



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

July 12, 2011



Folder _____ Time _____ Description _____

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

Pledge of Allegiance

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

Introductions – none

1

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

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

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

Jim Rydingsword, Human Services Director, referred to item 112 and displayed the donation of a painting from Harold and Chris Casto; and he recognized the generosity of the donors. Supervisor Cann asked whether there is a policy for accepting donations – the County Administrative Officer and County Counsel will review. Supervisor Bibby asked that the Auditor be included in the policy issue with item 112 with respect to the request for a receipt. Supervisors Stetson and Bibby pulled item 113. Supervisor Cann referred to items 103 and 104 and asked that the Public Works Director and the Fire Chief provide a status report. (M)Cann, (S)Bibby, the balance of the items was approved/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

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

Pete Judy, Chief Probation Officer, advised of a request for the Board to designate who will handle the post-release community group/prisoners and parolees being returned from the State to the County. Chair Allen asked that he meet with the County Administrative Officer on this to place an item on the agenda.

Terri Haworth, Community Services Director, advised of the following changes at the Senior Activity Center: replacement of the walk-in refrigeration/freezer box and she thanked the Miner’s Inn Restaurant for lending storage space during the replacement process; the salad bar equipment is on back-order; switch to the telephone system from the Child Support Services Department when they moved to the new Human Services facility; Golden Agers are updating the restrooms and working to make them ADA compliant; work with the Transportation Planner and Human Services

Director to bring public transportation to the new Human Services building; publication of a Community Services event calendar on the web; and she commented on the hot meals and meals on wheels programs.

Rick Benson, County Administrative Officer, advised that he visited with Supervisor Turpin on Sunday, and he will try to visit weekly. He reported that his spirits are good, but it will take awhile for him to recover.

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

Stephen Churgin expressed concern with the \$5.00 charge to obtain a copy of a report from the Sheriff's Department, and he asked what happens if a person is indigent and cannot afford the fee.

John Brady, on behalf of MERG (Mariposans for the Environment and Responsible Government) presented a letter and expressed concern with the Consent Agenda process and the process for the public to provide input; and he offered suggestions.

Ruth Sellers expressed concern with the condition of debris in the water around the boat ramp at Bagby, and she feels that this matter should be brought to MID's attention.

Helen Kwalwasser stated she was speaking as a resident and thanked the Board for donating funds to Kiwanis for the 4th of July event; and she thanked Supervisor Cann and Sheriff Binnewies for emceeding the event, and the merchants who donated for the raffle.

Eleanor Keuning talked about a poster she brought back from Bridgeport showing their 4th of July activities and sponsors; and she thanked the Board for its donation for the fireworks.

Lester Bridges, Interim Executive Director and President of the Chamber of Commerce, advised that the visitor numbers are up, they are continuing with the tours of the Courthouse and the old jail, and he commented on the wait time at the gate entrance to Yosemite.

Eleanor Keuning thanked Mr. Brady for his input on the Consent Agenda process; and she referred to budget information and suggested that there be consideration of an energy audit. She expressed concern with the enactment of a \$150 structure fee for fire protection in rural areas by the State.

Board Information

Supervisor Stetson advised that he plans to attend the El Portal Planning Advisory Committee meeting this evening, and that the next Midpines Planning Advisory Committee meeting has been canceled.

Supervisor Cann advised that he attended a meeting with the Department of Water Resources with a regional representative relative to water management, and a final go-ahead was received for the County to prepare a request for a planning grant. The Sierra Nevada Conservancy is dedicating one of their grant writers to work on this. He has attended meetings relative to submitting a grant application for the Safe Routes to School program funds – item 5 on the agenda. Last Wednesday, he met with people who want to start a new business in downtown. He participated in a telephone conference call with CDBG (Community Development Block Grant) representatives relative to the Rural Media Arts/6th Street Cinema project, and he advised that the grant was terminated because it was determined that the project did not fit the requirements. On Thursday, he attended the Mariposa County Merchant Association meeting. The California Tourism is bringing a familiarization tour of travel writers to Mariposa for an evening walk-thru on July 21st. He noted the "music on the green" program started this weekend; and that the United States Air Force Band will be playing at the amphitheater on August 18th. He stated he is concerned for Supervisor Turpin and he noted that his

address is available at the front counter for people to send cards. He attended the reception the Hospital hosted for Assemblymember Kristin Olsen on Thursday – he commented on the increasing number of services provided by the Hospital; and afterwards a town hall meeting was held at the Government Center. He stated he is sad that with the State redistricting that Assemblymember Olsen will no longer represent the County. He referred to the \$150 CalFIRE fee for rural areas and advised that this is to make up for the State budget cut to CalFIRE and he has concerns with this. He plans to attend the Gateway meeting and will discuss the long wait issue at the Yosemite entrance with the Superintendent.

Supervisor Bibby advised that she met with the Executive Director of the Tourism Bureau on June 30th and discussed the EDC proposal and the request for an agreement with Townsend and the County’s budget situation. She was present on June 30th for the Board meeting to cancel and reschedule the Bankhead appeal. She attended the 4th of July fire works and activities in Weaverville. She plans to attend a meeting at the Catheys Valley fire station this evening relative to improvements. She plans to attend a meeting on Wednesday with the Human Services Director on several issues, including IHSS, housing, and trauma program. She plans to attend the State Fair awards program on July 14th and hopes that 4-H does well with the County exhibit. She referred to the State budget situation and noted that there are unique and categorical grants that are awarded versus providing full funding to CalFIRE. She plans to attend the Mother Lode Job Training meeting in two weeks.

Supervisor Allen advised that he attended the last fire station meeting and plans to attend the next one on Friday, and he noted that Golden Valley Engineering brought up some ideas. He attended the final interviews for the Mountain Valley Emergency Medical Services Agency Executive Director on Wednesday and announced that Richard Murdock was selected. He attended the Area 12 Agency on Aging joint powers authority meeting on Thursday, and the open house at the Hospital and the town hall meeting with Assemblymember Olsen. He attended the Planning Commission meeting on Friday relative to the Tenaya Lodge waste water treatment facility project. He advised that the Wawona Specific Plan update was placed online for review last week. He plans to attend the Community Corrections Partnership meeting on Thursday. He noted there will be an ice cream social at the Ponderosa Basin Fire Station on Saturday.

Supervisor Bibby agreed that it will be a huge loss if Assemblymember Olsen is redistricted.

9:56 a.m. Board Convened as

LOCAL TRANSPORTATION COMMISSION

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

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

3 **Public Works**

Approve the First Amendment Extending the Term of the Professional Service Agreement with Nelson/Nygaard Consulting Associates for the Preparation of the Short Range Transit Plan (SRTP), and Authorize the Local Transportation Commission Chair to Sign the Amendment

COMMISSION ACTION: Following discussion with Barbara Carrier/PWD-Transportation Planner, (M)Cann, (S)Allen, LTC Res. 11-13 was adopted approving the amendment/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

4

Public Works

Approve the First Amendment Extending the Term of the Professional Service Agreement with Nelson/Nygaard Consulting Associates for Providing Implementation Assistance with the Coordinated Plan Recommended Strategies, and Authorize the Local Transportation Commission Chair to Sign the Amendment

COMMISSION ACTION: Following discussion with Barbara Carrier, (M)Allen, (S)Cann, LTC Res. 11-14 was adopted approving the amendment/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

5

Public Works

Authorize the Public Works Director to Apply for the Safe Routes to School (SRTS) Program Funds for the Installation of Sidewalks, Curbs, Gutters, Signage and Ramps in the Area of Mariposa Elementary School

COMMISSION ACTION: Commissioner Stetson advised that due to a potential conflict of interest he will excuse himself from the meeting for this item, and he asked the Commission to select a Chair pro tem. (M)Allen, (S)Bibby, Commissioner Cann was selected as Chair pro tem/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. Commissioner Stetson was excused from the meeting at 10:03 a.m. Discussion was held with Barbara Carrier relative to the grant application, and she presented the application package. She advised that the application is due by July 15th and of Townsend’s work on the application. Supervisor Cann recognized the presence of Charlotte Kelsey, representing the School District, and expressed appreciation for the District’s work on this project, as well as the Chamber of Commerce, Rotary and the crosswalk team. Supervisor Bibby clarified that no County match is involved and asked about Townsend’s assistance and charge; and Barbara Carrier responded. She asked the Public Works Director whether the department would be able to handle this project; and Allen Toschi responded in the affirmative. Charlotte Kelsey thanked everyone for their work on this project and noted the importance of safety for the children. (M)Bibby, (S)Allen, LTC Res. 11-15 was adopted approving the application/Ayes: Bibby, Cann, Allen; Excused: Turpin; Recused: Stetson.

10:22 a.m. Recess

10:42 a.m. Reconvened as

BOARD OF SUPERVISORS

6

Supervisors Bibby and Stetson (10:00 a.m. Estimated Time)

Carrie Bowen, Caltrans District 10 Director, to Provide Update on the Ferguson Rockslide (No Folder)

BOARD ACTION: Carrie Bowen introduced herself and referred to their changing message signs for “Move over or slow down. – It’s the law.” and noted the importance of watching for workers – she noted three CalTrans employees lost their lives recently in accidents. She reviewed the background of the Ferguson Rockslide project and the proposed alternatives to restore full highway access, including the no build alternative. CalTrans is hoping to have the final environmental documents in the spring of 2012, start construction in 2014 and finish in 2017. Christine Cox, CalTrans Central Region Environmental Chief, reviewed the environmental process, including their work with the U. S. Forest Service and consideration of potential legislation relative to the limestone salamander. Discussion was held relative to the potential legislation for the limestone salamander; implications of the “no build” option; status of priority and funding for the project; relative to the interagency meetings and the status of input from the Native American representatives; and whether there is any way to do a permanent fix with the existing temporary bridges.

Input from the public was provided by the following:

Art Baggett, former County Supervisor, provided input on the importance of the River and the wild and scenic value, and he referred to actions taken by the Board in 1986 to support the Wild and Scenic River Act, and in 1991 to support the lower portion of the River as wild and scenic, and to designate Highway 140 leading to Yosemite as scenic. He noted that there are requirements with these designations, and that now his daughter has property that is subject to the requirements. He feels that we need to be reminded that these actions live way beyond our time, and he feels we need to look at alternatives for the project and protect the scenic Highway. He offered his assistance with the endangered species issue.

Ralph Mendershausen asked to what extent there is an emergency from the business community to change the temporary fix.

Ruth Sellers noted the forces of nature created the problem and therefore disrupted the wild and scenic; and she asked why we are delaying the project, spending money we do not have, and addressing things that are not necessary. She feels we should take logic into consideration.

Sherrod Osborne stated the residents of Yosemite, El Portal and Mariposa have put up with numerous traffic and construction delays on this highway. He feels some of the alternatives offer incredible road delays and the tunnel and rock shed alternatives will require up 15,000 double rock truck trips and he feels that impact will require reconstruction of the highway after the project is completed. He feels the system is working now; and he asked if there is an engineering solution to build a one-way bridge(s) to not impact the wild and scenic River.

Doug Shaw stated he has been affected by this and he represents a business that relies on tourism. He feels that it would be better to work with the system versus fighting it, and he would like to see this move forward and the project finished.

Jeff Gabe referred to recreational use issues – boating, and bike/pedestrian paths and the Merced River trail plan; and he stated he wants to make sure that the ability to have a multi-use trail is not lost in this process. He asked that the alternatives address terrestrial recreation on the River.

Merlin Wade asked who will make the final decision on the alternative. Chair Allen responded that it is a CalTrans decision.

Paul Amstutz stated he feels that any of the concrete overpass viaduct alternatives would compromise the wild and scenic River; and he mentioned the rock shed options and noted they have worked well in Switzerland.

Gary Rosenfeld, Director of Transportation for Delaware North of Yosemite, expressed concern with potential impacts the alternative selected would have on access on Highway 140 during construction. He noted that their employees travel from El Portal and Mariposa; and he feels it is important to consider the guest experience coming into Yosemite. He expressed concern with the potential impact to being able to deliver products and services to guests in the Park. He stated he would like to see parameters established for wait times and penalties for exceeding those wait times for the public and the commuters and students; and he suggested that the penalty revenue be used to further the betterment of the community, i.e., transit subsidy.

Steve Smallcomb commented on his review of the alternatives and impacts – he feels that the salamanders really do not occupy the talus, so that may not be a problem. He stated he could not find where any new bridge has been installed over a wild and scenic river and he does not feel those options will work. He is happy that other options are being considered.

Carrie Bowen and Christine Cox responded to the questions that were asked – they do not believe that a 1-lane bridge could handle the traffic as a permanent fix and a 2-lane bridge option was considered, but dropped because it would result in a 200-foot scar and would have limited pedestrian/bike traffic and tourists would not be able to stop and view the rockslide. Further discussion was held relative to concerns with the temporary bridges. Christine Cox advised that after information is received from the

Forest Service in September, they plan to hold an interagency meeting and they hope to be able to select a preferred alternative and have a final document out in the spring.

11:57 a.m. Recess

12:09 p.m. The Board reconvened.

7

Public Works

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

BOARD ACTION: Chair Allen read the title of the Ordinance into the record.

Following discussion with Mark Dvorak, PWD-Engineering Technician, (M)Bibby, (S)Stetson, the second reading was waived and Ordinance No. 1079 was adopted/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

8

Administration

Discuss and Provide Direction to Staff Regarding the Use of Secure Rural Schools and Community Self Determination Act of 2000 (SR 2008) Funds for Funding an Extra-help Employee to Manage the Master Gardeners Program for One Year in the Amount of \$18,800

BOARD ACTION: Discussion was held with Rick Benson and Maxwell Norton, Interim Farm Advisor, relative to the request. (M)Bibby, (S)Stetson, the project was tentatively approved and direction was given to staff to proceed with the process/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

9

Administration

Waive the First Reading and Introduce an Ordinance Rescinding Ordinance No. 1078 which Authorized Amending the CalPERS Contract to Provide for a Change to the Retirement Formula for Miscellaneous Employees from 2.7% @ 55 to 2% at 55 and for Safety Employees from 3% @ 50 to 3% @ 55 (Replacement Ordinance to Follow)

BOARD ACTION: Rick Benson advised that this request is to be able to amend the contract with CalPERS to include the three year final compensation provision that the bargaining units agreed to for new hires. (M)Stetson, (S)Bibby, the first reading was waived and the Ordinance was introduced. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

10

Consider Items Removed from the Consent Agenda

Item 113 – matter was continued to the afternoon for the department head to be present.

12:26 p.m. Lunch

2:05 p.m. The Board reconvened.

11

Administration

PUBLIC HEARING to Receive Input on Draft Proposals for the Redistricting of Supervisorial Boundaries; Consider Draft Proposals; Provide Direction to Staff to Develop Final Proposal; and Schedule Public Hearing to Vote on Final Proposal as Required by Election Code Section 21500.1

BOARD ACTION: Rick Benson presented the staff report, reviewing the three plans and options that were presented to the Board on June 7th; and he reviewed plan 4 that was requested to reflect River/geographical boundaries. Supervisor Allen advised of a meeting he held with residents in Wawona and of their request that Wawona remain in District 5. Supervisor Stetson advised of a request for residents in the Briceburg area to remain in District I. Rick Benson advised of his discussion with Supervisor Turpin on

the options – Supervisor Turpin likes plan 4, and he wants the residents in the Anderson Valley area to remain in District 2. Sarah Williams/Deputy Planning Director, and Emily Meriam/Planning Technician, responded to questions relative to the number of residents that would be affected by the requested changes.

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

Ruth Sellers stated she feels plan 4 looks like a good plan and is equitable.

Rita Kidd referred to plan 4 and suggested that there be some expansion to District 4 to even out the numbers a bit. She referred to representation for Yosemite and the shift with Fish Camp and Wawona, and she feels that plan A-4 should leave Mt. Bullion in District 3, and that District 4 should include more of Highway 49 North. She feels that every Supervisor needs to have some rural area in their district. She presented a map with her notes of suggested changes, and she thanked the Board for this process.

Emery Kyle, resident of Hunters Valley since 1978, stated Hunters Valley was in District 3 and moved to District 2 in 1990. He does not feel that anyone from their area could run and win as Supervisor for District 2. He feels it make more sense to be in District 3.

The public portion was closed and the Board commenced with deliberations. Supervisor Allen referred to Rita Kidd's comments and stated the Wawona residents feel that they have more in common with Fish Camp than with Yosemite Valley. Supervisor Bibby asked staff to look at Rita Kidd's suggested changes. The Board recessed at 2:34 p.m. for staff to review the suggested changes, and reconvened at 2:44 p.m. Staff reviewed the impact/number of residents affected in each district with the changes suggested by Rita Kidd. Discussion was held. Supervisor Bibby suggested that consideration be given to moving the Miller Road area to District 4. Staff responded to questions from the Board relative to the number of residents that would be affected by the suggested changes. The Board concurred with the County Administrative Officer bringing back a map focusing on plan 4, with Wawona remaining in District 5, and with Briceburg remaining in District 1; and with setting the final public hearing on August 16, 2011, at 2:00 p.m. Sarah Williams provided input on the process and advised that staff will prepare a resolution for the Board to adopt on August 16th, and then will follow up with an ordinance to adopt the legal descriptions of the boundaries. Supervisor Cann noted that the County Clerk will still have a lot of work to do after the Board adopts the boundaries. Rick Benson responded to questions from the Board as to the effective date of the new districts and as to the deadline for the Board to adopt boundaries. The hearing was closed.

- 11 Consider Items Removed from the Consent Agenda
Item 113 – Allen Toschi responded to questions from Supervisors Bibby and Stetson relative to the project and meeting the ARRA criteria for “American made.”
(M)Stetson, (S)Cann, item 113 was approved/Ayes: Stetson, Bibby, Cann, Allen;
Excused: Turpin.

- 12 **County Counsel**
CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: County of Mariposa v. Wayne and Dorothy Scholkowsky, Mariposa County Superior Court Case No. 8890; and

- 13 **Administration**
CLOSED SESSION: Public Employee Discipline/Dismissal/Release
BOARD ACTION: (M)Stetson, (S)Cann, the closed sessions were held at 3:20 p.m./Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

6:48 p.m. Report from Closed Session:

Chair Allen announced that direction was given as a result of closed session item 12; and that there was no action on item 13.

Consent Agenda

- CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of June 28, 2011, Regular Meeting
- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-332
- CA-103 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-333
- CA-104 **Administration**
Resolution Continuing the Local Emergency Due to Severe Weather Throughout Mariposa County in March of 2011; Res. 11-334
- CA-105 **Administration**
Approve the Elimination of the 50% Permanent Part-Time Psychiatrist Allocation and the Associated Salary in the Human Services Department; Establish an Extra-Help only Psychiatrist Classification; and Set the Hourly Rate at \$150 and \$180 Depending on the Types of Services Provided, Effective July 1, 2011; Res. 11-335
- CA-106 **Administration**
Approve the Psychiatric Nurse Job Description as an Extra-Help Only Classification and Set the Hourly Rate at \$40; Res. 11-336
- CA-107 **Administration**
Approve the Promotion of a Social Worker III to a Social Worker IV Effective July 1, 2011; Res. 11-337
- CA-108 **Administration**
Declare the September 3, 2011, Labor Day Parade a County Sponsored Event, Approve Issuance of a County Insurance Certificate to CalTrans, Approve the Application for a CalTrans Encroachment Permit in Support of Closing Highway 140 from 11:00 a.m. to 12:30 p.m., between Highway 49 North and Highway 49 South, Saturday, September 3, 2011, and Authorize the Board of Supervisors Chair to Sign a Letter of the Board's Support and Approval (Mariposa Lions Club); Res. 11-338
- CA-109 **Community Services**
Approve a Budget Action for FY 2010-11 Transferring Funds within the Senior Nutrition Budgets to Allow Coulter Café Voucher Payment for the Remainder of FY 2010-2011 (\$1,550); Res. 11-339
- CA-110 **Human Services**
Approve an Agreement with John C. Fremont Healthcare District for them to Take Over the Friendly Visitor's Program, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-340

- CA-111 **Human Services**
 Approve the Renewal of the Reporting Service Subscription Agreement for Internet Access to SafeMeasures with the National Council on Crime and Delinquency (NCCD) for Reporting Services Regarding the Child Welfare Services Program, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-341
- CA-112 **Human Services**
 Receive and Accept Donations by Mariposa County Residents for the Mariposa County Human Services Center and Recognize the Generosity of Families Making these Donations, and Authorize the Human Services Department to Issue Receipts to the Families who have Donated these Articles; Res. 11-342
- CA-113 **Public Works**
 Approve an Agreement with Golden Valley Engineering and Surveying for the Preparation of Building Construction Documents for the Don Pedro Fire Station in the Not to Exceed Amount of \$42,000, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-348
- CA-114 **Public Works**
 Approve an Agreement with CH2M-Hill to Prepare the Required Scour Plans of Action (POA) on 18 Bridges within the County, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-343
- CA-115 **Agricultural Commissioner**
 Approve European Grapevine Moth (EGVM) Trapping Cooperative Agreement No. 11-0181-SF with California Department of Food and Agriculture (CDFA), for the Period of July 1 to December 31, 2011, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-344
- CA-116 **Health**
 Approve an Agreement with Burney Stephens for the Health Department's Dental Program, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-345
- CA-117 **Health**
 Approve the Disposal and Sale at Auction of Health Department Vehicle Number H-9; Res. 11-346
- CA-118 **Health**
 Approve the Purchase and Installation of a Generator for Coulterville Community Center, Using 100% Grant Funds with Installation to be Completed by July 30, 2011, and Authorize the Health Officer to Accept the Best Bid within Budget and Work with Public Works to Accomplish Installation; Res. 11-347

6:49 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

July 19, 2011



Folder Time Description

9:07 a.m. Meeting Called to Order at the Mariposa County Government Center with Supervisor Turpin excused as he is still recouping from a ranch accident, and with Supervisor Cann excused to attend the NACO conference as a representative of RCRC (Regional Council of Rural Counties).

Pledge of Allegiance

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

Introductions – none

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

BOARD ACTION: Chair Allen advised that the Public Works will provide input on item 111.

Input from the public was provided by the following:

Eleanor Keuning referred to item 110 and asked if the sign will be in compliance with the sign ordinance.

John Ainsworth/Assistant Director of Public Works, referred to item 111 and requested that the wind cone be deleted from the project as it was not included in the Airport Master Plan.

Allen Toschi/Public Works Director, referred to item 110 and advised that the request is to waive the fees and they will make sure that the sign is in compliance with the requirements of the sign ordinance.

(M)Stetson, (S) Bibby, all items were approved, including the deletion of the wind cone from the project in item 111/Ayes: Stetson, Bibby, Allen; Excused: Turpin, Cann.

- 2 **Chair Allen**
Proclaim the Week of July 18 – 24, 2011, as “California Invasive Weed Awareness Week” (Cathi Boze, Agricultural Commissioner)
BOARD ACTION: (M)Bibby, (S)Stetson, the Proclamation was approved and presented to Cathi Boze/Ayes: Stetson, Bibby, Allen; Excused: Turpin, Cann.

Chair Allen

Proclaim the Week of July 19 – 25, 2011, as “Probation, Parole and Community Supervision Officers’ Week” (Pete Judy, Chief Probation Officer)

BOARD ACTION: Doug Binnewies, Sheriff, publicly recognized the partnership between with the Sheriff’s Department and the Probation Department and the close working relationship with the employees. (M)Stetson, (S)Bibby, the Proclamation was approved and presented to Pete Judy/Ayes: Stetson, Bibby, Allen; Excused: Turpin, Cann. Pete Judy recognized the presence of the Probation Officers.

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

Jim Middleton, Deputy Fire Chief, stated he is back to work on light duty; and he thanked the Board, community, the Fire Department and the County family, for support during his recovery. He also thanked Mercy Ambulance and John C. Fremont Hospital for their care and noted the importance of these services.

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

Becky Crafts, Mariposa County Horse Show Committee member for the Fair, advised that Monday of the Fair will be “tough enough to wear pink day” to show support for breast cancer awareness. Wrangler has pink shirts and Montana Silversmith has lapel pins.

Eleanor Keuning, Historical Sites and Records Preservation Commission, asked whether there was a sign ordinance meeting June 27th, and she asked about the status of this project. Supervisor Bibby advised that they met and that staff is doing further research and that more information will be forthcoming. Eleanor, speaking as an individual, expressed appreciation for the work being done on the blind corner on Leonard Road. She presented a statement from the Governor on AB 29 relative to the rural fire protection fee for CalFIRE, and she expressed concern with legislation that is being worked on such as the plastic bags issue when she feels there are more important things. On behalf of the Historical Sites and Records Preservation Commission, she was directed to write a letter to the Board about the Garber house in response to the Interim Building Director’s letter of January, 2010, and she hasn’t had time to write the letter, but presented the Commission’s comments.

Lester Bridges, Interim Executive Director and President of the Chamber of Commerce, advised of the increase in visitor numbers and expanded hours for the Mariposa and Coulterville visitor centers; advised that Yosemite Valley is full, including the campsites; they are busy with Courthouse and old jail tours; he invited the Board to attend the Chamber’s summer lunch on Wednesday; and he thanked the Board for its continued support.

Board Information

Supervisor Bibby welcomed Deputy Fire Chief Middleton back. She extended special thanks to the Catheys Valley Fire Station for the improvements to the station and for the meeting last Tuesday evening and she noted that she had an opportunity to visit with new members, including those from the Grizzly Fire Program. She attended the State Fair on Thursday and noted that Mariposa was well represented with the exhibit booth and thanked Donna and Dan Wice and 4-H – the exhibit received Silver and Superintendent awards. She plans to attend the Mother Lode Job Training Board of Directors meeting in Sonora on Wednesday; and to meet with Assemblymember Olsen and Congressman Denham on Friday relative to the Ferguson rockslide. She stated she is honored to wear pink; and she noted the Fair premium book is out and that Fair tickets are on sale, and she urged citizens to support the local Fair.

Supervisor Stetson advised that he attended the El Portal Planning Advisory Committee meeting on Tuesday evening; he met with Supervisor Bibby and the Human Services Director on Wednesday relative to human services issues; attended the Gateway Partners meeting on Thursday; and he participated as a member of the newly formed synchronized swim team for the fundraising event held on Saturday to support the efforts for the Grizzly Band to go to New York City. He plans to attend the YARTS meeting on Monday in Mammoth Lakes.

Supervisor Allen advised that he attended the bi-weekly fire station meeting on Friday and they are looking at wood framing versus metal building construction as it will be more cost effective and could save three months of construction time. He attended the Community Corrections Partnership meeting on Thursday and he commented on the issues discussed; he saw the U-tube video of the synchronized swim team; and he attended the ice-cream social at the Ponderosa Basin Fire Station on Saturday. He plans to attend the History Center Board meeting on Wednesday and discussion will be held relative to the time capsule. He plans to attend the Fish Camp Town Planning Advisory Council meeting on Saturday, and hopes to make it back in time to attend the IHSS picnic at Mariposa Park.

4

Administration

Approve Presentation of Grant Award from Pacific Gas & Electric (PG&E) in the Amount of \$5,000 to Cover the Cost of Eradication of Invasive Flora on the Mariposa Creek Parkway Project

BOARD ACTION: Chair Allen introduced Richard Dye/Government Relations Representative, and Cynthia Pollard/Central Valley Manager of Government Relations for PG&E; and they presented the grant award. Marilyn Lidyoff/Business Development Coordinator, thanked PG&E for the grant award and for previous awards. (M)Bibby, (S)Stetson, the Board approved acceptance of the grant award/Ayes: Stetson, Bibby, Allen; Excused: Turpin, Cann.

5

Public Works

PUBLIC HEARING Considering the Adoption of a Resolution to Establish the Current Fee Structure for the County Service Area No. 1 (Road Maintenance Zones of Benefit), County Service Area No. 1-M (Lake Don Pedro Off-Season Fire Protection) and County Service Area No. 3 (Structural Fire Protection) and Authorize Those Fees to be Placed on the Property Tax Roll for Fiscal Year 2011-12

BOARD ACTION: Allen Toschi and Mark Dvorak/PWD-Engineering Technician, presented the staff report. Staff responded to questions from the Board relative to the zero assessment for Coyote Court versus the previous assessment rate; relative to the property involved and the process for abandoning a zone of benefit. Rick Benson/County Administrative Officer, responded to the questions relative to the pros and cons of abandoning a zone of benefit, including the costs that are involved – a \$1,500 State fee. Staff responded to additional questions as to whether there is anything in writing from the property owners requesting that the zone of benefit for Coyote Court be dormant, and clarifying that there are no other assessment changes. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Stetson, (S)Bibby, Res. 11-357 was adopted approving the recommended actions. Supervisor Bibby noted that the property could be sold in the future, and she asked County Counsel to review the situation with the zone of benefit for Coyote Court to see if there should be an agreement. Ayes: Stetson, Bibby, Allen; Excused: Turpin, Cann. The hearing was closed.

6

Personnel

Waive Second Reading and Adopt an Ordinance Rescinding Ordinance No. 1078 Which Authorized Amending the CALPERS Contract to Provide for a Change to the Retirement Formula for Miscellaneous Employees from 2.7% @ 55 to 2% @ 55 and for Safety Employees from 3% @ 50 to 3% @ 55 (Replacement Ordinance to Follow)

BOARD ACTION: Chair Allen read the title of the Ordinance into the record.

Following discussion relative to timeframes for this matter, (M)Stetson, (S)Bibby, the second reading was waived and Ordinance No. 1080 was adopted/Ayes: Stetson, Bibby, Allen; Excused: Turpin, Cann.

7

Consider Items Removed from the Consent Agenda – none

10:10 a.m. Recess and Lunch

2:00 p.m. Reconvened

8

Public Works

PUBLIC HEARING to Establish User Fees to be Charged by the Parks and Recreation Division of the Public Works Department; Effective Date is October 1, 2011

BOARD ACTION: Allen Toschi presented the staff report. Allen Toschi and Shannon Hansen/Parks and Recreation Manager, responded to questions from the Board relative to the survey information being from different areas for the different fees; whether the Parks and Recreation Commission reviewed the proposed user fees and supported them, and responded in the affirmative; as to the rationale for having different fees for the different parks, and advised that it depends on the amenities that are available and the size; whether any comments have been received on the proposed fees, and advised that nothing has been received; implementation date, and advised that it is October 1, 2011; and relative to the projected fee revenue for the budget, and advised that they are projecting \$3,700.

