

Sarah Williams responded to the Board stating the recommended action to adopt a resolution upholding the Planning Commission's action and deny the building permit as it was submitted. Staff's recommendation goes beyond that and has the effect of giving direction to the Building Director to establish a maximum occupancy for the six rental cabins that the Board previously authorized and to limit the occupancy of the eating facility and tie it to the occupancy of the six cabins as determined by the Building Director. She stated the intent is not to shut Coyote Springs Ranch down; it is to enable Theresa Castaldi to redesign the plans to get a permit for the eating facility. Staff concluded, reading findings as stated in the staff report.

Staff responded to questions from the Board relative to the assemblage permit, day guests, non-permanent facilities for serving guests and Coyote Springs Ranch continuing with temporary events; relative to the Board having the authority to make this happen; going back to the definition of Agri-tourism; regarding the assemblage permit process and the Conditional Use Permit process; and relative to this hearing addressing the appeal only.

Board commenced with deliberations.

Discussion was held relative to the need to define the rules for Agri-tourism. (M)Bibby, (S)Allen, Res. 09-42 was adopted denying Appeal No. 2008-193 with findings and recommended action to staff and upholding the Planning Commission and Planning Director's actions. Supervisor Bibby asked staff for clarification relative to the motion; and staff recommended the draft resolution be adopted. This is agreeable with the maker and the second. Under discussion by Supervisor Turpin and Interim County Counsel, the next step would be for the appellant to meet with the Building Department and amend the building permit application for the eating facility based upon applicable codes; and if at the end of that process the appellant is not satisfied with the determination of the Building Department this decision can be appealed as well. Staff clarified that a permanent kitchen could possibly be obtained through a Conditional Use permit. Ayes/Aborn, Bibby, Cann, Allen. Noes: Turpin. The hearing was closed.

1:20 p.m. Lunch

2:00 p.m. Kris Schenk, Planning Director;

LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting (See Separate Minutes)

2:25 p.m. Reconvene

Agritourism Program: Approve an Agreement for Professional Services with Karen Robb to Prepare an Agriculture Tourism Program and Ordinance; and Establish the Mariposa Agriculture Tourism Advisory Committee.

BOARD ACTION: Kris Schenk provided the history and background of these items. He explained the scope of work that will be involved in creating this Ordinance including information derived from past workshops and meetings. He informed the Board that Karen Robb is exceptionally well qualified, available and willing to complete this project. Staff responded to questions of the Board relative to proper procedures and the timeframe of the project, stating that once step 2 is completed he we can present the status to the Board. Discussion was held relative to the wording "small scale" with recommendation to address all agriculture businesses.

Input from the public was provided by the following:

Ken Pulvino and Rita Kidd commented that the place to begin is the Calaveras County Ordinance and recommended using the Calaveras guidelines in Title 17.

Ken Pulvino commented relative to recommendations of Ken Churches and Cindy Fake, and commented on the revenue from the County to pay for this.

Bart Brown suggested starting with the Calaveras plan and then sending it straight to the Agricultural Advisory Committee, which has the experience needed. He expressed his concern about a new committee having to be brought up to speed regarding terminology. He reminded the Board of the recent process of updating the General Plan in which copies of General Plans from other rural Counties were obtained first.

Ken Baker, a property owner in Mariposa County stated he would like to see more local talent which would move this process quicker. He encouraged the Board to give this to a group of entrepreneurs to provide results.

Kris Casto believes this committee will hit the ground running and the information is already there. She feels it should be a short termed committee of people that can commit their time; and stakeholders should be involved. She would like to see more of our nature resources included.

Jay Castaldi feels there are other counties that have already prepared plenty of information that is available for review.

Rita Kidd expressed concern relative to confusing the concepts of Agri-tourism and Commercial Tourism and brought up further comments relative to the purpose of Agri-tourism. She urged looking at the Calaveras Ordinance.

Cathi Boze, Mariposa County Agricultural Commissioner, suggested more agriculture expertise on the Committee for balance. She reminded the Board that Agri-tourism is meant to be a supplement, the primary economic engine being the agriculture economy. We need to separate

Agriculture/Agri-tourism and Commercial Tourism. She stated she has full faith in Karen Robb because she has been here from the beginning.

Theresa Castaldi requested clarification relative to appointment of the members to the Agri-tourism Committee and how the process will work. Staff responded. Theresa Castaldi commented that she would like to be nominated as an Agri-tourism/property owner public member.

Al Castaldi described how other counties select committee members. He feels there is no Commercial Tourism in Mariposa County.

MaryAnn Huff commented relative to being very close to having an ordinance and addressing the whole County in the ordinance. She commented that there is Commercial Agriculture and commercial aspects to this. She informed the Board of the current efforts to encourage tourists to visit the Mariposa businesses and feels the ordinance needs to be completed as soon as possible.

Discussion was held relative to the Agricultural Advisory Committee make up; the Agri-tourism Committee make up; criteria; experience and background; and the draft being brought back to the Board after 120 days.

Supervisor Turpin motioned using the Calaveras ordinance addressing Agri-tourism as a draft model at the first step. Staff responded that the first step would be to address the agreement. Motion died for lack of a second. Further discussion was held. (M)Bibby, (S)Turpin, Res. 09-43 was adopted approving the contract with Karen Robb, including direction that the contract can be modified as time goes by and to include direction that staff take a look at the Calaveras program included in the first task of business and bring it back to the Board for further direction after the committee has recommended it. Under discussion by Supervisor Turpin, he would like to see a draft within 120 days/Ayes: Unanimous. Supervisor Bibby requested confirmation that Karen Robb could complete the draft and a report within 120 days of the appointment of the committee members. Karen Robb responded "yes".

Further discussion was held relative to the membership of the Agri-tourism Committee. Motion was made by Supervisor Bibby the Agri-tourism Committee membership would include the 5 Agricultural Advisory Committee members, one representative designated by Agri-tourism/Nature-tourism, one representative designated by the Tourism Bureau and two public members that have recognized expertise in an enterprise involving agriculture production, local tourism or conservation natural resources and adding Farm Advisor as an Ex-Officio member. Motion failed for lack of a second.

Further discussion was held relative to the membership of the Agri-tourism Committee. (M)Cann, (S) Turpin Res. 09-44 was adopted establishing and defining the membership and operation of the Mariposa Agriculture Tourism Advisory Committee as recommended, with the addition of the Farm Advisor as an Ex-officio and with the recognition that the two members from the general public would be selected after the first five members have been appointed, to guarantee a degree of balance. Under discussion, Supervisor Cann recommends the words "small-scale" be removed. Agreeable by the Second as amended. Supervisor Bibby stated her vote reflects the amended motion removing the term "small-scale". Staff requested the language in the motion reflect the recommended suggestion that B2 under No. 3 on page 11 of the draft resolution be "agriculture and nature based tourism ordinance" - Agreeable to the maker and the second as amended. Further discussion was held/Ayes: Aborn, Turpin, Cann, Allen. Noes: Bibby.

Adopt a Resolution of Intention Initiating Amendment to the Mariposa County Zoning Ordinance Chapter 17.40 (Agriculture Exclusive Zone) and Chapter 17.148 (Definitions) to Temporarily Remove Provisions in Code for Agritourism Pending a Comprehensive Update to these Provisions to add Definitive Procedures, Standards, Thresholds and Definitions

BOARD ACTION: Kris Schenk presented the staff report. Jeff Green, Interim County Counsel, responded to questions from the Board relative to not allowing any other project approvals to occur regarding Agri-tourism until this process is completed, stating that the Board can impose a moratorium. Discussion was held relative to imposing a moratorium instead of eliminating provisions for Agri-tourism from Title 17 as proposed, pending completion of the new ordinance.

Input from the public was provided by the following:

Witt Hawkins stated he agrees that a moratorium is the way to go.

Ken Baker asked if Coyote Springs Ranch will be affected by this. Interim County Counsel responded “no”.

Ruth Shane stated that it is her understanding that based on the Board packet that if the language of the ordinance is removed that existing codes would be used and that would be satisfactory.

Ruth Catalan asked if this would affect applications for Agri-tourism and expressed concern relative to the time it will take to complete this ordinance. Staff responded that there are a number of codes in place that will allow the businesses to continue unaffected.

(M)Allen, (S)Turpin, Res. 09-45 adopted giving direction to staff to bring back an interim urgency ordinance with findings for a moratorium prohibiting the approval of any other Agri-tourism uses/Ayes: Unanimous.

Waive Second Reading and Adopt Ordinance Creating Chapter 2.30 of the Mariposa County Code Identifying the Department of Technical Services and its Purpose (Technical Services Director)

BOARD ACTION: Following discussion, (M)Bibby, (S)Allen, the second reading was waived and Ordinance No. 1048 was adopted as recommended. The Deputy Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

4:40 p.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

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

4:54 p.m. Chair Aborn announced Direction was given to staff.

CLOSED SESSION: Liability Claims; Claimant Name: Bernard C. Hughes; Claim Number: C08-9; Name of Agency Sued: County of Mariposa (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was not held.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of January 20, 2009, Regular Meeting (Clerk of the Board)
- CA-2 Approve Mariposa Public Works (MCPW) Solid Waste & Recycling Division’s Request to Apply for the California Integrated Waste Management Board (CIWMB) Ranch & Farm Solid Waste Cleanup and Abatement Grant to Assist Eligible Applicants to Pay for Designated Costs of Cleanup, Abatement, or Other Remedial Actions Related to the Disposal of Illegal Solid Waste on Farm or Ranch Property (Public Works Director); Res. 09-39
- CA-3 Approve Mariposa Public Works Solid Waste & Recycling Division’s Request to Grant Authority to the Rural Counties’ Environmental Services Joint Powers (ESJPA) to Submit a Grant for Tire Amnesty Events from the California Integrated Waste Management Board (CIWMB) on Behalf of Mariposa County (Public Works Director); Res. 09-31
- CA-4 Approve Detection Trapping Agreement No. 08-0667 for Fiscal Year 2008/2009 – 2009/2010 with California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 09-32
- CA-5 Authorize the Fire Chief to Apply for a State of California Office of Traffic Safety (OTS) to Purchase Heavy Rescue Extrication Equipment for Two Rescue Vehicles and Light Rescue Equipment for Five Patrol Vehicles (Fire Chief); Res. 09-33

- CA-6 Recommend the Rejection of Claim No. C08-9 Filed by Bernard C. Hughes for \$5,000,000 and Authorize the Chair to Sign the Notice of Rejection (County Administrative Officer/Personnel/Risk Manager); Res. 09-34

- CA-7 Approve Certificates of Recognition for the Mariposa County Chamber of Commerce’s Selection of 2009 Businessman of the Year (Dave Lawson), 2009 Businesswoman of the Year (Shirley Foster) and the 2009 Business of the Year (Foster True Value) (Chair Aborn)

- CA-8 Approve Certificates of Recognition to the Mariposa County Students who Competed in the 2008-2009 Merced/Mariposa Section Future Farmers of America Project Competition (Supervisor Aborn)

- CA-9 Adopt a Resolution to decline the option to purchase Hangar #42 at the Mariposa-Yosemite Airport (Public Works Director); Res. 09-35

- No Folder Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-36

- No Folder Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer); Res. 09-37

- No Folder Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-38

4:55 p.m. Adjournment in memory of Leticia Ann Anderson, Barbara French, Kenneth “Kenny” Lee Linder, Shirley Laymance-Connolly and Daniel Campbell.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

By: TRACY GAUTHIER
Deputy Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

February 3, 2009



Time Description

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

Pledge of Allegiance
Introductions

Keith Williams, Treasurer, presented a copy of a newspaper story from the Merced Sun Star relative to the financial status of County Bank and its future; and he commented on the County's relationship with the Bank and advised that the County's funds that are deposited with the Bank are fully protected and insured.

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

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

BOARD ACTION: Rick Benson advised that the three local emergency items were inadvertently left off of this agenda and that they would be included in the next agenda; and he advised that it has been the advice of County Counsel in the past that missing one week would not jeopardize the continuation of the emergency. Jeff Green, Interim County Counsel, noted that an amended agreement for item 4 was distributed for adoption. (M)Cann, (S)Allen, all items were approved/Ayes: Unanimous.

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

Eleanor Keuning referred to counties that are in financial trouble and she questioned the Board's action to approve a contract for \$20,000 for agritourism on January 27th; and she commented on an article relative to agritourism.

Board Information

Supervisor Bibby asked that the timelines for scheduling continuance of the three local emergencies on the agenda be reviewed. She advised of the programs funded by First 5 and urged everyone to send letters of support to continue the funding. She advised that she attended a tour with MID and others relative to the FERC relicensing on Thursday, and she attended a scoping meeting on January 28th and commented on the continued scoping process. She noted that 4-H has scheduled a breakfast fundraiser on February 8th. She has offered to work with CHP to do a community meeting in Catheys Valley for the upcoming Amgen bike race.

Supervisor Turpin advised that he held a District 2 meeting in Coulterville on Thursday – Dr. Mosher gave a presentation on AB 885/on-site septic regulations and the Coulterville Water Advisory Committee gave their report. He met with BLM and the Forest Service on Friday in Sonora and they discussed OHV and fuel break issues. He participated in a teleconference call with CSAC on Thursday relative to Williamson Act subvention issues. He attended the Tuolumne County Resource Advisory Committee meeting on Monday, and the issue of Mariposa County joining their RAC is on the Tuolumne County Board's agenda for this date. The Greeley Hill

branch of the Fire Safe Council will have a burn pile and chipping demonstration event on Saturday.

Supervisor Allen advised that he met with the Auditor last week and reviewed various budget items. He met with the Mountain Valley Emergency Medical Services Agency and he will further review the additional fee they passed in December for providers to charge patients. He plans to meet with Madera County Supervisor Wheeler and the Sierra National Forest on Wednesday relative to issues on the Highway 41 corridor. He plans to attend the Area 12 Agency on Aging meeting on Thursday in Jackson, and he was informed that he is the Treasurer.

Supervisor Cann advised that he plans to attend the Mariposa Contractors Association meeting on Wednesday for discussion on potential changes in the Building Code and fees and how they are being applied. He advised that the Gateway Partners has scheduled a workshop for February 16th at the Government Center to decide where they go from this point. He commented on the history of the Gateway Partners and advised that they have \$20,000 in their account. He advised that he and Supervisor Bibby and other staff will be conducting the first review of applicants for the County Counsel position on Wednesday.

Supervisor Aborn advised that he attended the FFA Project Competition awards dinner in Merced on Thursday; and he attended the Chamber of Commerce banquet on Saturday. He reminded everyone of the upcoming deadline for submitting letters to the State Water Resources Control Board on AB 885/on-site septic regulations. He also advised of an email he received concerning the Governor's proposal to tax veterinary services.

Rick Benson advised that it is his understanding that the comment period for AB 885 has been extended to February 23rd. He responded to an earlier request for information on the rules for emergency declarations, and advised that continuation of the local emergency must be reviewed every fourteen days for a governing body that meets weekly.

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

MaryAnn Huff provided additional input on the upcoming Gateway Partners workshop and their funding balance – it will be facilitated by Brent Ives who has a background in strategic planning and organizational development and is currently the Mayor of Tracy. She thanked Chair Aborn for attending the Chamber of Commerce banquet. Supervisor Cann noted that it is because of litigation, particularly the Merced River Wild and Scenic Plan litigation that the Gateway Partners really need to be involved. If the Merced River Wild and Scenic Plan is implemented as rewritten, the implications of overnight stays are dramatic on the ripple effect back into the gateways.

Rick Peresan, Technical Services Director;

Presentation on the State of the Mariposa County Data Network and Approve the Plan to Upgrade the Capacity

BOARD ACTION: Rick Peresan gave a presentation on the existing data network system for the County and the proposal to upgrade the capacity. Discussion was held.

Input from the public was provided by the following:

MaryAnn Huff stated she supports this and feels that it is a great tool to start building a better infrastructure.

Ruth Catalan commented on the budget for Technical Services; and she does not feel that \$20,000 in ongoing costs for this infrastructure is bad. She agrees that we need this technology. She suggested that we look at other small counties to see how they handle their technology; and she noted there may be funding available in the Federal economic stimulus package for bringing technology to rural counties.

Dr. Mosher, Health Officer, commented that staff in the Health Department has participated in video training and he feels there is potential for utilizing this technology. However, some of the training still requires attendance in person for "hands on" courses.

Kris Schenk stated he feels the upgrade would be extremely useful to his department – they could provide zoning and General Plan information on line.

Ruth Shane commented on her experience with IT applications. She noted that the Hospital used T-1 lines and found them to be inadequate for their medical imaging; so she hopes there is a large enough capacity for the County.

Rick Benson commented that video/audio streaming of Board meetings and putting the Board packages on the web would require further action by the Board and are not included in this proposal. Following further discussion, (M)Cann, (S)Bibby, Res. 09-51 was adopted approving the plan to upgrade the data network capacity as recommended and within the currently approved budget/Ayes: Unanimous.

10:38 a.m. Recess

10:49 a.m. Dr. Mosher, Health Officer;

Authorize the Health Officer to Apply for Grant to Implement a Childhood Dental Health Program (\$40,000)

BOARD ACTION: Discussion was held with Dr. Mosher, and he advised that if the Board gives authorization for applying for the funds, he will put together a program and submit an application to the First 5 Commission for funding. (M)Bibby, (S)Turpin, Res. 09-52 was adopted authorizing the application for the childhood dental health program as recommended/Ayes: Unanimous.

11:02 a.m. AIR POLLUTION CONTROL DISTRICT

Dr. Mosher, Air Pollution Control Officer;

Authorize the Air Pollution Control Officer to Send a Letter to the State Water Board Expressing Concerns with Draft On-site Septic Regulations per AB-885

AIR POLLUTION CONTROL DISTRICT ACTION: Discussion was with Dr. Mosher, and he advised of the response the State Water Board has received on this matter. The State has extended the comment period and has cancelled the hearing they had scheduled for Monday to work on rewriting the regulations. (M)Bibby, (S)Turpin, APCD Res. 09-1 was adopted approving the letter/Ayes: Unanimous. Dr. Mosher thanked the Board members for their support in getting the message out and he noted the internet and email assists in the communication.

11:08 a.m. Jeffrey G. Green, Interim County Counsel;

Adopt an Interim Urgency Ordinance Pursuant to California Government Code Section 65858 Effective Immediately Prohibiting the Approval of Any Agritourism Uses Pursuant to Chapter 17.40 and Chapter 17.148 of the Mariposa County Code, with the Exception of any Existing Permit Applications which have been deemed Complete for Processing as of the Date of the Adoption of the Interim Urgency Ordinance. If this Interim Urgency Ordinance is Adopted it will Expire in 45 Days after Adoption Unless the Board Holds a Public Hearing to Extend the Ordinance within the 45 Day Period

BOARD ACTION: Jeff Green reviewed the process to adopt an interim urgency Ordinance and he advised of the findings in the Ordinance. Discussion was held. Jeff Green responded to questions from the Board and advised that the applications for six cabins and associated eating facility for Coyote Springs Ranch are exempt from this Ordinance as these applications have been deemed okay for processing.

