



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

January 4, 2005

Time Description

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

Chairman Pickard wished everyone a "Happy New Year," and he advised that public presentations would be taken at 11:00 a.m.

Tom Brownell sang the National Anthem.

Pledge of Allegiance was led by representatives of local veteran's organizations:
Bob Johns/Community Services Department – Veterans Service Officer; Jon Turner/Mariposa VFW Post 6042; Derold Luther/Coulterville VFW Post 9454; and Larry Todd/American Legion Post 567.

Invocation was led by Jon Turner/Mariposa VFW Post 6042.

Tom Brownell sang God Bless America.

Chairman Pickard called for a moment of silence in memory of those that were affected by the Tsunami disaster.

Chairman Pickard invited everyone to attend the Swearing-in Ceremony, and he advised that refreshments were available in the lobby.

9:14 a.m. Recess for Ceremonial Oath in the Courthouse; Judge Parrish, Superior Court, conducted the Swearing-in Ceremony for Re-Elected Supervisor Bob Pickard; and Judge Walton, Superior Court, conducted the Swearing-in Ceremony for Elected Supervisors Dianne Fritz and Lyle Turpin.

NOTE: This was not a part of the Board of Supervisors Meeting

Refreshment break was held in the Government Center Lobby.

11:06 a.m. The Board reconvened at the Government Center.

Supervisors Turpin and Fritz were welcomed to the Board.

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Angie Gustafson and Debbie Owens, SEIU 250 Home Health Care Workers Union, welcomed the new Board members and stated they look forward to continuing with negotiations.

Paul Chapman referred to Consent Agenda items 6 and 7, and he suggested that costs be compared to obtain better prices for the equipment that the County purchases.

Board Information

Supervisor Turpin thanked the Board and staff for the welcome. He advised of the CSAC Conference for new supervisors that he and Supervisor Fritz attended.

Supervisor Bibby advised that the Mental Health Board is scheduled to meet at noon, and that she will continue to attend the meetings until the Board makes new appointments to the committees. She also advised that Supervisor Turpin is willing to rotate attendance at these meetings with her.

Supervisor Stetson advised of the El Portal Planning Advisory Committee meeting.

Supervisor Fritz thanked the Board and staff for the welcome, and she advised that the CSAC Conference was excellent.

Rich Inman, County Administrative Officer, advised that the groundbreaking ceremony will be held for the Co-compost facility at the landfill on Friday.

Selection of Chair and Vice-Chair for 2005

BOARD ACTION: (M)Turpin, (S)Stetson, Supervisor Pickard was selected as Chair/Ayes: Unanimous. (M)Stetson, (S)Bibby, Supervisor Stetson was selected as Vice-Chair/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 5, 6, and 7. Supervisor Turpin pulled item 8. (M)Stetson, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 5 – Supervisor Bibby asked that the date that the agreement with Stanislaus County Behavioral Health and Recovery Services is entered into be clarified and that it be clarified whether the agreement should reflect Modesto or Stanislaus County. Tom Guarino advised that the effective date is October, 2004, and that it should reflect the County of Stanislaus in the agreement. (M)Bibby, (S)Fritz, item 5 was approved with the corrections/Ayes: Unanimous.

Consent Agenda item 6 – Supervisor Bibby referred to the input provided during public presentations, and she asked that Public Works try to obtain a better price for the equipment. Dana Hertfelder, Public Works Director, advised that the request is for a heavy duty drill and not for a residential tool. (M)Bibby, (S)Fritz, item 6 was approved/Ayes: Unanimous.

Consent Agenda item 7 – Supervisor Bibby expressed the same concern as with item 6. Dana Hertfelder advised that he working with Technical Services on the purchase of the computers. (M)Bibby, (S)Stetson, item 7 was approved/Ayes: Unanimous.

Consent Agenda item 8 – Supervisor Turpin asked about the transfer of the funds from the Maintenance of Buildings line item, and whether there would be sufficient funding left in the account to handle the maintenance needs. Carl Casey/PWD-Fiscal Officer, provided input relative to status of the budget and the request. (M)Turpin, (S)Bibby, item 8 was approved/Ayes: Unanimous.

Appoint a Planning Commissioner Representing District II to the Mariposa County Planning Commission (Supervisor Turpin)

BOARD ACTION: Supervisor Turpin advised of the interest that was expressed for this position, and he recommended the appointment of Norm Ross. Chairman Pickard clarified that the vacancy was posted in accordance with the Maddy Act. (M)Turpin, (S)Fritz, Norm Ross was appointed as Planning Commissioner representing District II/Ayes: Unanimous. Norm Ross stated he appreciates the opportunity to serve.

11:26 a.m. MARIPOSA COUNTY PUBLIC FINANCE CORPORATION

Conduct the Annual Meeting and Select Officers for 2005 (Clerk of the Board)

CORPORATION ACTION: (M)Fritz, (S)Turpin, Director Pickard was selected as President, and Director Stetson was selected as Vice-President/Ayes: Unanimous.

11:28 a.m. CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); James and Marion Dean v. County of Mariposa, et al (County Counsel)

BOARD ACTION: (M)Bibby, (S)Stetson, the closed session was held/Ayes: Unanimous.

11:55 a.m. Chairman Pickard announced that direction was given to staff as a result of the closed session.

CONSENT AGENDA:

- CA-1 Approve a Certificate Recognizing Rick Roesch as the Chamber of Commerce Businessman of the Year for 2004 (Tourism Coordinator)
- CA-2 Approve a Certificate Recognizing Elaine Seymour as the Chamber of Commerce Businesswoman of the Year for 2004 (Tourism Coordinator)
- CA-3 Approve a Certificate Recognizing the Mariposa County Chamber of Commerce's 2004 Business of the Year, Savoury's Restaurant and Catering (Tourism Coordinator)
- CA-4 Adopt a Resolution Establishing the Tax Rate on the Yosemite High School Bond for the Secured Property Tax Roll of 2004-05 (Auditor); Res. 05-1
- CA-5 Approve a Behavioral Health Contract Amendment for Residential Inpatient Services with Stanislaus County Behavioral Health and Recovery Services and Authorize the Chair of the Board of Supervisors to Sign the Amendment (Human Services Director); Res. 05-5, with corrections
- CA-6 Approve Budget Action Transferring Funds within the Fleet Services Budget from Contingency to Equipment Under \$1,000 to Cover the Cost of a Battery Charger, an Electrical meter, and a Cordless Drill for Use in Vehicle Maintenance (\$1,100) (4/5ths Vote Required) (Public Works Director); Res. 05-6
- CA-7 Approve Budget Action Transferring Funds within the Road Budget from Contingency to Fixed Assets/Computers to Allow for the Replacement of Four Outdated Personal Computers for the Engineering Staff (\$6,400) (4/5ths Vote Required) (Public Works Director); Res. 05-7
- CA-8 Approve Budget Action Transferring Funds within the Facilities Maintenance Budget from Maintenance of Buildings to Fixed Assets/Other Equipment to Allow for the Purchase of a Rombus Carpet Cleaning Machine (\$1,806) (Public Works Director); Res. 05-8
- CA-9 Adopt a Resolution Authorizing the Health Officer to Apply for a Grant to Acquire Automatic Emergency Defibrillators for Public Buildings in Mariposa County (Health Officer); Res. 05-2
- CA-10 Adopt a Resolution Approving Children's Medical Services (CMS) Plan and Budget Justification for Fiscal Year 2004-2005 in the Amount of \$34,319 for California Children's Services (CCS), \$81,689 for Child Health and Disability Program (CHDP), and \$18,283 for the Health Care Program for Children in Foster Care (HCPCFC) and Authorizing the Board of Supervisors Chair to Sign Children's Medical Services Certification Statement for Fiscal Year 2004-2005; Approve Budget Action Accepting Unanticipated Revenue in the Amount of \$2,589 for Children's Service and \$22,824 for the CHDP and Foster Care Programs (\$25,413) (4/5ths Vote Required); (Health Officer); Res. 05-3
- CA-11 Adopt a Resolution Authorizing the Board of Supervisors Chair to Sign Certificate Regarding Lobbying; Page One of the General Terms and Conditions

(Exhibit C); Standard Agreement Number 04-35811 (Immunization Assistance Practices Program), Encompassing Three Fiscal Years Beginning with Fiscal Year 2004-2005; and the Contractor's Release Form at the End of Each Fiscal Year for the Same Three Fiscal Years (Health Officer); Res. 05-4

11:56 a.m. Adjournment in memory of Evelyn Tucker, Stearns Seymour Tucker, Jr., Don Rowe, Jr., Doug Mowinckel, Dante Skatell, and Lavona Greeley.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA January 11, 2005



Time Description

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

Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Blaine Shultz, Fire Chief, provided a status report on the flood operations for individual areas throughout the County where the recent rains caused difficulty. He thanked staff, Department of Corrections (CDC) crews for assisting with filling sand bags, the volunteers, Sheriff's Department and Search and Rescue, and the Road Department for their efforts during the recent storms. He also advised that a crew was available from the State.

Dr. Mosher, Health Officer, advised of other storm related problems. A sewage drainage pipe from Yosemite National Park was broken and caused a minor spill. The rain eroded away a fair amount of cover at the landfill and washed garbage into the Aqua Fria drainage. He advised that they are working on clean-up and monitoring, and will work with all of the involved agencies.

Dana Hertfelder, Public Works Director, provided a status report on the clean-up efforts with Total Waste Systems at the landfill as a result of the storm damage. He advised that they are trying to get access from the affected private property owners to continue with the clean-up efforts.

Jim Allen, Sheriff, added to the Fire Chief's report, and he advised that his office and the volunteers were very busy and worked with the other departments on the storm damages. He commended the Road Department staff for their assistance.

Paul Chapman stated he feels the employees should be paid for the good job they do. He also referenced the invoices for the shop tools and computers that the Board approved on January 4th, and he requested that the Board appoint a group of citizens to look into the County's purchasing. He presented sales ads for the equipment that was approved for purchase and suggested that the prices be compared.

Chairman Pickard advised of a request for an off-agenda item to discuss problems that occurred as a result of the recent storms, to add a closed session to the agenda for conference with Legal Counsel relative to anticipated litigation/significant exposure to litigation for a case. (M)Stetson, (S)Turpin, the Board waived rules requiring 72 hours agenda noticing and added the closed session to the agenda, as requested, finding the matter was not known about at the time the agenda was prepared and it is a matter of urgency/Ayes: Unanimous. Chairman Pickard advised that the item would be taken up later in the meeting with the other closed session matters.

Board Information

Supervisor Fritz thanked the Board members and staff who attended the Chamber of Commerce dinner on Saturday.

Supervisor Stetson advised that the El Portal Planning Advisory Committee is scheduled to meet this evening.

Supervisor Bibby thanked the Chamber of Commerce for honoring the business people of the community.

Supervisor Turpin thanked the Fire Chief and the other agencies for their assistance during the recent storms.

Supervisor Bibby expressed thoughts and prayers for the officers' families that were affected with the recent shooting incident in Ceres.

Supervisor Turpin noted that the power was off in Lake Don Pedro for 31 hours and the sewer plant was okay. He commended the Road Department for their maintenance efforts during the storms.

Supervisor Pickard commented on the downed trees and power outages in the Wawona area, and he thanked the crews that provided assistance.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled item 5. Supervisor Turpin pulled item 2. (M)Stetson, (S)Fritz, the balance of the items was approved. The Clerk of the Board read the title of Ordinance number 1016 (Consent Agenda item 1) into the record. Ayes: Unanimous.

Consent Agenda item 5 – Supervisor Bibby advised of a language change in the contract that she discussed with the Human Services Director to reflect that the contractor will provide the County with prior notification of discharge of a consumer as soon as possible. (M)Bibby, (S)Stetson, item 5 was approved, with the change as requested by Supervisor Bibby/Ayes: Unanimous.

Consent Agenda item 2 – Supervisor Turpin initiated discussion relative to the timeliness of the contracts being submitted for approval – he noted that this is for a term than began in July 2004, and the State only recently submitted the contract. (M)Turpin, (S)Fritz, item 2 was approved/Ayes: Unanimous.

9:34 a.m. AIR POLLUTION CONTROL DISTRICT

Approve Professional Services Agreement with Ray Kapahi, dba Air Permitting Specialist, for Provision of Air Pollution Engineering Consultation and Plan Review and Authorize the Chair to Sign the Agreement (Health Officer)

BOARD ACTION: Following discussion, (M)Bibby, (S)Stetson, APCD Res. 05-1 was adopted/Ayes: Unanimous.

9:37 a.m. The Board of Supervisors reconvened.

Discussion and Direction to Staff Relative to the Sale of Real Property (County Counsel)

BOARD ACTION: Discussion was held with Tom Guarino, County Counsel, relative to the request received from the Ellisons to purchase the subject property. Supervisor Bibby asked for information on the location of the property; for clarification of the title holder to the property, whether it is the County or the Water Agency; and whether there are any conditions of the Clean Water Grant relative to the sale or refund of the proceeds for the property. Dana Hertfelder, Public Works Director, advised that the property was purchased for a sewer line and lift station for the proposed wastewater treatment facility for Mount Bullion. He advised that the department would like to maintain an easement for possible future use. Tom Guarino advised that they are still trying to locate records; and they could review the issues being raised if the Board determines to proceed with the sale of the property.

Larry Ellison referred to the history with the parcel and the impacts on his parcel; and he advised of the location of the parcel. He noted that there are serious drainage issues with the parcel, and it has resulted in flooding of his garage. He referred to the two appraisals and how they were done. He stated that he feels that if the sewer system is installed in the future, it would need to be reengineered and this parcel would not be suitable for the lift station. He advised that the additional twenty-feet that this parcel provides would allow him to construct a storage shed for his motor home.

Further discussion was held relative to the request, the easement to be retained by the County, and the purchase price and process. Supervisor Bibby asked for information on how many parcels were purchased during the Clean Water Grant process, and how many other requests may be made.

Larry Ellison stated he would rather not have the easement. He stated he feels that this is the only parcel that the County owns in fee for the proposed Clean Water Grant project, everything else is an easement.

Supervisor Bibby stated she would like to have the appraisals reviewed based on the information that was presented, and that staff should inspect the drainage issues.

Larry Ellison referred to his discussions with County Counsel on this matter; and he advised that in general terms, he and his wife are willing to pay for the purchase price based on their appraisal and \$1,000 in County fees. He clarified his offer with respect to the easement; and he advised that he has a letter from the Public Works Department stating the easement is of no value to the County.

Further discussion was held. (M)Bibby, (S)Stetson, direction was given for staff to research the issues and perform an assessment of future need of the property, and to reach out to the contracting agency that originally awarded the money to determine whether the sale of the property requires a formal bid process and where the funds would go, and to bring back the information. Further discussion was held. Supervisor Pickard stated he would like to see direction given to staff to work out the details of the final sale and move forward with the process and discuss the easement as a separate matter. Ayes: Stetson, Turpin, Bibby, Fritz; Noes: Pickard.

10:31 a.m. CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Rich Inman, County Administrative Officer; Jeff Green, Negotiator (County Administrative Officer); CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 535, Service Employees International Union; Name of County Designated Representative: Rich Inman (County Administrative Officer); and CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Initiation of Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel) as added as an addendum to the agenda by action taken earlier this date

BOARD ACTION: (M)Turpin, (S)Fritz, the closed sessions were held with the following present for portions of the sessions: Jeff Green/designated representative for negotiations with SEIU Local 250; Administration – Administrative Analyst; Public Works Director and the Health Officer/Ayes: Unanimous.

1:04 p.m. Chairman Pickard advised that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

- CA-1 Waive Second Reading and Adopt an Ordinance Amending Section 12.32 Skateboard Regulations of the County Code (Public Works Director); Ord. 1016
- CA-2 Authorize the Human Services Department to Continue its Annual Contract with the State Department of Mental Health to Provide Community Mental Health Services to Mariposa County and Authorize the Chair of the Board of Supervisors to sign the Contract and Certification Form (Human Services Director); Res. 05-12
- CA-3 Approve Behavioral Health Contract for Residential Inpatient Services with Heritage Oaks Hospital and Authorize the Board the Chair of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 05-9
- CA-4 Approve Behavioral Health Contract for Residential Board & Care Services with Haskins Residential Care and Authorize the Chair of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 05-10
- CA-5 Approve Behavioral Health Contract for Residential Inpatient Services with Sierra Vista Hospital and Authorize the Chair of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 05-11, with a text change to the contract

1:05 p.m. Adjournment in memory of Laura “Garnett” Henderson, Harriet Luellen Gordon-Bevington, and Harold Sequoia “Blue” Bruchman.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA January 18, 2005

Time Description

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

Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Susan Crain, Administration/Tourism Coordinator, advised that the Chili Cook-off event that is scheduled for Saturday is being moved to the Courthouse.

Dr. Mosher, Health Officer, provided a status report on the clean-up efforts at the landfill and with the refuse that left the site and with the leachate. He advised of remediation efforts and of precautions being taken to prevent future occurrences during heavy rains. He commended the Public Works Department for their efforts. Supervisor Stetson also commended the CDC crews for their assistance.

Marilyn Lidyoff, Administration/Business Development Coordinator, advised that PG&E awarded a \$2,500 grant to the County for economic development. She introduced the following people who will assist with implementation of the grant project: Dan Pope/PG&E; Donna Brownell/Arts Council Executive Director; Dorothy Kuhnel/Chamber of Commerce Executive Director; Jacque Meriam/Librarian; Candy O'Donel-Browne/Economic Development Corporation; and Gwen Nitta/Mother Lode Job Training. Chairman Pickard, on behalf of the Board, thanked PG&E for the grant; and he thanked staff for working with our partners on economic development.

Board Information

Supervisor Bibby congratulated SCOPE on its tenth anniversary, and she advised that a celebration is planned for Saturday. She also expressed her thoughts and prayers for the families of the two Tulare police officers that were shot over the weekend.

Supervisor Turpin thanked the Public Works Director and his staff for the information that was provided relative to the landfill situation.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION:

Supervisor Stetson pulled items 3, 6, 8 and 10. Supervisor Bibby pulled item 1. Supervisor Turpin pulled items 1 and 9. (M)Bibby, (S)Stetson, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 1 – Supervisor Bibby initiated discussion relative to the grant and impacts on staff time. Marilyn Lidyoff/Administration-Business Development Coordinator, provided input relative to the grant and who is responsible for each of the duties. Supervisor Bibby requested that the \$500 not come from the Facility Maintenance budget, and she suggested that the Creek Parkway be considered as an optional funding source. Rich Inman, County Administrative Officer, advised that he would be okay with the change in funding sources and that sufficient funds are available. Supervisor Bibby asked about reference to the equestrian and pedestrian trail along Mariposa Creek, and she asked what is referenced in the Creek Parkway Plan. The Board concurred with referencing the trail as the pedestrian parkway. Supervisor Turpin requested that items like this be scheduled for discussion in the future versus on the Consent Agenda; and he expressed concern with the impacts on staff time. He also recommended that a letter be requested from the Natural Resources Conservation Service and the Agricultural Commissioner

to be submitted with the grant application. Supervisor Bibby suggested that an invitation be extended to the All-Tribes Council to participate and/or provide in-kind service. (M)Bibby, (S)Turpin, item 1 was approved, with direction for the change in funding of the \$500 as discussed, with deletion of reference to equestrian trail, with assurance that there is staff available, and with the additional letters to be obtained as requested/Ayes: Unanimous.

