RESOLUTION - ACTION REQUESTED 2015-104

MEETING: March 10, 2015

TO: The Board of Supervisors

FROM: Mary Hodson, County Administrative Officer

RE: Mariposa Butterfly Festival

RECOMMENDATION AND JUSTIFICATION:
Designate the Mariposa Butterfly Festival as an Annual County Sponsored Event; Approve Closure of 7Th Street for Vendors During the Festival; Approve a Letter to Caltrans Regarding Traffic Detours, and Authorize the Board of Supervisors Chair to Sign the Letter. This year's Butterfly Festival will be held May 1-3, 2015.

By designating the Mariposa Butterfly Festival as a County sponsored event the County accepts a degree of responsibility for activities during the Festival, because the event will be covered by the County's liability insurance. Although there is no additional cost, if there is a substantial claim it is possible that the County's insurance premium may be increased. Designating this as an annual County sponsored event, will allow Risk Management staff to include this event on the list of covered activities when renewing the County's insurance programs.

The Butterfly Festival has proven to be a boost for local businesses as it attracts visitors to Mariposa.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Butterfly Festival has been designated by your Board as a County sponsored event for several years without incident.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Without the County's participation the cost of operating the Butterfly Festival would increase for its sponsors perhaps limiting their ability to conduct the annual event.

ATTACHMENTS:
Letter to the Board (PDF)
Application for Public Assemblage Permit (PDF)
Standard Encroachment Permit Application(PDF)
Butterfly Festival letter to dept. trans 2015(DOC)
CAO RECOMMENDATION
Requested Action Recommended

Mary Hodson
Mary Hodson, County Administrator

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Marshall Long, District III Supervisor
SECONDER: Kevin Cann, District IV Supervisor
AYES: Smallcombe, Jones, Long, Cann, Carrier
March 10, 2015

Permit Engineer
Department of Transportation
Post Office Box 3558
Merced, CA 95344

Dear Sir or Madam:

On March 10, 2015, the Mariposa County Board of Supervisors adopted a Resolution, approving the Encroachment Permit applications for the detour of traffic from State routes to Mariposa County roadways on Saturday, May 2, 2015, for the duration of the “Mariposa Butterfly Festival Parade,” and for the “Mariposa Butterfly Festival” banners.

Mariposa County agrees to hold CalTrans and the State of California harmless for any damages to county roadways as a result of this detour.

Thank you for your consideration in this matter.

Sincerely,

Merlin Jones,
Board of Supervisor Chair

MJ:tg

Cc: Board of Supervisors
    Tony Stobbe, Public Works Director
    File
TO: Mariposa County Board of Supervisors  
FROM: Damian Riley, President/CEO  
RE: Butterfully Festival

Dear Board of Supervisors,

The Mariposa County Chamber of Commerce would like to request the County Board of Supervisors grants permission to allow the Mariposa Butterfly Festival and Mariposa Butterfly Event including a parade to take place again this year on May 1st, 2nd, and 3rd of 2015. The parade would be held Saturday, May 2, 2015 at 11am.

We are also asking that this event be put on the insurance rider that the county has for events.

Encroachment and assemblage permits are in the process of being signed off on and you should have them very shortly.

Thank you,

[Signature]

Damian Riley  
President/CEO  
Mariposa County Chamber of Commerce

CC: Cal Trans  
Mariposa Public Works  
Highway Patrol

February 26, 2015
TO: Mariposa County Board of Supervisors
FROM: Damian Riley, President/CEO
RE: Butterfully Festival

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Thank you,

[Signature]

Damian Riley
President/CEO
Mariposa County Chamber of Commerce

CC: Cal Trans
Mariposa Public Works
Highway Patrol
APPLICATION FOR PUBLIC ASSEMBLAGE PERMIT

Pursuant to Mariposa County
Code Chapter 8.20

TO: Mariposa County Sheriff's Department

APPLICATION DATE: 2/2/15
SCHEDULED DATE OF EVENT: May 2 & 3, 2015
EXACT LOCATION OF EACH ACTIVITY: Stroming Road, 5th Street Lot, 7th Street Arts Park

TIME: 7am - 6pm
NUMBER OF PEOPLE ATTENDING: (Reasonable estimate): 5000

BRIEF DESCRIPTION OF PLANNED ACTIVITY: (Include number and type of performance, events, names of well-known performers or public figures which would affect crowd size.)

