



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

January 10, 2006



Time Description

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

Pledge of Allegiance

Introductions

Chairman Pickard introduced Chris Ebie, County Auditor.

Blaine Shultz, Fire Chief;

Approve Resolutions for Mariposa County Captain Mike McNabb and Mariposa County Fire Fighter Bob Clark on their Retirement from the Mariposa County Fire Department, Ponderosa Basin Fire Company

BOARD ACTION: (M)Bibby, (S)Turpin, Res. 06-1 was adopted for Mike McNabb; and Res. 06-2 was adopted for Bob Clark; and the resolutions were presented/Ayes: Unanimous. Chairman Pickard noted the presence of Battalion Chief Art Laursen for the presentation.

Public Presentation: For Non-Timed Agenda Items including Attention, Information, and consent Agenda, and for Items Not on the Agenda – none were received.

Selection of Chair and Vice-Chair for 2006

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

Presentation of the Gavel Plaque to Supervisor Pickard for Serving as Chair for 2005

BOARD ACTION: Chair Stetson presented the gavel plaque to Supervisor Pickard.

Board Information

Supervisor Fritz commented on a recent medical problem, and advised that she is doing great. She advised that she held a District IV meeting on January 8th. On Friday, she attended the CSAC Health and Human Services Department Policy Committee meeting. She advised that the Chili Cook-off is scheduled for January 21st, and she is looking for entries.

Supervisor Turpin advised of his recent vacation to Whidbey Island and of his review of proposed farm rules and solid waste issues. He advised that on Friday he attended the CSAC Flood Control meeting in Sacramento.

Supervisor Bibby commented on the recent rains and floods in the valley, and of the importance of planning for development. She congratulated Chief Dan Michaels on his retirement. She advised that she attended the First 5 Commission meeting on Monday, and she encouraged the public to attend the meetings on the second Monday of each month. She advised that she plans to attend the Mother Lode Job Training meeting in Sonora on Wednesday. She also noted that letters are still being received and she encouraged more input relative to the telephone service issues, especially with TDS. She extended a personal welcome to Chris Ebie, Auditor.

Supervisor Stetson advised that on Monday he attended the Gateway Conference in Yosemite. He advised that he plans to attend a meeting this evening in El Portal with the Advisory Committee.

Rich Inman, County Administrative Officer, advised that he plans to attend the County Administrative Officer's meeting on Friday in Sacramento, and that the Governor's new budget will be discussed.

Supervisors Bob Pickard and Lee Stetson;

Discussion and Direction to Staff Regarding Approving a Dedication Sign for the Mariposa County Amphitheater and the Placement of the Sign

BOARD ACTION: Chairman Stetson advised that Roger Brunelle was present on behalf of Rotary. A mock-up of the dedication sign was reviewed. Supervisor Bibby asked about getting feedback from the other agencies before the sign is ordered. It was noted that the Arts Council logo still needs to be defined. Discussion was held relative to the sign, language and placement. (M)Pickard, (S)Fritz, Res. 06-3 was adopted approving the dedication sign. Supervisor Bibby requested that the placement of the sign not interfere with any seating, circulation or safety of the pedestrian traffic. Supervisor Pickard noted that the funding is coming from Rotary. Ayes: Unanimous.

Rick Peresan, Technical Services Director;

Receive an Update from the Technical Services Director on Efforts to Encourage TDS to Improve Telecom Service and SBC to Provide High Speed Internet Access in their Service Area of Mariposa County

BOARD ACTION: Rick Peresan provided a status report on efforts to encourage SBC to provide high speed internet access in their service area of the County; and on efforts to encourage TDS to improve and provide more reliable telecom service to their service area of the County. Discussion was held.

9:56 a.m. Kris Schenk, Planning Director;

PUBLIC HEARING – Resolution Adopting a Mitigated Negative Declaration and Approve General Plan Zoning Amendment No. 2005-101 together with Land Division No. 2005-102; Waive First Reading and Introduce Ordinance Approving Amendment to Mariposa County Land Use and Zoning Map Pursuant to General Plan Zoning Amendment No. 2005-101; Mariposa County Unified School District, Applicant. Project Site is Located at 4166 Lakeview Drive in the Bridgeport area between Lakeview Drive and Yaqui Gulch Road, APN 017-540-010

BOARD ACTION: Chairman Stetson advised that the hearing was not properly noticed and continued the hearing to January 24, 2006, at 10:30 a.m.

Approval of Consent Agenda (See end of Minutes)

BOARD ACTION: Supervisor Turpin pulled item 2. Supervisor Bibby pulled items 7 and 16. Supervisor Stetson pulled items 9 and 11. Tom Guarino, County Counsel, pulled item 15 and advised that it could be rescheduled when the noticing requirement is met. (M)Pickard, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 2 – resignation of Blaine Sturtevant from the Agricultural Advisory Committee. Supervisor Turpin commended Blaine for his service. (M)Turpin, (S)Pickard, item 2 was approved/Ayes: Unanimous.

Consent Agenda item 7 – amendment to the Jail Sergeant job description. Supervisor Bibby asked that the job description include supervision being received from or as directed by the Sheriff; and she asked that all of the job descriptions reflect this for the appropriate department head. (M)Bibby, (S)Fritz, item 7 was approved with the change in the supervision/Ayes: Unanimous.

Consent Agenda item 16 – agreement with Best Best and Krieger LLP for the South Shore project. Supervisor Bibby initiated discussion relative to clarifying the travel costs and the term of the agreement. (M)Pickard, (S)Turpin, item 16 was approved/Ayes: Unanimous.

Consent Agenda item 9 – budget action within the Behavioral Health budget. Supervisor Stetson initiated discussion and asked for clarification of whether the medication costs for the client are reimbursed by Social Security and whether this affects the Social Security payments to the client. Rich Inman, County Administrative Officer, advised that he will review this matter and advise the Board. (M)Fritz, (S)Bibby, item 9 was approved/Ayes: Unanimous.

Consent Agenda item 11 – reappointments to the Local Child Care Planning Council and authorize Certification Statement. Supervisor Stetson initiated discussion and asked about getting a better geographic representation on the Council. Cyndi Park, Local Child Care Planning Council Coordinator, advised of their efforts to recruit members from throughout the County for the Council. (M)Bibby, (S)Pickard, item 11 was approved/Ayes: Unanimous.

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

BOARD ACTION: Tom Guarino, County Counsel, advised that it is recommended that the Board continue the findings for the local emergency. (M)Bibby, (S)Fritz, Res. 06-18a was adopted continuing the local emergency due to the flooding that occurred/Ayes: Unanimous.

Approval of Minutes of November 1, 2005, Regular Meeting (Clerk of the Board); and
Approval of Minutes of November 15, 2005, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Bibby, (S)Fritz, the minutes were approved. Supervisor Fritz noted that her grandchild was born on November 1, 2005. Supervisor Turpin referred to the minutes for November 1, 2005, relative to the hearing on the General Plan Update; and he asked the County Administrative Officer to check with the Resource Conservation District to determine whether the requirements for water rights on ponds was reduced from 50-acre to 15-acre feet, and to see what the permit requirements are. Ayes; Unanimous.

10:19 a.m. MARIPOSA COUNTY PUBLIC FINANCE CORPORATION

Conduct the Annual Meeting and Select Officers for 2006 (Clerk of the Board)

CORPORATION ACTION: (M)Pickard, (S)Fritz, the current Chair and Vice-Chair for the Board of Supervisors were selected to serve as the President and Vice-President of the Corporation, with the other officers to continue as previously selected by their official duties with the County/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU Local 250 – In Home Supportive Services (IHSS); Name of County Designated Representative: Jeff Green (County Administrative Officer)

BOARD ACTION: This closed session was not held.

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Robert E. Cooper, et al v. County of Mariposa (County Counsel);

CLOSED SESSION: Public Employee Performance Evaluation Position of Employee under Review - Cheryle Rutherford-Kelly, Director Human Services (Government Code Section 54954.5) (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

BOARD ACTION: (M)Bibby, (S)Fritz, the closed sessions were held with Cheryle Rutherford-Kelly, Human Services Director, and Sandi Laird, Administrative Analyst-Administration, present for portions of the sessions/Ayes: Unanimous.

10:22 a.m. Supervisor Bibby excused herself from the following matters due to a potential conflict of interest as her spouse is employed by the Sheriff's Department.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriff's Management Association (SMA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriff's Association (DSA); Name of Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

BOARD ACTION: (M)Fritz, (S)Turpin, the closed sessions were held with Sandi Laird, Administrative Analyst-Administration, present/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby. Chairman Stetson advised that the Board would recess for lunch after the closed sessions, and then reconvene at 2:00 p.m.

12:16 p.m. – Lunch

1:44 p.m. The Board reconvened in closed session.

2:00 p.m. The Clerk of the Board opened the public hearings relative to the vacation of a portion of Silver Bar Road and Miwok Road and continued the hearings until after the Board concluded with the closed session matters.