Input from the public was provided by the following:

Theresa Castaldi stated she is happy to be working with the Board on their project; and she referred to the General Plan and Agriculture Exclusive land use and agritourism. She asked for clarification as to whether this Ordinance would affect any Public Assemblage Permits that they might need to acquire for events that have over 250 persons. Jeff Green responded that this Ordinance would not have any legal affect upon uses that individuals can put to their property under the current County codes and ordinances including the Public Assemblage Permit.

Further discussion was held, including starting the process to schedule a public hearing to extend the Ordinance. (M)Turpin, (S)Cann, the reading was waived and urgency Ordinance No. 1049 was adopted prohibiting the approval of any agritourism uses as recommended. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Waive the Second Reading and Adopt an Ordinance Amending the Land Use Map in the Fish Camp Specific Plan Pursuant to Specific Plan Amendment 2008-163; a Rezone of 6.07 Acres of Property on APN 010-410-012 from Single Family Residential 2.5-Acre Minimum to Resort Commercial. Delaware North Companies, Project Proponent (Planning Director)

BOARD ACTION: Kris Schenk advised that the Ordinance is scheduled for second reading and adoption. Rick Benson noted the inconsistency in the staff report relative to the Specific Plan Amendment Number; and staff clarified that it is 2008-163. Skip Strathearn, Senior Planner, noted the site map refers to 6.07 acres, and exhibit "A" and the final map refer to 6+/- acres. County Counsel advised that he does not see a problem and he feels they mean the same. (M)Cann, (S)Allen, the second reading was waived and Ordinance No. 1050 was adopted amending the Land Use Map in the Fish Camp Specific Plan pursuant to Specific Plan Amendment No. 2008-163 as recommended, with the correction to reflect Specific Plan Amendment No. 2008-163 in the documents. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was not held.

11:34 a.m. **CLOSED SESSION:** Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Hazel Green Ranch, LLC v. United States Department of the Interior, et al; Case No. 1:07-CV-004140WW-SMS; Number of Cases to be Discussed: 1 (County Counsel)

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

1:38 p.m. Chair Aborn announced that direction was given as a result of the closed session.

CONSENT AGENDA:

- CA-1 Approve a Lease Agreement with James G. Musick for Behavioral Health Alcohol and Drug Counseling Facility Located at 4629 Highway 49 South, Mariposa and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-46
- CA-2 Approve Agreement with Kenneth and Lamerna Mari, 1990 Trust, in the Amount of \$200 per Month for Secure Storage Facilities Capable of Storing the Election Department Electronic Voting Machines (County Clerk/Treasurer/Tax Collector/Elections); Res. 09-47
- CA-3 Approve the Mariposa County Local Child Care Planning Council Membership Certification and Authorize the Board of Supervisors Chair to Sign the Certification (Human Services Director); Res. 09-48
- CA-4 Approve an Amendment with Rockslide Materials, Inc. to Cover Delivery of Additional Soil to be used as Daily Cover at the Mariposa County Landfill and Authorize the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 09-49
- CA-5 Approve Budget Action Transferring Funds within the Public Works Administration Budget to Cover an Extra-help Agreement for a Safety Officer for the Remainder of the Fiscal Year (\$15,000) (Public Works Director); Res. 09-50

1:40 p.m. Adjournment in memory of George “Ted” Ashworth, Edna Fraser, and Charles Douglas McElligott.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

February 10, 2009



Time Description

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

Pledge of Allegiance
Introductions

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

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

BOARD ACTION: Supervisor Turpin withdrew item 10 and advised that the request for the bus is not needed. (M)Allen, (S)Cann, the balance of the items was approved/Ayes: Unanimous.

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

Keith Williams, Treasurer/Tax Collector/County Clerk, provided an update on the status of County Bank being taken over during the weekend by WestAmerica Bank. Supervisor Bibby asked that the Board be kept informed if there is any discussion to close the Mariposa Branch so that it could consider sending a letter of support.

Eleanor Keuning referred to the power outages on Monday and advised that she is involved in the "Friendly Visitor" program that is operated through Human Services and she commented on her contacts with a participant and the Department regarding an elderly lady that was without heat for several hours – she suggested that the Board be given a presentation on this program and asked if individuals are identified that need this service and whether heat centers should be established similar to the cooling centers. Chair Aborn noted that 9-1-1 is available for emergencies.

Board Information

Supervisor Cann advised that he and Supervisor Bibby attended the Mariposa Contractors Association meeting and several issues were discussed and they will continue to work on issues. He referred to a letter from CalTrans relative to the County becoming a participating agency for the Environmental Impact Statement for the Ferguson Rockslide – he feels the County should be involved and asked that the Board receive regular updates and that the County keep up with the requirements to remain a participating agency. He advised that he and Supervisor Allen met with radio station AM1060 of Oakhurst, and they want to expand and are interested in public interest programming for the County. He plans to attend the Yosemite-Mariposa Forum on Wednesday; and he advised that the Yosemite Gateway Partners strategy meeting is scheduled for Monday and he will check with County Counsel on Brown Act issues for being able to attend this meeting.

Supervisor Allen advised that he met with Dave Martin, Sierra National Forest District Ranger and Madera County Supervisor Wheeler on corridor issues of mutual concern. He attended the Area 12 Agency on Aging Board of Directors meeting and he advised of the status of their funding. He read Governor Schwarzenegger's proclamation of February as Senior Citizens Month; and he urged everyone to visit the Senior Activity Center. He plans to attend the Mountain Valley Emergency Medical Services Agency meeting in Copperopolis on Wednesday.

Supervisor Turpin advised that the comment period for AB 885/on-site septic regulations has been extended to February 23rd; and he advised of information received from the Department of Water Resources relative to revising the regulations and he commended the Health Department for addressing this issue and those that have provided comments. He attended the burn pile presentation with CalFire in Greeley Hill on Saturday. He met with Planning staff and the Don Pedro Community Services District on Monday relative to issues relating to the District. He attended the Parks and Recreation Commission meeting on Monday evening. He plans to attend the Gateway Partners meeting on Monday. He plans to attend the SWIFT meeting and the Red Cloud Friends of the Library meeting on Wednesday.

Supervisor Bibby extended her appreciation to the Contractors Association and to Supervisor Cann for attending the meeting and working to resolve the issues. She thanked CHP for posting signs noticing everyone of the traffic delays for the upcoming Amgen bicycle race scheduled to come through Mariposa on February 18th, and she asked that everyone who lives along the route to be conscientious and contain their dogs. She responded to Eleanor Keuning's public presentation and advised that the Sheriff's Office and CalFire can be contacted to conduct well-being checks. She attended the Mental Health Board meeting on Thursday and noted that the public is welcome to attend the meetings.

Supervisor Aborn advised that the El Portal Advisory Committee is scheduled to meet this evening. He urged caution for driving in this cold weather. He noted that the Gateway Partner's meeting scheduled for Monday falls on the holiday for Presidents' Day.

Supervisor Turpin advised that he noticed that when he crossed the Bagby Bridge that the water is muddy; and he requested that BLM be ask to give a presentation to the Board on where they are with their overall plans with their lands in the Telegraph burn area.

Chair Aborn;

Proclaim the Month of February 2009 as "National Parent Leadership Month" and Presentation and Announcement of Outstanding Parent Leader Awards by Kathy Delaney, Executive Director, Mariposa Safe Families

BOARD ACTION: (M)Turpin, (S)Cann, the Proclamation was approved and presented to Kathy Delaney and the following Parent Leaders: Cathy Lara, Karen Griffin, Sarah Holmes, Tisa Ruppert, and Wayne Koher/Ayes: Unanimous. Kathy Delaney recognized the presence of Board members and staff for Mariposa Safe Families; she presented a plaque to Cathy Lara as "outstanding parent leader," she gave a presentation, along with the Parent Leaders, on the "Shared Leadership" program, and she advised that there will be a grand opening of the family enrichment center on February 26th – it is located by the High School.

9:44 a.m. Recess

9:52 a.m. Supervisor Cann;

Approve the Events Occurring in the Mariposa Arts Park, the Mariposa Creek Parkway, 7th Street, 5th Street Parking Lot, Mariposa County Park, Mariposa County Court House Lawn, Amphitheater and History Center on May 1-3, 2009, as Part of the Annual Mariposa's Butterfly Festival as a County Sponsored Event for Insurance Purposes; Approve the Detour of Traffic from State Routes and Authorize the Board of Supervisors Chair to Sign a Letter to the Department of Transportation

BOARD ACTION: Supervisor Cann provided input on the request and Supervisor Allen was presented with a "butterfly" hat. Dell Knell provided input on the event and activities and recognized the committee members that were present and the Tourism Board for helping with postcards for the event. Gary Walker, committee member, commended Dell for her work with this event. (M)Cann, (S)Turpin, Res. 09-59 was adopted approving the recommended actions/Ayes: Unanimous.

Kim Carr, Regional Manager, Sierra Nevada Conservancy;

Present Sierra Nevada Conservancy's Annual Report and Update the Board of Supervisors on Projects in the Sub-region

BOARD ACTION: Kim Carr gave a presentation on the formation and history of the Conservancy and its Board of Directors; and she presented their annual report, including the award of grants and their status to the Fire Safe Council, Resource Conservation District, Upper Merced River Watershed Council, and the Sierra Foothills Conservancy. Discussion was held.

Input from the public was provided by the following:

Mike McCreary asked for clarification of the regional acceptance process for the Integrated Regional Water Management Plan. Supervisor Cann responded that the Water Agency Advisory Board is going to meet to discuss the need for preliminary funding for this and of efforts to move this project forward.

Gary Walker commented on the signs that are on the McCreary Ranch advising of the conservation protection and urged signage to be put up on other lands that become protected.

10:34 a.m. Dick Whittington, YARTS Transit Manager;
Report and Information and Possible Corridor Expansion

BOARD ACTION: Dick Whittington provided an update on the YARTS ridership, funding, service, acquisition of buses, and projects.

Input from the public was provided by the following:

Gary Walker, speaking on behalf of Ken Gosting, provided the following comments: feels the service on the existing corridor should be operating as efficiently as possible before consideration is given to expanding service to other corridors; the benches at the bus stops should be reviewed for ADA compliance; consideration should be given to having shelters on each side of the road at the bus stops; some buses have been observed “dead-heading;” there is a gap in service between 11:00 a.m. and 5:00 p.m. for service between Merced and Yosemite; and he presented a print-out of Tuolumne County’s alternative types of transit service.

Dick Whittington responded to the input. Discussion was held, including the status of the UC Merced connection, ridership and funding. Supervisor Bibby asked for a continued status report on the UC connection and for a breakdown of ridership per route. Dick Whittington advised that the route information is available on their website.

Dick Whittington provided input on the history of the routes and discussions of possible route expansions, including the Highway 41 corridor and the Highway 120 corridor – he advised that requests concerning Highway 41 have been referred to Madera County.

Input from the public was provided by the following:

Lou Aceto, Oakhurst, thanked the County and the Health Department for getting information out on opposing AB885/on-site septic regulations. He provided input on YARTS and questioned the information about the success of this service, advised that he does not support expansion to Highway 41 and of petitions opposing this, and he presented a written statement.

Discussion was held relative to the route expansion issues. Dick Whittington responded to the input on this matter.

11:32 a.m. Recess

11:48 a.m. Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
Approve a Reorganization of the Human Services Department by Consolidating the Fiscal Operations into One Unit as Well as Consolidating the Information Systems Support Operations into One Unit by Transferring the Allocation of the Staff Services Manager, Accountant I, Accounting Technician I/II, One Account Clerk II and One Account Clerk III to the Human Services Administration Budget from the Behavioral Health, Alcohol and Drug, Proposition 36 – Drug Court, Mental Health Services Act, Social Services, and Employment and Community Services Budgets; Amend Fiscal Officer Job Description by Creating a Flex Class of Fiscal Officer, Setting the Salary at \$4,683.40 - \$5,692.38 and Changing the Fiscal Officer Allocation to a Fiscal Officer I/II; Eliminate one Account Clerk III Position in Behavioral Health; Amend Network Administrator II Job Description and Change Position from Merit Systems Services to a County Position and Add One Position of System Support Analyst to Human Services Administration. Approve Budget Actions Transferring Funds from the Behavioral Health, Alcohol and Drug, Proposition 36 – Drug Court, Mental Health Services Act, Social Services,

and Employment and Community Services Budgets to Human Services Department Administration to Accommodate these Changes Effective February 1, 2009 (\$141,156)

BOARD ACTION: Rick Benson presented the staff report and recognized Sandi Laird and Mary Hodson for their work on this request, as well as Human Services staff. Jim Rydingsword, Human Services Director, provided input on the request and advised that the Department runs twenty programs in eight different service areas. He feels that this reorganization will result in a savings of about \$30,000 per year and he is asking that this savings be set aside for the possibility of a new building for the department in the future. Discussion was held. (M)Allen, (S)Turpin, Res. 09-60 was adopted approving the recommended actions for the reorganization/Ayes: Unanimous.

12:00 noon Lunch

2:02 p.m. Tammy Kudela;

Presentation by the Sierra Regional YMCA Founders Committee Regarding Their Efforts to Fund and Build a Comprehensive YMCA Facility and Possible Direction Regarding a Request by the Committee and its Supporting Mariposa Residents for the Board of Supervisors to Consider Designating the Formerly Purchased "Recreational Complex" Property for a Comprehensive YMCA Facility

BOARD ACTION: Tammy Kudela referred to the history of the property for a recreational complex; and she gave a presentation on the idea of bringing a comprehensive YMCA to the County and asked for consideration of designating a portion of recreational complex property for this project. Doug Sink, consultant, commented on his background and advised that he is the CEO of the Central Valley YMCA in Fresno. He reviewed the background to the organization of the YMCA and how they operate and the process of establishing a YMCA here. Tammy Kudela continued her presentation and suggested starting with the double monolithic dome structure for a multi-use event center. She advised of the committee's fundraising activities for this project and presented letters of support. Discussion was held. Rick Benson advised of his discussions with the Public Works Director regarding this proposal and advised that he doesn't have any concerns about the compatibility of this project with other thoughts for use of the property. Supervisor Aborn advised that he has asked the Public Works Director to look at the parameters of the grant funds that were used to purchase the land to make sure that there are no conflicts. Rick Benson advised that the request is for a commitment from the Board that it would allow the YMCA to use the land if they raise the funds to build the facility and there was discussion of the possibility of a long-term lease. He suggested that the Board could approve this in concept and give direction to staff to come back with a report on options for proceeding with the use of this property; or direction could be given that the Board is not interested in pursuing this.

Supervisor Cann suggested giving direction to the County Administrative Officer to coordinate with the affected departments and come back with a list of requirements and ramifications for the Board to consider to get to a point where the Board could commit a portion of the property for this purpose. (M)Bibby, (S)Cann, direction was given to the County Administrative Officer as suggested by Supervisor Cann; and Supervisor Bibby requested that all affected departments and agencies review all potential issues for the dome construction and for the subject property, including EPA concerns, building, zoning, land use, funding, parking, access, options for transferring ownership of the property and for leasing, and relative to risks and liabilities, etc. to determine if the YMCA would be able to proceed with this project/Ayes: Unanimous. Rick Benson requested clarification of the Board's intent on the YMCA and the County's role in the requested review of issues; and discussion was held. Supervisor Turpin suggested that this be worked on in phases; i.e., first look at whether there are any restrictions because of the grant funding used to purchase the property, and then look at the land use issues before moving forward. Supervisor Cann clarified that his second to the motion was not asking the County Administrative Officer to process a land use zoning change, but to come back with a list of what is required for this project to be built and for determining who will be responsible for what. Supervisor Bibby agreed with this clarification, and stated she is asking for preliminary feedback before actually going through a process. Further discussion was held. Rick Benson clarified that he would come back with a report on the feasibility of using this property for the YMCA, and whether the

requested use would be within the terms of the grant that funded the purchase of the property; and if there are any hurdles, he will make those known as soon as possible. Tammy Kudela provided input relative to the Board's action and advised that it is acceptable.

Input from the public was provided by the following:

Betty Williams, Italian Acres, advised that the subject property is adjacent to her and she asked if there will be an opportunity to comment on the ingress and egress to the project before a decision is made.

Rick Benson responded that there will be hearing processes and an opportunity for neighbors and the public to comment before final decisions can be made. Supervisor Bibby asked that the neighboring property owners be notified as the process moves forward.

Discussion and Possible Action Regarding Revising Current County Vehicle Usage Policy, Including Clarifications and Possible Requirement to Maintain Mileage Logs (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson reviewed the staff report and advised that he will be following-up with departments to make sure that they have a policy for ensuring that their drivers have valid licenses. Discussion was held. Supervisor Allen asked about ensuring that employees have signed the statement for operating County vehicles and about reviewing the status of driver's licenses. Discussion was held relative to determining "compelling circumstances" for authorizing an employee to have a passenger that is not engaged in County business. No action was taken.

Approve Budget Action Transferring Funds within County Counsel's Budget to Cover Unanticipated Fees for Replacement Books and Supplements to the End of this Fiscal Year (\$1,500) (County Counsel)

BOARD ACTION: Jeff Green, Interim County Counsel, provided input on the request. (M)Bibby, (S)Allen, Res. 09-61 was adopted approving the budget action/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised that this closed session was not needed.

4:14 p.m. **CLOSED SESSION:** Conference with Real Property Negotiator: SPCA Bullion and 10th Streets Property; Name of Party who will Negotiate with County (Not Party's Agent): Rick Benson; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer/Personnel/Risk Manager); and

CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Hazel Green Ranch, LLC v. United States Department of the Interior, et al; Case No. 1:07-CV-004140WW-SMS; Number of Cases to be Discussed: 1 (County Counsel)

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

5:08 p.m. Chair Aborn announced that direction was given relative to the SPCA property matter and that discussion was held on the Hazel Green Ranch matter.

CONSENT AGENDA:

CA-1 Approval of Summary of Proceedings of January 27, 2009 and February 3, 2009, Regular Meetings (Clerk of the Board)

- CA-2 Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-53
- CA-3 Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer); Res. 09-54
- CA-4 Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-55
- CA-5 Approve the Solid Waste Handling Agreement with Total Waste Systems of Mariposa for Solid Waste Removal Services in Wawona County Service Area 2-W (Public Works Director); Res. 09-56
- CA-6 Approve a Letter Agreement with John C. Fremont Healthcare District and the Mariposa County District Attorney's Office, the Mariposa County Sheriff's Department and the California Highway Patrol – Mariposa Departments Regarding Services to Draw Blood on Suspected DUI and Drug Cases for the Period of February 14, 2009 through February 13, 2010 and Authorize the Board of Supervisors Chair to Sign the Letter Agreement (District Attorney); Res. 09-57
- CA-7 Approve Budget Action Increasing Revenue and Appropriations and Accepting the PG&E Grant for Improvements to the Mariposa Creek Parkway (\$5,000) (4/5ths Vote Required) (County Administrative Officer/Personnel/Risk Manager); Res. 09-58
- CA-8 Appoint Jeff Miller to the Historic Sites and Records Preservation Commission in the At-large Position (Planning Director)
- CA-9 Appoint Sarah Holmes to the Alcohol and Drug Advisory Board for a Term Expiring February 10, 2012 (Human Services Director)
- CA-10 Authorize Use of a County Transit Bus or Van to Transport Public to CALFIRE Demonstration on February 12, 2009 (County Administrative Officer/Personnel/Risk Manager); matter was withdrawn from the agenda

5:09 p.m. Adjournment in memory of James Tobin and Ramona Ruth Taylor.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS February 17, 2009

Draft Pending Board Approval

NOTE: The Feb. 17, 2009 Draft minutes were included in the Board packets for Feb. 24, 2009 for approval but the Agenda reflected approving the February 10, 2009 minutes which had been approved the previous week. This is being included in the Board packets again for March 3rd for finalizing approval.

