RESOLUTION - ACTION REQUESTED 2015-521

MEETING: November 3, 2015
TO: The Board of Supervisors
FROM: Mary Hodson, CAO

RECOMMENDATION AND JUSTIFICATION:
Approve the Response of the Board of Supervisors to the 2014-2015 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.

The California Penal Code requires the Board of Supervisors, as the governing body of a public agency subject to the Grand Jury’s reviewing authority, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to the matters under the control of the governing body within ninety-days of after the Grand Jury submits its Final Report.

Please see the attached response and for reference the complete Grand Jury Final Report 2014-15 is also attached.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board of Supervisors has responded to the Grand Jury Final Report in previous years.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Approve the draft response with revisions.

ATTACHMENTS:
Grand Jury Response 14-15  (PDF)
Grand Jury final report 2014-15  (PDF)

CAO RECOMMENDATION
Requested Action Recommended
Resolution - Action Requested 2015-521

RESULT:   ADOPTED [UNANIMOUS]
MOVER: Marshall Long, District III Supervisor
SECONDER: Rosemarie Smallcombe, District I Supervisor
AYES: Smallcombe, Jones, Long, Cann, Carrier
Honorable F. Dana Walton  
Presiding Judge of the Superior Court  
County of Mariposa  
Post Office Box 28  
Mariposa, California 95338

Dear Judge Walton:

Enclosed is the response of the Mariposa County Board of Supervisors to the 2014-2015 Mariposa County Grand Jury Final Report. The Clerk of the Board of Supervisors and the County Clerk will keep copies of the report and this response on file. A file copy will also be submitted to the 2015-2016 Grand Jury.

We at the County appreciate the effort and the many hours of work that the Investigative Report represents.

Sincerely,

[Signature]
MARY B. HODSON  
County Administrative Officer

MBH  
Enclosure

cc: Keith Williams, County Clerk  
2015-2016 Grand Jury  
René LaRoche, Clerk of the Board
COUNTY FIRE DEPARTMENT

Findings:

1. Our interviews uncovered multiple issues which contributed to the resignation of the former Fire Chief and designation of an interim chief. Disrespect for the former Fire Chief was apparent at all levels within the Department and was largely based on the feeling that he didn’t know how to run a county fire department as opposed to a city fire department. Different staff members had a variety of opinions related to the plans they thought the Chief had proposed for the Department indicating he either had a problem communicating or planning. Many upper management members of the Fire Department did not want to make changes in the way the Department was run. These factors resulted in Department Staff writing a letter to the Board of Supervisors requesting the removal of the Fire Chief. The Board of Supervisors requested his resignation.

The Board of Supervisors acknowledges that there were multiple issues which led up to the resignation of the former Fire Chief, that the Fire Department was in discord and that there was a letter from the Volunteer Fire Fighters requesting the removal of the Fire Chief.

The Board of Supervisors has no comment on the statements regarding the opinions and “feelings” of the staff members garnered during interviews as these are opinions and are not factual based substantial findings.

The Board of Supervisors has no comment on the finding that the Fire Chief was asked to resigned, as this was a personnel matter that was discussed in closed session and is not a matter of public record.

2. Apart from conflicts between the former Fire Chief and staff there were several other problems within the Department which remain unresolved. Conflicts between staff at the Battalion Chief and Captain level has been a long term problem in the Department. The working relationship between Mariposa County Fire Department and Cal-Fire needs improvement. Background checks were not being conducted on volunteers. Further the Department has not updated Standard Operating Procedures or policy books. There are also pay issues resulting from mismanagement or lack of communication regarding the pay voucher system.

The Board of Supervisors has no comment on the statement regarding conflicts between the Volunteer Battalion Chiefs and the Volunteer Captains as no substantive example is given.

The Board of Supervisors has no comment on the statement regarding the working relationship between the County Fire Department and Cal-Fire as no substantive example of a problem was identified. To date no representative from Cal-Fire or
County has approached the Board of Supervisors regarding concerns with the working relationship between the two organizations.

The Board of Supervisors agrees that background checks were not performed on Volunteer Fire Fighter candidates. This was not a requirement by the County, but the Interim Fire Chief has now implemented live-scan background checks on Volunteer Fire Fighter candidates.

The Board of Supervisors agrees that the Standard Operating Procedures and policy books had not been updated. The Department is currently in the process of updating the policy/procedures and hopes to have this accomplished by June 2016.

The Board of Supervisors has no comment on the statement regarding pay issues. The County’s Auditor and the outside Auditors have not raised any pay issues within the Fire Department, and no substantive example was given in the finding.

3. **The Interim Fire Chief has developed and enacted a plan to resolve conflicts and make the Department more effective. Re-organization of County Fire includes: chain of command, an improved training regimen and certification, and updating policies and procedures. Further improvements include streamlined pay management and conducting background checks for volunteers. The Interim Fire Chief has also begun to improve the cooperation with Cal-Fire and a work and training relationship is being developed.**

The Board of Supervisors agrees with the statements contained in this finding and affirms the Grand Jury’s acknowledgement of the Interim Fire Chief’s improvements to the Mariposa County Fire Department.

Recommendations:

1. **Support the Interim Fire Chief as he continues to re-organize the County Fire Department.**

   The Board of Supervisors agrees that continued support of the Interim Fire Chief is essential to the reorganization and smooth operation of the Fire Department. This effort is evidenced by the approval of the hiring of a subject matter expert on December 2, 2014; the approval of the Assistant Fire Chief position description on December 16, 2014; and the reorganization of the Fire Department on March 3, 2015.

2. **Mandate periodic physical examinations and physical fitness certifications as recommended by the County Health Officer.**

   The Board of Supervisors agrees with this recommendation. The Interim Fire Chief has been working with the County Health Officer and the Human Resources Director/Risk Manager to identify the appropriate physical fitness requirements and examinations for Volunteer Fire Fighters.
REPORT ON THE STATUS OF THE MARIPOSA COUNTY LANDFILL AND COMPOST FACILITY

Findings:

1. Mariposa County is near critical mass in the decision making process for the landfill.

   The Board of Supervisors agrees with this finding.

2. State laws and regulations do not favor long term operation of a landfill within Mariposa County.

   The Board of Supervisors agrees with this finding.

3. The Compost Facility is inadequate for the waste stream the County produces. Investment in equipment and upgrades at both the Landfill and the Compost Facility is needed to meet state mandates and to better serve the County.

   The Board of Supervisors agrees with this finding, noting that new equipment (a bailer) has recently been purchased

4. Current conditions favor Mariposa County in negotiations regarding waste exportation.

   The Board of Supervisors has no comment on this finding as this idea has not yet been thoroughly investigated.

5. The newly hired DPW Director and the current SWRD Manager are well aware of, and thoroughly understand, the issues discussed in this report. Both are highly knowledgeable, experienced, and forward thinking in the field of solid waste management.

   The Board of Supervisors agrees with this finding.

Recommendations

1. The Board of Supervisors and other County managers should prioritize the decision making process regarding the Landfill. The County should learn from past mistakes and not delay in determining which direction is most favorable for the County and its residents. Solid commitments and long-term follow through should be part of any decision making.

   The Board recognizes that long term planning for the Landfill is at a pivotal point and with the recent hiring of a new Public Works Director, the issues are being examined and an action plan will be developed over the next year.
2. The Board of Supervisors need to take serious notice that state regulations and trending management priorities regarding landfills and waste diversion will only become stricter, less flexible, and punitive action a possibility. Being proactive would benefit the County and its residents.

The Board of Supervisors acknowledges the seriousness of the changing regulations and has confidence in the Public Works Director and staff to bring before the Board all actions necessary to continue to improve landfill operations and to stay current with any new or existing State regulations.

3. The Board of Supervisors should seriously consider investing in the conversion of the Compost Facility to a much more efficient MRF system as well as in a proper bailing system.

The Board of Supervisors recently approved the purchase of a bailer and conveyor system at the Landfill, and appreciates the Grand Jury’s including this action in the Update. The Board will consider other changes at the Landfill as they are brought forward by the Public Works Director.

4. The Board of Supervisors should not delay in any negotiations with a regional landfill for waste exportation. To do so could lead to the County paying excessive costs which may be avoidable by timely decision making.

The Board of Supervisors has not discussed or entered into any negotiations at this time for waste exportation. This concept may be considered in the next fiscal year (2016-17) based upon the recommendation of the Public Works Director.

5. The Board of Supervisors should place a high value on the expertise, ideas, plans, and recommendation proposed by the DPW Director and the SWRD Manager regarding the Landfill and Compost Facility.

The Board of Supervisors values the expertise of the Public Works Director and the Solid Waste & Recycling Manager and will consider all recommendations when presented for review and approval.
Response to Grand Jury re Complaint Regarding the Indemnification of the
Lake Don Pedro Pedestrian & Equestrian Trails

FINDINGS:

1. The 1969 Board of Supervisors accepted the responsibility and liability of the P&E Trail System in the Lake Don Pedro Sub-Division.

The Board of Supervisors respectfully disagrees with the Grand Jury’s findings.

In 1969, the Board of Supervisors accepted on behalf of the public for public use the offers of dedication of the Lake Don Pedro pedestrian and equestrian easements.