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

Eleanor Keuning asked for clarification of whether fees would apply to ICES for the Kids’ Fair or to Kiwanis to use the play area; whether there is a fee for playing tennis; whether there will be a “gatekeeper;” whether families would be charged that stop for a picnic; what the fee structure would be for the newly formed Mariposa Playhouse to use the amphitheater and for their summer program for the kids, and for the Mariposa Symphony to use the amphitheater for concerts; whether the fees will impact the Kiwanis use of Darrah School for the pre-school; and application of fee for use of the Lion’s Club pavilion. She expressed concern that if there are fees for picnic use that it could impact low income families who use the parks.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to the questions that were raised and advised that there is no charge for use of the tennis courts; there will be no gatekeeper; the charge for the picnic/play areas apply when the space is reserved and staff will post the reservation; discussed uses by the Mariposa Playhouse and the Symphony; advised there will be no impact to the Kiwanis for their use of Darrah School; and advised that there is a fee for the Lion’s Club pavilion if it is reserved – otherwise, there is no charge for having a picnic. Allen Toschi noted that there is a reduced rate proposed for the non-profit organizations. Staff responded to questions from the Board as to whether there is currently a charge for the ball park lights and advised that no fee has been charged; relative to determination of county organizations using the facilities versus the non-profits; whether the Board could consider fee waiver requests; and whether a packaged fee could be established for organizations like the Mariposa Playhouse that use the facilities for rehearsals and performances, and staff was requested to come back with a

suggestion/recommendation using the concept of a season fee. Supervisors Allen and Stetson suggested that the hearing be continued for staff to bring back more information on how the recommendations were reached for the proposed fees/better explanation; and taking into consideration the discussion today, to bring back a recommendation for a fee for uses like the Mariposa Symphony and Mariposa Playhouse. Supervisor Bibby asked that the fee schedule be clear as to the separate fees for the hall and park usages. Staff responded to a question from the Board, and advised that the proposed fees do not recover the full costs.

The public hearing was continued to August 9, 2011, at 2:00 p.m.

Consent Agenda

- CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of June 30, 2011, Continued Meeting;
Approval of Summary of Proceedings of July 12, 2011, Regular Meeting
- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140
Enroute to Yosemite National Park; Res. 11-349
- CA-103 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the
Rains in Late December 2010, Including Ben Hur Road; Res. 11-350
- CA-104 **Administration**
Resolution Continuing the Local Emergency Due to Severe Weather Throughout
Mariposa County in March of 2011; Res. 11-351
- CA-105 **Administration**
Receive the List of Contracts Entered into by the County Administrative Officer
Pursuant to Ordinance 3.08 for the Months of February, March, April, May, June, and
July 2011
- CA-106 **Supervisor Stetson**
Appoint Heather Boothe to the El Portal Planning Advisory Committee for a Term
Expiring February 28, 2013
- CA-107 **Agricultural Commissioner**
Approve Nursery Inspection Cooperation Agreement No. 11-0205-SA for FY
2011/2012 with the California Department of Food and Agriculture (CDFA) for
Subvention Funds for Nursery Inspections and Licensing, and Authorize the Board of
Supervisors Chair to Sign the Agreement; Res. 11-352
- CA-108 **Human Services**
Approve an Agreement with Mother Lode Job Training (MLJT) to Provide Assessment
Services for Individuals in the CalWORKs Program that Totals \$40,000 for Fiscal Year
2011/2012, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res.
11-353
- CA-109 **Public Works**
Authorize the Public Works Department to Waive the \$120.00 Encroachment Permit
Fee for Stacy Piro for Work Done at 7034 Hites Cove Road; Res. 11-354

CA-110 **Public Works**
Authorize the Public Works Department to Waive the Encroachment Permit Fee for Cal Fire for a Fire Prevention/Public Service Sign to be Located at the Corner of Bear Valley Road and Hunters Valley Road; Res. 11-355

CA-111 **Public Works**
Approve Plans and Specifications for the Slurry Seal of the Mariposa/Yosemite Airport Runway and Installation of a Wind Cone – Project AIP No. 3-01-06-0147 -11, Authorize the Public Works Director to Advertise, and Award the Agreement to the Lowest Responsible Bidder Upon the Approval of Federal Aviation Administration (FAA), and Authorize the Public Works Director to Sign the Agreement; Res. 11-356, with the deletion of the wind cone from the project.

2:26 p.m. Adjournment in memory of Kay Folsom Mickel, Maurits Franciscus Berkhoudt, Alice Spencer, Ronald D. Stegge, Waltzie G. Jones, and Gerald “Larry” L. Mack.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

July 26, 2011



Folder Time Description

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

Pledge of Allegiance

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

Introductions – none

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

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

Eleanor Keuning referred to item 107 and questioned the increase in the hourly rate given the budget status.

Supervisor Allen pulled item 105. (M)Stetson, (S)Cann, the balance of the items was approved/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. Chair Allen noted that Supervisor Turpin is still recouping in a rehabilitation facility in Fresno and that we wish him well. He further advised that item 105 will be considered at 1:30 p.m. and that folders 10 and 11 will be taken after folder 6 since they are fire related.

- 2 **Chair Allen**
Resolution and Tile Plaque Recognizing James “Jim” Van Horn, Upon his Retirement from the Public Works Department (Public Works)
BOARD ACTION: (M)Bibby, (S)Stetson, Res. 11-358 was adopted and presented to Jim Van Horn, along with the tile plaque/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

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

Rick Benson, County Administrative Officer, advised that he visited with Supervisor Turpin on Sunday and he is continuing to improve, but it will be a slow process.

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

Eleanor Keuning thanked the Road Department for their work, especially on Leonard Road; and she presented photographs of vegetation that is encroaching into the roadway and of a blind curve near the East Fork of the Chowchilla River crossing area. She presented articles from the Fresno Bee relative to redistricting at the State level; stated she feels it is great that there is horseback patrol during the music on the green events; and she advised of the Mariposa Playhouse performances scheduled for the weekend.

Stephen Churgin commented on his efforts in seeking assistance on procedures for a restraining order hearing.

Lester Bridges, Interim Executive Director and President of the Chamber of Commerce, provided input on the increase in tourism and their activities and he commended the volunteers that help; he commented on the upcoming Yosemite celebrations and of the need for the gateway communities to be more aggressive in helping with the traffic to Yosemite; and he advised of the business mixer scheduled for this evening at the River Rock Inn. Supervisor Cann commented on the lay out of the roads in Yosemite and advised that he spoke with the Superintendent about the gate wait issues.

Jeff Hentz, Executive Director for the Yosemite/Mariposa County Tourism Bureau, commended the work done by the visitor centers; advised of work by the YARTS Advisory Board to work with the Park on traffic issues, including an experimental program and his recommendation to create a parking hub in Mariposa versus El Portal; and he advised that they placed a laptop at the visitor center in Mariposa so that the tourists can make reservations as a test program.

Board Information

Supervisor Bibby wished Chair Allen a happy birthday, and he was wished a happy birthday by others throughout the meeting. She attended the Mother Lode Job Training meeting on Wednesday. She attended a meeting with CalTrans, the National Park Service, U. S. Forest Service, and with representatives of Congressman Denham, Senator Berryhill and Assemblymember Olsen's offices on Friday relative to the Ferguson rockslide. She plans to attend a meeting on August 1st with CalTrans and Public Works relative to the SAFETEA-LU road funding issues. She encouraged citizens to let Board members know of any road maintenance that is needed.

Supervisor Cann advised that he attended the NACO (National Association of Counties) conference in Portland, Oregon, last week for RCRC (Regional Council of Rural Counties), and he provided input on the meetings he attended relative to highways, ground water protection, enhancement and protection of farm lands, integration of data and communication services with Motorola, discussion with a Google representative and he noted that they were aware of the Human Services Department using their programs to go paperless in the department, discussion with an E-Civis vendor, and relative to localizing livability. He attended the Chamber's summer luncheon and commented on the upcoming Yosemite celebrations. He met with the legislative staff members after the Ferguson rockslide meeting.

Supervisor Stetson advised that he attended the meeting on Friday relative to the Ferguson rockslide; and he noted that his preference is to keep the restoration to the South side of the River. He attended the YARTS meeting on Monday. He plans to be in El Portal on Wednesday with Supervisor Cann for the solar installation project. He plans to attend the Mariposa Playhouse "Mid-summer Night Dreams" production on Friday, and he commented on the economic benefits with these types of programs.

Supervisor Allen thanked everyone for the birthday wishes. He attended the Fish Camp Planning Advisory Council meeting on Saturday, and he noted the Tenaya Lodge was full and there was heavy traffic. He came back for the IHSS picnic. He noted that

all of the Board members represent the County, and that during Supervisor Turpin's recovery, the Board members are taking calls from the North County residents.

3

Public Works

PUBLIC HEARING Regarding the Report of Delinquent Fees and Board Approval to Add the Delinquent Fees to the Appropriate Property Tax Roll for Collection. The Delinquent Fees are Unpaid Water, Sewer, Road, and Standby Fees Charged to Property Owners in Several Special Districts

BOARD ACTION: Rick Benson presented the staff report, and he responded to questions from the Board relative to charging penalties, meeting the "notice of lien" requirements, and as to this being an annual process. Keith Williams, Treasurer/Tax Collector, responded to the questions relative to the penalties and interest and acceptance of partial payments; and as to whether anyone in Yosemite West has contacted the County protesting the assessment. Steve Dahlem, County Counsel, responded to questions from the Board as to whether the County could pull the permit for a B&B or transient occupancy facility that is delinquent, and relative to the "notice of lien" language.

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

Mona Wass (retired Public Works employee) noted that the delinquent assessments in Yosemite West are usually for vacant lots, as the department has the ability to shut off the water and sewer if the assessments are not paid in sixty days.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Bibby, (S)Stetson, Res. 11-364 was adopted approving the recommended actions/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

4

KMPI Airport and Rent a Car, Inc.

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

BOARD ACTION: Jessie Figueroa advised that the Airport terminal construction is complete and they are starting on the little house; they have started their own rental fleet to supplement the Hertz fleet; he thanked County Counsel for assistance with the hangar/ground leases; and he noted that they have been at the Airport for a year and have lost some money, but are hoping to turn that around in the coming year.

10:00 a.m. Recess

10:10 a.m. The Board reconvened.

5

No Folder

Jeffrey Hentz, Executive Director, Yosemite/Mariposa County Tourism Bureau

PowerPoint Presentation on Marketing Update and Tourism Bureau Activities

BOARD ACTION: Jeff Hentz gave a PowerPoint presentation on their marketing efforts and activities. Discussion was held, including the Bureau's goals for their budget.

Input from the public was provided by the following:

Betty Williams commended Jeff Hentz for their use of social media, and she encouraged everyone to open a Facebook account.

11:08 a.m. Recess

11:19 a.m. The Board reconvened.

6

Fire

Approve the Renewal of the Reciprocal Fire Protection Agreement with USDI National Park Service for First Response Fire Protection and Dispatch Service in the Communities of El Portal, Foresta, Yosemite West and Wawona, and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Following discussion with Jim Wilson, Fire Chief, relative to the changes, (M)Stetson, (S)Bibby, Res. 11-365 was adopted approving the agreement/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

10

Administration

Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road

BOARD ACTION: Discussion was held with Rick Benson, Jim Wilson, Jim Middleton/Deputy Fire Chief, and John Ainsworth/Assistant Public Works Director, relative to the status of the repair work and funding. (M)Bibby, (S)Stetson, Res. 11-366 was adopted continuing the local emergency/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

11

Administration

Resolution Continuing the Local Emergency Due to Severe Weather Throughout Mariposa County in March of 2011

BOARD ACTION: Discussion was held with Rick Benson and Jim Wilson relative to the status of the appeal for an emergency disaster declaration and funding. (M)Bibby, (S)Stetson, Res. 11-367 was adopted continuing the local emergency/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

7

Human Services

Authorize the Human Services Department to Fund and Fill a 50% Mental Health Assistant I Position to Provide Evidence-Based Child Welfare Services Differential Response Services and In-Home Parenting Utilizing Child Abuse Prevention, Intervention, and Treatment (CAPIT) and Community-Based Child Abuse Prevention (CBCAP) Funds

BOARD ACTION: Jim Rydingsword, Human Services Director, reviewed the background and history of the funding for these programs, and he advised of the System Improvement Plan and his recommendation. Discussion was held.

Input from the public was provided by the following:

Cheryl Bhalla, Executive Director for Mariposa Safe Families, Inc., referred to her letter expressing concern with the Human Services Director's recommendation, and requesting that they continue to be funded for prevention and intervention programs. She responded to questions from the Board relative to their programs and being able to meet the funding requirements.

Further discussion was held. Supervisor Cann stated he feels that we need to find ways to support the prevention programs. (M)Cann, (S)Bibby, Res. 11-368 was adopted approving the actions requested by the Human Services Director. Supervisor Allen agreed with the need for prevention programs and with continuing to look for funding. Supervisor Stetson urged Mariposa Safe Families to come back to the Board for support of any potential funding sources. Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

12:15 p.m. Board Convened as

LOCAL TRANSPORTATION COMMISSION

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

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

9 **Public Works**

Approve the Draft Short Range Transit Plan (S RTP)

COMMISSION ACTION: Barbara Carrier/PWD-Transportation Planner, and Linda Rhine/Principal with Nelson/Nygaard Consulting Associates, gave a presentation on the draft Plan. Discussion was held. Commissioner Cann asked that the Commissioners be kept informed of any issues that are received during the public comment period. Commissioner Stetson suggested that the Plan be updated with the 2010 census information.

Input from the public was provided by the following:

Jim Rydingsword stated it has been a pleasure working on this Plan with the Transportation Planner and Nelson/Nygaard; and he feels they do good work. He noted that there was discussion about providing transportation to the new Human Services facility and that is happening today.

(M)Allen, (S)Bibby, LTC Res. 11-16 was adopted approving the draft Plan and moving forward with the two-week public comment period/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

12:35 p.m. Reconvened as

BOARD OF SUPERVISORS

Chair Allen advised that the Board would recess for lunch and reconvene at 1:45 p.m. for Consent Agenda item 105.

12:36 p.m. Lunch

1:47 p.m. The Board reconvened.

12 Consider Items Removed from the Consent Agenda
Item 105 – Supervisor Allen initiated discussion with Bill Davis/Auditor relative to his recommendation to award the audit contract to Smith & Newell versus Gallina LLP who had a lower bid. Discussion was held. (M)Cann, (S)Stetson, item 105 was approved as recommended/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

13 **Administration**

CLOSED SESSION: Public Employee Discipline/Dismissal/Release

BOARD ACTION: (M)Bibby, (S)Stetson, the closed session was held at 2:00 p.m./Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

3:13 p.m. Report from Closed Session:

Chair Allen reported that action was taken on folder 13 to dismiss Allen Toschi as the Public Works Director, effective immediately.

Consent Agenda

CA-101

Clerk of the Board

Approval of Summary of Proceedings of July 19, 2011, Regular Meeting

- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140
Enroute to Yosemite National Park; Res. 11-359
- CA-103 **Administration**
Approve an Agreement with Freese & Gianelli Claim Service Effective July 1, 2011, to
Perform all Necessary Administrative, Investigative, and Clerical Work in Connection
with Claim or Loss Reports, and Authorize the Board of Supervisors Chair to Sign the
Agreement; Res. 11-360
- CA-104 **Building**
Approve an Agreement with Naffa International, Inc. to Allow for Plan Checks to be
Completed in a Timely Manner, and Authorize the Board of Supervisors Chair to Sign
the Agreement; Res. 11-361
- CA-105 **Auditor**
Award an Agreement to Smith & Newell to Perform the Annual Audit for Fiscal Years
Ending June 30, 2012 through June 30, 2015, and Authorize the Board of Supervisors
Chair to Sign the Agreement; Res. 11-369
- CA-106 **Probation**
Designate the Mariposa County Probation Department as the County's Agency to
Provide Postrelease Community Supervision (PCS) pursuant to California's Pending
Adult Public Safety Realignment; Res. 11-362
- CA-107 **Probation**
Authorize Increase of Hourly Rate for Deputy Probation Officer III Extra-Help
Employee from \$21.926/Step 1 to \$26.652/Step 5, Effective July 1, 2011; Res. 11-363

3:14 p.m. Adjournment in memory of Francis "Webb" O. Pierce, Tony Lynn Neilson,
Franci "Tony" McGraw, and Anne Owen.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

August 2, 2011



Folder Time Description

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

Pledge of Allegiance

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

Introductions –

Chair Allen introduced Peter Rei, Interim Public Works Director, and he provided input on his background.

Greg Ollivier, the new Solid Waste and Recycling Manager, was introduced; and he provided input on his background.

Bob Brown, District Attorney, introduced Meghan Kehoe, the new Victim-Witness Coordinator.

Chair Allen advised that Supervisor Turpin is still recuperating.

1

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

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

BOARD ACTION: Chair Allen advised that item 109 will be changed to have the signature of the County Administrative Officer. (M)Stetson, (S)Cann, all items were approved/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

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

Keith Williams, County Clerk, provided a status report on moving the *Gazettes* to the Mariposa Museum and History Center, and he advised that they hope to be able to move the storage cabinet in about a month. Discussion was held.

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

Lester Bridges, Interim Executive Director and President of the Chamber of Commerce, stated the word is that the Gold Coin will open tomorrow for business. He was in Coulterville over the weekend and the Hotel Jeffrey is planning to open shortly. They continue to do old jail and Courthouse tours; he advised of the increase in activity at the Mariposa visitor center; there are new businesses in Coulterville and

they are planning to have a grand opening for the new location of the visitor center and for the Hotel opening. He advised that the business mixer next week is scheduled at County Fire for the 9-11 memorial project. The annual Sultry Summer Shindig is scheduled in Coulterville on August 20th.

Eleanor Keuning advised she will talk with Public Works staff relative to the Kiwanis preschool and recycling. She commented on the Courthouse tours she conducted on Saturday; advised she attended the Mariposa Playhouse "A Midsummer Night's Dream" performance and presented a copy of the program; and she thanked the Board for listening to people in the community.

Board Information

Supervisor Stetson advised that he spoke at the event commemorating the installation of the solar power plant in El Portal for the National Park Service on Wednesday. He plans to meet with the Human Services Director and Child Support Services Director on Wednesday to review budget concerns; to attend the meeting with Calaveras-Mariposa Community Action via telephone conference call with Supervisor Bibby in the afternoon; and to attend the sustainable forest meeting at the Government Center in the morning. He attended the "Midsummer Night's Dream" performance.

Supervisor Cann commented on the deal reached on the Federal government's budget. He stated he was thrilled to attend the solar power plant event in El Portal. He attended the Integrated Regional Water Management Plan meeting with local teams and the Department of Water Resources on Thursday – the Department has assigned a person to be our liaison for applying for a planning grant. He attended the Economic Development Corporation's annual planning meeting and strategic planning session on Sunday. He attended a meeting on Monday with Supervisor Bibby and staff with the Federal Highway Administration relative to funding for road projects and requirements. He plans to attend the Regional Council of Rural Counties Executive Committee meeting in Sacramento on Wednesday, and they will discuss redistricting.

Supervisor Bibby commented on the redistricting. She advised that she attended the NRA dinner on Saturday at the Fairgrounds. She met with Marsha Crawford who is doing the restoration of the murals at the Gold Coin, and she is interested in meeting with the other Board members and the County Administrative Officer to do other murals in the County. She extended a special thanks to CalFIRE and the CDC crews for cleaning (weed abatement) the property across the street; and she noted that people have approached Board members relative to saving the buildings – she asked that if there is a service club that wants to save the building(s) to please let the County know. She plans to attend the Calaveras-Mariposa Community Action Agency meeting via telephone conference call on Wednesday. She plans to meet with CalTrans at the Ben Hur slide project on Thursday, and she noted they are working on the environmental paperwork. She plans to attend the Mental Health Board meeting and a meeting with Human Services and Child Support Services on Thursday. She plans to attend the First 5 meeting on Monday.

Supervisor Allen advised that he attended the Bootjack Fire Station breakfast. With final budget hearings coming up, he has met with several departments relative to their budgets. He met with Shannon Hansen/Parks and Recreation Manager, relative to the Parks and Recreation fees and asked that she survey similar counties to obtain more information. He plans to attend the Area 12 Agency on Aging meeting in Calaveras County on Thursday, and to stop in Coulterville on the way back to visit with the new businesses and to meet with the new store owner relative to their efforts to obtain a license from ABC. He plans to attend the community breakfast in Greeley Hill on Sunday with Supervisor Cann.

Supervisor Cann noted that the Board members are here to support the entire County, and that during Supervisor Turpin's absence, the remaining four members are attempting to be even more available to the District 2 residents. He urged citizens to call with any issues they have, especially with the arduous upcoming budget process.

9:42 a.m. Board Convened as

MARIPOSA COUNTY WATER AGENCY

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

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

4 **Administration**

Approve the First Amendment to an Agreement with Mariposa Public Utility District (MPUD) for Consultation Services Regarding the Merced Irrigation District (MID) Federal Energy Regulatory Commission (FERC) Re-Licensing and Related Water Issues by Extending the Term of the Agreement to September 9, 2012, and the Not to Exceed Amount to \$25,000, and Authorize the Water Agency Chair to Sign the Amendment

WATER AGENCY ACTION: Following discussion with Rick Benson, (M)Bibby, (S)Stetson, Water Agency Res. 11-3 was adopted approving the amendment/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

9:44 a.m. Reconvened as

BOARD OF SUPERVISORS and Recessed.

10:01 a.m. The Board reconvened.

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

Approve an Agreement with the California Youth Connection for \$5,000 for Youth Participation Activities, and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Discussion was held with Jim Rydingsword, Human Services Director, and he advised of the California Youth Connection (CYC) leadership and policy conference he attended and of the formation of a local chapter of the CYC. Destiny, CYC member, provided input on their organization and the foster care issues they are addressing, and she advised that they made a video. Dallas Wheat advised that their chapter received a first place for the competition they participated in at the conference. Discussion was held. Board members thanked the youth; the adult helpers, including Tyson Wellcome; and Jim Rydingsword, for their service and work on these issues. (M)Cann, (S)Bibby, Res. 11-378 was adopted approving the agreement/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. The other youth members and adult supporters were introduced.

5 Consider Items Removed from the Consent Agenda – none

10:15 a.m. Recess and Lunch

2:03 p.m. Reconvene

6

Administration

CLOSED SESSION: Public Employee Employment Title or Position to be Filled:
Public Works Director

BOARD ACTION: (M)Cann, (S)Stetson, the closed session was held at 2:04
p.m./Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

2:24 p.m. Report from Closed Session:

Chair Allen advised that direction was given for item 6.

Consent Agenda

CA-101

Clerk of the Board

Approval of Summary of Proceedings of July 26, 2011, Regular Meeting

CA-102

Administration

Resolution Continuing the Local Emergency Due to Landslides on Highway 140
Enroute to Yosemite National Park; Res. 11-370

CA-103

Administration

Resolution Continuing the Local Emergency Due to Damages Associated with the
Rains in Late December 2010, Including Ben Hur Road; Res. 11-371

CA-104

Administration

Resolution Continuing the Local Emergency Due to Severe Weather Throughout
Mariposa County in March of 2011; Res. 11-372

CA-105

District Attorney

Adopt a Resolution Approving the 2011/2012 District Attorney's Office
Victim/Witness Program Grant, Funded through the State of California Emergency
Management Agency (CalEMA), in the Amount of \$90,115; Res. 11-373

CA-106

Human Services

Re-Appoint Janet Bibby to the Mariposa First 5 Commission as the Representative of
the Board of Supervisors for a Term Expiring August 2, 2014

CA-107

Human Services

Approve an Agreement with the Infant/Child Enrichment Services (ICES) for FY
2011/2012, and Authorize the Board of Supervisors Chair to Sign the Agreement;
Res. 11-374

CA-108

Public Works

Approve Budget Action Transferring Funds within the Solid Waste Budget to Cover
Multiple Line Item and Category Shortfalls for the 2010/2011 Fiscal Year-End
(\$66,572); Res. 11-375, for a revised budget amount of \$121,572

CA-109

Public Works

Adopt a Resolution Authorizing the Submittal of an Application, Acceptance of an
Allocation of Funds, and Execution of a Grant Agreement with the California
Department of Transportation for the Slurry Sealing of the Runway at the Mariposa-
Yosemite Airport. This is the State Matching Grant Application for this Project; Res.
11-376, with the County Administrative Officer to sign the Application

CA-110

Supervisor Bibby

Authorize the Board of Supervisors Chair to Sign a Letter Opposing Senate Bill 776 –
Workforce Investment Board (WIB) Funding; Res. 11-377

2:25 p.m. Adjourned

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

August 9, 2011



Folder Time Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for our men and women fighting for our freedoms, and especially for those families affected by the loss of loved ones in the helicopter accident in Afghanistan.

Introductions – none

- 1 Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)
NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda
BOARD ACTION: Input from the public was provided by the following:
 Eleanor Keuning referred to the recommended road name in item 113 and provided input on the Historical Sites and Records Preservation Commission’s role in reviewing items.
 Supervisor Cann asked for clarification that the grant funding is also covering the change order costs in item 107, and he was advised that it does. (M)Stetson, (S)Bibby, all items were approved/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

- 2 **Chair Allen**
Proclaim the Month of August, 2011, as “Child Support Awareness Month” (Child Support Services)
BOARD ACTION: Ginny Carpenter/Child Support Specialist (on behalf of the Child Support Services Director), gave a PowerPoint presentation on the services provided by Child Support Services. (M)Bibby, (S)Cann, the Proclamation was approved and presented to Ginny Carpenter/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

Departmental Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda
 Keith Williams, Tax Collector, advised of the status of properties scheduled for sale at the auction on Friday with delinquent taxes.

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

Suzette Prue, John C. Fremont Healthcare District, introduced Jim Knight, their new interim Chief Executive Officer. It was announced that a Chamber mixer will be held at the hospital on August 23rd.

Lester Bridges, President and Interim Executive Director of the Chamber of Commerce, reiterated the announcement that the Chamber mixer will be held at the hospital on August 23rd. He noted that town was busy on Friday and Saturday, and that visitation numbers at the Chamber's office were down a little for the first week of August. The Courthouse and old jail tours are going well. He invited everyone to the Chamber mixer this evening at County Fire and he advised that the I-beams from the World Trade Center for the 9-11 memorial will be on display. Supervisor Cann referred to the visitation statistics and commented on the transient occupancy tax revenues.

Eleanor Keuning again thanked the Board for contributing to the Kiwanis' fireworks and advised that statistics on the event will be forthcoming. She referred to the fire assessment in rural counties and asked whether the County can opt out – she feels that those with defensible space should not be assessed. She expressed concern with parking issues in town especially with the opening of the Gold Coin and the Friday Night Art Hop. She stated she knows of three businesses that are going to close in Mariposa and she feels we need to be on top of that.

Jeff Blalock, local musician and promoter, stated he is Chair of the Butterfly Festival Committee and is looking forward to working on this event. Supervisor Cann thanked him for helping with this event and noted its importance.

Board Information

Supervisor Bibby advised that she participated in a conference call with Supervisor Stetson for the Calaveras-Mariposa Community Action Agency Policy Committee meeting on August 3rd. She met with staff from CalTrans, the Federal Highways Administration, and from Public Works at the upper section of the Ben Hur road project on August 4th; and later in the day she met with the Human Services Director and the Child Support Services Director relative to budget issues and consideration of furloughs and budget impacts. She attended Richard Westfall's 50th birthday celebration on August 6th and noted his service to the County. She attended the First 5 meeting on Monday, and she plans to attend the mixer at County Fire this evening for the 9-11 memorial display. She noted the Mental Health Board is still looking for members.

Supervisor Cann advised that he received a call on Monday from the EDC (Economic Development Corporation) Chair – they have allocated \$5,000 for Proposition 84 grant assistance for the next three months for the five million dollar grant application for the multi-purpose gymnasium project, it is felt that there is a 75% chance of securing the grant and they feel this is an important project. He attended the RCRC (Regional Council of Rural Counties) Executive Committee meeting on August 3rd, and he advised of the Workforce Investment Board funding issues that they are working on. He noted that RCRC also worked to try and get an emergency disaster declaration from FEMA for the March 2011, storms. He attended the "music on the green" event on Saturday and noted the value of these programs to the tourists. He attended the Greeley Hill Community breakfast on Sunday with Supervisor Allen and Sheriff Binnewies; and in the afternoon he visited Supervisor Turpin at the rehabilitation facility in Fresno – he noted that he is being released to come home today. He plans to meet with the Forest Service environmental specialist on Wednesday (on behalf of Supervisor Turpin) with the County Administrative Officer relative to the Travel Management Environment Impact Statement. He will be the emcee for the Miss Mariposa Rodeo Queen contest on Saturday.

Supervisor Stetson advised that he attended a sustainable forest meeting on Thursday, and he is hoping that Steve Wilensky/Calaveras County can give his presentation to the Board on his work with agencies on environmental concerns and fire management issues. He attended the Parks and Recreation Commission meeting on Monday, and he noted that Peter Rei/Interim Public Works Director, also attended – there was a presentation by the Fire Chief on the 9-11 memorial.

Supervisor Allen advised that he spent last Wednesday researching the last twenty years of budgets for the General Fund departments and he will bring information during the budget hearing. He attended the Area 12 Agency on Aging meeting in Calaveras County on Thursday, and during the meeting Linda Zach/Director informed the Board that she will be leaving on September 30th. On his way to and from this meeting, he visited with businesses in Coulterville and is helping them with any issues they have in Supervisor Turpin's absence. He attended the grand opening of the Gold Coin in Friday; and he reminded everyone that there is no parking allowed on 5th Street (in the area of the Gold Coin and Pizza Factory) and that citations are being issued. He attended the Greeley Hill Community breakfast on Sunday. He plans to attend the Mountain Valley Emergency Medical Services Agency meeting in Copperopolis on Wednesday, and they will discuss budget issues. He noted that the Board is meeting on Thursday for the Bankhead appeal hearing. He is planning to attend the fire station meeting on Friday. He announced that there will be an evening opportunity for the public to comment on the upcoming final budget on Wednesday, August 17th at 6:00 p.m. He will be a judge for the Rodeo Queen contest on Saturday.