Time Description

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

Pledge of Allegiance
Introductions

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

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

BOARD ACTION: Supervisor Cann withdrew item 16 on the advice of County Counsel to check on whether there are any potential conflicts with the other boards that Dana Finney serves on; and he advised that Skip Skyrud resigned from the Planning Commission effective February 13th. Supervisor Turpin pulled items 10, 11 and 12 for discussion with the Public Works Director. Supervisor Bibby thanked Mike McCreary for his willingness to serve on the Assessment Appeals Board.

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

Items 10 and 11 – Supervisor Turpin initiated discussion with Dana Hertfelder relative to the State Water Resources Control Board fee increases. (M)Turpin, (S)Allen, items 10 and 11 were approved, with direction given for a letter to be sent to the State asking for justification of the fee increase, with a copy to be sent to our legislative representatives and to Art Baggett/Ayes: Unanimous.

Item 12 – Supervisor Turpin initiated discussion with Dana Hertfelder relative to the status of the agreement and the projects. (M)Turpin to approve item 12 and to request that Public Works bring back a status report on the road projects, was amended following discussion to approve item 12 and seconded by Bibby. Supervisor Turpin advised that he will ask Public Works to provide a status report on road projects to the Board. Ayes: Unanimous.

Chair Aborn noted that the microphones have been replaced in the Board room.

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

Elexis Mayer introduced herself and advised that she is temporarily filling in behind Jen Nersesian as acting Management Assistant to the Superintendent for Yosemite National Park and Branch Chief of Public Involvement and Outreach.

Board Information

Supervisor Cann Commended Elexis Mayer for her work with the Park. He advised that he and Supervisor Allen toured John C. Fremont Hospital with the new CEO last week. He attended the Yosemite-Mariposa Forum on February 11th, and he advised that this is a working group that was formed for communication between the public, private and federal government; and the Amgen bike race, Economic Development Corporation and tourism issues were discussed. He attended a presentation by Mariposa Safe Families on February 12th relative to the new parent leadership program. Along with three other Supervisors, thanks to an opinion provided by County Counsel on the Brown Act, he attended the Gateway Partners strategic planning meeting on Monday. He plans to attend the Integrated Regional Watershed Management Plan formation task force meeting on February 19th as Chair of the Water Agency.

Supervisor Allen advised that he attended the Mountain Valley Emergency Medical Services Agency meeting on February 11th in Copperopolis. He is tracking the status of the State budget situation and funding and he commented on potential impacts to the County. He noted that the President is signing legislation today on the Federal Stimulus package and commented on potential grant funding that may be available to the County. He plans to attend a program on Friday at the Senior Activity Center with AARP assisting with basic tax filing, and he advised that he is working on helping to find a more suitable location that has computers available for this service.

Supervisor Turpin commented on information received from the Fire Chief relative to the status of the fire equipment that the County ordered from Pierce Manufacturing. He advised that he attended the SWIFT meeting on Wednesday in Moccasin and there is potential funding in the stimulus package for Forest Service maintenance projects. He attended the Friends of the Red Cloud Library meeting and they will be moving to the new library facility soon and they are planning their St. Patrick's Day dinner for March 7th. He noted that the Hornitos Enchilada dinner is also scheduled for March 7th. He attended the Gateway Partners meeting on Monday; and he plans to attend the Integrated Regional Watershed Management Plan meeting on Thursday.

Supervisor Bibby asked that a Certificate of Appreciation to the Amgen organizers be scheduled on the agenda, thanking them for including the County in the Tour; and she thanked all of the law enforcement agencies for their assistance with this event. She advised that she will be bringing back information, following a meeting with the Fire Chief and the School District last Wednesday, relative to reviewing surplus property owned by the County and the District that could be used, i.e., they are still looking for a site for a fire station in the Bridgeport/Yaqui Gulch area. She advised that the Catheys Valley PTIC is holding their annual Valentine dinner on Saturday to raise funds. She welcomed Elexis Mayer. She advised that she attended a Health committee meeting with Supervisor Allen and Dr. Mosher.

Supervisor Turpin advised that he has been receiving calls commending the Road maintenance crews for their work in North County.

Supervisor Aborn provided a reminder of the February 23rd deadline for responding to the AB885/on-site septic regulations and advised that information is available. He commented on the report that Lance Armstrong's bicycle for the Amgen Tour was stolen in the valley. He advised that he plans to attend the Midpines Community Committee meeting on Wednesday and they will discuss hazardous fuel reduction issues. He attended the Gateway Partners meeting on Monday. He commented on the much needed rains that we are receiving.

Rick Benson, County Administrative Officer, commented on efforts to make the Amgen Tour racers welcome as they come through Mariposa. He advised that Executive Director of the Yosemite/Mariposa Tourism Bureau is planning to go to Clovis to observe their activities for the closing of a leg of the race; and that we would like to encourage the County to be a starting or ending point for a leg of the race next time.

Authorize the Addition of Two New Extra-Help Hourly-Specialized Classifications, a Registered Environmental Health Specialist (REHS)/State and Public Health Nurse (PHN)/State, with an Hourly Rate of \$33.00 for the REHS/State and \$41.00 for the PHN/State and Approve the Class Specifications for Both and Approve Budget Actions Transferring Funds within the Health Department to Cover Extra-Help (\$8,738) (Health Officer)

BOARD ACTION: Discussion was held with Rick Benson. Supervisor Bibby clarified that this action is only for the balance of this fiscal year, and she asked that the employees be made aware of the conditions for approval of this request. Rick Benson advised that the matter will be brought back if the State is still in a furlough situation next fiscal year. (M)Turpin, (S)Cann, Res. 09-73 was adopted approving the recommended action/Ayes: Unanimous.

Discussion and Approval of the County's 2009 Legislative Platform (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson reviewed the Platform and advised that it will be forwarded to the County's legislative lobbyist and distributed to the departments. (M)Cann, (S)Allen, Res. 09-74 was adopted approving the Platform/Ayes: Unanimous. Supervisor Turpin asked that the Platform be sent to our legislative representatives.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was not held.

9:56 a.m. 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 (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Hazel Green Ranch, LLC v. United States Department of the Interior, et al; Case No. 1:07-CV-004140WW-SMS; Number of Cases to be Discussed: 1 (County Counsel)

BOARD ACTION: (M)Turpin, (S)Allen, the closed sessions were held/Ayes: Unanimous. Chair Aborn announced that the Board would reconvene in open session at 2:00 p.m.

11:10 a.m. Lunch

2:03 p.m. The Board reconvened in open session. Chair Aborn announced that direction was given as a result of the closed session matters for anticipated litigation and for the Hazel Green Ranch matter.

2:04 p.m. Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

CLOSED SESSION: Public Employee Appointment: County Counsel Interviews

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

4:31 p.m. Chair Aborn announced that direction was given as a result of the closed session for County Counsel interviews.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of February 10, 2009, Regular Meeting (Clerk of the Board)
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-62
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer); Res. 09-63

- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-64
- CA-5 Reappoint Edith Ankersmit to the Mental Health Board for a Term Expiring February 17, 2012 (Human Services Director)
- CA-6 Approve the 2009 Veterans' Appreciation Day at the Coulterville Park on April 18, 2009, as a County Sponsored Event for Insurance Purposes (Supervisor Turpin); Res. 09-65
- CA-7 Authorize the Fire Chief to Apply for the Fiscal Year 2009/2010 Emergency Management Performance Grant from State Office of Emergency Services (Fire Chief); Res. 09-66
- CA-8 Approve Budget Action Transferring Funds within the Public Works Solid Waste Division Budget to Move (\$16,380) Currently Budgeted in the Interest Expense Line Item to the Principal Line Item for Payment on the New Compactor (Public Works Director); Res. 09-67
- CA-9 Authorize Public Works to Waive Encroachment Permit Fee to Healing Nations (a Non-Profit Organization) for a One-day Bike Ride through the Don Pedro Area. Bicyclists will Begin Travel in Mariposa County on Merced Falls Road and Exit Mariposa County on Highway 132 (Public Works Director); Res. 09-68
- CA-10 Approve Budget Action Transferring Funds within the Coulterville Service Area Budget to Cover Increased Annual State Water Resources Control Board Fees (\$1,800) (Public Works Director); Res. 09-70, with direction for a letter to be sent
- CA-11 Approve Budget Action Transferring Funds within the Don Pedro Sewer Budget to Cover Increased Annual State Water Resources Control Board Fees (\$2,650) (Public Works Director); Res. 09-71, with direction for a letter to be sent
- CA-12 Approve an Amendment to Agreement with Analytical Environmental Services (AES) in the Amount of \$1,895 to Conduct Cultural Resource Studies Required for Road Projects (Public Works Director); Res. 09-72, with request for information to be brought back
- CA-13 Accept Resignation of Julia Richard from the Airport Advisory Committee (Supervisor Allen)
- CA-14 Appoint Samuel M. (Mike) McCreary to the Assessment Appeals Board, Representing Supervisorial District III to a Three-year Term (Supervisor Bibby)
- CA-15 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. (County Administrative Officer/Personnel/Risk Manager); Res. 09-69
- CA-16 Appoint Dana Finney to the Mariposa Planning Commission Representing Supervisorial District IV (Supervisor Cann); Item was withdrawn for further review

4:32 p.m. Adjournment in memory of Steven Wayne Cooke and Evelyn Marie Depavo.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

February 17, 2009



Time Description

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

Pledge of Allegiance
Introductions

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

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

BOARD ACTION: Supervisor Cann withdrew item 16 on the advice of County Counsel to check on whether there are any potential conflicts with the other boards that Dana Finney serves on; and he advised that Skip Skyrud resigned from the Planning Commission effective February 13th. Supervisor Turpin pulled items 10, 11 and 12 for discussion with the Public Works Director. Supervisor Bibby thanked Mike McCreary for his willingness to serve on the Assessment Appeals Board.

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

Items 10 and 11 – Supervisor Turpin initiated discussion with Dana Hertfelder relative to the State Water Resources Control Board fee increases. (M)Turpin, (S)Allen, items 10 and 11 were approved, with direction given for a letter to be sent to the State asking for justification of the fee increase, with a copy to be sent to our legislative representatives and to Art Baggett/Ayes: Unanimous.

Item 12 – Supervisor Turpin initiated discussion with Dana Hertfelder relative to the status of the agreement and the projects. (M)Turpin to approve item 12 and to request that Public Works bring back a status report on the road projects, was amended following discussion to approve item 12 and seconded by Bibby. Supervisor Turpin advised that he will ask Public Works to provide a status report on road projects to the Board. Ayes: Unanimous.

Chair Aborn noted that the microphones have been replaced in the Board room.

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

Elexis Mayer introduced herself and advised that she is temporarily filling in behind Jen Nersesian as acting Management Assistant to the Superintendent for Yosemite National Park and Branch Chief of Public Involvement and Outreach.

Board Information

Supervisor Cann Commended Elexis Mayer for her work with the Park. He advised that he and Supervisor Allen toured John C. Fremont Hospital with the new CEO last week. He attended the Yosemite-Mariposa Forum on February 11th, and he advised that this is a working group that was formed for communication between the public, private and federal government; and the Amgen bike race, Economic Development Corporation and tourism issues were discussed. He attended a presentation by Mariposa Safe Families on February 12th relative to the new parent leadership

program. Along with three other Supervisors, thanks to an opinion provided by County Counsel on the Brown Act, he attended the Gateway Partners strategic planning meeting on Monday. He plans to attend the Integrated Regional Watershed Management Plan formation task force meeting on February 19th as Chair of the Water Agency.

Supervisor Allen advised that he attended the Mountain Valley Emergency Medical Services Agency meeting on February 11th in Copperopolis. He is tracking the status of the State budget situation and funding and he commented on potential impacts to the County. He noted that the President is signing legislation today on the Federal Stimulus package and commented on potential grant funding that may be available to the County. He plans to attend a program on Friday at the Senior Activity Center with AARP assisting with basic tax filing, and he advised that he is working on helping to find a more suitable location that has computers available for this service.

Supervisor Turpin commented on information received from the Fire Chief relative to the status of the fire equipment that the County ordered from Pierce Manufacturing. He advised that he attended the SWIFT meeting on Wednesday in Moccasin and there is potential funding in the stimulus package for Forest Service maintenance projects. He attended the Friends of the Red Cloud Library meeting and they will be moving to the new library facility soon and they are planning their St. Patrick's Day dinner for March 7th. He noted that the Hornitos Enchilada dinner is also scheduled for March 7th. He attended the Gateway Partners meeting on Monday; and he plans to attend the Integrated Regional Watershed Management Plan meeting on Thursday.

Supervisor Bibby asked that a Certificate of Appreciation to the Amgen organizers be scheduled on the agenda, thanking them for including the County in the Tour; and she thanked all of the law enforcement agencies for their assistance with this event. She advised that she will be bringing back information, following a meeting with the Fire Chief and the School District last Wednesday, relative to reviewing surplus property owned by the County and the District that could be used, i.e., they are still looking for a site for a fire station in the Bridgeport/Yaqui Gulch area. She advised that the Catheys Valley PTIC is holding their annual Valentine dinner on Saturday to raise funds. She welcomed Elexis Mayer. She advised that she attended a Health committee meeting with Supervisor Allen and Dr. Mosher.

Supervisor Turpin advised that he has been receiving calls commending the Road maintenance crews for their work in North County.

Supervisor Aborn provided a reminder of the February 23rd deadline for responding to the AB885/on-site septic regulations and advised that information is available. He commented on the report that Lance Armstrong's bicycle for the Amgen Tour was stolen in the valley. He advised that he plans to attend the Midpines Community Committee meeting on Wednesday and they will discuss hazardous fuel reduction issues. He attended the Gateway Partners meeting on Monday. He commented on the much needed rains that we are receiving.

Rick Benson, County Administrative Officer, commented on efforts to make the Amgen Tour racers welcome as they come through Mariposa. He advised that Executive Director of the Yosemite/Mariposa Tourism Bureau is planning to go to Clovis to observe their activities for the closing of a leg of the race; and that we would like to encourage the County to be a starting or ending point for a leg of the race next time.

Authorize the Addition of Two New Extra-Help Hourly-Specialized Classifications, a Registered Environmental Health Specialist (REHS)/State and Public Health Nurse (PHN)/State, with an Hourly Rate of \$33.00 for the REHS/State and \$41.00 for the PHN/State and Approve the Class Specifications for Both and Approve Budget Actions Transferring Funds within the Health Department to Cover Extra-Help (\$8,738) (Health Officer)

BOARD ACTION: Discussion was held with Rick Benson. Supervisor Bibby clarified that this action is only for the balance of this fiscal year, and she asked that the employees be made aware of the conditions for approval of this request. Rick Benson advised that the matter will be brought back if the State is still in a furlough situation next fiscal year. (M)Turpin, (S)Cann, Res. 09-73 was adopted approving the recommended action/Ayes: Unanimous.

Discussion and Approval of the County's 2009 Legislative Platform (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson reviewed the Platform and advised that it will be forwarded to the County's legislative lobbyist and distributed to the departments. (M)Cann, (S)Allen, Res. 09-74 was adopted approving the Platform/Ayes: Unanimous. Supervisor Turpin asked that the Platform be sent to our legislative representatives.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was not held.

9:56 a.m. 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 (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Hazel Green Ranch, LLC v. United States Department of the Interior, et al; Case No. 1:07-CV-004140WW-SMS; Number of Cases to be Discussed: 1 (County Counsel)

BOARD ACTION: (M)Turpin, (S)Allen, the closed sessions were held/Ayes: Unanimous. Chair Aborn announced that the Board would reconvene in open session at 2:00 p.m.

11:10 a.m. Lunch

2:03 p.m. The Board reconvened in open session. Chair Aborn announced that direction was given as a result of the closed session matters for anticipated litigation and for the Hazel Green Ranch matter.

2:04 p.m. Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

CLOSED SESSION: Public Employee Appointment: County Counsel Interviews

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

4:31 p.m. Chair Aborn announced that direction was given as a result of the closed session for County Counsel interviews.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of February 10, 2009, Regular Meeting (Clerk of the Board)
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-62
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer); Res. 09-63
- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-64
- CA-5 Reappoint Edith Ankersmit to the Mental Health Board for a Term Expiring February 17, 2012 (Human Services Director)

- CA-6 Approve the 2009 Veterans' Appreciation Day at the Coulterville Park on April 18, 2009, as a County Sponsored Event for Insurance Purposes (Supervisor Turpin); Res. 09-65
- CA-7 Authorize the Fire Chief to Apply for the Fiscal Year 2009/2010 Emergency Management Performance Grant from State Office of Emergency Services (Fire Chief); Res. 09-66
- CA-8 Approve Budget Action Transferring Funds within the Public Works Solid Waste Division Budget to Move (\$16,380) Currently Budgeted in the Interest Expense Line Item to the Principal Line Item for Payment on the New Compactor (Public Works Director); Res. 09-67
- CA-9 Authorize Public Works to Waive Encroachment Permit Fee to Healing Nations (a Non-Profit Organization) for a One-day Bike Ride through the Don Pedro Area. Bicyclists will Begin Travel in Mariposa County on Merced Falls Road and Exit Mariposa County on Highway 132 (Public Works Director); Res. 09-68
- CA-10 Approve Budget Action Transferring Funds within the Coulterville Service Area Budget to Cover Increased Annual State Water Resources Control Board Fees (\$1,800) (Public Works Director); Res. 09-70, with direction for a letter to be sent
- CA-11 Approve Budget Action Transferring Funds within the Don Pedro Sewer Budget to Cover Increased Annual State Water Resources Control Board Fees (\$2,650) (Public Works Director); Res. 09-71, with direction for a letter to be sent
- CA-12 Approve an Amendment to Agreement with Analytical Environmental Services (AES) in the Amount of \$1,895 to Conduct Cultural Resource Studies Required for Road Projects (Public Works Director); Res. 09-72, with request for information to be brought back
- CA-13 Accept Resignation of Julia Richard from the Airport Advisory Committee (Supervisor Allen)
- CA-14 Appoint Samuel M. (Mike) McCreary to the Assessment Appeals Board, Representing Supervisorial District III to a Three-year Term (Supervisor Bibby)
- CA-15 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. (County Administrative Officer/Personnel/Risk Manager); Res. 09-69
- CA-16 Appoint Dana Finney to the Mariposa Planning Commission Representing Supervisorial District IV (Supervisor Cann); Item was withdrawn for further review

4:32 p.m. Adjournment in memory of Steven Wayne Cooke and Evelyn Marie Depavo.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

February 24, 2009



Time _____ Description

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

Pledge of Allegiance

Introductions

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

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

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

Ruth Catalan asked what the contract amount is for item 15. Rick Benson responded that it is for \$6,200.