It is County Counsel’s determination that the County of Mariposa is not responsible for maintenance or liable for any condition of the Lake Don Pedro pedestrian and equestrian easements. Please refer to County Counsel’s July 27, 2015 memorandum to the Board of Supervisors for an analysis of the County’s responsibility and liability for the Lake Don Pedro pedestrian and equestrian easements, a copy of which is attached hereto as Exhibit 1.

2. From the 1980’s to present day the issue of indemnification of the P&E Trail System has come up routinely.

The Board of Supervisors acknowledges that, over the years, there have been conflicting determinations regarding the legal ramifications of acceptance of the offers of dedication. Please refer to County Counsel’s July 27, 2015 memorandum to the Board of Supervisors regarding the background and history of board actions, a copy of which is attached hereto as Exhibit 1.

3. The present Board of Supervisors was requested by a citizen to make a final determination of the indemnification issue on October 14, 2013. To date, no decision has been made.

The Board of Supervisors respectfully disagrees with the first sentence of this finding.

The present Board of Supervisors was not constituted until January 5, 2015.

On October 18, 2013, County Counsel received a letter from David and Mary Anne Taylor requesting clarity on indemnity for the Lake Don Pedro equestrian and pedestrian easements, a copy of which is attached hereto as Exhibit 2.

On November 26, 2013, County Counsel sent a letter to David Taylor which states in pertinent part as follows: “Please accept this as confirmation that Mariposa County does not provide indemnification for property owners whose property is encumbered by trails.” A copy of County Counsel’s November 26, 2013 letter is attached to County Counsel’s July 27, 2015 memorandum (Exhibit 1) as Attachment 7.

The Board of Supervisors agrees that, to date, no formal decision has been made by the Board regarding the issue of indemnification.
4. Mariposa County Board of Supervisors does not currently allocate funds for the continued maintenance of the P&E Trail System.

The Board of Supervisors agrees with the Grand Jury’s findings.

County Counsel has determined that the County of Mariposa is not responsible for maintenance or liable for any condition of the Lake Don Pedro pedestrian and equestrian easements, unless caused by the County’s active negligence. Please refer to County Counsel’s July 27, 2015 memorandum to the Board of Supervisors for an analysis of the County’s responsibility and liability for the Lake Don Pedro pedestrian and equestrian easements, a copy of which is attached hereto as Exhibit 1.

RECOMMENDATIONS:

1. Mariposa County Board of Supervisors add an action item to their agenda to confirm or deny indemnification of the Lake Don Pedro Pedestrian and Equestrian Trail System.

This matter was brought before the Board of Supervisors for discussion and direction on August 4, 2015. Please refer to County Counsel’s July 27, 2015 memorandum to the Board of Supervisors for an analysis of the County’s responsibility and liability for the Lake Don Pedro pedestrian and equestrian easements, a copy of which is attached hereto as Exhibit 1.

At the August 4th meeting the Board gave direction to County Counsel to research and provide information regarding the process necessary to vacate the trails, to check with other counties who have assumed a similar type of responsibility to determine their reasons for the action, and to inquire as to their experiences since assumption. David Taylor was directed to set up a meeting of the Lake Don Pedro Owners’ Association in order to discuss the issue and gauge how important the trails are to them, and to provide a written report back to the Board.

On October 15, 2015, the Board of Supervisors received a letter from the Lake Don Pedro Owners’ Association, dated October 10, 2015, which states in pertinent part as follows: (1) the lot owners and Board of the Lake Don Pedro Owners’ Association strongly oppose any and all proposals to vacate the pedestrian and equestrian trail easements, and (2) the Association and its members do favor indemnification by the County of the trail easements. A copy of the Association’s letter dated October 10, 2015 is attached hereto as Exhibit 3.

This matter is scheduled to be brought back before the Board of Supervisors on November 3, 2015.
MEMORANDUM

Date: July 27, 2015

To: Board of Supervisors

From: Steven W. Dahlem, County Counsel

Re: Discussion and Direction Regarding Petition to Enact an Indemnification Insurance Clause for the Mariposa County Pedestrian and Equestrian Trails System

I. BACKGROUND AND HISTORY OF BOARD ACTIONS

On May 20, 1969, the Board of Supervisors approved the map entitled Lake Don Pedro Subdivision Unit 1-M and "did accept on behalf of the public for public use the easements for public utilities, the easements for storm drainage and pedestrian and equestrian ways as shown on said map." (See Attachment 1.)

On September 8, 1969, the Board of Supervisors approved the map entitled Lake Don Pedro Subdivision Unit 2-M and "did accept on behalf of the public for public use the easements for public utilities, the easements for storm drainage and pedestrian and equestrian ways as shown on said maps." (See Attachment 2.)

On November 4, 1969, the Board of Supervisors approved the map entitled Lake Don Pedro Subdivision Unit 3-M and "did accept on behalf of the public for public use the easements for public utilities, the easements for storm drainage and pedestrian and equestrian easements as shown on said map." (See Attachment 3.)

A memorandum dated May 21, 1984 to the Board of Supervisors from Jeffrey G. Green, County Counsel, states as follows: "I have obtained documentation which would indicate that the County did, in fact, accept these easements and the County probably has title to them." (See Attachment 4.)

A letter dated March 17, 1989 to David A. Edwards from Jeffrey G. Green, County Counsel, states in pertinent part as follows:

The equestrian trails in the Lake Don Pedro Subdivision were in fact accepted by the County for public use, but were not accepted by the County into the County system nor are they owned by the County. Additionally, the County does not perform any maintenance on the equestrian trails.
It is unclear as to whether or not the County would have liability for the trails unless it actually maintains the trails. Should the County actually maintain the trails then the County would assume liability for those trails". (See Attachment 5).

A letter dated October 5, 1992 to H. Robert Johansen from Jeffrey G. Green, County Counsel, states in pertinent part as follows:

The legal ramifications of that acceptance are that the County has accepted full responsibility and liability for the operation of thos(e) trails and has additionally assumed the responsibility for keeping the trails open for pedestrian and equestrian uses. (See Attachment 6.)

The 2014-2015 Grand Jury Final Report states, on page 19: "In January 1995, minutes from the Board stated that the County will develop and maintain recreational areas Countywide." I have reviewed all of the minutes of the Board of Supervisors for January, 1995, and there is no mention whatsoever that the County will develop and maintain recreational areas Countywide, n or is there any reference to any pedestrian and/or equestrian trail system.

A letter dated November 26, 2013 to David Taylor from Steven W. Dahlem, County Counsel, states in pertinent part as follows: "Please accept this as confirmation that Mariposa County does not provide indemnification for property owners whose property is encumbered by trails." (See Attachment 7.)

On June 24, 2014, the Board of Supervisors received a citizen petition entitled Petition to Enact an Indemnification Insurance Clause for the Mariposa County Pedestrian and Equestrian Trails System. (See Attachment 8.)

II. DISCUSSION

A. Dedication Defined

Dedication is the uncompensated transfer of an interest in private property to a public entity for public use. The property interest dedicated may be either an easement or the fee title interest. Because dedication involves loss of private property for public use without compensation, the owner's intent to dedicate the property to public use must be clear and unequivocal. The dedication is not complete unless there has been an unconditional and unqualified acceptance of the offer to dedicate the land.

As set forth in Section I, above, the Board of Supervisors did accept on behalf of the public for public use the offers of dedication of the Lake Don Pedro pedestrian and equestrian easements.

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1-4 See Footnote Page
B. Purposes for Which Land May be Dedicated

Dedication of land for public use as a park, public square, or for other such recreational purposes is a common purpose of dedication in California. Therefore, dedication of pedestrian and equestrian trails for public use is clearly permissible.

C. Duties and Liabilities of Public Entity

Even if the offer of dedication has been accepted upon the recordation of a subdivision map pursuant to the Subdivision Map Act, the mere acceptance of the map and the dedication offer contained on the map does not impose upon the public entity a responsibility for maintenance.

When dedicated property is a street or highway, the public entity is not responsible for maintenance or liable for the defective condition of the dedicated property unless there has been an acceptance by an official resolution adopted by the responsible government agency accepting the street into the city or county road system.

Streets and Highways Code section 941 provides, in pertinent part, as follows:

(b) No public or private road shall become a county highway until and unless the board of supervisors, or its designee, by appropriate action, has caused the road to be accepted into the county road system. No county shall be held liable for failure to maintain any road unless and until it has been accepted into the county road system by action of the board of supervisors or its designee.

(c) The acceptance of any road or the acceptance of any road subject to improvements pursuant to Section 66477.1 of the Government Code does not constitute the acceptance of the road into the county road system in the absence of the adoption of a resolution by the board of supervisors accepting the road into the county road system.

Streets and Highways Code section 941 and Government Code section 66477.1 together authorize a public entity to accept a dedication of an improved or unimproved road easement offered on a subdivision map without also accepting the easement into the county road system.

"Road" is not defined in either the Streets and Highways Code or the Government Code, but the context indicates that the term is broad enough to include pedestrian and equestrian easements. For example, Streets and Highways Code section 951 authorizes a "side path" for "pedestrians [and] riders of horses" within a "county highway," and Streets and Highways Code section 8308 defines "streets" and "highway" to include "trail, or other public right-of-way or easement."