Consent Agenda item 3 – Supervisor Stetson initiated discussion relative to the road name request and whether the affected property owners are in agreement with the request. Kris Schenk, Planning Director, advised that all of the affected property owners were notified of the request and that no protests were received. Supervisor Stetson requested that this information be submitted with the requests in the future. (M)Stetson, (S)Fritz, item 3 was approved/Ayes: Unanimous.

Consent Agenda item 6 – Supervisor Stetson initiated discussion relative to the request. Marjorie Wass, Treasurer/Tax Collector/County Clerk, responded to questions relative to their review process for selecting a contractor for this service. (M)Stetson, (S)Bibby, item 6 was approved. Marjorie Wass responded to additional questions from the Board relative to the fees. Ayes: Unanimous.

Consent Agenda item 8 – Supervisor Stetson initiated discussion relative to the proposal. Dana Hertfelder, Public Works Director, responded to the questions relative to the contract. (M)Stetson, (S)Turpin, item 8 was approved/Ayes: Unanimous.

Consent Agenda item 9 – Supervisor Turpin initiated discussion relative to the agreement. Dana Hertfelder responded to the questions relative to the agreement and whether re-testing is covered in the contract if it is required. (M)Turpin, (S)Stetson, item 9 was approved/Ayes: Unanimous.

Consent Agenda item 10 – Supervisor Stetson initiated discussion relative to the agreement. Dana Hertfelder responded to the questions relative to the timeframes. (M)Stetson, (S)Bibby, item 10 was approved/Ayes: Unanimous.

Rick Peresan, Technical Services Director;

Presentation Relative to the Current Status of Mariposa County Technical Services

BOARD ACTION: Rick Peresan gave a power point presentation on the status of technology in the County and suggestions for improvements.

Marjorie Wass, Treasurer/Tax Collector/County Clerk, expressed her support for the suggestions for improvements, and she commented on the assistance her department has received especially with elections.

Discussion was held. Supervisor Pickard commented on the possibility of looking at specialized outsourcing, and he commented on the e-waste program for disposing of PCs. He stated he would like to see a priority list, along with budget information, so that the Board can begin to address the issues. Supervisor Bibby encouraged the departments to give the new PCs, Thin Clients, a try.

11:19 a.m. Recess

11:41 a.m. Dana Hertfelder, Public Works Director;

Approve the Allocation of Two New Permanent Full-Time Positions for the Facilities Division of Public Works to Staff the Landfill: One Maintenance Supervisor – Facilities (Range 210) and One Senior Maintenance Worker (Range 180); and Approve Budget Action Increasing Revenue and Increasing Salary and Benefit Expense in the Facilities Budget to Cover These Position from February 1, 2005 through June 30, 2005 (\$42,283) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Dana Hertfelder concerning the request. Chairman Pickard clarified that the request to waive requirements for the Maintenance Supervisor – Facilities position is just for filling this particular position for the landfill operations. Supervisor Bibby asked about addressing the temporary promotions and dealing with the vacancies that are created in the interim, and she asked that an acknowledgment be signed by the affected employees that this is an interim situation. Supervisor Turpin clarified that the matter will come back to the Board for further action after June 30, 2005.

Input from the public was provided by the following:

Ruth Sellers asked if the County is going into the garbage business, and she asked what is going to happen to the trash hauling. Chairman Pickard advised that the contractor is terminating its

contract with the County for the landfill operations, and the County will take over those operations on an interim basis until it is determined how to best handle the operations. The hauling agreement is still in force, along with agreements with other private contractors.

(M)Stetson, (S)Turpin, Res. 05-24 was adopted approving the recommended actions/Ayes: Unanimous.

11:52 a.m. MARIPOSA COUNTY WATER AGENCY:

Selection of Chairman and Vice-Chairman for the Mariposa County Water Agency (Clerk of the Board)

AGENCY ACTION: (M)Fritz, (S)Turpin, Director Bibby was selected as Chair/Ayes: Unanimous.

(M)Pickard, (S)Stetson, Director Turpin was selected as Vice-Chair/Ayes: Unanimous.

11:53 A.M. LOCAL TRANSPORTATION COMMISSION

Local Transportation Commission (Clerk of the Board)

COMMISSION ACTION: (M)Bibby, (S)Pickard, Commissioner Stetson was selected as Chair/Ayes: Unanimous.

(M)Pickard, (S)Turpin, Commissioner Fritz was selected as Vice-Chair/Ayes: Unanimous.

11:54 a.m. The Board of Supervisors reconvened.

Selection of Board Member Representation on Agencies (Clerk of the Board)

BOARD ACTION: Discussion was held, and the Board reviewed its representation on the agencies. Supervisor Bibby noted that the Calaveras-Mariposa Community Action Agency usually meets at the same time as the San Joaquin Valley-Wide Air Pollution Basin Study Agency; and she clarified that the representation is for the Study Agency and not the governing board of the Air Basin. She advised that she will work with staff and bring back more information. Supervisor Stetson noted that the Sierra Nevada Conservancy should be added when an appointment is made. (M)Bibby, (S)Fritz, the Board approved the following selections for Board member representation on agencies:

Area Agency on Aging/PSA 12: Representative – Supervisor Pickard; Alternate – Supervisor Stetson

California State Association of Counties (CSAC): Director – Supervisor Turpin; Alternates – Supervisors Bibby, Stetson, Fritz and Pickard

CSAC Advisory Committee on Court Facilities: Representative – Chair of the Board of Supervisors; Staff Support – County Administrative Officer and Public Works Director

CSAC Excess Insurance Authority/(EIA) Liability Insurance: Representative – County Administrative Officer; Alternate – County Counsel

Calaveras-Mariposa Community Action Agency: Representatives – Supervisors Turpin and Bibby

County Medical Services Program (CMSP): Representative – Supervisor Pickard; Alternate – Supervisor Stetson

Foreign Trade Zone Advisory: Member – Supervisor Bibby

Job Connection Mariposa Governing Board (Mother Lode Job Training): Representative – Supervisor Bibby; Alternate – Supervisor Stetson

Mountain Counties Air Basin: Representative – Supervisor Pickard; Alternate – Supervisor Fritz

Mountain Counties Water Resources Association: Representative – Supervisor Bibby; Alternate – Supervisor Turpin

Mountain Valley Emergency Medical Services Agency and Regional Advisory Board: Representative – Supervisor Stetson; Elected Alternate – Supervisor Fritz; Alternate/Chairman of EMCC

National Association of Counties (NACO): Representative – Supervisor Stetson; Alternates – Supervisors Bibby, Turpin, Fritz and Pickard

Regional Council of Rural Counties (RCRC): Representative – Supervisor Pickard; Alternates – Supervisors Bibby, Stetson, Fritz, and Turpin

RCRC – Environmental Services JPA’s for Solid Waste: Representative – Supervisor Pickard; Alternate – Public Works Director
San Joaquin Valley-Wide Air Pollution Basin Study Agency: Representative – Supervisor Bibby; Alternate – Supervisor Pickard
San Joaquin Valley Regional Association of California Counties: Representative – Supervisor Fritz
Yosemite Area Regional Transportation System (YARTS) JPA: Representative – Supervisor Stetson; Alternate – Supervisor Fritz
Yosemite/Sequoia Resource Conservation and Development Area: Representative – Supervisor Pickard; Alternate – Supervisor Turpin
Ayes: Unanimous.

12:28 p.m. CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer);

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 and Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code Section 54956.9 (County Counsel)

BOARD ACTION: (M)Fritz, (S)Bibby, the Board approved holding the closed sessions at 1:30 p.m. with the following persons to be present for portions of the sessions: Jeff Green/representative for labor negotiations; Administration-Administrative Analyst; Public Works Director; Planning Director; and Deputy Planning Director/Ayes: Unanimous.

12:29 p.m. Lunch

1:41 p.m. The Board convened in closed sessions.

4:28 p.m. Chairman Pickard announced that direction was given to staff as a result of the closed session matters.

INFORMATION – No action was necessary on the following:

Effective January through March 2005, Yosemite Library Branch Winter Hours will be Monday 1:00 p.m.-4:00 p.m.; Tuesday 10:00 a.m.-2:00 p.m.; Thursday 3:00 p.m. -6:00 p.m.; and Friday 10:00 a.m.-2:00 p.m. (Librarian)

CONSENT AGENDA:

- CA-1 Adopt a Resolution Approving the Urban Streams Restoration Program Grant Application to the State of California Department of Water Resources, Requesting \$129,749 for the Mariposa Creek Project (County Administrative Officer); Res. 05-18, with changes
- CA-2 Approve an Expenditure of \$5,000 to Rural Media Arts and Education Project (County Administrative Officer); Res. 05-13
- CA-3 Adopt a Resolution Approving the Proposed Road Name, “Rocky Hollow Lane” (Planning Director); Res. 05-19

- CA-4 Authorize the Technical Services Director to Purchase Five Laptop Computers and Office Software for the Board of Supervisors to Replace Obsolete Equipment in an Amount Not to Exceed \$8,000 (Technical Services Director); Res. 05-14
- CA-5 Authorize Fleet Maintenance to Purchase and Equip Two Patrol Vehicles for the Sheriff's Office and Approve Budget Action Transferring Funds from the Rural Law Enforcement Revenue Account to the Fleet Maintenance Vehicle Account to Cover the Cost of the Vehicles and Equipment (\$64,142) (4/5ths Vote Required) (Sheriff); Res. 05-15
- CA-6 Approve an Agreement for the Administration of the Assessment District Bonds Issued in Connection to the Yosemite West Maintenance Project; Authorize the Chair of the Board of Supervisors to Sign the Agreement with NBS Local Government Services; and Approve Budget Action Accepting Unanticipated Revenue to Cover County Administrative Costs Relative to the Maintenance of the Yosemite West Project through June 30, 2005 (\$13,766) (4/5ths Vote Required) (Treasurer/Tax Collector); Res. 05-20
- CA-7 Authorize the Public Works Director to Initiate the Process to Change the Hours of Operation at the Mariposa County Landfill as Directed (Public Works Director); Res. 05-16
- CA-8 Approve a Contract with Concept Design (CD) to Prepare the Request for Proposal (RFP) for Operations of the Mixed Solid Waste (MSW) Compost Facility, Landfill, Recycling Center, and Transfer Stations; and to Participate in the RFP Process Including Contract Negotiations and Recommendations in the Amount Not to Exceed \$84,940.00 (Public Works Director); Res. 05-21
- CA-9 Adopt a Resolution Authorizing Public Works to Enter into an Agreement with Kleinfelder, Inc. to Conduct Special Inspection and Testing Services for the Compost Facility in an Amount Not to Exceed \$20,000 (Public Works Director); Res. 05-22
- CA-10 Adopt a Resolution Authorizing Public Works to Enter into an Agreement with David Kwalwasser to Perform Duties including Map Checking, Legal Description Checking, and General Surveying Document Checking in an Amount Not to Exceed \$20,000 (Public Works Director); Res. 05-23
- CA-11 Re-Appoint Art Mimler to a Three Year Term on the Sequoia Area VIII Board for Developmental Disabilities (Human Services Director)
- CA-12 Adopt a Resolution Authorizing the Chair of the Board of Supervisors to Enter into a Contract for Services with the Law Firm of Allen, Polgar, Proietti & Fagalde to Represent the County of Mariposa and Assist County Counsel in Landfill Issues (County Counsel); Res. 05-17

4:28 p.m. Adjournment in memory of Jean Harris-Deal and Milford Small.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA January 25, 2005

Time Description

9:12 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance
Introductions

Chairman Pickard announced that the Board members placed as follows in the Annual Chili Cook-off event: first place in the Meat and Bean category, along with receiving the People's Choice award. Bob Rudzik, Planning Commissioner, commented on the challenge between the Board and the Commission.

Janet Bibby, Supervisor District III;

Approve a Certificate of Appreciation Recognizing the Sheriff's Community Organized Policing Effort (SCOPE) for Its Ten Year Anniversary of Serving the Citizens of Mariposa County

BOARD ACTION: (M)Bibby, (S)Stetson, the Certificate was approved and presented to the following representatives of SCOPE: Paul Ogle, Bob Rudzik, Bill Peters, Ron Glenn, and Sheriff Jim Allen/Ayes: Unanimous. Supervisor Bibby provided information on the services that the SCOPE members provide to the County. Sheriff Allen thanked the Board for the recognition, and he advised that the hours served by the SCOPE members equate to seven full-time personnel, and he provided information on some of the tasks that they perform.

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Jim Allen, Sheriff, on behalf of the Mariposa Student Loan Association, advised of an upcoming fundraising event to benefit their scholarship program.

Dana Hertfelder, Public Works Director, provided an update on the status of taking over the operation of the landfill, including the rental of equipment and a trailer for a gatehouse. He also advised of the status of the clean-up activities from the storms. He advised that the Department is proposing to change the hours that the landfill is open to the public beginning on February 14th. The Department and Board members thanked staff, including Environmental Health staff and the CDC crews for their assistance with the clean-up efforts and the change in operation.

Board Information

Supervisor Fritz thanked everyone for their attendance at the Chili Cook-off event.

Supervisor Stetson advised that the Yosemite West Advisory Committee is scheduled to meet on Monday, January 31st at 9:00 a.m. in Wawona.

Supervisor Bibby commended Supervisor Fritz for being a dynamo in the kitchen at the Chili Cook-off.

Supervisor Turpin commented on the great chili that was available at the Chili Cook-off.

Approval of Minutes 12-14-04, Regular Meeting

BOARD ACTION: (M)Fritz, (S)Bibby, the minutes were approved/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Stetson pulled item 1. (M)Bibby, (S)Fritz, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 1 – Supervisor Stetson initiated discussion relative to the dates of the agreements, and he noted that they come to the Board so late in the process. (M)Stetson, (S)Bibby, item 1 was approved/Ayes: Unanimous.

Authorize Chairman of the Board of Supervisors to Execute Agreement Between the County of Mariposa and Hinderliter, De Llamas, and Associates for Analysis of County Generated Sales Tax; Adopt a Resolution Authorizing Examination of County Generated Sales and Use Tax; and Approve Budget Action Transferring Funds within the Administration Budget to Cover the Cost of the Contract with HDL Associates (\$1,200) (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, initiated discussion relative to the proposal. Discussion was held relative to the process for analyzing and auditing the taxes paid by the private businesses and having the County Administrative Officer serve as a buffer in that process. Supervisor Bibby asked that the language be clarified in the contract so that it is clear that we are not telling businesses how to do their business; and she asked about safeguards for protecting the proprietary information. Supervisor Pickard clarified that the intent of this proposal is to make sure that the County is getting its fair share of the tax from the State. Rich Inman recommended that the Board just authorize the analysis at this time and not the audits and adjust the budget action accordingly, and the Board concurred. He also advised that he will ask the contractor to give a presentation to the Board on how they conduct their audits and interface with the businesses. (M)Stetson, (S)Fritz, Res. 05-30 was adopted approving the agreement for just the analysis portion, and with the change in the budget action to transfer \$600 for the balance of this fiscal year/Ayes: Unanimous.

Approve the Annual Coulterville Coyote Howl as a County Sponsored Event for Insurance Purposes (Supervisor Turpin)

BOARD ACTION: Supervisor Turpin initiated discussion relative to the request. (M)Turpin, (S)Stetson, Res. 05-31 was adopted approving the request/Ayes: Unanimous.

9:53 a.m. CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer);

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 535; Name of County Designated Representative: Rich Inman (County Administrative Officer);

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel)

BOARD ACTION: (M)Turpin, (S)Fritz, the closed sessions were held/Ayes: Unanimous.

11:00 a.m. Dana Hertfelder, Public Works Director;

PUBLIC HEARING Relative to Considering a Proposed Mitigated Negative Declaration for the Lake Don Pedro Sewer Zone 1M Wastewater Treatment Facility on Unimproved Real Property, Commonly Known as APN 001-260-015 and 001-260-016

Note: This Public Hearing will be Rescheduled to February 8, 2005 at 11:00 a.m.

BOARD ACTION: The Clerk of the Board opened the public hearing and noted that it has been rescheduled for February 8, 2005, at 11:00 a.m.

11:27 a.m. Chairman Pickard announced that action was taken as a result of a closed session item to authorize the Chair to sign a contract for retention of legal counsel to defend a lawsuit brought by PG&E in joint defense with other counties. He also advised that direction was given to staff on the other closed session matters.

11:28 a.m. – Lunch

2:29 p.m. Kris Schenk, Planning Director;

PUBLIC HEARING Relative to Adopting a Resolution Denying Appeal No. 2004-157 and Upholding the Planning Commission's Action to Approve Amended Conditions for Conditional Use Permit No. 259 (Amended Conditional Application No. 2004-104); First Baptist Church of Mariposa, Applicant/Appellant

BOARD ACTION: Pastor John Trujillo, First Baptist Church of Mariposa, thanked the Board and the Church and staff for their efforts in this matter; and he advised that they were able to come to an agreement.

Chairman Pickard advised that representatives of the Church met with representatives of the County and there was some clarification and understanding of how to help each other through this process. It was also agreed to continue the hearing for four weeks. Tom Guarino, County Counsel, advised of the agreement – continue the hearing for four weeks and Pastor Trujillo will bring the revised Indemnity Agreement to the congregation for approval; he advised of the changes that were agreed to in the agreement; and he clarified the scope of the agreement.

Don Starchman, on behalf of the applicant appearing pro bono, advised that County Counsel outlined the agreement that was reached in their discussion; and he requested that the Board members keep in mind that they want to move forward and work to accomplish their project.

(M)Bibby, (S)Turpin, the hearing was continued to February 22, 2005, at 11:00 a.m. Kris Schenk responded to questions from the Board relative to the status of LAFCo and its process with this project. Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Plan of Cooperation between the Local Child Support Agency and the Superior Court of Mariposa County to Coordinate their Respective Efforts and Delineation of Responsibilities Relative to the Child Support Enforcement Program under Title IV-D of the Social Security Act (County Counsel); Res. 05-29
- CA-2 Authorize the Chairman of the Board of Supervisors to Execute the California Department of Veterans Affairs Medi-Cal Certificate of Compliance and Subvention Certificate of Compliance for the County of Mariposa to Receive Monies Paid by the State of California (Community Services Director); Res. 05-25
- CA-3 Authorize the Human Services Director to Execute the 2005 Low Income Home Energy Assistance Program (LIHEAP) Agreement 05B-5322; Accept an Advance of \$55,000 in Anticipated Revenue from LIHEAP Agreement 05B-5322; and Authorize Human Services to Continue to Coordinate the Weatherization Portion of the Program with the Central Valley Opportunity Center (Human Services Director); Res. 05-26
- CA-4 Authorize the Human Services Director to Execute the 2005 Community Services Block Grant (CSBG) Agreement 05F-4604 on Behalf of the Calaveras-Mariposa Community Action Agency; Accept an Advance of \$45,000 in Anticipated Revenue from CSBG Agreement 05F-4604; Upon Approval of the CAA Governing Board, Authorize the Director of the Human Services Department to Execute Subsequent Amendments with the State Department of Community Services and Development (CSD) up to the Amount Allocated to the Calaveras-Mariposa Community Action Agency; and Authorize the Director of the Human Services Department to Enter into Subcontract Agreements with the Agencies Providing Direct Services (Human Services Director); Res. 05-27

CA-5 Approve Extension of Time for Sarah Williams, Deputy Planning Director, to Utilize Accrued Vacation from December 31, 2004 to May 20, 2005 (Planning Director); Res. 05-28

CA-6 Appoint Sharon Scott to the First 5 Commission of Mariposa County as a Representative for Recipient of Project Services (Supervisor Bibby)

2:38 p.m. Adjournment in memory of J. Stanley “Stan” Green, Jacqueline Rose Gordo Hopkins, and Donna Alexander Callahan.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA February 1, 2005



Time Description

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

Pledge of Allegiance

Invocation by Pastor Dave Gunderson of the Ponderosa Basin Chapel

Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Gary Marshall, CDF Chief, presented a status report of the crews and their activity at the CDC Camp at Mt. Bullion. Chairman Pickard expressed appreciation to CDF and CDC for their assistance with the clean-up efforts at the landfill.