Supervisor Turpin commented on item 15; and he pulled item 13. Discussion was held with Kris Schenk, Planning Director, relative to item 13, and he advised that the boundary map information was included so that the Board would know that the appointees that are being considered today live within those boundaries.

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

(M)Turpin, (S)Allen, item 13 was approved/Ayes: Unanimous.

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

Ruth Catalan, member of the Mental Health Board, provided information on her search for requirements for a Patients Right Advocate and she expressed concern that this position is not filled for the County. She asked the Board to look into this as she feels it is a needed service.

MaryAnn Huff, Mariposa County Chamber of Commerce President, provided a reminder of the after hours mixer scheduled at the River Rock Café this evening; and she encouraged everyone to come and meet the new interim Executive Director Peter Schimmelfennig.

Board Information

Supervisor Bibby referred to the public presentation input by Ruth Catalan and the Mental Health Board meeting and advised that she will check on the status. Ruth Catalan noted that the Patients Rights Advocate position can not be connected with Mental Health. Chair Aborn asked the County Administrative Officer to review this matter. Supervisor Bibby advised that the Hornitos Enchilada Feed dinner is scheduled for March 7th and this is their 60th anniversary of the event. She attended and worked at the Catheys Valley PTIC fundraising dinner. The 22nd Storytelling Festival is scheduled for March 15 – 17. She advised that there is a MID FERC relicensing meeting at the Government Center on Wednesday.

Supervisor Turpin advised that he plans to attend the Friends of the Red Cloud Library annual St. Patrick's dinner on March 7th. He thanked CHP for their assistance with the Amgen bike race. He advised that he toured John C. Fremont Hospital with the County Administrative Officer. He advised that he and Supervisor Cann attended the kick-off meeting for the Mariposa County

Integrated Regional Water Management Plan. He attended the Don Pedro Community Services District meeting, the Friends of the Red Cloud Library meeting, and the Station 26 Fire Brigade meeting on Monday.

Supervisor Allen thanked everyone who participated in the Amgen bike race, including the volunteers, Sheriff's Department, SCOPE, Search and Rescue, Habitat for Humanity; and Mark and Ginny Carpenter for providing the public address system. He attended the free tax day at the Senior Activity Center on Friday. He noted that there are websites that can be Googled to see the cost impacts of the new California taxes for a family. He advised that he and Supervisor Cann will be attending the second session of the new Supervisor training in Sacramento this week.

Supervisor Cann advised that there is another meeting of the Integrated Regional Water Management Plan Task Force scheduled for March 26th to work on the County's plan. He noted that he enjoyed the Amgen bike race. He plans to attend the new Supervisor training in Sacramento this week.

Supervisor Aborn commented on the Amgen bike race and the decorations that were put out by the public, including a mural; and he thanked the law enforcement agencies and everyone who participated. He commented on his discussion with the Sierra Nevada Conservancy relative to possibly applying for funding for the Foresta bridge. He attended the Midpines Planning meeting on Wednesday. He commented on pressure being placed on Fish and Game to take the lead out of ammunition due to lead poisoning in the Condors.

Rick Benson noted that the Amgen bike race was a wonderful event for the County; and he advised that discussion on the race and recognition of the organizers of the race will be scheduled for March 17th; and that Jeff Hentz, Yosemite/Mariposa County Tourism Bureau Executive Director, will be present to discuss other possibilities for the race in the future.

Supervisor Turpin advised that the Agriculture Department and the other departments at the Fairgrounds are holding an open house on Thursday in the afternoon. He advised that VFW in Coulterville is holding their annual crab feed.

LOCAL TRANSPORTATION COMMISSION

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

A. Public Presentation – none.

B. Adopt a Resolution Authorizing the Executive Director to Execute the Application and Other Necessary Documents Pertaining to Federal Transit Administration (FTA) Section 5311 Program (Operating Assistance) Funds for Fiscal Year 2008-2009

COMMISSION ACTION: Discussion was held with Dana Hertfelder. Commissioner Turpin stated he feels the section on the medical transportation service for the veterans needs to be clarified as they are not transported anywhere in the state. Commissioner Allen asked about being able to serve clients that need assistance in getting from their home to the bus for medical transportation services; and he was advised that this is something that could be considered in the unmet needs process. (M)Aborn, (S)Bibby, LTC Res. 09-2 was adopted approving the recommended actions/Ayes: Unanimous.

C. Adopt a Resolution Authorizing the Executive Director to Sign a Fund Transfer Agreement with the State of California for the STIP Planning, Programming and Monitoring (PPM) Program for Fiscal Year 2008-2009 in the Amount of \$79,000

COMMISSION ACTION: Discussion was held with Dana Hertfelder. Commission Turpin asked that the acronyms be spelled out in the agenda items. (M)Bibby, (S)Aborn, LTC Res. 09-3 was adopted approving the recommended action/Ayes: Unanimous.

D. Adopt a Resolution Authorizing the Executive Director to Execute the Project Proposal and Other Necessary Documents Pertaining to Federal Transit Administration (FTA) Section 5320 Alternate Transportation in Parks and Public Lands for Federal Fiscal Year 2009 (Dana Hertfelder, Public Works Director)

COMMISSION ACTION: Discussion was held with Dana Hertfelder. Commissioner Cann asked about the National Park Service's use of the Midpines Park; and it was clarified that it is the National Forest Service. Commissioner Turpin suggested that a packaged restroom facility be considered. (M)Bibby, (S)Aborn, LTC Res. 09-4 was adopted approving the recommended action/Ayes: Unanimous.

9:52 a.m. Recess

10:05 a.m. Fred Lustenberger, Building Director;

PUBLIC HEARING to Approve a New Fee Schedule for the Building Department Based Upon the Increase of Overhead to Provide Code Enforcement for Mariposa County, Effective April 1, 2009

BOARD ACTION: Fred Lustenberger presented the staff report. He reviewed the history of the fee increases and presented the proposal for the fee increase and the change in violation fees. He responded to questions from the Board relative to the salary and fee surveys of the other counties and the counties used in the surveys; the recommendation for a percentage increase versus a time and motion study and actual costs; relative to using a valuation table; and relative to impact fees and other fees that counties charge. He responded to a question relative to the status of the Building, Planning and Environmental Health Departments being closed to the public on Mondays; and he advised that this has been discussed and they are coming up with a timeline to reopen on Mondays to the public and this should happen in less than a month. He responded to additional questions from the Board relative to addressing code violations; soils reports; whether there are options to the proposed fee increases; and relative to the new requirement for having a certified accessibility compliance consultant and relative to continuing educational requirements for staff to be appropriately certified. He responded to questions from the Board and advised that the re-roof permit fee is per application, and that the square footage reference was a typographical error; and he advised that any other changes or corrections will be brought back to the Board through a public hearing process. He clarified that the violation fee portion is contingent on an Ordinance being brought back and adopted.

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

Floyd Davis stated he is a registered licensed civil engineer with the State. He feels the building industry is concerned with the increase of any fees and he feels the increase will have impacts. From his previous experience, he expressed concern with having a valuation based driven fee; and he feels that consideration should be given to basing the fees on actual/estimated costs of providing the service. He referred to the soils report requirements, and he thanked Supervisors Bibby and Cann for attending the Contractors Association meeting, and he stated he feels there is a way that the Association can help with this. He suggested that a site plan be done by a professional so that the location of encroachments or other encumbrances on a parcel are known to avoid problems. He responded to questions from the Board relative to valuation based fees versus fees based on the actual cost of service; relative to the estimated cost for having a site plan done by a professional; and relative to the proposal he sent to the Board to incrementally increase the fees.

Ruth Sellers commented on the enterprise funds in the County; and she noted that the County has been subsidizing the Airport without consideration of increasing those fees; but this proposal increases fees for our residents.

Mark Jones stated he has Western Drafting Design and his brother has Barn and Garage King; and they are a couple of the busiest builders right now due to the advertising and really good prices. He feels the proposal today is what would be used in normal times; however, given the current economy, he feels it is contradictory to what we want to do for the betterment of the County and for the construction industry and the economy. He feels that the Building Department needs to promote and advertise how good the fees are and promote an amnesty program for code violations; including an educational process. He responded to a question from the Board and advised that he is a member of the Contractors Association, but is speaking as an individual.

Fred Lustenberger responded to questions from the Board relative to the complaint process for code violations.

Ruth Catalan noted that this is a public hearing and questioned whether the hearing process is being following - she feels that there has been a lot of discussion on issues other than the proposed fee schedule. She feels that even if the fees are tripled, it will not cover the operational costs of the Department, and she feels there are other ways of economizing. If the fees are increased, she feels people will go somewhere else; and she does not feel that this is the time to increase anything.

Kent Jones, President and CEO of Barns and Garage King, Inc., expanded on his brother's input relative to an amnesty program; and he stated he feels that will help to get those with code violations that have not been identified to come in and work with the Department to be brought into compliance. He feels that such a program needs to draw people into the Department and that will increase the revenue for the Department. He feels that the plans and inspection process should be more liberal for the amnesty program to be successful.

MaryAnn Huff, Mariposa County Chamber of Commerce, advised that they have had several comments on the fee increase proposal expressing concern with the increase and whether the caliber of service would go up; and whether this is another road block to prevent new building to occur.

The public portion of the hearing was closed and the Board commenced with deliberations. Fred Lustenberger responded to questions from the Board relative to the operating costs of the department; clarifying that even with the increase, the fees will still be amongst the lowest in the State; and relative to the effective dates of the increases. Motion by Turpin to request the Building Director and the County Administrative Officer to meet and come back in two weeks with information to consider a 90-day amnesty period for raising the fees and with a proposal to continue the financial operation of the Department, died for lack of a second following discussion. Rick Benson responded to questions from the Board relative to the financial impacts for delaying the fee increase. Fred Lustenberger responded to questions from the Board relative to the valuation value of the code violations. (M)Cann, (S)Bibby, Res. 09-83 was adopted approving the requested 8-percent fee increase effective May 1, 2009; and the subsequent 4-percent increase effective November 1, 2009; with direction for the specifics of an ordinance for the penalty side of the fee proposed for code violations to be dealt with when the ordinance is brought to the Board/Ayes: Aborn, Bibby, Cann, Allen; Noes: Turpin. Chair Aborn asked that information on the fee increase with a financial report come to the Board before the November fee increase. Rick Benson advised that the department is looking for direction to bring back a code enforcement ordinance and that it would be a noticed public hearing – the Board concurred with this direction. Supervisor Cann asked that a clear amnesty proposal come back with the ordinance. The hearing was closed.

12:12 p.m. Lunch

2:07 p.m. MARIPOSA COUNTY PUBLIC FINANCING CORPORATION

(President-Supervisor Turpin)

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
Annual Meeting

CORPORATION ACTION: Rick Benson advised that this is the annual meeting of the Corporation and he provided input on the purpose of the Corporation.

I. Call to Order (President Turpin)

II. Election of Officers

(M)Allen, (S)Cann, Supervisor Aborn was selected as President and Supervisor
Bibby was selected as Vice-President/Ayes: Unanimous.

III. Public Comment – none.

IV. Approval of Minutes (2-19-08)

(M)Turpin, (S)Bibby, the minutes were approved/Ayes: Aborn, Turpin, Bibby;
Abstained: Cann and Allen as they were not present for the meeting.

V. Report of Activities

Rick Benson reviewed the status of the Certificates of Participation for the projects for FY 2007-08. (M)Turpin, (S)Bibby, the report was accepted as presented/Ayes: Unanimous.

VI. Other Business – none

VII. Adjourn

(M)Bibby, (S)Cann, the meeting was adjourned at 2:20 p. m./Ayes: Unanimous.

2:21 p.m. The Board of Supervisors reconvened.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
Approve Mid-Year Budget Recommendations Increasing General Contingency by \$277,899 (4/5ths Vote Required); Allocate 1 Full-Time Account Clerk I/II Position to Behavioral Health Effective March 1, 2009; Allocate 1 Full-Time Account Clerk I/II to Mental Health Services Act Effective March 1, 2009; Increase the Allocation of the Permanent Part-Time Registered Nurse to 0.8 in the Health Budget Effective March 1, 2009; Change the Allocation of the Victim Witness Supervisor Position to the Victim Witness Budget Effective February 1, 2009, and Change the Allocation of the Advocate Position to the Vertical Prosecution Budget Effective December 1, 2008

BOARD ACTION: Rick Benson reviewed the staff report; and he advised of a position request for the Solid Waste and Recycling Division of Public Works – deletion of a Maintenance Worker II and the addition of a Maintenance Worker III position and associated budget actions; and he distributed the Budget Action Form. He presented additional information consisting of a breakdown of the General Purpose Revenues and additional changes in Administration CSA No. 3, Auditor, Board of Supervisors, Tobacco Settlement Funds and Fire Truck Debt Service Fund. Mary Hodson, Deputy County Administrative Officer advised of requested changes received from the Sheriff after the Mid-Year Report was prepared using Rural Crime Prevention Funding for the evidence storage complex and remodel and for the Jail Manager Module Program – Rick Benson recommended and it was agreed that these would be brought back as a separate item. Discussion was held relative to the storage costs for vehicles and defense records for the Sund-Pelosso case. Chris Ebie, Auditor, provided input and advised that he is still waiting for a response from the State on whether it will cover the costs for the defense records. Supervisor Allen suggested that the County Administrative Officer meet with the Sheriff and District Attorney to consider the possibility of using the storage facility on the property near the Jail. Discussion was held relative to the status of payment of the Williamson Act cancellation fees for the Don Pedro wastewater treatment plant property (this was paid from the budget for the project) and relative to the status of budgeting for payment of the new fire equipment and the transfer of \$100,000 from the Tobacco Settlement Funds for the purchase.

Input from the public was provided by the following:

Ruth Catalan asked about the Loan Repayment item on the General Purpose Revenue accounting; and Mary Hodson responded that this was to correct an accounting error.

(M)Allen, (S)Turpin, Res. 09-84 was adopted approving the recommended mid-year budget actions and position changes, including those for Public Works and Administration CSA No. 3, Auditor, Board of Supervisors, Tobacco Settlement Funds and Fire Truck Debt Service Fund/Ayes: Unanimous.

3:00 p.m. MARIPOSA COUNTY WATER AGENCY

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

A. Public Presentation – none.

B. Appoint the Staff of County Administration as Secretary to the Water Agency Advisory Board and Approve Budget Action Transferring Funds within the Water Agency Budget to Cover the Salary of the Secretary (\$1,000); and

C. Amend Water Agency Resolution No. 23, Item 10, Change the Number of Members that Constitutes a Quorum of the Water Agent Advisory Board from Three Members to Four Members (Public Works Director)

AGENCY ACTION: Director Turpin commented on the Don Pedro Community Services District meeting he attended and questions that were raised relative to accessing Water Agency funds for projects. Chair Cann noted that requests for funding should be routed through the Water Agency Advisory Board. Discussion was held with Dana Hertfelder relative to the requests; and Carl

Casey/PWD Administrator, provided input. (M)Aborn, (S)Bibby, Water Agency Res. 09-1 was adopted approving the recommended actions/Ayes: Unanimous.

D. Approve Letter to the Federal Energy Regulatory Commission (FERC) Regarding the Merced Irrigation District Merced River Hydroelectric Project (County Administrative Officer/Personnel/Risk Manager)

AGENCY ACTION: Discussion was held with Rick Benson and he advised of additional changes to the letter requested by Director Turpin; and that he would handle submitting the letter prior to the March 3rd deadline. (M)Turpin, (S)Aborn, Water Agency Res. 09-2 was adopted approving the letter with the changes requested by Director Turpin/Ayes: Unanimous. Director Bibby asked that a hard copy of changes be provided to Mark Rowney, consultant for this matter, and be made available to the Board and the public in advance of the meeting in the future.

3:14 p.m. Richard J. Benson, County Administrative Officer/Personnel/Risk Manager; Approve Letter to the Federal Energy Regulatory Commission (FERC) Regarding the Merced Irrigation District Merced River Hydroelectric Project

BOARD ACTION: Rick Benson advised that the letter is the same as just approved by the Water Agency and will be signed by the Chair of each. (M)Turpin, (S)Cann, Res. 09-85 was adopted approving the letter/Ayes: Unanimous.

3:13 p.m. CLOSED SESSION: public Employee Appointment; County Counsel Appointment (County Administrative Officer/Personnel/Risk Manager)

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

3:22 p.m. The Board reconvened in open session. Chair Aborn announced the following as a result of the closed session – the Board appointed Steve Dahlem as County Counsel by unanimous vote, effective March 2, 2009. Steve Dahlem thanked the Board and advised that he is looking forward to bringing his experience and commitment to this County. He thanked Jeff Green for serving as interim County Counsel for his work over the years.

3:26 p.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

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

4:34 p.m. Chair Aborn announced that direction was given to staff as a result of the closed session relative to IHSS labor negotiations.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of February 10, 2009, Regular Meeting (Clerk of the Board)
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-75
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer); Res. 09-76
- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-77

- CA-5 Authorize Bickmore Risk Services to Perform an Actuarial Study of the County's Excess Liability and Excess Workers' Compensation Programs at a Cost of \$4,000 (County Administrative Officer/Personnel/Risk Manager); Res. 09-78
- CA-6 Approve Budget Action Transferring Funds within the Building Department to Cover Extra-Help for a Part-time Office Assistant to Continue Scanning Work for the Building, Planning and Health Department (\$3,940) (Building Director); Res. 09-79
- CA-7 Reappoint Gail H. Tyler and Stephen Huff and Appoint Christopher R. Morey to the Coulterville Planning Advisory Committee for a Term Expiring February 28, 2011 (Supervisor Turpin)
- CA-8 Reappoint Tom McCann, Pamela Salisbury and Dale Wohlgemuth to the Fish Camp Planning Advisory Council for Terms Expiring February 28, 2011 (Supervisor Allen)
- CA-9 Reappoint Eugene Spindler, Ralph Harder, Larry Williams, Tony Christianson and Ed Mee to the Wawona Planning Advisory Committee for Terms Expiring February 28, 2011 (Supervisor Allen)
- CA-10 Appoint Jessee Figueroa to the Greeley Hill Planning Advisory Committee for a Term Expiring February 28, 2010 and Appoint Malcolm Hiatt to the Greeley Hill Planning Advisory Committee for a Term Expiring February 28, 2011 (Supervisor Turpin)
- CA-11 Reappoint Carmen Meclarey, Don Fox and Charles Lammers to the Midpines Planning Advisory Committee for Terms Expiring February 28, 2011 (Supervisor Aborn)
- CA-12 Reappoint Tony Toso and Jerry Progner to the Agricultural Advisory Committee for Terms Expiring February 28, 2011 (Supervisor Aborn)
- CA-13 Reappoint Richard Uebner, Ken Davis, Tracy Guenthart, Judie Huffman and Cathie Pierce to the Catheys Valley Planning Advisory Committee for Terms Expiring February 28, 2011 (Supervisor Bibby)
- CA-14 Appoint Larry Laity to the Emergency Medical Care Committee as the South County Representative (Health Officer)
- CA-15 Approve an Amendment to Agreement with Nichols Consulting Engineers, Chtd., to Create a Link Between the New Pavement Management System and GIS Software and Authorize the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 09-80
- CA-16 Approve Letter of Congratulations to Mikel Martin on his Promotion to Assistant Southern Region Chief of CALFIRE (Supervisors Bibby and Cann)
- CA-17 Approve a Resolution Recognizing CALFIRE Captain Allen Columbro for his Outstanding Service to Mariposa County Fire Department (Supervisors Bibby and Cann); Res. 09-81

4:35 p.m. Adjournment in memory of Mark Kenneth Butler, Karen Nielson-Gomez, and Christopher Ryan Shimer.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

March 3, 2009



Time Description

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

Pledge of Allegiance
Introductions

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

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

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

Ruth Catalan stated she feels the dollar amount for item 5 is excessive; and she questioned whether the grant applications for items 6 and 7 meet the criteria for charitable purposes.

