Consent Agenda item 6 – Chairman Pickard noted that there was an addendum that was distributed for this item, and he commented on the process; and he further commended the staff and employees for the services they perform for the County and its citizens. Supervisor Bibby commented on the agreement, and she commended the employees and stated she hopes the parity study will give some results that will give some ability for the employees to be able to afford to live here. She questioned the section relative to the safety retirement plan amendment. Sandi Laird/Administration-Administrative Analyst, advised that the Deputy Probation Officer positions have been transitioned into the safety retirement; however, at this time, the Union did not provide information on the Welfare Fraud Investigator position. She noted that there was no discussion at the bargaining table during negotiations on this agreement, and she feels that this paragraph should be removed. Supervisor Bibby asked if the Union would be agreeable to the removal of the paragraph. Tom Guarino, County Counsel, advised that this is the agreement that was ratified by the Union, and he feels that this issue should be noted for clean-up in the next bargaining process; however, the paragraph should stay in the agreement at this time. (M)Fritz, (S)Turpin, item 6 was approved/Ayes: Unanimous.

Consent Agenda item 7 – Chairman Pickard advised that the Board is working through the meet and confer process to have this drug and alcohol testing policy apply to all employees. Discussion was held. Supervisor Bibby asked about the language in the policy that states that it is for all employees; however, this has only been negotiated with SEIU at this time; and she asked for clarification of whether there would be separate policies for the different bargaining units. Tom Guarino, County Counsel, advised that this is the form of the policy being placed forward for all employees, and he advised of the process for implementing this with the other bargaining units and for employees that are not represented. Bill Flaherty, provided information on his understanding of this matter through the negotiation process, and he reviewed concerns he has with the policy. He stated he does not feel that this policy will keep the tests confidential. He also hoped that a uniform policy would be adopted for everyone. Tom Guarino noted that there was an agreement with the Union and the bargaining team at the end of the negotiation process that there would be no comments made on the negotiations such as Bill made today. He read what was agreed to. Supervisor Bibby stated she feels there was confusion on this matter, and she does not feel that Bill violated anything in asking for clarification. (M)Stetson, (S)Bibby, item 7 was approved/Ayes: Unanimous.

10:40 a.m. Recess

11:02 a.m. Discussion and Direction Regarding the Possible Amendment to Section 6.16.020 of the Mariposa County Code, Modifying the Requirements Necessary for Action to be Taken when a Barking Dog(s) has become a Nuisance (Supervisor Bibby)

BOARD ACTION: Supervisor Bibby initiated discussion, and she advised that the amendment will allow for a complaint to be investigated from one person versus the four currently required. Joel Bibby/Sheriff’s Captain, commented on the complaints that they have received and specific situations where four contiguous neighbors do not live within listening range of a habitually barking dog. (M)Stetson, (S)Bibby, direction was given to County Counsel to bring back an ordinance modifying the requirements as requested/Ayes: Unanimous.

Discussion and Possible Further Action Regarding the Local Emergency Due to the Flooding that Occurred throughout the County (County Counsel)

BOARD ACTION: (M)Bibby, (S)Turpin, Res. 05-177 was adopted continuing the local emergency due to the flooding that occurred. Supervisor Turpin initiated discussion and expressed concern with the additional manpower that is necessary to deal with the road maintenance issues as a result of the flooding, and he noted that the regular maintenance is not being done and the crews are short of personnel. He asked for information on what is proposed to accomplish the maintenance tasks. Mary Hodson, Deputy County Administrative Officer, advised that they are currently in the process of recruiting for road maintenance workers; however, there is no job description for flagger positions. Supervisor Bibby suggested that consideration be given to establishing a job description for a road maintenance trainee versus just flagging. She also commented on the concerns she is receiving relative to the road conditions
and damages to vehicles. Supervisor Stetson suggested that consideration be given to looking at other options for flagging services; i.e., SCOPE and volunteer organizations. Ayes: Unanimous.

CLOSED SESSION: Conference with Real Property Negotiator: Description of Real Property – 5101/5099 Bullion Street, Mariposa; Name of Party who will Negotiate with County: Rich Inman, County Administrative Officer; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer)

BOARD ACTION: This item was continued to May 10, 2005.

11:24 a.m. CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer); and CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Pacific Gas & Electric Company v. State Board of Equalization, et al (County Counsel)

BOARD ACTION: (M)Bibby, (S)Fritz, the closed sessions were held/Ayes: Unanimous. Chairman Pickard advised that the Board would reconvene at 2:00 p.m. after lunch.

11:42 a.m. Lunch

2:12 p.m. Chairman Pickard announced that no action was taken as a result of the closed session relative to labor negotiations with SEIU Local 250, and that direction was given to staff as a result of the closed session in the matter of PG&E v. State Board of Equalization, et al.

Kris Schenk, Planning Director;

PUBLIC HEARING: Adopt a Resolution Denying General Plan/Zoning Amendment No. 2004-178 and Land Division Application No. 2004-179; Proposed Amendment of Land Use and Zoning Designation of a 159.5 Acre Property from the Agricultural Exclusive Land Use and Zone to the Mountain Transition Land Use and Zone and Division of Site into Four Parcels of 24 to 42 Acres in Size and a Remainder of 30 Acres; Stuart Berg and Jeff Finsand, Applicants; Site is between Mariposa and Catheys Valley, Approximately One-Half Mile South of State Highway 140 near Twin Gates (Assessors Parcel Number 012-160-009)

BOARD ACTION: Sarah Williams, Deputy Planning Director, presented the staff report. She reviewed the project site location and surrounding uses and staff’s recommendation. She also advised that the Agricultural Advisory Committee reviewed the project and concurred with the Planning Commission’s recommendation to deny the request. Chairman Pickard advised that the Board received a letter from Mr. Mack on this project and it is entered into the record. Staff responded to questions from the Board relative to the process to bring forward an approved project; relative to the number of homes that could be constructed on the parcel in the current Agricultural Exclusive zoning; access to the parcel; and the previous use of the parcel for agriculture.

The public portion of the hearing was opened. Sarah Williams advised that the applicant elected to not come to the hearing today. Input was provided by the following:

Larry Mack, neighboring property owner to the applicant, stated he takes exception to the applicant saying that the land is not suitable for agricultural use. His land is of similar terrain, and he has used it for grazing and pasture for the last thirty years. He stated he feels that people are interested in coming in and making a quick buck and leaving the area, and he is concerned about that. He referred to Jerry Progner’s input on the project relative to the use of the land for grazing. He asked the Board to deny the application as the land can be used for agriculture.

Dennis Schoedl, neighboring property owner, stated he feels that the entrance to the property from Highway 140 is extremely dangerous for residential use. He stated he plans to raise cattle on his land, and he asked the Board to deny this project and keep the property as Agricultural Exclusive.

Barbara Cruz, neighboring property owner, stated they are in the process of brushing their land, and she asked that the project be denied.

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