Arts Park - Local bands throughout the day
Arts Park - Vendor Booths
5th Street Lot - Vendor Booths (Including food)
Stroming Rd. - Vendor Booths
7th Street - Local Bands throughout the day, DJ music as well

WILL FOOD, BEVERAGES, OR ALCOHOLIC BEVERAGES BE SOLD, PROVIDED, OR CONSUMED? Yes
IF YES, PLEASE GIVE DETAILS. 5th Street - Food + Drinks being served. No Alcohol
7th Street - Food, Drinks, and Alcohol served.

PLEASE LIST MODE, EXTENT, AND NATURE OF ADVERTISING: Newspaper, Social Media, Web

PLEASE LIST NAMES, ADDRESSES, AND PHONE NUMBERS FOR ALL PEOPLE RESPONSIBLE OR IN CHARGE OF THE ACTIVITY, SPECIFYING PERSON TO BE CONTACTED FOR THE PURPOSE OF THE APPLICATION:

1. Damian Riley - 5158 Hwy 140 Mariposa - 209-966-2456
2. Karen Cutter - 11 " " " " - " " " " " 
3. Jeanetta Phillips - 
4. 
5. 
6. 

If more space is needed, please attach on separate page.
PLEASE LIST ALL ARRANGEMENTS MADE TO PROVIDE THE PUBLIC HEALTH, SAFETY AND WELFARE REQUIREMENTS AS REQUIRED UNDER MARIPOSA COUNTY CODE 8.28.034.

Fire Safety: Mariposa County Fire
Sanitation Facilities:
Police Protection: CHP, SCOPE, Mariposa County Sheriff
Zoning & Land Use:
Parking & Traffic Control: SCOPE, CHP
Emergency Medical Services: Mercy Ambulance, John C. Fremont Hospital
Insurance/bond: County

ABC License number (if applicable):

COPIES TO BE SENT OR TAKEN TO THE FOLLOWING AGENCIES FOR SIGNATURE AND APPROVAL OR DISAPPROVAL: (Must be returned to Sheriff’s Office within 10 days.)

<table>
<thead>
<tr>
<th>Agency</th>
<th>Signature</th>
<th>Approval</th>
<th>Conditions</th>
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ANY AGENCY LISTING DISAPPROVAL, PLEASE CITE REASONS FOR DISAPPROVAL:

______________________________________________________________

ANY AGENCY LISTING CONDITIONS, PLEASE ATTACH CONDITIONS FOR APPROVAL TO THIS APPLICATION.

*Submit to Sheriff's Office for final approval

APPLICANT

5158 Hwy 140, Mariposa, CA 95338

ADDRESS

(209) 966-2466

PHONE NUMBER
STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
STANDARD ENCROACHMENT PERMIT APPLICATION
TR-0160 (REV. 07/2007)

Permission is requested to encroach on the State Highway right-of-way as follows:
(Complete all BOXES [write N/A if not applicable] Please print single sided)
This application is not complete until all requirements have been approved.

1. COUNTY       2. ROUTE       3. POSTMILE
Mariposa       140

4. ADDRESS OR STREET NAME       5. CITY
Hwy 140       Mariposa

6. CROSS STREET (Distance and direction from site)
Hwy 140 & 4th Street

DATE OF SIMPLEX STAMP

8. WORK TO BE PERFORMED BY
☐ OWN FORCES ☐ CONTRACTOR

9. EST. START DATE
☐ May 2, 2015

10. EST. COMPLETION DATE
☐ May 2, 2015

11. EXCAVATION
☐ MAX. DEPTH ☐ AVG. DEPTH ☐ AVG. WIDTH ☐ LENGTH

FUNDING SOURCE(S)
☐ FEDERAL ☐ STATE ☐ LOCAL ☐ PRIVATE

SURFACE TYPE

12. EST. COST IN STATE HIGHWAY RIGHT-OF-WAY

13. PIPES
☐ PRODUCT TYPE ☐ DIAMETER ☐ VOLTAGE / PSIG

14. CALTRANS' PROJECT CODE

☐ Double Permit ☐ Parent Permit Number

Applicant's Reference Number / Utility Work Order Number ____________________________

15. Have your plans been reviewed by another Caltrans branch? ☑ NO ☑ YES (If "YES") Who?

17. Completely describe work to be done within STATE highway right-of-way:
Attach 6 complete sets of plans (folded to 8.5" x 11"), and any applicable specifications, calculations, maps, etc.
All dimensions shall be in U.S. Customary (English) Units.
Detour traffic for the event listed below along State Hwy 140 right of way between Jones Street and 3rd Street in Mariposa on the event date starting at 9:30am until 12:30pm
Detour for both eastbound and westbound directions will be off State Hwy 140 and 3rd Street to Bullion Street to Jones Street and back onto Hwy 140. Traffic Control shall be coordinated by California Highway Patrol or local law enforcement agency on Uniform Control Devices (MUTCD). All signs and equipment will be removed immediately after completing the event.