3

Human Services

PUBLIC HEARING to Consider Fee Increases for Alcohol & Drug Programs and Begin Charging Fees for all Clients who do not Qualify for Drug Medi-Cal

BOARD ACTION: Jim Rydingsword, Human Services Director, presented the staff report; and he advised that if there is no alcohol and drug program in the County, that participants would need to go to a neighboring county for services. He responded to questions from the Board relative to the use of the revenue that will be received from the fee increases – it will be used to support the program; whether the fees would discourage Court-ordered attendance – they are required to attend if ordered by the Court and they have asked the Court to support these fees; comparison of the fees with the neighboring counties – they are comparable and generally lower; the effective date of the increase – September 1, 2011; request for enactment of a resolution that can be included in the Court order relative to the fees – today's Minute Order will fulfill the resolution request; verification that the income level on the sliding fee scale chart is for monthly income; what percentage of the actual cost of the program will be offset by the projected revenue from the fees – about two percent; and relative to the number of people in the County enrolled in the programs – about 300 annually and about 75% of those are covered by Medi-Cal. He responded to a question from the County Administrative Officer as to whether these programs are covered by Proposition 36 funding – that funding does not exist any more.

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

Eleanor Keuning asked about the status of the Heritage House and their services and change to non-profit status; stated she feels the alcohol and drug services should be kept in the County; asked whether people can apply for the services voluntarily; and asked whether there are exclusions for these types of services in Medi-Cal and Medicare coverages.

The public portion of the hearing was closed. Jim Rydingsword responded to the questions and advised that Heritage House has never been a treatment service program, just a community support and drop-in. With the budget reduction, they recommended last year that the Heritage House become a non-profit organization and it has done that.

He agrees with trying to keep the services in the County, and he advised that individuals can choose to go to other counties. They do have people that volunteer for the treatment programs; however, they are also subject to the fees. He referred to the questions relative to the Medi-Cal and Medicare exclusions and advised that they are very aggressive in finding alternative ways for people to pay for services in the Department. (M)Cann, (S)Bibby, Res. 11-390 was adopted approving the recommended fees, effective September 1, 2011/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. The hearing was closed.

4 Consider Items Removed from the Consent Agenda – none

5 **10:00 a.m. Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial and Confidential Organization (MCMCO) & Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard J. Benson

BOARD ACTION: (M)Bibby, (S)Stetson, the closed session was held/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

6 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA) & Sheriffs' Management Association (SMA); Name of County Designated Representative: Richard J. Benson

BOARD ACTION: Supervisor Bibby excused herself from the meeting at 10:02 a.m. for action on this item and from the portion of the Closed Session on this item due to a potential conflict of interest as her spouse is a member of DMA. (M)Cann, (S)Stetson, the closed session was held/Ayes: Stetson, Cann, Allen; Excused: Bibby, Turpin.

11:19 a.m. Recess and Lunch

2:01 p.m. Reconvene

Report from Closed Session:

Chair Allen announced that information was received and direction was given as a result of the two closed session items, numbers 5 and 6.

7 **Public Works**

PUBLIC HEARING to Establish User Fees to be Charged by the Parks and Recreation Division of Public Works. (Hearing Continued from July 19, 2011)

NOTE: RECOMMEND HEARING BE CONTINUED TO SEPTEMBER 27, 2011 at 2:00 p.m.

BOARD ACTION: (M)Bibby, (S)Stetson, the hearing was continued to September 27, 2011, at 2:00 p.m./Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

Consent Agenda

CA-101

Clerk of the Board

Approval of Summary of Proceedings of August 2, 2011, Regular Meeting

CA-102

Administration

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-379

- CA-103 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-380
- CA-104 **Administration**
Resolution Continuing the Local Emergency Due to Severe Weather Throughout Mariposa County in March of 2011; Res. 11-381
- CA-105 **Administration**
Information Report of Liability Claims Rejected by the County Administrative Officer/Risk Manager for the Month of July 2011
- CA-106 **Administration**
Approve the Use of Title III Funding from the Secure Rural Schools and Community Self-Determination Act of 2000 (SR 2008) for the Continued Funding of the South West Interface Project (SWIFT) Project Coordinator for Two Years – (\$29,760), and Authorize the Board of Supervisors Chair to Sign the Agreement for the Project Coordinator; Res. 11-382
- CA-107 **Health**
Approve Change Order No. 1 with S and S Electric in the Amount of \$4,600 for the Relocation of the Genset and the Construction of a Fence at the Coulterville Community Center, Project 11-19, and Authorize the Health Officer to Sign the Change Order; Res. 11-383
- CA-108 **Fire**
Approve the First Amendment to the California Department of Forestry and Fire Protection Schedule “A” Dispatch Agreement # 4CA01055 for Dispatch Services of July 1, 2009 to June 30, 2012 in the Amount of \$148,886 for the Second Year of the Three Year Agreement, and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-384
- CA-109 **Human Services**
Approve an Agreement with Edna Terrell for Consulting Services for Human Services Programs, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-385
- CA-110 **Human Services**
Approve an Agreement with Capacity Consulting LLC, to Provide Grant Research, Development and Application for FY 2011-2012, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-386
- CA-111 **Human Services**
Appoint Joe Borges as a Discretionary Representative to the Local Child Care Planning Council for a Term Expiring August 9, 2014
- CA-112 **Health**
Approve an Agreement with Mountain Valley EMS Agency for FY 2011-2012, and Authorize the Health Officer to Sign the Agreement; Res. 11-387
- CA-113 **Planning**
Approve the Proposed Road Name “Antler Drive” for the Subject Easement; Res. 11-388

CA-114

Public Works

Authorize the Public Works Director to Issue a Request for Bid Proposals for the Site Work for the Midpines Fire Station Project; Res. 11-389

2:03 p.m. The meeting was recessed in memory of Irma Marie Taylor, Gladys Marie Hendricks, Hazel June Williams, Dr. Tad Best, William "Bill" Hansen, Preble Franklin, Carmel J. Brantley Armstrong, Barbara J. Wendt, Barbara A. Wilson, Mary Ann Fuller, and Jacquelyn Norris, and the meeting was continued to Thursday, August 11, 2011, at 9:00 a.m. for the Public Hearing to consider **Appeal No. 2009-161**, an appeal of the Planning Director's determination that Amended Reclamation Plan No. 2009-149 is incomplete for processing. Amended Reclamation Plan applicant, property owner and appellant: Jack Bankhead. The property, the Mount Gaines Mine, is located at 7176 Mount Gaines Road off of Bear Valley Road. The subject appeal and Amended Reclamation Plan involve APN 007-130-023, a 40 acre parcel and APN 007-130-022, a 160 acre parcel, both of which are in the Agriculture Exclusive (AE) Zone.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS
August 11, 2011
(Meeting Continued from 8-9-11)

Folder Time Description

9:02 a.m. Continued Meeting Called to Order at the Mariposa County Government Center from August 9, 2011, with Supervisor Turpin excused.

Pledge of Allegiance

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

8

Planning

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

BOARD ACTION: Chair Allen reviewed the hearing process. Kris Schenk/Planning Director, and Bill Abbott/Abbott & Kindermann LLP, were present to respond to questions. Sarah Williams/Deputy Planning Director, presented the staff report. She reviewed the history of the Mount Gaines Mine, the adoption of state laws in 1975 regulating surface mining/SMARA (Surface Mining and Reclamation Act of 1975), the 1982 request for a vested rights determination and the application for an Amended Reclamation Plan which includes a substantial open pit surface mine, and the appeal issues. She advised of correspondence that has been received, including an email that was just received from Dick and Donna Wilkey. She reviewed staff's recommendation for action. She responded to a question from the Board relative to clarifying the correspondence that was received.

9:27 a.m. Recess

9:38 a.m. The Board reconvened.

Appellants Presentation:

Kerry Shapiro/Jeffer Mangels Butler & Mitchell LLP (JMB&M), advised of the presence of the following: Scott Castro/JMB&M, Jack Bankhead/property owner and appellant, Chuck Kull/Holdrege & Kull-geologist consultant, and Dave Bieber/Geocon Consultants, Inc.-geologist consultant. Attorney Shapiro gave a PowerPoint presentation, and distributed copies of the presentation, reviewing the history of the mining operations and permitting processes for the Mount Gaines Mine, including review by the Technical Advisory Committee and by the Planning Commission. They feel the 2009 Reclamation Plan activities are within the scope of the 1982 vested rights determination; and he advised that Mr. Bankhead relied on the 1982 letter from Planning relative to the vested rights when he purchased the Mine. He asked that the appeal be granted, with findings that the vested rights includes the right to conduct

surface mining activities on the 200-acre Mine site, allows the production of construction materials and would allow the production to increase to meet market demand; and that Planning be directed to accept the 2009 Amended Reclamation Plan as complete and process said Plan. He responded to questions from the Board relative to the surface mining activities and their conclusion that the County was aware of those activities; including references of the gold mining, sale of rock products, dismantling of the stamp mill tailings (Heap 1) and the underground waste rock (Heap II) in the 1996 Reclamation Plan Amendment, and the sale of aggregate not being authorized through a Reclamation Plan; relative to the Calvert vs. County of Yuba case and vested rights and whether CEQA (California Environmental Quality Act) compliance is required with vested rights; whether the Board can not necessarily assume that there is information that we do not have from 1982; relative to the status of mining operations at this time and whether aggregate is being sold; as to the difference between “mining waste” and “tailings;” and relative to the status of reports being filed up to the date of the appeal.

Chuck Kull advised of his professional background; and he advised of their review of information on the Mine covering over 150 years. He referred to the Custis report and discrepancies. He presented an overview of the Mount Gaines Mines, including its history and the types of mining activities, including the Cochrane report. He reviewed their calculations of how much aggregate product was likely to have been sold from the Mine prior to the vest rights determination – mined rock mass balance. He responded to questions from the Board relative to the size of Mine shaft and his conclusions relative to tonnage estimates of materials; and relative to being able to compare the information that was presented on “bulking” with pounds and cubic yards.

Dave Bieber advised of his professional background, and he distributed a copy of his presentation. He advised that he was contacted by Mr. Bankhead to provide an independent third party peer review and evaluation on the geological and mining related issues, and he reported on his findings. He reviewed the mining history of the Mine from 1853, and his calculations of the original onsite materials and of the exported materials. He responded to questions from the Board as to whether there is any concrete evidence/documentation of the construction of the mill in the 1880’s, and he advised that there are newspaper accounts and records in the Department of Mines and Geology. Attorney Shapiro also responded to this question and advised of the Bureau of Mines Report. Mr. Bieber responded to additional questions from the Board relative to the estimate of surface materials from the Mine, and relative to the tonnage of the 50-year production potential.

Jack Bankhead, owner of the Mount Gaines Mine, advised of his research on the Mine history and on the vested rights prior to his purchase in 2003. He advised that he built his home on the property, and that the Mine has been operated since 2003 under his control. He feels that the Mine supplies a local source of sand and rock and reduces the impacts of hauling these products from outside of the County. He advised that he has submitted three Amended Reclamation Plans since 2003 and he commented on his concerns with trying to process the amendments with the County – he just wants to continue with the use of the Mine with his vested rights and have the Amended Reclamation Plan processed. He responded to questions from the Board relative to his interpretation of the vested rights; and as to why there have been interruptions in the aggregate production. He provided input on his previous mining experience in the State with sand and gravel plants, and of the importance to have vested rights so that a mining permit doesn’t have to be applied for every five years. He responded to additional questions from the Board as to whether he expected any limitations on the Mine; and as to what the inadequacies were in the Plan.

Speakers in Support of the Appellant: none

Steve Dahlem, County Counsel, provided an admonishment that during the public hearing process, there is not to be any discussion of this appeal between the public and the Board or staff.

11:52 a.m. Lunch

1:02 p.m. Opponents Presentation and Speakers in Opposition of the Appellant's Position:

Mary Ann Visher reviewed her letter, and she asked the Board to uphold the Planning Director's determination that the Amended Reclamation Plan was incomplete. She advised of her family's mining history in the area, problems they have encountered with water and with their cattle ranch, and she expressed concern with the expanded request for an open pit mine without environmental review and the potential impacts. She noted that there may be a cloud over the Mount Gaines Mine Road based on information she obtained from her attorney. She referred to the photographs that were shown in the appellant's presentation.

Elizabeth Harvey introduced her family that was present for the hearing, and she noted that she asked her family to come to underscore that this mining impact will have impacts for many generations. Her family has been in the area since 1852 and plan to remain. She referred to the letter she wrote and her concerns with the impacts of the Amended Reclamation Plan, including concerns on impacts with their cattle operations. She feels that the Amended Reclamation Plan is a substantial change in activity and will have a substantial impact on people in the area. She noted that she is a historian and works with documents, and she feels that the documents in this matter are what should be considered – that the Mine should be required to apply for a surface mining permit and comply with California law and Mariposa County regulations.

Jeannie Whitmore, descendent of a Hornitos family for over 150 years, stated she has the same concerns as those of her cousin – Elizabeth Harvey. She noted that one of their three properties is very close to this Mine and she is concerned with impacts to the entire Hornitos area. She referred to the Yuba County case that was mentioned earlier, and noted that she owns property in Yuba and she is familiar with the project that was cited and she does not feel that it compares to Mount Gaines. She referred to her professional background as a water distribution operator and stated she disagrees with the "cfs" figures presented for Burns Creek. She asked what their legal recourse would be if this operation destroys the water for their ranch.

Linda Meyer advised that she and her husband are present because this is important to the Hornitos residents and could have an enormous impact to the area. She is concerned with the chemicals used at the Mine and now being disbursed with the tailings. She noted the Mine is surrounded by cow/calf ranches and she is concerned with the impacts; and she expressed concern with the impacts from the truck traffic and asked where they will be weighed. She feels the water level of Burns Creek fluctuates depending on the rainfall. She noted that people in agriculture are for property rights, but they are concerned with the impacts. She asked who will make sure that all of the tests are being done and that there is enforcement.

Rita Kidd advised that John Brady/MERG (Mariposans for the Environment and Responsible Government) was unable to be present this afternoon and he asked her to make comments on his behalf. He asked that the attorneys be complimented for the clarity of their presentation this morning. She advised that MERG consulted with their attorneys and came to different conclusions – they agree with staff that the issue is whether the appellant's application was complete. She reviewed their letter and case law to support their position that the appellant has not and cannot establish a vested right to conduct surface mining at the Mount Gaines Mine, and that the County cannot find that the applicant has a vested right without first conducting environmental review under CEQA. They do not feel that the County can give a "blank check" to engage in

surface mining based on a 30-year old decision that neither identified the uses proposed by the appellant nor conducted any environmental review of the proposed uses. She expressed concern with the potential impacts with the proposed expansion of the Mine. She presented the three points in MERG's conclusions that the appeal should be denied because the application is manifestly incomplete.

Heather Bernikoff stated she lives in the Slate Gulch area, and she supports the Planning Director's determination and feels that the Department has done a good job. She feels the appellant has included "supposition and guessing" in their presentation; and she echoes Rita Kidd's comments relative to the "taking" issue. She feels that we need to protect the human beings because the proposed project is so massive.

Eric Erickson stated he lives about four miles from the Mine and he has friends and close neighbors on both sides of this issue. He noted he was a Board member in 1982 when the Mining Ordinance was adopted, and that it was written by Ralph Campbell/interim County Counsel. He referred to the "vesting letter" and asked if anyone spoke with Bob Borchard/Planning Director in 1982, prior to this hearing to obtain more information. He asked if County Counsel can answer the questions relative to vesting and environmental restrictions. He noted that he has a gold mine and pays fees and is told that he cannot do anything with it until he goes through a further process. He stated he has materials on his driveway that came from the Mine. He is not opposed to the project, but is concerned with the size and scope.

Chair Allen provided a reminder that the purpose of today's hearing is to determine whether the application is incomplete for processing.

Rachel Harvey stated she is here with her family and neighbors, and she feels the information presented today under estimates the impacts, and she provided input on the potential impacts. She does not feel that proper oversight of the Mine will occur.

Elizabeth Harvey referred to the issue of whether to support the recommendation of the Planning Director, and she noted that Attorney Shapiro talked about vesting, so they are responding to that.

County Counsel responded to a question from the Board relative to consideration of the vesting rights issue and the 1982 decision.

1:55 p.m. Recess

2:02 p.m. Rebuttal by Appellant:

Attorney Shapiro referred to County Counsel's response on the process for interpreting the 1982 letter of vesting rights, and stated he feels the interpretation requires the whole context – what did the vesting rights mean? He stated he feels there is a vast difference between the 1982 Reclamation Plan project that was only for four years and all of the mining activity that occurred immediately after, and he commented on those activities. He feels the Board needs to consider what was contemplated and what happened after 1982; and he feels that the scope of what was in the Reclamation Plan is separate from the vested rights. He responded to questions from the Board relative to production operations under the vested rights. He provided input on their reporting requirements, review processes, the Western Aggregates LLC vested rights determination case of 2009, and he responded to water quality issues and environmental concerns that were raised. He referred to the "police powers" of the County to protect the environment and stated the vested rights are to protect the property. He stated he feels that there is a lot of post document activity that goes with the vesting rights. He responded to additional questions from the Board as to why there is no mention in the Reclamation Plan about the vesting rights; relative to the level of vested rights; and clarifying that the Reclamation Plan and vested rights were two different proceedings with two different view points.

Clarification Needed by the Board:

Kris Schenk responded to questions from the Board relative to CEQA requirements and assurances that there will not be unconstrained impacts; and he advised that a substantial amount of information has been provided since he made the decision in 2009 that the application was incomplete for processing. However, with the subsequent data, the issue before the Board is whether this application is still incomplete; and if so, what would be required for the application to be complete. He feels that the Amended Reclamation Plan is an expansion of what was originally a gold mine with some tailings and additional activity. He would need to check with counsel on reviewing the Plan on the way it has been submitted now and review of the environmental impacts of the Plan versus the mining activities.

Attorney Abbott responded to questions from the Board and advised that review of the Reclamation Plan will need to comply with CEQA. At this point, if the Board concludes that the vested rights expand to the larger project versus the 40-acre parcel, he does not feel that the CEQA review would be as broad. However, the CEQA issue is not the driving factor in this matter, just a consequence. Relative to the testimony concerning the air and water quality issues, he agrees with Attorney Shapiro that the State permits and regulations cover this, and that other environmental impacts would have a different type of analysis. He responded to questions from the Board as to if the Board affirms the decision that the application is incomplete, as to what information is lacking; and he advised that there was one data set at the start of the project and more information has come in over time and he feels it is appropriate for the Board to consider all evidence. He advised that the decision to be made is what is the conclusion from the evidence relative to the 1982 decision/reasonable interpretation versus what evidence is lacking; i.e., was the vested rights for the larger project or limited to the 40-acres. He responded to a question from the Board relative to the 1982 Reclamation Plan for the 40-acres being mute on the vested rights; however, the vested rights letter had an attachment of the 200-acres. He reviewed the evidence that was presented and noted the following:

- the reports shown on page 37 for the appellant's PowerPoint presentation are filed with the State and not with the County;
- relative to the issue of annual reporting – tab 29 of the large binder presented by the appellant, the copies of those reports are provided to the County – but he does not feel that those reports provide any kind of meaningful information or disclosure to the County that would raise concerns about the scope of activities;
- the answers to the questions on Ex 217, the 2003 Mining Annual report filed by Bankhead, are marked to show 40-acres permitted and zero acres vested; and
- he feels that what the Technical Advisory Committee would have known when it considered this project is just conjecture.

Sarah Williams responded to a question from the Board relative to the 1982 Reclamation Plan being mute and at the same time the vesting request was being processed and what was the scope of the vesting statement the Planning Commission sent back. She advised that if you disregard the Reclamation Plan and look at the materials that were submitted in the staff report for the vested rights request, including the Ketron and Borchard 1982 correspondence, and the maps, etc., and she reviewed the ten items on circle pages SR-4 and SR-5 of the staff report; and she stated staff feels the determination was based on the historic gold mining operation and reasonable expectation of expansion. She responded to a question from the Board as to whether the accumulated waste in tailings from the early surface operations, mostly before 1880, affects the Board's decision on the scope of the vested rights with regard to SMARA and legalities; and she advised that the relevant information is how much activity was occurring on the 160-acres and when.

Attorney Abbott responded to questions from the Board relative to the vesting and grandfathering; and he stated he feels the evidence of the historic placer mining could support a broader interpretation of vested rights, and he referred to the Hansen case. He noted that there are not a lot of cases for these issues; and that in other applications, that operators can lose vested rights. He noted the Attorney General's Opinion that vested rights should be interpreted in a conservative manner; and he commented on the evidence that was presented today.

Supervisor Cann asked that the appellant discuss item 7 on circle page SR-5 – “State that surface operations would be limited to support for any resumption of underground mining. In the same paragraph, justify the request for vested rights because liberal interpretations of SMARA have included the surface area of underground mines.”

3:09 p.m. Recess

3:21 p.m. The Board reconvened.

Attorney Shapiro responded to Supervisor Cann's question and advised that is why they tried to put the two Ketron letters into context; and he stated that everything that happened a year after those letters seems to be a vast disconnect. He referred to the March 29, 1982, Ketron letter relative to the tailings and mining area restoration; and he stated that is the description of a Reclamation Plan versus mining activity. He feels that either everything was illegal in the last thirty years or that something happened between the letter that brought vested rights back to the historic mining operation. He reviewed the 1982 definition of surface mining and noted that it includes open pit and surface work incidental to underground mining. He further noted that the vesting letter includes a map showing the 200-acres. So, he feels the Ketron letter is not consistent with the vested right action taken by the Planning Commission. He responded to questions from the Board as to whether the mining engineer worked for the property owner at the time he filed the letter, but yet he did not make a presentation to the Planning Commission or the Technical Advisory Committee. He responded to further questions relative to interpreting the subject letters from Ketron and the actions taken in 1982.

Staff Procedural Questions:

Attorney Abbott responded to questions from the Board as to the issue(s) that the Board is being asked to decide and the effect it will have on the proposed project; and he stated that he does not think that at the end of the day that we are dealing with a question of information deficiency. He feels the Board can consider the additional evidence that was not available to staff when it made the original decision. He advised that the Board is not being asked to reconsider the 1982 vested rights decision, but the Board needs to reach a conclusion of the scope of rights with the vested rights 1982 decision. If the Board concludes that the vested rights include the 200-acres, it should grant the appeal and direct staff to process the Amended Reclamation Plan. On the other hand, if the Board concludes that the vested rights decision by the Planning Commission in 1982 was limited to the 40-acres, it should deny the appeal and staff would not process the application. He advised that the applicant could seek judicial review or amend the application or file for a mining permit on the additional acreage. He responded to questions from the Board relative to the need for a decision on the 1982 vesting; relative to determining what activities are vested and impacts on CEQA requirements; and relative to the Hansen case. Discussion was held.

Attorney Shapiro responded to a question from the Board relative to it being asked to make this decision today with potential intensification/determination of the

scope of vested rights; and he advised that he feels it is possible for staff to work with the appellant on what would be a reasonable intensification amount. He further responded that this discussion has not been held because of the acreage dispute.

Attorney Abbott responded to a question from the Board relative to the 1982 Planning Commission decision on the vested rights.

Sarah Williams and Attorney Abbott responded to questions from the Board as to what is required for the applicant if the vested rights is for the 200-acres underground mining and processing of tailings from that operation; and the applicant wants to pursue the open pit project. They advised that a mining permit would be required with CEQA review, with the Planning Commission being the lead agency, and the matter could be brought to the Board on appeal. Sarah Williams responded to the question relative to the intensification issue, and she advised that if the Board agrees with Attorney Shapiro's presentation that they have vested rights for the 200-acres that it would need to make a finding on the activities and look at the mining and production amounts, and that decision is supposed to come with processing the Reclamation Plan.

Attorney Abbott responded to a question from the Board as to whether it could make a finding that the vesting is for the underground mining and processing of the tailings on the 200-acres. He advised that SMARA is for surface mining and not the underground mining, so he feels the vesting right goes to the surface operation and not the underground operation. Sarah Williams responded to a question from the Board relative to the vesting issues for surface mining and historic activity and the evidence that was presented in relation to the request versus the appellant's request on the vesting issue. She referred to the letter from staff in the 1980's and stated she does not feel that staff was ignoring activities at the mine. She responded to further questions from the Board relative to the surface mining occurring on the 40-acres at the time the vested action was taken and advised that they are looking for direction on the intent to expand to the 160-acres; and she reiterated that SMARA regulates surface mining and not underground mining, so a permit would not have been needed to vest the underground activities.

Attorney Shapiro stated the letter says you can do drilling and that was for the BLM land – outside of the 200-acres, and he commented on the issue relative to the underground mines and the vested rights request.

Sarah Williams responded to a question from the Board relative to the status of mining records for the gold that was removed and the remainder that was left on site; and she advised that they were looking for information, and commented on the information that was subsequently submitted.

Kris Schenk responded to an earlier question about whether staff had a conversation with the 1982 Planning Director, and he advised that he spoke with Bob Borchard about a year ago. He asked him what his recollection was of the Mount Gaines Mine. Per his recollection, Mr. Borchard responded that it was a historic gold mine. When Kris advised him that Planning has an application for expansion of surface mining, Mr. Borchard did not recall a mine in that context and did not have any recollection of any controversy.

Attorney Shapiro objected that at eight hours into this hearing that the conversation that Kris Schenk had with Mr. Borchard is being presented; and he stated he feels that it is not appropriate.

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

County Counsel clarified that staff can only provide information on the mandated procedures at this point in the public hearing. He responded to a question from the Board relative to the reason for this hearing and advised that it is to determine whether the applicant's application is complete for processing. He advised that based on the fact that there was no public hearing at the time the Planning Director's determination was made, that any and all information could be considered up to and through this hearing, and he believes there is a consensus that this application is complete and that the issue is the scope of the vested rights based on the 1982 action. Discussion was held relative to the evidence concerning the vested rights and mining activities. County Counsel responded to questions from the Board relative to the Board's decision dictating the impacts of the processing for future development of the project; relative to restricting the vested rights to the 40-acre parcel or the 200-acres and the Board's role as quasi-judicial in this proceeding; whether the Board could remand this matter back to the Planning Commission to make a vested right interpretation or to revisit the 1982 decision; as to whether the 30-year period of inactivity was a consideration of the vested rights or could be interpreted as abandonment; and relative to being able to determine that the vested rights are for the 200-acres for processing of tailings from the underground mines based on the information that was presented.

Sarah Williams responded to questions from the Board relative to the process for the applicant to try to move forward with their plan for an full open pit mine; and she advised that the Board could make an interpretation that their vested rights are for 200-acres. County Counsel responded to a question from the Board as to whether this would be a legally defensible position; and he advised that is not an appropriate question. Sarah Williams responded to a question from the Board and advised that for the applicant to move forward with their project, they would need a mining permit for all of the grading that is shown for phases 1, 2, 3, and 4 on the Grading Plans, and review would be required pursuant to CEQA.

Motion by Cann, that based on the record and finding that in 1982 the Planning Commission was not considering an open pit mine as there was no public comment and the record in front of the Board does not show any consideration of a major expansion; that the Board determine that the application is complete for processing of the waste and tailings from the underground mining. Supervisor Cann restated his motion to find that the application is complete for processing and that the interpretation for vesting is that the owner is vested for processing of the waste and tailings from underground mining. County Counsel advised that staff should be directed to bring back a formal resolution with findings consistent with this motion. The motion was amended agreeable with the maker, and seconded by Supervisor Stetson. County Counsel responded to a question from the Board as to what the process would be if the Board determined that the application is incomplete for processing; and he advised that the matter would go back to the Planning Director, but that the Board is not at that point. Discussion was held. The Clerk of the Board read the motion back into the record – find that the application is complete for processing of the underground mine's waste and tailings; with direction to staff to bring back a formal resolution with findings consistent with this motion. Further discussion was held. Sarah Williams asked for clarification of the motion and whether a mining permit is required; and she was advised that after the motion, it was assumed that is a ramification of this action – that the vesting does not include the major pit operation. Sarah Williams asked for clarification that the ramification of the action is that the four phases of grading would

require a mining permit. Supervisor Cann responded that with the interpretation of the motion, that the application would be processed accordingly and with whatever permitting process is required. Sarah Williams advised that if an application is determined complete for processing, it gives staff a limited time for processing. Supervisor Cann referred to his previous question as to whether there is additional information needed to process the application. Sarah Williams advised that in order to process this application, they would need a mining permit with the interpretation of the vested rights contained in the motion. Supervisor Cann clarified that they have the choice of applying for a mining permit. Sarah Williams stated she would feel comfortable with the motion including something, or direction to include, this in the findings so that they are not required to process the application without the mining permit. County Counsel provided input on staff's concern that if the motion is that the application is complete for processing it is different than to be complete it requires a mining permit. Supervisor Cann amended his motion to recognize the fact that the process will now be impacted by the Board's interpretation of the 1982 vested rights action; and he asked staff to come back with findings of what the processing process would be based on those decisions. The amendment was agreeable with the second to the motion. Ayes: Stetson, Cann, Allen; Noes: Bibby; Excused: Turpin.

Discussion was held relative to continuing the hearing for action on the formal resolution. The hearing was continued to September 20, 2011, at 3:00 p.m.; and Attorney Shapiro agreed with this scheduling.

Adjournment at 4:58 p.m.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

August 16, 2011



Folder Time Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for our men and women fighting for our freedoms; and special prayers for the families of those who lost their lives or were injured in the Indiana State Fair stage accident.

Introductions – none

- 1 Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)
NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda
BOARD ACTION: Chair Allen advised of a correction to the formal resolution in item 119 to reflect the current interim Public Works Director. Rick Benson, County Administrative Officer, advised of a correction to item 110 to include authorization for the Public Works Director to issue bid proposals and award the bid to the lowest responsible bidder. Supervisor Cann pulled item 113 for the formal resolution to be distributed. (M)Cann, (S)Bibby, the balance of the items was approved with the noted corrections to items 119 and 110/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

Chair Allen noted that Supervisor Turpin is recouping at home.

- 2 **Supervisor Bibby**
Resolution Recognizing Gwen Nitta, Upon her Retirement from Mother Lode Job Training/Job Connection
BOARD ACTION: (M)Bibby, (S)Stetson, Res. 11-391 was adopted and presented to Gwen Nitta/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

9:15 a.m. Recess

9:27 a.m. The Board reconvened.

- 3 **Chair Allen**
Proclaim September 17, 2011, as “Great Sierra River Cleanup Day” with Local Residents Conducting Clean Up on the Mariposa Creek Parkway

BOARD ACTION: (M)Stetson, (S)Cann, the Proclamation was approved and presented to Marilyn Lidyoff/Business Development Coordinator/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

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

Peter Rei/Interim Public Works Director, was present with Greg Ollivier/Solid Waste and Recycling Manager – Greg advised that they will have a booth at the County Fair; and they are doing a recycling fair event on October 29th in conjunction with “American Recycling Day” at the Arts Park, and this is being co-sponsored by the SPCA.