Board Information

Chairman Pickard commented on the status of the formation of the Sierra Nevada Conservancy (AB 2600 by Laird and Leslie) and its membership (six supervisors representing various groups of counties and seven members representing the State); and he announced that Supervisor Stetson was selected to represent the region consisting of Amador, Calaveras, Tuolumne and Mariposa Counties. He also commented on the Ag-tourism workshop that was held on Monday.

Supervisor Fritz thanked Dana Hertfelder, Public Works Director, and his department for responding to an incident that involved a road repair.

Supervisor Stetson also expressed appreciation to Public Works for their response to road repairs as a result of storm damage. He advised that he plans to attend the Yosemite Gateway meeting scheduled to be held on Thursday in the Park. He advised that the El Portal Planning Advisory Committee meeting is scheduled for next Tuesday. He also advised that he plans to attend the Mountain-Valley Emergency Medical Services Agency meeting next Wednesday in Lake Tulloch.

Supervisor Bibby advised that the Mental Health Board is scheduled to meet at noon today, and she needs someone to attend on her behalf from the Board. She also thanked the departments involved in the storm damage responses.

Supervisor Turpin also noted the good responses to the road repairs as a result of the storm damages.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: (M)Bibby, (S)Fritz, all items were approved/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

Waive Bidding Requirements Due to the Emergency Situation and Limited Source of Supply; Approve the Purchase of a 1985 826C Caterpillar Compactor for \$87,945 for the Landfill; Authorize the Chairman of the Board of Supervisors to Sign the Purchase Agreement; Approve the Purchase of a Fuel Tank for \$7,561; Authorize the Public Works Director to Sign the Purchase Agreement; and Approve Budget Action Transferring Funds within the Solid Waste Budget to Cover these Purchases as well as

Anticipated Expenditures that will Arise as a Result of the County Taking Over the Daily Operation of the Landfill (\$375,000) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the status of the County taking over the operation of the landfill. Dana advised that the requested actions are necessary for the continued operation of the landfill as the contractor has ceased operation at the facility. He reviewed the recommendation to purchase the compactor; and he advised that at this time, they are not anticipating entering into a contract with Bob Fiske. Carl Casey/PWD-Fiscal Officer, reviewed the requested budget actions. He advised that the Solid Waste Technician position is not a Board allocated position, and the position is still being discussed. Supervisor Bibby asked about holding off on consideration of the Solid Waste Technician position until consideration of the budget for FY 2005-06, and that would result in a salary and benefit savings with this request. Dana advised that they could hold off on the position at this time. Supervisor Bibby also expressed concern with reducing the Pollution Insurance line item, and she stated she would like to see the gate house built as a part of the compost facility as soon as possible to save the monthly rental fee, and she questioned whether the tipping fees would need to be revisited. Discussion was held. Supervisor Stetson asked about the status of a cover for the recycling area. Supervisor Turpin asked about the number of hours on the hour meter for the compactor; and he asked about the status of crediting the Coulterville Sewer District for taking the leachate from the landfill.

Tom Guarino, County Counsel, clarified that the request is for items that are essential for the County to handle the interim operation of the landfill only; and that it is the intention of the request to only operate the landfill until the bid process is complete for the operation of the landfill; and that the Solid Waste Technician position could be removed from the request as it is not essential at this point. Dana agreed with the clarification. Carl Casey suggested that the \$11,000 requested for the Solid Waste Technician position be deleted; that the amount of \$7,817 that was recommended to be taken from the Pollution Insurance line item be deleted from the request; and that the difference in the savings be offset by a reduction in the amount taken from Contingency. Tom further clarified that the action will require a 4/5ths vote by the Board; that findings need to be made that an emergency exist for waiving the bidding requirements and other requirements; and that this emergency exists until the bid process is completed for another operator to operate the landfill facility; and finding that the contract operator left on short notice and equipment and materials are needed for interim operations to provide an essential public service.

(M)Turpin, (S)Stetson, Res. 05-34 was adopted approving the recommended actions, with the change to delete the Solid Waste Technician position and resulting budget changes, and with the findings as discussed by County Counsel. Further discussion was held. Ayes: Unanimous.

Tom Guarino recommended that the Board place an item on each Consent Agenda relative to the emergency that is continuing for the operation of the landfill until the bid process is complete for operation of the facility.

Kris Schenk, Planning Director;

Appoint Three Members of the Board of Supervisors to Serve as Local Agency Formation Commissioners (LAFCo)

BOARD ACTION: Discussion was held, and Kris Schenk advised that LAFCo needs to fill the public member vacancies. (M)Fritz, (S)Stetson, Supervisors Turpin, Fritz and Pickard were selected to be members of LAFCo, with Supervisor Bibby selected to be an alternate member of LAFCo/Ayes: Unanimous. Supervisor Bibby requested that the letters of interest that are received for the public member positions be distributed to the LAFCo Commissioners for review.

Approve Budget Action Accepting a Grant Award from Pacific Gas and Electric Company, and Increasing Revenue and Appropriations (\$2,500) (4/5ths Vote Required) (County Administrative Officer)

BOARD ACTION: Discussion was held with Rich Inman, County Administrative Office, and he advised that this will work with the Library grant program. (M)Bibby, (S)Stetson, Res. 05-35 was adopted approving the budget action/Ayes: Unanimous.

Discussion, Direction, and Action Regarding Area 12 Agency on Aging (Chair Pickard)

BOARD ACTION: Chairman Pickard provided a status report on the situation with the Area 12 Agency Aging. Discussion was held. Tom Guarino, County Counsel, asked that the Board re-confirm its position; and that if the situation is resolved with the lawsuit filed by Calaveras County and a settlement agreement is reached, that the County will withdraw its contingency notice to withdraw from the Agency. (M)Bibby, (S)Fritz, Res. 05-36 was adopted re-confirming the Board's previous position; and directing that if the situation is resolved with the lawsuit filed by Calaveras County and a settlement agreement is reached, that the County will withdraw its contingency notice to withdraw from the Agency/Ayes: Unanimous. Supervisor Bibby asked that the Board be kept informed of the status of this matter.

Discussion and Direction Regarding the Appointment of One New At-Large Member to Fill the Vacancy on the Agricultural Advisory Committee (Planning Director)

BOARD ACTION: Kris Schenk, Planning Director, advised that two applications were received: Larry Mack and Paul Chapman. Discussion was held. (M)Turpin, (S)Fritz, Larry Mack was appointed to the Committee/Ayes: Unanimous. Supervisor Bibby noted that the meetings are open to the public.

CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, advised that this closed session is not necessary.

10:13 a.m. CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code Section 54956.9 (County Counsel);

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure to Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel);

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Dean v. County of Mariposa (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); PG&E v. County of Mariposa (County Counsel)

BOARD ACTION: (M)Bibby, (S)Turpin, the closed sessions were held/Ayes: Unanimous.

11:27 a.m. Recess

11:50 a.m. Chairman Pickard announced that direction was given to staff on the closed session matters, and that the law firm of Rutan & Tucker was retained for the matter of PG&E v. County of Mariposa (see Consent Agenda item 1).

CONSENT AGENDA:

- CA-1 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to sign a Contract Retaining Counsel in the Lawsuit Filed by Pacific Gas & Electric, wherein Mariposa County has been Named as a Defendant (County Counsel); Res. 05-32
- CA-2 Approve Agreement and Authorize Chairman of the Board of Supervisors to Sign an Interim Rental Agreement with 35-A District Agricultural Association for Use of the Fairgrounds Facility for Calendar Year 2005 for Trainings, Meetings, and Other Similar Events and/or Activities (Sheriff); Res. 05-33

CA-3 Appoint Anthony J. Toso to the Agricultural Advisory Committee, Representing
the Merced-Mariposa Cattlemen's Association (Planning Director)

11:51 a.m. Adjournment in memory of Marcie Mitchell, Barbara Sims Jones, Robert James "Jim"
McCall, Kermit Walter Anderson, and Ruth Lois Helzer.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA February 8, 2005



Time _____ Description

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

Pledge of Allegiance
Introductions

Rich Inman, County Administrative Officer;

Presentation by Laura Whitehouse of National Parks Conservation Association and Adopt a Resolution Entitled, "Mariposa County Board of Supervisors Resolution in Support of Americans for National Parks"

BOARD ACTION: Laura Whitehouse gave a presentation of her organization and the projects that they are working on; and she advised of the request for the Board to adopt a resolution in support of efforts to increase funding for the National Parks. She provided information on the status of the Federal budget for the National Parks. Discussion was held relative to the request; including issues relative to the legislation to support the schools in Yosemite National Park, and access and camping in the Park; and finances for the organization, including the Centennial Act. Discussion was held relative to changes that occur as a result of Park improvements and addressing accommodation for motor homes, and access and visitor accommodations. Supervisor Bibby requested that the resolution include wording that the National Parks should be accessible to all and for future generations; and that reference to the Centennial Act be deleted. (M)Bibby, (S)Stetson, Res. 05-37 was adopted supporting the Americans for National Parks, with changes as suggested. Chairman Pickard called for input from the public prior to calling for the vote.

Mary Darlene Theodore asked that the horse community not be forgotten; and she noted that there needs to be access for the trailers to bring the horses into the Parks.

Further discussion was held, and the Board concurred that the "accessible to all" language covers equestrian use. Ayes: Unanimous.

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Rich Theodore advised that they have been working on a land division application for over two years, and they are having problems getting it through the Public Works Department. Mary Darlene Theodore provided input on the history of their land division application (No. 1543) and their contacts with County staff. They expressed frustration with the process and delays. Chairman Pickard asked that the Public Works Director evaluate and provide the Theodore's with a resolution of the issues and a timeframe and status of the conditions. He also requested an opportunity to meet with the Theodore's and Public Works to work on resolving the issues.

Paul Chapman stated he feels there are a number of things on this agenda that citizens should look at. He stated he opposes spending funds on the Civil War Reenactment, and he stated he does not feel that this use conforms to the Williamson Act contract provisions for the land. He questioned the request to hire another consultant for tourism – he stated he doesn't feel there is anything to draw visitors to the area, nor that we get a return on the money spent for tourism; and he feels the positions should be eliminated.

Board Information

Supervisor Fritz announced that Congressman Radanovich nominated her to attend the Professional Business Women's Conference in May in Washington, D.C.

Supervisor Stetson advised that the El Portal Planning Advisory Committee is scheduled to meet this evening. He also advised that he plans to attend the Mountain Valley-Emergency Medical Services Agency meeting in Lake Tulloch on Wednesday.

Supervisor Bibby encouraged the public to attend the Airport Advisory Committee meeting scheduled for Wednesday. She also advised that she plans to attend the Mother Lode Job Training Board meeting in Sonora on Thursday.

Supervisor Turpin announced that the Hunters Valley Fire Department will hold its annual rib dinner in Hornitos on the 19th.

Supervisor Pickard advised that information has been received that the Governor cut the Vehicle License Fee funding for counties with no incorporated cities from the State budget for this year and is proposing to cut it from the next budget as well. He noted that this funding loss is approximately \$80,000 for Mariposa County, and that this funding has been going to the Road budget. He advised that he has asked the County's lobbyist to look into this matter.

Approval of Minutes 12-15-04, Continued Meeting from December 14, 2004

BOARD ACTION: Chairman Pickard noted that Supervisors Turpin and Fritz were not on the Board for this meeting. (M)Stetson, (S)Bibby, the minutes of 12/15/04 were approved/Ayes: Stetson, Bibby, Pickard; Abstained: Turpin, Fritz.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled item 4. (M)Fritz, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 4 – Supervisor Bibby initiated discussion relative to the remodel of the Planning Department, and she advised that she would like to see a work schedule for the project that will not interfere with the staff. Dana Hertfelder, Public Works Director, responded to questions. Supervisor Bibby asked that staff make sure that the drop-down doors operate properly and safely. (M)Stetson, (S)Turpin, item 4 was approved/Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

Rich Inman, County Administrative Officer;

Approve Proposal to Modify the Tourism Advisory Council's Revision of Its Authority and Membership

BOARD ACTION: Rich Inman initiated discussion relative to the proposal. Donna Brownell, Tourism Advisory Council member, gave a presentation on the Council's recommendation. Discussion was held relative to the number of members – whether ten or eleven is being recommended and relative to the number required for a quorum; relative to representation from the Highway 41 corridor versus Tenaya Lodge, as DNC owns Tenaya Lodge and has a membership position. Susan Crain, Administration-Visitor's Bureau Coordinator, advised that Tenaya Lodge has its sales and marketing separate from DNC. (M)Fritz, (S)Turpin, Res. 05-41 was adopted modifying the Tourism Advisory Council's authority and membership as recommended. Further discussion was held. The motion was amended, agreeable with the maker and second, to require at least six members to be present to constitute a quorum. Discussion was held relative to consideration of allowing designated alternate members; and it was agreed that the language would be changed to reflect that a designee could not be sent to the meetings to vote for the member. It was also clarified that the total number of members is eleven. Rich Inman advised of a correction to reflect County Administrative Officer. Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

10:32 a.m. Recess

10:53 a.m. Public hearing relative to consideration of a proposed Mitigated Negative Declaration for the construction of the Don Pedro Sewer Zone 1M Wastewater Treatment Facility was opened and continued until after the following matter.

Rich Inman, County Administrative Officer;

Presentation by Edelman Company to Provide Consulting Services for Marketing and Media Relations for Visitor Bureau and Approve Entering a Contract with the Edelman Company to Provide Public Relations Services for the County (*Public Relations Proposal; Mariposa County Visitors' Bureau Request for Qualifications; and Response to Request for Qualifications- Mariposa County Visitors' Bureau are Available for Review at the Clerk of the Board's Office*)

BOARD ACTION: Rich Inman advised that three responses were received to the request for proposals to help with the promotional strategy and public relations, and he advised of the recommended action. He introduced Adam Silber, Vice President, and Christine Pierson of Edelman Company. Adam and Christine gave a presentation on their proposal. Discussion was held relative to the proposal, being able to gauge the County's return on the investment in this program, and increasing visitation during the shoulder season. Supervisor Turpin noted that Lake McClure and the wildflowers should be a big draw this year with the heavy rainfall. He also suggested that the history centers and communities in the County be promoted, and that there are no traffic restrictions on Highway 132 and J132 for buses. Discussion was held relative to the familiarization trips. Discussion was held relative to staffing from Edelman that would be involved in this project; and Adam noted that they just received word that their General Manager had given notice of resignation and will be transitioning out; however, the rest of the team will remain as stated in the proposal. (M)Fritz, (S)Stetson, direction was given to the County Administrative Officer to develop a contract with Edelman Company to bring back for the Board's approval. Chairman Pickard asked for input from the public prior to calling for the vote.

Richard Hutcheson, Mariposa Museum and History Center, advised of their statistics for visitation. Supervisor Turpin advised that the Northside History Center has visitation statistics that may assist with this matter.

Supervisor Bibby clarified that this proposal is in conformance with the plans for economic development. Ayes: Unanimous.

11:32 a.m. Dana Hertfelder, Public Works Director;

A) PUBLIC HEARING Relative to Consideration of a Proposed Mitigated Negative Declaration for the Construction of the Don Pedro Sewer Zone 1M Wastewater Treatment Facility

BOARD ACTION: Dana Hertfelder presented the staff report. He advised that an Initial Study was prepared by Michael Skenfield, consultant that conducted the environmental review of the proposed Don Pedro Sewer Zone 1M wastewater treatment facility. The Study concluded that with the implementation of mitigation measures, the project will not have a significant effect on the environment. He advised of distribution of the Initial Study and of the comments that were received, including recent comments by Calvin and Shirley Gile, and he advised that they are a part of the record for this project. He advised that the noticing requirements were met. He also reviewed the recommended action, and advised that Fred Solomon, project manager, for the project was present to answer any questions. Dana and Fred responded to questions from the Board relative to meeting the noticing and Williamson Act cancellation requirements. They also clarified that the current proposal does not call for spraying effluent on the golf course. A holding pond will be located on the land that the County purchased; however, the environmental review covered irrigation and disposal on the golf course as an option. Any change to consider this option would come back to the Board.

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

Tom Porter, Deerwood Corporation, advised of his commitment to the area; and he stated he supports this project.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to water quality control issues and the treatment level; and the future possibility of upgrading the project to allow for exportation of the water from the site. Staff advised that an upgrade would require tertiary treatment of the wastewater and a pipeline to the golf course.

(M)Turpin, (S)Fritz, Res. 05-42 was adopted accepting into the record the letters from the State Clearinghouse, the comments of responding agencies, the comments of Calvin and Shirley Gile, and the responses to those documents; determining that the project will not have a significant effect on the environment, that mitigation measures were made a condition of approval of the project, and finding that

findings were made pursuant to the provisions of CEQA; adopting the Mitigated Negative Declaration; and authorizing the Director of Public Works to execute and file a Notice of Determination in compliance with the Public Resources Code/Ayes: Unanimous. The hearing was closed.

B) Adopt a Resolution Adopting the County-Wide Injury and Illness Prevention Program as Policy and Direct Each Department Head or Appointed Department Safety Representative (DSR) to Monitor the Health and Safety Policy for Their Respective Department with Assistance from the County Safety Officer

BOARD ACTION: Discussion was held with Dana Hertfelder, Public Works Director, and Marty Allan, PWD-Safety Officer, relative to the Policy. Chairman Pickard clarified that all departments have reviewed the Policy and are okay with it. Supervisor Stetson asked about the Safety Committee, and Marty advised that this is called for in the MOU's with the employee bargaining units. Supervisor Stetson asked that the language in the Policy relative to employees not having any fear of reprisal be included in the Notice. Supervisor Bibby asked that an annual update be provided to the Board, and she requested copies of the minutes from the Committee meetings. Following further discussion, (M)Stetson, (S)Bibby, Res. 05-44 was adopted, with the change in the language in the Notice as requested/Ayes: Unanimous.

C) Authorize Public Works to Hire Two Extra-Help Engineering Technicians at Range 222 Step

BOARD ACTION: Discussion was held relative to the request. (M)Fritz, (S)Bibby, Res. 05-45 was adopted approving the request/Ayes: Unanimous.

12:04 p.m. MARIPOSA COUNTY WATER AGENCY

(Chair-Director Bibby; Vice-Chair-Director Turpin)

B) Discussion and Direction to Staff Relative to the Sale of Real Property Known as APN 12-110003, on Agua Fria Road (County Counsel)

BOARD ACTION: Tom Guarino, County Counsel, initiated discussion relative to this matter; and he advised of the receipt of a document located by Public Works that addresses refunding the grant money. He advised that he could further research this matter and bring something back for any necessary notification. He advised that the matter before the Board today is to determine whether to proceed with the disposition of the property. Dana Hertfelder, Public Works Director, advised that staff has reviewed the parcel and the files relative to the purchase of this parcel; and he advised that his only concern is obtaining a right-of-way/easement of twenty feet at the property line for possible future project(s).

