

DEPARTMENT: County Counsel BY: Jeffrey G. Green

PHONE: 966-3222

CA-2

RECOMMENDED ACTION AND JUSTIFICATION:

1914 () Waive first reading and introduce Ordinance () Waive second reading and adopt Ordinance amending Chapters 2.12, 2.92, 8.16, and 8.52 of the County Code. 1928

See attached memo from County Counsel.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board usually follows Counsel's recommendations to update the County Code.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- ❖ Adopt Ordinance amending Chapters 2.12, 2.92, 8.16, and 8.52 of the Mariposa County Code.
- ❖ Do not adopt Ordinance amending Chapters 2.12, 2.92, 8.16, and 8.52 of the Mariposa County Code.

Financial Impact? () Yes () No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		First Reading of Ordinance
Source:		Second Reading of Ordinance
Internal Transfer		Memo from County Counsel
Unanticipated Revenue _____ 4/5's vote		Memos from Dept. Heads
Transfer Between Funds _____ 4/5's vote		Government Code Section 27640
Contingency _____ 4/5's vote		
() General () Other		

CLERK'S USE ONLY:

Res. No.: _____ Ord. No. 997
Vote - Ayes: 5 Noes: _____
Absent: _____

Approved
() Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
No Opinion
Comments:

CAO: [Signature]

MARIPOSA COUNTY ORDINANCE NO. 997

**AN ORDINANCE AMENDING CHAPTERS 2.12, 2.92, 8.16, AND 8.52 OF THE
MARIPOSA COUNTY CODE**

WHEREAS, Chapter 2.12 was adopted by the Board of Supervisors in 1980 and amended in 1982, and

WHEREAS, sections of Chapter 2.12 need to be amended to reflect the current job description of the County Counsel position, and

WHEREAS, Chapter 2.92 was adopted by the Board of Supervisors in 1987 and amended in 1992, and

WHEREAS, sections of Chapter 2.92 need to be amended to reflect the current job description of the County Administrative Officer position, and

WHEREAS, Chapter 8.16 was adopted by the Board of Supervisors in 1972, and

WHEREAS, sections of Chapter 8.16 need to be amended to reflect current definitions and requirements for controlled burns, and

WHEREAS, Chapter 8.52 was adopted by the Board of Supervisors in 1994, and

WHEREAS, sections of Chapter 8.52 need to be amended to be consistent with the current requirements,

NOW, THEREFORE, THE BOARD OF SUPERVISORS of Mariposa County, a political subdivision of the State of California, does hereby ordain as follows:

SECTION I: Sections 2.12.010, 2.12.020, and 2.12.030 of Chapter 2.12 of the Mariposa County Code are hereby amended to read as follows:

2.12.010 Office established.

There is created the office of County Counsel to be filled by the Board of Supervisors. The County Counsel is appointed to a four year term and can be removed only pursuant to Government Code Section 27641.

2.12.020 Qualifications.

The County Counsel shall be chosen on the basis of administrative and executive ability, education, experience, and knowledge of governmental operations as determined by the job description for County Counsel adopted by the Board of Supervisors. He/she shall be an attorney licensed to practice in the state at the time of his/her appointment. At the time of his/her appointment, he/she must be a citizen of the United States. He/she shall devote his/her entire time to the duties of his/her office and shall not engage in any other practice of law.

SECOND READING

2.12.030 Salary and benefits.

The salary of the County Counsel shall be set by resolution. He/she is granted all of the benefits conferred on other county department heads.

SECTION II: Sections 2.92.020 and 2.92.040 of Chapter 2.92 of the Mariposa County Code are hereby amended to read as follows:

2.92.020 Appointment and removal.

A. The County Administrative Officer shall be chosen upon the basis of knowledge and skills in public administration, business administration, demonstrated administrative ability, and knowledge of public agency budgeting, personnel, finance and organization. This requirement shall be defined in the job description for the County Administrative Officer and adopted by the Board of Supervisors.

2.92.040 Administrative powers and duties.

A. The County Administrative Officer shall be responsible to the Board of Supervisors for those specifically assigned activities concerning the administration of county offices, departments, and special districts under the jurisdiction of the Board of Supervisors. If designated by the Board specific activities may include but not be limited to the following:

8. Monitor and report to the Board of Supervisors the expenditures and revenues and changes that may be necessary to stay within the Board's approved financial plan;

11. Assist the Board of Supervisors, when requested, in surveying salaries and benefits for employees of other public jurisdictions; oversee negotiations with representatives of employee organizations, and represent the Board in other labor relations;

12. Perform such investigations, studies, or surveys as the Board of Supervisors may request for the efficient and effective use of human resources, materials, facilities, and services;

13. Assist department heads in solving problems which inhibit efficient operation within a department or create friction between departments;

14. Recommend to the Board of Supervisors for approval training and leadership programs for employees;

16. Periodically review and monitor the county policies and procedure manual and make recommendations to the Board regarding revisions to the manual; and

17. Perform risk management services for the county.

SECTION III: Sections 8.16.010 and 8.16.020 of Chapter 8.16 of the Mariposa County Code are hereby amended to read as follows:

8.16.010 Definitions.

The following definitions are adopted for the purposes of this chapter:

C. "Property owner" means any person, corporation, unincorporated association, or combination or group thereof, entitled to conduct a controlled burn under the laws of the state and the regulations of the California Department of Forestry and Fire Protection, either wholly or partly upon land owned or possessed by himself in the county.