The Lake Don Pedro pedestrian and equestrian easements have not been accepted into the county road system. (See Attachment 9.)

5-7 See Footnote Page
Therefore, the County of Mariposa is not responsible for maintenance or liable for any defective condition of the Lake Don Pedro pedestrian and equestrian easements. 

D. **Immunities**

Government Code section 831.2 provides, in pertinent part, as follows:

Neither a public entity or a public employee is liable for an injury caused by a natural condition of any unimproved public property...

Government Code section 831.4 provides in pertinent part, as follows:

A public entity, public employee, or grantor of a public easement to a public entity for any of the following purposes, is not liable for an injury caused by a condition of:

(a) Any unpaved road which provides access to...hiking, riding, including...animal...riding,...recreational or scenic areas and which is not a (1) city street or highway or (2) county, state or federal highway or (3) public street or highway...

(b) Any trail used for the above purposes.

The Legislature Committee Comment to Government Code section 831.2 states, in pertinent part, as follows:

This section provides an absolute immunity from liability for injuries resulting from a natural condition of any unimproved public property. Thus, for example, under this section and Section 831.4, the State has an absolute immunity from liability for injuries resulting from natural conditions of a state park area where the only improvements are recreational access roads (as defined in Section 831.4) and hiking, riding, fishing and hunting trails.

This section and Section 831.4 continue and extend an existing policy adopted by the Legislature in former Government Code Section 54002. It is desirable to permit the members of the public to use public property in its natural condition and to provide trails for hikers and riders and roads for campers into the primitive regions of the State. But the burden and expense of putting such property in a safe condition and the expense of defending claims for injuries would probably cause many public entities to close such areas to public use. In view of the limited funds available for the acquisition and improvement of property for recreational purposes, it is not unreasonable to expect persons who voluntarily use unimproved public property in its natural condition to assume the risk of injuries arising therefrom as part of the price to be paid for benefits received.

Government Code section 831.2 provides an absolute immunity from liability for injuries resulting from a natural condition of any unimproved public property.

Government Code section 831.4, subdivision (b), grants absolute immunity for an injury caused by a condition of any trail used for the purposes mentioned in subdivision (a). Subdivision (a) refers to “access to...hiking, [and animal] riding...areas.” A pedestrian and
equestrian easement can, in and of itself, be a "hiking [and animal] riding...area" so it can also, in and of itself, provide "access" to such areas, regardless of whether it connects with some broader recreational area such as a park.

The Legislative Committee Comment to Government Code section 831.2 suggests that sections 831.2 and 831.4 should be read together and that a public entity has an absolute immunity from liability for injuries resulting from natural conditions of hiking and riding trails. As stated by the Legislative Committee: "In view of the limited funds available for the acquisition and improvement of property for recreational purposes, it is not unreasonable to expect persons who voluntarily use unimproved public property in its natural condition to assume the risk of injuries arising therefrom as a part of the price to be paid for benefits received."

The Lake Don Pedro pedestrian and equestrian easements are unimproved public property in that they have not been improved by grading, surfacing or other development methods. Therefore, the County of Mariposa is absolutely immune from liability for injuries resulting from any natural condition of the Lake Don Pedro pedestrian and equestrian easements.

E. Indemnification

The "Petition to Enact an Indemnification Insurance Clause for the Mariposa County Pedestrian and Equestrian Trails System" requests that the Board of Supervisors agree "to defend, indemnify, protect, save and keep harmless the property owners of Mariposa County" whose property is subject to the Lake Don Pedro pedestrian and equestrian easements.

Black's Law Dictionary, Fifth Edition, defines "indemnity" as follows:

A collateral contract or assurance, by which one person engages to secure another against an anticipated loss or to prevent him from being damnedified by the legal consequences of an act or forbearance on the part of one of the parties or of some third person. Term pertains to liability for loss shifted from one person held legally responsible to another person. Boyle v. Burt, Iowa, 179 N.W. 2d 513, 515.

Thus, petitioners are seeking a collateral assurance from the County to protect affected property owners from liability for any damages for which they may be responsible in connection with the pedestrian and equestrian easements.

It has been established that the County is not responsible for maintenance or liable for any condition of the pedestrian and equestrian easements, unless caused by the County's active negligence. (See Subsection C and D, above.).

Therefore, by granting petitioner's request for indemnification, the County would be agreeing to shift any potential liability for loss from the affected property owners to the County. By doing so, the County would be agreeing to accept liability where no County liability currently exists.

III. CONCLUSION

In 1969, the Board of Supervisors accepted on behalf of the public for public use the offers of dedication of the Lake Don Pedro pedestrian and equestrian easements. Over the
years, there have been conflicting determinations regarding the legal ramifications of acceptance of the offers of dedication.

For the reasons set forth herein, it is this County Counsel's determination that the County of Mariposa is not responsible for maintenance or liable for any condition of the Lake Don Pedro pedestrian and equestrian easements, unless caused by the County's active negligence. There has been no evidence presented of any such negligence.

The "Petition to Enact an Indemnification Insurance Clause for the Mariposa County Pedestrian and Equestrian Trails System" requests that the County agree to indemnify and hold harmless property owners whose property is subject to the Lake Don Pedro pedestrian and equestrian easements. By granting petitioners' request, the County would be agreeing to accept liability where no County liability currently exists.
FOOTNOTES


ATTACHMENT 1
DON PEDRO
JBDIVISION
T NO. 1-M
SECCTIONS 27, 28, 29, 32, 33 & 34, T2S, R15E,
M., MARIPOSA COUNTY, CALIFORNIA

211 MAC ARTHUR BLVD. - SAN LEANDRO, CALIF.
THERBY INC. RO. BOX 817 - SAN ANDREAS, CALIF.
TEB INC.

MAR. 1969

1. In the California State Coordinate System, zone III. The magnetic
   System, grid zone 11. To obtain ground distances divide map distances by 0.999694.

   NOTES:
   1. There is a minimum building setback of 10 feet on all sides and
      5 feet on every lot line, and at least 20 feet from any property
      line, at points of intersecting, the average depth shall be 4 times the depth of annularite in 30 feet, whichever
      is greater. Utility pole size may be outlined within the
      20 feet setback.
   2. Tree wells for utilities will be 5 feet in width along subdivisions
      boundaries and 3 feet each side of all side and rear lot lines.
   3. All lots on this map are subject to measurements of existing
      public utilities.
   4. For reference see Bureau of Survey Map No. 490, Mariposa County
      Records.
   5. Please see assessment form 1.0141.5 feet on
      no one of all fill towers, in all streets, and including all culvert fill areas.

   COUNTY SURVEYOR'S CERTIFICATE

   I, Arnold Brunetti, County Surveyor of the County of
   Mariposa, State of California, hereby certify that
   I have examined the map of Lake Don Pedro Sub-
   division Unit No. 14 and that said subdivision is
   substantially the same as it appeared on the
   tentative map, and that all provisions of State
   and local ordinances governing the filing of
   subdivision maps have been complied with,
   and that I am satisfied that the same is techni-
   cally correct.

   Arnold Brunetti
   County Surveyor

   SOIL REPORT

   In accordance with Mariposa County ordinance no.
   114, a preliminary soil report was prepared on the
   16th day of May, 1969, by R.M. Associates, 36. R.O.
   Office, San Andreas, California. The report was
   signed by Henry Kohn G, 105, 1136.

   COUNTY CLERK'S CERTIFICATE

   I, Gabrielle Wilson, County Clerk and Ex-officio
   Clerk of the Board of Supervisors of the County
   of Mariposa, State of California, do hereby certify
   that the above and foregoing map entitled Lake
   Don Pedro Subdivision Unit No. 14 was presented
   to said Board of Supervisors, as provided by law,
   at a regular meeting thereof, held on the 27th day
   of May, 1969, and that said Board of
   Supervisors, thereupon, by a motion duly passed
   and adopted at said meeting, did approve said
   map and did accept on behalf of the public
   the measurements for public utilities, the
   assessment for storm drains and pollution and
   separation area as shown on said map. Said Board
   has appointed on behalf of the public the
   acceptance of all streets and owners offered for dedication
   for public use thereon and has required the subdivision
   owner to agree to improve the streets and owners as
   shown thereon in the manner required by law and
   ordinance or a condition precedent to the
   acceptance of any streets or owners.

   In Witness Whereof, I have hereunto set my hand
   this 27th day of May, 1969.

   Gabrielle Wilson
   County Clerk

   RECORDEE'S CERTIFICATE

   Received by the County Clerk
   Recorded at the request of the County Clerk
   at 00 minutes past 0 on the 27th day of
   May, 1969, in the office of the County
   Recorder of the County of Mariposa, State of
   California, in Book of Maps at page 1650.

   27th day of May, 1969.
BOARD OF SUPERVISORS
May 20, 1969

The Board of Supervisors met this 20th day of May, 1969 with all members present.

The minutes of May 13th and May 16th were approved as mailed.

Howard Bell, Road Commissioner, discussed road matters.

On motion of Richardson, seconded by Moffitt, Auditor was directed to draw warrant in the amount of $900 to State of California for fire truck.

Paul Paige was authorized to go with Scott Pinkerton to pick up fire truck in Sacramento on May 23, and also to go to Civil Defense Depot, on motion of Moffitt, seconded by Richardson.