3:03 p.m. The Board reconvened in open session. Chairman Stetson announced that direction was given to staff on the closed session items, and he advised that Tom Guarino, County Counsel, provided a status report on the case of Cooper v. County of Mariposa and advised that the County prevailed.

Dana Hertfelder, Public Works Director;

A) PUBLIC HEARING - Adopt a Resolution Authorizing the Vacation of a Portion of Silver Bar Road and Acceptance of a New Alignment of Silver Bar Road.

BOARD ACTION: Dana Hertfelder presented the staff report, and he advised that the utility companies did not have any objections and that no comments have been received from the public. He further advised that the new alignment section of the Road meets the County's current standards for a Class I Rural Road. Dana responded to a question from the Board relative to the cost of the realignment, and he advised that the costs were covered by the applicant.

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

Jeanetta Phillips stated she understands the reasoning for the realignment of the road, but she has concerns with the slope and grade of the new portion. She asked whether the right-of-way extends to the applicant's maintenance barn. She stated that she does not feel that the encroachment permit was applied for until after a lot of the work was done, and she feels that the applicant has encroached on the County road in three other places with water lines and culverts, etc.

Paul Chapman noted that in the couple of years that the applicants have lived here, they have been able to have the CDC crews brush along the road so that they could have fences built; and none of this occurred when Phil Rauch lived there. He feels that the Rinell's purchased the property knowing the location of the road; and since the road predates the formation of the County, he feels there may be a historic issue. He commented on problems that have been encountered with the applicants blocking the road and closing off by-pass gates. He stated he feels they moved the County road without a permit and engineering. He stated he feels that they should be required to put everything back the way it was and be levied big fines.

Jim Sutters stated he purchased property on Silver Bar Road in 1999, and he commented on the improvements that he has made. He advised that when he was approached about making a fire break, he and the Rinell's gave their permission; however, in the past the Rauch's would not give permission. He also noted that there was a dust problem with the road being so close to the Rinell's house and the realignment solves that problem. He noted that the applicant has straightened out the road at no expense to the County, and he would like to see the whole road improved to that level. He also stated that he has not experienced any problems with the gate being locked or the road being blocked.

Jeanetta Phillips clarified the issue of gates being placed across the cattle guards and locked that Paul Chapman referred to.

Bill Hilton stated he was retained by the Rinell's to build the road, and he advised that they followed the County guidelines and he feels that the road is improved from what it was. He also stated that he feels that the applicant's reason for moving the road was due to the dust problems, and the realignment allows for better use of the property.

Dana Hertfelder responded to the input that was provided. He advised that the grade is steeper on the realigned portion, but that it meets County standards. He noted that the brushing project was a joint effort between CDF and the County to create a fire break as requested by CDF, and it makes for a safer road. He noted that the brushing occurred across other properties in the area as a part of this project. He also advised that the Department has contacted the Rinell's whenever a complaint was received

about locked gates and the Rinell's complied. He further advised that an encroachment permit was obtained.

The public portion of the hearing was closed and the Board commenced with deliberations. Dana Hertfelder responded to questions from the Board relative to the width and length of the easement and clarifying that the road standards and encroachment permit requirements were complied with; advised that he will check on whether the barn is in the easement; and relative to requirements for historic roads. (M)Bibby, (S)Fritz, Res. 06-19 was adopted approving the recommended action/Ayes: Unanimous. The hearing was closed.

B) PUBLIC HEARING - Adopt a Resolution Authorizing the Vacation of Miwok Road as Shown in Parcel Map Book 18, Page 17, Mariposa County Records

BOARD ACTION: Dana Hertfelder presented the staff report, and he responded to questions from the Board and advised that no objections have been received and that this does not create a dead-end road issue.

The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Bibby, (S)Pickard, Res. 06-20 was adopted approving the recommended action/Ayes: Unanimous. The hearing was closed.

CONSENT AGENDA:

- CA-1 Approve Budget Action Transferring Funds within the Planning Department Budget to Carry Out FY 2005-06 Planning Programs and Priorities (\$43,000); and Approve a Professional Services Agreement with Jon Johnson for Current Planning Services (Planning Director); Res. 06-4
- CA-2 Accept the Resignation of W. Blaine Sturtevant from the Agricultural Advisory Committee (Planning Director)
- CA-3 Approve the Proposed Road Names "Corbett Creek Road" and "Gold Dust Lane" for the Subject Easement, APN's 011-240-010 & 011 (Planning Director); Res. 06-5
- CA-4 Approve Budget Action Transferring Funds within the Tourism Budget to Fund the Approved Hospitality Management Association Contract (\$23,000) (County Administrative Officer); Res. 06-6
- CA-5 Approve Budget Action Transferring Funds within the Tourism Budget to Fund the Approved cvbTV.COM Contract (\$20,750) (County Administrative Officer); Res. 06-7
- CA-6 Approve Budget Action Transferring Funds within the Tourism Budget to Fund the Approved Daniel J. Edelman Company Contract (\$59,000) (County Administrative Officer); Res. 06-8
- CA-7 Approve an Amendment to the Jail Sergeant Job Description to Appropriately Define the Minimum Qualifications (County Administrative Officer); Res. 06-15, with change to the job description
- CA-8 Approve Equipment Lease for Copiers with WOLCO; and Authorize the Human Services Director to Sign the Lease Agreement (Human Services Department); Re. 06-9

- CA-9 Approve Budget Action Transferring Funds within the Behavioral Health Budget Unit for an Unanticipated Increase in Medication Costs (\$5,000) (Human Services Department); Res. 06-17, with direction to staff
- CA-10 Approve Budget Action Transferring Funds within the Alcohol and Drug Budget Unit for Alcohol & Drug Rehabilitation Programs (\$16,000) (Human Services Department); Res. 06-10
- CA-11 Reappoint Susan Johnson, Liz Wilcox, David Conway, Gwen Nitta, Marna Klinkhammer, Nancy Damm, and Lee Jorgensen to the Local Child Care Planning Council, for another Three Year Term; and Authorize the Chair to sign the Certification Statement (Human Services Department); Res. 06-18
- CA-12 Approve Budget Action Transferring Funds within the Jail Budget Unit for Unanticipated Building Maintenance Needs (\$10,000) (Sheriff); Res. 06-11
- CA-13 Authorize the Chairman of the Board of Supervisors to sign the Standard Agreement with the Secretary of State for the County's Portion of the HAVA Section 301 Voting Systems Program, in the Amount of \$145,591.18 (County Clerk); Res. 06-12
- CA-14 Adopt a Resolution Approving the List of Conflict of Interest Filers and their Discloser Categories Pursuant to the Regulations of the Fair Political Practices Commission which Constitutes the Mariposa County Conflict of Interest Code (County Clerk); Res. 06-13
- CA-15 Appoint Randy Brower to the First 5 Commission to Serve as the Second Member-At-Large (Chairman Pickard); Matter was pulled for noticing requirements to be met.
- CA-16 Adopt a Resolution Authorizing County Counsel to Retain the Law Firm of Best, Best & Krieger, LLP and Authorize the Chairman of the Board of Supervisors to Sign a Professional Services Agreement to Represent the County of Mariposa in a Validation Action (County Counsel); Res. 06-16
- CA-17 Authorize the Chairman of the Board of Supervisors to Sign Optimal Phone Interpreters Contract (Public Health Officer); Res. 06-14

3:34 p.m. Adjournment in memory of Linn Stuart Seeley, Julius Congelliere, Marlene "Mo" Holder Reimann, Ellen Verley, George Franklin Pearce, Jr., Leroy Harold Lewis, and Mary Elizabeth Record.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

January 17, 2006



Time Description

9:02 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

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

Paul Chapman referred to the presentation by Envirepel that is scheduled on the agenda, and he stated the presentation material was not available until this morning and he questioned whether that is a violation of the Brown Act.

Eleanor Keuning referred to a story in the Fresno Bee that listed the top ten destinations for 2006, and she noted that Amador County was listed as number one. She advised that she has requested information from Amador County to share with our Visitors' Bureau as she does not feel that we are getting our "bang for our buck" with tourism promotion. As Chair of the Historic Sites and Records Preservation Commission, she referred to a recent situation in the Bay Area where a purchaser of a historic residence found that he could not renovate it without input from the historic group. She noted that people purchase property here and need to be made aware of the rules.

Board Information

Supervisor Fritz announced that the Chili Cook-off is this Saturday at the Courthouse.

Supervisor Turpin advised of the annual meeting he attended with the United States Forest Service, and he advised that the MOU for Bower Cave is in the hands of their legal staff. He commented on the ridership on the late bus for the School District; and he noted that the small buses are being used. He advised of the flood control issues that were discussed at the CSAC meeting, and he noted the need to pay attention to the financing of these issues.

Supervisor Bibby advised that she attended the joint meeting of the Mother Lode Job Training Governing Board and the Workforce Investment Group on Thursday in Sonora, and options are being reviewed for budget savings. On Saturday, she attended the SCOPE recognition lunch, and she provided information on the statistics of services provided by the SCOPE volunteers – the services are equivalent to seven full-time deputies. She noted that she has been receiving calls relative to rooster and poultry activities clashing with residential areas. Over the weekend, there was a neighborhood dispute relative to the walkway at 6th Street, and she advised that all of the agencies are involved to review the County's interest, duty, and right in this matter.