SECOND READING

8.16.020 Notice of intent to conduct controlled burn.

Every property owner, before conducting a controlled burn in the county, shall publish or cause to be published, at least ten days prior to the proposed date of the controlled burn, in a newspaper of general circulation in the county a notice stating the proposed date of the controlled burn and the general area to be burned thereby, or at least five days prior to the date of the controlled burn shall post a similar notice in a conspicuous place, one mile distant from the fire line of the controlled burn, on every highway or road which enters an area one mile distant from the perimeter of a controlled burn, as defined by the fire line thereof. The property owner will be required to secure permission of the applicable wildland agencies to conduct a controlled burn during the declared fire season and the County Fire Chief during the non-fire season.

SECTION IV: Sections 8.52.020 and 8.52.070 of Chapter 8.52 of the Mariposa County Code are hereby amended to read as follows:

8.52.020 Definitions.

I. "License" to operate an ambulance service in Mariposa County shall mean a formal license issued pursuant to Chapter 8.52 of the County Code. A contract entered into by and between the County of Mariposa and an ambulance provider shall also constitute a "license" pursuant to Chapter 8.52 of the County Code.

J. "Local EMS agency" means an EMS agency designated by the Mariposa County Board of Supervisors as the EMS agency for Mariposa County.

K. "Standby" means the same thing as "backup".


8.52.070 Bond required.

To protect the interest of the citizens of Mariposa County and to maintain stability of ambulance service in the county, the owner of the licensed ambulance service shall in the discretion of the County Board of Supervisors, post a performance bond, or other performance security acceptable to the local EMS agency, with a value of no less than one hundred and twenty-five thousand dollars (\$125,000.00). In the event that the licensee fails to adequately perform it's obligations under this chapter, Mariposa County will have the right to call upon the bond for damages resulting from the failure to perform.

SECTION V: This Ordinance shall become effective thirty (30) days after final passage pursuant to the provisions of Government Code Section 25123.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 28th day of October 2003 by the following vote:

AYES:	STETSON, BALMAIN, BIBBY, PARKER, PICKARD
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE

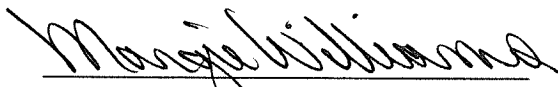


BOB PICKARD, Chairman
Board of Supervisors

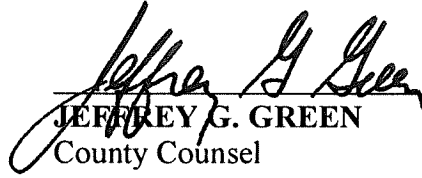
SECOND READING

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



MARGIE WILLIAMS
Clerk of the Board



JEFFREY G. GREEN
County Counsel



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BOB PICKARD, CHAIR
GARRY R. PARKER, VICE-CHAIR
LEE STETSON
DOUG BALMAIN
JANET BIBBY


DISTRICT V
DISTRICT IV
DISTRICT I
DISTRICT II
DISTRICT III



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JEFF GREEN, County Counsel

FROM: MARGIE WILLIAMS, Clerk of the Board 

SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING CHAPTERS 2.12, 2.92, 8.16,
AND 8.52 OF THE COUNTY CODE
Ordinance 997

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on October 14, 2003

ACTION AND VOTE:

B) Waive First Reading and Introduce an Ordinance Amending County Code Chapters 2.12, to Reflect the Current Job Description of the County Counsel Position; 2.92, to Reflect the Current Job Description of the County Administrative Officer Position; 8.16, to Reflect the Current Definitions and Requirements for Controlled Burns; and 8.52, to Reflect the Current Definitions and Requirements for Operation of Ambulance Services and for the Local Emergency Services (EMS) Agency

BOARD ACTION: Discussion was held with Jeff Green, and suggestions were made to clarify the section relative to notice of intent to conduct a controlled burn.

Input from the public was provided by the following:

- Lyle Turpin asked about receiving a complete document relative to control burns. Supervisor Balmain requested that the information be provided, as well as the burn policy information that was submitted to the Board by the Health Department previously.

(M)Stetson, (S)Parker, first reading was waived and the Ordinance was introduced with the suggested changes/Ayes: Unanimous.

cc: Rich Inman, County Administrative Officer
Ken Hawkins, Auditor
Charles Mosher, Health Officer
Blaine Shultz, Fire Chief
Sandi Laird, Personnel/Risk Management Technician
File