On motion of Long, seconded by Hurbert, the Auditor was directed to draw warrant to Chamber of Commerce for balance of 1968-69 contract, in the sum of $3,000.

On motion of Long, seconded by Hurbert, Mariposa County supports and participates in the Comprehensive Health Planning Program.

Bids for Guard Rail for Road Dept. were opened at 11:00 a.m.

On motion of Long, seconded by Richardson, the low bid of Collins Pipe, Inc. in the amount of $92 a foot for 33 units of size 12, 6', sections metal beam guard rail and $4.90 for 6 units terminal sections with nute and bolts, plus sales tax, less 3/8 - 20 days was accepted.

Alfred Quan presented new sketches for future County Office Buildings on Courthouse square. The Board informed Mr. Quan of their intention to buy the DeMoss property and asked him to inspect said property with a view to placing building there.

Harold Roomey discussed budget matters.

George Knapp of SKA, Inc. Developers presented the Final Map and Subdivision Agreement for Yosemite Alpine Village. On motion of Richardson, seconded by Long, Resolution 69-52 was passed and adopted, authorizing Chairman to sign Subdivision Agreement for Yosemite Alpine Village, Unit 1 Subdivision between the County of Mariposa and SKA, Inc., authorizing Clerk to sign Subdivision Map, approving of said map, and accepting on behalf of the public all parcels of land and easements offered for dedication for public use in conformity with the terms of the offer of dedication.

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BOARD OF SUPERVISORS - COUNTY OF MARIPOSA
RESOLUTION NO. 69-52

BE IT RESOLVED, that Herbert R. Davis Jr., Chairman of the Board of Supervisors of the County of Mariposa, is hereby authorized to execute on behalf of the County of Mariposa, the Subdivision Agreement for Yosemite Alpine Village, Unit 1 Subdivision, comprising 46 Lots, between the County of Mariposa and SKA, Inc., a California Corporation, and

BE IT FURTHER RESOLVED that Gabrielle Wilson, County Clerk, is authorized to sign the map of said subdivision, and

BE IT FURTHER RESOLVED that the Board of Supervisors approves said map of Yosemite Alpine Village, and accepts on behalf of the public all parcels of land and easements offered for dedication for public use in conformity with the terms of the offer of dedication.
PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, State of California, this 20th day of May, 1969 by the following vote:

AYES: Davis, Huribert, Long Moffitt, Richardson

NOES: None

ABSENT: None

NOT VOTING: None

ATTEST: ________________________________

Gabrielle Wilson
Clerk of the Board

______________________________

Herbert R. Davis, Jr.
Chairman, Board of Supervisors

Further discussion was held on changes requested in the Salary schedule for 1969-70 budget.

On motion of Long, seconded by Huribert, the Board of Supervisors makes an order authorizing the Auditor to issue, at the request of the District Attorney, mileage and witness fees checks in a combined amount not to exceed $1000.00.

Boise Cascade Properties, Inc. of Delaware presented the Final Map and Subdivision Agreement for Unit M-1 Lake Don Pedro Subdivision. On motion of Huribert, seconded by Moffitt, Final Map on Unit 1-M Lake Don Pedro Subdivision was approved, accepted on behalf of the public for public use the easements for public utilities, the easements for storm drainage and pedestrian and equestrian ways as shown on said map, postponing on behalf of the public the acceptance of all streets and avenues offered for dedication for public use thereon and has required the subdividers to agree to improve the streets and avenues as required by law and ordinance as a condition precedent to the acceptance of any streets or avenues, and authorizing Chairman to sign Subdivision Agreement for Unit M-1 Lake Don Pedro Subdivision between the County of Mariposa and Boise Cascade Properties, Inc. of Delaware.

On motion of Long, Seconded by Richardson, Howard Bell was authorized to take over the maintenance of Yosemite West Unit #1 County Maintenance District for the present time.

The Board adjourned to meet again in regular session at 10:00 a.m. on May 27, 1969.

______________________________

Gabrielle Wilson
Clerk of the Board

BOARD OF SUPERVISORS
May 27, 1969

The Board of Supervisors met this 27th day of May, 1969 with all members present.

The minutes of May 20, 1969 were approved as mailed.

James Russell discussed the possibility of obtaining permission to accommodate and burn at the Bear Valley Dump. They have found it to be impractical to use the cut and fill method at the present site. It was the consensus of the Board not to grant such a permit. The Board suggested they rent a ripper to dig trenches, look into an alternate site at the Mariposa dump or look into the possibility of acquiring private land for such an operation.

Jack La Due, Probation Officer, discussed a budget matter.

Boise Cascade Properties, Inc. of Delaware presented a petition for establishment of County Service Area.

On motion of Huribert, seconded by Moffitt, Resolution 69-53 was passed and adopted.

Resolution of Intention to Establish Service Area No. 1-M and fixing the time and place for hearing on formation for July 1st, 1969, 2:00 p.m. at the Courthouse in Mariposa and directing the Clerk to publish notice of said hearing.

______________________________

Herbert R. Davis, Jr.
Chairman, Board of the Board

RESOLUTION 69-53

RESOLUTION OF INTENTION TO ESTABLISH COUNTY SERVICE AREA NO. 1-M AND FIXING TIME AND PLACE FOR HEARING ON FORMATION THEREOF AND PROVIDING FOR NOTIFICATION OF SAID HEARING.

WHEREAS, the Mariposa County Local Agency Formation Commission approved on May 27, 1969, a petition filed with it for the establishment of a County Service Area pursuant to the provisions of Title 3, Division 2, Part 2, Chapter 2.2 of the Government Code; and

WHEREAS, there has been filed with the Clerk of the Board of Supervisors, County of Mariposa, State of California, written petition for the establishment of the proposed County Service Area signed by the sole property owner and registered voter pursuant to Section 25210.11 of the Government Code; and

WHEREAS, said proposed County Service Area will cover and include territory in the County of Mariposa as is more fully shown in a description and plat of said proposed County Service Area attached to said written request;

NOW, THEREFORE, the Board of Supervisors of the County of Mariposa does hereby resolve, determine and order that:
ATTACHMENT 2
The Board of Supervisors met this 8th day of September, 1969 with all members present.

The minutes of Sept. 2, 1969 were approved as mailed.

Road Commissioner Howard Bell discussed road matters.

On motion of Richardson, seconded by Hurlibert, Howard Bell was authorized to purchase snowblow blades from Edward R. Bacon Co. for $1659.50, plus tax.

On motion of Hurlibert, seconded by Richardson, Howard Bell was directed to place snowplow at disposal of Foresta residents, and authorized to sign agreement with Foresta Property Owners' Assoc. to maintain it.

Resolution No. 69-86 was passed and adopted, declaring Board's intention to change name of 0.85 mile of Bootjack Road to Wass Road and setting Sept. 23, 1969 at 10 A.M. for public hearing, on motion of Richardson, seconded by Moffitt.

BOARD OF SUPERVISORS - COUNTY OF MARIPOSA
RESOLUTION NO. 69-86

BE IT RESOLVED that pursuant to the provisions of the Streets and Highways Code of the State of California, Division 2, Chapter 2, Section 970.5, the Board of Supervisors of the County of Mariposa does hereby declare its intention of changing the name of the following described Mariposa County Road:

Road located in Section 31, T 5 S, R 20 W., M.D.B. & M., and described more particularly as follows:

Beginning at Engineer's Station 640+50; Highway 49; thence northeasterly, following the existing Bootjack Road to the Tip Top Road; thence southeasterly, following the existing Bootjack Road, to the intersection with Highway 49 at Engineer's Station 655+50. Total distance 0.85 mile.

Change name of this portion of BOOTJACK ROAD to WASS ROAD.

BE IT FURTHER RESOLVED that change of name of said road will be considered at a public hearing to be held on September 23, 1969 at 10:00 A.M. at the County Courthouse in the town of Mariposa, California.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, State of California, this 8th day of September, 1969, by the following vote:

AYES: Davis, Hurlibert, Long, Moffitt, Richardson.
NOES: None
NOT VOTING: None
ABSENT: None

Attest:

Herbert R. Davis, Jr., Chairman

N/A Gabriele Wilson, County Clerk
N/A Ex-officio Clerk of the Board of Supervisors

Resolution No. 69-87 was passed and adopted, declaring Board's intention to change name of 900 feet of Bootjack Road to Wass Road Extension, and setting Sept. 23, 1969 at 10 A.M. for public hearing, on motion of Richardson, seconded by Long. **See page 212

Morris Udell gave a report on work being done by contractor covering P.G. & E. lines in Yosemite West, and reported that inspection work cost would run about $500 over the estimated cost of $1500.

Robert Sheridan, Vice President, Boise Cascade Properties, Inc. of Delaware and Co-journey presented final map for Unit 2-W Lake Don Pedro Subdivision. The Chairman of the Board was authorized to sign Subdivision Agreement for Unit 2-W Lake Don Pedro Subdivision and Final Map approved, on motion of Hurlibert, seconded by Richardson.

On motion of Moffitt, seconded by Richardson, Supervisors Davis was authorized to purchase and pick up Dodge firetruck in Fresno and the Auditor was directed to draw warrant for $400.00 to Cal Pipe and Steel Co. for payment of firetruck.