Chair Bibby called for input from the public on this matter and none was received.

Following further discussion, (M)Pickard, (S)Turpin, direction was given to County Counsel to bring back a Resolution of Intention to Sell the property. The motion was amended, agreeable with the maker and second, to include a minimum price of \$4,000/Ayes: Unanimous.

A) Public Presentations - none

12:14 p.m. The Board of Supervisors reconvened.

Discussion and Direction Regarding the Possible Amendment of Chapter 16.36 of the Mariposa County Code Entitled, "Indemnification Agreements" (County Counsel)

BOARD ACTION: Tom Guarino, County Counsel, initiated discussion relative to the possible amendment to the County Code concerning the indemnification agreement requirements. (M)Fritz, (S)Bibby, direction was given to County Counsel to bring back an Ordinance containing the recommended amendment to the County Code/Ayes: Stetson, Bibby, Fritz; Abstained: Turpin, Pickard.

Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Final Amendment and Reconciliation of Agreement for Preparation of Silvertip Resort Village Project Environmental Impact Report (County Counsel)

BOARD ACTION: Discussion was held, and Board members thanked staff for their efforts with this matter. (M)Bibby, (S)Stetson, Res. 05-46 was adopted authorizing the Chairman to sign the Final Amendment to the contract with Quad Knopf as recommended/Ayes: Unanimous.

Authorize the Chairman of the Board of Supervisors to Sign the Special Event Agreement with Frank Long to Use his Facilities "Frank Long Ranch" at Old Highway and Yaqui Gulch Road for a Civil War Reenactment on April 16 and 17, 2005 (Tourism); and

Authorize the Chairman of the Board of Supervisors to Sign the Special Event Agreement with the National Civil War Association to Perform a Civil War Reenactment on April 16 and 17, 2005, at the Frank Long Ranch on Old Highway and Yaqui Gulch Road and Approve Budget Action Transferring Appropriations for Civil War Expenses (\$20,000) (Tourism)

BOARD ACTION: Rich Inman, County Administrative Officer, advised that it is the consensus of the committee that has been meeting to plan this event, that there is insufficient time to prepare for this event for this year; thus, the Civil War Reenactment will not occur this year. Rich noted that looking at next year would allow more time for better planning and allow for working with Edelman Company. Chairman Pickard encouraged the County Administrative Officer and the Tourism Coordinator to pursue this event for next year.

CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer);

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Dean v. County of Mariposa (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure to Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel)

BOARD ACTION: Rich Inman, County Administrative Officer, and Tom Guarino, County Counsel, advised that it is not necessary to hold these closed sessions.

12:55 p.m. **CLOSED SESSION:** Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 535; Name of County Designated Representative: Rich Inman (County Administrative Officer);

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure to Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code Section 54956.9 (County Counsel)

BOARD ACTION: (M)Bibby, (S)Stetson, the closed sessions were held/Ayes: Unanimous.

1:32 p.m. Chairman Pickard announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

- CA-1 Approve the County Exhibits Entry Form for the 2005 California State Fair and Authorize the Chairman of the Board of Supervisors to Sign the Form (Tourism); Res. 05-38
- CA-2 Re-Appoint Don Pucilowski to the Assessment Appeals Board, Representing District II (Supervisor Turpin)
- CA-3 Re-Appoint Don Pucilowski to the Mariposa County Commission on Aging, Representing District II (Supervisor Turpin)

- CA-4 Approve Plans and Specifications for the Planning Department Remodel; Authorize Public Works to Award the Contract for Services to Hiepe Cabinets; and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Public Works Director) (*Plans and Specifications and Project Plans for Construction of Government Center Remodel are Available for Review at the Clerk of the Board's Office*); Res. 05-40
- CA-5 Authorize the County Librarian to Accept Computer Donations from the Friends of the Library of Mariposa, Red Cloud, and Wawona (Librarian); Res. 05-39
- CA-6 Action to Continue Emergency Findings of the Interim Operation of the Mariposa County Landfill by County Staff is Necessary to Continue an Essential Public Service Until the Bidding Process is Completed (Public Works Director); Res. 05-43

1:33 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA February 15, 2005

Time Description

9:14 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda - none

Board Information

Supervisor Fritz thanked the department heads that she has been able to visit with for helping her to understand and learn about their departments.

Supervisor Bibby advised that she plans to attend the Mother Lode Job Training meeting in Sonora on Thursday, and she noted that the San Joaquin Valley-Wide Air Pollution Basin Study Agency is scheduled to meet in Fresno on the same day and asked if someone else would be able to attend the Agency meeting. Chairman Pickard asked her to bring an item to the Board to discuss the County's participation in the Study Agency.

Supervisor Turpin reminded everyone that the Hunters Valley Fire Department is having its annual rib dinner in Hornitos on Saturday.

Tom Guarino, County Counsel, advised that he received a signed copy of the Settlement Agreement on Monday in the mail with the Area 12 Agency on Aging for \$30,000. Chairman Pickard advised that Calaveras County sent a representative to the last A12AA meeting with a notice that they would settle the lawsuit and resolve the funding issue with the Agency. With this action, the Agency is back on firm ground with the five counties.

Approval of Minutes 12-21-04, Continued Meeting from 12-14-04 and 12-15-04; and

Approval of Minutes 12-21-04, Regular Meeting

BOARD ACTION: Chairman Pickard noted that Supervisors Turpin and Fritz were not on the Board for these meetings. (M)Stetson, (S)Bibby, the minutes were approved/Ayes: Stetson, Bibby, Pickard; Abstained: Turpin, Fritz.

Approval of Minutes 1-4-05, Regular Meeting

BOARD ACTION: (M)Fritz, (S)Bibby, the minutes were approved/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 3, 4, and 6. (M)Bibby, (S)Stetson, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 3 – Supervisor Bibby initiated discussion relative to the request; stated she wanted to make sure that this does not create a salary compaction between this position and the department head; and asked about the job description relative to law enforcement powers and substitution of education. She asked that “does” be changed to “performs” weigh master inspections in the job

description. (M)Bibby, (S)Turpin, item 3 was approved with the change of “does” to “performs” as suggested/Ayes: Unanimous.

Consent Agenda item 4 – Supervisor Bibby initiated discussion relative to the agreement and questioned the lack of a liability clause that is found in the standard County agreements. Tom Guarino, County Counsel, responded and advised that this is an agreement for purchase of services. (M)Bibby, (S)Fritz, item 4 was approved/Ayes: Unanimous. The maker and second of the motion clarified that the motion includes authorization for the Chair to sign the agreement.

Consent Agenda item 6 – Supervisor Bibby initiated discussion relative to the possibility of sharing the postage machine in the Clerk’s Office. Cheryle Rutherford-Kelly, Human Services Director, provided input and advised that she could check with the County Clerk on the possibility of sharing machines. The Board concurred with deferring the matter for the Human Services Director to bring back more information.

Cheryle Rutherford-Kelly, Human Services Director;

Authorize the Human Services Department to Forward a Grant Application to the State Department of Mental Health Necessary for the Release of \$78,905 in Planning New Programs Under Proposition 63 Monies Set Aside for the County; Approve Budget Action Increasing Revenue through the Mental Health Services Account and Corresponding Appropriations (\$78,905); and Decrease Realignment (\$25,526) for a Net Increase of \$53,379 (4/5ths Vote Required); Upon Release of the Money, Approve Allocation of a Half-Time Office Technician Position, Effective Immediately; Allow the Department to Enter into Discussions with a Contractor to Draft the More Technical Language Necessary for the Release of Program Monies; and Approve Expenditures Necessary to Meet the Conditions of the Planning Process

BOARD ACTION: Discussion was held with Cheryle Rutherford-Kelly relative to this matter.

Chairman Pickard advised of discussions at the CMSP and RCRC meetings relative to issues concerning implementation of Proposition 63. Further discussion was held relative to the use of the grant funds and request to use a portion of the Realignment Funds. Rich Inman, County Administrative Officer, clarified that this is a claiming process and that the grant monies would be expended before any realignment is used. Chairman Pickard asked that the Realignment Fund not be included in the budget request.

(M)Fritz, (S)Bibby, Res. 05-52 was adopted approving the grant application, with direction for a budget action to be brought back without the Realignment Fund/Ayes: Unanimous. Chairman Pickard called for public input on this item and none was received.

Approve the Friends of the Red Cloud Library St. Paddy’s Weekend Dinner as a County Sponsored Event for Insurance Purposes and the Waiving of Fees for the Use of the Greeley Hill Community Club (Supervisor Turpin)

BOARD ACTION: Supervisor Turpin initiated discussion relative to the request. Rich Inman, County Administrative Officer, noted that with the County taking over ownership of the Community Center, it now has to approve events, and if this is a County-sponsored event, then the insurance is not an issue. The issue is the waiver of the facility use fee; and he recommended that this be considered a County-sponsored event and that there is no fee to be charged. Supervisor Bibby clarified that the Friends of the Red Cloud Library will obtain an alcohol permit separate from the County; and she asked that verification of the permit be submitted to the County and that there be caution for events with minors in attendance and the serving of alcohol. (M)Turpin, (S)Fritz, Res. 05-53 was adopted approving the event as a County-sponsored event, with no fees to be charged for the use of the facility/Ayes: Unanimous.

Adopt a Resolution to Ratify Payments to Cotton Bridges Associates in the Amount of \$23,309.08 (County Counsel)

BOARD ACTION: Following discussion, (M)Stetson, (S)Turpin, Res. 05-54 was adopted ratifying the payments as recommended/Ayes: Unanimous.

Review the Status of Each Board Committee and Its Membership and Update as Appropriate (Clerk of the Board)

BOARD ACTION: Chairman Pickard initiated discussion relative to the status of the committees and membership. Mary Williams, Community Services Director, commented on attempts to bring membership current on the Area 12 Advisory Committee. Kris Schenk, Planning Director, commented on the number of committees that are assigned to the Planning Department for staff support, and he noted that some of them are inactive pending completion of the General Plan Update. Further discussion was continued until after a recess.

10:12 a.m. Recess

10:29 a.m. Chairman Pickard suggested that the Board direct the County Administrative Officer, Chair and Vice-Chair of the Board to review the committees and bring back an item for discussion, and the Board concurred. Further discussion was held. (M)Turpin, (S)Stetson, direction was given to the County Administrative Officer to issue a memorandum to the department heads requesting that they review those committees that they are responsible for and provide a response on the status of the committee. Chairman Pickard also suggested that committee issues be discussed at a staff level with the departments. Ayes: Unanimous. (M)Stetson, (S)Turpin, Res. 05-55 was adopted dissolving the Mariposa County Fire Department As Hoc Committee on Fire Protection as it has been inactive since 1993/Ayes: Unanimous. (M)Fritz, (S)Turpin, Supervisor Bibby was selected to represent the Board on the Mental Health Board, and Supervisor Turpin was selected as an alternate representative/Ayes: Unanimous. Supervisor Bibby asked that the District III vacancy on the Assessment Appeals Board be advertised.

10:45 a.m. Tom Guarino, County Counsel;

Discussion and Direction Relative to a Resolution Establishing an Amnesty Program for Yosemite West

BOARD ACTION: Chairman Pickard noted that this matter has been continued, and it was rescheduled for March 1, 2005, at 1:30 p.m.

10:46 a.m. CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure to Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (Continued from 2-8-05) (County Counsel);

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Dean v. County of Mariposa (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code Section 54956.9 (Continued from 2-8-05) (County Counsel)

BOARD ACTION: (M)Fritz, (S)Turpin, the closed sessions were held/Ayes: Unanimous.

11:54 a.m. Chairman Pickard announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

- CA-1 Action to Continue Emergency Findings of the Interim Operation of the Mariposa County Landfill by County Staff is Necessary to Continue an Essential Public Service Until the Bidding Process is Completed (Public Works Director); Res. 05-47
- CA-2 Adopt a Resolution Approving an Industrial Disability Retirement for Deputy Sheriff William A. Hunt, Effective February 1, 2005 (County Administrative Officer); Res. 05-48

- CA-3 Approve the Proposed Job Description of Senior Agricultural and Standards Inspector and Set at Salary Range 242 (\$3,153 - \$3,832) (County Administrative Officer); Res. 05-50, with a change in the job description
- CA-4 Approve Agreement between John C. Fremont Healthcare District and Mariposa County Probation Department Covering the Period of 7-1-04 through 6-30-06, for Routine Medical Screening for Detained Juveniles and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Chief Probation Officer); Res. 05-51
- CA-5 Delete a Social Worker III Position and Add an Office Technician Position within the Human Services Department, Effective Immediately and Approve Budget Action Transferring Funds within the Human Services Budget to Fund the New Position (\$16,723) (Human Services Director); Res. 05-49
- CA-6 Authorize Behavioral Health to Enter into a Lease Agreement with Pitney Bowes Credit Corporation for Postage Equipment in the Quarterly Amount of \$442.98 (Human Services Director); Direction was given to staff
- CA-7 Approve Certificate of Recognition and Congratulations to be Presented to George Young, Known to Many as “Pop”, on Celebrating His 99th Birthday (Community Services Director)

11:55 a.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA February 22, 2005

Time Description

9:07 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Rich Inman, County Administrative Officer;

Approve Certificate of Recognition and Appreciation Recognizing Judie Beliera Upon Her Retirement from Mariposa County Visitors Bureau

BOARD ACTION: (M)Fritz, (S)Stetson, the Certificate of Recognition was approved and presented to Judie Beliera/Ayes: Unanimous.

Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda - none

Board Information

Supervisor Fritz thanked the department heads that she had a chance to visit with during this past week for helping her to understand and learn about their departments. She advised that she plans to attend the CSAC Conference in Sacramento this week for new supervisors.

Supervisor Turpin thanked everyone for their attendance at the Hunters Valley Fire Department rib dinner on Saturday. He noted that he also plans to attend the CSAC Conference in Sacramento this week.

Approval of Minutes 1-11-05, Regular Meeting

BOARD ACTION: (M)Bibby, (S)Turpin, the minutes were approved with a correction to reflect Supervisor versus Director for the discussion relative to the sale of real property/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 4 and 5. Supervisor Fritz pulled item 3. (M)Fritz, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 3 – Supervisor Fritz thanked Skip Skyrud for his willingness to continue to serve on the Planning Commission. (M)Fritz, (S)Bibby, item 3 was approved/Ayes: Unanimous.

Consent Agenda item 4 – Supervisor Bibby asked for clarification of the budget transfer, and she asked how the hosts will be selected. Susan Crain, Administration-Tourism Coordinator, advised that the Courthouse Tour Guides will be asked to serve as hosts. Supervisor Turpin asked that requests be brought to the Board prior to incurring expenditures. Supervisor Stetson asked about the plan to wear period costumes. (M)Turpin, (S)Bibby, item 4 was approved/Ayes: Unanimous.

Consent Agenda item 5 – Supervisor Bibby initiated discussion relative to the Agreement. Following discussion, (M)Bibby, (S)Fritz, item 5 was approved/Ayes: Unanimous.

Kris Schenk, Planning Director;

Approve the Second Amendment to the Contract with Parsons for Completion of the General Plan and Environmental Impact Report (EIR) Re-Circulation; Approve Budget Action Transferring Funds from General Contingency to General Plan Professional Services (\$38,000) (4/5ths Vote Required); and

Schedule a Public Hearing on March 8, 2005 at 2:00 p.m. to Review the Revised General Plan and to Direct Re-Circulation of the Draft EIR

BOARD ACTION: Discussion was held with Kris Schenk, and he requested that the contract and budget action be continued as they are still working on the amendment to the contract. He also advised that the request is to set a public workshop and not a formal hearing. The Board concurred with scheduling the public workshop on March 8th at 2:00 p.m., and the rest of the request was continued. Chairman Pickard called for input from the public and none was received.

Gail Neal, Chief Probation Officer;

Approve and Re-Establish the Juvenile Justice Coordinating Council (JJCC) by Appointing the Existing Members and Adding New Members

BOARD ACTION: Following discussion, (M)Stetson, (S)Turpin, Supervisor Fritz was selected to represent the Board on this Council/Ayes: Unanimous. (M)Stetson, (S)Bibby, Res. 05-62 was adopted re-establishing the Council. The motion was amended, agreeable with the maker and second, to include the appointment of the existing members to the re-established Council/Ayes: Unanimous. Supervisor Fritz advised that she will work with the Council to bring back appointments to the vacancies. Chairman Pickard called for input from the public and none was received.

Discussion and Possible Direction Relative to the July 4, 2005, Celebration and County Sponsorship (Chairman Pickard and Supervisor Fritz)

BOARD ACTION: Discussion was held with Marilyn Lidyoff/Administration-Business Development Coordinator, and she advised that the Chamber of Commerce is acting as the clearinghouse for the "coffee can" campaign to raise funds for fireworks. She reviewed the activities that are planned for the celebration. Chairman Pickard provided input on the early release of the letter to the businesses and the intent of the steering committee, and he stated the letter should have had the approval of the Board prior to being released. Supervisor Fritz advised that she served on the steering committee as President of the Chamber of Commerce prior to becoming a Supervisor, and the intent of the can drive is to raise funds to offset the costs for the Kiwanis, and the fund is set up through the Chamber of Commerce. Supervisor Bibby clarified that the steering committee is not an official Board-appointed committee, it is a volunteer committee and the public can participate; and she also clarified that the County is not participating in the finances. She suggested that consideration be given to using funds that were set aside for the Civil War Reenactment versus the can drive. Chairman Pickard noted that the County is not the driving body behind this event, and he takes responsibility for the misinformation that was contained in the letter. He sees the County in the role of promotion and other issues such as transportation for the event will be brought back to the Board. Supervisor Bibby suggested that a letter, and perhaps a press release, be distributed clarifying the County's role. She also referred to the minutes from the steering committee and the handling of possible donations. She suggested that the County might want to form a protocol committee to review letters before they are distributed. Supervisor Turpin asked about the shuttle bus issue coming back to the Board, and he also requested that the event be coordinated with other activities in the County. Chairman Pickard agreed with the suggestion to distribute a letter clarifying the issues and the efforts to get support for the event. Supervisor Turpin requested that more detailed information be provided on the planned activities. Further discussion was held. (M)Turpin, (S)Bibby, direction was given for staff to bring back an item for the County to sponsor this event for insurance purposes; direction was given for Supervisors Fritz and Pickard to continue working with the steering committee; and direction was given for a clarifying letter to be distributed as discussed/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer); and

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code Section 54956.9 (Continued from 2-15-05) (County Counsel)

BOARD ACTION: Rich Inman, County Administrative Officer, and Tom Guarino, County Counsel, advised that these closed sessions were not necessary.

10:02 a.m. CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure to Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (Continued from 2-15-05) (County Counsel)

BOARD ACTION: (M)Fritz, (S)Bibby, the closed session was held/Ayes: Unanimous.

11:01 a.m. Recess

11:19 a.m. Chairman Pickard announced that direction was given to staff as a result of the closed session.