Supervisor Bibby pulled items 5, 6, and 7. Supervisor Turpin pulled items 5, 9, 10, and 11. Action was taken on these items later in the meeting. (M)Bibby, (S)Turpin, the balance of the items was approved/Ayes: Unanimous.

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

Dale Hutchinson, new CAL FIRE Unit Chief for the Madera-Mariposa-Merced Ranger Unit, introduced himself; and Board members welcomed him.

Brian Muller, Sheriff, advised that Greg Block, owner-operator of a mobile force option simulator has his trailer parked at the Fairgrounds and he invited the Board members to tour the facility.

Dick Hutchinson advised that construction is ready to begin on the restrooms at the Visitors Center. He provided input on his earlier request and stated he feels the County needs to have a strategic plan.

Lt. Dave Price, CHP, noted that a lot of assistance was received with the Amgen bike tour; and he read a letter he prepared thanking Sheriff Muller for his department and SCOPE for their assistance.

Brad Aborn, Chairman of the Board;

Welcome Reception for New County Counsel – Steve Dahlem

BOARD ACTION: Chair Aborn welcomed Steve Dahlem, new County Counsel and the meeting was recessed at 9:25 a.m. for a welcome reception.

9:42 a.m. The Board reconvened and Steve Dahlem introduced his wife, Cathy Dahlem; his mother, Della Dahlem; and his long-time assistant Pam Leonard.

Keith M. Williams, County Clerk/Treasurer/Tax Collector;

A) Investment Report by Fiduciary Trust, Investment Consultants

BOARD ACTION: Eric Reynolds, Senior Vice President Portfolio Manager and Penny Knuff, Senior Vice President Portfolio Management, presented the investment report. Discussion was held.

Chris Ebie, Auditor, commented on the gross domestic product projections. Supervisor Bibby asked that the Board receive status reports more often given the current economy.

B) Approve Budget Action Increasing the Elections Budget and Decreasing General Contingency to Cover Costs for the May 19, 2009 Statewide Special Election (\$45,000) (4/5ths Vote Required); and

C) Approve Budget Action Increasing the Elections Budget and Decreasing General Contingency to Cover Costs for Extra-Help Related to the May 19, 2009 Statewide Special Election (\$4,145) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Keith Williams relative to the requests. (M)Cann, (S)Allen, Res. 09-90 was adopted approving the budget action for \$45,000; and Res. 09-91 was adopted approving the budget action for \$4,145/Ayes: Unanimous.

10:28 a.m. Richard J. Benson, County Administrative Officer/Personnel/Risk Manager and Jim Rydingsword, Human Services Director;
PUBLIC HEARING - DESIGN PHASE to Provide Citizens an Opportunity to Comment/Recommend Activities for Preparation of CDBG Application(s) in Fiscal Year 2009-2010.

BOARD ACTION: Rick Benson advised of the purpose of the hearing. Marilyn Lidyoff/Administration – Business Development Coordinator; and Jim Rydingsword presented the staff report. Staff responded to questions from the Board as to whether a medical and dental program could be applied for on a countywide basis versus just for Native Americans; relative to the Notice of Funding Availability (NOFA); relative to housing-rehabilitation projects; and relative to continuing with the Public Works projects that have received CDBG funds.

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

Sunshine Good Morning expressed appreciation to Human Services for the services they provide and commented on how they have helped her.

Eleanor Keuning asked about the status of previous grant applications to help new businesses and to provide funding to Mother Lode Job Training; and whether funding could be applied for Habitat for Humanity. Marilyn Lidyoff responded and advised that notification of whether the grants have been awarded should be received shortly.

The public portion of the hearing was closed. No action was necessary. The hearing was closed.

10:43 a.m. Recess

10:52 a.m. Randy Panietz, School District Superintendent;
PowerPoint Presentation of Report on Financial Situation

BOARD ACTION: Randy Panietz reviewed his background; he advised that the Mariposa County Unified School District and the Mariposa County Office of Education are two different organizations; and he gave a presentation on the status of the School District's budget and their shortfall which he stated is caused by State budget cuts and mandates. Discussion was held relative to the presentation, status of the Mariposa Middle School, costs for replacing textbooks, and relative to the impact building code violations have on the budget. Randy Panietz further advised that they may want to consider requesting a short-term loan from the County; and he advised that they are hoping to work collaboratively with the County and other agencies in the County.

11:30 a.m. Brad Aborn, Chairman of the Board;
Proclaim the Month of March, 2009 as "Women's History Month" (Connie Waldron and Sunshine Good Morning)

BOARD ACTION: (M)Bibby, (S)Turpin, the Proclamation was approved and presented to Connie Waldron and Sunshine Good Morning/Ayes: Unanimous. Connie Waldron thanked the Board for the Proclamation on behalf of the Merced River Chapter of the Daughters of the American Revolution; and she advised that Sunshine Good Morning is one of their honorees.

Jim Rydingsword, Human Services Director;

Authorize Human Services to Advertise for an Individual or Organization that Would Work Under a Professional Services Agreement with Mariposa County Behavioral Health as a Mental Health Patients Right Advocate

BOARD ACTION: Discussion was held with Jim Rydingsword relative to the request and coverage in the interim.

Input from the public was provided by the following:

Ruth Catalan thanked the Board and Human Services Director for taking quick action on this; and she advised that she is willing to help in the interim on a volunteer basis if the Human Services Director feels that she is qualified to do so. Jim Rydingsword accepted and thanked her for her offer.

(M)Turpin, (S)Bibby, Res. 09-92 was adopted approving the request to advertise for this service/Ayes: Unanimous.

Christopher Ebie, Auditor;

Presentation and Discussion of Actuarial Study for Other Post Employment Benefits (OPEB)

BOARD ACTION: Chris Ebie presented the study and discussion was held.

Input from the public was provided by the following:

Rita Kidd commented on her and her husband's retirement benefits from Merced County; and she stated she does not feel that there is a County in the nation that can commit the level of benefits that Mariposa does due to the costs. She feels the Board needs to review this issue as she does not feel that we can afford the costs.

Further discussion was held; and Chris Ebie clarified that the County does not pay the full costs of health insurance for the retirees – the amount varies depending on the bargaining unit.

12:04 p.m. MARIPOSA COUNTY WATER AGENCY

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

A) Public Presentation – none.

B) Discussion and Consideration of Action on Request by Mariposa County Resource Conservation District for a \$10,000 Grant from the Mariposa County Water Agency to Prepare the Required Proposal for the Department of Water Resources' First Round in the Regional Acceptance Process for the County's Integrated Regional Water Management Plan (IRWMP); and Approve Budget Action Transferring Funds in the Water Agency Budget for this Grant (\$10,000) (Water Agency Chair Cann)

AGENCY ACTION: Len McKenzie, former Chair of the Resource Conservation District, presented the request; and he advised that the Water Agency Advisory Board met on Monday and a stakeholder meeting was held on February 19th relative to the preparing the IRWMP. Discussion was held. Brenda Ostrom provided input on the cash match credit for this project.

Input from the public was provided by the following:

Rita Kidd stated she feels that this needs to be initiated now in order to have time to do the necessary work before the funding is released by the State; and she urged the Board to move ahead.

(M)Turpin, (S)Allen, Water Agency Res. 09-3 was adopted approving the grant as requested/Ayes: Unanimous.

Board Information

Supervisor Cann advised that he and Supervisor Allen attended the new Supervisors Training in Sacramento. He plans to attend the Solid Waste Task Force meeting on Wednesday.

Supervisor Allen urged support in buying the "Kids Day" newspaper for the Valley Children's Hospital. He advised that he attended the new Supervisors Training; and he commented on the \$10,000 State tax credit being offered to first-time homebuyers.

Supervisor Turpin welcomed Steve Dahlem. He advised that he attended the Friends of the Red Cloud Library meeting. The Hornitos Enchilada Feed and the Red Cloud Library St. Patrick's Dinner are scheduled for this Saturday. He attended the open house at the ag complex and the Mariposa Safe Family open house last week. He attended the Crab Feed in Coulterville on Saturday. He attended the

Water Agency Advisory Board meeting on Monday. He plans to attend the Solid Waste Task Force meeting and the Agricultural Advisory Committee meeting on Wednesday. He advised that he received the Stanislaus National Forest Motorized Travel Management Draft Environmental Impact Statement which was just released and he plans to attend the March 18th meeting in Greeley Hill. He advised that after the Storytelling event, a storyteller will travel to Coulterville for a presentation.

Supervisor Bibby urged support for Valley Children's Hospital. She plans to tour John C. Fremont Hospital on Wednesday. She advised that MID is holding a meeting on Thursday relative to the FERC relicensing; and she noted that PG&E is also going through a FERC relicensing process. The Mental Health Board is meeting on Thursday. The Hornitos Patron's Club Enchilada Feed is this Saturday. She plans to attend the First 5 meeting on Monday. The Storytelling Festival is scheduled for March 13 through the 15th. She urged input on the survey the School District is circulating. She referred to the public presentation by Dick Hutchinson relative to goals and strategic planning; and she noted that the General Plan has a lot of goals, we have an Economic Strategic Plan and our Legislative Platform – these documents provide a lot of information on the County and where we are going in the future. She plans to tour the mobile force option simulator.

Supervisor Turpin commented on the General Plan and the need to update Title 17.

Supervisor Aborn advised that he attended the Republican Central Committee dinner on Saturday. He advised that the Midpines Advisory Committee sent out a mailer to get community participation. He is looking forward to touring the mobile force option simulator.

Consider Items Removed from the Consent Agenda

Item 5 – Discussion was held with Jim Wilson, Fire Chief relative to the increased costs for the vehicle replacement. (M)Bibby, (S)Turpin, item 5 was approved/Ayes: Unanimous.

Items 6 and 7 – Discussion was held with Marilyn Lidyoff relative to the grant applications and the different ethnicity breakdowns. (M)Cann, (S)Bibby, items 6 and 7 were approved with direction to staff for the ethnicity breakdown to be consistent between the two applications/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was not held.

12:50 p.m. Recess

12:55 p.m. Continued Consideration of Items Removed from the Consent Agenda

Items 9, 10 and 11 – Supervisor Turpin advised that he had his questions answered. (M)Turpin, (S)Bibby, items 9, 10 and 11 were approved/Ayes: Unanimous.

Approve the Proposed Job Description of Senior Information Systems Specialist, Allocate one Position to the Technical Services Department, Set the Salary at \$4,720.30-\$5,737.62/Month, Assign the Classification to MCMCO, and Unfund the Information Systems Specialist Classification Effective January 1, 2009 (Salary for Senior Information Systems Specialist Effective January 1, 2009 and Benefits Effective March 1, 2009); Approve Budget Action Transferring Funds from General Contingency to the Technical Services Budget (\$1,300) (4/5ths Vote Required) (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Following discussion, (M)Allen, (S)Cann, Res. 09-99 was adopted approving the requests/Ayes: Unanimous.

CONSENT AGENDA:

CA-1 Approval of Summary of Proceedings of February 17, 2009, and Summary of Proceedings of February 24, 2009, Regular Meetings (Clerk of the Board)

- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-86
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-87
- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-88
- CA-5 Approve Budget Action Transferring Funds from the County Fire Budget to Fire Vehicle Replacement Budget to Cover an Increase in Replacement and Setup Costs for the Replacement of FD7 (County Vehicle) (\$4,500) (4/5ths Vote Required) (Fire Chief); Res. 09-93
- CA-6 Approve a Grant Application to Pacific Gas & Electric (PG&E) in the Amount of \$5,000 to Cover the Cost of Building Materials for the Construction of a Roof on a Bandstand Located at the Coulterville County Park (County Administrative Officer/Personnel/Risk Manager); Res. 09-94
- CA-7 Approve a Grant Application to Pacific Gas & Electric (PG&E) in the Amount of \$7,000 to Cover the Cost for Appraisal Services, Preparation/Recordation of Legal Descriptions and Survey Map on the Acquisition of Parcels for the Extension of an Americans with Disabilities Act (ADA) Compliant, Non-Motorized Trail Along the Mariposa Creek Parkway (County Administrative Officer/Personnel/Risk Manager); Res. 09-95
- CA-8 Approve Budget Action Increasing Revenue and Appropriations and Accepting Donations from Downtown Merchants to Offset Cost for Brochure Update and Production of the Mariposa Downtown Information Guide (4/5ths Vote Required) (\$907) (County Administrative Officer/Personnel/Risk Manager); Res. 09-89
- CA-9 Approve the Plans and Specifications for Bidding Purposes on the History Center Roof Project, No. 05-20, and Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder Contingent on Funding; and Authorize the Public Works Director to Sign the Agreement for Services (Public Works Director); Res. 09-96
- CA-10 Approve the Plans and Specifications for Bidding Purposes on Chowchilla Mountain Road (PM 10.00 to PM 10.86) Project No. 07-19; Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder; and Authorize the Public Works Director to Sign the Agreement for Services (Public Works Director); Res. 09-97
- CA-11 Approve the Plans and Specifications for Bidding Purposes on the Old Highway (PM 23.94 to PM 24.88) Project No. 07-17; Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder; and Authorize the Public Works Director to Sign the Agreement for Services (Public Works Director); Res. 09-98
- CA-12 Approve Certificate of Recognition to Hornitos Patrons Club in Celebrating the 60th Anniversary of an Honored Tradition of “The Hornitos Enchilada Dinner” (Supervisor Bibby)

(M)Allen, (S)Bibby, the Board adjourned at 1:02 p.m. in memory of Virginia Francis Wilson Lewis, Monte Wayne Villanueva, Sr., Larene Koher Wrabel, and Eric V. (Fat Vinny) Kelly/Ayes:
Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

March 10, 2009



Time _____ Description

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

Pledge of Allegiance

Introductions

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

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

BOARD ACTION: The Clerk of the Board advised of the correction of a typographical error in item 1 for simulator. (M)Bibby, (S)Cann, all items were approved/Ayes: Unanimous. Supervisor Cann introduced Jim Tucker, the new Planning Commissioner, and provided input on his background. Jim Tucker thanked the Board for the appointment.

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

Ruth Catalan thanked Marilyn Lidyoff/Business Development Coordinator for calling her to respond to the questions she raised at the last Board meeting.

Gary Walker presented information on the Brown Act and referred to a recent Commission meeting he attended; and he suggested that the County provide training for the Departments and the committee members on the Act.

Board Information

Supervisor Cann advised that he attended the Solid Waste Task Force meeting. He received a fire safe briefing from Patrick Tierney, consultant for the Fire Safe Plans; and he commented on the connection of the fire safe and water plan for the County. He advised that he and Supervisor Allen attended the Ewing Wing fundraising event. He commented on the School District's proposal to close the Mariposa Middle School; and he advised that he received a briefing on Monday on a proposal to close the Wawona School. He and Supervisor Allen met with two representatives of RCRC (Regional Council of Rural Counties) on Monday, and he plans to attend the RCRC meeting next week – they will be discussing issues for the May 19th special election. He commented on a letter to the editor on the Gold Rush Cam website by Lou Aceto relative to the YARTS program.

Supervisor Allen advised that he attended the Area 12 Agency on Aging meeting on Thursday at the Senior Activity Center. He advised that Supervisor Cann assisted him in emceeding the Ewing Wing fundraising event. He attended the Sweeney Todd play at the High School on Sunday, and stated he felt it was outstanding.

Supervisor Aborn advised that his wife and son attended the Sweeney Todd play.

Supervisor Turpin advised that he attended the Solid Waste Task Force meeting. He attended the Tourism Bureau meeting and the Resource Conservation District meeting on Wednesday. He attended the Red Cloud Library annual St. Patrick's Day dinner on Saturday. He attended the Coulterville Community Club meeting on Monday. He plans to attend the SWIFT meeting on

Wednesday in Moccasin. The Coulterville Town Planning Advisory Committee will meet on Thursday.

Supervisor Bibby reminded everyone of the Storytelling Festival scheduled for this weekend. She attended the successful Hornitos Enchilada Feed on Saturday. She attended the First 5 Commission meeting on Monday. She commented on the School Board meetings and noted that they are looking for suggestions to help with their financial situation. She referred to a news story relative to farm news and the status of cattle ranching; and she urged the public to review the facts as not all of the stories are accurate.

Supervisor Aborn advised that he and Supervisor Bibby toured John C. Fremont Hospital with the Chief Executive Officer, and funding issues were discussed. He advised that the Airport Advisory Committee is meeting on Wednesday. He commented on the proposals to close the Mariposa Middle School and the Wawona School. He referred to YARTS and issues relative to ridership on the UC Merced connection and Amtrak to Yosemite and improvement of services.

Chair Aborn;

Proclaim the Month of March, 2009 as “National Professional Social Worker Month” (Jim Rydingsword, Human Services Director)

BOARD ACTION: (M)Turpin, (S)Allen, the Proclamation was approved and presented to Jim Rydingsword/Ayes: Unanimous. Jim Rydingsword advised of a reception they plan to hold on March 18th in the afternoon.

Dana Hertfelder, Public Works Director;

Approve Issuing a Ninety Day Notice to Terminate the Fiske Sanitary Disposal Service Franchise Agreement and Solicit Proposals for Garbage Service in the North Side Franchise Area

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the request. Supervisor Turpin requested that “North County” be used versus “Northside” and he suggested that the structure of the agreement be reviewed for the future. Carl Casey/Public Works Administrator provided input.

Input from the public was provided by the following:

Ruth Catalan stated that as a taxpayer she is upset with this situation and the amount of money that Fiske owes the County and the time it has taken to get to this point.

Ruth Shane suggested that a list be maintained of contractors who have had contracts closed for cause; and that they not be allowed to enter into another contract with the County for a period of time.

Further discussion was held relative to the matter and enforcement. Carl Casey responded to the input and advised of the actions the department has taken on this matter. Steve Dahlem, County Counsel, referred to the requested action; and he noted that the collection issue is not on the agenda. (M)Cann, (S)Turpin, Res. 09-109 was adopted approving the ninety day notice to terminate and the solicitation of proposals as recommended/Ayes: Unanimous.

10:03 a.m. Steve Dahlem, County Counsel;

PUBLIC HEARING to Adopt an Extension of the Interim Urgency Ordinance Which was Adopted on February 3, 2009, Prohibiting the Approval of Agriculture Tourism Uses Relative to Chapter 17.40 and Chapter 17.148 of the Mariposa County Code, with the Exception of any Existing Permit Applications Which have been Deemed Complete for Processing as of the Date of the Adoption of the Interim Urgency Ordinance. This Extension Shall be Effective for Ten Months and Fifteen Days Commencing on the 18th Day of March, 2009, and Shall Expire Ten Months and Fifteen Days Thereafter Unless Further Extended pursuant to California Government Code Section 65858. This Extension is Adopted Pursuant to California Government Code Section 65858 (4/5ths Vote Required)

BOARD ACTION: Steve Dahlem presented the staff report; and he advised that the written report describing the measures taken to alleviate the condition which led to the adoption of the urgency ordinance, required by Government Code Section 65858(d), has been prepared by Planning and submitted to the Board and is available to the public.