Supervisor Stetson provided a status report on the misinformation and situation with CalTrans and their sanding operations; and he advised that he has been assured that their safety activities will continue. Supervisor Bibby advised that the public has been invited to share any comments or concerns on the CalTrans' website and they will address it.

Kris Schenk, Planning Director;

Presentation and Discussion with the Board of Supervisors Regarding the Amortization Period for Non-conforming Signs in Mariposa County. Mariposa County Code Section 17.108.190.C, the Amortization Period for Non-conforming Signs Ends on May 1, 2006.

BOARD ACTION: Discussion was held with Kris Schenk and Sarah Williams, Deputy Planning Director, regarding the amortization period for non-conforming signs in Mariposa County. Supervisor Turpin commented on the situation with off-site advertising signs, and the need to address this.

Supervisor Bibby commented on the impact the enforcement of the ordinance will have on staff, and she asked that information be provided to the Board on what is needed to address this impact. Discussion was held relative to provisions for temporary advertising signs and community-type signs. Supervisor Bibby noted that there is a separate process for signage in the CalTrans right-of-way. Supervisor Pickard asked about developing an inventory of the signs. Kris Schenk advised that they have an inventory; however, it needs to be reviewed with the regulations to determine where there are violations. Supervisor Pickard asked that staff work with the County Administrative Officer to include goals for this in the mid-year budget process. Discussion was held relative to the status of signs that have gone through the variance process, and it was noted that those signs are legal conforming signs. Supervisor Stetson noted the need to address signs that are not taken down when a business ceases to exist.

Input from the public was provided by the following:

Eleanor Keuning stated she does not feel that people know that the community sign exists that is located at the Chevron Station. She stated she would like to see a uniformity of signs throughout the County so that they are easily recognizable by the tourists.

Further discussion was held. Supervisor Stetson stated he hopes that more notice of this matter can be given, so that feedback can be provided and so that the people will be aware when enforcement begins. Supervisor Bibby commented on the wayfaring sign project and suggested that consideration be given to revisiting the Mariposa Task Force and the Parking District for recommendations on sign issues. Supervisor Turpin asked about scheduling more discussion on future Board agendas on this matter for the public to provide input to the Board. It was noted that there is a request for an item to be scheduled to discuss the impacts this will have on staff.

9:48 a.m. Recess

10:06 a.m. Bob Pickard, Supervisor;
Presentation by Envirepel regarding Energy

BOARD ACTION: Anthony Arand, President of Envirepel; and Glenn Cunningham, Managing Director of Nexcore Capital, Inc., gave a presentation on the background on their companies. Anthony presented information on the Fallbrook Renewable Energy facility and the biomass combustion technology they use. Discussion was held relative to their process, the potential of applying this technology to our operation, the availability of funding for these programs, and use of the material that is left once the processing is complete. Supervisor Pickard asked that he and Supervisor Turpin be given ad hoc ability to keep the Board informed of the progress that Envirepel is making.

Input from the public was provided by the following:

Ruth Sellers asked if their technology includes processing all of the solid waste materials or just the bio-degradable materials; and she asked how this process relates to the plasma gasification process. Anthony Arand responded to the questions.

Supervisor Bibby asked about the current tonnage of waste that is received at our facility and about the proposed treatment process for controlling emissions by using urea in the fuel supply instead of ammonia. Steve Engfer, PWD/Solid Waste and Recycling Manager, advised that the tonnage is about 12,000 tons a year; and that he will look into the proposed treatment process.

11:15 a.m. Recess

11:23 a.m. Rick Peresan, Technical Services Director;
Presentation from the Technical Services Director and Great Valley Center on the Efforts to Improve Telecommunication Infrastructure in the AT&T (formerly SBC) Service Areas

BOARD ACTION: Rick Peresan introduced Richard Jantz, consultant for the Great Valley Center. Richard Jantz gave a presentation on the efforts to improve telecommunication infrastructure and on a grant application. Discussion was held. Supervisor Bibby asked that the use of the term of connecting all elements of all communities for the portal in the grant application be clarified. Discussion was held relative to future maintenance of the portal. Supervisor Stetson asked for clarification of whether a cell tower is involved in this.

Input from the public was provided by the following:

MaryAnn Huff stated she lives in Coulterville and operates businesses and needs to have good internet access.

Dwight Mueller, President of the Lake Don Pedro Homeowners Association, commented on the potential growth in the area to 12,000 people and of the importance of getting good internet access.

Discussion was held relative to the timeline for submitting the grant application and when supporting letters are needed. Supervisor Pickard noted the importance of bringing this service to Wawona. Rick Peresan provided input relative to working with all of the communities in the County.

Cherylann Schimmelfenning, owner of the Hotel Jeffery, noted that this is the oldest operating saloon in California and they have the potential to house a lot of people. She noted that a barrier has been the lack of high-speed internet access.

Further discussion was held. Supervisor Bibby stated she would like to encourage the telephone companies that service the County to have the proper infrastructure in place; and she encouraged citizens to write letters to the providers letting them know what they need and expect. (M)Turpin, (S)Pickard, to endorse the efforts of the Great Valley Center to pursue this project, was withdrawn following further discussion. Direction was given for the Technical Services Director to bring back a letter for the Board Chair's signature for the Board to adopt to support this project. It was agreed that Mr. Jantz could indicate in his grant application that there is a high degree of interest on the part of each Supervisor for this project.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: All items were pulled for individual action. Supervisor Bibby pulled items 4, 7, and 8. Supervisor Turpin pulled items 3, 6, and 7. Supervisor Pickard pulled items 1, 2, and 5.

Consent Agenda item 1 – Certification of Appreciation for Skip Skyrud. Supervisor Pickard commended Skip for his service. (M)Pickard, (S)Fritz, item 1 was approved/Ayes: Unanimous.

Consent Agenda item 2 – Appointment of Lee Hanna and acceptance of resignation of Bill Bondshu from the Medical Services Program Appeal Board. Supervisor Pickard commended Bill for his service. (M)Pickard, (S)Fritz, item 2 was approved/Ayes: Unanimous.

Consent Agenda item 3 – Second amendment to grant agreement with the Mariposa County Fire Safe Council. Supervisor Pickard suggested that the agreement be extended for another sixty days beyond the February 28th date to allow sufficient time. Discussion was held. (M)Turpin, (S)Pickard, item 3 was approved, including approval to extend the agreement for another sixty days beyond the February 28th date providing this does not conflict with the grant agreement; and with direction for the County Administrative Officer to check to see if the extension is okay/Ayes: Unanimous.

Consent Agenda item 4 – Amendment to the Mental Health Clinician job description. Supervisor Bibby asked that the job description be corrected to include the position as receiving supervision from the Human Services Director. (M)Bibby, (S)Turpin, item 4 was approved, with the correction/Ayes: Unanimous.

Consent Agenda item 5 – Establishment of tax rate on the Yosemite High School Bond. Supervisor Pickard asked if the tax rate for the Wawona School is included in this item; and he asked the County Administrative Officer to obtain clarification. (M)Pickard, (S)Bibby, item 5 was approved. Supervisor Bibby noted that our School District loses ADA funds if students from Mariposa County attend schools in the surrounding counties that have better facilities. Ayes: Unanimous.

Consent Agenda item 6 – Road Division budget action for Engineering Technician position. Supervisor Turpin asked if this action will help to move projects forward. Carl Casey/PWD-Fiscal Officer, responded in the affirmative. (M)Turpin, (S)Pickard, item 6 was approved/Ayes: Unanimous.

Consent Agenda item 7 – Agreement with Advocation. Supervisor Turpin asked for clarification of the contract amount and expenses. Supervisor Bibby asked whether the task to work with officials on dam permit issues included fees for ponds. She suggested that language be added to include all water issues affecting the County. Rich Inman, County Administrative Officer, advised that the six-month contract may not allow enough time to address the broad water issues. Supervisor Bibby asked for clarification relative to representation of the County's interest in the Park Bond issue. (M)Pickard, (S)Fritz, item 7 was approved/Ayes: Unanimous.

Consent Agenda item 8 – Approve annual Chili Cook-off as a County sponsored event. Supervisor Bibby initiated discussion and asked for clarification of whether alcohol is being provided and whether there is any County cost for this event. Supervisor Fritz advised that the expenses would be for the porta-potties and should be minimal as she is hoping that the revenue will off-set the expenses, plus there will be expenses for advertising that was done by the Visitors' Bureau for the event. The Lions' Club will be the vendor for the beer and that will be separate from the County. She also advised that the SCOPE volunteers will assist with security around the Courthouse. (M)Bibby, (S)Fritz, item 8 was approved/Ayes: Unanimous.