On motion of Long, seconded by Hurlibert, the Auditor was directed to draw warrant for $1680.00 for professional services rendered in connection with Mariposa Library-History Center thru Schematic Design Stage, by Spencer, Lee and Burse, and the Auditor directed to send letter of transmittal to the effect that the Board does not modify by this order the basic contract.

The Board's meeting of Oct. 7, 1969 was cancelled because it conflicts with County Supervisors Assoc. Annual meeting and the Clerk directed to publish notice of cancellation, on motion of Long, seconded by Hurlibert.

Resolution No. 69-88 was passed and adopted, congratulating the Fremont Hospital Volunteers on their 15th anniversary, Sept. 9, 1969, and commending them for their excellent community work, on motion of Hurlibert, seconded by Moffitt. **See page 212

The Board adjourned to meet again in regular session on September 16, 1969 at 10 A.M.
ATTACHMENT 3
on Pedro Subdivision
1.3M

IF SECTIONS 17, 38, 19, 20, 29, 30, 31 & 32, T.35S., R.15E., M.D.M.

CALIFORNIA

BONE CASCADE PROPERTIES, INC. OF DELAWARE
SHI MAC ARTHUR BLDG. - SAN LEANDRO, CALIFORNIA
ASSOCIATES - DIVISIONS OF TECO, INC.

MBER 1969

SOIL REPORT:
In accordance with Mariposa County ordinance No. 271, a preliminary soil report was prepared on the 20th of
October___, 1969, by PMI Associates. The report was
signed by Harry Rhinekinder, R.C.E. 11155

COUNTY SURVEYOR'S CERTIFICATE:
I, Arnold Benetti, County Surveyor of the County of Mariposa,
State of California, hereby certify that I have examined the map of Lake Don Pedro Subdivision Unit No. 3M and that said
subdivision is substantially the same as it appeared on
the tentative map, and that all provisions of State laws
and local ordinances governing the filing of subdivision
maps have been complied with, and that I am satisfied
that the same is technically correct.

County Surveyor

COUNTY CLERK'S CERTIFICATE:
I, Gabrielle Wilson, County Clerk and Ex-officio Clerk of the
Board of Supervisors of the County of Mariposa,
State of California, do hereby certify that the above and
foregoing map entitled Lake Don Pedro Subdivision Unit
No. 3M was presented to said Board of Supervisors, as
provided by law, at a regular meeting thereof, held on the
25th day of March__, 1969, and that said Board of
Supervisors thereupon, by a motion duly passed and
adopted at said meeting, did approve said map and did
accept on behalf of the public for public use the easements
for public utilities, the easements for storm drainage and
pedestrian and equestrian easements as shown on said
map. Said Board has postponed on behalf of the public
the acceptance of all streets, avenues, drives, walks, courts
and boulevard offered for dedication for public use thereon
and has required the subdivisions to agree to improve
the streets, avenues, drives, walks, courts and boulevard
as shown therein in the manner required by law and
ordinance as a condition precedent to the acceptance of
any streets, avenues, drives, walks, courts or boulevard.

In witness whereof, I have set my hand this __ day
of November__, 1969.

County Clerk and Ex-officio Clerk of the Board
of Supervisors of the County of Mariposa, State
of California.

County Clerk

RECORDER'S CERTIFICATE:
Recorded at the request of Bone Cascade
of_____, minutes past 3 P.M. on the 25th day of
March__, 1969, in the Office of the County
Recorder of the County of Mariposa, State of California,
in Book ___ of Maps, at page ___.

Fee: $___

County Recorder
The Board of Supervisors met this 28th day of October, 1969 with all members present.

The minutes of October 21, 1969 were approved as mailed.

Howard Bell, Road Commissioner, discussed road matters.

On motion of Long, seconded by Huribert, Temporary transfer of $20,000 from General Fund to Road Dept. was approved.

On motion of Huribert, seconded by Richardson, Auditor was directed to make payment to the State Division of Highways for P.A.S. 1306 in the amount of $18,903.

Auditor directed to refund the amount of $51.00 to F. Butler, MD. as per Road Department records, on motion of Richardson, seconded by Long.

The bids for anti-freeze were opened at 10:00 a.m. On motion of Richardson, seconded by Moffitt, the bid for anti-freeze from Shell Service Station, Mariposa, was accepted.

The original proposal of Motorola Communications & Electronics, Inc. for a multi-purpose radio communications system to serve the Road Department and Sheriff's Department was accepted, referred to District Attorney for approval and Chairman authorized to sign proposal, on motion of Moffitt, seconded by Long.

On motion of Long, seconded by Huribert, the Auditor was directed to draw warrant for the amount of $2,204 for professional services rendered in connection with the Mariposa Library-Historic Center by Spencer, Lee and Bues, Architects and Auditor Director to send letter of transmittal to the effect that the Board does not modify, by this order, the basic contract.

On motion of Richardson, seconded by Huribert, Chairman was authorized to sign Special Use Permit No. 4:104+236 from the National Park Service covering the use of existing park roads in and around the Wawona area by the fire truck in Wawona.

Supervisor Long was directed to send statement with 15 copies to the hearing of the Semi-Final Report of Citizens Technical Advisory Committee on Open Space Lands, Nov. 3rd and 4th in San Francisco and copies sent to CSAC, Senator Way and Assemblyman Chappis, on motion of Long, seconded by Huribert.

The Dept. of Employment, Merced, informed the Board a representative of that department will be in Mariposa on Monday, November 10, 1969 (because of Tuesday being a holiday)

2:00 p.m. being the time set for public hearing on the continuance in effect Ordinance No. 314, as amended, for one year, the hearing was opened by Chairman Davis. No one appeared to protest, Chairman recessed the hearing until 3:30 in order that some of the Supervisors could attend the funeral of Don Abbey, on motion of Huribert, seconded by Long. The re-recessed public hearing reopened at 3:30 p.m. by the Chairman. No one appeared to protest, Ordinance 314, as amended, was extended one year, on motion of Moffitt, seconded by Long.

On motion of Moffitt, seconded by Richardson, the Public Guardian was appointed temporary conservator of Mariposa County.

The existing contract as amended with C.P.S. Insurance was continued, on motion of Long, seconded by Huribert.

Auditor was directed to pay one-half of $6,000 to Mariposa County Chamber of Commerce, for fiscal year 1969-70, as per contract, on motion of Long, seconded by Richardson.

Travel was authorized for Sheriff Norman Garrett and Supervisor Huribert to attend meeting of California Council on Criminal Justice in Modesto on November 3, on motion of Long, seconded by Huribert.

On motion of Huribert, seconded by Moffitt, Lyle Turpin was appointed Alternate Supervisor No. 1 in District II to replace Harry Knight who moved out of County.

On motion of Long, seconded by Moffitt, Ray Preston was appointed Alternate Supervisor No. 3 in District III to replace Warren Starna who moved out of State.

On motion of Long, seconded by Moffitt, the Board of Supervisors met in Executive Session on a personnel matter and on motion of Long, seconded by Huribert, reconvened in regular session.

Chairman directed to request the Chairman of Planning Commission to postpone the date for Mr. Gatter to come to Mariposa to assist the Planning Commission with proposed enabling ordinance, on motion of Long, seconded by Moffitt.

The Board adjourned to meet in regular session on Nov. 4, 1969 at 10:00 a.m.

Herbert R. Davis, Jr.
Chairman of the Board

Gabrielle Wilson
Clerk of the Board
The minutes of Oct. 26, 1969 were approved as corrected.

Howard Bell discussed road matters and informed the Board that he would need to change drain from top of water tank at Yosemite West to the bottom and insulate stand pipe to prevent freezing damage. He also alerted the Board that he might need professional help with sewer lines in Yosemite West.

On motion of Moffitt, seconded by Long, it was directed that a request be made to Dept. of Interior for information as to whether it is possible that Yosemite National Park can dispose of their own refuse generated within the Park, on its own property or other Federal Land adjacent to the Park.

Norris Udell of W. J. Hanna & Son gave his appraisal of the problem of providing adequate subdivision inspection, the criteria, observations and cost of inspection for the Board to review. Mr. Udell introduced Arnold Brunetti and Dan Weatherly, members of the staff of W. J. Hanna & Son.

Mr. Udell was requested to meet with the District Attorney, John Thomson, Howard Bell and Supervisor Davis to write up a new subdivision ordinance.

McCready-Koretsky-Engineers representatives Sanford Koretsky and Lloyd Langlie were present at Board's request to discuss several items to be adopted into the County General Plan, which have developed since the Plan was first adopted.

On motion of Long, seconded by Hurlbert, Arnold Brunetti, Co. Surveyor, was granted permission to field check the Tuolumne and Mariposa County Line with John Parti, Co. Surveyor of Tuolumne County.

Resolution No. 69-95 was passed and adopted, approving the map of the surveyed section of the County's northern boundary and authorizing Chairman to sign said map, on motion of Hurlbert, seconded by Long.

BOARD OF SUPERVISORS - COUNTY OF MARIPosa

RESOLUTION NO. 69-95

BE IT RESOLVED that Herbert R. Davis, Jr., Chairman of the Board of Supervisors of the County of Mariposa, is hereby authorized to execute on behalf of the County of Mariposa, the record of survey map showing Mariposa-Tuolumne County Line in Section 18 and a portion of Sections 7 and 17, T5S, R14E, MBBLS, giving approval to said Map.