Doug Binnewies/Sheriff, welcomed Deputy Lance Ferguson back to full duty after his recent battle with cancer.

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

Eleanor Keuning noted that speakers need to direct their voice into the microphones to be heard by the audience in the Chambers; expressed concern with large flag signage for a business in Coulterville as she does not feel they work with the historic designation; noted the sign for road clean-up in Coulterville refers to Northern Mariposa “California” History Center and it should say “County;” she commented on recycling; expressed concern with there being no activity at the bar owned by Randy in downtown; asked about the Bezak water truck that fills up from the hydrant in town; referred to the September 17th clean-up of the Mariposa Creek Parkway and asked whether the PG&E grant is a part of this and whether service organizations have been contacted to be involved; and she noted that Mother Lode Job Training does a good job with the youth and young adults, but she would like to see programs for middle-aged people who are interested in re-careering.

Lester Bridges, President and Interim Executive Director of the Chamber of Commerce, commented on the Chamber and Visitor Centers' activities and noted that Labor Day will be the last weekend for the Courthouse and old jail tours; August 20th is the Sultry Summer Shindig event in Coulterville; Fair is coming; and he advised that there were visitors from Italy with a book that contained information about the Mariposa Visitor Center. Supervisor Cann commented on moving the van and signs for the tours from the Visitor Center; and he provided input on the transient occupancy tax revenues.

Rudy Minerger advised of the Blazin' Hog BBQ and Zydeco music festival scheduled for September 17th to benefit the Hospital Foundation, and he invited a Board member to be a BBQ judge.

Board Information

Supervisor Stetson advised that he was in Yosemite West on Wednesday looking at the road system. He went to El Portal on Sunday with the Public Health Director/Dr. Mosher and Dave Conway to discuss the Avalanche Fire and smoke issues.

Supervisor Cann advised that he attended the Chamber's 9-11 memorial mixer at County Fire on Tuesday. He plans to meet at lunch with the consultant that EDC has hired to help shepherd the Proposition 84 grant application for the multi-purpose gymnasium that the County has applied for. He and the County Administrative Officer met on Wednesday with the Stanislaus National Forest Supervisor on issues with the Environmental Impact Statement and the County's appeal for the Motorized Management Plan – the Forest Service has adopted the changes the County requested and he will convey this to Supervisor Turpin. He has been meeting with everyone before heading into the final budget hearing, and he noted that the Board met on August 11th for the Mount Gaines Mine appeal. He attended the memorial service for Kay

Mickel; and the first phase of the Mariposa Rodeo and Fair Queen competition on Saturday, and there will be more activities on Sunday. He plans to attend the Yosemite/Mariposa Tourism Bureau meeting on Wednesday. He noted that there will be an opportunity for the public to provide input on the final budget on Wednesday at 6:00 p.m., and he noted the budget hearing schedule. He noted the Friends of the Fairgrounds is meeting on Wednesday; and that the Air Force Band of the West will be performing on Thursday evening in town.

Supervisor Bibby noted she is so glad to see Deputy Ferguson back. She extended a special thanks to CHP for keeping the Board members informed of accidents, and she cautioned everyone to reduce their speed and watch for children as school is getting ready to start. She noted that Mary Jane Erickson is replacing Gwen Nitta and that Mother Lode Job Training is located in the new Human Services building. She noted that all of the Board members have been working on the budget and issues. She attended the Hornitos Patron's Club back to school event. She reminded everyone to support the local Fair, and advised that tonight is the mandatory meeting for the junior livestock exhibitors, and she noted that the Jr. Livestock Auction Committee is always looking for supporters. She referred to the input under Public Presentations and noted that MPUD sells water to Bezak and that MPUD would be the contact agency for questions.

Supervisor Allen attended the meeting on fire stations on Friday. He attended the Coulterville History Center breakfast on Sunday. He noted that Wednesday evening is an opportunity for the public to provide comment on the final budget, that the budget hearing is scheduled for Thursday, Friday, Monday and Tuesday, and that information is available on the County's website.

4

Sheriff

Provide Overview of the Law Enforcement and Community Services that the Sheriff's Office Currently Extends to our Community

BOARD ACTION: Doug Binnewies, Sheriff, provided an overview. Sterling Cramer, Operations Captain, reviewed operations. Byron Robles, Captain, reviewed evidence, dispatch, boating, animal control and civil division activities. Richard Parrish, Jail Lieutenant, reviewed the adult detention facilities operations. Sterling Cramer reviewed the volunteer programs in the Department: SCOPE, Reserve Deputies, Posse, and Search and Rescue. Sheriff Binnewies reviewed the community outreach programs. Discussion was held relative to the presentations; status of projects that need to be done – AB 109 implementation and staffing, control panel for the jail, and being able to maintain staffing levels. Supervisor Bibby asked for a copy of the PowerPoint presentation.

10:55 a.m. Recess

11:06 a.m. The Board reconvened.

5

Agricultural Commissioner

Presentation of the 2010 Mariposa County Agricultural Crop & Livestock Report by the Mariposa County Agricultural Commissioner/Sealer of Weights and Measures

BOARD ACTION: Cathi Boze, Agricultural Commissioner, presented the report, including additional information from a 2011 Research Brief and a story in the April-June 2011/California Agriculture magazine. Discussion was held.

11:19 a.m. Board Convened as

LOCAL TRANSPORTATION COMMISSION

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

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

7 **Public Works**

Adopt a Resolution Appointing Interim Director of Public Works as the Interim Executive Director of the Local Transportation Commission (LTC), and Authorizing the Interim Executive Director to Sign all Documents and Agreements on Behalf of the LTC

COMMISSION ACTION: Peter Rei was present, and Barbara Carrier/PWD-Transportation Planner, presented the request. (M)Bibby, (S)Cann, LTC Res. 11-17 was adopted/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

7a **Public Works**

Adopt a Resolution Authorizing the Submission of the Functional Classification Road Change Request Form and Attachments, and Approval of the Requested Road Reclassifications

COMMISSION ACTION: Following discussion with Peter Rei and Barbara Carrier, (M)Allen, (S)Bibby, LTC Res. 11-18 was adopted/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

11:32 a.m. Reconvened as Board of Supervisors

7b **Public Works**

Update to the Board on the Status of Proposition 1B Funded Road Projects

BOARD ACTION: Discussion was held with Peter Rei and Barbara Carrier relative to the status of projects, and it was noted that the Silver Bar Road project was awarded last week and is heading toward construction.

7c **Public Works**

Adopt a Resolution Authorizing the Submission of the Functional Classification Road Change Request Form and Attachments, and Approval of the Requested Road Reclassifications

BOARD ACTION: (M)Bibby, (S)Stetson, Res. 11-409 was adopted approving the recommended actions/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

8 **Human Services**

Discussion Regarding Human Services Department Scheduling a Public Open House of the New Human Services Center to be held Saturday, September 10, 2011, from 10:00 a.m. to 12:00 p.m. with Coffee and Light Refreshments to be Served

BOARD ACTION: Discussion was held with Jim Rydingsword, Human Services Director, and he advised that tours will be scheduled during the open house. Chair Allen commented on an auction being scheduled for August 27th for the left-over equipment from the Human Services and Child Support Services' move to the new facilities; and he asked that information on the auction be posted on the web. Rick Benson advised that they are in the process of hiring a professional auction firm to conduct the sale at the Stroming Road facilities, and that the firm will handle the advertising. Supervisor Bibby asked about covering the costs of the sale and how the proceeds will be distributed. Jim Rydingsword advised that the proceeds would be distributed to the Human Services and Child Support Services budgets. Supervisor Bibby asked whether the proceeds could be used to offset the shortfall in HO 90 and 91 in the Human Services budget; and discussion was held. Rick Benson provided input and advised that staff is working on a plan and that this is mostly an accounting function.

9

Chair Allen

Re-Endorsement of the Continuation of Support for the Amador-Tuolumne Community Action Agency's Funding Application for High Speed Internet Service and Broadband Education and Enhancement; Consideration of Appointment of a Board Member and a Staff Representative to the Central Sierra Connect (CSC) Policy and Technical Committees; and Direct Staff to Work with A-TCAA to Draft a New MOU Regarding CSC Participation for Board Consideration and Adoption

BOARD ACTION: Chair Allen initiated discussion, and he advised that the Technical Services Director is willing to be a member of the committees. It was noted that the formal resolution needs to be corrected to reflect Mariposa versus Amador County. (M)Stetson, (S)Cann, Res. 11-410 was adopted re-endorsing continued support/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. (M)Cann, (S)Stetson, Supervisor Bibby was selected as the Board member, with Supervisor Stetson as the alternate Board member, and the Technical Services Director as the staff member to the committees/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. Supervisor Bibby noted that when Supervisor Turpin returns that he will be given an opportunity to become the representative. The Board concurred with directing staff to work with A-TCAA to draft the new MOU as requested.

11

County Counsel

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

12

Administration

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

BOARD ACTION: (M)Cann, (S)Bibby, the closed sessions were held at 11:51 a.m./Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

12:52 p.m. Lunch

2:02 p.m. Reconvene

Report from Closed Session:

Chair Allen advised that information was received and direction was given on folder 11/initiating of litigation; and that information was received on folder 12/labor negotiations with MCMCO.

10

Consider Items Removed from the Consent Agenda

Item 113 – (M)Cann, (S)Bibby, item 113 was approved/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

13

Administration

PUBLIC HEARING to Receive Input on the Proposal for the Redistricting of Supervisorial Boundaries; Adopt a Resolution Approving the Revised Supervisorial District Boundaries, and Direct Staff to Prepare and Bring Forward the Required Ordinance to Enact Changes to be Effective November 1, 2011

BOARD ACTION: Rick Benson presented the staff report, reviewing the history of the work on this matter and the direction the Board provided to staff on July 12, 2011, relative to proposed changes; and he responded to questions from the Board relative to the effective date of the changes. Steve Dahlem, County Counsel, responded to a question from the Board and advised that he will review the status of the current

Planning Commissioners where the boundaries are changing with the redistricting. Keith Williams, County Clerk, commented on the effective date and impacts. Supervisor Cann asked that staff research the issues that were raised and to bring information back to the Board.

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

Ruth Sellers asked for clarification of the district IV boundaries on the Option 4-M map. Supervisor Cann responded relative to the proposed changes in the boundaries. Ruth Sellers continued stating she feels that the proposal looks good. She stated she would have no problem being in Supervisorial district I, she just didn't want to be combined in a district with Coulterville as she doesn't feel that they have anything in common.

The public portion of the hearing was closed and the Board commenced with deliberations. Supervisor Cann acknowledged the work of staff in this process and the map work by Emily Meriam/GIS specialist. (M)Cann, (S)Stetson, Res. 11-412 was adopted approving the redistricting as outlined in Modified Draft Redistricting Plan Option 4/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. Direction was given to staff to prepare and bring forward the required ordinance to enact the changes to be effective November 1, 2011. The hearing was closed.

Consent Agenda

- CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of August 9, 2011, Regular Meeting
- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-392
- CA-103 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-393
- CA-104 **Administration**
Resolution Continuing the Local Emergency Due to Severe Weather Throughout Mariposa County in March of 2011; Res. 11-394
- CA-105 **Agricultural Commissioner**
Approve Sudden Oak Death (SOD) Program Cooperative Agreement No. 11-0325-SF with California Department of Food and Agriculture (CDFA) for FY 2011-2012, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-395
- CA-106 **Human Services**
Approve an Agreement with Capacity Consulting LLC, for Consulting, Capacity Building and Interagency Collaborative Services, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-396
- CA-107 **Human Services**
Authorize the County's Participation in the California Mental Health Services Authority (CalMHSA) in order to Jointly Develop, Fund and Administer Mental Health Services and Education Programs as Determined on a Regional, Statewide, or other Basis; Approve the Joint Exercise of Powers Agreement that Governs Operations of the CalMHSA; Authorize the Human Services Director to Sign the Joint Exercise of

Powers Agreement; Authorize the Human Services Director to Act as the Representative of the County on the Board of Directors of the CalMHSA, and Authorize the Human Services Director to Appoint an Alternate to Represent Mariposa County on the CalMHSA Board; and Authorize the Human Services Director to Expend the Application Fee to Participate in CalMHSA; Res. 11-397

- CA-108 **Human Services**
Approve an Agreement with Kings View Corporation for Electronic Health Record Information System and Billing Services for FY 2011-2012, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-398
- CA-109 **Public Works**
Approve an Agreement with Moore Twining Laboratories, Inc. to Provide Chemical Analysis for Various Facilities throughout the County in an Amount Not to Exceed of \$50,000, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-399
- CA-110 **Public Works**
Authorize the Interim Public Works Director to Issue a Request for Bid Proposals for the Site Work for the Fish Camp Fire Station Project; Res. 11-400, with authorization for the Public Works Director to issue bid proposals and award the bid to the lowest responsible bidder.
- CA-111 **Sheriff**
Approve Amendment One with ARAMARK Correctional Services, LLC to Provide Dietary Services to the Mariposa County Sheriff's Adult Detention Facility, and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-401
- CA-112 **Auditor**
Approve Designating the Method by which the Appropriation Limits will be Calculated for FY 2010-2011; Res. 11-402
- CA-113 **Auditor**
Adopt a Resolution Establishing and Adopting Appropriation Limits for FY 2010-2011; Res. 11-411
- CA-114 **Public Works**
Adopt a Mitigated Negative Declaration for the Remodel of the Lower Courtroom at the Mariposa County Courthouse; Res. 11-403
- CA-115 **Public Works**
Authorize the Public Works Director to Award the Design and Engineering of the Bridgeport Fire Station Building to Swift Lee Office, and Sign the Agreement (Subject to Review and Approval as to Form by County Counsel); Res. 11-404
- CA-116 **Public Works**
Authorize the Public Works Director to Award the Agreement to Palmer Tractor for the Site Work on the Bridgeport Fire Station Project, and Sign the Agreement (Subject to Review and Approval as to Form by County Counsel); Res. 11-405
- CA-117 **Public Works**
Authorize the Public Works Director to Award the Design and Engineering of the Fish Camp and Midpines Fire Station Buildings to Keith and Associates, and Sign the

Agreement (Subject to Review and Approval as to Form by County Counsel); Res. 11-406

CA-118 **Public Works**
Approve the Plans and Specifications for Construction of the Foresta Bridge, Authorize the Public Works Director to Advertise, Award Agreement to the Lowest Responsible Bidder, and Sign the Agreement; Res. 11-407

CA-119 **Public Works**
Adopt a Resolution Authorizing the Public Works Director to Sign the Program Agreement in the Amount of \$158,000 of Congestion Mitigation / Air Quality Funds Authorized by Caltrans for the Retrofit of One Loader and One Water Truck; Res. 11-408

The meeting was continued to Wednesday, August 17, 2011, at 6:00 p.m. for the following:

Budget Binder

Administration

PUBLIC HEARING to Consider the Final Budget for Fiscal Year 2011-2012

NOTE: This Evening Session is Scheduled to Allow Members of the Public Who are Not Able to Attend the Daytime Portion of the Hearings an Additional Opportunity to Comment on the Final Budget

Supervisor Stetson advised that he will not be able to be present for the meeting on August 17th given a previous engagement, but he will listen to the comments.

Supervisor Cann asked the Board to consider starting the meeting on Monday, August 22nd at 10:00 a.m. if the budget hearing schedule allows.

Chair Allen noted that following the meeting on August 17th that the meeting would be continued to Thursday, August 18th at 9:00 a.m. for the following:

Budget Binder

Administration

PUBLIC HEARING to Consider the Final Budget for Fiscal Year 2011-2012, and Continue the Hearing and Meeting to August 19th and 22nd, and Continue the Hearing to August 23rd, as Necessary to Conclude the Hearing and for the Adoption of the Final Budget (A Tentative Budget Hearing Schedule is Available at the Administration Office and at www.mariposacounty.org and is Subject to Change.)

The Board recessed at 2:18 p.m. in memory of Roger E. Long and continued the meeting to August 17th at 6:00 p.m.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS August 17, 2011 (Meeting Continued from 8-16-11)

Folder Time Description

6:00 p.m. Meeting continued from August 16, 2011, was called to order at the Mariposa County Government Center with Supervisors Turpin and Stetson excused.

Pledge of Allegiance

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

Budget Binder

Administration

PUBLIC HEARING to Consider the Final Budget for Fiscal Year 2011-2012

NOTE: This Evening Session is Scheduled to Allow Members of the Public Who are Not Able to Attend the Daytime Portion of the Hearings an Additional Opportunity to Comment on the Final Budget

BOARD ACTION: Chair Allen thanked everyone for coming this evening, and he advised that this is an opportunity for the public to comment on the final budget.

Input from the public was provided by the following:

Ruth Sellers referred to the two million dollars that the Board set aside about five years ago to pay toward the PERS debt and of the increases in transient occupancy tax (TOT) revenue since that time, and questioned why this budget process is being started two million dollars short. She is concerned as a taxpayer, feels that the County will not fix the roads – noted her road needs repairs, and that the County offers no services except law enforcement and fire protection, and she pays \$80.00 for the new fire trucks. Now we are facing proposed increases in fees for park usage and cutting the funding to the Arts Council who provides programs that are of benefit to the County and cuts to Library services, but still giving funds to the Tourism Bureau – she does not feel this acceptable and wants to know who is managing the store.

Chair Allen announced that the budget information is available online.

Tolley Gorham stated he does not feel that we will be out of the mess we are in for five to ten years before the overall economy comes back. He feels that we need to look at what we need to pay and the revenues, and look ahead to see what can be done to increase revenues and stimulate the economy to become self-sustaining once again; i.e., look at long-term planning as well as short-term.

Supervisor Cann commented on input during the budget process and advised that the Board is looking at the proposed cuts and actions that staff has recommended as a starting point.

Eleanor Keuning stated she feels that historically people relocate to the area because there are more than just jobs – there are cultural resources. She suggested that the budget just be trimmed versus cuts.

Roger Leonard thanked the Board for its support of public safety, including the Fire Department and the Sheriff's Department.

Mary Ann Huff, Director and past President of the Chamber of Commerce and representing the North County and concerned citizens, noted that the North County Supervisor is unable to be here and she asked how they will be represented. She expressed concern with proposed cuts to the two community clubs, Parks and Recreation programs, Library services, History Center, and the Arts Council. She commented on the permitting fees for the Hotel Jeffrey, and responded to Ruth Sellers' input and stated she feels that the Executive Director of the Yosemite/Mariposa County Tourism Bureau is accountable and the numbers are proof of what he does.

Chair Allen advised that this is an opportunity for input from the public and not for dialogue.

Jon Turner thanked the Board for this meeting and he provided input on his background – a retired educator and part-time rancher, three of his ancestors were Sheriffs of the County, and he feels that safety is the first priority. He noted that many members of the Sheriff's Department are former students. He also noted that as a former Director of the Arts Council, he is very proud of the work that they do and he feels that the performing arts enhances our lives.

Eric Carr stated he is speaking in opposition to any reductions in law enforcement and public safety. They retired here and brought three businesses with them and they are happy. He referred to the crime stories in the *Gazette* last week on the front page, and the law enforcement reports and responses that are necessary.

Elaine Parrish commented on her dealings with the Sheriff's Department when her house burned – a deputy was the first to arrive and was supportive. She noted she sees the activity of the Department as her husband is a Judge 24/7 and receives calls and signs warrants.

Dr. Phillip Smith, Director of Mariposa High School Grizzly Band, stated he is a youth advocate and he referred to his experience in the 1990's with his involvement with SCOPE and his deep appreciation for the sworn officers – he feels that is why we enjoy our quality of life. He commended the Board for its support of public safety and implored that they be funded to the fullest extent possible. He referred to his military experience and consideration of whether the final result justifies the time and resources when looking at issues. He supports the Arts Council and commends them for their activities and the impact they have had on the students with their programs. He noted that he is a member of the Symphony and if funding is cut, that would be a huge loss to those cultural assets.

Fred Friedland stated he is retired from the theatre and arts profession and he would hate to see the skeleton of those things being touched. He understands that some funding cuts may be necessary, and he suggested that perhaps volunteerism and donations could help – he would like to see something set up for that. He agrees with the importance of law enforcement as well as cultural things, and he would like to meet with others that are interested to bring in more funds.

Don Guidt stated he does not see too many gravy projects that can be cut in the budget. He is interested in fire safety, and he thanked Supervisor Bibby for her work in getting a lot for a fire station in his area; and he asked about the status of the budget for

this project. Chair Allen advised that the Board just awarded the contract for the dirt work for this project this week.

Wayne Forsythe commented on budget hearings/issues for the Fair, the schools, and now the County, and he commented on the economic perils. He feels we need to go back to what civilization did when Mariposa was formed – law enforcement, schools, and churches. He noted the large geographic size of the County that the Sheriff covers, in addition to the four million visitors that they serve. He referred to his discussion with a previous student that left here for law enforcement with Fresno City, and he noted the quick back-up support that they have. He noted that this is one of the deadliest years for law enforcement officers losing their lives. He referred to AB 109 and the strain that will place on the County, and he stated that he doesn't feel now is the time to cut funding to a group that protects us. He referred to the oath the Sheriff takes to protect and defend the citizens of Mariposa County, and he feels we must give them the resources to protect all of us.

Bob Collins stated he has been an educator for over 34 years at Yosemite High, and he has raised his seven children here, including a son with Down Syndrome. He is here to give support to the Sheriff's Office. He referred to his previous students that are in law enforcement in the neighboring counties and concerns about their budget cuts. He stated he feels it is difficult to do a job when you lose resources, including manpower, and he referred to the problems with the schools.

Jackie McCormick stated she supports public safety. She is a widow and along with some of her friends that they depend on the Sheriff's Department to respond. She noted that she recently had a fire at her house and a deputy arrived before the Fire Department.

Dan Tucker, resident and publisher of the *Gazette*, stated he supports public safety and law enforcement. He noted that a lot of residents have wondered when the violence that has permeated the San Joaquin Valley will come here; and he feels that happened last week with a crime that was committed. He feels that if we lower the barrier, we will find the consequences unacceptable.

Janet Kottman spoke in support of the Parks and Recreation activities for the children and families in the community; and she asked members of the audience that were present to support Parks and Recreation to stand, and several people stood. She stated she teaches a water fitness class at the town pool, along with Lori Verceles and April Hawley/instructors. She noted that we have health and safety issues that law enforcement takes care of, and that she feels that Parks and Recreation helps with a small staff with the pool and kids camp and other activities. As the Executive Director of CASA (Court Appointed Special Advocate), she advised that their advocates go to the Parks and Recreation activities and she noted that there are not enough free, wholesome activities. She presented letters signed by citizens in support of the Parks and Recreation programs.

Jeff Harsha read his letter into the record supporting the Parks and Recreation activities and expressing concern with the proposed cuts and potential impacts. He noted the impact the facilities and the programs have had on his family and the community. He referred to the importance of the swim lessons so the kids will know how to swim before going to the Merced River. In summary, he feels that the proposed cuts are cutting at the "heart and soul" of the County residents.

Diane Sorensen stated she supports the Arts Council, and she believes that they bring in visitors and should not have the funding cut.

Marlene Wilson spoke in favor of the Parks and Recreation programs, especially the benefits of the aquatic programs. She cited an example of a lady who benefitted from the pool programs after a car accident. She feels the swimming pools are a real asset to the County, along with the job opportunities that the programs create for the youth.

Gloria Franco-Moore commented on the need for volunteers, and she expressed concern with the decline in the friendly visitor program. She stated she feels that we need to support the Parks and Recreation programs, and commented on the benefits of the swimming pool programs.

Larry Vilott stated he feels that Parks and Recreation is an asset. He feels it is important to recognize that we are trying to develop festivals and celebrations to draw visitors to the area, and to recognize the efforts of the Arts Council. He feels that their funding should be doubled and they should be encouraged to expand.

Les Marsden, First Vice-President of the Arts Council and founding conductor of the Symphony Orchestra and Director of the Economic Development Corporation, commented on the benefits of the arts and he provided a handout. He noted that the Arts Council is bringing in the Air Force Band on Thursday and of the economic benefits to the County with the 30 hotel bookings for the Band, etc. He noted the Storytelling Festival is of economic benefit to the County, along with the Symphony Orchestra and the Evenings on the Green program and the arts programs in the schools.

Tony Toso, stated he is speaking as an individual, and he echoes Wayne Forsythe's support for law enforcement. Speaking on behalf of the agriculture industry, he asked that the Board remember how important agriculture is and he feels that it adds to the cultural experiences.

Lori Verceles stated she supports Parks and Recreation, and the Arts Council and she commended them for the services they offer to the day camp program.

Bob Rudzik commented on the history of the Bridgeport Fire Station and of the importance of getting this project done.

Jodie Favier addressed the need for the Bridgeport Fire Station. She stated she feels that everyone in the County benefits from the Arts Council; and as a retired teacher she feels this is a main-stay for why the County has the wonderful Band they do this year.

Linda Meyer stated she supports the Sheriff's Department and agriculture. She noted that she and her husband ranch in Hornitos and they take care of many things themselves, but having law enforcement is important.

Elna Philbert stated she has paid her taxes and fire insurance for over 35-years and stated she would like to see the fire station (Bridgeport) project move forward. She noted the great contribution the Master Gardeners make and commented on their community activities.

Adam Poffenroth stated he works for Public Works Fleet and he is opposed to furloughs and cuts because they would not be able to do the work that is necessary. He

feels that the Board needs to find another way to cut the budget. He commented on the impact of the deferred compensation reimbursement (FICA issue) and those impacts on the employees.

7:18 p.m. Recess

7:36 p.m. The Board reconvened.

Ben stated he works for Public Works Fleet and he is concerned with the proposed furloughs and cuts in the department. He advised that they work a 4/10 schedule and the employees would lose two hours of vacation time for each furlough day. He feels they need the ten hour days to work on the over 400 vehicles and equipment pieces that they are responsible for. He feels the proposed budget changes will not be good for morale.

John Meloy referred to the last 16 years of work for the Bridgeport Fire Station, and he stated he wants to make sure that this project is completed.

Rusty Avery, Master Gardener, spoke in support of the Master Gardener program, and she commented on their activities and hotline.

Linda O'Connor spoke in support of the Master Gardener program; and commented on her experience of being able to provide information to citizens as a result of the taking the class.

Debbie Cumings spoke in support of the Public Works Fleet services, and noted that they are an enterprise budget. She expressed concern with the proposed budget and with the furloughs.

Katie Owens spoke in support of the Master Gardeners and noted the importance of the education of the program for the citizens to save native flora and fauna.

Mary Ann Huff, speaking as a Master Gardener, commented on their work with the Ag department, agritourism, and 4-H. She advised of their plans to try and host the next Master Gardener conference and noted the possibility of booking 600 rooms for this event.

Chair Allen thanked everyone for coming and for the professionalism. Supervisor Bibby referred to the Master Gardener program and of processing the request for Title III funding to go toward this program for fire prevention and education. Supervisor Cann noted that the County prioritized the Bridgeport Fire Station project as a top priority two years ago and the Board has released the contract for the dirt work and design, and that funds are set aside from the Tobacco Settlement monies to build this station. Supervisors Allen and Bibby provided input on this fire station. Supervisor Bibby referred to consideration of health and safety and programs when looking at the budget; and she noted that it is not the employees' fault when looking at the State and Federal government budgets, and she stated that she feels that employees need to be considered a part of our infrastructure. Supervisor Allen noted that even though Board members are elected by district, they represent Mariposa County as a whole first; and that since Supervisor Turpin is recuperating that there has been contact with him and that he and Supervisor Cann have been in North County visiting with folks – the Board will not forget the North County area.

The Board recessed at 7:52 p.m. and continued the final budget hearing and the meeting to August 18th at 9:00 a.m.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS August 18, 2011 (Meeting Continued from 8-17-11)

Folder Time Description

9:06 a.m. Meeting continued from August 17, 2011, was called to order at the Mariposa County Government Center with Supervisor Turpin excused.

Pledge of Allegiance

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

Budget Binder

Administration

PUBLIC HEARING to Consider the Final Budget for Fiscal Year 2011-2012, and Continue the Hearing and Meeting to August 19th and 22nd, and Continue the Hearing to August 23rd, as Necessary to Conclude the Hearing and for the Adoption of the Final Budget (A Tentative Budget Hearing Schedule is Available at the Administration Office and at www.mariposacounty.org and is Subject to Change.) (Continued from August 17, 2011)

BOARD ACTION: Bill Davis/Auditor and Mary Hodson/Deputy County Administrative Officer, were present to respond to questions and to track the budget changes. Rick Benson, County Administrative Officer, presented the staff report with an overview of the budget; he advised this budget represents a 2.4 percent decrease from last year's budget, and he advised that estimated fund balance changes may need to be made since the budget hearing are being held earlier this year. He reviewed his recommendations for ten furlough days and asked that employees in the Human Services/Mental Health Department, Child Support Services Department, sworn officers and dispatchers within the Sheriff's Department and the Deputy Fire Chief be exempt from the furloughs. He advised that the proposed budget includes two layoffs in the Public Works Department. He reviewed the projected transient occupancy tax (TOT) revenues and the projected General Fund balance/carryover, and he presented charts showing the allocation of General Purpose Revenues and appropriation of funds.

Chair Allen called for public comment and none was received.

Supervisor Cann referred to the public comment that was received on August 17th and the concerns that were raised; commented on the budget revenues; stated he feels that there needs to be an action plan with goals; commented on accomplishments this past year; stated he feels that we need to work on labor agreements; requested that \$30,000 be allocated for one-half of a year's commitment for a firm that has offered to help with grant assistance and he noted that non-profit organizations and businesses have offered to help with the remaining \$30,000 for a full year of service; and he stated he feels that the Arts Council should be funded given the economic benefits of their programs and the small amount that is invested – otherwise, "it would be like the Governor cutting the funds for the fairs."

Supervisor Bibby referred to Supervisor Cann's request for funding for a firm to help with grants and noted the various programs and functions involved with economic

development; and she suggested that consideration be given to consolidating the support – perhaps with the firm - versus providing support to separate groups. She noted that the larger hotels are on the edges of the County, and stated she agrees that we need something in the town of Mariposa. She noted the importance of the departments to provide services in the County; and she feels that if everyone would pay their fair share that we would not need to increase taxes – she suggested that consideration be given to conducting an audit of all properties.

Supervisor Stetson added to the comments relative to the importance of the funding for the cultural services/tourism and he noted that those budgets represent a minuscule amount of the County’s budget; and he feels they should be fully funded.