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

Ken Baker, representing Coyote Springs Ranch, asked for clarification of the status of their permits for the kitchen facilities and other projects they previously started. Steve Dahlem advised that the status of specific projects and permits would need to be reviewed on a case-by-case basis by Planning and the Building Departments; and it was noted that the urgency Ordinance excepts existing permit applications which have been deemed complete for permit processing as of the date of the adoptions of the interim Urgency Ordinance.

Jeanetta Phillips stated she does not feel that the length of time allowed in this extension qualifies this as being an urgent matter, especially given the current economy. She feels that this will require people to wait too long to do projects.

MaryAnn Huff expressed concern with the status of Title 17 and this urgency; and asked whether work is being done on Title 17.

Rita Kidd noted that the extension criteria is specified in law; and she suggested that County Counsel explain this for the public.

The public portion of the hearing was closed and the Board commenced with deliberations. Steve Dahlem explained the process for extending an urgency ordinance. (M)Cann, (S)Bibby, the Board adopted the extension of the Interim Urgency Ordinance which was adopted on February 3, 2009, prohibiting the approval of Agritourism uses as recommended/Ayes: Unanimous. The hearing was closed.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: The closed session was not held.

10:20 a.m. Recess

10:55 a.m. INFORMATION:

List of Contracts Entered into by the County Administrative Officer Pursuant to Ordinance 3.08 for the Months of July, November, December 2008, and January, February 2009 (County Administrative Officer)

BOARD ACTION: Discussion was held, and Rick Benson advised of the process for these contracts. No action was necessary.

Kris Schenk, Planning Director;

Appoint Five Agency Members and Two Public Members to the Mariposa Agriculture Tourism Committee

BOARD ACTION: Discussion was held with Kris Schenk. Supervisor Turpin advised that Brian Bullis was appointed as an alternate to Jeff Hentz by the Tourism Bureau.

Input from the public was provided by the following on the agency stakeholders/ex-officio members:

Rita Kidd referred to an email she sent to the Board suggesting that it would be a problem if people who have a personal interest in agritourism serve on the committee. She further suggested that the Board should balance the membership.

Further discussion was held. (M)Cann, (S)Allen, the following appointments were made:

Agency Stakeholders:

Dennis Bunning, Mariposa County Farm Bureau;

Jeff Hentz, Mariposa County Visitors and Tourism Bureau;

Brian Bullis, alternate for Mariposa County Visitors and Tourism Bureau;

Kris Casto, Mariposa Agri Nature Trail Committee;

Ken Pulvino, Mariposa Chamber of Commerce;

Mike Hubert, Mariposa County Resource Conservation District; and

Jerry Progner, alternate for Mariposa County Resource Conservation District

Ex officio (non-voting) Members:

Cathi Boze, Agricultural Commissioner;
Becky Crafts, Mariposa County Assessor;
Sarah Williams, Deputy Planning Director;
Marilyn Lidyoff, Business Development Coordinator; and
Maxwell Norton, U. S. Farm Advisor

Ayes: Unanimous.

Discussion was held relative to appointing the two members from the general public.

Input from the public was provided by the following relative to the public member appointments:

Dave Breemer, applicant, stated he likes the comments about selecting people who do not have a financial stake in this matter. He stated he wants to be sure that the rules that are proposed are legible, certain and concise; and that the wording does not lead to different interpretations and dispute.

Discussion was held; and Chair Aborn asked the Board members to nominate individuals from the people that submitted letters of interest for further consideration by the Board. Supervisor Allen nominated Rita Kidd and Bill McKay; and Supervisor Bibby agreed with those names. Supervisor Cann nominated Brenda Ostrom. Supervisor Turpin nominated Bill McKay and Brenda Ostrom.

(M)Bibby, (S)Allen, Rita Kidd was appointed to one of the two positions to represent the general public/Ayes: Aborn, Bibby, Cann, Allen; Noes: Turpin.

(M)Cann, (S)Turpin, Brenda Ostrom was appointed to one of the two positions to represent the general public/Ayes: Aborn, Turpin, Bibby, Cann; Noes: Allen.

Board members expressed appreciation for everyone that applied and urged the applicants to participate in the process.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of March 3, 2009, Regular Meetings (Clerk of the Board)
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-100
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-101
- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-102
- CA-5 Approve the Temporary Closure of the Old Red Cloud Library from March 10th to March 16th, 2009 in Order to Facilitate the Move to the New Library (Interim Librarian); Res. 09-103
- CA-6 Reappoint Harvey Holland, Laurel Anderson and Mark Deglomine and Appoint Rosemary MacCallum to the El Portal Planning Advisory Committee for Terms Expiring February 28, 2011 (Supervisor Aborn)
- CA-7 Approve Amendment 2 to the Memorandum of Understanding with the California Statewide Automated Welfare System (SAWS) C-IV to Permit the Transfer of Certain Consortium Assets to our County and Offer the Option to Request Separate Services, Providing this Option Satisfies our County's Procurement Requirements and Authorize the Board of Supervisors Chair to Sign the MOU (Human Services Director); Res. 09-104

- CA-8 Approve an Amendment with Victor Treatment Center, Inc. for Mental Health Services for Children Placed in Foster Care Outside of Mariposa County and Authorize the Board of Supervisors Chair to Sign the Amended Agreement (Human Services Director); Res. 09-105
- CA-9 Designate the Department of Human Services to Administer the Prevention Programs, Approve a Memorandum of Understanding with Mariposa Safe Families, Inc. for use of the CAPIT and CBCAP Funding and Authorize (Human Services Director); Res. 09-106
- CA-10 Approve Light Brown Apple Moth (LBAM) Trapping Agreement No. 08-0751 for the Period of July 1, 2008 – June 30, 2009 with California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 09-107
- CA-11 Reappoint Kenneth Le Blanc and Robert Woolard with Terms Expiring February 28, 2010, Reappoint Don Pitts and Peter Ulyatt with Terms Expiring February 28, 2011 and Appoint Robert Kroon with a Term Expiring February 28, 2011 and Harry Hagen with a Term Expiring February 28, 2010 to the Yosemite West Planning Advisory Committee (Planning Director)
- CA-12 Authorize the Use of the Mariposa County Transit Bus to Transport the Mariposa County Arts Council Featured Storytellers from Mariposa to Yosemite National Park for their “Sunday Afternoon in the Park Storytelling Concert”, on Sunday, March 15, 2009 (Community Services Director); Res. 09-108
- CA-13 Reappoint Mary Ann Visher (District 3), and Ort Holden (District 5) to the Parks and Recreation Commission for Terms Expiring March 10, 2013 (Public Works Director)
- CA-14 Appoint Jim Tucker as Planning Commissioner for District IV with a Term that Coincides with the Term of the Supervisor of District IV (Supervisor Cann)

(M)Bibby, (S)Allen, the Board adjourned at 11:33 a.m./Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

March 17, 2009



Time Description

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

Pledge of Allegiance

Introductions

Dana Hertfelder, Public Works Director;

Approve the Updated Airport Master Plan

BOARD ACTION: Chair Aborn advised that this matter has been pulled and rescheduled for March 27th.

Tony Tavares, CalTrans Acting Director for District 10;

Update on the Ferguson Slide Permanent Restoration Project, Including the Current Range of Alternatives and Information on the May 2009 Environmental Impact Report

BOARD ACTION: Chair Aborn advised that this matter was pulled by CalTrans due to a conflict in their schedule and will be rescheduled.

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

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

BOARD ACTION: Chair Aborn advised that item 12 has been moved to the timed agenda for discussion with the Public Works Director. Supervisor Turpin pulled item 10. Supervisor Allen advised of a correction to item 1/to reflect that Supervisor Aborn met with Supervisor Cann and the representatives of the Regional Council of Rural Counties (RCRC); and he advised of a correction to item 16/to correct the spelling of CHP Sergeant Todd Weichers. (M)Bibby, (S)Allen, the balance of the items was approved, including items 1 and 16 with the noted corrections/Ayes: Unanimous.

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

Board Information

Supervisor Bibby advised that she attended the sexual harassment training for department heads on Wednesday. She spoke to the Catheys Valley 4-H group at their community meeting on the role of a Supervisor. She thanked Les Marsden for filling in for the welcome presentation at the Storytelling Festival for her as she had the flu. She advised that the Girls softball team picked up over 3,000 cigarette butts at the schools and park; and she urged smokers to use ashtrays and to not smoke in "no smoking" areas. She expressed concern with damage to the skatepark and the moving and abuse of the donor bench; and she asked that if anyone has any information on who moved the bench to please let her know so that she could speak with them.

Supervisor Turpin commented on recent headlines in the Modesto Bee about the landfill tonnage being down. He attended the Storytelling Festival on Friday and advised that Len Cabral, storyteller, will be at the Odd Fellows hall in Coulterville this evening. He plans to attend the Friends of the Red Cloud Library meeting and the Stanislaus National Forest Motorized Travel Management Plan presentation in Greeley Hill on Wednesday. He attended the Coulterville Town Planning meeting on Thursday. He plans to attend the weed management meeting and the Resource Conservation and Development meeting on Thursday.

Supervisor Allen advised that he attended the Area 12 Agency on Aging Advisory Council meeting on Monday. He commented on plans to make the agenda package available on-line and advised that he is posting information to the District V website. He advised that Behavioral Health is holding an open house on Wednesday afternoon for National Professional Social Worker Month. He advised that Yosemite Fire will be conducting a live fire training on Saturday in Wawona; and Mariposa Fire will be conducting a live fire training on Sunday on Varain Road. There is a breakfast fundraiser in Ponderosa Basin on Saturday to benefit the Fire Station. He advised of reports with problems with speeding in Lushmeadows and CHP has been contacted to help with enforcement. He plans to attend the PERS retiree lunch today.

Supervisor Cann apologized for being late this morning and advised that he had a flat tire. He attended the Mariposa Forum meeting. He met with the Board of the 6th Street Cinema on their progress with their grants and the status of those that were froze with the State's budget crisis. He met with Darren Rose, field representative for Congressman Radanovich, last week on several issues. He met with the President of Yosemite Cascades on Monday relative to their proposed development project for Yosemite West. He plans to attend the RCRC meeting in Sacramento on Wednesday. He is planning to attend the Lushmeadows Cabbage and Corned Beef dinner this evening.

Supervisor Aborn advised that copies of recent news stories on the possible seismic retrofitting of the Ahwahnee Hotel and relative to the AIG funding problems/bonuses are available on the back table. He advised that the Midpines Community meeting is scheduled for Wednesday. He advised the High Speed Rail Committee is meeting in Merced on Wednesday. He advised of reports with problems with speeding in front on the Library. He reported on the status of planned work on the Gold Coin building.

Consider Items Removed from the Consent Agenda

Item 10 – Supervisor Turpin initiated discussion with Dana Hertfelder, Public Works Director, relative to the status of the project. (M)Turpin, (S)Bibby, item 10 was approved/Ayes: Unanimous.

Item 12 – Discussion was held with Dana Hertfelder. Supervisor Allen expressed concern with the proposal to close the Fish Camp transfer station during the winter months and discussion was held. Carl Casey, Public Works Administrator, provided input relative to their attempts with this proposal to implement cost saving measures and he advised that the Fish Camp transfer station is not used very much in the winter. Dana Hertfelder suggested that the Fish Camp transfer station hours portion of this matter be continued for him to further review. Supervisor Turpin suggested that the hours be the same for the Coulterville and Lake Don Pedro transfer stations; i.e., that they both open at 9:00 a.m. Supervisor Bibby asked that the change in the hours be noticed and posted. (M)Cann, (S)Turpin, item 12 was approved with the recommended changes for the Coulterville and Lake Don Pedro transfer stations and with both stations to open at 9:00 a.m.; and with direction for the Fish Camp transfer station hours to be further reviewed. Supervisor Aborn requested that staff review options for having more transfer stations. Ayes: Unanimous.

9:57 a.m. Recess

10:12 a.m. Kris Schenk, Planning Director;
PUBLIC WORKSHOP to Consider Public Comments on the 2008 General Plan Annual Report;
Direct that the 2008 Annual Report be Filed with the State Office of Planning and Research (OPR)

and the Department of Housing and Community Development (HCD); and Adopt a Resolution Establishing the 2009 Schedule of General Plan Amendments

BOARD ACTION: Larry Enrico, Senior Planner, presented the staff report. Discussion was held with Kris Schenk and Larry Enrico. Supervisor Cann requested that the interim urgency ordinance on the agritourism uses be included in the report; and he asked staff to review the status of the Wawona Plan. Supervisor Allen commented on his contact with the Park Service on the Wawona Plan. Discussion was held relative to the impact fee study and whether cemeteries are included. Supervisor Bibby suggested that the consultant for the impact fee study be made aware of the assessment for County Service Area 3 for fire equipment and station improvements. (M)Cann, (S)Allen, Res. 09-126 was adopted approving the report with the requested addition of the interim urgency ordinance on the agritourism uses and approving the schedule of General Plan amendments/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was not held.

10:39 a.m. Recess

10:53 a.m. Dr. Mosher, Health Officer;
Discussion and Information Regarding a Joint Mariposa County and Yosemite National Park Multi-Casualty Incident Exercise Scheduled for April 4, 2009 in El Portal

BOARD ACTION: Dr. Mosher advised that Dana Tafoya/Emergency Coordinator and Patrick Murphy/Mountain Valley Emergency Medical Services Agency were present. He reviewed the planning and presented information regarding the multi-casualty exercise. Discussion was held. Supervisor Turpin suggested that both Forest Services and the Bureau of Land Management be included and/or invited to attend the exercise.

11:10 a.m. Lunch

2:18 p.m. Richard J. Benson, County Administrative Officer/Personnel/Risk Manger;

A) Adopt a Resolution Recognizing and Thanking the 2009 Amgen Tour of California Race Organizers for Including Mariposa County in its Race Course

BOARD ACTION: Rick Benson advised that Jeff Hentz, Executive Director for the Yosemite/Mariposa County Tourism Bureau, will take the resolution to the race organizers. (M)Allen, (S)Bibby, Res. 09-110 was adopted recognizing the Amgen Tour race organizers/Ayes: Unanimous.

B) Report and Public Comment Regarding the 2009 Bicycle Race through Mariposa County

BOARD ACTION: Jeff Hentz reported on the race and their involvement; and on his discussions with Amgen and the Medalist Sports Group relative to the request for proposal (RFP) process for participating in the race as a host at the start or finish of a leg. He advised that he plans to travel to Atlanta in two weeks for a Tourism Technology Conference, and he plans to meet with the Medalists Sports Group representatives to obtain more detailed information on what is involved for submitting a RFP. Discussion was held relative to considering promoting the County for other events such as marathon races.

Input from the public was provided by the following:

Ken Gosting, TIE, provided input on their assignment of covering the Gold Coin building wall with a mural for the race.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of March 10, 2009, Regular Meeting (Clerk of the Board)
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-111
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-112
- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-113
- CA-5 Appoint Jeraldean Correa to the In-Home Supportive Services (IHSS) Advisory Committee (Human Services Director)
- CA-6 Approve Budget Action Transferring Funding from the Rural County Crime Prevention (RCCP) Fund to the Sheriff's Operating Budget for Improvements to the Newly Acquired Parcel Adjacent to the Jail Facility (\$48,000) (4/5ths Vote Required) (Sheriff); Res. 09-114
- CA-7 Approve Budget Action Transferring Funds within the Rural County Crime Prevention Fund to Purchase "TracNet" Jail Management Software (\$145,000) (Sheriff); Res. 09-115
- CA-8 Approve an Agreement with Kings View Corporation for Continued Use of their Telepsychiatric Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-116
- CA-9 Approve an Agreement with Mother Lode Job Training/Job Connection Mariposa for Summer Youth Employment Training Services for the Summer of 2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 09-117
- CA-10 Authorize the Public Works Director to Apply for Safe Routes to School (SR2S) Program Funds for the Greeley Hill Phase II Walkway Project in the Amount of \$665,502 (Public Works Director); Res. 09-124
- CA-11 Approve Budget Action Transferring Funds within the Public Works Administration Budget for the Purchase of Two New Computers, Anticipated Overtime Costs and for Extra-Help (\$7,000) (Public Works Director); Res. 09-118
- CA-12 Approve Mariposa County Public Works (MCPW) Solid Waste and Recycling Division's Request to Reduce Hours at the Coulterville, Lake Don Pedro, and Fish Camp Transfer Stations as a Cost Savings Measure, to be Effective April 1, 2009 (Public Works Director); Res. 09-125 approving the reduction of hours for the Coulterville and Lake Don Pedro transfer stations and with both stations to open at 9:00 a.m.; and with direction for the Fish Camp transfer station hours to be further reviewed.
- CA-13 Authorize the Development Services Departments (Planning, Building, Health) to Operate Regular Hours, Mondays through Fridays (Planning Director/Building Director/Health Officer); Res. 09-119

- CA-14 Approve Budget Action Transferring Funds within the Building Department to Cover the Cost of the Questys Software and GIS Software (\$3,300) (Building Director); Res. 09-120
- CA-15 Approve the Re-Hiring of the Office Assistant II as Extra-Help/Part-Time at the Step 5 Hourly Salary Level of (\$12.94) Retroactive to March 3, 2009 to Continue Scanning Work for the Building, Planning and Health Department (Building Director); Res. 09-121
- CA-16 Appoint Sergeant Todd Weichers as Alternate Representative of California Highway Patrol to the Emergency Medical Care Committee (Health Officer)
- CA-17 Authorize the Fire Chief to Apply for Volunteer Fire Assistance Grant for Protective Clothing and Equipment (Fire Chief); Res. 09-122
- CA-18 Accept the Resignation of Don Isabell from the Fish Camp Planning Advisory Council and Appoint Patrick Warren to the Fish Camp Planning Advisory Council for a Term Expiring February 28, 2011 (Supervisor Allen)
- CA-19 Accept the Resignation of Jennifer Nersesian from the Midpines Planning Advisory Committee (Supervisor Aborn)
- CA-20 Approve the Annual Investment Policy and Guidelines for Mariposa County (Treasurer/County Clerk/Tax Collector); Res. 09-123

(M)Allen, (S)Bibby, the Board adjourned at 2:53 p.m. in memory of Frances Adeline McLeroy and Zelma Bee Gault/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

March 24, 2009



DRAFT – PENDING BOARD APPROVAL

Time Description

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

Pledge of Allegiance
Introductions

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

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

BOARD ACTION: Chair Aborn pulled item 9. (M)Turpin, (S)Allen, the balance of the items was approved/Ayes: Unanimous.

Item 9 – Discussion was held relative to the draft letter and deleting reference to the closure of the Middle School. (M)Cann, (S)Bibby, item 9 was approved with the changes as discussed/Ayes: Unanimous.

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

Eleanor Keuning requested that Leonard Road be graded; and she expressed concern with the trash being dumped along Highway 49 South.