INFORMATION – No action was necessary on the following:

The First Baptist Church of Mariposa has Filed a Formal Notice to Withdraw Appeal No. 2004-257 (Planning Director)

CONSENT AGENDA:

- CA-1 Authorize Bickmore Risk Services to Perform an Actuarial Study of the County's Excess Liability and Excess Workers' Compensation Programs (County Administrative Officer); Res. 05-56
- CA-2 Approve Certificate of Recognition for the Grand Opening of the Mariposa Indian Health Clinic on February 26, 2005 (County Administrative Officer)
- CA-3 Re-Appoint Skip Skyrud to the Mariposa County Planning Commission, Representing District IV (Supervisor Fritz)
- CA-4 Approve Budget Action Transferring Funds within the Tourism Budget from Extra-Help to Promotional and Senior Office Assistant to Fund Extension of the Courthouse Tour Guide and Downtown Host Program (\$3,450) (Tourism); Res. 05-60
- CA-5 Adopt a Resolution Confirming Authority for the Chairman of the Board of Supervisors to Sign the Indemnification Agreement for First Baptist Church of Mariposa, as Required as a Condition of Approval for Amended Conditions No. 2004-104 for Conditional Use Permit No. 259; First Baptist Church of Mariposa, Applicant (Planning Director); Res. 05-61
- CA-6 Authorize the Chairman of the Board of Supervisors to Execute the Volunteer Fire Assistance Program Agreement, Accepting Grant Award for Structural Safety Clothing Ensembles in the Amount of \$20,000 (Fire Chief); Res. 05-57
- CA-7 Authorize the Mental Health Department to Accept Contract Amendment #1 with the State Department of Mental Health to Increase Funds Available for Managed Care and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (\$2,852) (Human Services Director); Res. 05-58
- CA-8 Action to Continue Emergency Findings of the Interim Operation of the Mariposa County Landfill by County Staff is Necessary to Continue an Essential Public Service Until the Bidding Process is Completed (Public Works Director); Res. 05-59

11:20 a.m. Adjournment in memory of Susanne Wise Whitcomb.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA March 1, 2005



Time Description

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

Pledge of Allegiance
Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda – none.

Board Information

Supervisor Fritz advised that she and Supervisor Turpin attended the second session of the New Supervisors Institute/CSAC in Sacramento last week.

Supervisor Stetson advised that he attended a Bureau of Land Management (BLM) meeting that was held at the Government Center on Friday.

Supervisor Bibby advised that she will not be able to attend the Chamber of Commerce recognition dinner for service clubs and organizations as there is a recreation sports complex meeting at the same time. She reminded everyone of the annual Hornitos Enchilada dinner sponsored by the Patron's Club to be held on Saturday, and she advised that the proceeds from the benefit are used to improve the Stagg Hall. She advised that the Indian Health Clinic held its grand opening on Saturday, and she encouraged people to contact the clinic as the requirements have changed and they want to see the public use it for health services. She complimented the Sheriff's Department and the trainers on the concealed weapons permit training that was held on Saturday. She also advised that on Sunday she attended the conservation dedication, which Supervisor Stetson also attended, and there was recognition given to the Long Ranch for the 3,000 acres that went into the Mariposa-Sierra Conservancy. She noted that this is instrumental to this community because it is located along Highway 140 and preserves open space for the future generations to see what the County used to look like.

Supervisor Turpin commented on the New Supervisors Institute/CSAC session that he attended. He commented on the good water year we are having, and he noted the opportunity to launch boats at Bagby and Horseshoe Bend. He also advised that he scheduled his first District meeting on March 3, 2005, at 7:00 p.m. at the Coulterville Community Center.

Supervisor Pickard advised that he attended the County Medical Services Program (CMSP) Governing Board meeting on Thursday, and discussion was held relative to mental health services, and a series of public meetings will be held. He announced that the State Association of Resource Conservation Development Councils is bringing the Pacific Rim Conference to California, and the Yosemite/Sequoia Resource Conservation and Development Area will be the hosting representative for the conference.

Approval of Minutes 1-18-05, Regular Meeting

BOARD ACTION: (M)Fritz, (S)Stetson, the minutes were approved with a correction to show Supervisor Turpin as an alternate representative to RCRC/Ayes: Unanimous.

Approval of Minutes 1-25-05, Regular Meeting

BOARD ACTION: (M)Stetson, (S)Fritz, the minutes were approved with a correction to reflect the awards the Board members received at the Chili Cook-off event/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Pickard pulled item 3. Supervisor Bibby pulled items 8 and 9. (M)Fritz, (S)Turpin, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 3 – Supervisor Pickard initiated discussion relative to options to preparing individual recognitions, as some of the organizations could be missed and may not be able to attend the event; and he suggested that consideration be given to issuing a proclamation for these types of events. Discussion was held. Supervisor Bibby suggested that we work with the Chamber in planning for next year’s event relative to the recognition of clubs and organizations. (M)Fritz, (S)Stetson, item 3 was approved/Ayes: Unanimous.

Consent Agenda item 8 – Supervisor Bibby initiated discussion relative to the agreement with Fred Youngren, including concerns as to whether the language allows for supervision of County staff and all activities and use of equipment, and relative to the term of the contract. Dana Hertfelder, Public Works Director, responded to the questions and advised that Public Works has supervision over the contractor. Tom Guarino, County Counsel, also responded to the questions relative to the contract language, and he clarified that this contract is a part of the interim emergency operation of the landfill. He suggested that a provision could be added to the contract that it is administered under the direction of the Public Works Director, and that the schedule of services would be as directed by Public Works, and the Board concurred. Discussion was held as to whether there could be subcontracts to this contract. Rich Inman, County Administrative Officer, suggested that the language in Exhibit “A” could be amended, and the Board concurred with Tom’s suggestion that wording be added to reflect that hiring would be done with the approval of the Public Works Director. (M)Stetson, (S)Bibby, Res. 05-68 was adopted approving item 8, with the changes in the contract as suggested by County Counsel and the County Administrative Officer/Ayes: Unanimous.

Consent Agenda item 9 – Supervisor Bibby initiated discussion relative to the increase in costs for the services, and she noted that this could be an increase in County costs, as the costs are not always recovered. (M)Bibby, (S)Fritz, item 9 was approved/Ayes: Unanimous.

Marjorie Wass, Treasurer;

A) Investment Report by Fiduciary Trust, Investment Consultants

BOARD ACTION: Eric Reynolds, Fiduciary Trust, presented the annual report of the status of the County’s portfolio. Discussion was held.

B) Approve and Adopt Changes to the Mariposa County Investment Policy

BOARD ACTION: Discussion was held with Marjorie Wass. (M)Bibby, (S)Stetson, Res. 05-70 was adopted approving the changes to the policy/Ayes: Unanimous.

Chairman Pickard called for public comment on the Treasurer’s agenda items, and none was received.

10:30 a.m. Recess

10:44 a.m. Rich Inman, County Administrative Officer;

Approve Mid-Year Budget Adjustments Reducing General Contingency by \$78,925 and Approve Re-Classification Requests

BOARD ACTION: Rich Inman thanked Mary Hodson, Deputy County Administrative Officer, for her work on the mid-year budget; and he presented the staff report on the mid-year budget. He also advised that he will be recommending a new position in the Technical Services Department. Chairman Pickard asked that the Board consider the mid-year budget adjustments and then the reclassification requests.

Supervisor Bibby asked about the status of the Sund-Pelosso budget and the vehicle storage costs. Bob Brown, District Attorney, responded to the questions, and he advised that the Stayner case is on appeal and the vehicles need to be stored until the appellate issues are resolved.

Supervisor Bibby commented on the increase in costs for fire and dispatch services; and she asked about the impact on the Blanchard Station contract. Mary Hodson advised that she has not received any budget requests to increase the funding for the contract for this year.

Supervisor Bibby asked about the audit exception in the Probation Department. Gail Neal, Chief Probation Officer, explained the circumstance and the request for the budget action to cover the audit exception.

Supervisor Bibby asked whether all outstanding revenues have been received for the Road budget for this fiscal year; and she asked about the map checking services. Carl Casey/PWD-Fiscal Officer, advised that they are current with the revenues, and he explained the map checking services and how it relates to the roads. Dana Hertfelder also provided input and responded to the questions relative to the map checking process and fees. Staff advised that an item will be brought back to review the fee structure.

Supervisor Bibby asked about the Planning's budget request, and the status of employees working out of class. Kris Schenk, Planning Director, advised that the employees are working out of class until the senior planner position is filled.

Supervisor Bibby asked about the status of receipt of payment from Merced Irrigation District. Mary Hodson advised that the money is received annually about this time of the year.

Supervisor Bibby noted the importance of monitoring grants and the projected revenues, and encouraged everyone to be watchful of this. Rich Inman advised of his visit to Tuolumne County and their Department of Revenue and Recovery for processing revenues and fee collections. He stated he has spoken with the Treasurer/Tax Collector and he will continue to investigate this option. Supervisor Bibby noted that it will need to be researched as to whether the money is there to collect with respect to the Courts.

Input from the public was provided by the following:

Yvonne Bennett stated she feels the Don Pedro 1M Fund is not meant for fire protection for the County; that it was meant for garbage. Supervisor Turpin noted that there is a need to review the Amador Plan and the rising costs.

Chairman Pickard noted the need for repairs at the History Center due to water leaks. Supervisor Bibby asked for an update on the repairs at the Amphitheater. Dana Hertfelder advised that the repairs have been evaluated by two contractors and they will be opening bids today for a general services contractor to help with the project. They are trying to finalize the estimates for the repairs at the History Center and will come back with an item.

(M)Stetson, (S)Fritz, Res. 05-71 was adopted approving the mid-year budget adjustments as recommended/Ayes: Unanimous. Chairman Pickard commented on the need to work on getting the Vehicle License Fee funding reinstated to the three counties that do not have cities.

Rich Inman presented the staff report for the reclassification requests, and he noted that the requests were made during the budget cycle of the previous year. He also noted during the discussion that the departments recommended a higher salary range than what is being recommended, and the personnel staff recommended a lower range than what he is recommending.

Tom Guarino, County Counsel, presented justification for his request to reclassify the Executive Secretary to an Executive Assistant; and he reviewed the changes in the function of the position. Discussion was held. Supervisor Bibby asked whether the request was reviewed as a part of HCD's class and comp review, and she asked about comparison of the job duties with other job descriptions in the County. Rich Inman advised that the request was not a part of the study, and he noted that there is a confidential relationship between this position and the Board and that is unique to this position; and he advised of his recommendation for the reclassification.

Bob Lowrimore, Assessor-Recorder, presented justification for his request to reclassify the Property Mapper to a Cadastral Mapper. He noted that with the new GIS base map that this position will be responsible for maintaining the map. Supervisor Bibby noted that a text correction needs to be made on page four of the job description for this position.

Ken Hawkins, Auditor, presented justification for his request to reclassify an Accounting Technician III to a Payroll Manager, and he noted the significant changes in the job over the last twenty years.

Rich Inman commented on the process with the HCD equity study, and he noted that there is a delay to wait for SEIU negotiations. He also reviewed the reclassification requests that were not recommended: Account Clerk III in Public Works to Accounting Technician III; Equipment Mechanic in Public Works to Equipment Mechanic Supervisor; and Executive Secretary in Public Works to a confidential position. Discussion was held. Supervisor Turpin asked about the status of reorganization of Public Works, and Rich advised that he hopes to bring that matter to the Board within the next thirty days.

Input from the public was provided by the following:

Kristy Waskiewicz, MCMCO-AFSME Bargaining Unit, noted that there are three positions that need to be addressed that are not included in this item. They are as follows: changing the Victim Services Supervisor and the Administrative Assistant in the District Attorney's Office from the SEIU bargaining unit to MCMCO, and she advised that both Unions, the department head and the incumbents in the positions are supportive of the change; and the Assistant Assessor-Recorder needs a salary adjustment and she reviewed the history of this position. She stated she would like to know why these positions are not being addressed and made a formal request for a meeting to be set to discuss these issues. Rich Inman advised that the reassignment of bargaining units for the two positions will be on the agenda for March 15th; and he stated he does not remember seeing anything to review for the Assistant Assessor-Recorder position, and he agreeable with meeting on that issue.

Supervisor Bibby initiated discussion relative to the request to reclassify the Deputy Clerk to the Board position to be tied to the Executive Secretary classification; and she asked how the recommended salary range was reached and whether the position went through the comp study. Rich Inman advised that the request did not go through the comp study, and he noted that the comp study has not been done yet; however, it did go through the classification study and was changed to the Deputy Clerk to the Board. He advised that the request was received from the Clerk of the Board; and he commented on the change in the Clerk of the Board's job description; however, he noted that this is a function with a great deal of independence. He also responded to Supervisor Bibby's question, and he advised of the other existing allocations of Executive Secretary for the County Counsel's Office and for the front desk position in the Administration Office.

Supervisor Bibby provided input on the reclassification process and previous actions taken by the Board, and she noted the importance of maintaining the integrity of the system.

(M)Stetson, (S)Fritz, Res. 05-72 was adopted approving the recommendations of staff to reclassify the following positions:

Accounting Technician III in the Auditor's Office to Payroll Specialist;

Deputy Clerk to the Board in the Board's Office to tie it to the Executive Secretary classification;

Executive Secretary in the County Counsel's office to Executive Assistant; and

Property Mapper in the Assessor-Recorder's office to Cadastral Drafting Technician I/II, and assigning the incumbent to the level II;

and denying the three requests in the Public Works Department for reclassification/Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

Mary Hodson advised paperwork needs to be prepared and that action needs to be taken to transfer funds for the reclassifications. (M)Stetson, (S)Fritz, Res. 05-73 was adopted transferring \$12,600 from General Fund Contingency for the reclassifications/Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

Tom Guarino, County Counsel;

Waive First Reading and Introduce an Ordinance Amending Section 16.36.030 of Chapter 16.36 Entitled "Indemnification Agreements" to the Mariposa County Code

BOARD ACTION: Discussion was held with Tom Guarino. Supervisor Pickard stated he does not feel that the indemnification agreements should be required for the more routine-type projects. Supervisor Bibby asked about the statute of limitations for protecting the County. (M)Bibby, (S)Fritz, the first reading was waived and the Ordinance was introduced. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Stetson, Turpin, Bibby, Fritz; Noes: Pickard.

Ken Hawkins, Auditor;

Authorize 9/80 Flex Schedule for All Employees in the Auditor's Office for Ten Months Each Year, Excluding the Months of November and December

BOARD ACTION: Discussion was held with Ken Hawkins. Supervisor Bibby clarified that this schedule is for all of the employees in the Department and that they will be able to adjust to the new schedule. Ken advised that the Union was not contacted; however, he doesn't see a problem and he can make that contact. Tom Guarino, County Counsel, advised that if this is a meet-and-confer obligation, that the Union should be contacted by the County's Personnel Manager prior to implementation. He further advised that the Board could take action to approve the request, pending the meet-and-confer

process or verifying that it does not require that process. (M)Stetson, (S)Bibby, Res. 05-74 was adopted approving the request, with direction to staff as suggested by County Counsel. Chairman Pickard called for public input and none was received. Ayes: Unanimous.

Kris Schenk, Planning Director;

Approve the Second Amendment to the Contract with Parsons for Completion of the General Plan and Environmental Impact Report (EIR) Re-Circulation; and Approve Budget Action Transferring Funds from General Contingency to General Plan Professional Services (\$38,000) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Kris Schenk. (M)Fritz, (S)Turpin, Res. 05-75 was adopted approving the contract amendment and budget action as recommended. Chairman Pickard called for input from the public and none was received. Ayes: Unanimous.

Discussion, Direction, and Action Regarding Overpayment of Supplemental Medical Insurance Payment (SMIP) (County Administrative Officer and County Counsel)

BOARD ACTION: Discussion was held with Tom Guarino, County Counsel. Ken Hawkins, Auditor, advised of changes in the payroll staff during this process; and he advised that after a thorough review, there is no doubt in his mind and he feels that the payments were made appropriately. Ken also advised that he concurred with the recommended action. (M)Stetson, (S)Turpin, Res. 05-76 was adopted ratifying the prior payments of SMIP to protect employees from any potential claim that such amounts were not paid according to the Board's prior instructions/Ayes: Unanimous.

12:56 p.m. – Lunch

2:02 p.m. Tom Guarino, County Counsel;

Discussion and Direction Relative to a Resolution Establishing an Amnesty Program for Yosemite West (Continued from 2-15-05)

BOARD ACTION: Tom Guarino reviewed the situation; and he advised that a response to the County's letter concerning the moratorium has not been received as of this date from the Regional Water Quality Control Board. Discussion was held as to whether the amnesty program should be applicable to all or just to those with issues pending at the time of the moratorium in Yosemite West. Discussion was held with Dana Hertfelder, Public Works Director, relative to the status of the waste water treatment project and the legal issues with the contractor. Discussion was held relative to the amnesty program proposal.

Supervisor Bibby asked about the collection of transient occupancy taxes if amnesty is granted; and she asked whether the Yosemite West Advisory Committee has reviewed the proposal, and requested that the Committee make a formal recommendation to the Board. Supervisor Pickard asked about the Committee's recommendation. Tom Guarino noted that enforcement will need to be done following the amnesty program. Supervisor Bibby asked about fees and processing for the amnesty permits.

Supervisor Stetson stated he feels that there needs to be more work on the draft proposal and that the issues that have been raised need to be addressed. Dana Hertfelder and Sarah Williams Deputy Planning Director, responded to questions relative to the number of violations that are in existence that staff is aware of.

Input from the public was provided by the following:

Don Pitts stated he does not feel that the Board should take input at this time if the proposal is going to be revised. He also stated he feels that the proposal is too inclusive and does not penalize anyone.

Don Starchman, Starchman and Bryant Law Offices, on behalf of Ken LeBlanc, stated he believes his client's case was the focus of this proposal coming forward. He stated he feels that the Board agreed to address those uses that were in place at the time of the effect of the moratorium. He referred to the letter to the Water Board and approval of those uses that will not increase the flow; and he stated the moratorium is for those uses that would add to the flow. He thanked staff and the Board, especially County Counsel, for their efforts on this matter. He stated he would be okay with broadening this and hopes that the Board will move forward on this matter.

Further discussion was held. Supervisor Stetson noted the concerns he has received that people feel that a blanket amnesty act could determine the character of the area. Dana Hertfelder responded to questions from the Board as to how soon the moratorium could be lifted after the plant is operating.

(M)Stetson, (S)Fritz, direction was given to County Counsel to come back with an agenda item to take care of the violations that were in effect at the time the moratorium took effect. Discussion was held relative to consideration of imposing penalties. Tom Guarino asked for clarification of the motion relative to allowing structures and uses versus just structures that existed prior to the moratorium. The motion was clarified to state that the ordinance would be revised to reflect that you had to have an existing structure and existing use prior to the moratorium going into effect to qualify for the amnesty program. Supervisor Stetson asked about the status of the continued LeBlanc appeal with this action. Tom Guarino advised that it would be up to Mr. LeBlanc as to whether he would agree with another continuance of his appeal. Dana Hertfelder responded to a question from the Board relative to verifying the flow issues in relation to the establishment of the uses. Tom advised that he will work with Supervisor Stetson to circulate the revised proposal through the Advisory Committee before it comes back to the Board. Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer); and

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code Section 54956.9 (Continued from 2-22-05) (County Counsel)

BOARD ACTION: Staff advised that these closed session were not necessary.

3:22 p.m. **CLOSED SESSION:** Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 535; Name of County Designated Representative: Rich Inman (County Administrative Officer); and

CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation/Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code section 54956.9 Relative to a Workers' Compensation Case (County Administrative Officer); and

BOARD ACTION: (M)Bibby, (S)Turpin, the closed sessions were held with Sandi Laird/Administration-Administrative Analyst, to be present/Ayes: Unanimous.

5:14 p.m. Chairman Pickard announced that direction was given to staff as a result of the closed sessions.