Supervisor Allen referred to the County Administrative Officer’s allocation for public safety and stated he does not feel that all of the things that are included belong in this category. He expressed concern with the furlough proposal and the impact to the employees and the public we serve. He stated he feels the services the County provides should be reviewed to determine whether there are areas that the County is competing with the private industry – he noted the positive changes with contracting for the services provided at the Airport; and he suggested that the vehicle maintenance function be reviewed. He advised of his discussion with the Auditor relative to another \$200,000 in revenue that is expected from the State for the Human Services Department.

Supervisor Bibby asked whether there will be further discussion of the furlough recommendation and how it will work. Rick Benson responded with more information on this proposal – 80 hours is being recommended, and he suggested deferring discussion of implementation to the end of the budget hearing knowing that Board members want to avoid this.

Rick Benson and Bill Davis responded to a question from Supervisor Bibby as to whether the cost allocation is recouping all costs.

Supervisor Cann stated he feels it would be good to go through this budget process even earlier next year, and to be able to better predict the fund balances. Discussion was held relative to the furlough proposal.

Rick Benson provided a budget overview for each of the budget units and the Board reviewed the following budget units:

County Administrative Officer:

General Purpose Revenue – Rick Benson advised of a change to the recommended revenue estimate to add anticipated revenue of \$60,000 for Medicare Part D Subsidy. Staff responded to questions from the Board relative to the Interest line item; the Designation increase (line item for accrued benefits and unemployment benefits); the FICA line item; the Franchise line item and whether there are any other entities that should be paying franchise fees; and the Rents and Concessions line item. Supervisor Bibby initiated discussion relative to the TOT collection and noted that it is her understanding that some are adding cleaning amounts – she suggested that this be reviewed as well as the reporting method. Supervisor Cann suggested that Supervisor Bibby discuss these issues with the Tourism Bureau, and he noted that much of the information is proprietary. Further discussion was held on the Designation line item and the increased funding. Rick Benson recommended that the “Designation” title be changed to reflect the accrued benefits and unemployment benefits. Supervisor Cann asked for information on the “contingency” line items in the budget; and Supervisor

Stetson asked that a list be provided. Staff responded to questions relative the General Contingency budget for FY 2010-11 – beginning and ending balance; relative to expenditures from the Designation line item; and relative to the status of additional anticipated revenue from sales tax, Fire, Probation, and Agricultural Commissioner for grants and subvention; and relative to funding for Human Services. The Board concurred with this budget unit as revised. Mary Hodson clarified that employee changes that are approved through this budget process will be effective October 1, 2011; and she noted that will allow time for further adjustments with final fund balance changes.

Administration – Rick Benson advised of the recommendation to reduce the Office Assistant I/II position to 70-percent (versus 75-percent shown in the printed budget) permanent part-time, and discussion was held. The Board concurred with deleting the position, and Mary Hodson advised that she will identify the amount for this cost savings. Rick Benson suggested dealing with the furlough issue at the end of the budget hearing as an aggregate number of \$383,738; and the Board concurred.

Assessment Appeals, and Personnel – The Board concurred with these budget units.

Economic Development – Rick Benson advised of the grant award for the Telegraph road repairs, and he recommended not funding the E-civis program. Supervisor Cann initiated discussion relation to the E-civis program and he advised of pledges for contributions to continue this program. Discussion was held relative to the E-civis program and the request for funding for the Townsend Group. Marilyn Lidyoff, Business Development Coordinator, responded to questions relative to the status of the parking district structure grant application. Supervisor Bibby stated she feels that if the County contracts with the Townsend Group that a decision needs to be made as to whether to continue with having an economic development function or a business consortium with EDC. Discussion was held relative to the various functions and costs, whether the Economic Development name reflects the actual function, and relative to the purpose of the consultant. Supervisor Cann suggested that the administrative overhead of the road repair grant be reviewed – Rick Benson advised that he will discuss this with the Auditor. Supervisors Stetson and Bibby suggested that this budget be further reviewed in the hearing, as well as the name. Supervisor Bibby asked that the budget be limited to the revenues that are received for overhead costs. Supervisor Cann stated he feels it would be reasonable to subvent a majority of this budget this year and to have discussions with the entities that are involved relative to coordination of grants. The Board concurred with adding back the revenue and appropriations associated with the E-civis program for a total of \$6,000; and with further reviewing the Economic Development function for elimination or subvention with administrative costs.

Indigent Defense – The Board concurred with this budget unit.

Economic Development Strategy – Rick Benson advised that this was listed in error and this fund is no longer active.

Microenterprise Assistance Grant and Microenterprise Assistance Loan – The Board concurred with these budget units.

11:30 a.m. Recess

11:40 a.m. The Board reconvened.

Rick Benson advised of request to have discussion on the **Microenterprise Assistance Grant** budget. Supervisor Bibby asked about showing the revenue in the Economic Development budget.

Board of Supervisors:

Board of Supervisors – Discussion was held and the Board concurred with funding the Townsend Group in the amount of \$30,000. Further discussion was held relative to the furloughs. Staff responded to questions from the Board relative to the 4-H Council Fair Booth expenses. The Board concurred with this budget unit as revised.

Fish and Game and Forest Reserve HR2389 – The Board concurred with these budget units.

Tobacco Settlement – Discussion was held. Staff responded to questions from the Board relative to the status of funding for the Bridgeport Fire Station project – Rick Benson noted that the name of this fire station (versus Guadalupe) needs to be reflected in the budget. The Board concurred with this budget unit.

County Counsel – Discussion was held with Steve Dahlem, County Counsel, relative to this budget and revenue projections; and he expressed concern with the furlough proposal. The Board concurred with this budget unit.

Auditor:

Audits – The Board concurred with this budget unit.

Auditor – Discussion was held with Bill Davis relative to this budget. This Board concurred with this budget unit.

Government Center and Debt Assessment CSA #3 – The Board concurred with these budget units.

Treasurer – Tax Collector:

Treasurer – Tax Collector – Discussion was held with Keith Williams, Treasurer/Tax Collector/County Clerk, and he advised that there is \$19,753 that can be added to revenues for closing out Yosemite West and Mariposa Parking Bonds. He responded to questions from the Board relative to TOT collections and the cleaning fee issue, and relative to audits. He advised that he will work with County Counsel on the TOT cleaning fee issue; and that he agrees with County Counsel on the furlough concerns. The Board concurred with this budget unit, and with adding the revenue for closing out the bonds – it was noted that a separate agenda item will come to the Board on this.

County Clerk – Keith Williams commented on the affect that furloughs would have on issuing marriage licenses. The Board concurred with this budget unit.

Elections – Keith Williams commented on the affect that furloughs could have on candidates wanting to take out signature-in-lieu petitions at the end of December for the 2012 primary election. The Board concurred with this budget unit.

Yosemite West Bond Administration, Cash Difference – Tax Collector, Lake Don Pedro Bond Administration, Tax Collectors Cost, Vital/Health Clerk, Mariposa Parking Bond, Yosemite West Bond 2004, Yosemite West WWTP Reserve, Lake Don Pedro WWTP Bond, and Lake Don Pedro WWTP Reserve – Discussion was held with Keith Williams on the delinquencies and defaults on the Lake Don Pedro Bond Administration – Supervisor Bibby asked the County Administrative Officer to bring an item to the Board on how to address this matter. County Counsel advised that it is the County’s obligation to pursue collections, with foreclosure proceedings, if necessary. The Board concurred with these budget units.

Bill Davis provided input on his opposition to the furloughs; and he asked that if the furloughs are implemented that each department be allowed to manage the furlough days versus closing the office to the public.

Keith Williams stated he would like to provide further input on the furlough issue when it is considered at the end of the budget hearing.

Assessor/Recorder:

Assessor/Recorder – Discussion was held with Becky Crafts, Assessor/Recorder, and she expressed concern with furloughs and impacts to her office. She advised that a vacant Assessment/Recording Clerk I/II can be unfunded to meet the funding cuts that were requested of her department. The Board concurred that she work with Administration on this budget reduction (approximately \$41,000), and concurred with this budget unit.

Recorders Modernization, Recorders Cash Difference, Micro Conversion, Vital/Health Recorder, and Social Security Truncation – The Board concurred with these budget units.

Technical Services Director:

Technical Services – Discussion was held with Rick Peresan, Technical Services Director, relative to the status of the infrastructure and updates that need to occur. He expressed concern with the furlough proposal. The Board concurred with this budget unit as revised with adding \$100,000 for the Server Virtualization and training.

12:40 p.m. Lunch

1:43 p.m. The Board reconvened.

Chair Allen called for public comment on the following three budgets that were carried over from this morning's session, and none was received.

Agricultural Commissioner – Discussion was held with Cathi Boze, Agricultural Commissioner, and she agreed with County Counsel's concerns with the furlough proposal. The Board concurred with this budget unit.

Farm Advisor:

Cooperative Extension – Rick Benson noted the alternative funding source that is being pursued for the Master Gardener program through the Secure Rural Schools and Community Self-Determination Act Title III funding. Discussion was held with Maxwell Norton, Interim Farm Advisor. The Board concurred with this budget unit.

County Librarian:

Library – Rick Benson advised of the recommendation to reduce extra help and the resulting reduction in the Library hours. Discussion was held with Janet Chase-Williams, Librarian, and she advised of the further cuts per AB 121 that will delete the van service from the valley – about 32 crates of books every week. Discussion was held relative to the proposed closure on Saturdays and Mondays. The Board concurred with this budget unit as revised to add back the extra help for the Saturday hours - \$10,250.

Library Private Donation – Discussion was held with Janet Chase-Williams relative to the expenditures from this budget thus far on literature and equipment for the sight impaired.

Further discussion was held on the **Library** budget.

Input from the public was provided by the following on the budgets scheduled for the afternoon session:

April Hawley, Program Coordinator at Parks and Recreation for six years, stated she will lose her health insurance benefits for her family with the proposal to cut her position; and she provided input on the impacts she feels this cut will have on

their services and programs. She asked that the proposed cuts be weighed against the services that will be lost.

Darlene Benson, Engineering Technician II, commented on the affect the proposed cuts will have on her position. She stated she supports the furloughs if it will save jobs, but she does not support both furloughs and layoffs. She has to work and she wants to work for the County.

Levy Bisso stated he started on the welfare-to-work program and then he was hired full time; and now his Maintenance Worker position is being eliminated, and he does not want to go back on the system. He feels that furloughs across the board would be better than two people losing their jobs; and he commented on the shortages in the road crews now. He also noted the importance of maintaining the roads.

Eddie Scherf stated he agrees with Levy Bisso; and he asked if there should be a refund to the citizens who pay taxes if their roads are not going to be maintained properly. He stated he is an Engineering Technician that will be demoted to the road crew, and he advised that they have lost two staff members in the Engineering division in the last two years that have not been replaced and this will further impact the division. He asked whether the Board realizes that there are extra help employees working in Engineering, and according to the MOU those are the first cuts that should be made.

Debbie Macias, SEIU 521 representing the employees, commended the Parks and Recreation staff member for her presentation. She stated she hopes that the employees are not being cut just because they are on probation and it is easier. She agrees that we need to look at letting the extra help go first. She commented on the layoffs and furloughs.

Chair Allen advised that during the lunch recess that the Auditor and Deputy County Administrative Officer met relative to the savings that would occur by unfunding the vacant **Assessment/Recording** Clerk I/II - \$41,000; and by eliminating the Office Assistant I/II position in **Administration** - \$33,700. The Board concurred with these revisions.

Public Works Director:

Facilities Maintenance – Rick Benson reviewed the major maintenance projects, and he advised of the addition of the new Human Services building and of the transfer of a maintenance worker employee from the Behavioral Health budget to this budget unit. Peter Rei/Interim Public Works Director, and Pam Brochini/PWD-Facilities Maintenance Manager, responded to questions from the Board relative to the number of buildings that the staff is responsible for and being able to reduce cleaning services in the facilities; relative to the uniform allowance and requirements; and relative to expenses for maintenance of equipment. Supervisor Allen requested that the County Administrative Officer work with the Unions on the uniform issues. Mike Pardi/PWD-Administrative Analyst, responded to a question from the Board relative to the Professional Services line item and expenses, including expenses for the Red Cloud Library. Supervisor Allen noted the increase in staffing over the last few years, and he asked whether there is anyway to be more efficient. Staff suggested unfunding the vacant Maintenance Worker I/II position, and the Board concurred. Discussion was held relative to maintenance at the parks; work needed to accommodate moving departments to facility(s) vacated by Human Services and options; Courthouse painting project – County Administrative Officer advised that he will need to discuss this project with the Superior Court Judges to see if other funding sources could be used; relative to the source of funding used for the Courthouse clock repair project; and the status of the energy efficiency grant – the Interim Public Works Director was asked to bring back information on the status of this. The Board concurred with this budget unit as revised

with reducing the Equipment Maintenance line item by \$10,000 and with unfunding the vacant Maintenance Worker I/II position - \$51,000 savings.

Public Works Administration – Rick Benson noted that the department head position is vacant and that the Assistant Director position is recommended to move to the Road budget. Peter Rei noted that the Assistant Director is currently the only licensed engineer in the department, the other position is vacant and not funded, and he feels it is important to have someone managing the engineering work that is licensed – discussion was held as to whether that person could work part-time or whether the services could be contracted, and relative to the Director position requiring this license. The Board concurred with this budget unit.

Regional Transit Services – Supervisor Cann noted that YARTS has added two express runs at no additional cost to the County; and Barbara Carrier/PWD-Administrative Analyst, concurred. Supervisor Stetson noted the possibility of changes in the regional service. Staff concurred with Supervisor Bibby’s question that these are categorical dollars that have to go to transportation. The Board concurred with this budget unit.

Parks and Recreation – Rick Benson advised of the recommended budget reductions – layoff of one 0.60 permanent part-time Recreation Program Coordinator position and a significant reduction in extra help. Supervisor Bibby referred to the suggestion that was made on August 17th to create a way to set up for acceptance of donations for the programs – Rick Benson noted that something could be set up similar to what was done for the Friends of the Library. Supervisor Bibby suggested discussing the youth program with Human Services and with the Health Officer/Tobacco Cessation Funds to see if they have funds that could help with these programs. Supervisor Cann advised of input he received from the Sheriff after the August 17th meeting relative to his concern with eliminating the programs and the potential impacts on law enforcement – he mentioned that depending on his budget status, of potentially being able to assist with funding the proposed reductions. Supervisor Stetson referred to the El Portal swimming pool programs and commented on the importance of these programs; and he noted the Arts Council programs that are related to these programs. Discussion was held. The Board concurred with funding \$58,000 from the Rural Crime Prevention program to backfill the recommended budget reductions, contingent on this being confirmed by the Sheriff. Mike Pardi provided input on setting up accounts so that donations can be tracked, like was done for the “movie in the park” program. Shannon Hanson/Parks and Recreation Manager, provided input on the budget and advised that a \$500 donation was received for the Day Camp program. Supervisor Cann stated he would like to find a way to have an offset of the Day Camp cost by subsidy or scholarship. Further discussion was held, and Supervisor Bibby suggested that there be consideration of adding a \$5.00 surcharge on the facility rental fee to add to this fund. This Board concurred with this budget unit as revised.

Local Transportation, State Transit Assistance, Transportation Planning, and Pedestrian Bikeway – The Board concurred with these budget units.

3:11 p.m. Recess

3:27 p.m. The Board reconvened.

Roads – Rick Benson advised of the recommended budget reductions – appropriations from the General Fund contribution is approximately \$817,000 (\$266,000 less than requested), layoff of one Engineering Technician II, release of one Maintenance Worker I, keep a currently vacant Maintenance Worker III position unfilled, and reduction of funding for extra help. Staff responded to questions relative to the extra help funding in the recommended budget and advised that it is for work that has already been done this fiscal year. Discussion was held with Randy

McAndrews/PWD-Road Superintendent, relative to the budget and impacts to the department and the staffing of the crews. Discussion was held with staff relative to the status of staffing, relative to consideration of eliminating the Assistant Public Works Director position and contracting for the engineering work, relative to the Telegraph Fire road repair grant work, relative to AB 720 which will restrict the ability to use County staff on projects – Peter Rei advised that he will follow-up on the status of this legislation and impacts to the County, and relative to the status of funding in the Zone of Benefit Fund 273. The Board concurred with this budget unit and with further considering the elimination of the Assistant Director position in the budget hearing process.

Roads – Special Projects, County Service Area #3, and Lake Don Pedro Fire Station – the Board concurred with these budget units.

Water Agency – Supervisor Bibby asked about the status of repayment of the IRWMP loan and discussion was held. The Board concurred with this budget unit.

Coulterville Lighting, Coulterville Service Area, Don Pedro Service Area 1M, Don Pedro Sewer, Hornitos Lighting, Mariposa Lighting, Mariposa Parking, Mariposa Pines Sewer, Wawona Service Area, Yosemite West Maintenance, and Hazardous Material Clean Up – The Board concurred with these budget units.

Capital Improvement Projects – Rick Benson noted the earlier request to change the name on the fire station to reflect Bridgeport Fire Station. The Board concurred with this budget unit.

Solid Waste & Recycling – Rick Benson recommended that the funds that are transferred into this budget be considered a loan from the General Fund. Supervisor Bibby asked about the status of setting aside funding for the purchase of land for monitoring, and Supervisor Cann stated he felt that Water Agency funds would be able to fund this. The Board concurred with this budget unit.

Airport Operations – Mary Hodson advised of the County cost for this budget. Peter Rei advised of his attendance at an Airport Advisory Committee meeting last week. Supervisor Bibby asked whether the Special Aviation funds can be used to offset the County costs – staff is reviewing this matter. The Board concurred with this budget unit.

Airport Project DTFA08, Special Aviation, Parallel Taxiway – Discussion was held relative to the Special Aviation funding, and Supervisor Bibby asked about Fund 611 – staff is reviewing the \$42,000. The Board concurred with these budget units.

Fleet Maintenance – Rick Benson advised of the recommended budget reductions – keeping the recently vacated Equipment Mechanic position unfunded for the remainder of this fiscal year; and that charges to the Fire Department be reduced by \$230,000. Discussion was held with Joe Halencak/PWD-Fleet Superintendent, relative to vehicle maintenance and charges, and relative to being more productive. The Board concurred with this budget unit.

Fire Vehicle Replacement – Rick Benson provided a reminder of the commitment to provide replacement funding for the fire engines being purchased through CSA #3, and he advised that has been occurring. The Board concurred with this budget unit.

Vehicle/Heavy Equipment Replacement – It was noted that a list of the vehicles to be replaced this fiscal year is included in the budget information. The Board concurred with this budget unit.

Rick Benson commended Mary Hodson for the work she has done on this budget. Bill Davis commended his staff for their work with the end of the year balancing, the audits and budgeting, especially Debbie Isaacs/Assistant Auditor.

The Board recessed at 4:05 p.m. and continued the final budget hearing and the meeting to August 19th at 9:00 a.m.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS
August 19, 2011
(Meeting Continued from 8-18-11)

Folder Time Description

9:09 a.m. Meeting continued from August 18, 2011, was called to order at the Mariposa County Government Center with Supervisor Turpin excused.

Pledge of Allegiance

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

Budget Binder

Administration

PUBLIC HEARING to Consider the Final Budget for Fiscal Year 2011-2012, and Continue the Hearing and Meeting to August 22nd, and Continue the Hearing to August 23rd, as Necessary to Conclude the Hearing and for the Adoption of the Final Budget (A Tentative Budget Hearing Schedule is Available at the Administration Office and at www.mariposacounty.org and is Subject to Change.) (Continued from August 18, 2011) BOARD ACTION: Bill Davis/Auditor and Mary Hodson/Deputy County Administrative Officer, were present to respond to questions and to track the budget changes.

Chair Allen called for public comment and none was received.

Rick Benson, County Administrative Officer, provided a budget overview for each of the budget units and the Board reviewed the following budget units:

Health Officer:

Health/Air Pollution - Rick Benson advised of the recommendation to keep several vacant positions unfunded. Dr. Mosher, Health Officer, provided an overview of his department, and advised of the following issues/goals: water quality and quantity, and he noted that he will ask that gray water and water reuse be further considered in the future; air quality - ozone and smog issues; preventable communicable disease; public safety and public health emergency response; tourism - inspections at B&Bs and restaurants and they are working with the Hospital, pool inspections, and tobacco litter campaign. He responded to questions from the Board relative to air quality issues with smoke from fires in Ponderosa Basin and the town basin area, and he advised of their purchase of a mobile air monitor; relative to the transition of the employees from the State to the County last fiscal year; relative to the local enforcement at the landfill; and relative to the status of the visiting public health nurse and the dental programs that were funded by the First 5 grants. Discussion was held. The Board concurred with this budget unit.

Emergency Medical Services, Tobacco Cessation, Realignment Health, Perinatal Program, Public Health Emergency Program, Local Enforcement Agency, First Five Visiting Public Health Nurse, West Nile Virus, HRSA Bio-Terrorism, Pacific Bell Settlement, Above Ground Petroleum Storage Act (APSA), HPP H1N1, PHER Phase I and II, Pandemic Influenza - State, and CDC PHEP Phase III - The Board concurred with these budget units.

Planning Director:

Planning – Rick Benson advised of recommended reductions in the Extra Help and Professional Services line items. Discussion was held with Kris Schenk, Planning Director, relative to the consequences of the impacts of the recommendation to cut the budget; and he advised he will come back to the Board in the fall with an item on prioritizing the projects. He advised that the reductions will leave 500 hours for code enforcement/Extra-Help Code Enforcement Technician and existing staff will assist with this function; and will leave 400 hours total for the two Extra-Help Senior Planners for work on the Wawona Specific Plan, completing environmental assessments, completing the State mandatory housing ordinances, and for work on LAFCo. He advised that staff supports furloughs versus potential layoffs; however, office closures in the last week of the year could pose problems with processing end of the year requests. He provided input on the funding in the Professional Services line item for the technical studies necessary for completion of the Catheys Valley Community Plan and for the five-year major General Plan update. Discussion was held relative to costs to do a countywide global warming study versus doing the study on a project by project basis for those projects that require a CEQA review. Supervisor Allen asked for a list of pending projects that require environmental assessments. Discussion was held relative to the status of LAFCo projects; the status of development of sign standards and enforcement; and the status of Williamson Act contract code enforcement. Kris Schenk agreed that the General Plan work could be revisited at mid-year as the remaining funds are insufficient at this time. The Board concurred with this budget unit and with reducing the Professional Services line item by \$14,000 for the five-year General Plan update, with this issue to be revisited at midyear.

SDA Camp EIR, South Shore Ranches LLC EIR, Yosemite Cascades EIR, Silvertip Resort EIR, Vallecito Specific Plan EIR, Microform, Local Agency Formation Commission (LAFCo), and Mariposa Aggregate – The Board concurred with these budget units.

General Purpose Revenue – Supervisor Cann initiated discussion relative to the status of the anticipated revenue that the Auditor mentioned earlier in the budget hearing process. Bill Davis provided more information on the breakdown of the anticipated revenue. The Board concurred with increasing the beginning fund balance by \$150,000.

10:09 a.m. Recess

10:24 a.m. The Board reconvened.

Building Director:

Building – Rick Benson advised that a loan in the amount of \$104,000 will be required from the General Fund to be able to continue to provide services this year. Discussion was held with Mike Kinslow/Building Director, relative to the Department's activity; and he commended his staff. He responded to questions from the Board relative to the Professional Services line item; and he advised that they are required by State law to have the fire station projects reviewed and they use this line item to cover plan check review services for other complicated projects. Supervisor Cann asked about covering the costs for review of the fire station projects from the Tobacco Settlement Funds that were allocated for the fire stations. Rick Benson suggested that the Professional Services line item be reduced by \$20,000 with further review to occur at midyear, and the Board concurred. Supervisor Bibby asked about the status of charging for providing information for foreclosures. Supervisor Allen asked about the Vehicle Expense line item and suggested that consideration be given to giving up one

vehicle and with using a pool vehicle as a backup. Mary Hodson advised that she would discuss this suggestion with the Fleet Superintendent and the Auditor to determine the cost savings and taking into account the depreciation charges; and the Board concurred. Supervisor Cann asked about the cost of permit fees and suggested that consideration be given to forgiving building permit fees to encourage new housing construction. Mike Kinslow advised that he will bring information back to the Board on permit fees. Supervisor Bibby asked about looking at fees for commercial construction and discounts. The Board concurred with this budget unit as revised.

County Fire Chief:

Fire – Rick Benson commended the volunteers for their service, and he advised of the recommendation to defer replacement costs for command vehicles and older County fire engines for this year to help balance the budget. Discussion was held with Jim Wilson, Fire Chief, relative to the budget. Supervisor Bibby asked which line items are associated with grants, and she noted that some of the line item names are confusing as to what the allocations are for. The Board concurred with this budget unit.

Special Grants – Fire, Fire – SAFER Grant, and Disaster Recovery – Supervisor Bibby initiated discussion relative to the County not being reimbursed for the March storm disaster in the Disaster Recovery budget. Rick Benson advised that staff will come back with an item to discuss the process for future disasters. Discussion was held and the Board members thanked the department for their service and everyone involved in the March storm disaster. The Board concurred with these budget units.

Jim Wilson provided input on the impacts that furloughs would have on his department and he noted that two positions are grant funded. He advised that he received notification on Monday that the check is in the mail for \$128,161 for last year's EMP grant. Bill Davis advised that means that the fund balance will increase by this amount, and the Board concurred (**General Purpose Revenue**). Rick Benson asked the Fire Chief to comment on the incident that occurred on Monday with a carbon monoxide detector that was installed in their recent program. Jim Wilson advised of the call they received and actions that were taken, and he noted the importance of complying with the new law and installing the detectors.

10:59 a.m. Recess and Lunch

1:35 p.m. The Board reconvened.

Public Works – Roads: Supervisor Allen asked that an allocated but unfunded Maintenance Worker I/II position be funded, and the Board concurred with adding \$40,000.

General Purpose Revenue – Supervisor Allen asked the Auditor to review the Reserve/Contingency/Designation list he provided to the Board. Discussion was held. The Board concurred with eliminating the Designation increase of \$100,000.

Chair Allen called for public comment and none was received.

Human Services Director:

Jim Rydingsword, Human Services Director, provided an overview of their budget units, and he commended Cindy Larca/HSD-Fiscal Officer, for her work with the budget. He advised of the Federal Budget Control Act of 2011 and the 2011 State Budget Act and potential impacts. Supervisor Bibby asked whether there are any funds in their programs that could help with the Day Camp program; and Jim Rydingsword advised they would need to see if there is a connection with the eligibility of the youth and the programs they run, and that he would check to see if there are Community

Action Agency funds that could be used as a challenge to the community to help those youth. Supervisor Cann asked whether the department could help with determining the eligibility if a program is established to provide assistance. Supervisor Allen stated he would like to see this considered for programs countywide.

Behavioral Health – Rick Benson advised that this budget includes a reduction of 0.40 positions to reflect the reallocation to the Mental Health Services Act budget unit. The Board concurred with this budget unit.

Alcohol and Drug – Rick Benson advised of a reclassification of an Office Assistant II position to a Senior Office Assistant position. The Board concurred with this budget unit.

Social Services – Rick Benson advised that this budget unit is combined with the former Employment and Community Services budget unit; and he advised of recommended position changes with the addition of a Social Worker IV and an Eligibility Worker I/II. The Board concurred with this budget unit.

Social Services, Social Service Programs, Human Services Administration, Employment and Community Services, Family Preservation, Housing Development, Housing Authority Voucher, Energy Grant, Community Programs – CAA, TANF Incentives, Proposition 36 – Substance Abuse, Individual Education Plan, Youth Council, Incentives Social Services, Assistance Advance, Children’s Trust, Drug & Alcohol Prevention, Welfare Trust, Alcohol Program, Medi-Cal County Bounty, Realignment – Mental Health, Realignment – Social Services, Mental Health Services Act, In-Home Supportive Services Public Authority, and Wraparound – Rick Benson noted that the Housing Authority Voucher budget unit is no longer operative as this responsibility has been transferred to the state. The Energy Grant includes the recommendation to fund an allocated, but previously unfunded Account Clerk III position. He advised that the Mental Health Services Act budget unit includes an increase of 0.40 positions and the reclassification of an Account Clerk I/II position to a Mental Health Aid and reclassification of a Mental Health Assistant I to a Mental Health Assistant II. The Board concurred with these budget units.

Supervisor Cann asked about the status of the technology changes for the department with its move to the new facilities, and discussion was held.

Child Support Services Director:

Child Support Services and Child Support Advance – Discussion was held with Debbie Walton, Child Support Services Director relative to the Cost Allocation line item. The Board concurred with this budget unit.

Community Services Director:

Terri Haworth, Community Services Director, provided an overview of the programs and funding for the department.

Veterans’ Services, Senior Services, Senior Nutrition, and Transit – Supervisor Bibby asked about impacts to the programs with the increase in food prices, and discussion was held. Terri Haworth commended her staff and volunteers. The Board concurred with these budget units.

The Board recessed at 2:28 p.m. and continued the final budget hearing and the meeting to August 22nd at 10:00 a.m.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS August 22, 2011 (Meeting Continued from 8-19-11)

Folder Time Description

10:01 a.m. Meeting continued from August 19, 2011, was called to order at the Mariposa County Government Center with Supervisor Turpin excused.

Pledge of Allegiance

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

Budget Binder

Administration

PUBLIC HEARING to Consider the Final Budget for Fiscal Year 2011-2012, and Continue the Hearing and Meeting to August 22nd, and Continue the Hearing to August 23rd, as Necessary to Conclude the Hearing and for the Adoption of the Final Budget (A Tentative Budget Hearing Schedule is Available at the Administration Office and at www.mariposacounty.org and is Subject to Change.) (Continued from August 18, 2011)

BOARD ACTION: Bill Davis/Auditor and Mary Hodson/Deputy County Administrative Officer, were present to respond to questions and to track the budget changes.

Chair Allen called for public comment and none was received.

Rick Benson, County Administrative Officer, provided a budget overview for each of the budget units and the Board reviewed the following budget units:

Presiding Superior Court Judge:

Grand Jury and Law Library – The Board concurred with these budget units.