12:43 p.m. – Lunch

2:06 p.m. Blaine Schultz, Fire Chief;

Workshop to Review the Mariposa County Emergency Operations Plan

BOARD ACTION: Blaine Shultz advised that the Department of Homeland Security has taken over the Office of Emergency Services as far as disaster planning is concerned. He gave a presentation on the Mariposa County Emergency Operations Plan; and he presented pocket guides of the Plan. Discussion was held. Supervisor Bibby asked if the School District's planning was a part of this. Supervisor Pickard suggested that the titles of the positions be shown without specific names in the future in the pocket guide. Blaine advised that he needs to come back for the Board to adopt the Plan and for the Board to adopt the NIMS (National Incident Management System) as our Incident Management System. Further discussion was held. Supervisor Bibby noted that the proper spelling of "McCay" Hall should be used throughout the document.

3:33 p.m. Discussion and Possible Further Action Regarding the Local Emergency Due to the Flooding that Occurred throughout the County (County Counsel)

BOARD ACTION: Tom Guarino, County Counsel, advised that based on his discussion with the Public Works Director, it is recommended that the Board continue the findings for the local emergency. (M)Bibby, (S)Turpin, Res. 06-27 was adopted continuing the local emergency due to the flooding that occurred/Ayes: Unanimous.

Approval of Minutes of December 6, 2005, Regular Meeting (Clerk of the Board)

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

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

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

CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure to Litigation of One (1) Case Pursuant to Subdivision (b) of the California Government Code Section 54956.9(a) (County Counsel)

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

3:34 p.m. Supervisor Bibby excused herself from the following matter due to a potential conflict of interest as her spouse is employed by the Sheriff's Department.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

BOARD ACTION: (M)Fritz, (S)Pickard, the closed session was held with Mary Hodson, Deputy County Administrative Officer, and Sandi Laird, Administrative Analyst-Administration, present/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby

4:54 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session items.

CONSENT AGENDA:

- CA-1 Authorize a Certificate of Appreciation to be sent to Skip Skyrud for his Service on the Mental Health Board (Human Services Director)
- CA-2 Appoint Lee Hanna as Hearing Officer and Accept the Resignation of Bill Bondshu as the Alternate Hearing Officer of the Medical Services Program Appeal Board (Human Services Director)
- CA-3 Approve the Second Amendment to the Grant Agreement with the Mariposa County Fire Safe Council for the Countywide Fire Safe Education/Chipping Demonstration and Assistance Program, Extending the Term of the Agreement to February 28, 2006 and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (County Administrative Officer); Res. 06-21, with direction to extend the term of the amendment for an additional sixty days
- CA-4 Approve an Amendment to the Mental Health Clinician Job Description to Appropriately Define the Minimum Qualifications (County Administrative Officer); Res. 06-22, with correction
- CA-5 Adopt a Resolution Establishing the Tax Rate on the Yosemite High School Bond for the Secured Property Tax Roll of 2005-2006 (Auditor); Res. 06-23, with direction to staff
- CA-6 Authorize the Road Division to Fund an Engineering Technician Position for the Remainder of the Fiscal Year, and Approve Budget Action Transferring Salary Savings from the Junior Engineer Position to the Engineering Technician Line Item to Cover the Cost of Filling the Position (\$18,000) (Public Works Director); Res. 06-24
- CA-7 Approve 6 Month Agreement Between County of Mariposa and Advocacy for Lobbying Activities for \$12,600 and Authorize the Chairman of the Board to Sign (County Administrative Officer); Res. 06-25
- CA-8 Affirmation by the Board of Supervisors that the Annual Chili Cook-Off is a County Sponsored Event (County Administrative Officer); Res. 06-26

4:55 p.m. Adjournment in memory of Lloyd Bruce Hansen, Sr.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

January 24, 2006



Time Description

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

Pledge of Allegiance

Introductions

Presentation of Las Mariposas Map to the Presiding Mariposa County Superior Court Judge Parrish
BOARD ACTION: Chairman Stetson advised that this matter will be rescheduled, at Judge Parrish's request.

John Davis, Building Director;

Public Hearing to Approve an Increase in the Grading Permit Fee to Offset the Cost of Providing this Service to the Community. Approve an Increase in the Fine for Grading Without a Permit

NOTE: THIS ITEM IS CONTINUED TO FEBRUARY 7th, 2006 at 2:00 p.m.

BOARD ACTION: Chairman Stetson advised that this hearing which was scheduled for 2:00 p.m. this date has been continued to February 7, 2006, at 2:00 p.m.

Lee Stetson, Board of Supervisors, Chairman;

Adopt a Resolution and Approve a Tile Plaque Recognizing Susan Davis Upon her Retirement from Mariposa County Sheriff's Department

BOARD ACTION: (M)Pickard, (S)Bibby, Res. 06-28 was adopted and presented to Susan Davis, along with the tile plaque/Ayes: Unanimous. Jim Allen, Sheriff, presented Susan with her retirement badge and with a plaque from the Sheriff's Department and the Union.

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

- Edward Mee, Wawona resident, commended Supervisor Pickard and County staff for assistance the Wawona area received as a result of the recent fourteen inches of rain and flooding; and for assistance with issues with snow plowing and trash. Supervisor Stetson noted that the response to Foresta was excellent as a result of the recent storm. Supervisor Pickard commented on the difficulty of providing services to Wawona due to the distance from the County yard.
- Eleanor Keuning presented the information that she received from Amador County that is used in their tourist promotion. She referenced a recent Kiwanis meeting where Marilyn Lidyoff spoke about the Mariposa Creek Parkway project; and she expressed concern with parking issues.
- Scott Fornaciari, landscape architect, expressed concern with the status of renovation/maintenance of the Darrah Schoolhouse; and he pointed out specific issues, including some that he feels create a safety hazard. He noted that his wife is a part of the Kiwanis Club and that they made improvements to the facility. He also advised of vandalism that occurred to the playground equipment, and of the need for the facility to be completed for the pre-school to use it. Chair Stetson advised that he will ask staff to look into this matter.
- Chair Stetson commended the Sheriff's Department and Merced County law enforcement for their response to the incident in Midpines over the weekend.

Board Information

Supervisor Fritz reported that the annual Chili Cook-Off event that was held on Saturday was a success; and she advised of the awards. She advised that they will try to get other departments involved in the event next year, and that the proceeds were donated to the Mtn. Crisis Services. She noted that the Chamber of Commerce is holding its Business After Hours this evening at the Sixth Street Cinema. The Chamber will hold a lunch on Thursday at the Happy Burger Diner; and their installation of officer and business recognition dinner is scheduled for January 28th. She also stated that her thoughts go out to the Kuhnle family with their recent tragedy.

Supervisor Turpin advised that he attended the Stockton Ag Show on Friday; and he commented on the products made from recycled materials in efforts to reach zero waste for the State that were exhibited.

Supervisor Bibby provided a reminder that if anyone is experiencing difficulty with the TDS telephone system, that they send a letter to the Board or to Technical Services. She clarified that consideration of a conditional use permit for the Williamson Act is just a proposal, and she asked that the citizens provide input on this matter.

Supervisor Pickard commented on the bond being proposed by the Governor for infrastructure for roads, and he advised that it does not include funding for roads in Mariposa County or other rural counties. He suggested that the County work with CSAC and RCRC to include projects such as the bridge at the Old Highway. He also advised that he is working on reauthorization of AB473 for funding for the three counties that do not have incorporated cities, for the gas tax and the Vehicle License Fee funding.

Supervisor Stetson advised that there will be a community meeting in Midpines on February 16, 2006.

Rich Inman, County Administrative Officer;

Presentation and Discussion by Daniel Smith of Daniel C. Smith and Associates Concerning Development of Capital Improvement Program and Impact Fee Ordinance

BOARD ACTION: Rich Inman introduced Dan Smith of Daniel C. Smith and Associates, and Victor Irzyk with Goodwin Consulting Group. Dan Smith provided background information on the company, and he advised that they are a facility planning firm. They work to develop a long-term needs assessment of what is needed for infrastructure and facilities. Victor Irzyk provided information on his company, and he advised that they are a public financing consultant firm. The two companies proposed to work together on this project. Dan reviewed their proposed process for this project. Discussion was held, and it was noted that this is a way to try to meet the needs of the growth that is occurring in the County. Supervisor Pickard stated he would like to see input from the building industry. Chairman Stetson called for input from the public, and none was received. Discussion was held relative to the timeframes for scheduling the presentation by the other firm, and Rich Inman advised that they are trying for mid-February.