CONSENT AGENDA:

- CA-1 Action to Continue Emergency Findings for the Interim Operation of the Mariposa County Landfill by County Staff is Necessary to Continue an Essential Public Service Until the Bidding Process is Completed (Public Works Director); Res. 05-63
- CA-2 Accept the Resignation of David Marks from the Historic Sites and Records Preservation Commission (Supervisor Pickard)
- CA-3 Approve Certificates of Appreciation to Local Organizations for Their Service to the Community for Presentation at the Chamber of Commerce's Appreciation Dinner Recognizing Clubs and Organizations (Supervisor Fritz); and direction was given for further review for next year's event.
- CA-4 Authorize the Sheriff's Department to Accept a Bid and Authorize the Chairman of the Board of Supervisors to Sign a Professional Service Contract with Design

Concepts for the Construction of a Heavy Aluminum Patrol Boat through a Grant Provided by the California Department of Boating (Sheriff); Res. 05-64

- CA-5 Authorize the Chairman of the Board of Supervisors to Sign a Contract between 35-A District Agricultural Association and Mariposa County for the Mariposa County Sheriff's Community Organized Policing Effort (S.C.O.P.E.) Personnel to Provide Security and Other Related Acts During the Mariposa County Fair September 2nd through 5th, 2005 (Sheriff); Res. 05-65
- CA-6 Authorize the Chairman of the Board of Supervisors to Sign a Professional Service Agreement with Daniel Michael to Test and Rebuild Self-Contained Breathing Apparatuses (SCBA) (Fire Chief); Res. 05-66
- CA-7 Authorize the Chairman of the Board of Supervisors to Sign a Professional Services Agreement with Captain Larry Muenster, California Department of Forestry (CDF) Retired, to Teach Two Wildfire Operations and Safety Courses (Fire Chief); Res. 05-67
- CA-8 Authorize the Chairman of the Board of Supervisors to Sign a Professional Service Agreement with Fred Youngren to Assist in the Operation of All Activities at the Mariposa County Landfill (Public Works Director); Res. 05-68, with direction for changes in the agreement
- CA-9 Approve Memorandum of Understanding (MOU) between the District Attorney's Office and John C. Fremont Healthcare District for Services to Draw Blood on Suspected Driving Under the Influence (DUI) and Drug Cases, Effective September 2004 (District Attorney); Res. 05-69
- CA-10 Re-Appoint Sue Peterson, Jack Smith, Paul Theiss, and Holly Warner to the Mental Health Board for an Additional Three Years (Human Services Director)

5:15 p.m. Adjournment in memory of Elwood "Woody" Carroll, Irven "Rock" C. Lawson, Leonard H. Gabrielson, Clarice Rader, and former Sheriff Norm Garrett.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA March 8, 2005



Time Description

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

Pledge of Allegiance

Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda – none.

Board Information

Supervisor Fritz advised that she attended the service clubs and organizations dinner sponsored by the Chamber of Commerce on Thursday. She advised that she, Supervisor Pickard and Rich Inman/County Administrative Officer, judged the 4-H presentations on Saturday.

Supervisor Stetson advised that the El Portal Town Planning Advisory Committee is scheduled to meet this evening at 7:00 p.m. and everyone is invited to attend. On Friday, there will be a Boosters Club meeting in Midpines at the Community Hall at 7:00 p.m.

Supervisor Bibby advised that she attended the stakeholders meeting on the recreational sports complex/field of dreams on Thursday, and they were able to view some proposed layouts of the facility. She advised that there is another meeting and it will be advertised in the paper, and the public is encouraged to attend and participate in this process. She noted that the Hornitos Enchilada Dinner was a success. She advised of Storytelling event scheduled for this weekend.

Supervisor Turpin thanked the Public Works Director for attending the District II meeting in Coulterville and addressing solid waste issues, and he noted that the staff did an excellent job.

Supervisor Fritz mentioned that Rick Peresan, Technical Services Director, gave a presentation on the County's website and the community calendar at the service clubs and organizations dinner; and she thanked him for that.

Supervisor Pickard noted that Wednesday is the Day at the Capital for the California Invasive Weed Coalition event; and he commented on the budget status for this program and advised that there is a request to reauthorize the funding for SB 1740 – “Noxious Weed” bill. He also noted that the 4-H Presentation Day was good.

Approval of Minutes 2-1-05, Regular Meeting

BOARD ACTION: (M)Turpin, (S)Stetson, the minutes were approved/Ayes: Unanimous.

Approval of Minutes 2-8-05, Regular Meeting

BOARD ACTION: (M)Fritz, (S)Stetson, the minutes were approved/Ayes: Unanimous.

Approval of Minutes 2-15-05, Regular Meeting

BOARD ACTION: (M)Bibby, (S)Turpin, the minutes were approved with a clarification provided relative to the Human Services item on Proposition 63/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 2 and 3. Supervisor Turpin pulled item 1. (M)Bibby, (S)Stetson, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 1 – Supervisor Turpin asked that Public Works provide a status report on the landfill operations, especially the status of the rental of the scraper. Rich Inman, County Administrative Officer, will follow-up with Public Works on this request and ask for a status report on March 15th.

(M)Turpin, (S)Stetson, item 1 was approved/Ayes: Unanimous.

Consent Agenda item 2 – Supervisor Bibby initiated discussion relative to the recommendation for payment of the claim; she asked for clarification of the six months versus 180-days to respond to a claim; and as to whether there is a possibility that this would be covered by a homeowners' policy; and as to whether the County has proof that the work was done, and in what amount. Rich Inman, County Administrative Officer, and Tom Guarino, County Counsel, responded to the questions; and Rich advised that he could bring the matter back on March 22nd. Supervisor Bibby stated she would like to see the photographs of the damage, and she would like to know whether others suffered damages in this incident. The matter was continued to be brought back with additional information.

Consent Agenda item 3 – Supervisor Bibby initiated discussion relative to the request and the previous agreement with IBM. Rick Peresan, Technical Services, Director, provided information on his attempts to resolve this matter. Supervisor Bibby suggested that a letter be sent to IBM from the Board relative to their previous agreement on this matter. Chairman Pickard asked that the Technical Services Director draft a letter to IBM for review by the County Administrative Officer for the Chair's signature explaining the County's dissatisfaction in this matter. (M)Bibby, (S)Stetson, item 3 was approved, with the direction given for the letter to be sent to IBM/Ayes: Unanimous.

Blaine Shultz, Fire Chief;

Authorize the Chairman of the Board of Supervisors to Sign Amendment Number One to the Agreement with California Department of Forestry and Fire Protection (CDF) for Dispatch of the Mercy Ambulance and County Fire in an Amount Not to Exceed \$200,057 through June 30, 2006

BOARD ACTION: Discussion was held with Blaine Shultz, and he explained the "not-to-exceed" amount and the future increases in the contract due to increases in the personnel costs for CDF. He also advised of preliminary work on reviewing options for providing dispatch services with the other involved agencies. Discussion was held. Supervisor Bibby asked that the Board be provided with the actual expenditures at the end of each year. It was clarified that the additional cost for this contract for the remainder of this fiscal year is \$19,821; however, due to other savings in the Fire budget, \$14,000 was transferred during the mid-year budget actions. Jim Allen, Sheriff, commented on what would be involved for the County to take over dispatch services and the time that would be needed for recruiting for staff and training, etc. (M)Bibby, (S)Fritz, Res. 05-81 was adopted approving the contract amendment/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, advised that this closed session is not necessary.

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code Section 54956.9 (Continued from 3-1-05) (County Counsel)

BOARD ACTION: Tom Guarino, County Counsel, asked that this closed session be rescheduled for March 15th.

10:09 a.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 535; Name of County Designated Representative: Rich Inman (County Administrative Officer)

BOARD ACTION: (M)Bibby, (S)Stetson, the closed session was held, with Sandi Laird/Administration-Administrative Analyst, to be present/Ayes: Unanimous. Chairman Pickard announced that the Board would recess for lunch following the closed session and would reconvene at 2:00 p.m.

10:26 a.m. – Recess and Lunch, with the closed session continued to 1:30 p.m.

1:31 p.m. The Board reconvened in continued closed session.

2:02 p.m. Recess

2:17 p.m. Chairman Pickard announced that direction was given to staff as a result of the closed session.

Kris Schenk, Planning Director;

Public Workshop to Review and Approve the February 2005 General Plan Update and to Initiate the Re-Circulation Process for the General Plan Environmental Impact Report (EIR)

BOARD ACTION: Kris Schenk, Planning Director; Sarah Williams, Deputy Planning Director; and Andy Hauge, Parsons, were present for the workshop. Kris advised that the revised (February 2005 version) of the General Plan Update, the map and town planning area maps are available. He also advised that the Update, with changes made during this workshop, is what will be part of the recirculation of the EIR process. Chairman Pickard commented on the workshop process, and he advised that public input would be accepted during the workshop.

Chairman Pickard referred to the cover page of the Plan, and he suggested that the former Board members and Planning Commissioners that worked on the Plan be acknowledged; and the Board concurred with this change.

The following Chapters of the Plan were reviewed:

Chapter 1 – The Mariposa County Setting; Chapter 2 – Issues Important to Mariposa County Citizens; Chapter 3 – Guiding Principles of the Board of Supervisors; and Chapter 4 – General Plan Administration;

Supervisor Turpin referred to Chapter 1, Section 1.10.02, Planning Roles and Responsibilities in Mariposa County; and he asked about using the description from the Ordinance for item F. Agricultural Advisory Committee, to reflect its function, as well as adding the reference to cancellation of Williamson Act contracts.

Supervisor Turpin referred to Chapter 3, Section 3.2, Guiding Principles, and he suggested that the bullet read “Plan for and Ensure the Delivery of Infrastructure” versus “Provide for...”; and the Board concurred with the change. The same change was made in section 3.2.13.

Supervisor Turpin referred to Section 3.2.13, Plan for and Ensure the Delivery of Infrastructure; and he stated he feels that it needs to be clear that the developer and not the County is responsible for providing services such as potable water, sewage disposal and fire safe road access to newly created parcels of land. Discussion was held, and it was noted that it may not always be the developer that is responsible and that there could be other ways that the services are provided. Don Starchman stated he does not understand why this is in the document, and he does not feel that it is necessary. He feels that approval of the Health Department should be sufficient. Further discussion was held. Ken Melton stated he does not find the referenced sentence in the previous document, and he feels it should be deleted. He feels it calls for the improvements to be made at the time the new parcel is created, and not when it is known where the residence will be built on the parcel. He stated he feels that this language is throughout the document. He questioned if the County wants to require wells to be drilled at the time of the subdivision versus the current process. The Board concurred with changing the sentence to read “The

General Plan requires potable water, sewage disposal and fire safe road access to be delivered or available to the property consistent with State and County regulations for each newly created parcel of land...” Further discussion was held on this issue later in the workshop – see page six of the minutes.

Chairman Pickard called for additional comments from the public on these chapters, and none was received.

Chapter 5 – Land Use:

Chairman Pickard asked for clarification of the Board’s previous direction relative to retaining the title of the Fish Camp Town Specific Plan, like was done for the Wawona Town Specific Plan in the document. Discussion was held. The Board concurred with retaining the title of the Fish Camp Town Specific Plan throughout the document.

Supervisor Bibby referred to section 5.2.02, Summary of Major Findings, and she noted that L. Legally Existing Uses of Land, does not read correctly. Kris Schenk advised that some wording is missing, and the Board concurred with adding “and the regulations have later changed.”

Supervisor Bibby initiated discussion relative to Implementation Measure 5-1a(2) concerning land development regulations respecting the diversity of the rural lifestyles balancing the right to use one’s property with a neighbor’s enjoyment of nearby property.

Supervisor Bibby referred to the map for the General Plan Land Use Classifications and the list of parcels proposed to be placed in the Rural Economic Classification, and whether the required findings could be made. Discussion was held. Supervisor Bibby asked about including language for non-conforming businesses. Sarah Williams clarified that the zoning issues would still need to be dealt with for some of the businesses. The Board concurred with not making any changes at this time, pending public input at the hearing phase.

Supervisor Bibby referred to section 5.3.05, Natural Resource Land Use Classification, C. Zoning Consistency, and she asked about leaving the zoning designations in the Plan.

Supervisor Bibby referred to section 5.3.04, Agriculture/Working Landscape Land Use Classification, G. Criteria for Lands Proposed to be Removed from the Agriculture/Working Landscape Land Use Classification, and she referenced the statement that no Agriculture Preserve is eligible for exit from its contract during the 20-year life of the General Plan. She stated she saw another statement in the Plan that may be in conflict with this. The Board concurred with adding language to clarify that this is the case, unless a notice of non-renewal has been previously filed for the parcel.

Supervisor Bibby referred to section 5.3.05, Natural Resource Land Use Classification, E(1) Individual Onsite Sewage Disposal Systems, and she asked if there needs to be proof that a person is connected to a sewer system. Discussion was held. No change was made. Supervisor Bibby asked about no special requirements for lands proposed for timber management for section E(2) Criteria for New Lands to be Included. Discussion was held. The Board concurred with stating “To comply with requirements of the State.”

Tom Guarino, County Counsel, referred to the issue relative to the list of parcels proposed to be placed in the Rural Economic Classification, and he advised that if the Board determines to add more parcels to this classification at some point after this Plan is re-circulated with the EIR, it could cause another recirculation. Discussion was held relative to the list of parcels/businesses that is proposed to be included at this time.

Supervisor Turpin referred to section 5.3.03, Rural Land Use Classification, F(1) Separation Between the Location of the Rural Economic Land Use Classification, and he suggested that “should” be used in place of “must.”

3:52 p.m. Recess

4:25 p.m. Supervisor Stetson referred to section 5.3.02, Residential Land Use Classification, F(6) Animal Husbandry, and he questioned the verbiage. The Board concurred with deleting the last sentence.

Supervisor Stetson referred to section 5.3.05, Natural Resource Land Use Classification, B. Extent of Uses, and he suggested that “and harvesting” be deleted as he feels it is redundant to timber management. No change was made.

Supervisor Turpin referred to section 5.2.02, Summary of Major Findings, G. Public Facilities, and he asked about addressing Williamson Act Contract land. Andy Hauge advised that this would be addressed in Title 17 of the County Code. Supervisor Turpin referred to section J. Ready to Build Land, and he suggested that this section reflect “all” isolated areas for requiring access to sewer and water services; and he asked for clarification of what point the services are required – at the time of recordation of the parcel map, building permit stage, or at the time of sale of the parcel. Discussion was held. Tom Guarino clarified the definition of “services.” Sarah Williams explained the current process and advised that the proposal language does not change the system. The Board concurred with adding “all” and “access” to the parcel.

Chairman Pickard called for public input on this Chapter.

Cathie Pierce-Ragghianti, representing Mariposa County Farm Bureau, referred to the Land Use Classifications map and the size of the proposed boundary for the Catheys Valley Town Planning Area. She asked, if, and when this boundary could be changed, and she stated she feels it needs to have further discussion. She advised that the California Farm Bureau Federation also questions the size which is approximately 37,000 acres, and she presented a letter from the Federation concerning this matter. She expressed concern with the amount of agricultural land that is included in the boundary. Discussion was held.

Ken Melton referred to section 5.2.03, General Plan Implementation, Goal 5-2: Create land use density and development patterns to manage growth in patterns avoiding sprawl, and the Implementation Measure. He suggested that there is an inconsistency with using “encourage” in the Policy and “shall” in the Implementation Measure. No change was made. Ken referred to Policy 5-3a relative to requiring new subdivisions and lands created for commercial and industrial purposes to have direct access to maintained roads. He asked how mandatory maintenance would be implemented on someone else’s property. Discussion was held. He stated he feels there should be a meeting with the Public Works Director relative to the use of “capacity” in this document, and he questioned its definition. Ken referred to Policy 5-9a relative to allowing one house per five acres, and he noted that the State law allows for two. Andy Hauge clarified that if the language was changed to read that two single-family dwellings were allowed per five acres, it would result in allowing the two dwellings plus two “granny” flats, for a total of four dwellings. He referred to the population density and noted that we have an average density of two people per five-acre parcel.

Ken Melton referred to section 5.3.02, Residential Land Use Classification, E. New Subdivisions, relative to basic infrastructure. He stated he feels this should be brought into compliance with the intent of everything else. He referred to E(1) Road Capacity and Access, and noted that the term “capacity” is used again. He referred to E(2) Hillside and Ridge Top Design, and he asked what portion of the parcel with a slope in excess of 15 % would be required to be reviewed by the Planning Commission. Kris Schenk advised that this language is general; however, language in Title 17 will be more specific. Ken also referred to the visual impact objective, and he noted that a large percentage of

the land in the County is scenic and open space. He suggested that “view shed” be removed from this document.

Supervisor Bibby commented on erosion and fire concerns with ridge top and hillside development; and she noted that development needs to be looked at from a safety standpoint and not just relative to view shed issues. She also noted that there could be problems in obtaining water on ridge tops.

Mark Harris commented on his experiences with drilling wells and being able to find good water throughout the County. Supervisor Bibby noted that there is a cost to pump water up hill. Mark commented on the existing process versus drilling a well before the location of the housing site is known.

Ken Melton stated he was only addressing the visual issue, and he stated his question is how staff will address this issue in making decisions. Ken referred to E(3) Individual Onsite Sewage Disposal Systems, and his previous request that the Health Department be consulted to determine if there is any reason that “off-site” could not be considered. Sarah Williams advised that this section refers to new subdivisions and not existing parcels. She also advised of the Health Department requirements for on-site systems.

Discussion was held relative to the language in E(2) Hillside and Ridge Top Design and the slope issue; and E. New Subdivisions, and the basic infrastructure issue. Ken Melton stated he feels that “infrastructure” means something that is in place at the time the map is recorded. Tom Guarino advised that the language is simply a standard that says you have to have an approved area per section E(3) Individual Onsite Sewage Disposal Systems. No change was made.

Ken Melton referred to section E(4) Potable Water Supply, relative to options for providing proof of a potable water supply. Discussion was held. No change was made. Ken stated he agrees with the requirement to record a disclosure statement relative to the water supplies for residential lands, as he feels people should be informed and not regulated. He referred to E(5) Wildland Fire Hazard and Emergency Services, and asked if “regulations” should be used instead of “requirements” and he asked if “State agency” should be used in place of specific agencies. Ken referred to F(5) Parcel Size, and he suggested that “County Code” replace “Planning Commission.” He referred to F(7) Multiple Dwelling Units on Property, and he asked whether “irregardless” is a correct word.

Ken Melton referred to section 5.3.03, Rural Economic Land Use Classification, B(1) Rural Economic/Commercial Subclassification, and he questioned the language relative to supporting arts and culture activities. He referred to section B(3) Rural Economic/Recreation Subclassification, and stated he feels that the mandate of employee housing was changed in the Housing Element to encourage on-site employee housing and he feels that the rest of the document should be consistent. Discussion was held. Tom Guarino noted that the housing issue needs to be a part of the environmental review, so this policy would be consistent with addressing that issue.

Chairman Pickard noted that written comments would be accepted on the draft Plan.

Ken Melton referred to section 5.4.01, Relation to the Agriculture Element, and he stated he questions whether the Land Use Element focuses on what locations in the County should be the primary lands for agricultural uses. He referred to section 5.4.03, Relationship to Implementation Tools, [B] Design Review and County Character, and the reference to the “scenic landscapes.”

Kris Casto referred to section 5.2.03, General Plan Implementation, Implementation Measure 5-1a(2), and she suggested that the following language be used: “Land development regulations should respect the diversity of rural lifestyles allowing the right to use one’s property complimentary with a neighbor’s enjoyment of nearby property.” She stated she feels this measure could be regulated in such a way that it is complimentary. Andy Hauge stated he feels this is a good suggestion for change. Tom

Guarino noted that complimentary is in the context of the uses that are allowed and not what a neighbor feels is complimentary. The Board concurred with the change.