District Attorney:

District Attorney – Prosecution – Rick Benson advised of the recommendation that \$25,000 of the Proposition 172 funding be allocated to the District Attorney's budget, previously all of the funds were allocated to the Sheriff's budget. He also advised of the recommendation that the two positions that will become vacant this fiscal year be left unfilled – the Senior Office Assistant position from January 2012 through June 2012, and the Deputy District Attorney I for two months – October – November 2011. Bob Brown, District Attorney, gave an overview of his department. He stated he does not feel that furloughs work for public safety; he provided input on pending cases; he advised that one of his attorneys accepted another position and he will be asking to fill that position after accruing two months of salary savings; and he has agreed to keep a Senior Office Assistant vacant after the retirement of the incumbent for six months and he wants to further discuss this timeframe if funding comes in better.

Vertical Prosecution Grants, Drug Enforcement Grant, Victim Witness, District Attorney Asset Forfeiture, Department of Justice, and Sund-Pelosso

Advance – Mary Hodson noted that there is no funding in the budget for the Vertical Prosecution Grant as the funding was eliminated by the State, just funding for insurance

costs, and the salary/benefit costs are now budgeted in the District Attorney – Prosecution budget unit. Bob Brown provided input on the status of grant funds for their programs. The Board concurred with these budget units.

Sheriff-Coroner-Public Administrator:

Doug Binnewies, Sheriff-Coroner-Public Administrator, provided an overview of his budget units and activities; reviewed the status of grant funding; advised that the department developed a business plan; and he stated he does not support furloughs especially for public safety. He provided his thoughts on vehicle maintenance and stated he would like to be able to pursue options to minimize costs, and discussion was held. He commented on his thoughts to make office tasks more efficient by eliminating the redundancy of data entries and invoices between his office and the Auditor. He commended the Technical Services staff for their assistance. He advised that they have implemented options to reduce printing costs by utilizing the copy machine for this purpose. He thanked Undersheriff Joel Bibby and staff for their work on the budget.

Sheriff-Coroner-Public Administrator – Rick Benson advised that the recommended budget includes a 2 and ½ percent increase in the General Fund contribution from the previous year. Supervisor Allen asked about the County Vehicle Expense line item and separating out the depreciation funds; and discussion was held. Discussion was held relative to the vehicle expenses and maintenance, and relative to maintenance of the buildings. The Board concurred with this budget unit.

Boating Safety – Rick Benson advised of the recommendation that one position remain unfunded. Supervisor Bibby asked the County Administrative Officer to review whether the houseboats qualify for TOT when used for overnight rentals. The Board concurred with this budget unit.

Jail – Sheriff Binnewies advised of a cost savings measure that they implemented - inmates that want coffee need to purchase it from the commissary. He advised that they plan to purchase the control room panel using Rural County Crime Prevention funding. He responded to a question from the Board relative to the Utilities line item. The Board concurred with this budget unit.

Asset Forfeiture, Sheriff Asset Forfeiture, SLESE, Rural County Crime Prevention, DNA Identification, County Inmate Welfare, Fingerprint ID, and Animal Control – Supervisor Bibby asked about the funding requirements for the DNA Identification; and the Sheriff said he will further review. Sheriff Binnewies agreed with using RCCP money to fund the cuts that were made in the **Parks and Recreation** budget unit. The Board concurred with these budget units, including the revision of using the RCCP money.

Public Administrator – Supervisor Bibby asked about the status of the trust monies where no heirs have been identified; and discussion was held. The Board concurred with this budget unit.

Criminalistic Lab, Standards & Training Corrections Program, Automated Warrant System, Civil Matters, and Sheriff – Civil GC26746 – Following discussion, the Board concurred with these budget units.

11:21 a.m. Recess

11:31 a.m. The Board reconvened.

Chief Probation Officer:

Pete Judy, Chief Probation Officer, gave an overview of his budget and the department's activities; and he thanked his staff and the departments that he works with. He provided input on the implementation of AB 109/transfer of inmates and parolees from the State to the Counties; and he noted that no funding or staffing is included in his budget at this time. He reviewed the status of collections for the Revenue and

Recovery function, and discussion was held. Supervisor Bibby extended congratulations for their recent on-site audit.

Juvenile Detention – The Board concurred with this budget unit.

Probation – Pete Judy requested that his department be exempt from the furloughs and advised that they have suggestions for alternative methods to reach that budget goal. Discussion was held relative to the Community Corrections Partnership (CCP) funding for implementation of AB 109; and Pete Judy suggested that \$10,000 from the planning monies be used to keep the Library open on Mondays; and discussion was held. The Board concurred with this budget unit and with using \$10,000 of the CCP planning money for the Library as suggested.

Juvenile Justice Crime Prevention Act, Domestic Violence, Probation – Drug Program, Revenue & Recovery, and Youthful Offender – The Board concurred with these budget units.

Supervisor Cann suggested reviewing the items that have been placed on the “white board” and being held pending further consideration during this budget process. The items were reviewed and discussion was held. Supervisor Cann stated he feels that the Board did not agree to eliminate the Economic Development function, but wanted to look at subventing the function with administrative costs; and discussion was held. He further suggested that a portion of the \$100,000 of the revenue increasing the fund balance be used to digitize the Board records/agenda management system and to purchase a projector for the Board Chambers. Rick Benson initiated discussion relative to the elimination of the Officer Assistant I/II in Administration, and he asked for further review; and discussion was held. Supervisor Bibby asked about the landfill charges that are included in some budgets, and discussion was held. Further discussion was held relative to the costs for the Office Assistant I/II position in Administration. Supervisor Cann referred to the Unfunded Liability Fund and noted that a decision needs to be made as to whether to pay down the PERS safety unfunded liability with the 1.7 million that is in this fund. Rick Benson stated he would like to contact PERS and obtain information on what that would mean for the County and come back to the Board with a report, and the Board concurred.

The Board continued the final budget hearing to August 23rd at 9:00 a.m. and adjourned the meeting.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

August 23, 2011



Folder Time Description

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

Pledge of Allegiance

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

Introductions – none

1

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

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

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

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

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

Eleanor Keuning referred to the certificate for Pearl Williams’ birthday and asked if her neighbor could get a certificate when she turns 95; and she noted the Butterfly Café is not serving lunch anymore and she feels there should be better communication with the tour guides on these updates.

Ruth Catalan referred to the press release of the 8.5 million dollars that was secured for the Telegraph Fire road repairs and noted that this can be attributed to the efforts of Marilyn Lidyoff.

Lester Bridges, President and Interim Executive Director of the Chamber of Commerce, advised of the Sultry Summer Shindig that was held in Coulterville, and he noted that the Hotel Jeffrey is open. He provided input on the activities at the visitors’ centers; noted the Park Ranger will stay through September; and he advised that they are selling Park passes now. They will continue with the Courthouse and old jail tours through Labor Day. He announced that the mixer is scheduled for this evening at the Hospital on the lawn. He thanked the Board members for attending the mixer that was held at County Fire for the 9-11 memorial, and for support of the Chamber. Supervisor Cann commented on the benefit of being able to sell passes to the Park.

Board Information

Supervisor Bibby commended the Probation Department for their recent juvenile hall facilities inspection and she noted there were no compliance issues. She plans to attend the poverty workshop at Human Services on August 25th and the Calaveras-Mariposa Community Action Agency meeting in Calaveras with Supervisor Stetson on August 26th. She reminded everyone to support the local fair.

Supervisor Cann noted that this is the fifth day of budget hearings, and he referred to the comments from the public on August 17th and the real coming together of the public and the departments focusing on the community and the County as a whole. He plans to attend the RCRC (Regional Council of Rural Counties) meeting on Wednesday in Sacramento, and he commented on the State budget revenue projections and shortfalls.

Supervisor Stetson advised that he plans to attend the Calaveras-Mariposa Community Action Agency meeting on Friday; and he agreed with Supervisor Cann's comments on the budget hearing.

Supervisor Allen also agreed with the comments on the budget hearing. He advised that he attended the Habitat for Humanity's award of their first house to Wendy Sternberg and her three sons on Saturday; and he commended the volunteers and the businesses that made this happen. He attended the Fair Rodeo Queen contest at the Fairgrounds on Sunday as a judge. He plans to attend the Student Loan Association meeting on Thursday at the High School. He plans to attend the Mountain Valley Emergency Medical Services Agency meeting on Monday in Copperopolis.

Budget Binder

Administration

PUBLIC HEARING to Consider the Final Budget for Fiscal Year 2011-2012, to Conclude the Hearing and for the Adoption of the Final Budget (A Tentative Budget Hearing Schedule is Available at the Administration Office and at www.mariposacounty.org and is Subject to Change.) (Continued from August 22, 2011)

BOARD ACTION: Bill Davis/Auditor and Mary Hodson/Deputy County Administrative Officer, were present to respond to questions and to track the budget changes.

Public comment was provided by the following:

Jeff Hentz, Yosemite/Mariposa County Tourism Bureau Executive Director, provided input and a reminder of the importance that they receive funding at the \$500,000 level. Supervisor Cann initiated discussion relative to the information on the increase in the usage of the Highway 140 corridor. Supervisor Bibby complimented Jeff Hentz for his work; and she commented on her concern about inconsistencies in adding cleaning fees to the room rate.

John Forde, Butterfly Café, stated he supports fully funding the Tourism Bureau. He noted that he recently attracted the tour buses to stop at his restaurant, but there is no bus parking in town, and he feels that we need to be able to accommodate them. Supervisor Bibby noted that the parking in town will be further impacted by Chocolate Soup and the Pizza Factory following CalTrans' review of a citizen's complaint; and she suggested that it would be helpful to get a letter from the downtown merchants asking for bus parking.

Eleanor Keuning commented on her recent hotel stay in southern California where they added on extra hotel charges to her bill. She referred to the bus parking issue and noted the importance of being able to park close to the destination as the elderly are unable to walk any distance; and she advised of requests she has received for tourists to be able to purchase walking sticks.

Mary Ann Huff referred to Eleanor Keuning's comments and discussions at the Tourism Bureau meetings of reaching out to the "empty nesters." She thanked the

Board for its role in the designation of Highway 132 as John Muir Highway; and thanked the Tourism Bureau for getting the information into Sunset magazine. She advised that they are seeing an increase in tourism to the North County; commented on rumors of changes that are occurring in the businesses in North County; and stated now is not the time to cut funding to the community/cultural services.

Kevin Shelton, Vice-President of Yosemite Resorts, used the analogy of telling the 4-H and FFA members that they have to work hard with their animal projects, provide the right environment and nourishment, and when they get into the show ring, they will do well; and he stated the Tourism Bureau is no different. He feels that with proper budgeting, that our County will continue to be a “Grand Champion Destination.”

Rick Benson, County Administrative Officer, provided a budget overview for each of the budget units and the Board reviewed the following budget units:

County Administrative Officer:

Community/Cultural Services (Tourism) – Rick Benson suggested that the name of the line item for the contract with the Chamber of Commerce be changed to reflect that the funding is for the operation of the two visitors’ centers. Discussion was held relative to the following line items:

- Arts Council – The Board concurred with adding back funding in the amount of \$51,000.
- Supervisor Cann noted that correspondence was received requesting funds from some of the groups, and he asked whether anything was received from the Rural Media Arts; and Mary Hodson responded that the Rural Media Arts responded to an email she sent to them stating they would like to be included for funding. Supervisor Cann commented on the efforts in trying to get a CDBG grant for the Rural Media Arts. He also advised that he discussed funding for the Northside History Center with Supervisor Turpin this morning.
- Yosemite Renaissance – Discussion was held.

General Purpose Revenue – Bill Davis advised of his discussions with the Public Works, Health and Fire Departments relative to the status of their revenues and fund balances; and he agrees with increasing the fund balance by \$120,000; and he noted that there is still another \$85,000 that is questionable. Rick Benson asked the Auditor to clarify that the \$120,000 is in addition to what was previously added to increase the beginning fund balance, and he confirmed that advising that \$2,185,000 is the current fund balance estimate. The Board concurred with increasing the fund balance by the \$120,000, for a total increase of \$398,000. Discussion was held, and Supervisor Bibby expressed concern that the State could defer payments on the grants.

The Board continued with the Community/Cultural Services (Tourism) budget unit:

- Yosemite Renaissance – The Board concurred with adding back funding in the amount of \$10,000. Rick Benson reminded everyone that the fund balance is the best estimate at this time, and he provided input on the budget process.
- Northside History Center – Supervisor Allen noted that he met with representatives of the History Center in Supervisor Turpin’s absence, and he commended them for their work. The Board concurred with adding back funding and allocated \$5,200.

- Rural Media Arts – Supervisor Stetson stated he is willing to support funding, and discussion was held. Supervisors Allen and Cann stated they would be willing to consider a funding request at midyear if a formal request is received with information on how the money has been utilized in the past and what the funding request will cover for this fiscal year. The Board concurred with recommendation of not allocating funding at this time.
- Fair Parade – Discussion was held and Mary Hodson advised of the Lions Club’s efforts to save costs this year, so there is a reduction in the recommended budget to reflect the actual cost of the parade awards. Supervisor Cann suggested that the full funding be restored in the future, and the Board concurred. No change was made for this budget.

Discussion was held on the remaining portions of this budget unit. Supervisor Cann suggested that consideration be given to having the County Administrative Officer meet with the Chamber of Commerce and the Tourism Bureau on doing separate request for proposals (RFP) for the two visitors’ centers; and discussion was held. He commended the Chamber for its work with the visitors’ centers over the last couple of years.

Lester Bridges noted that an RFP was solicited about three years ago and the Northside History Center was higher than the Chamber. He commented on the number of employees and programs the Chamber has, and he stated he feels that they are going above and beyond the contract requirements in providing the services.

Supervisor Bibby thanked the Chamber for the information that has been provided and for efforts to have non-alcoholic events; and commented on coordinating efforts with the EDC.

Rick Benson advised that he will change the line item title to Visitors’ Centers Fund versus Chamber of Commerce. The Board concurred with the County Administrative Officer pursuing RFPs as discussed. The Board concurred with this budget unit as revised.

10:28 a.m. Recess

10:40 a.m. The Board reconvened.

Interfund Transfers – Rick Benson advised of the recommendation to write-off the FICA loan from the Tobacco Settlement Fund pursuant to previous direction; advised of the recommendation in the reduction of the Road Fund contribution and the loan to the Solid Waste Fund; he advised of changes in the Building Department loan pursuant to direction given earlier in the budget hearing; and he advised of changes in the Senior Nutrition loan. Mary Hodson clarified that the changes are as a result of the furloughs not being implemented, and she commented on the budgeting process for this. She also commented on the Building Department fund balance and noted that there may be an impact on the loan amount. Supervisor Cann initiated discussion relative to the Road Fund and receipt of the Telegraph Fire road repair grant. Staff responded to questions from Supervisor Bibby relative to the status of the Government Center Fund and relative to the School Service Contribution. The Board concurred with this budget unit as revised.

Risk Management – Discussion was held, regarding the Workers Compensation fund. The Board concurred with these budget units.

Contingency – General – Rick Benson advised that this budget will be adjusted after all of the pending items (white board) are reviewed and decisions are made.

Bill Davis advised of his review of the property tax revenues this morning and they are considerably down from last year; and he suggested a reduction of \$50,000 in the Secured Property Tax line item in the General Purpose Revenue budget – the Board concurred with this reduction. Keith Williams, Treasurer, responded to a question from the Board relative to the status of interest revenue.

The Board reviewed the items on the “white board”/changes that were made during the hearing process:

- **General Purpose Revenue**/Medicare Part D Subsidy – The Board concurred with adding \$60,000 to the budget.
- **General Fund**/Eliminate furloughs – The Board concurred with eliminating furloughs - (\$383,738).
- **Administration**/Eliminate Office Assistant I/II – Rick Benson referred to his initial recommendation for reducing the position to 70%, and he requested that the position be funded on a permanent part-time basis. Discussion was held. The Board concurred with funding the position at 70% permanent part-time.
- **Parks and Recreation** – The Board concurred with restoring the funding cut with RCCP funds - \$58,000.
- **Library**/extra help to remain open on Mondays – The Board concurred with using \$10,000 from CCP Planning money.
- **General Purpose Revenue**/Eliminate Designation increase – The Board concurred with eliminating the increase of \$100,000. Mary Hodson suggested that consideration be given to adding this to the POB designation to help offset the reduction from previous fiscal year.
- **Economic Development**/E-Civis – Rick Benson advised of more information that was obtained today relative to possible options for the outside organizations to have access to this program. Mary Hodson advised that the total cost is \$10,500 and contributions will be made from outside organizations totaling \$4,500. Discussion was held, and the Board concurred with adding \$6,000 for this program.
- **Economic Development**/Economic Development function and the Townsend Group – Discussion was held relative to this request and the overall economic development function, and relative to administration of the 8.5 million dollar grant for the Telegraph Fire road repairs. Supervisor Cann suggested that the Board consider funding half of this function for a year or two, with the remaining half to come from the administration portion of the grants; and that the Board given specific direction of what it wants from this function. Marilyn Lidyoff/Business Development Coordinator, responded to questions relative to the administrative costs that are allocated in the road repair grant, and relative to the grant monitoring requirements. Supervisor Bibby noted that Fire and Public Works staff assisted with the grant. Peter Rei, Interim Public Works Director, provided input on the benefits of coordinating oversight of the grant between Public Works and Marilyn Lidyoff. Administrative costs from grants to offset the cost of

this function will be considered at midyear, and Board members commended Marilyn Lidyoff for her work. The Board concurred with adding \$30,000 for the Townsend Group to the **Board of Supervisors** budget.

- **General Purpose Revenue/Debt Service**/Yosemite West and Mariposa Parking Bond – Steve Dahlem, County Counsel, responded to questions relative to the process and advised that he feels separate action should be taken by the Board; however, it would be okay to add the funds to the budget at this time. Discussion was held. Rick Benson noted that this is one-time funding. The Board concurred with adding \$19,753 as revenue to the budget.
- **Technical Services**/Server Virtualization & Training – Supervisor Cann advised of his discussions with the Technical Services Director, and he asked that a portion of the requested funds be used for digitizing the Board package/agenda management program and for installing a projector in the Board Chambers. The Board concurred with adding \$100,000 back to the budget for these items.
- **Assessor-Recorder**/unfund vacant Assessment/Recording Clerk I/II – The Board concurred with unfunding the position for a \$41,000 savings.
- **Library**/extra help to remain open on Saturdays – The Board concurred with funding \$10,250 for the Library to remain open on Saturdays.
- **Facilities Maintenance**/reduce equipment maintenance – The Board concurred with this reduction for a \$10,000 savings.
- **Facilities Maintenance**/unfund vacant Maintenance Worker I/II position – The Board concurred with unfunding the position for a \$51,000 savings.
- **Public Works**/elimination of Assistant Director position – Discussion was held. Rick Benson advised that the job classification for the Director position will be scheduled on the September 6th agenda for review and then the recruitment process will begin. The Board concurred with not eliminating the Assistant Director position at this time. Supervisor Bibby asked the County Administrative Officer to see how much is allocated for engineering in the road repair grant.
- **Planning**/reduce Professional Services – 5-year General Plan Update – Discussion was held. The Board concurred with this reduction for a \$14,000 savings with direction that this be reviewed at midyear to consider funding the full amount that is needed. Supervisor Bibby asked that the sign ordinance and code enforcement issues be looked at when this comes back.
- **Building/Interfund Transfer**/reduce Professional Services for plan check services – The Board concurred with this reduction for a \$20,000 savings with direction that this be reviewed at midyear.
- **Public Works – Roads**/fund an allocated Maintenance Worker I/II position – Discussion was held relative to this request and with Rick Benson and Mary Hodson as to whether this action would undo the layoff of the Engineering Technician II position; and they responded that it would not. Mary Hodson explained that the department had eleven Maintenance Worker

positions funded and they hired twelve employees – this action will fund the twelve allocated positions for twelve employees, so it does not affect the layoff of the Engineering Technician II and the bumping that will occur in the department. Further discussion was held, and it was noted that this action will still result in a Maintenance Worker I/II employee being laid off. Peter Rei stated he concurs with the County Administrative Officer’s recommendation; and he advised that from his experience the ratio of Engineering Technicians to an Engineer is high here – it is six to one, with the average being three to one. Rick Benson responded to questions from the Board and advised that the determination has been made as to which Maintenance Worker I/II employee will be laid off; and he advised that the recommended action restores the staffing level of the road crews.

- **General Purpose Revenue**/Eliminate Designation increase – Further discussion was held. The Board concurred with eliminating the Designation Increase of \$100,000.
- **Library**/extra help to remain open on Mondays – Rick Benson noted that one-time funding is being used with the CCP Planning money.
- **Community/Cultural Services (Tourism)**/Arts Council, Yosemite Renaissance, and Northside History Center – The Board concurred with adding \$51,000, \$10,000, and \$5,200 respectively back to the budget.
- **General Purpose Revenue**/reduce Property Tax – The Board concurred with the reduction of \$50,000.
- **General Purpose Revenue**/increase beginning fund balance – Discussion was held relative to the TOT projected revenues; and Jeff Hentz responded to questions from the Board relative to their projection for FY 2011-12. The Board concurred with the total increase of \$398,000 in revenues from sales tax, Fire grant, and Health reimbursement.

Rick Benson recommended that the Board adopt the final budget with direction to staff to bring back a formal resolution for final approval. Mary Hodson advised that the changes need to be provided in writing before action is taken. Bill Davis noted that they are still accumulating costs and revenues until at least August 31st, so things could change. Mary Hodson advised that budget actions will be submitted in September to adjust the funds to the actual year-end fund balances. Rick Benson commended everyone for their work on the budget, including the department heads and he acknowledged his staff, especially Mary Hodson for the work she does on the budget process. He also thanked the Board for its hard work.

12:22 p.m. Lunch

1:36 p.m. The Board reconvened.

Chair Allen advised of the distribution of the written changes the Board made during the hearing process to the recommended budget. Supervisor Bibby noted the \$27,565 that is being added to **General Contingency**, and she suggested that there be consideration of using these funds to reimburse the departments for their contributions to keeping the Library open on Mondays and for restoring the funding that was cut in Parks and Recreation. Bill Davis noted that FY 2010-11 still needs to be closed out

and there may need to be some adjustments, and he suggested that the funds be placed in General Contingency; and the Board concurred. Mary Hodson advised that the final resolution will come to the Board on the September 6th agenda.

(M)Cann, (S)Stetson, the Board approved the final budget for FY 2011-12 and gave direction to staff to bring back a formal resolution/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

Consent Agenda

- CA-101 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-413

- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-414

- CA-103 **Administration**
Resolution Continuing the Local Emergency Due to Severe Weather Throughout Mariposa County in March of 2011; Res. 11-415

- CA-104 **Chair Allen**
Approve a Certificate of Recognition and Congratulations to Pearl Williams on Celebrating her 95th Birthday on August 17, 2011

The Board adjourned at 1:40 p.m. in memory of Barbara Bolton and Evelyn “Dee” Armstrong.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

September 6, 2011



Folder Time Description

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

Pledge of Allegiance

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

Introductions – none

- 1 Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)
NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda
BOARD ACTION: Input from the public was provided by the following:
Jim Rydingsword, Human Services Director, presented a copy of the plan for item 112 to do planning for low income housing in the town area. He advised that they are actually asking for approximately \$160,000, and that this is being done with Capacity Consulting with Laura Phillips helping. Discussion was held relative to the match requirements.
Supervisor Cann pulled item 114 for discussion later relative to including a termination clause. Supervisor Bibby asked about including Parks and Recreation Division in the exhibit for item 110, and the Board concurred. Supervisor Cann asked about holding item 110 until after the job description for the Public Works Director is considered later today; and the Board concurred with moving forward with item 110 at this time. Supervisor Stetson pulled item 104 for discussion later relative to clarification of the funding. (M)Bibby, (S)Stetson, the balance of the items was approved/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

Chair Allen noted that Supervisor Turpin is still at home recuperating and going through physical therapy; and that we wish him well.
- 2 **Chair Allen**
Proclaim September 11, 2011, as “Patriot Day” (American Legion Mariposa Post 567/Daughters of the American Revolution, Merced River Chapter)
BOARD ACTION: (M)Bibby, (S)Cann, the Proclamation was approved and presented to Scott Cummings/Commander-American Legion Mariposa Post 567, and to Andrea Summerlin/Vice Regent of the National Society DAR, Merced River Chapter/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. Chair Allen noted that

the Fire Chief will given information on the 9-11 memorial event scheduled for Sunday at the Art Park. Scott Cummings commented on remembering where he was on 9-11 and advised that the American Legion will hold a pancake breakfast on September 10th with a portion of the proceeds going to the 9-11 Memorial. Andrea Summerlin commented on remembering where she was on 9-11.

3

Chair Allen

Presentation by Lieutenant Mike Troxell, California Highway Patrol, to CHP Officer Chris Michael on his Promotion to Sergeant

BOARD ACTION: Lt. Troxell presented Officer Chris Michael with a Commander Commendation recognizing him for his service, and most recently for his work with the Motor Fire. Willie Godinez, CHP Assistant Chief, presented Officer Michael with his Promotional Certificate to Sergeant. Doug Binnewies/Sheriff, and Bob Brown/District Attorney commended Officer Michael on his promotion and thanked him for his service to the County.

9:22 a.m. Recess

9:34 a.m. The Board reconvened.

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

Jim Wilson, Fire Chief, advised that September 11th is the tenth anniversary of the 9-11 attacks; and he invited everyone to a ceremony for the County Regional 9-11 Memorial at the Art Park on Sunday at 1 p.m.

Doug Binnewies commented on the Fair, and he noted that the Sheriff's Department only made two arrests during the event. Supervisor Stetson commended the Sheriff's Department for their work with the Fair and with the Motor Fire. Supervisor Bibby extended congratulations for a wonderful and safe Fair, and thanked the Sheriff's Department and SCOPE. Supervisor Cann noted that having no law enforcement problems at the Fair is an example of what was discussed during the final budget hearing relative to not letting the criminal element come here. He also noted that their Fair experience included having a foreign exchange student from Germany attend the Rodeo. Supervisor Allen commended the Sheriff's Department for their work during the Motor Fire and during the Fair.

Rick Benson, County Administrative Officer, announced that a ground breaking ceremony will be held on September 13th at 2:00 p.m. for the Bridgeport Fire Station.

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

Eleanor Keuning thanked Public Works for grading Leonard Road and for helping with the approval process for the Kiwanis to replace the flooring in the Darrah schoolhouse for the pre-school. She commented on the Courthouse tours she conducted on August 27th; noted they had foreign exchange students at the 4th of July fireworks; referred to the State fire fee and she noted that no residences were involved in the Motor Fire to be able to assess a fee; and as a member of the Mental Health Board, she noted there are opportunities for citizens to serve in our community.

Board Information

Supervisor Bibby extended congratulations to Brian Bullis/Fair Manager and staff and all of the volunteers for a great community Fair and Homecoming. She extended special thanks to the Clerk of the Board for the work on the minutes from the final budget hearings. She stated she feels it is wonderful that CHP included the Board and the public in the presentation today, and she extended special congratulations to Officer

Michael. She noted the good rapport that the children have with law enforcement officers here, including CHP and Sheriff's Deputies. She attended the Calaveras-Mariposa Community Action Agency meeting in Calaveras on August 26th. She noted the groundbreaking ceremony for the Bridgeport Fire Station on September 13th. She noted that the Mental Health Governing Board would welcome visitors and new members.

Supervisor Cann welcomed Marvin Wells back after his absence to recoup from an injury. He noted that the President of the Chamber of Commerce was at the Fair as a Director, and is not here this morning as he is on a fishing trip this week. He noted that 9-11 is etched in remembering where you were like with the assassination of President John F. Kennedy; and he noted the security precautions that were immediately taken with Yosemite and Hetch Hetchy. He attended meetings on planning issues and application of the Map Act and land splits. He attended a meeting on the status of HR 869 and he advised that a meeting is scheduled for September 15th at the Catholic Church with proponents on both sides of HR 869 giving presentations. He referred to the question under public presentation and noted that the Motor Fire is all on Federal land and not in the State Responsibility Area. He plans to attend meetings on solid waste issues next week. He also advised that RCRC (Regional Council of Rural Counties) is hosting a meeting in Sacramento on September 14th with the State Park Director and staff on park closures, and he will invite representatives of the Mining and Mineral Exhibit to be his guests at that meeting. He noted the importance of the Board minutes and he commended the Clerk of the Board for her work on the minutes during the Mt. Gaines Mine appeal and the final budget hearings.

Supervisor Stetson advised that he plans to attend the Yosemite Conservancy event on Wednesday to celebrate the completion of projects in the Park. He extended his regrets for not being able to attend the 9-11 Memorial event, he advised that he was in the high country when the attacks occurred and he goes back every year to remember.

Supervisor Allen advised that he met with the Human Services Director relative to the low income housing grant. He attended the fire station meeting two weeks ago; the bid opening for the Fish Camp Station is scheduled for September 15th and he was in Fish Camp on Sunday for a fundraiser for that Station; and he plans to attend the next fire station meeting on Wednesday. He referred to the Motor Fire and noted the motor home that caused the fire was covered by AAA Insurance and costs are estimated to be about eight million dollars. He attended the Mountain Valley Emergency Medical Services Agency Board of Directors meeting last week. He meting with Ron Iudice and Supervisor Cann relative to the Mining and Mineral Exhibit on Tuesday. He plans to attend the Area 12 Agency on Aging meeting in Sonora on Thursday and they will begin recruitment for a new director. He plans to attend the WAPOA meeting in Wawona on Saturday and the 9-11 Memorial event at the Art Park on Sunday. He thanked the Clerk of the Board for her work on the Board minutes.

4

Helen Kwalwasser, Owner, Gold Coin Restaurant Building

Request Concerning Mariposa Central Business District Accessible Sidewalks

BOARD ACTION: Chair Allen advised that Helen Kwalwasser was unable to be present as she is ill. He advised of his communication with the District 10 Director of CalTrans and of their request for a letter from the Board. Supervisor Cann stated he feels that this issue is a minor part of a major issue; and he clarified that he feels that Helen went to the Historical Sites and Records Preservation Commission on April 21, 2008, versus the Board of Supervisors. He commented on the ADA issues with the sidewalks and stated he feels that the Board should have representatives discuss this matter with the District 10 Director and the Safety Director; and that the County could perhaps offer to take future ownership if CalTrans brings the sidewalks up to ADA standards. He referred to The Townsend Group and the possibility of them helping

with locating funding sources. Supervisor Bibby provided input on the history of the sidewalk issues, and she noted that even if the County took them over that there would still be requirements for the businesses to keep them clear.