9:59 a.m. MARIPOSA PARKING DISTRICT

Thomas P. Guarino, County Counsel;

Discussion, Direction, and Action Regarding Retention of Best, Best, and Krieger to Represent the Parking District in the Proposition 218 Process; and Authorize a Loan of \$50,000 for the Proposition 218 Process to be Repaid with Interest as Determined by the Auditor, Based on the Rate the County receives on Investments

DISTRICT ACTION: Tom Guarino initiated discussion; and he clarified the engineering services and cost. Supervisor Bibby noted that information is being reviewed relative to the walkway issue. Supervisor Pickard asked who would be monitoring the progress of this work. Rich Inman, County Administrative Officer, advised that County Counsel would watch for adherence to the contract; and that he and the Board, with involvement of Public Works, would monitor the progress. Chairman Stetson called for input from the public, and none was received. Tom Guarino recommended that the Board take separate actions to authorize the retention of counsel and to authorize the loan. (M)Pickard, (S)Bibby, Res. 06-29 and Mariposa Parking District Res. 06-1 were adopted approving and authorizing

the Chairman to sign the Professional Service Agreement with Best Best and Krieger as recommended/Ayes: Unanimous. (M)Bibby, (S)Pickard, a loan of \$50,000 was authorized from General Fund Contingency for the Proposition 218 process/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

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

Approval of Minutes of December 13, 2005, Regular Meeting (Clerk of the Board)

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

10:10 a.m. Recess

10:34 a.m. Kris Schenk, Planning Director;

PUBLIC HEARING – Resolution Adopting a Mitigated Negative Declaration and Approve General Plan Zoning Amendment No. 2005-101 together with Land Division No. 2005-102; Waive First Reading and Introduce Ordinance Approving Amendment to Mariposa County Land Use and Zoning Map Pursuant to General Plan Zoning Amendment No. 2005-101; Mariposa County Unified School District, Applicant. Project Site is Located at 4166 Lakeview Drive in the Bridgeport area between Lakeview Drive and Yaqui Gulch Road, APN 017-540-010

BOARD ACTION: Megan Tennermann, Associate Planner, presented the staff report. Staff responded to questions from the Board as to whether a lease agreement exists. Supervisor Bibby clarified that the County Administrative Officer and County departments have been working with the School District to explore options to transfer the property other than a lease agreement, and that the School District has their legal counsel exploring this matter. She suggested that the private road association be included in the findings. Staff responded to questions from the Board as to whether the County is involved in any other private road maintenance association; relative to the process of approving the land division before an agreement is in place; and whether any objections have been received from the School District. Planning indicated that no objections have been received to date.

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

Laurel Siebecker stated she has lived next door to the property since 1996. She has no objections to having a fire station there, but she would like to know what the School District is planning to do with the remaining portion of the parcel. She also feels that it would be better to have access directly to Yaqui Gulch Road. She stated she hates to see small parcels due to potential problems with having individual wells and septic systems. She noted that her husband is a volunteer firefighter, and she commented on the fire activity in the area and of the importance of having a station in Bridgeport.

Megan Tennermann responded to Mrs. Siebecker's questions and concerns. She advised that staff shares the concern relative to the parcel size and they asked Public Works to prepare a site development plan for the project to make sure that the facility could be developed on the parcel; and she noted that the plan is included in the staff report. Staff is not aware of any plans for development of the remaining portion of the parcel, but it is currently zoned Mountain Home. Rich Inman, County Administrative Officer, noted that staff met with the School District staff relative to the Yaqui Gulch access issue, acquiring additional land, and there was no support from the School staff for this.

Laurel Siebecker asked if there is any possibility of obtaining an easement on the North side of the parcel that would connect to Yaqui Gulch. Megan Tennermann advised that could be a possibility.

The public portion of the hearing was closed and the Board commenced with deliberations. Supervisor Pickard suggested that direction be given to staff, the negotiator and District III Supervisor to work more closely with the School District to develop a use agreement or option that would allow the County to use the site for a fire station, with access to be off of Yaqui Gulch Road. He initiated discussion relative to impacting a private road; having clear title to the parcel before proceeding with the zoning amendment; and the possibility of looking for an alternative site. Supervisor Bibby commented on the history of this matter and the previous actions by the Board, including a lease agreement previously voted on and approved by the Board that was forwarded to the School District some time ago, and she suggested that this matter be continued for additional information to be brought

to the Board and for clarification as to the transfer of the property. Staff responded to questions from the Board relative to the County's responsibility to participate in the Lake View Drive road maintenance association; and relative to road improvement requirements. Blaine Shultz, Fire Chief, provided information on the history of this project, which he stated goes back sixteen years, and how the parcel was selected. He advised that the drainage on the parcel created a natural split and that costs to construct a bridge to span the drainage would be too high. He also commented on issues relative to moving the well to the East side of the drainage. He stated the access issue is in the hands of Public Works. He also commented on the problems the homeowners are experiencing with the ISO ratings in the area for insurance. Discussion was continued for the LAFCo meeting to be continued.

11:00 a.m. Chairman Stetson advised that the LAFCo meeting would be held after the public hearing is finished for General Plan Zoning Amendment No. 2005-101 and Land Division Application No. 2005-102.

The Board continued with deliberations for General Plan Zoning Amendment No. 2005-101 and Land Division Application No. 2005-102. Staff responded to questions from the Board relative to traffic circulation in the area; and estimates for improving the road and constructing a bridge. Dana Hertfelder, Public Works Director, responded to questions from the Board relative to the private road maintenance association and relative to being able to place the fire station facility on the proposed site. Supervisor Pickard asked that staff include the previous history for a project in future staff reports. Staff responded to questions from the Board relative to the distance from the proposed encroachment to Yaqui Gulch Road; relative to determining the level of road improvements that would be required and the cost estimates; cost estimates for participating in the private road association; and whether a bridge would be required to cross the drainage if access was from Yaqui Gulch and not from Lake View Drive. Further discussion was held relative to continuing the hearing. Megan Tennermann advised that staff would need about six weeks to obtain the additional information on the issues that have been discussed.

(M)Bibby, (S)Fritz, the hearing was continued to March 7, 2006, at 10:30 a.m. for staff to bring back additional information on the issues that were raised. Separate from the motion, Supervisor Pickard asked that direction be given to staff to explore whether this is the best site and to bring back a lease agreement or donation of the parcel before the Board approves the zoning change. Ayes: Unanimous. Megan Tennermann reviewed the list of issues that staff will research.

Further discussion was held. (M)Pickard, (S)Turpin, direction was given to staff to bring back an agreement for consideration for a future site for the Bridgeport Fire Station. Supervisor Bibby excused herself from participation in this discussion (second motion) at 11:31 a.m., as the lease agreement was not listed as a part of the public hearing agenda item before the Board and that a separate Board item could be prepared later if the Board wanted, versus taking a secondary action that was not included in the notice of public hearing or agenda package. Tom Guarino advised that there is no lease agreement for the Board to take action on today, that the action is to provide direction to staff to bring back something for consideration, and he feels that this is permissible. Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby. The hearing was continued as previously acted on.

11:33 a.m. Recess

11:39 a.m. Kris Schenk, Planning Director;
LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting (See Separate Minutes)

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

BOARD ACTION: Discussion was held. Supervisor Stetson advised that Louis Boitano of Amador County has been appointed to represent the group of counties on the Sierra Nevada Conservancy Governing Board. Supervisor Pickard requested that Supervisor Stetson continue to represent Mariposa County on the Conservancy. Supervisor Bibby referred to the Board's previous action to withdraw from the San Joaquin Valley-Wide Air Pollution Basin Study Agency; and she asked that the Health Officer follow-up with a letter on this action; and that he continue to stay apprised of the Agency's activities. Supervisor Pickard suggested that Dr. Mosher continue to receive the agenda packages for

the Agency, or at least the agenda itself. Supervisor Bibby noted that packages are expensive to produce, and that the agenda is available on their website. (M)Bibby, (S)Fritz, direction was given to delete the San Joaquin Valley-Wide Air Pollution Basin Study Agency from the Agency representation list/Ayes: Unanimous. Supervisor Turpin asked about switching the representative and alternate on the Mountain Counties Water Resources Association; and the Board concurred with the change. No other changes were made. (M)Fritz, (S)Bibby, the Board approved the Board member representation on agencies, with the changes as discussed/Ayes: Unanimous.

12:22 p.m. MARIPOSA COUNTY WATER AGENCY (Chair – Director Bibby; Vice-Chair – Director Turpin)

A) Public Presentations - none

B) Selection of Chair and Vice-Chair (Clerk of the Board)

AGENCY ACTION: (M)Stetson to select Director Bibby as Chair and Director Turpin as Vice-Chair, was withdrawn. Discussion was held. (M)Pickard, (S)Stetson, Director Turpin was selected as Chair, and Director Bibby was selected as Vice-Chair/Ayes: Unanimous.

12:25 p.m. LOCAL TRANSPORTATION COMMISSION (Chair – Commissioner Stetson; Vice Chair – Commissioner Fritz)

A) Public Presentations – none

B) Selection of Chair and Vice-Chair (Clerk of the Board)

COMMISSION ACTION: (M)Bibby, (S)Fritz, Commissioner Stetson was selected as Chair, and Commissioner Fritz was selected as Vice-Chair. Discussion was held. The motion was amended, agreeable with the maker and second, to select Commissioner Turpin as Chair, and Commissioner Fritz was selected as Vice-Chair/Ayes: Unanimous.