Event Name: Mariposa Butterfly Festival

Event Date: May 2, 2015

18. Is a city, county, or other agency involved in the approval of this project?
☐ YES (If "YES", check type of project and attach environmental documentation and conditions of approval.)
☐ COMMERCIAL DEVELOPMENT ☐ BUILDING ☐ GRADING ☐ OTHER

☐ CATEGORICALLY EXEMPT ☐ NEGATIVE DECLARATION ☐ ENVIRONMENTAL IMPACT REPORT ☐ OTHER

☐ NO (If "NO", please check the category below which best describes the project, and complete page 4 of this application.)
☐ DRIVEWAY OR ROAD APPROACH, RECONSTRUCTION, MAINTENANCE, OR RESURFACING ☐ FENCE
☐ PUBLIC UTILITY MODIFICATIONS, EXTENSIONS, MOCKUPS ☐ MAILBOX
☐ FLAGS, SIGNS, BANNERS, DECORATIONS, PARADES AND CELEBRATIONS ☐ EROSION CONTROL
☐ OTHER ☐ LANDSCAPING

19. Will this project cause a substantial change in the significance of a historical resource (45 years or older), or cultural resource? ☑ YES ☒ NO

20. Is this project on an existing highway or street where the activity involves removal of a scenic resource including a significant tree or stand of trees, a rock outcropping or a historic building? ☑ YES ☒ NO (If "YES", provide a description)

21. Is work being done on applicant's property? ☑ YES ☒ NO (If "YES", attach site and grading plans.)

ADA NOTICE: For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 654-6410, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.
22. Will this proposed project require the disturbance of soil?
   □ YES  □ NO
   If "YES", estimate the area within State Highway right-of-way in square feet AND acres:
   (ft.) AND (acres)
   estimate the area outside of State Highway right-of-way in square feet AND acres:
   (ft.) AND (acres)

23. Will this proposed project require dewatering?
   □ YES  □ NO
   If "YES", estimate total gallons AND gallons/month:
   (gallons) AND (gallons/month)
   SOURCE: □ STORM WATER □ NON-STORM WATER

24. How will any storm water or ground water be disposed of from within or near the limits of this proposed project?
   □ Storm Drain System □ Combined Sewer / Storm System □ Storm Water Retention Basin
   □ Other (explain) ____________________________

PLEASE READ THE FOLLOWING CLAUSES PRIOR TO SIGNING THIS ENCROACHMENT PERMIT APPLICATION.

The applicant, understands and hereby agrees that an encroachment permit can be denied, and/or a bond required for non-payment of prior or present encroachment permit fees. Encroachment Permit fees may still be due when an application is withdrawn or denied, and that a denial may be appealed, in accordance with the California Streets and Highways Code, Section 671.5. All work shall be done in accordance with Caltrans rules and regulations subject to inspection and approval.

The applicant, understands and herein agrees to the general provisions, special provisions and conditions of the encroachment permit, and to indemnify and hold harmless the State, its officers, directors, agents, employees and each of them (Indemnities) from and against any and all claims, demands, causes of action, damages, costs, expenses, actual attorneys' fees, judgments, losses and liabilities of every kind and nature whatsoever (Claims) arising out of or in connection with the issuance and/or use of this encroachment permit and the placement and subsequent operation and maintenance of said encroachment for: 1) bodily injury and/or death to persons including but not limited to the Applicant, the State and its officers, directors, agents and employees, the Indemnites, and the public; and 2) damage to property of anyone. Except as provided by law, the indemnification provisions stated above shall apply regardless of the existence or degree of fault of Indemnities. The Applicant, however, shall not be obligated to indemnify Indemnities for Claims arising from the sole negligence and willful misconduct of State, its officers, directors, agents or employees.

An encroachment permit is not a property right and does not transfer with the property to a new owner.