Input from the public was provided by the following:

Eleanor Keuning referred to John Forde's request for bus parking in town; and she questioned where people will be able to park to get to the sidewalks – she feels this is a big issue that needs to be addressed. She also referred to the issue with the sandwich boards being on the sidewalks and noted that she feels there are issues with cleanliness, etc.

Ruth Catalan stated she does not feel that the County needs to take ownership of the sidewalks, especially considering the current budget situation. She feels that we need to insist that CalTrans bring them up to standard and maintain them.

Chair Allen asked Supervisors Bibby and Cann to contact the District 10 Director for CalTrans to meet relative to the sidewalk issues, and to come back to the Board.

5

Farm Advisor

Update on Mariposa County 4-H Program, Ag in the Classroom and on the State Fair Exhibit

BOARD ACTION: Donna Wice, 4-H Coordinator, provided a report on the 4-H program and activities, the Ag in the Classroom program, and advised that they received a Silver Award and the Superintendent Award for the State Fair Exhibit booth and she presented the Board with a set of the award ribbons. Discussion was held, and the Board members thanked Donna and the volunteers.

6

Administration

Approve an Amendment to the Job Description for the Director of Public Works by Removing the Registered Civil Engineer Requirement and Making it a Desirable Qualification, and Approve other Minor Changes to the Job Description

BOARD ACTION: Rick Benson initiated discussion, and he recommended that a degree in public administration be added under the minimum qualifications. Supervisor Bibby asked for information on which counties have a requirement for the Director to be an engineer and for salary comparison information. She asked how situations would be handled if the Director is not an engineer and has a differing of opinion on a project from a staff member who is the engineer. Supervisor Cann stated he feels it is more important to have a manager as a Director than someone who is an engineer. Discussion was held. Peter Rei, Interim Public Works Director, responded to questions from the Board relative to his thoughts and experiences – he feels the question is whether we can attract a candidate pool that will do the management that the Board wants and whether they have to be an engineer. He cited examples with changes in Calaveras, Amador and Tuolumne counties and their experiences. He noted the salary is an issue, and he further noted that there is a huge amount of things here being asked of the Director to manage. Supervisor Stetson noted that the change would allow flexibility and would keep the engineering experience as preferred.

Input from the public was provided by the following:

Ruth Catalan stated she does not agree with the change, she feels it is “dummying down” and that the requirements should be more stringent if changes are made. She agrees that there is a lot on the Public Works Director's plate and suggested that consideration be given to having an administrative assistant. She feels it is important for the Director to be an engineer to oversee the engineers, and she referred to the “engineer” and “road commissioner” requirements. She would like to see this come back with more information on salaries and feels there are grammatical errors in the description.

Eleanor Keuning stated she agrees with Ruth Catalan and Supervisor Bibby in asking for salary information and requirements and costs; i.e., if the engineer work is contracted; and asked what other rural counties are doing.

Discussion was held. Rick Benson noted that reorganization is an option, but would be more costly, increasing the salary for the Director would result in a better applicant pool, and he noted there are options for breaking off a division, i.e., solid waste. Peter Rei provided input relative to options with the road commissioner designation. Supervisor Bibby suggested that consideration be given to offering continuing management education to the managers. (M)Cann, (S)Stetson, Res. 11-436 was adopted approving the revised job description with the change in the minimum educational requirements to allow for a degree in public administration. Further discussion was held, and Supervisor Bibby asked about the possibility of adding a premium for having the engineering degree. Ayes: Stetson, Cann, Allen; Noes: Bibby; Excused: Turpin. Supervisor Cann initiated further discussion relative to consideration of a premium for the Civil Engineering degree. Rick Benson advised that it is the intent to begin recruitment for the Director position, and the Board concurred.

11:15 a.m. Recess

11:23 a.m. The Board reconvened.

7

Administration

Approve the Assignment of County Vehicles and Take-Home Vehicles

BOARD ACTION: Rick Benson initiated discussion. Supervisor Cann noted that the PWD-Facility Maintenance Manager only takes a vehicle home when it is felt that it might be needed versus on a regular basis, and he suggested that the Public Works Director might want to look at the assignment of all of the vehicles in the Department to see if that type of assignment would work to save County costs. Supervisor Allen noted that the PWD-Fleet Superintendent has a vehicle that is unmarked and he feels that it should have the County insignia, and he questioned the necessity of assignment of this vehicle on the take home list given the information provided by the Fleet Superintendent during the final budget hearings that there is minimal call out.

Input from the public was provided by the following:

Ruth Catalan stated she does not see any accountability; i.e., logging of mileage for the usage of the vehicles, and she questioned the necessity of taking vehicles home, other than for fire and law enforcement – she feels that is like having an extra perk.

Further discussion was held. Peter Rei advised that he will review the issues raised for Public Works. Rick Benson responded to the issue raised relative to the mileage log and tracking the fueling of vehicles. (M)Cann, (S)Stetson, Res. 11-437a was adopted approving the assignment of County vehicles and take-home vehicles with a modification that the PWD-Fleet Superintendent's assignment of take-home vehicle is only authorized when there is some apparent reason that justifies it versus on a regular basis effective November 1, 2011; and noting that the department heads can come back at any time to ask for a change/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

11:39 a.m. Board Convened as

LOCAL TRANSPORTATION COMMISSION

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

8

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

9

Public Works

Adopt a Resolution Authorizing the Submission of the Functional Classification Road Change Request Form and Attachments for Silver Bar Road and Whitlock Road, and Approve the Requested Road Reclassifications

COMMISSION ACTION: Discussion was held with Peter Rei relative to the request. Input from the public was provided by the following:

Ruth Catalan asked why this does not include all of Whitlock Road.

Supervisor Cann responded relative to the different sections qualifying for various levels of designation.

(M)Bibby, (S)Allen, LTC Res. 11-19 was adopted approving the request/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

11:46 a.m. Reconvened as

BOARD OF SUPERVISORS

10

Public Works

Adopt a Resolution Authorizing the Submission of the Functional Classification Road Change Request Form and Attachments for Silver Bar Road and Whitlock Road, and Approve the Requested Road Reclassifications

BOARD ACTION: (M)Bibby, (S)Stetson, Res. 11-437 was adopted approving the request/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

11:48 a.m. Convened as

MARIPOSA COUNTY WATER AGENCY

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

11

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

12

County Counsel

Approve the Third Amendment to Professional Service Agreement with Kronick, Moskowitz, Tiedemann & Girard to Monitor the Federal Energy Regulatory Commission (FERC) Relicensing Process for the Merced River Hydroelectric Project being Undertaken by Merced Irrigation District (MID), and to Advise Mariposa County with Regard to its Rights Under the Contracts and Agreements Potentially Affected by this Process, and Authorize the Board of Supervisors Chair to Sign the Amendment by Increasing Compensation by \$100,000

AGENCY ACTION: Discussion was held with Steve Dahlem, County Counsel, and he advised that the original contract went before the Water Agency Advisory Board. It was noted that the Advisory Board members review the Board’s agenda and that no questions or calls were received. Supervisor Cann suggested that County Counsel update the Advisory Board at their next meeting, and discussion was held relative to funding. (M)Allen, (S)Bibby, Water Agency Res. 11-4 was adopted approving the request, with the understanding that County Counsel will give a presentation to the Water Agency Advisory Board/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

11:57 a.m. Reconvened as

BOARD OF SUPERVISORS

12a

Consider Items Removed from the Consent Agenda

Item 104 – Rick Benson and Mary Hodson/Deputy County Administrative Officer, responded to questions relative to the status of funding. Supervisor Cann noted RCRC’s efforts to have this funding continue. (M)Stetson, (S)Cann, item 104 was approved/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

Item 114 – Supervisor Allen excused himself from the meeting for this item at 12:01 p.m. due to a potential conflict of interest as he has a business relationship with the fixed-base operator of the Airport. The gavel was handed to Vice-Chair Bibby. Supervisor Cann initiated discussion relative to including a termination clause. Rick Benson noted that this item was fully supported by the Airport Advisory Committee. Supervisor Cann referred to the alterations clause in the contract and asked that the lessee be reminded of this section. (M)Stetson, (S)Cann, item 114 was approved with the addition of a 30-day termination clause/Ayes: Stetson, Bibby, Cann; Excused: Turpin, Allen.

Chair Allen returned to the meeting at 12:10 p.m.

13

Administration

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

14

Administration

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

BOARD ACTION: (M)Bibby, (S)Stetson, the closed sessions are to be held at 2:00 p.m./Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

15

Administration

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

16

Administration

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

BOARD ACTION: Supervisor Bibby excused herself from the meeting at 12:11 p.m. for action to hold these closed sessions and for the portion of the closed session on these matters due to a potential conflict of interest as her spouse is a member of SMA. (M)Stetson, (S)Cann, the closed sessions are to be held at 2:00 p.m./Ayes: Stetson, Cann, Allen; Excused: Turpin, Bibby.

12:12 p.m. Lunch

2:00 p.m. The Board convened in closed session.

3:28 p.m. Report from Closed Session:

Chair Allen announced that information was received and direction was given for folder items 13 and 14/labor negotiations with SEIU and MCMCO; and that no discussion was held on folder items 15 and 16.

Consent Agenda

CA-101

Clerk of the Board

Approval of Summary of Proceedings of August 11, 2011, Continued Meeting;
Approval of Summary of Proceedings of August 16, 2011, Regular Meeting;
Approval of Summary of Proceedings of August 17, 2011, Continued Meeting;
Approval of Summary of Proceedings of August 18, 2011, Continued Meeting;

Approval of Summary of Proceedings of August 19, 2011, Continued Meeting;
Approval of Summary of Proceedings of August 22, 2011, Continued Meeting; and
Approval of Summary of Proceedings of August 23, 2011, Regular Meeting

- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140
Enroute to Yosemite National Park; Res. 11-416
- CA-103 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the
Rains in Late December 2010, Including Ben Hur Road; Res. 11-417
- CA-104 **Administration**
Adopt a Resolution Electing to Receive the Full County Payment Under the
Reauthorization of the Secure Rural Schools and Community Self-Determination Act
(SR2008) and of the Full County Payment to Allocate 8-Percent to Title II Projects and
7-Percent to Title III Projects; Res. 11-438
- CA-105 **Administration**
Authorize the Board of Supervisors Chair to Sign a Thank you Letter to Edward and
Debra Dunlavey for their Donation to the Mariposa County Parks and Recreation Day
Camp Program; Approve Budget Action Increasing Revenue and Appropriations in the
Parks and Recreation Budget to Accept and Recognize the Donation (\$500) (4/5ths
Vote Required); Res. 11-418
- CA-106 **Administration**
Approve a Resolution Adopting the Fiscal Year 2011-2012 Final Budget as Reviewed
and Amended, and Authorizing Certain Actions to Implement the Budget; Res. 11-419
- CA-107 **Administration**
Adopt a Resolution of Intention to Approve an Amendment to the Agreement with
CalPERS to Provide for a Change to the Retirement Formula for Miscellaneous
Employees from 2.7% @55 to 2% @55 and for Safety Employees from 3% @50 to
3% @55; this Amendment will Further Provide for a Three-Year Final Compensation at
Retirement from a One-Year Final Compensation, and Authorize the Board of
Supervisors Chair to Sign the Amendment; Res. 11-420
- CA-108 **Administration**
Waive the Hiring Moratorium for a Legal Clerk I/II Position and a Senior Office
Assistant Position by Allowing the Human Services Director to Fill Both Positions;
Res. 11-421
- CA-109 **Administration**
Approve Assigning Mariposa County's Title of Legal Secretary I/II to Merit System
Services (MSS) Legal Clerk I/II Classification; Res. 11-422
- CA-110 **Administration**
Approve an Agreement with Willdan Engineering for the Services of an Interim Public
Works Director in an Amount Not to Exceed \$75,000, and Authorize the Board of
Supervisors Chair to Sign the Agreement; Approve Budget Action Transferring
Funding within the Public Works Administration Budget for the Agreement (\$75,000);
Res. 11-423, with change to include Parks and Recreation Division in the exhibit

- CA-111 **Human Services**
Accept the Resignation of Anita Hopman from the Drug and Alcohol Abuse Advisory Board
- CA-112 **Human Services**
Approve the Submission of the Community Challenge Planning Grant in the Amount Not to Exceed of \$750,000 to the U.S. Department of Housing and Urban Development (OMB Approval Number: 2501-0025); Res. 11-424
- CA-113 **Community Services**
Approve the Area 12 Agency on Aging (A12AA) Amended Agreements for FY 2010-2011 for Additional Service Units for the Title III C-1 Restaurant Meals Program from \$2,700 to \$2,888, and Title III C-2 Home Delivered Meals Program from \$3,800 to \$5,318, and Authorize the Board of Supervisors Chair to Sign the Amended Agreements; Res. 11-425
- CA-114 **Public Works**
Approve an Agreement with Mike Butler to Lease Unimproved Space Located at the Mariposa-Yosemite Airport for Hang-Glider Take-Offs and Landings; and Authorize the Interim Public Works Director to Sign the Agreement; Res. 11-439, with the addition of a 30-day termination clause.
- CA-115 **Public Works**
Approve the First Amendment to an Agreement with Analytical Environmental Services, Environmental Consultant, to Perform Archeological Studies for Various Road Projects, Extending the Term to June 30, 2012, and Authorize the Public Works Director to Sign the Amendment; Res. 11-426
- CA-116 **Public Works**
Approve an Agreement with Thunder Ridge Company for Snow Removal Services for the Fish Camp Area, in the Not to Exceed Amount of \$40,000, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-427
- CA-117 **Public Works**
Approve the Third Amendment to an Agreement with Analytical Environmental Services, Environmental Consultant, for Preparation of NEPA Compliance Documents for Three New Fire Stations for Total Amount Not to Exceed of \$67,035 and Extending the Term to June 30, 2012, and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-428
- CA-118 **Public Works**
Approve the First Amendment to an Agreement with Monighan Design for the Lower Courtroom Remodel, Project No. 09-14, Extending the Termination Date to June 30, 2012, and Authorize the Public Works Director to Sign the Amendment; Res. 11-429
- CA-119 **Public Works**
Approve an Amendment to an Agreement with Golder Associates Extending the Term of the Agreement to December 31, 2011, and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-430
- CA-120 **Public Works**
Approve Budget Action Increasing Revenue and Appropriations in the Roads Special Projects Fund for the Restoration Construction Costs Associated with Old Toll Road,

and Waive Interest Charges on Fund 306 (\$20,000) (4/5ths Vote Required); Res. 11-431

- CA-121 **Public Works**
Approve Acceptance of a Federal Aviation Administration Grant for the Installation of an Asphalt Slurry Seal on the Runway of the Mariposa/Yosemite Airport; Authorize the Board of Supervisors Chair to Sign the Grant Agreement; Waive Interest Charges on Fund 615, and Approve Budget Action Increasing Revenue and Appropriations for the Project (\$202,762) (4/5ths Vote Required); Res. 11-432
- CA-122 **Fire**
Approve the Relocation of the 9-11 Memorial within the Art Park to a Site more Conducive to American Disabilities Act Accessibility Compliance; Res. 11-433
- CA-123 **Fire**
Authorize the Fire Chief to Apply for Allocated Funds for the 2011 Homeland Security Grant Program on Behalf of County Health, Fire, and Sheriff Departments to Enhance Capabilities in the Event of Disasters, Terrorist Attacks, and other Emergencies; No Local Match Required; Res. 11-434
- CA-124 **Treasurer**
Approve the Transfer of Unclaimed Money from the Yosemite West Bond Series 1967-1 and the Mariposa Parking Bond Series 1978-1 to the General Fund in the Amount of \$19,754; Res. 11-435

3:29 p.m. The Board adjourned in memory of Daniel “Dan” J. Martinez, Barbara Jean Patty, Carolyn White, James “Jim” M. Gilbert, Joe R. Babcock, and Louise Updike Ogilvie.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

September 13, 2011



Folder Time Description

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

Pledge of Allegiance

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

Introductions – none

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

- 2 **Chair Allen**
Proclaim September 17-23, 2011, as “Constitution Week” (Merced River Chapter, Daughters of the American Revolution)
BOARD ACTION: (M)Bibby, (S)Cann, the Proclamation was approved and presented to Andrea Summerlin/Merced River Chapter, Daughters of the American Revolution/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. Supervisor Cann thanked Andrea for bringing these items to the Board’s attention for the benefit of the County.

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

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

Lester Bridges, President and Interim Executive Director of the Chamber of Commerce, thanked the Board for approving Consent Agenda item 106; provided information on the August visitor center statistics; noted the Park Rangers will remain at the Mariposa Visitor Center through September; and he advised that Courthouse tours are finished for the season and tours of the old jail were held this last weekend.

Eleanor Keuning commented on her Courthouse tour guide experience; expressed concern and presented a photograph of flags that are out in the day time at Coulterville Café – she feels the sign ordinance needs to address temporary signs; she commented

on legislative activity and expressed concern that trivial bills are being dealt with versus important matters, and she feels that care for seniors is lagging.

MaryAnn Huff, North County resident and Director of the Chamber of Commerce, noted that there have been discussions relative to the signs in front of the Coulterville Café and that Supervisor Turpin is aware of the situation. She commented on the status of business in North County and noted the Hotel Jeffrey is open; the Northern Mariposa County History Center is working with the John Muir Highway and with their regular docent program; she noted that activity has been down at the Lake; and as a member of the Calaveras-Mariposa County Community Action Agency, she plans to attend the upcoming meeting.

Marvin Wells stated it is good to be back at the meetings again after his accident. He stated he is concerned about Supervisor Turpin and he suggested that there be a card for the members of the audience to sign as he is missed. MaryAnn Huff noted that she is here to pick up Supervisor Turpin's mail and would be willing to carry any cards back.

Board Information

Supervisor Stetson advised that he plans to attend the El Portal Planning Advisory Committee meeting this evening; he plans to meet with the Public Works Director and Solid Waste Manager, and with Supervisor Bibby, on Wednesday relative to waste management issues; he plans to attend the YARTS meeting on Monday and discussion will be held relative to the Park Service and Delaware North's participation in the program; and the Midpines Planning Advisory Committee is meeting next Tuesday evening.

Supervisor Cann noted that the preliminary transient occupancy tax figures for July have set a new record and he advised of work with YARTS on congestion issues in the Park; he commented on the 9-11 ceremony on Sunday at the Art Park; advised that he plans to attend the RCRC (Regional Council of Rural Counties) Executive Committee meeting in Sacramento on Wednesday; he referred to Eleanor Keuning's comments relative to the legislative activity; and he advised that he plans to attend the meeting on Wednesday with the State Parks Director and staff, along with representatives of the Mining and Mineral Museum, on the proposed closure of the Museum along with other parks that are on the closure list. He advised that he was just told that MID pulled out of the meeting scheduled for September 15th for proponents on both sides of HR 869/MID's proposal to raise the level of the Exchequer Dam, to give presentations. He plans to attend a meeting on Thursday relative to the future of solid waste in the County; a meeting on Monday with the Community Mediation Group relative to sign issues; and he noted that a decision needs to be made as to who is going to be the Board's representative taster at the Blazin' Hog event on Saturday.

Supervisor Bibby invited everyone to the groundbreaking ceremony for the new Bridgeport Fire Station this afternoon, and she extended a special thanks to the Board and staff for making this project happen; she extended a special thanks to all of the emergency staff for meeting and monitoring potential problems from the recent lighting storms; she attended the open house for the new facilities for Human Services, Mother Lode Job Training and Child Support Services on Saturday and she thanked staff; she was very proud of the 9-11 event on Sunday; she plans to attend the solid waste meeting on Wednesday; she plans to attend the Blazin' Hog event on Saturday; and she extended a special thanks to Peter Rei for doing a fantastic job as Interim Public Works Director.

Supervisor Allen advised that he attended the fire station meeting last week, and he noted the groundbreaking ceremony for the Bridgeport Fire Station is this afternoon and the groundbreaking ceremony for the Fish Camp Fire Station is scheduled for October 4th at 3 p.m. He noted there was a fire in the Grosjean Road area on Friday. He also noted that he met with the Superior Court Judge on Friday relative to

Courthouse maintenance needs, and he has contacted Public Works. He attended the WAPOA meeting in Wawona on Saturday and discussion was held relative to being able to obtain homeowners insurance. He attended the 9-11 event at the Art Park on Sunday and then the 9-11 event in Coulterville, and he commended Coulterville for holding an event on every 9-11 since the attacks occurred – he also noted that Supervisor Turpin attended the event in Coulterville and he is still recuperating. He referred to the earlier input relative to tours of the old jail and noted that someone drove through the gate at the new jail last week. He noted the Board's direction in May for the County Administrative Officer to come back with request for proposals (RFP) for operation of the landfill, and that now the Board has also given direction for RFPs to be solicited for the Visitor Centers.

9:40 a.m. Board Convened as

LOCAL TRANSPORTATION COMMISSION

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

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

4 **Public Works**

Approve the Requested Road Reclassifications for Bullion Street and Woodland Drive, and Adopt a Resolution Authorizing the Submission of the Functional Classification Road Change Request Form and Attachments for these Roads

COMMISSION ACTION: Following discussion with Peter Rei, (M)Bibby, (S)Allen, LTC Res. 11-20 was adopted approving the requested road reclassifications/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

9:46 a.m. Reconvened as

BOARD OF SUPERVISORS

5 **Public Works**

Approve the Requested Road Reclassifications for Bullion Street and Woodland Drive, and Adopt a Resolution Authorizing the Submission of the Functional Classification Road Change Request Form and Attachments for these Roads

BOARD ACTION: (M)Bibby, (S)Stetson, Res. 11-449 was adopted approving the requested road reclassifications/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

6 Consider Items Removed from the Consent Agenda – none

7 **County Counsel**

CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: Paulo Guinn v. County of Mariposa, et al., United States District Court, Easter District Case No. 1:10-CV-0032-LJO-DLB

BOARD ACTION: Chair Allen advised that this closed session was withdrawn.

Consent Agenda

CA-101

Clerk of the Board

Approval of Summary of Proceedings of September 6, 2011, Regular Meeting

- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-440
- CA-103 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-441
- CA-104 **Administration**
Approve an Agreement with the Mariposa County Arts Council for Performing Arts, Visual Arts, and Arts Resources and Education Services in the Amount of \$51,000, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-442
- CA-105 **Administration**
Approve the 2010/2011 Tuolumne-Mariposa County Resource Advisory (RAC) Title II Project Funding Recommendations; Res. 11-443
- CA-106 **Administration**
Approve a One-Year Agreement with the 35-A District Agricultural Association for the California State Mining & Mineral Museum from July 1, 2011, through June 30, 2012, in the Amount of \$52,454.40, And Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-444
- CA-107 **Human Services**
Approve an Operational Memorandum of Understanding (MOU) with Kene Me-Wu for Referrals of Native American Victims of Domestic Violence and/or Sexual Assault for Counseling Services, and Authorize the Human Services Director to Sign the MOU; Res. 11-445
- CA-108 **Public Works**
Accept the Ben Hur Road Project as Complete, and Authorize the Public Works Director to Record the Notice of Completion and Release the Retention; Res. 11-446
- CA-109 **Sheriff**
Authorize the Purchase of a New Jail Control Panel for the Mariposa County Adult Detention Facility using Rural Sheriff Funds, and Approve Budget Action Transferring Funds within the Rural County Crime Prevention Fund to Cover the Cost (\$76,050); Res. 11-447
- CA-110 **Sheriff**
Authorize the Sheriff to Purchase Microwave Components for Mutual Aid Radio System for Mariposa Op Area PSIC Technology Project for a Regional Interoperable Mutual Aid Radio System from Right Systems, Inc. to Allow for Region Five Counties and Cities to Communicate with Each Other During Times of Emergencies where a Mutual Aid Request has been Made; Res. 11-448

9:48 a.m. Recess and Lunch

2:00 p.m. CALENDAR – RECONVENED AT THE NEW BRIDGEPORT FIRE STATION, LOCATION 2746 Creek Ridge Road, Mariposa County Fire

No Folder

A) Ground Breaking Ceremony for the Construction of the New Bridgeport Fire Station;

NOTE: No County Business was Conducted During the Ceremony

B) Adjourned Meeting at 2:20 p.m. in memory of Virginia Mae “Ginger” Keeland Brooks, Richard F. Adams, Jere Melo, and Joe O’Neal.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

September 20, 2011



Folder Time Description

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

Pledge of Allegiance

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

Introductions – none

1

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

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

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

Eleanor Keuning referred to item 110 and stated she feels it would be better to run the program by people who are working in Mariposa County.

Supervisor Bibby pulled item 108 for discussion. Supervisor Cann referred to item 110 and he provided input on the administration of this program and noted that it was not cost effective for the County to continue to administer the program. He further noted that he is not aware of any impacts to the user with the changes. Supervisor Stetson stated he has been a participant in the program from the rental side and the transition of administration has been seamless. Chair Allen noted that item 114 is for \$50,000. (M)Stetson, (S)Bibby, the balance of the items was approved/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. Chair Allen noted that Supervisor Turpin is recuperating at home and that we wish him well.

2

Supervisor Turpin

Proclaim the Week of September 25 through October 1, 2011, as “Western Week in Coulterville” (Coulterville Visitors’ Center)

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

Dale Silverman thanked the Board for the Proclamation and extended an invitation to everyone to attend the westerns events scheduled for October 1st in Coulterville.

(M)Cann, (S)Bibby, the Proclamation was approved and presented to the following representing the North County, Coulterville Visitors’ Center, the Coulterville Community Club, and the Coulterville Claim Jumpers: Jerry Elmore, Mona and Tony Howie, Ben Taylor, Dale Silverman, and Joy Kitchel/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

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

Peter Rei, Interim Public Works Director, thanked the Board members for attending the meetings last week on the solid waste issues, and he advised that they will schedule a meeting of the Task Force and begin discussions on soliciting request for proposals (RFP) to review the entire system.

Rick Benson, County Administrative Officer, advised of plans to hold a yard sale on October 1st from 8 a.m. to 2 p.m. at the Stroming Building for the furniture from Human Services and Child Support Services that was leftover from the auction. Discussion was held.

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

Lester Bridges, President and Interim Executive Director of the Mariposa County Chamber of Commerce, noted that Coulterville was number 4 in the list of western towns recognized by True West Magazine and he urged support of their events. He referred to the gate wait at Arch Rock entrance and noted the traffic is flowing freely; advised that the statistics for the Visitor Centers are remaining even with last September and overall we are experiencing a record year; the Park Ranger will remain in the office through September; the Courthouse and old jail tours are continuing; advised of their planning for the Heroes dinner on October 22nd; and he thanked the Board for its continued support of the Chamber of Commerce and Visitor Centers.

Eleanor Keuning stated she is willing to continue to help with the Courthouse tours; she referred to her discussions relative to businesses that are struggling and she stated she does not feel that they need to be members for the Chamber to help them; advised that October 22nd is the Mariposa Symphony Orchestra performance; presented statistical information from the Kiwanis' 4th of July event; and she presented information on the program "Agenda 21" (sustainable development) by the United Nations.

MaryAnn Huff, Chamber of Commerce Director and North County resident, thanked the Board for recognizing "Western Week in Coulterville and noted the events that are planned, commented on the business efforts in North County and the promotion of the John Muir Highway, and she advised that as a member of the Calaveras-Mariposa Community Action Agency she attended the meeting on Wednesday and toured the food bank and noted they will have difficult funding decisions to make. She noted that she has seen Supervisor Turpin out and about.

Board Information

Supervisor Bibby asked that the non-profits be notified of the yard sale of the furniture, or that copies be given to the Board members to distribute. She noted that she recently spoke to the Democratic Committee and provided a status report on the Stroming building, and she noted that per her discussion with the County Administrative Officer that as of Monday, the lease of the building is still in discussion with the National Park Service. She asked that the Human Services Director give the Board a status report of the buildings they rented prior to moving to their new facilities. She thanked everyone that attended the Bridgeport Fire Station groundbreaking ceremony. She met with the Public Works Director on September 14th relative to solid waste issues. She did not have to be a judge at the Blazin' Hog BBQ contest.

Supervisor Cann commented on the yard sale and the western day in Coulterville events. He referred to the public presentations and the time that is allowed, and he noted that the San Francisco Board only allows three minutes. He met with the Public Works Director relative to dumpster issues in the County parking lot and advised the issues are being resolved. He went with the President of the Mining and Mineral

Museum to a meeting in Sacramento with representatives of the State Parks on Wednesday; and he noted that there are still a lot of issues that the State needs to resolve, and he advised that the Department of Conservation Mining and Mineral branch is interested in contributing to the Museum. He with the Public Works Director relative to solid waste issues on Thursday; and with the Public Works Director, Solid Waste Manager and RCRC (Regional Council of Rural Counties) staff on Monday relative to solid waste regulations. He attended the Friends of the Fairgrounds meeting and the meeting sponsored by Mariposa Pax Christi on HR 869 (Denham) to raise the maximum water level of Exchequer on Thursday. He attended the Blazin' Hog event on Saturday. He met with folks proposing mediation with the downtown issues with the merchants on Monday.

Supervisor Stetson advised that he attended the El Portal Planning Advisory Committee meeting on Tuesday evening and information on the Motor Fire was reviewed. He attended the YARTS meeting on Monday – it was agreed to expand their directors from three to six, with two directors from each county, and discussion was held relative to the new Google Regional Transportation Ap. He spent the weekend in Tuolumne Meadows and commented on the benefits of the new shuttle system for getting people throughout the region. He is planning to attend the Midpines Planning Advisory Committee meeting this evening.

Supervisor Allen advised that he attended the meeting on solid waste issues and they were told that the RFP should be ready in November. He attended the Area 12 Agency on Aging Advisory Council meeting on Monday, and they are recruiting for the Director position. He plans to attend the fire station meeting on Wednesday, and he noted the grading contract was awarded for the Fish Camp Fire Station and the groundbreaking ceremony is being scheduled for October 4th.

- 7 Consider Items Removed from the Consent Agenda
Item 108 – Supervisor Bibby initiated discussion relative to the proposed contract, term and termination clause, and whether there was consideration of contracting with the company that provides elevator services for the Government Center. Jim Rydingsword, Human Services Director, provided input. The item was pulled for one week for the Human Services Director to further review with the County Administrative Officer.

9:45 a.m. Recess

9:57 p.m. The Board reconvened.

- 3 **Jill Harry, President/Chair, Sierra Foothill Charter School**
Presentation and Request for a Letter of Support to Pursue Charter School in Catheys Valley
BOARD ACTION: Jill Harry presented information on their efforts to form a charter school in Catheys Valley, and she requested a letter of support from the Board. Discussion was held, including the statistics on the stability of charter schools, benefits, number of students proposed to be served, and use of the School facilities. Chair Allen advised of the receipt of an email from the Mariposa County Unified School District Superintendent this morning – the Superintendent is neutral on this request pending review by the School Board. Jill Harry provided input on the process and advised that they are putting together a document to submit to the School District.