12:29 p.m. Discussion and Selection of a Representative from the Board to Serve as President of the San Joaquin Valley Regional Association of California Counties (SJVRACC) for 2006 (Supervisor Pickard)

BOARD ACTION: Supervisor Pickard noted that Mariposa is the host County for the conferences this year for the Association; and that the spring conference is scheduled for April 19th at the Tenaya Lodge. (M)Pickard, (S)Bibby, Supervisor Fritz was selected to serve as President/Ayes: Unanimous.

Supervisor Pickard initiated discussion relative to the presentation given earlier this date by Daniel C. Smith; and he stated he would like the Board to consider giving direction to staff to bring back an agreement to initiate this contract and process. Discussion was held relative to allowing the other company an opportunity to give a presentation to the Board before proceeding. It was agreed that the County Administrative Officer would try to get the other firm scheduled as soon as possible for a presentation; and that an agenda item would be scheduled following the presentation to provide direction for proceeding with this process.

12:36 p.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer); and

CLOSED SESSION: Conference with Legal Counsel; Initiating of Litigation for one Case Pursuant to Subdivision (c) of Government Code Section 54956.9 (County Counsel)

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

12:37 p.m. Supervisor Bibby excused herself from the following matters due to a potential conflict of interest as her spouse is employed by the Sheriff's Department.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer) and
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)
BOARD ACTION: (M)Fritz, (S)Pickard, the closed sessions were held/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

1:11 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session items.

CONSENT AGENDA:

- CA-1 Designate the Annual Hunters Valley Fire Auxiliary's Rib Dinner as a County Sponsored Event at the Hornitos Park/Stagg Hall (Supervisor Turpin and Supervisor Bibby); Res. 06-30
- CA-2 Adopt a Resolution Approving the Funding for Fiscal Year 2005-2006 for the Juvenile Probation and Camps Funding (JPCF) Program in the Amount of \$22,394 (Chief Probation Officer); Res. 06-31
- CA-3 Approve Agreement and Authorize the Board of Supervisors Chairman to Sign an Interim Rental Agreement with 35-A District Agricultural Association for Use of the Fairgrounds Facility for Calendar Year 2006 (Sheriff); Res. 06-32
- CA-4 Approve Budget Action Transferring Funds within the Board of Supervisors Budget for the Replacement of Two Computers and for the Purchase of One New Computer and Cabling for Access to the County's Intranet (\$3,745) (County Administrative Officer); Res. 06-33
- CA-5 Adopt a Resolution to Continue to allow the Behavioral Health Department Access to Fingerprinting Service from the Department of Justice and the F.B.I. (Human Services Director); Res. 06-34
- CA-6 Approve Budget Action Transferring Funds within the Elections Budget for Final Classes in Election Administration (\$460) (County Clerk); Res. 06-35
- CA-7 Adopt a Resolution to Approve the Plans and Specifications and Authorize Public Works to Solicit Bids for the Don Pedro Wastewater Treatment Facility (Public Works Director); Res. 06-36
- CA-8 Authorize the Board of Supervisors Chairman to Sign a Letter in Support of Great Valley Center's Efforts to Bring High Speed Internet and Improved Telephone Service in Various Areas in the County (County Administrative Officer); Res. 06-37

1:12 p.m. Adjournment in memory of Beverly Joyce Dye, Ronald Dean Hibpshman, and Anthony Earnest Kuhnel.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA February 7, 2006



Time Description

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

Pledge of Allegiance

Introductions

Chairman Stetson announced that the presentation of Certificates to the FFA students has been delayed until 2:00 p.m.; and he clarified that the grading permit fee item that is scheduled for 2:00 p.m. is a public hearing.

Presentation of Las Mariposas Map to the Presiding Mariposa County Superior Court Judge Parrish
BOARD ACTION: Ron Iudice, Mariposa Mining and Mineral Museum Association, advised that the map is a replica of the first map that John C. Fremont had of the Las Mariposas grant, and that the original is at the Museum. Ron and Chairman Stetson presented the Las Mariposas Map to Judge Parrish for display in the Courthouse. A replica will also be displayed in the Government Center. Supervisor Bibby thanked Ron and the Association for the Mineral Exhibit tee-shirts. Peggy Ronning, Mineral Exhibit Curator, was present for the presentation.

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

Paul Chapman stated he does not feel that water can be exported from MPUD without changing the boundaries through LAFCo, so he does not feel that there is any reason to award the contract for construction of the waterline project for the regional recreation complex. He referred to the item authorizing County Counsel to destroy certain records. He referred to the requested budget transfers in the Tourism budget, and stated he does not feel that there is anything for people to come here for, so he doesn't see any reason to spend the funds. He referred to the item relative to the Behavioral Health facilities and questioned why the County would consider purchasing this facility. He reiterated a previous request that he made that the County appoint a committee to look at the budget.

Kris Schenk, Planning Director;

Appointment of One New Member At-Large to Fill the Vacancy on the Agricultural Advisory Committee

BOARD ACTION: Chairman Stetson advised that in regard to the application received from Jerry Progner, it was determined that there is no conflict with appointing him to the Committee if the Board wishes to do so. (M)Turpin, (S)Pickard, Jerry Progner was appointed to fill the at-large vacancy on the Agricultural Advisory Committee/Ayes: Unanimous. Supervisor Bibby clarified that the noticing requirements of the Maddy Act were complied with. Sarah Williams, Deputy Planning Director, asked for clarification of the effective date of appointment – whether it is immediate, or after he retires from the USDA Natural Resources Conservation Service. It was determined that the appointment is effective immediately; and it was clarified that he is representing the at-large position on the Committee.

Board Information

Supervisor Turpin advised that the Pedestrian and Equestrian Trails Advisory Board is scheduled to have its first meeting on February 23rd.

Supervisor Fritz advised that she attended the Regional Council of Rural Counties (RCRC) installation of officers' dinner in Sacramento last week. She advised that her District IV meeting is scheduled for Wednesday at 6:30 p.m. at the Government Center. She advised that she attended the Chamber of Commerce dinner on Saturday, and she extended her congratulations to the honorees. She advised that a benefit dinner is scheduled for February 18th for the Kuhnel family at the Masonic Lodge. On February 15th, at 6:15 p.m., the downtown events committee will meet either at the Government Center or at the Chamber of Commerce.

Supervisor Pickard advised that he attended the RCRC Board of Directors meeting last week, and he provided a report on the issues that were discussed, including transportation funding.

Supervisor Bibby noted that it is important for the State to consider safety issues such as the Old Highway bridge, versus just resurfacing the roads. She plans to attend the Mental Health Board meeting at noon this date. She extended her condolences and sympathy to the George Gordo family, and she noted that he was a Supervisor representing District III from 1963 for one term.

Supervisor Stetson advised that he attended the Gateway meeting in Yosemite last Thursday. Last Friday, he attended the FFA Sectional Project Competition awards event, and he was very impressed with the youth. He advised that there will be a District I meeting in Midpines on February 16th. On Wednesday, he plans to attend the Emergency Medical Services Agency Board meeting at Lake Tulloch. He advised that the Yosemite West Plan is being scheduled on the Planning Commission's agenda for March 4th.

Dana Hertfelder, Public Works Director;

A) Authorize Award to Richard Townsend Construction for the Mariposa Regional Recreation Complex Waterline Project (project 02-08) and Approve Budget Action Transferring \$259,000 from General Fund Contingency to the Sports Complex CIP Fund #569 to Fund the Project (4/5th Vote Required)

BOARD ACTION: Discussion was held with Dana Hertfelder and Carl Casey/Public Works Administrator, relative to the request; funding options; and relative to the status and commitments of funds for the Water Agency budget, Proposition 40 funds, and the General Fund Contingency. Supervisor Bibby noted that there is a pending issue with audit exceptions for the Stayner murder trial that may require a commitment of funds. Rich Inman, County Administrative Officer, advised that he is meeting with the affected departments to review the audit. Supervisor Bibby suggested that the County Administrative Officer work with the Auditor and review all of the affected budgets and pending projects and funding commitments, and bring back an item to the Board, if necessary. Supervisor Turpin asked whether the payment from MID for this budget year is included in the Water Agency fund balance. Supervisor Pickard asked whether any other revenue is anticipated to be received by the Water Agency. Tom Guarino, County Counsel, noted that request for extension of services to the Baptist Church was approved on an interim five-year basis, with initiation of the process to go forward and funding being committed for that process. (M)Bibby, (S)Turpin, Res. 06-38 was adopted approving the recommended action; and direction was given to the County Administrative Officer to work closely with the Auditor on the status of the affected budgets/Ayes: Unanimous.