PASSED AND ADOPTED this 4th day of November, 1969 by the following vote:

AYES: Davis, Hurlbert, Long, Moffitt, Richardson

NOTES: None

ABSENT: None

NOT VOTING: None

/\ Herbert R. Davis, Jr.
Chairman of the Board of Supervisors of the County of Mariposa

ATTEST:
/\ Gabrielle Wilson
Gabrielle Wilson, County Clerk
and Ex-officio Clerk of the Board of Supervisors

Authorization for travel was granted to the following: John Rotondo, Governor's Cont., for Changing Environment, Los Angeles, Nov. 17th and 18th; John Owen, Assessor's Office, Expo meeting, Sec., Nov. 7 at a cost not to exceed $30.00 from Supervisors' Budget, on motion of Hurlbert, seconded by Richardson.

Resolution No. 69-96 was passed and adopted, appropriating $175.00 to Coulterville Constable for extra help; $150 to District Attorney's Office for Professional Services, on motion of Long, seconded by Hurlbert.

BOARD OF SUPERVISORS - COUNTY OF MARIPosa

RESOLUTION NO. 69-96

BE IT RESOLVED: That pursuant to the provisions of Division 3, Chapter 1, Article 6 of the Government Code of the State of California, the following cancellations, transfers, and Appropriations within the Budget of the County of Mariposa are hereby adopted:

APPROPRIATIONS

<table>
<thead>
<tr>
<th>Department</th>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coulterville Constable</td>
<td>Extra Help</td>
<td>$175.00</td>
</tr>
<tr>
<td>District Attorney</td>
<td>Professional Services</td>
<td>$150.00</td>
</tr>
</tbody>
</table>

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, State of California, this 4th day of November, 1969.

Ayes: Davis, Hurlbert, Long, Moffitt, Richardson

Noes: None

Absent: None

Not Voting: None

Attest: /\ Gabrielle Wilson
County Clerk and Ex-officio Clerk of the Board of Supervisors

/\ Herbert R. Davis, Jr.
Chairman of the Board of Supervisors
Jim Suarez, John Dollins of PMT and Roger Sheridan of Boise Cascade Properties, Inc. presented the final map for Lake Don Pedro 3-N. Mr. Collins explained the sanitary sewer service rate schedule and service district assessment rate schedule. It was decided to add an addendum to the Subdivision Agreement that Boise Cascade Properties, Inc. would accept the responsibility of operation of the sewer system until the County receives money from the 1st assessment district. On motion of Burbert, seconded by Long, Chairmen was authorized to sign Subdivision Agreement as amended with Boise Cascade Properties Inc. for Lake Don Pedro 3-N.

SUBDIVISION AGREEMENT FOR UNIT 3-N LAKE DON PEDRO SUBDIVISION

THIS AGREEMENT entered into this 4th day of November, 1969, by and between the Board of Supervisors of the County of Mariposa, State of California, hereinafter referred to as "Principal", and

WHEREAS, Ordinance No. 201 of the County of Mariposa, and the Subdivision Map Act of the State of California, require that if the work of improvement required in a subdivision is not completed prior to the acceptance of a subdivision map thereof, the owner of the subdivision shall enter into an agreement with the Board of Supervisors to complete the work of improvement as required by the County under said Ordinance and applicable state and local laws and regulations, in consideration of the acceptance of said final subdivision map by said Board; and

WHEREAS, said Ordinance and Subdivision Map Act require that said agreement be secured by improvement security in a penal sum, not to exceed the estimated cost of the improvements, for faithful performance of the agreement and for securing payment of labor and material claims, and

WHEREAS, the parties understand that a work of improvement in the above subdivision consisting of road construction and water system construction is required and has not been completed, and

WHEREAS, the parties desire to enter into such an agreement,

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. The County agrees to approve the final map of the subdivision presented to it by Principal and designated "Unit 3-N Lake Don Pedro" and to accept on behalf of the public all road rights-of-way and easements lying within Unit 3-N as shown on the said map offered for dedication in accordance with the conditions hereinafter set forth.

2. In consideration thereof Principal agrees to complete the work of the road improvement and water system improvement required in said subdivision in accordance with the state laws and regulations, and County Ordinances and regulations of Mariposa County, within a period of eighteen (18) months of the date of this agreement.

3. Upon satisfactory completion of all improvements required under this agreement in accordance with all applicable laws, Ordinances, rules, and regulations, of the State of California and the County of Mariposa, County agrees to accept for maintenance the work of road improvements within the dedicated parcels shown on said final subdivision map subject to the provisions of Section 3 hereof. The Principal understands and agrees that approval of authorized officers, agents, and servants, does not relieve the Principal of the responsibility for the correction of errors or omissions that may be contained in the improvement plans. If, during the course of construction of the improvements, the public interest requires a modification of these improvement plans, the County Engineer or County Road Commissioner shall have the authority to require such modification or departure and may specify the manner in which the improvements will be owned and operated by a water company, duly qualified as a public utility, and will not be owned or operated by County. It is further understood and agreed that acceptance of said improvements does not of itself constitute such roads County Highways, and that the County shall not be obligated to maintain the same in the event a County Service Area or a Community Services District or other governmental subdivision is formed for the purpose, among other things, of maintaining said roads. If such a County Service Area or Community Services District or other governmental subdivision is not formed for the purpose, among other things, of maintaining said roads, the same shall become County Highways, maintained at the cost of County, upon their formal inclusion in the Mariposa County Road System.

4. The Principal shall give advance notice to the Road Commissioner and the County Surveyor of the date of commencement of the work of improvements, and of the proposed construction schedule of the same, and shall cooperate with the Road Commissioner and the County Surveyor to the end that said improvements are inspected by the County during construction.

5. The Principal agrees to remedy any defects in the improvements arising from faulty or defective materials or construction of said improvements occurring within twelve (12) months after acceptance thereof.

6. Principal covenants to defend, indemnify and hold harmless the County from any and all loss, damage, or liability resulting from Principal's performance or non-performance of this Agreement, or from Principal's negligence of Principal's agents, servants and employees.

7. If the construction of the work or improvement should be delayed without fault of Principal, the time for the completion thereof may be extended by the County for such period of time as the County may deem reasonable.

8. The Principal shall obtain and file with the County a good and sufficient improvement security in favor of the County, and in form approved by the County, securing the faithful performance by Principal of the provisions of this agreement with regard thereto, in the
penal sum of $2,355,082.00 for construction roads, sewer and water systems and $36,000.00 for street extensions. The improvement security shall be an improvement security as defined in Business and Professions Code Section 11612, to wit:

1) A cash deposit or deposits made with the County;
2) A bond or bonds by one or more duly authorized corporate sureties, or,
3) An instrument or instruments of credit from one or more financial institutions subject to regulation by the state or federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment and agreeing that the instrument shall become trust funds for the purposes set forth in the instrument. Such improvement security shall also cover the matter specified in Business and Professions Code Section 11612.1, to wit:

(a) Performance of the work covered by this Agreement,
(b) Performance of any changes or alterations in such work; provided, that all such changes or alterations do not exceed ten percent (10%) of the original estimated cost of the improvement,
(c) The maintenance of the work for a period of one year following the completion and acceptance thereof against any defective materials furnished, in the performance of the contract with the County. The provisions of Business and Professions Code Sections 11612, 11612.1 and 11612.2 shall apply to the improvement security.

9. The procurement and delivery of said improvement security shall be a condition precedent to the approval of the final subdivision map and to the issuance of the County

10. Where a cash deposit is made in lieu of surety bond, the Principal may request the County Commissioner of County to inspect the road work as it progresses. If the work is found to be in accordance with the requirements of the County, it may be accepted as is progress and a partial refund of the cash deposit shall be made in a sum in the same ratio to the total deposit as the work accepted appears to the total work to be done. No refund in excess of fifty per cent (50%) of the total amount of the deposit shall be made until all the work has been completed and accepted. The determination of the County Commissioner as to the amount of work done and the amount of refund to be paid shall be final and conclusive. Any other improvement security provided pursuant to this agreement may be released as the work progresses and is accepted in the same manner and under the same conditions as the cash deposit may be released. When the work of road improvement and water system is accepted, not less than five per cent (5%) of the improvement security shall remain in effect to guarantee the faithful performance of the provisions of the agreement relating to changes or alterations and maintenance of the work for a period of one year following completion and acceptance thereof.

While title to the subdivided property is held by the record owner thereof under a holding agreement, this Agreement and the bond pursuant thereto may be executed by the real party or parties in interest.

12. Any extension of time hereunder shall not operate to release the surety on any bond filed pursuant to this agreement, and, in this connection, the surety on such bond agrees to waive the provision of Section 2819 of the Civil Code of the State of California.

13. Principal warrants that it is a corporation duly authorized to do business in the State of California, and is the owner of the property described on the above mentioned subdivision map.

14. Principal agrees to cause pending application for the annexation of Unit 3-M into County Service Area 1-M and to complete the same at the earliest possible time.