Input from the public was provided by the following:

Eleanor Keuning stated she is very supportive of this effort and agrees with all of the comments made by Supervisor Bibby.

Brett Baumann asked the Board to support the request with a letter. He commented on his community involvement and this process, noted the importance of the school to the community, and presented a letter.

Heather Bernikoff, resident of Catheys Valley/Hornitos area, stated she does not have children in school, but feels the local school is important and she volunteers in the schools. She requested that the Board approve a letter of support, and noted the funding opportunities that are available to charter schools.

(M)Bibby, (S)Stetson, Res. 11-463 was adopted approving the letter of support of the charter school for Catheys Valley/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

10:22 a.m. Board Convened as

LOCAL TRANSPORTATION COMMISSION

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

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

5 **Public Works**

Authorize Staff to Issue a Request for Proposal (RFP) to Retain a Consultant to Update the Mariposa County Regional Transportation Plan (RTP)

COMMISSION ACTION: Following discussion with Barbara Carrier/PWD-Transportation Planner, (M)Cann, (S)Bibby. LTC Res. 11-21 was adopted approving the request/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

10:31 a.m. Reconvened as

BOARD OF SUPERVISORS

6 **Administration**

Waive the First Reading and Introduce an Ordinance Amending the Agreement with CalPERS to Provide for a Change to the Retirement Formula for Miscellaneous Employees from 2.7% @ 55 to 2% @ 55, and for Safety Employees from 3% @ 50 to 3% @ 55; This Amendment will Further Provide for a Three-Year Final Compensation at Retirement from a One-Year Final Compensation

BOARD ACTION: Rick Benson read the title of the Ordinance into the record, and discussion was held. Supervisor Bibby clarified that she did not participate in the labor negotiations with the Deputy Sheriffs’ Association or the Sheriffs’ Management Association. Rick Benson advised that this action is not a part of the negotiation process, that it is implementation and administrative. Supervisor Allen referred to the existing hiring freeze and suggested that it be extended through this fiscal year – the Board concurred with the County Administrative Officer bringing this matter back to the Board. (M)Cann, (S)Stetson, the first reading was waived and the Ordinance was introduced as recommended/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

8 **Administration**

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

9 **Administration**

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

10 **Administration**

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

11

Administration

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

BOARD ACTION: Rick Benson withdrew the closed session items.

Supervisor Cann referred to the action taken to amend the agreement with CalPERS and he noted the impacts at the State level when changes were made – he further noted that this action will create a savings in the future.

10:37 a.m. Recess and Lunch

2:02 p.m. Reconvened

12

Planning

PUBLIC HEARING to Consider General Plan/Specific Plan/Zoning Amendment No. 2011-43 and Amended Site Plan/Amended Conditions No. 2010-161. Action Includes Adopting a Resolution with Findings Adopting a Mitigated Negative Declaration and the Response to Comments Document for this Project; Approving General Plan/Specific Plan/Zoning Amendment No. 2011-43, Amending the Land Use and Zoning for a 5.02 Acre Portion of APN 010-410-013 in the Fish Camp Planning Area from Single Family Residential (5 acre minimum) to Resort Commercial; and Approving Amended Site Plan/Amended Conditions Application No. 2010-161 Amending the Site Plan and Amending and Adding Conditions for Conditional Use Permit No. 241. Action Includes Waiving the First Reading and Introducing an Ordinance Amending the Fish Camp Specific Plan/Zoning Map by Rezoning 5.02 acres of Land (Portion of APN 010-410-013) From the Single Family Residential-5 Acre Minimum Zone to the Resort Commercial Zone Pursuant to General Plan/Specific Plan/Zoning Amendment No. 2011-43. Delaware North Companies (DNC), Project Applicants. Project Site is Located at Intersection of State Highway 41 and Jackson Big Sandy Road in Fish Camp

BOARD ACTION: Kris Schenk, Planning Director, and Sarah Williams, Deputy Planning Director, were present for the hearing and to respond to questions. Damon Golubics, Senior Planner, presented the staff report, including review of the project. Staff responded to questions from the Board relative to the processing of the sludge at the landfill and options and relative to the 2065 year used as the life span of the landfill in the Initial Study/Mitigated Negative Declaration; spelling correction of "timber" on circle page 83 of the package; status of resolving issues with monitoring wells and potable water and odors; the number of amendments to the General Plan this year and whether a delay to October 11th for final action on this project would have any impacts; and whether Planning has a tracking process for the 5-year check-off list. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Cann, (S)Stetson, the hearing was continued to October 11, 2011, at 2:00 p.m. for final action and so that the action can be taken with another batch of General Plan Amendments that are being processed/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

2:22 p.m. Recess

3:02 p.m. The Board reconvened.

Planning

PUBLIC HEARING to Consider Adoption of a Resolution Formalizing the Board of Supervisors' Action on Appeal No. 2009-161, an Appeal of the Planning Director's Determination that Amended Reclamation Plan No. 2009-149 is Incomplete for Processing. Amended Reclamation Plan Applicant, Property Owner and Appellant: Jack Bankhead. The Property, the Mount Gaines Mine, is Located at 7176 Mount Gaines Road off of Bear Valley Road. The Subject Appeal and Amended Reclamation Plan Involve APN 007-130-023, a 40 Acre Parcel and APN 007-130-022, a 160 Acre Parcel, Both of Which are in the Agriculture Exclusive (AE) Zone. (Continued from August 11, 2011)

NOTE: Public input will be allowed only on the draft resolution formalizing the Board of Supervisors' action on the Appeal

BOARD ACTION: Chair Allen provided a reminder that public input will be allowed only on the draft resolution formalizing the Board's action on the appeal. Kris Schenk was present for the hearing and to respond to questions. Sarah Williams advised of correspondence that was received on the formal draft resolution and of two suggested edits, and she distributed the revised draft resolution. Staff responded to questions from the Board relative to finding number 7 and whether it needs to be included; clarifying that the item today is just to resolve the final action of the Board, and Supervisor Bibby noted that she did not support the Board's previous action based on the finding that the vested rights are for all 200-acres of the property. Steve Dahlem, County Counsel, advised that the issue before the Board today is whether the findings in the draft formal resolution are supported by the record and whether said resolution accurately reflects the decision made at the August 11, 2011, hearing. County Counsel further responded to questions from the Board relative to finding number 7, and advised that this is a decision for the Board to make.

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

Scott Castro, Jeffer Mangels Butler & Mitchell LLP, advised that he is appearing on behalf of Jack Bankhead. Attorney Castro further advised that Attorney Kerry Shapiro is ill and could not be present today. He referred to the September 16, 2011, letter they submitted commenting on the findings in the draft formal resolution. He focused on the following issues:

Finding number 9 – He asked for clarification of what this means in the context of what was discussed on August 11th – is the intent of this language to limit the surface mining to the mine tailings and waste rock that existed in 1982. He does not feel that was the intent of the Board – they believe the Board included surface mining operations that are ancillary to the underground mining activities in the vested right. He referred to information that was presented in the report for the hearing to substantiate their interpretation.

Finding numbers 13 and 14 – He stated he does not feel that there is evidence that a surface mining permit was ever obtained for the on-site activities. He referred to their Annual Reports and Reclamation Plan.

Finding number 19 – He clarified “placer mining activities” and stated the issue is whether there is a vested right to conduct surface mining. He does not feel that there is anything that reflects any requirement that the mining activities be conducted continuously in order to avoid potential abandonment or waiver of right to conduct such activities. He referred to the written documents that were submitted for the August 11th hearing; and he asked that this finding be amended to reflect what transpired prior to August 11th; or deleted in full.

Attorney Castro responded to questions from the Board relative to finding number 19 and the recovery of gold and whether that took place on previously undisturbed land or in the tailings.

Heather Bernikoff, resident of Catheys Valley/Hornitos area, referred to the August 11th hearing and testimony, and stated she feels that it is essential that a permit be required for open pit mining.

Ron Hambleton, local contractor, began referring to the current economy and this operation. Chair Allen provided a reminder that input is limited to the draft formal resolution. Mr. Hambleton stated he feels there are things in the draft resolution that are misconstrued as being waste rock; and he noted that waste rock is obtained when following a vein.

The public portion of the hearing was closed and the Board commenced with deliberations. Supervisor Cann referred to the input by Mr. Hambleton and stated he feels that the Board found that the owner has a vested right to process all of the waste rock from the underground mining and whatever is on the surface of the property. Chair Allen asked Planning staff to respond the issues Attorney Castro raised with the findings. Sarah Williams asked for a recess to review the issues.

3:34 p.m. Recess

3:43 p.m. The Board reconvened and continued with the hearing. Sarah Williams provided the following responses:

Finding number 9 – She referred to the question Attorney Castro had about the statement that the vested rights are for mine tailings and waste rock from the underground mining; and she noted the sentence in the finding that “The same evidence does not support a future intent to surface mine the property beyond the mine tailings and waste rock that existed in 1982.” County Counsel clarified that this sentence is at the top of page 5 of the draft amended resolution. Sarah Williams continued with providing input on the question of what the vested rights include; and she stated it is more than just the mine tailings and waste rock that existed in 1982 on the 200-acres as that referenced statement is in the findings, but also future mine tailings and waste rock from underground mining activity as identified in the Board’s interpretation statement.

Finding numbers 13 and 14 – Kris Schenk noted that finding number 19 also refers to placer mining. Staff feels that the issue is a difference of opinion as to what the evidence consisted of, and they have attempted to reflect an accurate description of the Board’s discussion and findings from the August 11th hearing. Staff does not recommend any changes in the language.

Supervisor Cann referred to his earlier discussion on whether finding number 7 is a finding or is necessary, and he suggested that it be modified to delete everything after the first two sentences. Kris Schenk stated he agrees that it would be okay to modify this finding.

(M)Cann, (S)Stetson, Res. 11- 464 was adopted taking action on Appeal No. 2009-161 regarding vested rights and completeness of the application for Amended Reclamation Plan No. 2009-149 for the Mount Gaines Mine as stated in the draft amended September 20, 2011, formal resolution, and with the modification of finding number 7 to delete everything after the first two sentences. Supervisor Bibby referred to her previous issue with the 200-acres being included in the vested rights, but she agrees with the findings presented. Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. The hearing was closed.

Consent Agenda

CA-101

Clerk of the Board

Approval of Summary of Proceedings of September 13, 2011, Regular Meeting

- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-450
- CA-103 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-451
- CA-104 **Administration**
Approve the First Amendment to an Agreement with the Mariposa County Chamber of Commerce for Operation of the County's Visitors' Centers by extending the Termination Date of the Agreement to November 30, 2011, and Increasing the Not to Exceed Amount by \$25,000 to \$175,000; Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-452
- CA-105 **Administration**
Authorize the Filling of a Vacant 0.70 Permanent Part-Time Office Assistant I/II Position in the Administration Department Effective October 1, 2011; Res. 11-453
- CA-106 **Administration**
Approve the Use of Secure Rural Schools and Community Self Determination Act of 2000 (SR 2008) Funds for Funding an Extra-Help Employee to Manage the Master Gardeners Program for One Year in the Amount of \$18,800; Res. 11-454
- CA-107 **Community Services**
Approve the California Department of Veterans Affairs Subvention Certificate of Compliance and the Medi-Cal Certificate of Compliance for FY 2011/2012, and Authorize the Board of Supervisors Chair to Sign the Certificates; Res. 11-455
- CA-108 **Human Services**
Approve a Five-Year Maintenance Agreement with Otis Elevator Company for the Maintenance of the Elevator in the Human Services Center, and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Transferring Funds within the Human Services Administration Budget to Cover the Cost (\$2,472); Matter was pulled for further review.
- CA-109 **Human Services**
Approve an Agreement with UC Davis Extension for Inter-County Training Consortium (ICTC), and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-456
- CA-110 **Human Services**
Adopt a Resolution, as Requested by the California Department of Housing and Community Development (HCD), to Divest and Transfer One Hundred and Sixty-Five (165) Mariposa County Housing Choice Vouchers (HCV) Section 8 Program to the Stanislaus County Housing Authority (SCHA) as the Entity who will Assume the Role of the HCD to Administer the HCV Section 8 on Behalf of Mariposa County; Res. 11-457
- CA-111 **Human Services**
Approve an Agreement with Kings View Corporation for Continued Use of their Telepsychiatry Services for FY 2011-2012, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-458

- CA-112 **Health**
Authorize the Health Officer to Sign Certification for Funding Under Health and Safety Code 123945 for the State-Mandated Children’s Medical Services (CMS) Program; Res. 11-459
- CA-113 **District Attorney**
Approve an Amendment to District Attorney’s Vertical Prosecution Block Grant with the State of California Emergency Management Agency, Increasing the Grant Amount from \$189,379 to \$212,234, and Authorize the District Attorney to Sign the Amendment; Res. 11-460
- CA-114 **Sheriff**
Authorize Accepting One-Time Funding in the Amount of \$15,000 from the United States Drug Enforcement Administration to Defray Costs Relating to the Eradication and Suppression of Marijuana, and Approve Budget Action Increasing Revenue and Appropriations in the Amount of (\$15,900) (4/5ths Vote Required); Res. 11-461, with clarification that the funding amount is \$15,000
- CA-115 **Chair Allen**
Approve a Proclamation in Support for the Trans Valley Youth Football League Super Bowl and Open House (Bob Kirchner, Event Coordinator)
- CA-116 **Fire**
Authorize the Fire Chief to Apply for Two FEMA Assistance to Firefighters Grants; One in the Firefighting Vehicle Category and the Other in the Safety and Operations Category; Res. 11-462

3:50 p.m. Adjournment in memory of Mark E. Carey.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

September 27, 2011

Folder Time Description

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

Pledge of Allegiance

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

Chair Allen advised that Supervisor Turpin is still recovering, and he noted that the County Administrative Officer is attending another meeting and will be here shortly.

Introductions – none

1

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

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

BOARD ACTION: Chair Allen advised that changes were distributed for the minutes in item 101; and he noted that items 105 and 111 require a 4/5ths vote. Supervisor Cann pulled items 106 and 107 for discussion relative to the timing of hiring with respect to the change in retirement formula in folder 2, and he noted that item 111 is a rehire of an employee that was on the old retirement system. Supervisor Bibby pulled item 112 for discussion. (M)Stetson, (S)Bibby, the balance of the items was approved/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

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

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

Eleanor Keuning expressed concern with the quality of the sound system in the Board Chambers.

Lester Bridges, President and Interim Executive Director of the Mariposa County Chamber of Commerce, commented on the status of tourism; and he advised that they are still looking for nominations for the heroes dinner scheduled for October 22nd.

Ruth Sellers noted that she just spent two weeks in Europe and that the value of the dollar is down and she asked if studies are done to know what portion of our visitation is from Europe.

Marvin Wells asked about the County Service Area No. 3 fees and he expressed concern with the SRA fees (CalFIRE fire protection fees), and he submitted a letter with specific questions on these issues. He commended Logan Mankins/Patriots for his plays.

Board Information

Supervisor Stetson advised that he attended a community meeting last Tuesday evening at the Midpines Park, and a meeting on Monday with the Interim Public Works Director and representatives of YARTS relative to accommodating the buses.

Supervisor Cann advised that he attended the RCRC (Regional Council of Rural Counties) annual meeting last week; and he commented on the following issues: status of SRA fees; concern with the impact of AB 109 on the local CDC camp and inmate fire crews; closure of State parks; over 600 pending bills on the Governor's desk; AB 1265/Williamson Act; and attempt to reform the United States Forest Service to get them back into production and discussion of CEQA issues. He advised that he and Supervisor Allen met with the Tourism Director and with managers of the Amgen Bicycle Tour – they are looking at having a start in Yosemite Valley on May 15 and 16, 2012.

Supervisor Bibby advised that she plans to meet with Jeanine Scott on Wednesday relative to Zephyr; plans to attend the Ag Economic Conference in Merced on Friday; and plans to attend the Calaveras-Mariposa Community Action Agency Sub-committee meeting on October 3rd to discuss funding at the Human Services conference room.

Supervisor Allen commented on activities and parking in town on Saturday – new parking signs have been posted by the Pizza Factory and the Art Park; and the Tomato Festival was well attended and he commended those who put on the event. He attended the Amgen Tour meeting. He plans to meet with the new Chancellor of UC Merced, Dorothy Leland, next Monday.

Supervisor Cann referred to the concerns expressed about the quality of the sound system and advised that he discussed this matter with the Technical Services Director and he will try to make the system work better with the digitization and agenda management project.

2

Administration

Waive the Second Reading and Adopt an Ordinance Amending the Agreement with CalPERS to Provide for a Change to the Retirement Formula for Miscellaneous Employees from 2.7% @ 55 to 2% @ 55, and for Safety Employees from 3% @ 50 to 3% @ 55; This Amendment will Further Provide for a Three-Year Final Compensation at Retirement from a One-Year Final Compensation

BOARD ACTION: Rick Benson, County Administrative Officer, read the title of the Ordinance into the record and advised that the effective date of the contract is November 1st. Following discussion, (M)Cann, (S)Stetson, the second reading was waved and Ordinance No. 1081 was adopted/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

6

Consider Items Removed from the Consent Agenda

Item 106 – Supervisor Cann initiated discussion relative to the hiring timeframes in relation to the new retirement formula. Jim Rydingsword, Human Services Director, advised that they wanted to proceed with recruitment but agree not to hire before November 1st when the new retirement formula becomes effective. (M)Cann, (S)Stetson, item 106 was approved with authority for the effective hiring date to be on or after November 1, 2011/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

Item 107 – Supervisor Cann initiated discussion with the same concerns as for item 106. Joel Bibby, Undersheriff, provided input on the request on behalf of Sheriff Binnewies – he advised that they began the hiring process in June for one of the

positions and requested that they be allowed to fill that position now due to workload and their staffing shortage; and he advised that the applicant for the second position did not complete the background process so the Sheriff is okay with waiting until after November 1st to fill that position. Discussion was held. (M)Cann, (S)Stetson, item 107 was approved for one front line patrol Sheriff's Deputy position/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

Item 112 – Supervisor Bibby initiated discussion relative to adding a termination clause and relative to funding. Jim Rydingsword responded to the questions. (M)Bibby, (S)Stetson, item 112 was approved with the contingency that if there are insufficient funds to cover the costs, that adjustments be made in the rent accounts so that no General Fund dollars are used/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

3

Administration

Adopt a Resolution Adopting Balancing Adjustments to the Fiscal Year 2011/2012
Adopted Budget

BOARD ACTION: Chair Allen noted that this item requires a 4/5ths vote. Rick Benson presented the staff report. Bill Davis/Auditor, and Mary Hodson/Deputy County Administrative Officer, were present and responded to questions. Rick Benson advised of a request from the Auditor for separate action to be taken on Fund 706/Risk Management Insurance; and Fund 707/Risk Management Workers Compensation Fund. He reviewed the following major budget adjustments: energy grants in Human Services Budget and he advised that the \$177,190 net expenditure overage over the last several years has been reduced to \$134,841; March 2011, storm emergency expenses; OPEB liabilities for the Solid Waste enterprise fund. Discussion was held relative to each of the major budget adjustments. Jim Rydingsword provided input on the energy grant budget adjustment; and discussion was held relative to procedures to prevent this type of overage from occurring in the future and whether there are any other outstanding budget issues in the County. Supervisor Cann initiated discussion relative to the budget adoption process and timeframes. Bill Davis noted that they close the books on August 31st, unless the outside Auditor requests an adjustment in November. He commented that he feels that the loans to the Building Department still need to be resolved. Supervisor Bibby asked whether the Building and Solid Waste budgets have to be enterprise funds and whether that would change the OPEB accounting; and discussion was held. She noted that she is still waiting for information on the status of the loan to the RCD and on the CDBG old loan program, and on the issue of accounting for the cleaning fees for the TOT. Rick Benson responded that the loan to the Building budget is being watched and monitored. Rick Benson continued with his staff report and reviewed recommended actions for balancing the budget: transfer \$94,301 (versus the \$100,000 requested in the written staff report) from the Tobacco Settlement Funds; transfer \$250,000 from the CalPERS fund to help offset the increase this year; transfer \$54,000 which has been received to date (versus the \$60,000 that was requested in the written staff report) from the disaster funding for repairs to Ben Hur Road to the General Fund; and with a revision of not transferring any funds from the General Fund Contingency – for a total of \$398,301 to balance the General Fund. Peter Rei, Interim Public Works Director, provided input on the status of reimbursement of work for the Ben Hur Road project. Supervisor Bibby expressed further concern with using General Fund dollars for the Human Services budget for the energy grants, and that this department was recommended to be exempt from the furloughs consideration. Bill Davis and Jim Rydingsword further responded that they were unable to find any other source for covering the costs. Further discussion was held.

Input from the public was provided by the following:

Ruth Sellers questioned using the Tobacco Settlement Funds for balancing the budget when there is an item coming up to have user fees for the parks – she feels that

would be a better use of the Funds. She asked why consideration isn't being given to consolidating the Building Department with Planning given our current economic situation and lack of building.

Eleanor Keuning stated she agrees with Ruth Sellers; and she feels that the staffing level in the Building Department should fluctuate with the activities.

Supervisor Cann referred to the input, and noted that there are only three staff members in the Building Department at this time and based on his review, a consolidation would not change that staffing number. Supervisor Bibby provided input on the Yosemite West CIP project and the property purchase not being covered in the assessments, but possibly through the future sale of EDUs that the County owns. Mary Hodson noted that this is Fund 545 and the negative fund balance will need to be addressed.

(M)Cann, (S)Stetson, Res. 11-476 was adopted making balancing adjustments to the FY 2011-12 adopted budget, with revisions as recommended during the staff report/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

(M)Bibby, (S)Stetson, Res. 11-477 was adopted that all funds held in Fund 706/Risk Management-Workers Compensation and Fund 707/Risk Management-Liability are specifically designated for worker's compensation and liability respectively/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

4

Public Works

Approve budget Action Increasing Revenue and Appropriations in the Roads Fund; Fund an Allocated Maintenance Worker III Position; Fund and Allocate an Engineering Technician II Position (\$150,000) (4/5ths Vote Required)

BOARD ACTION: Peter Rei presented the request; and he advised of his review of the situation after the final budget hearing – he still believes the number of technicians is high for the Department; however, there is a need for cross-training to occur before eliminating a position to not impact the road projects. Barbara Carrier/PWD-Transportation Planner, provided input relative to status of the funds for road projects. Rick Benson stated he understands the situation and feels that it needs to be addressed; and he is still concerned with the budget. Discussion was held. Peter Rei advised that he will meet with the employees relative to the need for cross-training and the status of the budget. (M)Bibby, (S)Cann, Res. 11-478 was adopted approving the requested actions, with an effective date of October 1, 2011/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

11:18 a.m. Recess

11:30 a.m. The Board reconvened.

5

County Counsel

Approve Granting Back the 1.26 Acre Property (APN 012-160-083) Gifted to the County by Frank and Frances Long for the Development of a Fire Station for the Bridgeport Area and Direct Staff to Record a Certificate of Compliance for this Parcel Together with the Adjacent Legal Parcels (APN 012-180-032 and APN 012-180-026); and Direct Staff to Prepare a Legal Description for the Certificate of Compliance Document

BOARD ACTION: Steve Dahlem, County Counsel, noted that Frank Long and his son, Marshall Long, were present; and he advised of the recommendation. Discussion was held and the Long family was thanked for its generosity and support throughout the process of locating property for a fire station. (M)Bibby, (S)Cann, Res. 11-479 was adopted approving the recommended actions/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

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

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

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

10 **Administration**
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee
Organization: Sheriffs' Management Association (SMA); Name of County Designated
Representative: Richard J. Benson
BOARD ACTION: Rick Benson withdrew these closed session items.

10a **County Counsel**
CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation;
Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code
Section 54956.9; Number of Cases to be Discussed: 1; and

10b **Administration**
CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation;
Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code
Section 54956.9 Relative to a Workers' Compensation Case; Number of Cases to be
Discussed: 1
BOARD ACTION: (M)Bibby, (S)Cann, the closed sessions were held at 11:34
a.m./Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. Chair Allen advised that
the Board would reconvene in open session after lunch at 2:00 p.m.

12:03 Noon Lunch

2:00 p.m. Reconvene

Report from Closed Session:

Chair Allen advised that direction was given to staff on both closed session items –
folders 10a and 10b.

11 **Public Works**
PUBLIC HEARING to Establish User Fees to be Charged by the Parks and Recreation
Division of Public Works. (Hearing Continued from August 9, 2011)
BOARD ACTION: Peter Rei and Shannon Hansen/PWD-Parks and Recreation
Manager, provided the staff report and advised of the information that was obtained as
requested at the last hearing. Staff responded to questions from the Board relative to
the day camp fees; the fitness over 50 program; the fees for the amphitheater; status of
not including Catheys Valley Park in the fees; whether any written comments have
been received; fees and costs for lighting the ball fields; estimated revenue from the
fees and whether the revenue is included in the budget; status of the costs for lighting
the Grizzly field; and swim team pool rental fees. Rick Benson clarified that there is no
change in the swim fees.

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

Pete Judy, stated he is present as President of the Mariposa Girls Youth Softball League. They appreciate the support they receive from the County and from Parks and Recreation. He commented on his review of the impacts and potential unintended consequences of the fees for the league – regular and post-season costs are about \$1,200 without factoring in the lighting fees and this would wipe out their budget. They recognize the need for some fees; and he stated he feels it is disproportionate to charge the same fee for all of the sports as the number of players vary and the impacts on the fields vary. He would hate to see everyone trying to save by not paying for the lights and noted the safety concerns that would create. He stated he and others help weed whack and take care of the facilities and they do not complain; however, he feels that this type of service might be lost with the fees. Supervisor Bibby asked about consideration of a flat fee for post-season play.

Kate Cannon stated she directed and produced the show “Mid Summer Nights Dream” in the amphitheater this summer and she is very eager to continue having classes and productions. She is working with Mt. Crisis benefits. She noted the different uses of lights in the amphitheater for practice versus production. She commented on the proposed fees and suggested that options be considered; questioned how requests for one or two day events will be handled if the facility is rented for the month; suggested that the fees be gradually increased and that a percentage of the box office be considered. She noted there is no heating or venting/cooling in the amphitheater and that better lighting is needed. She wants to make this a full-time production house.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to handling a monthly rental and other uses during that time at the amphitheater; recommendation for the recommended fees for the amphitheater; and relative to the water and lighting costs – staff will obtain this information.

(M)Bibby, (S)Stetson, to adopt the recommended fees, with changes to the post-season play fee to be zero for non-profits, \$250 monthly fee for private use and \$150 monthly fee for non-profit use of the amphitheater – with the fee to be revisited on an annual basis. Supervisor Stetson asked for an amendment to the motion to give Parks and Recreation the ability to negotiate timeframes for monthly use of the amphitheater. Peter Rei suggested that wording could be added to the fee to state “or as negotiated.” Discussion was held. Supervisor Bibby stated she was not agreeable with amending the motion. Supervisor Stetson withdrew his second, and the motion died.

Further discussion was held. Shannon Hansen provided input on the current use of the parks, including uses for private events, and the impacts and the costs to the County. Rick Benson provided input relative to staff requirements to maintain the parks, and recommended that steps be taken to begin charging fees; and he noted that further discussion needs to be held relative to the Grizzly field.

(M)Bibby, (S)Cann, Res. 11-480 was adopted approving the recommended fees, with changes to the post-season play fee to be zero for non-profits, \$150 monthly fee for private use and \$75 monthly fee for non-profit use of the amphitheater. Supervisor Bibby noted that the fees can be revisited with a report from staff in the future. Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. The hearing was closed.

Consent Agenda

CA-101

Clerk of the Board

Approval of Summary of Proceedings of September 20, 2011, Regular Meeting

- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-465
- CA-103 **Administration**
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-466
- CA-104 **Administration**
Approve the Response of the Board of Supervisors to the 2010-2011 Mariposa County Grand Jury Final Report and Direct the County Administrative Officer to Transmit the Response to the Presiding Judge of the Mariposa County Superior Court; Res. 11-467
- CA-105 **Administration**
Approve Budget Action Increasing Revenue and Appropriations in the Economic Development Budget and Reducing General Contingency to Purchase Property for the Extension of the Mariposa Creek Parkway (\$8,908) (4/5ths Vote Required); Res. 11-468
- CA-106 **Administration**
Waive the Hiring Moratorium to Allow the Human Services Department to Hire One Accounting Technician I and One Office Assistant II; Res. 11-473, with authority to hire on or after November 1, 2011
- CA-107 **Administration**
Waive the Hiring Moratorium to Allow the Sheriff's Department to Hire Two Front Line Patrol Sheriff's Deputies; Res. 11-474, for one position/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.
- CA-108 **Sheriff**
Authorize the Transfer of County Vehicle H-9, a 2006 Skyline Travel Trailer to Sheriff's Vehicle Inventory; Res. 11-469
- CA-109 **Probation**
Appoint Bryan Blew, Megan Kehoe, and Mary Jane Erickson to the Community Corrections Partnership (CCP) Committee and Appoint Mike Fagalde to the Executive Committee of the CCP Committee for Continuous Terms
- CA-110 **Health**
Authorize the Health Officer to Apply for a Rural Underground Storage Tank Prevention Program Grant in the Amount of \$84,949, and Authorize the Health Officer to Sign the Agreement if Grant is Awarded (Subject to Review and Approval as to Form by County Counsel); Res. 11-470
- CA-111 **District Attorney**
Approve the Rehire of a Deputy District Attorney I (DDAI), at Grade 427 Step 5, with an Effective Date of October 10, 2011, Approve Budget Action Reducing General Contingency to Cover the Cost of the Rehire (\$8, 754) (4/5ths Vote Required); Res. 11-471
- CA-112 **Human Services**
Approve a Three-Year Agreement for Fire Alarm Monitoring with Hoffman Electronic Systems and with Alarm Watch, and Authorize the Board of Supervisors Chair to Sign

the Agreements; Res. 11-475, with the contingency that no General Fund dollars are to be used

CA-113

Human Services

Approve an Agreement with the American Indian Council of Mariposa for Mental Health Services under the SAMSHA Grant, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-472

3:21 p.m. The Board adjourned in memory of Doreen “Doi” DeWitt and Paul Halencak.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JIM ALLEN
Chair, Board of Supervisors