B) Resolution Approving the Proposed Boundary Line Adjustment Between Mariposa County and Tuolumne County

BOARD ACTION: Discussion was held with Dana Hertfelder, and he advised that Tuolumne County is waiting for Mariposa County to take action on this matter; however all parties have tentatively agreed to this adjustment. Supervisor Bibby stressed the need to look at all impacts that developments create when projects are being considered. (M)Turpin, (S)Pickard, Res. 06-39 was adopted approving the recommended action. Supervisor Bibby clarified that no objections have been received, and that there is no requirement for a public hearing to be held on this matter. Supervisor Stetson noted that Mariposa is the initiating County for this matter. Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 10 and 13, and she noted that the County Administrative Officer has a correction on item 11. Supervisor Pickard pulled item 13. Supervisor

Turpin pulled items 9 and 11. (M)Fritz, (S)Pickard, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 9 – Agreement with Coast Surveying, Inc., to perform map checking services. Supervisor Turpin asked about protecting the original maps in this process. Dana Hertfelder, Public Works Director, provided input relative to the process; and he advised that this Company will be used to check the maps for the South Shore project. (M)Turpin, (S)Fritz, item 9 was approved/Ayes: Unanimous.

10:02 a.m. Consent Agenda item 10 – Submittal of Airport Capital Improvement Plan. Supervisor Bibby excused herself from this item due to a potential conflict of interest as her family has interest in property around the Airport. Dana Hertfelder, Public Works Director, advised that this is an annual requirement. (M)Turpin, (S)Pickard, item 10 was approved/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

10:06 a.m. Consent Agenda item 11 – Extending the agreement with Roger Stephens Engineering for the Regional Recreation Complex. Dana Hertfelder, Public Works Director, responded to questions from Supervisor Turpin relative to the project. (M)Turpin, (S)Fritz, item 11 was approved/Ayes: Unanimous.

Consent Agenda item 13 – Behavioral Health Budget and facilities. Supervisor Pickard initiated discussion relative to this request and previous consideration of looking at obtaining a facility to house all of the Human Services Department’s functions under one roof. Rich Inman, County Administrative Officer, stated the language in his memorandum in the package clarifies the recommendation – to have Human Services work with County Administration to analyze the cost of purchase compared to the cost of renting the facilities. If it is more advantageous to buy the building, the matter would be brought before the Board for consideration. He also noted that an appraisal would need to be done to determine the fair market value. He advised that realignment funds can’t be used to construct a facility; however, they can be used for a long-term lease. It was noted that the future caseload and changes of the Department are not known, and that could be reviewed by the capital improvement program process. Supervisor Bibby stated she would like Public Works to be involved to make sure that the facilities meet ADA requirements; and she expressed concern with parking in the area and with realignment funding issues. (M)Pickard, (S)Fritz, item 13 was approved; with direction, as clarified by the County Administrative Officer, for the cost of purchase as compared to renting the facilities to be analyzed/Ayes: Unanimous.

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

BOARD ACTION: Tom Guarino, County Counsel, advised that after consulting with the Public Works Director and reviewing the matter with the State, he doesn’t see any need to continue the findings for the emergency; and he recommended that the Board take action to declare an end to the emergency. Discussion was held. Supervisor Turpin noted that there are still areas that need to be worked on, and suggested that the emergency be continued. It was noted that if the emergency declaration is ended, that any requirement for the County to provide funding would need to come from the existing budget and couldn’t be taken from the Reserve for Contingency. (M)Turpin, (S)Bibby, Res. 06-52 was adopted continuing the local emergency due to the flooding that occurred/Ayes: Unanimous.

Resolution Authorizing the County Counsel’s Office to Destroy Certain Records and Documents (County Counsel)

BOARD ACTION: Discussion was held with Tom Guarino, County Counsel, relative to the request. (M)Pickard, (S)Fritz, Res. 06-53 was adopted/Ayes: Unanimous.

Approval of Minutes of December 20, 2005, Regular Meeting (Clerk of the Board); and Approval of Minutes of January 10, 2006, Regular Meeting (Clerk of the Board)

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

INFORMATION – Mental Health Board 2004-2005 Annual Report – Information Only; No Action Required (Human Services Director)

Chairman Stetson stated he feels the recommendations of the Mental Health Board are commendable and that he would like to see the goals initiated.

10:24 a.m. Recess

10:39 a.m. The Board reconvened and Supervisor Bibby excused herself from the following matters due to a potential conflict of interest as her spouse is employed by the Sheriff's Department

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

BOARD ACTION: (M)Pickard, (S)Fritz, the closed sessions were held/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

10:42 a.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer);

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a) Name of Claimant or Case Number and Name of Adverse Parties: Cooper/Swenson v. County of Mariposa (County Counsel); and

MARIPOSA COUNTY BOARD OF SUPERVISORS/MARIPOSA PARKING DISTRICT

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Downtown Parking Lots: Name of Party who will Negotiate with County (Not Party's Agent) Rich Inman; Closed Session will Concern: Price and Terms of Purchase (County Administrative Officer)

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

11:24 a.m. Chairman Stetson announced that direction was given to staff as a result of two of the closed session matters, and that the remaining matters were continued to later this date.

MARIPOSA PARKING DISTRICT

Discussion, Direction, and Action Regarding the Mariposa Parking District, Ad Hoc Committee, and Update on Parking Issues (County Counsel)

DISTRICT ACTION: Discussion was held with Tom Guarino and he asked that the District reaffirm the composition of the ad hoc committee. He provided a status report on Parking District issues, advising that they are moving forward with negotiations for acquisition of real property and the County Administrative Officer will be the negotiator. They are planning to schedule meetings in later February or early March with the downtown merchants and property owners. Supervisor Pickard noted that he and Supervisor Bibby were members of the ad hoc committee, and it is okay with Supervisor Fritz to replace him on the committee. The Board concurred with Supervisors Bibby and Fritz serving as the ad hoc committee.

11:28 a.m. – Lunch

12:41 p.m. The Board reconvened in continued closed session.

2:04 p.m. The Board reconvened in open session.

Lee Stetson, Supervisor District I;
Janet Bibby, Supervisor District III;

Approve Certificates of Recognition to the Mariposa County Future Farmers of America (FFA) Students who Participated in the 2005-2006 Merced/Mariposa Section FFA Project Competition

BOARD ACTION: Deanna Stickle, Mariposa FFA Chapter President, introduced the following FFA students who were present: Bridget Carpenter, Layne Simon, Courtney Forsythe, Alex Gisler, Jessica Guenthart, Jacob Gisler, and Ben Mecchi. Jaret Fipps and Craig Allison were unable to be present. The students provided information on their projects. It was noted that all of the students received a Gold award and that the Chapter received the Outstanding Overall Chapter award. Supervisors Stetson and Bibby presented the students with the Certificates of Recognition. Wayne Forsythe and Buz Arnold, FFA Advisors, were present, and Wayne commented on the size of the competition and commended the students for their achievements.

John Davis, Building Director;

PUBLIC HEARING to Approve an Increase in the Grading Permit Fee from the Current Cost of One Hundred Fifty Dollars (\$150.00) to Two Hundred (\$200.00) to Offset the Cost of Providing this Service to the Community. Approve an Increase in the Fine for Grading Without a Permit from the Present One Hundred Dollars (\$100.00) to Five Thousand Dollars (\$5,000)

BOARD ACTION: Rich Inman, County Administrative Officer; Tom Guarino, County Counsel; and John Davis, Building Director, presented the staff report. Staff responded to questions from the Board relative to the establishment of a fee for service and contracting with the Resource Conservation District for administering the permit process; concerning the recommended change in the grading permit fee; and relative to the recommended fine structure. Jerry Progner, USDA Natural Resources Conservation Service, advised of a question he received as to whether brushing projects would be affected by this change; and he referred to the changes with administering the permit process. Staff and Jerry Progner responded to questions from the Board relative to the recommendation to delete the following item from Section D. Exceptions: "12. Grading in an isolated self contained area if there is no danger apparent to private or public property, and will not affect existing drainage patterns or create erosion hazards." Supervisor Turpin stated he does not feel that the language in the draft ordinance reads smoothly, and that he would like to be able to have a meeting with those involved to draft better language. Supervisor Bibby stated there are areas in the draft ordinance where she feels definitions should be provided, and she agreed with the need for better language. Staff responded to questions from the Board as to what would happen if an applicant pulled a building permit and not a grading permit and what the process would be and how the lien process costs are covered; actions that could be implemented today if the draft ordinance isn't acted on at this time; relative to revegetation standards and timeframes; relative to the differences in penalties depending on whether an individual or corporation is involved; and relative to implementation of the fine process.

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

Ken Melton stated he feels that a good job was done on the enforcement part of the draft ordinance; and he acknowledged that it is hard to read legal language. He strongly suggested that item 12 be left in the document; and stated that there are situations where this exception has been used, and it allows staff discretion. He stated he would like to see the October 15th date removed from the revegetation timeframe, and perhaps reduce the 180 days. He also suggested that consideration be given to scheduling a workshop with the contractors and people involved in this process to review the grading ordinance.

Louie Edwards stated he is a general contractor and is new to the area. He asked about the inspection schedule for projects; whether maximum driveway sizes are addressed; and whether consideration was given to having Public Works take over the administration of the grading permits. He commented on options for addressing erosion control during a project. He suggested that applicants be advised of other agencies that may need to be involved in a project, such as Fish and Game or Water Resources. He also suggested that there be a way to verify in the office whether a permit was issued for a project versus having to make a site visit. He also questioned whether a percentage of the permit fee could be used for the fine versus the proposed \$1,000 a day. He suggested that language be used to require that revegetation be done after the first rain versus the October 15th date.