Kris Casto referred to the Land Use Classifications map and the property along Highway 49 North, between Mount Bullion and Bear Valley. She noted that one side of the highway is Natural Resources, and the other side is Residential, leaving two different types of uses along the highway. She stated she would like to see the scenic view protected, and suggested that consideration be given to changing the Residential use to 40-acre minimum versus the 5-acre minimum parcel size. Discussion was held. Kris advised that she will meet with Supervisor Bibby on this issue.

Don Starchman referred to the issue of “capacity,” and he requested that the Board be careful about this. He feels that if this is not properly defined, it could shut down development in the County. He questioned whether any county road has the capacity for build-out, and what the definition is. He stated he wants to make sure that something does not happen that we do not want to have happen. He also noted that we need to be flexible so that the Planning Commission can accept mitigation measures. He stated this is also an issue in the Circulation Element.

Kris Schenk referred to section 5.3.05, Natural Resource Land Use Classification, E(1) Individual Onsite Sewage Disposal Systems, and he suggested that the language from section 5.3.02 Residential Land Use Classification, E(3) Individual Onsite Sewage Disposal Systems, be used in this section. The Board concurred with the change and with being consistent with using this language throughout the document.

Chapter 6 – Economic Development; and Chapter 7 – Arts and Culture:

Supervisor Stetson referred to section 6.3, Economic Development Implementation, Implementation Measure 6-1b(1), and he stated he feels the wording should be changed to reflect that the plan “should” contain provisions for destination resorts and hotel facility development versus “shall.” The Board concurred with the change. He referred to section 6.2.05, Enhancing the County’s Economic Sectors, A. Expansion of the Visitor-Serving Economy, and he suggested that “remote” be deleted for encouraging the development of destination resorts and hotel facilities in appropriate portions of the County. The Board concurred with this change.

Chairman Pickard called for public input on these Chapters, and none was received.

Chapter 8 – Housing:

This Chapter was previously adopted by the Board.

Chapter 9 – Circulation, Infrastructure, and Services:

Supervisor Stetson referred to section 9.3, General Plan Implementation, Implementation Measure 9-1d(1), and he asked about “required” mitigation for projects if the traffic generated by the proposed project exceeds the capacity of the road systems. Discussion was held, and no change was made. Supervisor Turpin referred to Implementation Measure 9-1e(1), and stated he feels the bullet should read as “all “new” non-County maintained roads shall be...” The Board concurred with this change.

Chairman Pickard called for public input on this Chapter.

Ken Melton referred to Policy 9-1e relative to adopting comprehensive standards for all County roadways, and he asked if this applies to all county roads or to all roads in the County. Andy Hauge advised that this applies to the roads that the County has jurisdiction over. Ken asked where the roads with offers of dedication fit into this. There was no change.

Chapter 10 – Agriculture:

Supervisor Turpin referred to section 10.2.02 Summary of Major Findings, A. Preserving Agricultural Lands, and he noted that the correct name is “Natural Resource Conservation Service” versus Department of Conservation. Supervisor Pickard suggested that the Resource Conservation District be added. The Board concurred with correcting the name of the Conservation Service.

Input from the public was provided by the following:

Kris Casto advised that, as a result of the agri-tourism sessions, she is speaking as a voice of the group. She thanked the Board for adding the agri-tourism to the Plan, and she suggested that agri-nature tourism be added. She stated she believes that some of the land uses that are currently allowed are inflexible, and they would like to see an expansion of ancillary uses. For example, if you have an apple orchard, it would be nice to be able to sell a book of apple recipes. She also suggested that there be benchmarks, such as allowing a certain number of events with a limited number of people so that they could experience the apple farm. And, if you want to have a day in the country, you would also want to be able to serve food. Sarah Williams referred to the Home Enterprise and noted that these uses are allowed in the Agricultural zones. Kris stated she feels the definitions are very narrow and should be broadened, and she asked about the deletion of pomegranates from the specialty crops list. Kris clarified that the addition of agri-nature tourism would address activities like bird and butterfly watching. Discussion was held. Andy Hauge advised of the text in the Plan, but noted that it does not specify “nature.” Tom Guarino suggested that agri-tourism could be defined as including “nature” and he noted it might need the Farm Bureau’s review. He also suggested that it could be included in Chapter 13, Regional Tourism, as something that people do. Supervisor Stetson suggested that a bullet be added to section B. Working Landscape Stewardship, to indicate the benefit of agri-nature tourism. Further discussion was held. The Board concurred with including this in Chapter 13 as suggested.

Ken Melton referred to section 10.2.02, Summary of Major Findings, D. Maintaining the Rural Character of the County, and he asked whether the County could deny issuing a Certificate of Compliance to a legally created smaller parcel under Williamson Act contract. Sarah Williams advised that in the past, restrictions have been placed on processing applications for property under Williamson Act contract. Ken asked about adding “Highway 140” to the reference for the “Highway 49” corridor for residential subdivision activity.

Chapter 11 – Conservation and Open Space:

Supervisor Pickard referred to section 11.3, General Plan Implementation, Policy 11-1b and its Implementation Measure, and he suggested that “private” be added to reflect public and private agencies. The Board concurred with the change.

Input from the public was provided by the following:

Ken Melton referred to Implementation Measure 11-1a(2), and he asked how subdivision design standards would be developed for placement of structures on ridgelines and open hillsides.

Chapter 12 – Local Recreation:

There was no discussion or public input on this Chapter.

Chapter 13 – Regional Tourism:

Supervisor Pickard noted that agri-nature tourism was added.

Supervisor Stetson referred to section 13.4.01, Land Use, and suggested that “remote” be removed to be consistent with the change made in section 6.2.05 earlier this date. The Board concurred with the change.

Chairman Pickard called for input from the public and none was provided.

Chapter 14 – Historic and Cultural Resources; and Chapter 15 – Noise:

There was no discussion or public input on these Chapters.

Chapter 16 – Safety:

Input from the public was provided by the following:

Ken Melton referred to section 16.2.02, Summary of Major Findings, A. Fire Hazard, relative to the references to the ISO ratings. He stated he feels these references should be deleted. Discussion was held. Tom Guarino advised that this section is a summary of findings and realities of how things occur, and it does not endorse what CDF does. Ken asked where the requirements are for CDF to be able to request two points of access into a subdivision. Following discussion, the Board concurred with deleting the last sentence of this section.

(M)Stetson, (S)Fritz, Res. 05-82 was adopted directing staff to take this draft version of the Plan, with the changes made during the workshop, and re-circulate it with the EIR; and further authorizing minor wording clarifications and technical changes that staff needs to make, while maintaining the intent of the Board. Supervisor Stetson asked about working on the Rural Economic Subclassification and being able to add another parcel if one is found. Staff advised that as long as the parcel meets the criteria, consideration could be given to adding it. Ayes: Unanimous.

CONSENT AGENDA:

- CA-1 Action to Continue Emergency Findings for the Interim Operation of the Mariposa County Landfill by County Staff is Necessary to Continue an Essential Public Service Until the Bidding Process is Completed (Public Works Director); Res. 05-79, and direction was given to staff
- CA-2 Adopt a Resolution Authorizing Payment in the Amount of \$11,513 for Claim No. C04-12 (County Administrative Officer); Direction was given to staff to bring back more information
- CA-3 Authorize the Technical Services Director to Dispose of the Old AS400 as E-Waste (Technical Services Director); Res. 05-80, and direction was given to staff
- CA-4 Approve Budget Action Transferring Funds with the Sheriff’s Budget from Maintenance of Equipment to Equipment \$300 to \$1,000 for the Purchase of Six Metal Signs to be Posted on Lake McClure (\$1497) (Sheriff); Res. 05-77

CA-5 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Organic Program Agreement No. 05-0024 for FY 2005/2006 with California Department of Food and Agriculture (CDFA) (Agricultural Commissioner); Res. 05-78

7:14 p.m. Adjournment in memory of John L. Clark, Richard A. “Dick” Penrose, and Nate Kwalwasser.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA March 15, 2005



Time Description

9:07 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Bob Pickard, Chair;

Proclaim the Month of March as “Women’s History Month”

BOARD ACTION: (M)Bibby, (S)Fritz, the Proclamation was approved. Connie Waldon accepted the Proclamation and presented the Board with a poster commemorating the 25-year anniversary of Women’s History Month. Ayes: Unanimous.

Lee Stetson, Vice-Chair;

Approve Certificate of Recognition to Yosemite National Park Equal Opportunity Committee in Recognition of “Women’s History Month” and Recognizing Recent Firsts for Women in Yosemite National Park

BOARD ACTION: (M)Stetson, (S)Bibby, the Certificate was approved, and will be presented at a special event on Thursday/Ayes: Unanimous.

Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda – none.

Board Information

Supervisor Fritz advised that she received official confirmation for her attendance at the Women’s Business and Professional Summit in Washington, D.C. on May 16 and 17th. She advised that she will be attending the CSAC Legislative Conference in Sacramento this week.

Supervisor Bibby complimented the Arts Council on the successful Storytelling Festival that was held over the weekend.

Supervisor Turpin advised that the tickets are sold out for the Red Cloud/Friends of the Library dinner. He advised that he will also be attending the CSAC Legislative Conference this week.

Supervisor Pickard advised that the California Weed Awareness Coalition Day at the Capital went very well.

Rich Inman, County Administrative Officer, advised that he plans to attend the CSAC Conference on Thursday for the County Administrative Officer’s meeting. He advised that he went to Jackson for the weekend where the Mariposa High School Junior Varsity Softball Team placed third in the tournament out of fifteen teams.

Approval of Minutes 2-22-05, Regular Meeting

BOARD ACTION: (M)Fritz, (S)Stetson, the minutes were approved/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Stetson pulled item 4. Supervisor Turpin pulled items 1 and 3. (M)Bibby, (S)Turpin, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 1 – Supervisor Turpin advised of his discussion with the Public Works Director relative to the status of rental of equipment for the landfill operations. Supervisor Stetson noted the favorable feedback that he has received from constituents concerning the changes that have been made at the landfill. (M)Turpin, (S)Fritz, item 1 was approved/Ayes: Unanimous.

Consent Agenda item 3 – Supervisor Turpin initiated discussion relative to appointments to the Historic Sites and Records Preservation Commission, and he advised that he has people who are interested in serving on the Commission and he questioned whether there are requirements for members to live in the County. Supervisor Pickard commented on Mr. Miller’s interest in the County and its history and other affiliations, and Supervisor Stetson noted that Mr. Miller would bring representation of a broader area of the foothills to the Commission. Kris Schenk, Planning Director, responded to questions from the Board relative to the membership and function of the Commission. The Board recessed for staff to provide information on the Commission.

9:31 a.m. Recess

9:42 a.m. Staff provided information on the membership and duties of the Commission. Further discussion was held. (M)Turpin, (S)Fritz, the following appointments were made: Ruth Sellers to represent the Butterfly Garden Club; Leroy Radanovich and Kathleen Leavitt to represent the at-large member positions; and Steve Miller to represent the at-large alternate member position/Ayes: Unanimous.

Consent Agenda item 4 – Supervisor Stetson initiated discussion and advised that he has received input from residents of Yosemite West relative to the recommended appointments to the Yosemite West Planning Advisory Committee. However, he feels it is necessary to have continuity of the Committee’s work, and he noted there will be opportunity for changes on the Committee in the future. (M)Stetson, (S)Bibby, item 4 was approved/Ayes: Unanimous.

Adopt a Resolution Approving an Agreement for the State Board of Equalization to Prepare to Administer and Operate a Transactions and Use Tax Together with an Agreement for the State Board of Equalization to Perform all Functions Incident to the Administration and Operation of District Transactions and Use Taxes and an Indemnity Agreement with the John C. Fremont Healthcare District; and Authorize the Chairman of the Board of Supervisors to Sign Agreements with the State Board of Equalization and the John C. Fremont Healthcare District (County Counsel)

BOARD ACTION: Discussion was held. (M)Fritz, (S)Turpin, Res. 05-88 was adopted approving the three agreements/Ayes: Unanimous.

Rich Inman, County Administrative Officer;
Discussion and Action Concerning Seeking Funding for Compost Facility through Congressman George Radanovich

BOARD ACTION: Discussion was held. Supervisor Turpin suggested that the information on the compost facility be updated and that a formal request from the Board be made for support of additional funding. Discussion was held relative to the information. (M)Turpin, (S)Stetson, Res. 05-89 was adopted approving a letter to be sent to Congressman Radanovich, signed by the Chair, asking for additional funding for the compost facility/Ayes: Unanimous. Chairman Pickard called for input from the public on this matter, and none was received.

Jacque Meriam, Librarian;
Authorize the County Librarian to Apply for a Library Services and Technology Act (LSTA) Grant – “Local History Digital Resources”

BOARD ACTION: Discussion was held with Jacque Meriam relative to the grant project. (M)Fritz, (S)Stetson, Res. 05-90 was adopted approving the request. Chairman Pickard called for input from the public in this matter, and none was received. Ayes: Unanimous.

10:00 a.m. Lyle Turpin, Supervisor District II;

Presentation by the Bureau of Land Management (BLM) on the Planning Process of the Resource Management Plan

BOARD ACTION: Deane Swickard/BLM Area Manager, gave an overview of BLM activities in the County, and along the Merced River, and he advised of issues that they are working on. He thanked the Sheriff and deputies for their assistance, especially along the Merced River, and he thanked the Fire Department for assistance that they provide. Rick Cooper, BLM Planner, provided information on the Land Use Resource Management Plan process. It was noted that fire and fuel reduction is generally the number one issue in every area, and that California does not receive enough Federal funding for this. Discussion was held. Deane noted that for Mariposa County, the issue of the study of the North Fork of the Merced River for inclusion in the wild and scenic designation is of the most interest. Rick noted that, due to the growth occurring in the foothills, that they are receiving a lot of comments about access issues. Supervisor Stetson asked about the transfer of the scattered lands held by BLM. Deane provided input relative to their efforts to trade small isolated parcels for lands that are adjacent to public lands or river corridors. It was also noted that the comment period on the Plan ends on April 15th. Supervisor Turpin referred to the thistle taking over the Bower Cave area, and he noted that we need to watch that we are not getting into more management because of neglect. Chairman Pickard called for input from the public, and none was received. Supervisor Stetson commented on the work in the Merced River corridor.

Nancy McConnell, Upper Merced River Watershed, provided input on their work with BLM to control the yellow star thistle.

Deane advised that if there is BLM land in the County that is needed for County use, it should be identified as a part of this process. Supervisor Bibby noted the interest in the property behind the Catheys Valley Park, and Deane advised that he will review the status of this.

Discussion and Possible Action to Cancel the Board's Regularly Scheduled Meeting for April 12, 2005 (Clerk of the Board)

BOARD ACTION: Following discussion, (M)Fritz, (S)Turpin, Res. 05-91 was adopted canceling the April 12th meeting/Ayes: Unanimous.

Waive Second Reading and Adopt an Ordinance Amending Section 16.36.030 of Chapter 16.36 entitled, "Indemnification Agreements" to the Mariposa County Code (County Counsel)

BOARD ACTION: (M)Bibby, (S)Stetson, second reading was waived and Ordinance No. 1017 was adopted. The Clerk of the Board read the title of Ordinance No. 1017 into the record. Discussion was held. Ayes: Stetson, Bibby, Fritz; Noes: Turpin, Pickard.

CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 535; Name of County Designated Representative: Rich Inman (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, advised that these closed sessions were not necessary.

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code Section 54956.9 (Continued from 3-8-05) (County Counsel)

BOARD ACTION: Tom Guarino, County Counsel, requested that this matter be continued to March 22, 2005.

11:15 a.m. CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code Section 54956.9 (County Counsel); and

BOARD ACTION: (M)Stetson, (S)Turpin, the Board approved holding the closed session at 1:30 p.m./Ayes: Unanimous.

Kris Schenk, Planning Director;
PUBLIC HEARING for Appeal No. 2004-221; an Appeal of the Planning Commission's Action to Deny Appeal No. 2004-40, Upholding the Planning Director's Notice of Violation and Modifying the Required Resolution and Required Timeframe for Resolution for APN 006-080-017, a Parcel Located at 7281 Yosemite Parkway, Yosemite West; Ken LeBlanc, Property Owner and Appellant; Don Starchman, Agent

BOARD ACTION: Chairman Pickard announced that this public hearing is continued to Tuesday, June 14, 2005 at 2:00 p.m.

11:17 a.m. The Board recessed.

LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting (Planning Director) (See Separate Minutes)

1:31 p.m. The Board convened in closed session.

1:49 p.m. Chairman Pickard announced that the Board voted unanimously to pursue litigation against Kosch for an enforcement matter, and direction was given to staff.

CONSENT AGENDA:

- CA-1 Action to Continue Emergency Findings for the Interim Operation of the Mariposa County Landfill by County Staff is Necessary to Continue an Essential Public Service Until the Bidding Process is Completed (Public Works Director); Res. 05-87
- CA-2 Re-Appoint Ralph Harder, Lawrence Williams, Tony Christianson, Eugene Spindler, and Ed Mee to the Wawona Town Planning Advisory Committee for Terms that Expire February 28, 2007 (Chairman Pickard)
- CA-3 Appoint Ruth Sellers to the Historic Sites and Records Preservation Commission Representing the Butterfly Garden Club; and Discussion and Action to Appoint Two New At-Large Members and an Alternate At-Large Member to Fill Vacancies on the Historic Sites and Records Preservation Commission (Chairman Pickard); Appointments were made as follows: Ruth Sellers/Butterfly Garden Club; Leroy Radanovich and Kathleen Leavitt/At-large positions; and Steve Miller/At-large alternate position
- CA-4 Re-Appoint Don Pitts, Harry Hagan, Pete Ulyatt, Patricia Montplaisir, and Jeff Hornacek to the Yosemite West Planning Advisory Committee for Terms that Expire February 28, 2007 (Supervisor Stetson)
- CA-5 Re-Appoint Laurel Anderson, Brian Grogan, Gail Dreifus, and Dennis Waheed to the El Portal Planning Advisory Committee for Terms that Expire February 28, 2007 (Supervisor Stetson)
- CA-6 Re-Appoint Bob Rudzik to the Mariposa County Planning Commission, Representing District III (Supervisor Bibby)
- CA-7 Authorize the Board of Supervisors Chairman to Sign an ESRI, Inc. Quotation for GIS Software (Technical Services); Res. 05-83
- CA-8 Approve a Lease Agreement between Mariposa County Behavioral Health and Pitney Bowes Credit Corporation for a Pitney Bowes Postage System (Human Services Director); Res. 05-84

- CA-9 Authorize the Tax Collector to Sell 5-Year Tax Defaulted Parcels at Annual Tax Sale Scheduled for August 26, 2005 (Tax Collector); Res. 05-85
- CA-10 Approve Plans and Specifications for the Handicap Parking at the Amphitheater and Allow Public Works to Bid the Project and Award the Contract to the Lowest Responsible Bidder (*Project Plans for Construction are Available for Review at Clerk of the Board's Office*) (Public Works Director); Res. 05-86

1:50 p.m. Adjournment in memory of Mark Adams, Robert “Bob” Gibbons, and Leota “Lee” Schoch.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA March 22, 2005



Time Description

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

Ryan Ballinger, Mariposa County High School Student Body President, led in the Pledge of Allegiance.