Ruth Catalan referred to the money that Fiske Sanitation owes the County and urged the Board to proceed with collection and with reviewing the other accounts receivable for the County.

MaryAnn Huff reminded everyone of the Chamber of Commerce mixer at Happy Burger this evening; and she advised of the Chambers and Marina Fisher's efforts with highway clean-up projects.

Board Information

Supervisor Cann advised that he attended the Regional Council of Rural Counties quarterly meeting in Sacramento; and he will work with the County Administrative Officer to schedule a presentation of the May 19th special election ballot issues on an agenda. He attended the Ponderosa Basin Fire Station breakfast fundraiser on Saturday and the Sierra Foothills Conservancy presentation on Sunday. He plans to attend a MAGPIE meeting in Merced on Wednesday relative to water. He advised that the Integrated Regional Water Management Plan meeting will be held at the Government Center on Thursday.

Supervisor Allen advised that he met with Linda Dahl, Yosemite National Park Planner, on Friday relative to the Wawona Plan update. He attended the Ponderosa Basin Fire Station breakfast fundraiser on Saturday and live fire training on Sunday. He attended the Mariposa Pines-Jerseydale Fire Safe meeting and discussion was held relative to the status of the donation of land for a station and clearing vacant lots. He advised of his contact with Dave Martin, U. S. Forest Service, relative to their sponsorship for clean-up of a portion of Highway 49 South.

DRAFT – PENDING BOARD APPROVAL

Supervisor Turpin advised that Len Cabral, storyteller, was in Coulterville last Tuesday. He attended the Friends of the Red Cloud Library meeting and the Stanislaus National Forest Motorized Travel Management Plan presentation in Greeley Hill on Wednesday. He participated in a CSAC meeting on Thursday via telephone conference call. He attended the weed management meeting and the Resource Conservation and Development meeting on Thursday. He advised that the Resource Conservation District will be holding a workshop on Wednesday in Catheys Valley on the benefits of livestock grazing. He plans to attend the Calaveras-Mariposa Community Action Agency meeting in Coulterville on Thursday. He referred to the public input earlier on the Fiske Sanitation issues.

Supervisor Bibby commented on the Highway clean-up programs and efforts by CalTrans to clean along the highway before the Amgen race; and she reminded everyone that their trash loads need to be covered. She attended the open house at Human Services on Wednesday and the Mount Bullion citizen group meeting on Thursday. She plans to attend the Calaveras-Mariposa Community Action Agency meeting in Coulterville on Thursday. She commended everyone involved in the 4-H Presentation Day held on Saturday. She plans to attend the Water Coalition meeting in LeGrand on March 26th. She advised that there is a working landscape meeting on Wednesday as noted by Supervisor Turpin. There is a mining presentation at the Government Center on the 24th. She expressed her thoughts and prayers for the families of the Oakland officers that were killed.

Supervisor Aborn cautioned that the flu and strep throat is going around. He attended the High Speed Rail meeting in Merced. He attended the Midpines Planning meeting on Wednesday. He commented on the tourism promotion with the poppies in the River Canyon.

Chair Aborn;

Proclaim the Month of April, 2009 as “Mariposa Earth Month” (Mariposans for Environmental and Responsible Government and Economic Development Corporation of Mariposa)

BOARD ACTION: (M)Bibby, (S)Turpin, the Proclamation was approved and presented to Shirley Schmelzer/Ayes: Unanimous.

Supervisor Cann;

Adopt a Resolution and Present a Tile Plaque to Skip Skyrud for his Outstanding Service as Planning Commissioner for Supervisorial District IV

BOARD ACTION: (M)Cann, (S)Turpin, Res. 09-127 was adopted and presented to Skip Skyrud along with a tile plaque/Ayes: Unanimous.

Jim Wilson, Fire Chief;

Discussion and PowerPoint Presentation Outlining the Current Status of County Fire Stations and Possible Direction by the Board Regarding Establishing Priorities

BOARD ACTION: Jim Wilson presented a video of a training burn using thermal imaging technology; and he gave a presentation on the current status of the volunteer firefighter recruitment, upgrade of apparatus and purchase of engines and water tenders, and the current status of each of the County Fire Stations and recommendations. Discussion was held. Supervisor Allen initiated discussion relative to the status of the offer of donated property for the Mariposa Pines-Jerseydale station and relative to funding commitments and timeframes for the various projects. Supervisor Cann suggested that discussion be held with Yosemite National Park relative to the possibility of using federal stimulus funding to help with projects for Stations bordering the Park. Chair Aborn asked that the Fire Chief keep the Board informed of the status of any other funding that may be available. Rick Benson, County Administrative Officer advised of the status of County Service Area No. 3 funding that will be available after the payments are made on the fire equipment. Supervisor Cann initiated discussion relative to the status of funding for a depreciation account for the fire equipment.

Input from the public was provided by the following:

Skip Skyrud commented that the land and zoning is not in place for the two highest priorities on the Fire Department’s list; and he feels that someone from Planning should have been

DRAFT – PENDING BOARD APPROVAL

in attendance for this item. He feels the Planning Commission should be directed to look at fire station issues and make recommendations versus establishing another committee.

Becky Crafts questioned whether there is adequate fuel reduction and suggested that Public Works have another brushing unit so that the firefighters have a chance to provide protection during fires.

Tom Atkins, resident of Mariposa Pines, commented on his experience with projects at UC Merced and advised that with the current climate of the industry, this may be an opportunity to get a bigger “bang for our buck” for the projects.

MaryAnn Huff, President of the Chamber of Commerce, commented on their Telegraph Fire Victim and Gold Rush Golf Scramble fundraising events and noted that the public involvement and volunteerism is a big part of this.

Paul Smith, Hunters Valley volunteer firefighter, commented on the formation of the County Service Area 3; and he stated he feels it would be beneficial for the Board to take a field trip to each of the Fire Stations as a Board.

Ron Setterberg, Lushmeadows volunteer firefighter, commented on the improvements made to their station by the volunteers; and he asked the Board to consider the Fire Chief’s report and to establish a good maintenance system. He commented on the status of the environmental review for the donated land for the Mariposa Pines-Jerseydale Fire Station and asked that this process be expedited; and he advised that they will hold an enchilada dinner fundraiser on June 27th at the Fish and Game Hall and they will be selling tickets at the Butterfly Festival.

Richard Shelton, Catheys Valley volunteer firefighter, commented on his goals for the Station and on the Fire Chief’s goals for the County; and he asked for direction from the Board so that they could proceed with their goals.

Rose Marie Smalcomb, Jerseydale, thanked the Board for creating a forum for this presentation; and she asked that the members of the County have access to this information – possibly post on the internet and make copies available at the libraries and at the coffee shops. She stated they need support in acknowledging the priorities for their fire house project to proceed.

Dennis Lagutaris, Mariposa Pines resident, advised of funding raised for the Jerseydale Station, and he noted that they need land to be able to continue with serious fundraising; and he feels they need help in getting through the process – he asked that direction be given to Public Works and the Planning Commission to help move their project along.

Ron Setterberg provided additional input on their efforts to proceed with the Jerseydale Fire Station project.

Discussion was held relative to giving direction for coming back with a plan setting priorities and time parameters for the projects and relative to the status of funding; and relative to the request that the Board tour each of the stations. Supervisor Allen noted the importance of securing the property that has been donated for the Jerseydale Station to assist with the funding raising efforts; and he asked that direction be given to move forward with setting the priorities and timeframes and for recommendations to be brought back to the Board as soon as possible. Supervisor Bibby suggested the Planning Director be added to the meeting group of County Administrative Officer, Public Works Director, and the Fire Chief. She noted the possibility of working with the School District on land for the Yaqui Gulch Station; and she stated she feels a determination needs to be made relative to the responsibility for maintenance of the stations. Discussion was held relative to the status of funding and financing options. (M)Turpin, (S)Bibby, the Board endorsed the Fire Chief’s recommended priorities for the Fire Stations/Ayes: Unanimous.

11:53 a.m. Recess

12:10 p.m. Fred Lustenberger, Building Director;
PUBLIC HEARING to Waive First Reading and Introduce Ordinance Creating Section 15.10.061 of the County Code to Create a Policy for the Handling of Violations and a Standard Penalty Schedule; Adopt a Resolution Setting Amnesty Period and a Resolution Setting New Expiration Date for Building Permits

BOARD ACTION: Fred Lustenberger presented the staff report; and he recommended that the language relative to animal control issues be deleted, and that the Appeals Board have the final say relative to the determination of penalties, subject only to judicial review. He responded to questions from the Board relative to the appeal process for this Ordinance. Steve Dahlem, County Counsel, noted that the existing resolution for the Building Department Advisory and Appeals Board provides that a decision by the Appeals Board may be appealed to the Board of Supervisors – this resolution would need to be amended if this Ordinance is adopted as written. Supervisor Bibby stated she feels that members of the Appeals Board should comply with requirements such as filing economic interest statements, taking oaths of office and ethics training, if they have the final determination of penalties versus the Board of Supervisors. She referred to the section relative to the Enforcing Officer and suggested that “or designee” be added. Staff responded to an additional question from the Board relative to being able to criminally prosecute for Health and Safety violations.

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

Marvin Wells asked what the process would be for people who buy a home and subsequently find out that the structure was never permitted; whether there would be any remedy through the title company or the realtor that was involved in the transaction. Staff responded that the Ordinance addresses the permit process for these types of situations; and advised that this Ordinance would not restrict any civil rights in pursuing claims. Supervisor Allen noted that the Department of Consumer Affairs oversees the Real Estate and the Contractors Divisions.

Jim Tucker asked for clarification of the code enforcement provisions and the appeal process and finding of facts process; and he asked about processing criminal violations. Staff responded and advised of the processes. Supervisor Bibby clarified that another agency can report a violation and not just a citizen.

The public portion of the hearing was closed and the Board commenced with deliberations on the Ordinance. (M)Cann, (S)Allen, the first reading was waived and the ordinance was introduced creating Section 15.10.061 of the County Code to create a policy for the handling of violations and a standard penalty schedule, with the changes as discussed to include “or designee,” to include that following a decision by the Appeals Board that an appeal can be filed to be heard by the Board of Supervisors, and to delete the reference to unlawful excess number of animals. County Counsel read the language in the resolution that established the Appeals Board relative to filing appeals with the Board of Supervisors and the Board concurred with using the same language in the Ordinance. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

The Board commenced with deliberations on the amnesty period resolution. Staff responded to questions from the Board relative to handling the existing violation cases and relative to the recommended amnesty time period. County Counsel provided suggested changes and corrections to the resolution. Supervisor Turpin requested that staff review the possibility of increasing the 120 square foot allowance for structures used for agricultural purposes. Motion by Turpin to adopt the amnesty period resolution, with a 90-day time period, was withdrawn by the maker following discussion. The Board concurred that the final resolution should be brought back for action.

The Board commenced with deliberations on the resolution setting a new expiration date for building permits. (M)Cann, (S)Allen, Res. 09-137 was adopted setting a new expiration date for building permits/Ayes: Unanimous.

The hearing was continued to April 7, 2009 at 10:30 a.m. for the amnesty resolution and adoption of the Ordinance.

1:28 p.m. Lunch

2:09 p.m. Michelle Shelton, A-TCAA Central Sierra Connect;

Provide a Project Update on the A-TCAA Central Sierra Connect Broadband Project

BOARD ACTION: Michelle Shelton, representing the Amador-Tuolumne Community Action Agency, provided the project update – they are finishing the data analysis and are beginning to publish maps and deployment scenarios; they are working a broadband policy and invited a

member of the Board to attend an upcoming meeting; they are working with Mariposa Safe Families on outreach and engagement; they are working on opening a neighborhood/information center in North County; they are looking at 2-1-1 for Health and Human Services needs, including telemedicine services; they applied for a grant to provide computers and free-internet service for three-years for low income households; and she advised of funding opportunities with the federal stimulus money. Discussion was held.

2:29 p.m. Bob McHugh;

PowerPoint Presentation Titled “The Airport as a Community Asset”

BOARD ACTION: Supervisor Bibby advised that this item is an extension of the next item relative to the Airport Master Plan; and she excused herself from the meeting for both of these items due to a potential conflict of interest as she has a remainder interest in estate property adjoining the Airport. Bob McHugh advised of his background and the purpose of the Aircraft Owners and Pilots Association; and he gave a PowerPoint presentation reviewing the benefits of the Airport. Discussion was held.

Input from the public was provided by the following:

Ron McBride stated he is a resident of Oakhurst; however, he has a hangar and aircraft here. He referred to the importance of the Airport and to the revenue generated for the County.

Gene Mickel stated he resides close to the Hospital heliport and he clarified that the heliport is used at night. He stated he supports the Airport; and he provided input on his experience as a real estate agent and the importance of the Airport to those who consider living here.

3:06 p.m. Recess

3:21 p.m. Dana Hertfelder, Public Works Director;

Approve the Updated Airport Master Plan (Continued from March 17, 2009)

BOARD ACTION: Dana Hertfelder advised that the updated Airport Master Plan and Layout Plan proposes that the Airport will remain as it is; and he responded to previous questions from March 17th relative to the surrounding land use zoning and he advised that he could not find anything where the County agreed to not acquire land in the future. Discussion was held.

Input from the public was provided by the following:

Betty Mankins, owns property around the Airport, stated she does not have a problem with the Airport, but she has a problem with the County chipping away at their acreage. She feels that the Plan just lists alternatives and she questioned which alternatives will be used. Dana Hertfelder advised that alternatives 5 and 6 are recommended as shown on Table 4A and he advised that goals are listed on Table 5A – projects 11 and 12 are proposed to be done in the next few years and include looking at the acquisition of avigation easements and this would require further action by the Board. Betty Mankins expressed concern that if their development rights are restricted, it would devalue the property. Staff responded to this concern and questions from the Board relative to the process for acquisition of easement rights. Betty Mankins stated she feels that the County has enough land to do what it wants to do and they want to be left alone.

Joel Bibby clarified his previous statement (March 17th) relative to feeling that a plane is a luxury item. He noted that, as the family estate is set up, he has no vested interest in the property and he is speaking for his children. He said they would feel better about the Plan if it didn't discuss acquisition. He advised that he has tapes of negotiation meetings with the County on the previous property acquisition advising that the County would not be asking for anything more. He stated he supports the Airport and they try to be good neighbors, but he feels that the County should not be taking any more property. He referred to the budget for the Airport and stated he feels the rates for hangars should be reviewed; and he referred to security issues.

Discussion was held and it was clarified that there is no plan to acquire any additional land in the Plan. (M)Allen, (S)Cann, Res. 09-138 was adopted approving the updated Airport Master Plan/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

4:03 p.m. Supervisor Bibby returned to the Board meeting.

Dana Hertfelder, Public Works Director;

Discussion and Direction Regarding the American Recovery and Reinvestment Act for Public Works Road Projects

BOARD ACTION: Discussion was held with Dana Hertfelder; and he suggested that he submit an application for various road projects and once the funding amount is known, he will come back to the Board with a list of projects for approval. He advised that they can no longer exchange the TEA funds at the end of the year for road maintenance; and he advised of an eligible project for these funds with the 6th Street Cinema (Old Masonic Lodge) building for restoration of the outside walls that can be seen from the Highway. Given the timeframes, requirements (including environmental review) and available funding of about \$105,000, he does not feel that there is another project that would qualify at this time and he has not received any other requests. Supervisor Turpin noted the previous direction to change the Texas Hill project to a Dogtown Road project. Discussion was held.

Input from the public was provided by the following:

Jim Tucker asked if the bridge over Crane Creek in Foresta has been replaced; and Supervisor Cann responded as to the status.

Further discussion was held relative to the requests.

Dick Hutchinson provided input and asked whether the funding could be used for parking.

Tony Radanovich provided input relative to their request for the 6th Street Cinema project.

(M)Bibby, (S)Cann, Res. 09-139 was adopted approving submittal of applications for various road projects, the Old Highway project, and the TEA funded project for the restoration of the outside of the 6th Street Cinema/Ayes: Unanimous.

4:55 p.m. Recess

5:02 p.m. Megan Redding, Fire Safe Council Project Coordinator; and

Sean Rankin, Terra Firma Contracting;

Power Point Presentation on Defensible Space Project

BOARD ACTION: Megan Redding provided input, and Sean Rankin gave a presentation on the status of the defensible space project/ brush chipping program to reduce hazardous fuels and protect against wildland fires.

Input from the public was provided by the following:

Jim Tucker commented on grant funding sources.

Dick Hutchinson commented on this service and thanked those involved.

Discussion was held. Supervisor Bibby suggested that the County Park property be reviewed for clearance.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee

Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was not held.

5:24 p.m. 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: 6 (County Counsel); and

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; Shana Dee Hamel v. County of Mariposa, Fair Employment and Housing Commission Case No. E200708-C-00-se (County Administrative Officer/Personnel/Risk Manager)

DRAFT – PENDING BOARD APPROVAL

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

6:00 p.m. Chair Aborn announced that direction was given relative to the initiating of litigation cases and information was received on the Hamel v. County of Mariposa case.

INFORMATION – No action was necessary on the following:
Secure Rural Schools and Community Self-Determination Act of 2000, Title II Project Proposals
Due April 24, 2009 (Supervisor Turpin)

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of March 17, 2009, Regular Meeting (Clerk of the Board)
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-128
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-129
- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-130
- CA-5 Increase the Approved Replacement Estimate in the Amount of \$27,000 to \$30,457.12 for Vehicle SO-113 (2001 Ford F-150 4x4 Extended Cab Pickup) from the 2008/2009 Budget (Public Works Director); Res. 09-131
- CA-6 Authorize the Fire Chief to Sign the 2008 FEMA Assistance to Firefighters Grant (AFG) Award for a Regional Thermal Imaging Project in the Amount of \$236,403 (Fire Chief); Res. 09-132
- CA-7 Approve an Agreement for the Sheriff's Community Organized Policing Effort (SCOPE) to Participate in and Provide Services at the 2009 Annual Mariposa County Fair and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-133
- CA-8 Approve Budget Actions Transferring Funds within the Housing Authority (\$54,179) and Community Action (\$2,508) Funds; Approve Budget Action Increasing Revenue and Appropriations in the Energy Assistance Fund (\$184,151) (4/5ths Vote Required) (Human Services Director); Res. 09-134
- CA-9 Authorize the Board of Supervisors Chair to Sign a Letter to the Governor Opposing Public Education Cuts (County Administrative Officer/Personnel/Risk Manager); Res. 09-136
- CA-10 Approve Resolution to Accept Funding from Corrections Standards Authority for the Period of April 2009 through June 2010 in the Amount of \$100,046 for the Title II, ADAPT Program, Year Three (Chief Probation Officer); Res. 09-135

DRAFT – PENDING BOARD APPROVAL

6:01 p.m. Adjournment in memory of Howard Isaac Skinner, David M. O'Brien, Ward William "Bill" Muter, Ted Kaye, and Wilbur and Pat Peterson.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

March 24, 2009

Time _____ Description

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

Pledge of Allegiance

Introductions

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

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

BOARD ACTION: Chair Aborn pulled item 9. (M)Turpin, (S)Allen, the balance of the items was approved/Ayes: Unanimous.