15. Principal agrees to operate and maintain the sewage system serving afeased lots in Unit 3-M until such time as the taxes for such revenues are available to enable County to maintain the same. The obligation Principal set forth in the preceding sentence shall not extend beyond the date of December 31, 1970, provided that Principal shall have commenced proceedings to annex Unit 3-M into County Service Area 1-M in sufficient time to allow timely assessments to such lots by County.

IN WITNESS WHEREOF the parties hereto have executed this Agreement this day and year above written.

COUNTY OF MARICPOSA, a political subdivision of the State of California

By /s/ Herbert R. Davis, Jr.
Chairman of the Board of Supervisors

BOISE CASCADE PROPERTIES, INC. OF DELAWARE

By /s/ R. W. Sheridan
Assistant Vice President

The Board makes a finding that the snow plow in foresta has a value of less than $75.00 and authorize the Road Commissioner to sell it, on motion of Hubbert, seconded by

On motion of Long, seconded by Huribt, the Board consented to Tax Cancellation No. 386, pursuant to Section 4966-B of Revenue and Taxation Code, Tax Cancellation No. 387, pursuant to Section 4966-B of Revenue and Taxation Code.

COUNTY OF MARICPOSA
STATE OF CALIFORNIA

No. 386
P ETITION FOR CANCELLATION OF PROPERTY TAXES PURSUANT TO SECTION 4986-E REVENUE & TAXATION CODE PROVISION, STATE OF CALIFORNIA.

TO THE HONORABLE BOARD OF SUPERVISORS,
MARIPOSA COUNTY,

The undersigned hereby petition your Honorable Body to consent to the cancellation of the below entry as a lien upon the following described real property:

Assessment in the name of Robert G. DeMoss
Road District No. 4
Sale No. 8
Value $3000
Tax 190.20
Description: Pct. Mariposa Town Blk. 43 as per deed recorded in Vol. 22, page 319 of O.R.
Years to be cancelled 1969
Reason for cancellation: Purchased by Mariposa County

/\ Kenneth L. Atwood
County Assessor

\/ Richard S. Cimbin
District Attorney

Consent of Board of Supervisors given on 4 day of Nov., 1969

Gabrielle Wilson
Clerk of the Board of Supervisors

COUNTY OF MARIPOSA
STATE OF CALIFORNIA

P ETITION FOR CANCELLATION OF PROPERTY TAXES PURSUANT TO SECTION 4986-B REVENUE & TAXATION CODE PROVISION, STATE OF CALIFORNIA

TO THE HONORABLE BOARD OF SUPERVISORS
MARIPOSA COUNTY, CALIFORNIA.

The undersigned hereby petition your Honorable Body to consent to the cancellation of the below entry as a lien upon the following described real property:

Assessment in the name of Louis Ned & Julia A. Moore
Road District No. 5
School District Sebastopol
Value $1000
Tax 510
Description: Parcel No. 1 as delineated on Parcel Map filed for record as Book 2, Page 36
of Parcel Maps Sec. 2 T6S R19E, 18.28 ac.
Years to be cancelled 1969
Reason for cancellation: Veteran's exemption erroneously omitted from tax roll

/\ Kenneth L. Arndt
County Assessor

/\ Richard S. Cimbin
District Attorney

Consent of Board of Supervisors given on 4 day of Nov., 1969.

Gabrielle Wilson
Clerk of the Board of Supervisors

On motion of Huribert, seconded by Richardson, one motion on General Relief, Welfare, was approved for $25.00 for one month.

On motion of Richardson, seconded by Long, the County made a Finding of Liability of Responsibility of relative, Welfare Dept. (Robert F. Hollingsworth - for mother Mollie B. Dodd)

Resolution No. 69-97 was passed and adopted, urging the California Water Commission to make an effort to keep the Davis-Grusky program functioning through the financial crisis, on motion of Long, seconded by Richardson.

BOARD OF SUPERVISORS - COUNTY OF MARIPOSA

RESOLUTION NO. 69-97

WHEREAS, the Davis-Grusky program is vital to rural county water development,

NOW, THEREFORE, BE IT RESOLVED that the Mariposa County Board of Supervisors does urge the California Water Commission to make an effort to keep the Davis-Grusky program functioning through the financial crisis.

PASSED AND ADOPTED this 4th day of November, 1969 by the following vote:

AYES: Davis, Huribert, Long, Hoffit, Richardson
NYES: None
NOY VOTING: None
ABSENT: None

\/ Herbert R. Davis, Jr.
Chairman, Board of Supervisors
The Board adjourned to meet in regular session on November 12, 1969 at 10:00 a.m.

Herbert K. Davis, Jr.
Chairman of the Board

__________________________
Gabrielle Wilson
Clerk of the Board

__________________________
Gabrielle Wilson
Clerk of the Board


c

BOARD OF SUPERVISORS
November 12, 1969

The Board of Supervisors met this 12th day of November, 1969 with all members present.

The minutes of November 4, 1969 were approved as mailed.

The following claims were allowed as presented:

Road Fund
General Fund
Contingent Fund
Recreation and Parks Fund
Law Library Fund
Water Agency Fund
Yosemite West Maintenance Dist. Fund
Mariposa Lighting Dist. Fund
Library-History Center Fund

$19,966.79
16,721.19
3,013.97
866.42
36.75
100.00
2,517.06
271.60
2.48

On motion of Hurlbert, seconded by Moffitt, temporary transfer of $12,000 from General Fund to Road Dept. was approved.

The application of Ronald A. Brazill for Engineer-Surveyor was submitted and the matter was taken under consideration.

Hansell T. Leake and T. Beam, represented the Forests Home Owners Association, discussed several possibilities for the removal of snow on county road during the winter. Howard Bell and Hall will work with the Forests Home Owners in an effort to find a suitable arrangement and in the meantime, the Home Owners will rent the snow plow from the County.

The matter of proposals on five wells was deferred until a later date.

On motion of Moffitt, seconded by Hurlbert, authorization for travel for supervisors was granted to the following: Howard Bell, Road Commissioner, to go to Supervisor Richardson to discuss the matter of the road on Nov. 9; Sacramento, Nov. 10 & 11; Scott Pinkerton and Paul Page, Civil Defense Depot, Sacramento and San Leandro, November 13th.

Chairman Davis left meeting at 11:30 a.m. to represent County at a Mental Health meeting in Visalia and relinquished chair to Supervisor Hurlbert.

Jim Juarez, Roger Rump and Jack Stump, representing Boise Cascade Properties, Inc., of Delaware, presented Subdivision Agreement and Bond for Lake Don Pedro Unit 4-M. W. Long, seconded by Richardson, the Chairman was authorized to sign Subdivision Agreement with Boise Cascade Properties, Inc., of Delaware, for Lake Don Pedro Unit 4-M.

SUBDIVISION AGREEMENT FOR UNIT 4-M LAKE DON PEDRO SUBDIVISION

THIS AGREEMENT entered into this 12 day of November, 1969 by the Board of Supervisors of the County of Mariposa, State of California, hereinafter referred to as the "County" and Boise Cascade Properties, Inc., of Delaware, hereinafter referred to as "Principal",

WITNESSES:

WHEREAS, Ordinance No. 201 of the County of Mariposa, and the Subdivision Map Act of the State of California, require that if the work of improvement required in a subdivision map thereof is to be performed, the County shall enter into an agreement with the Board of Supervisors to complete the work of improvement as required by the County under said Ordinance and applicable state and local laws and regulations, in consideration of the acceptance of said final subdivision map by said Board; and

WHEREAS, said Ordinance and Subdivision Map Act require that said agreement be secured by improvement security in a penal sum, not to exceed the estimated cost of the improvement, for faithful performance of the agreement and for securing payment of labor and material claims, and

WHEREAS, the parties understand that a work of improvement in the above subdivision consisting of road construction and water system construction is required and has not been
TO:          Board of Supervisors
FROM:        Jeffrey G. Green, County Counsel
RE:          Equestrian Easement - Lake Don Pedro

I have obtained documentation which would indicate that the County did, in fact, accept these easements and the County probably has title to them.

[Signature]

cb
March 17, 1989

David A. Edwards  
1301 Richland Avenue, Apt. #151  
Modesto, CA 95351

Dear Mr. Edwards:

I have received information from Mariposa County's Public Works Department relative to the equestrian trails and have the following information for you:

The equestrian trails in the Lake Don Pedro Subdivision were in fact accepted by the County for public use, but were not accepted by the County into the County system nor are they owned by the County. Additionally, the County does not perform any maintenance on the equestrian trails.

It is unclear as to whether or not the County would have liability for the trails unless it actually maintains the trails. Should the County actually maintain the trails then the County would assume liability for those trails.

Very truly yours,

Jeffrey G. Green  
County Counsel

cc: Supervisor Sally Punte
October 5, 1992

H. Robert Johanen  
4531 Enramada Dr.  
La Grange, CA 95329

Re: Lake Don Pedro Equestrian Trails

Dear Mr. Johanen:

This is a follow-up of my letter to you of September 11, 1992. Subsequent to my letter, you and I discussed this matter over the telephone and you indicated to me that you are not particularly interested in having the County respond to you relative to your letter to the editor of the Yosemite Highway Herald, but that you would like the County to respond in some way to the public to the questions in your letter.