DISCHARGES OF STORM WATER AND NON-STORM WATER: Work within State Highway right-of-way shall be conducted in compliance with all applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Department of Transportation (Department), to govern the discharge of storm water and non-storm water from its properties. Work shall also be in compliance with all other applicable Federal, State and Local laws and regulations, and with the Department's Encroachment Permits Manual and encroachment permit. Compliance with the Department's NPDES permit requires amongst other things, the preparation and submission of a Storm Water Pollution Protection Plan (SWPPP), or a Water Pollution Control Program (WPCC), and the approval of same by the appropriate reviewing authority prior to the start of any work. Information on the requirements may also be reviewed on the Department's Construction Website at:

http://www.dot.ca.gov/hq/construc/stormwater

25. NAME of APPLICANT or ORGANIZATION (Print or Type)
   Mariposa County Public Works

E-MAIL ADDRESS
   cjay@mariposacounty.org

ADDRESS of APPLICANT or ORGANIZATION WHERE PERMIT IS TO BE MAILED (Include City and Zip Code)
   4639 Ben Hur Rd. Mariposa, CA 95338

PHONE NUMBER
   209-966-5356

FAX NUMBER
   209-966-2828

26. NAME of AUTHORIZED AGENT / ENGINEER (Print or Type)
   Cheryl Jay / Engineer Tech

IS LETTER OF AUTHORIZATION ATTACHED? □ YES  □ NO

E-MAIL ADDRESS
   cjay@mariposacounty.org

ADDRESS of AUTHORIZED AGENT / ENGINEER (Include City and Zip Code)
   4639 Ben Hur Rd. Mariposa, CA 95338

PHONE NUMBER
   209-966-5356

FAX NUMBER
   209-966-2828

27. SIGNATURE of APPLICANT or AUTHORIZED AGENT

28. PRINT OR TYPE NAME
   Cheryl Jay

29. TITLE
   Engineering Tech

30. DATE
### FEE CALCULATION -- FOR CALTRANS USE

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* The Standard Hourly Rate is set annually by HQ Encroachment Permits. District Office staff do not have authority to modify this rate.

**PERFORMANCE BOND**

- [ ] DATE
- [ ] AMOUNT $____

**PAYMENT BOND**

- [ ] DATE
- [ ] AMOUNT $____

**LIABILITY INSURANCE REQUIRED?**

- [ ] YES
- [ ] NO
- [ ] AMOUNT $____
INSTRUCTIONS
for completing page 4

This page needs to be completed when the proposed project DOES NOT involve a City, County or other public agency.

Your answers to these questions will assist departmental staff in identifying any physical, biological, social or economic resources that may be affected by your proposed project within the State highway right-of-way and to determine which type of environmental studies may be required to approve your application for an encroachment permit.

It is the applicant’s responsibility for the production of all required environmental documentation and supporting studies and in some cases this may be costly and time-consuming. If possible, attach photographs of the location of the proposed project.

Please answer these questions to the best of your ability. Provide a description of any “YES” answers (type, name, number, etc.)

1. Will any existing vegetation and/or landscaping within the highway right-of-way be disturbed?
   no

2. Are there waterways (e.g. river, creek, pond, natural pool or dry streambed) adjacent to or within the limits of the project or highway right-of-way?
   no

3. Is the proposed project located within five miles of the coast line?
   no

4. Will the proposed project generate construction noise levels greater than 86 dBA (e.g. jackhammering, pile driving)?
   no

5. Will the proposed project incorporate land from a public park, recreation area or wildlife refuge open to the public?
   no

6. Are there any recreational trails or paths within the limits of the proposed project or highway right-of-way?
   no

7. Will the proposed project impact any structures, buildings, rail lines, or bridges within highway right-of-way?
   no

8. Will the proposed project impact access to any businesses or residences?
   no

9. Will the proposed project impact any existing public utilities or public services?
   no

10. Will the proposed project impact existing pedestrian facilities, such as sidewalks, crosswalks, or overcrossings?
    no

11. Will new lighting be constructed within or adjacent to highway right-of-way?
    no
Enjoy your visit to Mariposa.

Marvel at the natural beauty and enjoy the many trails and recreation opportunities available. Explore the historic buildings and museums, and discover the spirit of California Gold Rush. This charming town invites you to enjoy many dining and shopping opportunities during your stay.

Welcome to Mariposa!