Bob Pickard, Chair;

Proclaim the Month of March as "Professional Social Worker Month"

BOARD ACTION: (M)Fritz, (S)Bibby, the Proclamation was approved and presented to Cheryle Rutherford-Kelly, Human Services Director, on behalf of the social workers/Ayes: Unanimous.

Janet Bibby, Supervisor District III;

Proclaim the Week of March 21st through 25th, 2005, as "Mariposa County Disability Awareness Week" and View a Presentation Relative to Previous Recognition of "Disability Awareness Week" in Mariposa County

BOARD ACTION: Supervisor Bibby and Undersheriff Brian Muller volunteered to spend the day in wheelchairs to help promote the "Disability Awareness Week." (M)Bibby, (S)Stetson, the Proclamation was approved and presented to Bill Yaley, representing Mariposa Rotary, and Ryan Ballinger, representing the High School Associated Student Body/Ayes: Unanimous. Ryan thanked the Student Body members for being present and for their support of the HERO (Helping Everyone Recognize and Overcome) event; and he thanked the Rotary and the Board for support. Supervisor Bibby commented on the difficulties that those who are disabled encounter, and she noted that the weather is a factor this year in trying to get around in a wheelchair. Supervisor Bibby noted that there is a Small Business in a Box workshop scheduled for May 23rd at the Library and it will deal with understanding the goals of the Americans with Disabilities Act.

The following members of Rotary gave a presentation on the HERO program, and advised of the activities that are planned: Susan Robinson, Bill Yaley, Vince Kehoe, Jill Ballinger, and Dave Wise. They presented the CD of their program and acknowledged the Associated Student Body for helping with the presentation. David DuBois, High School ROP class, was acknowledged for his assistance in helping to produce the CD. Jill Ballinger presented HERO t-shirts to Supervisor Bibby and Undersheriff Muller for their participation in the event.

9:30 a.m. Recess

9:47 a.m. Marjorie Wass, Treasurer/Tax Collector/County Clerk;

Presentation by Sheree Noell of Sequoia Voting Systems Relative to Direct Electric Recording Machines; Waive the Bid Process and Authorize the County Clerk/Registrar of Voters to Enter into Contract Negotiations with Sequoia Voting Systems in the Amount of \$399,240.70, for an Upgrade to the Help America Vote Act of 2002 (HAVA) Compliant Voting Machines for Polling Locations

BOARD ACTION: Marjorie Wass advised that she will come back with a contract for approval and with more financial information on the funding. Sheree Noell gave an overview of Sequoia Voting Systems and a demonstration of the new voting machines. Discussion was held. (M)Fritz, (S)Stetson, Res. 05-92 was adopted approving the requested action, with direction for the contract to come back for approval/Ayes: Unanimous.

Introductions

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Cathi Boze, Agricultural Commissioner, advised that the renovations have begun at the Ag Complex, and they are temporarily located in Building "D" at the Fairgrounds for about a month and one-half. She also advised that the new County Director/Farm Advisor started on Monday.

Board Information

Supervisor Fritz introduced her mother and father-in-law, Pat and Dick Peterson, who were visiting from Wyoming. She advised that she and Supervisor Turpin attended the CSAC Legislative Conference the week before.

Supervisor Bibby advised that there was a quick response by the Health Department and mine staff to a report of a breach in the pond at Mt. Gaines mine, and there was not breach. She complimented the road crews for working during the weekend storms.

Supervisor Turpin thanked County Counsel and the County Administrative Officer for attending the Red Cloud library fundraiser in Greeley Hill. He reported on his attendance at the CSAC Legislative Conference, and his participation in the Agriculture Natural Resource Policy Committee and the issue of the creation of the Central Valley Flood Control Assessment District.

Supervisor Pickard advised that he plans to attend the RCRC meeting in Sacramento on Wednesday, and the CMSP meeting on Thursday.

Approval of Minutes 3-01-05, Regular Meeting

BOARD ACTION: (M)Stetson, (S)Turpin, the minutes were approved/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Rich Inman, County Administrative Officer, pulled items 4 and 6. Supervisor Bibby pulled items 5, 8, 12, and 13. Supervisor Turpin pulled items 4, 6, 7, and 8. (M)Fritz, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 4 – Rich Inman advised that a termination date needs to be added to the contract amendment with HDC & Associates, and he suggested that June 30, 2005 be used. He advised that he expects a report in mid-May. Discussion was held. (M)Turpin, (S)Stetson, item 4 was approved, with the addition of the termination date of June 30, 2005/Ayes: Unanimous.

Consent Agenda item 5 – Supervisor Bibby asked that the procedures are followed for having the employee sign an acknowledgement that the employee knows that the position is contingent on the grant funding. (M)Bibby, (S)Fritz, item 5 was approved/Ayes: Unanimous.

Consent Agenda item 6 – Rich Inman noted the correction for the copy costs of \$.0088 per copy. (M)Fritz, (S)Turpin, item 6 was approved/Ayes: Unanimous.

Consent Agenda item 7 – Supervisor Turpin initiated discussion relative to the bicycle patrol program and ensuring that there is adequate staff for the rest of the County. Brian Muller, Undersheriff, commented on the struggle to fill the current vacancies in the Department; and he noted the plans to use the bicycle patrol throughout the County for special events. (M)Turpin, (S)Stetson, item 7 was approved/Ayes: Unanimous.

Consent Agenda item 8 – Supervisor Bibby asked that the procedures are followed for having the employee sign an acknowledgement that the employee knows that the position is contingent on the grant funding; and she clarified the waiver of the indirect costs. Supervisor Turpin commented on the grant funding. (M)Bibby, (S)Turpin, item 8 was approved/Ayes: Unanimous.

Consent Agenda item 12 – Supervisor Bibby noted that wording is missing from section 3.03, Employment of Assistants. (M)Bibby, (S)Stetson, item 12 was approved, with section 3.03 to be corrected/Ayes: Unanimous.

Consent Agenda item 13 – Supervisor Bibby initiated discussion relative to the status of repairs to the building, especially in the restroom area, and the increase in the lease amount. (M)Bibby, (S)Fritz, item 13 was approved, with direction given for staff to follow-up on the status of repairs/Ayes: Unanimous.

Lyle Turpin, Supervisor District II;

PowerPoint Presentation by Ted Selb, Deputy General Manager of Merced Irrigation District (MID)

BOARD ACTION: Supervisor Turpin introduced Ted Selb, Deputy General Manager of MID. Ted gave a power point presentation and he reviewed MID's history, operations and services, water rights, and the upcoming FERC re-licensing schedule. Discussion was held relative to the loss of agriculture land to urban uses and impacts with the UC Merced, and the FERC re-licensing.

Chairman Pickard opened the Public Hearing for Lot Line Adjustment No. 2004-211, General Plan/Zoning Amendment No. 2004-212, and Land Conservation Act Contract Modification No. 2004-213, and continued it until after the following item.

11:07 a.m. Recess

11:22 a.m. Dana Hertfelder, Public Works Director;

Approve Budget Action Transferring the Remaining Cash Balance of \$51,136 in the Zone of Benefit (ZOB) Revolving Fund to General Fund Contingency; Approve Transferring the Loan Currently in the ZOB Revolving Fund in the Amount of \$260,980 (Due from the Don Pedro Wastewater Treatment Project) to the General Fund; and Authorize the Write-Off of an Old Loan in the Amount of \$214,402 that is Owed to the ZOB Revolving Fund from the Sidewalk Projects Fund #510

BOARD ACTION: Discussion was held with Dana Hertfelder. Supervisor Turpin asked for clarification of the status of the funding for the Greeley Hill sidewalk project. Supervisor Bibby clarified that this does not impact any existing zones of benefit. Discussion was held relative to the transfer of future repayments from the zones of benefit, and staff advised that they will bring that matter back to the Board. (M)Turpin, (S)Stetson, Res. 05-107 was adopted approving the recommended actions/Ayes: Unanimous.

11:37 a.m. Kris Schenk, Planning Director;

PUBLIC HEARING Relative to Adopting a Resolution Approving Lot Line Adjustment No. 2004-211, General Plan/Zoning Amendment No. 2004-212, and Land Conservation Act Contract Modification No. 2004-213; Waive First Reading and Introduce an Ordinance Approving Amendment to Mariposa County Zoning Map Pursuant to General Plan/Zoning Amendment No. 2004-212; Suzanne Richardson, Applicant; Freeman & Seaman Land Surveyors, Agent. Project Site Includes Assessor's Parcel Numbers (APN) 011-300-019 and 011-310-019, Located Adjacent to and Easterly of Hornitos Road near McCay Road in the Catheys Valley Area

BOARD ACTION: Megan Tennermann, Assistant Planner, presented the staff report, and she reviewed the recommended actions. Megan advised that the second reading and adoption of the Ordinance would be brought to the Board after the Contract Modification is signed by the applicant. Staff responded to questions from the Board relative to the existing zoning for the parcels and clarification of why the General Plan/Zoning Amendment process is required; and relative to the processing of building permits. The public portion of the hearing was opened. There was no public input. The public portion was closed and the Board commenced with deliberations. (M)Turpin, (S)Fritz, Res. 05-108 was adopted finding that the project is exempt from the provisions of CEQA and approving Lot Line Adjustment No. 2004-211, General Plan/Zoning Amendment No. 2004-212, and Land Conservation Act Contract Modification No. 2004-213 with the recommended findings and conditions; and waiving the first reading and introducing an Ordinance approving amendment to Mariposa County zoning map with the recommended findings, pursuant to General Plan/Zoning Amendment No. 2004-212. The Clerk of the Board read the title of the Ordinance into the record. Aye: Unanimous. The hearing was closed.

Discuss and Provide Direction to Staff Regarding the Use of Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) Funds for (1) Continued Funding of the South West Interface Project (SWIFT); (2) Continue Funding the Mariposa County Fire Safe Council; and (3) a Fuel Reduction Program Utilizing the California Department of Forestry (CDF) and the California Department of Corrections (CDC) Fire Crew (County Administrative Officer)

BOARD ACTION: Mary Hodson, Administration-Deputy County Administrative Officer, initiated discussion relative to the request. Dennis Tannahill, CDF, responded to questions and provided input relative to billing for the work performed by the CDC crews; and he advised that they cannot work on private land unless there is some type of contract with the State or the land is controlled by the government. Supervisor Bibby asked that sufficient funding be held in the account in case there is a search and rescue effort on federal lands. (M)Stetson, (S)Turpin, Res. 05-109 was adopted providing direction as recommended/Ayes: Unanimous.

Discussion and Possible Action to Provide Scoping Comments for the Revised Comprehensive Management Plan for the Merced River Plan (Chairman Pickard)

BOARD ACTION: Chairman Pickard initiated discussion. (M)Bibby, (S)Fritz, Res. 05-110 was adopted approving the letter of scoping comments to be sent, along with the letter of comments from the Wawona Town Planning Advisory Committee, to the Yosemite National Park Superintendent so that it can be included in the comments received for the Revised Plan. Discussion was held relative to the reference to day-use reservations in the alternative sections of the Plan, and further commenting during the comment period for the final EIS. Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 535; Name of County Designated Representative: Rich Inman (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, advised that this closed session is not necessary.

CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU Local 250, Health Care Workers Union; Name of County Designated Representative: Jeff Green (County Administrative Officer); and

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code Section 54956.9 (Continued from 3-15-05) (County Counsel)

BOARD ACTION: (M)Fritz, (S)Bibby, the closed sessions are to be held at 1:30 p.m., with Jeff Green and Sandi Laird/Administration-Administrative Analyst, to be present for a portion of the session/Ayes: Unanimous.

12:06 p.m. Lunch

1:32 p.m. The Board convened in closed session.

2:13 p.m. Chairman Pickard announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

- CA-1 Action to Continue Emergency Findings for the Interim Operation of the Mariposa County Landfill by County Staff is Necessary to Continue an Essential Public Service Until the Bidding Process is Completed (Public Works Director); Res. 05-93
- CA-2 Authorize the Public Works Director to Extend Two Extra Help Contracts by 250 Hours Each for Two Solid Waste & Recycling Division Positions in Order to Meet Staffing Requirements for the Landfill and Transfer Stations for this Fiscal Year, While the Permanent Gate Attendant Hiring and Training Process is Completed (Public Works Director); Res. 05-94

- CA-3 Approve Budget Action Transferring Funds within the Yosemite West Maintenance District Budget to Cover Costs in the Water Division for a Pump Motor and Mag Starter, and in the Road Division for Snow Plowing and Equipment Maintenance Costs (\$23,905) (Public Works Director); Res. 05-95
- CA-4 Approve Contract Amendment with HDC & Associates, the Consultant Performing the Classification and Internal Compensation Study, by Extending the Term of the Agreement (County Administrative Officer); Res. 05-100, with the addition of June 30, 2005, as the termination date of the contract
- CA-5 Approve District Attorney Investigative Assistant Job Description; Set Salary at Range 206 (\$2,636 - \$3,204/Month); and Assign the Position to SEIU (County Administrative Officer); Res. 05-101
- CA-6 Approve Budget Action Transferring Funds within the Tourism Budget from Promotional to Copier Expense to Cover the Cost of an Increase in Copying New Collateral for the Visitor's Center (\$2,400) (Tourism Coordinator); Res. 05-102, with a correction for the copy costs
- CA-7 Authorize the Sheriff to Apply for a Federal Grant through the Bureau of Justice Assistance in the Amount of \$10,031 to Purchase Equipment for the Department's Bicycle Patrol Program (Sheriff); Res. 05-103
- CA-8 Adopt a Resolution and Approve Budget Action Approving the Budget for the Mariposa County Family Violence Response Team (MCFVRT) Domestic Violence Grant Funded through the United States Department of Justice – Office on Violence Against Women (OVW) (\$85,246) (4/5ths Vote Required) (District Attorney); Res. 05-104
- CA-9 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Weighmaster Audit Agreement No. 05-0138 for Fiscal Year 2005/2006 with California Department of Food and Agriculture (CDFA) (Agricultural Commissioner); Res. 05-96
- CA-10 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Petroleum Products Agreement No. 05-0103 for Fiscal Year 2005/2006 with California Department of Food and Agriculture (CDFA) (Agricultural Commissioner); Res. 05-97
- CA-11 Approve a Health Care Services Agreement between Beverly Health and Rehabilitation Services, Inc., dba San Jose Care and Guidance and Mariposa County Behavioral Health for Institutional Services for Mental Disease and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 05-98
- CA-12 Authorize Human Services to Enter into a Professional Service Agreement with Nanette Oswald for American Sign Language Interpretation for the Driving Under the Influence (DUI) First Offender Program (Human Services Director); Res. 05-105, with section 3.03 of the contract to be corrected
- CA-13 Approve Lease Agreement between Human Services and Robert Chivers to Continue the Lease of Office Space and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 05-106, with direction to staff concerning repairs to the facility
- CA-14 Appoint Jodi Locke; Carol Williams; Thomas Hogan; Lynn Deleon; and Chevon Kothari to the Mariposa County Mental Health Board (Human Services Director)

CA-15 Accept the Resignations of Jim Archer and Pamela Reason from the In-Home Supportive Services (IHSS) Advisory Committee; Permit the Committee to Officially Change their By-Laws to Include the Number of Members Allowed; and the Fact that they get Stipend for Attending Meetings; and Authorize the Human Services Department to Recruit New Members to Fill Three Existing Vacancies (Human Services Director); Res. 05-99

2:14 p.m. Adjournment in memory of Richard R. Lander and J. Gordon Greenamyre.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

March 29, 2005

Special Meeting

Time Description

9:11 a.m. The Special Meeting was called to order at the Mariposa County Government Center, with Supervisor Stetson excused.

Chairman Pickard noted that this meeting was called and noticed in compliance with the Brown Act requirements for public meetings.

Pledge of Allegiance

Public Presentation for Matters Pertaining to the March 22, 2005, Flooding that Occurred throughout the County:

Charles McGuirk stated he lives on Detwiler Road, and that he came before the Board seven years ago with a petition urging improvements to the road. He noted that the road is in the same condition today, and not just damaged because of the flooding. He stated that over the course of the years, the road has deteriorated to a point that he does not feel that two vehicles, particularly fire trucks, can pass safely. Given the heavy winter rains and the growth of the grass, he feels that we could be in for the worse fire season yet. He commented on the increased development in the area, and he noted that the road condition leaves several residents with a long, one-way access. He stated that a section of the road was built in a stream bed, and he presented photographs showing the condition of Hunters Valley and Detwiler Roads. Chairman Pickard noted that Public Works is continuing to look at these roads and other areas affected by the flooding.

Supervisor Bob Pickard, Chairman;

Discussion and Necessary Actions Regarding the Flooding that Recently Occurred throughout the County; and Adoption of Resolution Declaring Local Emergency

BOARD ACTION: Jim Middleton, Deputy Fire Chief, reviewed the storm activity that occurred on March 22, 2005, and the resulting damage. He advised of damages to the bridges at Hornitos Road and Merced Falls and White Rock Road; damages to homes and businesses; and to several roads. He advised that they are still working on the damage assessment, and that they are working with Office of Emergency Services (OES) on this. He noted that the California Department of Corrections (CDC) crews from Mt. Bullion assisted with the sandbags. He also commented on rescues that occurred on Highway 140 at Chase Ranch due to the flooded highway.

Dana Hertfelder, Public Works Director, noted that the current cost estimate for the damage is 1.5 million dollars; however, they are still doing assessments and repairs, and he expects that number to climb. He noted that they will need the water levels to drop to complete their assessment of the bridges.

Jim Middleton reviewed the declaration of a local emergency procedures, and requests for financial assistance from the State and Federal government. He also advised that citizens should be referred to their insurance carriers for possible coverage, and that the Small Business Administration is available to assist small businesses with loans.

Chairman Pickard advised that he contacted Assemblyman Cogdill and Senator Poochigian's offices, and they hope to have representatives from each office assist with the survey work. Discussion was held. Supervisor Turpin commented on the repairs and the need to look at repairs to avoid these types of damages in the future. Supervisor Bibby complimented Public Works and all of the safety and law enforcement personnel for their response during this disaster. Discussion was held relative to providing additional information, photographs and costs information, for the emergency. Tom Guarino,

County Counsel, advised that an item relative to this local emergency will be placed on the agenda each week until it completes itself, so additional information could be submitted beyond what have been presented to the Board for this meeting, and for submittal to the Governor and OES. He further noted that the Board could direct that the photographs that Mr. McGuirk presented this morning and those of the home that flooded be included at this time in the exhibit. Supervisor Bibby noted that the law enforcement officers and SCOPE officers have been taking photographs. Supervisor Fritz extended her compliments to all of the emergency services, including CDF and CDC, for their amazing teamwork in this disaster.

Jerry Progner, USDA Natural Resources Conservation Service, advised of his contact with the Farm Services Office in Merced for assistance, and he stated he will keep the Board informed of the status.

Chairman Pickard introduced and welcomed Karen Robb, the new County Director/Farm Advisor. Karen commented on the impact the storm had to the agriculture industry. She stated she feels the current estimates they have received for damages are low and will be much higher once infrastructure damage is known. She advised that she is reviewing options for assistance.

(M)Fritz, (S)Bibby, Res. 05-111 was adopted proclaiming the existence of a local emergency and requesting the Governor to proclaim a State of Emergency; with direction that the photographs presented this morning of the Hunters Valley Road area and the house that flooded, be included in the Exhibit to the resolution/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Stetson.

9:42 a.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board