Item 9 – Discussion was held relative to the draft letter and deleting reference to the closure of the Middle School. (M)Cann, (S)Bibby, item 9 was approved with the changes as discussed/Ayes: Unanimous.

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

Eleanor Keuning requested that Leonard Road be graded; and she expressed concern with the trash being dumped along Highway 49 South.

Ruth Catalan referred to the money that Fiske Sanitation owes the County and urged the Board to proceed with collection and with reviewing the other accounts receivable for the County.

MaryAnn Huff reminded everyone of the Chamber of Commerce mixer at Happy Burger this evening; and she advised of the Chambers and Marina Fisher’s efforts with highway clean-up projects.

Board Information

Supervisor Cann advised that he attended the Regional Council of Rural Counties quarterly meeting in Sacramento; and he will work with the County Administrative Officer to schedule a presentation of the May 19th special election ballot issues on an agenda. He attended the Ponderosa Basin Fire Station breakfast fundraiser on Saturday and the Sierra Foothills Conservancy presentation on Sunday. He plans to attend a MAGPIE meeting in Merced on Wednesday relative to water. He advised that the Integrated Regional Water Management Plan meeting will be held at the Government Center on Thursday.

Supervisor Allen advised that he met with Linda Dahl, Yosemite National Park Planner, on Friday relative to the Wawona Plan update. He attended the Ponderosa Basin Fire Station breakfast fundraiser on Saturday and live fire training on Sunday. He attended the Mariposa Pines-Jerseydale Fire Safe meeting and discussion was held relative to the status of the donation of land for a station and clearing vacant lots. He advised of his contact with Dave Martin, U. S. Forest Service, relative to their sponsorship for clean-up of a portion of Highway 49 South.

Supervisor Turpin advised that Len Cabral, storyteller, was in Coulterville last Tuesday. He attended the Friends of the Red Cloud Library meeting and the Stanislaus National Forest

Motorized Travel Management Plan presentation in Greeley Hill on Wednesday. He participated in a CSAC meeting on Thursday via telephone conference call. He attended the weed management meeting and the Resource Conservation and Development meeting on Thursday. He advised that the Resource Conservation District will be holding a workshop on Wednesday in Catheys Valley on the benefits of livestock grazing. He plans to attend the Calaveras-Mariposa Community Action Agency meeting in Coulterville on Thursday. He referred to the public input earlier on the Fiske Sanitation issues.

Supervisor Bibby commented on the Highway clean-up programs and efforts by CalTrans to clean along the highway before the Amgen race; and she reminded everyone that their trash loads need to be covered. She attended the open house at Human Services on Wednesday and the Mount Bullion citizen group meeting on Thursday. She plans to attend the Calaveras-Mariposa Community Action Agency meeting in Coulterville on Thursday. She commended everyone involved in the 4-H Presentation Day held on Saturday. She plans to attend the Water Coalition meeting in LeGrand on March 26th. She advised that there is a working landscape meeting on Wednesday as noted by Supervisor Turpin. There is a mining presentation at the Government Center on the 24th. She expressed her thoughts and prayers for the families of the Oakland officers that were killed.

Supervisor Aborn cautioned that the flu and strep throat is going around. He attended the High Speed Rail meeting in Merced. He attended the Midpines Planning meeting on Wednesday. He commented on the tourism promotion with the poppies in the River Canyon.

Chair Aborn;

Proclaim the Month of April, 2009 as "Mariposa Earth Month" (Mariposans for Environmental and Responsible Government and Economic Development Corporation of Mariposa)

BOARD ACTION: (M)Bibby, (S)Turpin, the Proclamation was approved and presented to Shirley Schmelzer/Ayes: Unanimous.

Supervisor Cann;

Adopt a Resolution and Present a Tile Plaque to Skip Skyrud for his Outstanding Service as Planning Commissioner for Supervisorial District IV

BOARD ACTION: (M)Cann, (S)Turpin, Res. 09-127 was adopted and presented to Skip Skyrud along with a tile plaque/Ayes: Unanimous.

Jim Wilson, Fire Chief;

Discussion and PowerPoint Presentation Outlining the Current Status of County Fire Stations and Possible Direction by the Board Regarding Establishing Priorities

BOARD ACTION: Jim Wilson presented a video of a training burn using thermal imaging technology; and he gave a presentation on the current status of the volunteer firefighter recruitment, upgrade of apparatus and purchase of engines and water tenders, and the current status of each of the County Fire Stations and recommendations. Discussion was held. Supervisor Allen initiated discussion relative to the status of the offer of donated property for the Mariposa Pines-Jerseydale station and relative to funding commitments and timeframes for the various projects. Supervisor Cann suggested that discussion be held with Yosemite National Park relative to the possibility of using federal stimulus funding to help with projects for Stations bordering the Park. Chair Aborn asked that the Fire Chief keep the Board informed of the status of any other funding that may be available. Rick Benson, County Administrative Officer advised of the status of County Service Area No. 3 funding that will be available after the payments are made on the fire equipment. Supervisor Cann initiated discussion relative to the status of funding for a depreciation account for the fire equipment.

Input from the public was provided by the following:

Skip Skyrud commented that the land and zoning is not in place for the two highest priorities on the Fire Department's list; and he feels that someone from Planning should have been in attendance for this item. He feels the Planning Commission should be directed to look at fire station issues and make recommendations versus establishing another committee.

Becky Crafts questioned whether there is adequate fuel reduction and suggested that Public Works have another brushing unit so that the firefighters have a chance to provide protection during fires.

Tom Atkins, resident of Mariposa Pines, commented on his experience with projects at UC Merced and advised that with the current climate of the industry, this may be an opportunity to get a bigger “bang for our buck” for the projects.

MaryAnn Huff, President of the Chamber of Commerce, commented on their Telegraph Fire Victim and Gold Rush Golf Scramble fundraising events and noted that the public involvement and volunteerism is a big part of this.

Paul Smith, Hunters Valley volunteer firefighter, commented on the formation of the County Service Area 3; and he stated he feels it would be beneficial for the Board to take a field trip to each of the Fire Stations as a Board.

Ron Setterberg, Lushmeadows volunteer firefighter, commented on the improvements made to their station by the volunteers; and he asked the Board to consider the Fire Chief’s report and to establish a good maintenance system. He commented on the status of the environmental review for the donated land for the Mariposa Pines-Jerseydale Fire Station and asked that this process be expedited; and he advised that they will hold an enchilada dinner fundraiser on June 27th at the Fish and Game Hall and they will be selling tickets at the Butterfly Festival.

Richard Shelton, Catheys Valley volunteer firefighter, commented on his goals for the Station and on the Fire Chief’s goals for the County; and he asked for direction from the Board so that they could proceed with their goals.

Rose Marie Smalcomb, Jerseydale, thanked the Board for creating a forum for this presentation; and she asked that the members of the County have access to this information – possibly post on the internet and make copies available at the libraries and at the coffee shops. She stated they need support in acknowledging the priorities for their fire house project to proceed.

Dennis Lagutaris, Mariposa Pines resident, advised of funding raised for the Jerseydale Station, and he noted that they need land to be able to continue with serious fundraising; and he feels they need help in getting through the process – he asked that direction be given to Public Works and the Planning Commission to help move their project along.

Ron Setterberg provided additional input on their efforts to proceed with the Jerseydale Fire Station project.

Discussion was held relative to giving direction for coming back with a plan setting priorities and time parameters for the projects and relative to the status of funding; and relative to the request that the Board tour each of the stations. Supervisor Allen noted the importance of securing the property that has been donated for the Jerseydale Station to assist with the funding raising efforts; and he asked that direction be given to move forward with setting the priorities and timeframes and for recommendations to be brought back to the Board as soon as possible. Supervisor Bibby suggested the Planning Director be added to the meeting group of County Administrative Officer, Public Works Director, and the Fire Chief. She noted the possibility of working with the School District on land for the Yaqui Gulch Station; and she stated she feels a determination needs to be made relative to the responsibility for maintenance of the stations. Discussion was held relative to the status of funding and financing options. (M)Turpin, (S)Bibby, the Board endorsed the Fire Chief’s recommended priorities for the Fire Stations/Ayes: Unanimous.

11:53 a.m. Recess

12:10 p.m. Fred Lustenberger, Building Director;

PUBLIC HEARING to Waive First Reading and Introduce Ordinance Creating Section 15.10.061 of the County Code to Create a Policy for the Handling of Violations and a Standard Penalty Schedule; Adopt a Resolution Setting Amnesty Period and a Resolution Setting New Expiration Date for Building Permits

BOARD ACTION: Fred Lustenberger presented the staff report; and he recommended that the language relative to animal control issues be deleted, and that the Appeals Board have the final say relative to the determination of penalties, subject only to judicial review. He responded to

questions from the Board relative to the appeal process for this Ordinance. Steve Dahlem, County Counsel, noted that the existing resolution for the Building Department Advisory and Appeals Board provides that a decision by the Appeals Board may be appealed to the Board of Supervisors – this resolution would need to be amended if this Ordinance is adopted as written. Supervisor Bibby stated she feels that members of the Appeals Board should comply with requirements such as filing economic interest statements, taking oaths of office and ethics training, if they have the final determination of penalties versus the Board of Supervisors. She referred to the section relative to the Enforcing Officer and suggested that “or designee” be added. Staff responded to an additional question from the Board relative to being able to criminally prosecute for Health and Safety violations.

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

Marvin Wells asked what the process would be for people who buy a home and subsequently find out that the structure was never permitted; whether there would be any remedy through the title company or the realtor that was involved in the transaction. Staff responded that the Ordinance addresses the permit process for these types of situations; and advised that this Ordinance would not restrict any civil rights in pursuing claims. Supervisor Allen noted that the Department of Consumer Affairs oversees the Real Estate and the Contractors Divisions.

Jim Tucker asked for clarification of the code enforcement provisions and the appeal process and finding of facts process; and he asked about processing criminal violations. Staff responded and advised of the processes. Supervisor Bibby clarified that another agency can report a violation and not just a citizen.

The public portion of the hearing was closed and the Board commenced with deliberations on the Ordinance. (M)Cann, (S)Allen, the first reading was waived and the ordinance was introduced creating Section 15.10.061 of the County Code to create a policy for the handling of violations and a standard penalty schedule, with the changes as discussed to include “or designee,” to include that following a decision by the Appeals Board that an appeal can be filed to be heard by the Board of Supervisors, and to delete the reference to unlawful excess number of animals. County Counsel read the language in the resolution that established the Appeals Board relative to filing appeals with the Board of Supervisors and the Board concurred with using the same language in the Ordinance. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

The Board commenced with deliberations on the amnesty period resolution. Staff responded to questions from the Board relative to handling the existing violation cases and relative to the recommended amnesty time period. County Counsel provided suggested changes and corrections to the resolution. Supervisor Turpin requested that staff review the possibility of increasing the 120 square foot allowance for structures used for agricultural purposes. Motion by Turpin to adopt the amnesty period resolution, with a 90-day time period, was withdrawn by the maker following discussion. The Board concurred that the final resolution should be brought back for action.

The Board commenced with deliberations on the resolution setting a new expiration date for building permits. (M)Cann, (S)Allen, Res. 09-137 was adopted setting a new expiration date for building permits/Ayes: Unanimous.

The hearing was continued to April 7, 2009 at 10:30 a.m. for the amnesty resolution and adoption of the Ordinance.

1:28 p.m. Lunch

2:09 p.m. Michelle Shelton, A-TCAA Central Sierra Connect;

Provide a Project Update on the A-TCAA Central Sierra Connect Broadband Project

BOARD ACTION: Michelle Shelton, representing the Amador-Tuolumne Community Action Agency, provided the project update – they are finishing the data analysis and are beginning to publish maps and deployment scenarios; they are working a broadband policy and invited a member of the Board to attend an upcoming meeting; they are working with Mariposa Safe Families on outreach and engagement; they are working on opening a neighborhood/information center in North County; they are looking at 2-1-1 for Health and Human Services needs, including

telemedicine services; they applied for a grant to provide computers and free-internet service for three-years for low income households; and she advised of funding opportunities with the federal stimulus money. Discussion was held.

2:29 p.m. Bob McHugh;

PowerPoint Presentation Titled “The Airport as a Community Asset”

BOARD ACTION: Supervisor Bibby advised that this item is an extension of the next item relative to the Airport Master Plan; and she excused herself from the meeting for both of these items due to a potential conflict of interest as she has a remainder interest in estate property adjoining the Airport. Bob McHugh advised of his background and the purpose of the Aircraft Owners and Pilots Association; and he gave a PowerPoint presentation reviewing the benefits of the Airport. Discussion was held.

Input from the public was provided by the following:

Ron McBride stated he is a resident of Oakhurst; however, he has a hangar and aircraft here. He referred to the importance of the Airport and to the revenue generated for the County.

Gene Mickel stated he resides close to the Hospital heliport and he clarified that the heliport is used at night. He stated he supports the Airport; and he provided input on his experience as a real estate agent and the importance of the Airport to those who consider living here.

3:06 p.m. Recess

3:21 p.m. Dana Hertfelder, Public Works Director;

Approve the Updated Airport Master Plan (Continued from March 17, 2009)

BOARD ACTION: Dana Hertfelder advised that the updated Airport Master Plan and Layout Plan proposes that the Airport will remain as it is; and he responded to previous questions from March 17th relative to the surrounding land use zoning and he advised that he could not find anything where the County agreed to not acquire land in the future. Discussion was held.

Input from the public was provided by the following:

Betty Mankins, owns property around the Airport, stated she does not have a problem with the Airport, but she has a problem with the County chipping away at their acreage. She feels that the Plan just lists alternatives and she questioned which alternatives will be used. Dana Hertfelder advised that alternatives 5 and 6 are recommended as shown on Table 4A and he advised that goals are listed on Table 5A – projects 11 and 12 are proposed to be done in the next few years and include looking at the acquisition of avigation easements and this would require further action by the Board. Betty Mankins expressed concern that if their development rights are restricted, it would devalue the property. Staff responded to this concern and questions from the Board relative to the process for acquisition of easement rights. Betty Mankins stated she feels that the County has enough land to do what it wants to do and they want to be left alone.

Joel Bibby clarified his previous statement (March 17th) relative to feeling that a plane is a luxury item. He noted that, as the family estate is set up, he has no vested interest in the property and he is speaking for his children. He said they would feel better about the Plan if it didn't discuss acquisition. He advised that he has tapes of negotiation meetings with the County on the previous property acquisition advising that the County would not be asking for anything more. He stated he supports the Airport and they try to be good neighbors, but he feels that the County should not be taking any more property. He referred to the budget for the Airport and stated he feels the rates for hangars should be reviewed; and he referred to security issues.

Discussion was held and it was clarified that there is no plan to acquire any additional land in the Plan. (M)Allen, (S)Cann, Res. 09-138 was adopted approving the updated Airport Master Plan/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

4:03 p.m. Supervisor Bibby returned to the Board meeting.

Dana Hertfelder, Public Works Director;
Discussion and Direction Regarding the American Recovery and Reinvestment Act for Public Works Road Projects

BOARD ACTION: Discussion was held with Dana Hertfelder; and he suggested that he submit an application for various road projects and once the funding amount is known, he will come back to the Board with a list of projects for approval. He advised that they can no longer exchange the TEA funds at the end of the year for road maintenance; and he advised of an eligible project for these funds with the 6th Street Cinema (Old Masonic Lodge) building for restoration of the outside walls that can be seen from the Highway. Given the timeframes, requirements (including environmental review) and available funding of about \$105,000, he does not feel that there is another project that would qualify at this time and he has not received any other requests. Supervisor Turpin noted the previous direction to change the Texas Hill project to a Dogtown Road project. Discussion was held.

Input from the public was provided by the following:

Jim Tucker asked if the bridge over Crane Creek in Foresta has been replaced; and Supervisor Cann responded as to the status.

Further discussion was held relative to the requests.

Dick Hutchinson provided input and asked whether the funding could be used for parking.

Tony Radanovich provided input relative to their request for the 6th Street Cinema project.

(M)Bibby, (S)Cann, Res. 09-139 was adopted approving submittal of applications for various road projects, the Old Highway project, and the TEA funded project for the restoration of the outside of the 6th Street Cinema/Ayes: Unanimous.

4:55 p.m. Recess

5:02 p.m. Megan Redding, Fire Safe Council Project Coordinator; and Sean Rankin, Terra Firma Contracting;
Power Point Presentation on Defensible Space Project

BOARD ACTION: Megan Redding provided input, and Sean Rankin gave a presentation on the status of the defensible space project/ brush chipping program to reduce hazardous fuels and protect against wildland fires.

Input from the public was provided by the following:

Jim Tucker commented on grant funding sources.

Dick Hutchinson commented on this service and thanked those involved.

Discussion was held. Supervisor Bibby suggested that the County Park property be reviewed for clearance.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee
Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: This closed session was not held.

5:24 p.m. 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: 6 (County Counsel); and

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; Shana Dee Hamel v. County of Mariposa, Fair Employment and Housing Commission Case No. E200708-C-00-se (County Administrative Officer/Personnel/Risk Manager)

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

6:00 p.m. Chair Aborn announced that direction was given relative to the initiating of litigation cases and information was received on the Hamel v. County of Mariposa case.

INFORMATION – No action was necessary on the following:
Secure Rural Schools and Community Self-Determination Act of 2000, Title II Project Proposals
Due April 24, 2009 (Supervisor Turpin)

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of March 17, 2009, Regular Meeting (Clerk of the Board)
- CA-2 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-128
- CA-3 Resolution Continuing the Local Emergency Due to the Recent Fire, Oliver Fire (County Administrative Officer); Res. 09-129
- CA-4 Resolution Continuing the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer); Res. 09-130
- CA-5 Increase the Approved Replacement Estimate in the Amount of \$27,000 to \$30,457.12 for Vehicle SO-113 (2001 Ford F-150 4x4 Extended Cab Pickup) from the 2008/2009 Budget (Public Works Director); Res. 09-131
- CA-6 Authorize the Fire Chief to Sign the 2008 FEMA Assistance to Firefighters Grant (AFG) Award for a Regional Thermal Imaging Project in the Amount of \$236,403 (Fire Chief); Res. 09-132
- CA-7 Approve an Agreement for the Sheriff's Community Organized Policing Effort (SCOPE) to Participate in and Provide Services at the 2009 Annual Mariposa County Fair and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 09-133
- CA-8 Approve Budget Actions Transferring Funds within the Housing Authority (\$54,179) and Community Action (\$2,508) Funds; Approve Budget Action Increasing Revenue and Appropriations in the Energy Assistance Fund (\$184,151) (4/5ths Vote Required) (Human Services Director); Res. 09-134
- CA-9 Authorize the Board of Supervisors Chair to Sign a Letter to the Governor Opposing Public Education Cuts (County Administrative Officer/Personnel/Risk Manager); Res. 09-136
- CA-10 Approve Resolution to Accept Funding from Corrections Standards Authority for the Period of April 2009 through June 2010 in the Amount of \$100,046 for the Title II, ADAPT Program, Year Three (Chief Probation Officer); Res. 09-135

6:01 p.m. Adjournment in memory of Howard Isaac Skinner, David M. O'Brien, Ward William "Bill" Muter, Ted Kaye, and Wilbur and Pat Peterson.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BRAD ABORN
Chair, Board of Supervisors