In that regard, I have received the information from our Public Works Department. There were apparently three phases of the Lake Don Pedro Subdivision. During each phase at the map recordation stage, the developers offered to the County of Mariposa an easement dedicated for public use for the equestrian trails. Those easements were formally accepted by the Board of Supervisors in each case.

The legal ramifications of that acceptance are that the County has accepted full responsibility and liability for the operation of those trails and has additionally assumed the responsibility for keeping the trails open for pedestrian and equestrian uses. The law is very clear that the County does in fact have the right to preclude any private landowner from obstructing those trails.

Should you desire any additional information regarding this matter, please feel free to contact the undersigned.

Very truly yours,

Jeffrey G. Green  
County Counsel  

cc: Supervisor Sally Punte  

GERT TIBOL  
Home - 742-7348
David Taylor
P.O. Box 128
La Grange, CA 95329

Re: Lake Don Pedro Equestrian & Pedestrian Trails

Dear Mr. Taylor:

This responds to your letter dated October 18, 2013, requesting clarity on indemnity for the Lake Don Pedro Equestrian & Pedestrian Trails.

Please accept this as confirmation that Mariposa County does not provide indemnification for property owners whose property is encumbered by trails.

Very truly yours,

[Signature]

Steven W. Dahlem
Mariposa County Counsel
ATTACHMENT 8
Petition to enact an INDEMNIFICATION INSURANCE CLAUSE for the MARIPOSA COUNTY PEDESTRIAN & EQUESTRIAN TRAILS SYSTEM  

Tuolumne County has an Indemnification Insurance clause to help protect property owners from lawsuits by recreational users of their Pedestrian and Equestrian trail network. At this time Mariposa County does not. Our goal is to align the policy of the two counties with regards to Indemnification.

We, the undersigned Mariposa County voters, Petition to the COUNTY OF MARIPOSA BOARD OF SUPERVISORS to approve and enact an INDEMNIFICATION INSURANCE CLAUSE for the MARIPOSA COUNTY PEDESTRIAN & EQUESTRIAN TRAILS SYSTEM that agrees to defend, indemnify, protect, save and keep harmless the property owners of Mariposa County.

<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Signature</th>
<th>Address</th>
<th>Email address</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don Hallerman</td>
<td></td>
<td>2466 Governors Dr.</td>
<td><a href="mailto:don@hallerman.com">don@hallerman.com</a></td>
<td>5-14-14</td>
</tr>
<tr>
<td>Holly Anne Taylor</td>
<td></td>
<td>9338 Banderville Dr.</td>
<td><a href="mailto:hollyannetaylor@att.net">hollyannetaylor@att.net</a></td>
<td>5-14-14</td>
</tr>
<tr>
<td>Roger A. Hays</td>
<td></td>
<td>9553 Stanley Oak Rd.</td>
<td></td>
<td>5-14-14</td>
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<tr>
<td>Scott Boley</td>
<td></td>
<td>9828 Shiloh Dr.</td>
<td></td>
<td>5-14-14</td>
</tr>
<tr>
<td>ELEANOR B. DUSTI</td>
<td></td>
<td>1062 Banderville Dr.</td>
<td><a href="mailto:elielc@finestplanet.com">elielc@finestplanet.com</a></td>
<td>5-11-14</td>
</tr>
<tr>
<td>Paul D. THORPE</td>
<td></td>
<td>9251 Pleasant Ln.</td>
<td></td>
<td>5-7-14</td>
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<tr>
<td>FRANKLIN D. WATTS</td>
<td></td>
<td>9216 Willow Oak Rd.</td>
<td></td>
<td>5-14-14</td>
</tr>
<tr>
<td>STEVEN R. SEWALD</td>
<td></td>
<td>9231 Copperfield CV</td>
<td></td>
<td>5-14-14</td>
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<td>DAVID ANDREW</td>
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<td>9230 Banderville Dr.</td>
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<tr>
<td>CHRIS WILCOX</td>
<td></td>
<td>9233 Donato Dr.</td>
<td></td>
<td>5-14-14</td>
</tr>
<tr>
<td>Gary Hartley</td>
<td></td>
<td>9424 Dolorosa St.</td>
<td><a href="mailto:gharley@dolorosa.com">gharley@dolorosa.com</a></td>
<td>6-12-14</td>
</tr>
<tr>
<td>Jake Hartley</td>
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<td>9424 Dolorosa St.</td>
<td><a href="mailto:JakeHartley@Comcast.net">JakeHartley@Comcast.net</a></td>
<td>6-12-14</td>
</tr>
<tr>
<td>Steve Prinz</td>
<td></td>
<td>1270 Banderville Rd.</td>
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<td>6-13-14</td>
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<tr>
<td>Bill Hartley</td>
<td></td>
<td>9410 Villarreal</td>
<td></td>
<td>6-13-14</td>
</tr>
<tr>
<td>Kevin Joyce</td>
<td></td>
<td>3925 Paloma Ct.</td>
<td><a href="mailto:kjoyce@harckwisp.com">kjoyce@harckwisp.com</a></td>
<td>6-13-14</td>
</tr>
<tr>
<td>Sherri Flossi</td>
<td></td>
<td>3957 Paloma Ct.</td>
<td><a href="mailto:sflosi@harckwisp.com">sflosi@harckwisp.com</a></td>
<td>6-14-14</td>
</tr>
</tbody>
</table>
July 28, 2015

TO: Rhonda Scherf

FROM: Russ Marks

SUBJECT: LDP Equestrian Trails

The Lake Don Pedro (LDP) Subdivision Equestrian Trails are not and have never been included in the County Roads System of maintained roadways.

No public road maintenance funds are used for/on the LDP Equestrian Trails.
October 14, 2013

Steve Dahlem,
County Counsel
P. O. Box 189
Mariposa, CA 95338

Dear Mr. Dahlem,

We are writing to ask for clarity on indemnity for the Lake Don Pedro Equestrian and Pedestrian (P & E) Trails. In the event of injury to person or property, Tuolumne County provides indemnification for property owners whose property is encumbered by trails. It appears from various conversations that liability falls on Mariposa County property owners as Mariposa County assumes no liability. Would you confirm for us, please, if this is correct. On the other hand, if Mariposa County assumes some liability or indemnification, would you be so kind as to advise us on the extent of this.

We look forward to your reply.

Sincerely,

David A. and Mary Anne Taylor
P. O Box 128
La Grange, CA 95329
209-852-2295
Mariposa County Board of Supervisors  
Attn: Renee La Roche, Clerk of the Board  
Post Office Box 784  
Mariposa, CA 95338

Dear Sirs and Madam:

In response to the Supervisors August 4, 2015 request for a report from this Association regarding the importance of the Pedestrian & Equestrian Trail easements within the subdivision and the Association’s position on the proposed indemnification of the trails we hereby submit the following:

Item 1: Importance of the trail easements.
- The Lake Don Pedro Subdivision was designed and developed to allow equestrian ownership and recreation.
- The public access P&E trail easements have from its inception been a part of the subdivision’s design, they cross back and forth between the Mariposa and Tuolumne county units and allow access to the numerous natural park areas within the subdivision. The trails are therefore utilized by property owners from both counties.
- The above factors were often an important consideration when our 3125 owners purchased their lots. 1782 of our lots are located in Mariposa Co.

Because of the above considerations, the lot owners and Board of the Lake Don Pedro Owners’ Association strongly oppose any and all proposals to vacate the P&E Trail easements.

Item 2: Association’s position respecting the request for indemnification of the Mariposa trails.
- As stated in our previous letter to you on April 17, 2014 – The Association and its members do favor indemnification by the county of the trails easements. Consider the following points:
  a) There is negligible risk for the county.
  b) In the 17+ years since Tuolumne Co. indemnified their trail easements in this same area there have been zero actions involving that indemnity.
  c) CA Civil Code 846 further codifies no liability for public trail use.

We hope that this position statement may be of help in the Board’s decision.

Respectfully,

Board of Directors
Lake Don Pedro Owners Association
At the August 4, 2015 Board of supervisors Meeting, there was an agenda item for Discussion and Direction Regarding Petition to Enact an Indemnification Insurance Clause for the Mariposa County Pedestrian and Equestrian Trails System. From this discussion, County Counsel was to research and provide information on the process for vacating trails and on other counties’ experience with indemnification. I was to set up a meeting with the LDP Owners Association to discuss and gauge how important them.

At the August 8th LDPOA Meeting, I gave a brief summary of the August 4th Supervisors meeting and asked to have it on the agenda in September to discuss the trail questions. The LDPOA Board said that Supervisor Jones had already contacted them to request this on their agenda and that he planned to be present at the September meeting. This meeting was cancelled. There is an election for new LDPOA Board members taking place now, and because of this, a regular Owners Association meeting is not expected soon.

I’d like to respectfully remind the Board that it has the following at its disposal, both from the July 22 2014 Board meeting and again in a packet sent to each Supervisor this past June:

1. A letter from the LDP Owners Association stating that it supports indemnification.
2. A number of letters from individual property owners and businesses in support of indemnification.
3. A petition signed by local LDP residents in Mariposa County asking for indemnification.

The focus of these letters and petition is for indemnification and not for taking over the trails or vacating them.

I hope that pointing this out can clear the way for moving forward as it is my understanding that there’s a timeline for getting this resolved.

Respectfully,

David A. Taylor

David A. Taylor