The public portion of the hearing was closed. The Board commenced with deliberations. Staff responded to questions from the Board as to whether the fee increase covers the inspections costs; relative to the issues that were raised by the public; and relative to the proposed process with changing the administration of the permits to the Resource Conservation District. Supervisor Turpin suggested that a formula be developed for the fine structure. Further discussion was held relative to item 12 and whether the language should be left in the draft ordinance and the reason the language was in the existing Code – staff was not sure about the origination of this item. Supervisor Bibby asked that “refuse disposal sites” be clarified.

(M)Pickard, (S)Turpin, Res. 06-54 was adopted approving the increase in the grading permit fee from \$150 to \$200/Ayes: Unanimous.

Following discussion, (M)Pickard, (S)Fritz, to waive first reading and introduce the Ordinance amending Chapter 15.28 of the Mariposa County Code entitled “Grading and Excavation” with the following changes and corrections: item 12 is to be left in the document and the rest of the section is to be renumbered, including the removal of “Caveat” and numbering that item as 14; correction to add “Mariposa County Building Department or permitting agency” in Section F. Issuance, item 5; and by clarifying refuse disposal sites as the landfill and transfer stations only. Discussion was held and staff provided input relative to the October 15th revegetation timeframe; relative to the reason for leaving item 12 in the document; relative to addressing the revegetation differently for the winter and summer seasons; and relative to enforcement. Supervisor Bibby noted a typographical error in Section 15.28.170, item E, for “County’s” and she suggested that references to the term “he” be changed to a generic term. Tom Guarino noted that the Board could direct a policy relative to process to the Building Department in the future. Further discussion was held relative to the penalty portion and process and flexibility in interpretation. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Fritz, Pickard; Noes: Stetson, Turpin, Bibby. The motion failed.

(M)Fritz, (S)Bibby, the above motion was restated with the only change to be the removal of item 12 from the Ordinance. Staff responded to a question from the Board and advised that discretion would still remain with the Building Director on the fine. The Clerk of the Board read the title of the Ordinance into the record/Ayes: Stetson, Bibby, Fritz, Pickard; Abstained: Turpin. Supervisor Pickard changed his “aye” vote to a “no” and Supervisor Turpin changed his “abstained” vote to a “no.” The motion passed. The hearing was closed.

Chairman Stetson announced that direction was given to staff on the rest of the closed session matters.

CONSENT AGENDA:

- CA-1 Designate the Annual Hornitos Patron Club’s Enchilada Dinner as a County Sponsored Event held at the Hornitos Park/Stagg Hall (Supervisor Bibby); Res. 06-40
- CA-2 Reappoint William “Bill” Yaley to the Assessment Appeals Board (Supervisor Fritz)
- CA-3 Appoint Ollie Slane to the Historic Sites and Records Preservation Commission Representing the Northern Mariposa County History Center (Planning Director)
- CA-4 Approve the Memorandum of Understanding with John C. Fremont Healthcare District and the Mariposa County District Attorney’s Office, Regarding Services to Draw Blood on Suspected DUI and Drug Cases, for the Period of February 14, 2006, through February 13, 2007 (District Attorney); Res. 06-41
- CA-5 Approve Budget Action Transferring Funds within the Tourism Budget to Fund Training and Seminar Expenses from the Promotional Line (\$5,129) (County Administrative Officer); Res. 06-42

- CA-6 Approve Budget Action Transferring Funds within the Tourism Budget to Fund Travel-Trade Show Expenses from the Promotional Line (\$11,277) (County Administrative Officer); Res. 06-43
- CA-7 Approve Budget Action Transferring Funds within the Tourism Budget to Fund Membership Expenses from the Promotional Line (\$2,115) (County Administrative Officer); Res. 06-44
- CA-8 Approve Budget Action Transferring Funds within the Tourism Budget to Fund Boyer Temporary Services from the Promotional Line (\$8,348) (County Administrative Officer); Res. 06-45
- CA-9 Resolution Authorizing Public Works to Enter into a Professional Service Agreement with Coast Surveying, Inc. to Perform Map Checking, Legal Description Checking and General Surveying Document Checking and Execution Documents as the County Surveyor Under the Direction of the Public Works Director in the Not to Exceed Amount of \$25,000 (Public Works Director); Res. 06-48
- CA-10 Authorize Public Works Director to Submit Airport Capital Improvement Plan to the Federal Aviation Administration for 2007-2011 (Public Works Director); Res. 06-49
- CA-11 Resolution Amending a Professional Services Agreement Between Mariposa County and Roger Stephens Engineering for the Purpose of Providing Utility Services for the Mariposa County Regional Recreation Complex by Extending the Contract to June 30, 2006 (Public Works Director); Res. 06-50
- CA-12 Authorize an Amendment to the Contract with Chase's Foothill Petroleum to Provide Oil and Miscellaneous fluids for the County's Fleet (Public Works Director); Res. 06-46
- CA-13 Approve an Increase in Appropriations of Realignment into the Behavioral Health Operating Budget to Cover increased Rents and Leases Expenditures; and Authorize the Department, in Conjunction with County Administration to Negotiate to Buy the Building Currently Being Rented for Behavioral Health Services (\$35,000) (4/5th Vote Required) (Human Services Director); Res. 06-51, with direction to staff, as clarified by the County Administrative Officer, for the cost of purchase as compared to renting the facilities to be analyzed
- CA-14 Approve Budget Action Transferring Funds within the Behavioral Health Budget Unit Due to an Unanticipated Increase in Institutions for Mental Disorder (IMD) Contract Costs (\$24,000) (Human Services Director); Res. 06-47

4:22 p.m. Adjournment in memory of Beatrice Vivian Gregg Flowers, Sarah Lynn Sanches, Alva Dale Coburn, and former Supervisor George Gordo.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA February 14, 2006

Time Description

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

Pledge of Allegiance

Lee Stetson, Chairman;

A) Proclaim the Month of February as National Parent Leadership Month; and

B) Recognition of the Outstanding Parent Leader by Mariposa Safe Families (Mariposa Safe Families)

BOARD ACTION: (M)Fritz, (S) Bibby, the Proclamation was approved and presented to Kathy Delaney, Executive Director of Mariposa Safe Families, Inc., along with the following Mariposa Safe Families Board members: Cyndi Park, Connie Pearce, and Angie Steele/Ayes: Unanimous. Kathy Delaney introduced the following outstanding parent leader nominees that were present: Amber Chambers, Erika Deal, Harold Wildt, and Lori Redding. She noted that the following were also nominated: Charlene Hogan, GeGe Drozen, Sarah Matlock, Carla Shelton, and Maria Wolf. She presented the award to Lori Redding.

Introductions

Chairman Stetson introduced Larry Elms, Merced Area Maintenance Superintendent, and Steve Ryan, Midpines Maintenance Supervisor, of CalTrans. Chairman Stetson commented on recent conversations with CalTrans staff and the good response that was received relative to maintenance issues. Supervisor Turpin asked about addressing the noxious weeds along side of the highways.

9:13 a.m. Recess

9:27 a.m. Public Presentation: For Non-Timed Agenda Items including Attention, Information, and consent Agenda, and for Items Not on the Agenda

Eleanor Keuning provided the following input:

sometimes the audience has difficulty in hearing the Board members during the meetings;

she feels the print on the top part of the dress for the teacher with the stylus in the mural in the Board Chambers should be changed;

she feels that Leonard Road needs maintenance; as well as Ben Hur and Old Highway, as they can be used as alternate routes if Highways 41 and 49 South are closed; and she asked about the status of funding that she thought was going to be available for maintenance for Ben Hur Road;

she referred to the Consent Agenda item for creating a location map marketing downtown Mariposa, and stated she hopes that there is coordination with Economic Development and Tourism; and

she stated she hopes that CalTrans will listen to the residents relative to traffic problems.

Board Information

Supervisor Bibby commented on the status of funding requests for maintenance on Ben Hur Road. She advised that memorial services are scheduled for February 18th at 11:00 a.m. at McCay Hall for George Gordo. She noted that in addition to being a former Supervisor, that George Gordo was also a former Fair Board Director. She advised that the Hunters Valley Fire Station Rib Dinner is scheduled for February 18th in Hornitos at the Stagg Hall; and the Hornitos Patron Club's Enchilada Dinner is

scheduled for March 4th at the Stagg Hall. She attended the First 5 Commission meeting on Monday evening, and there will be a study looking at the benefits of pre-schools. On February 15th there will be a Parks and Recreation Commission meeting at the Government Center, and she will not be able to attend due to a medical appointment.

Supervisor Fritz advised that an events committee meeting is scheduled for Wednesday at 6:15 p.m. On February 18th, a benefit dinner will be held at the Masonic Lodge for the Kuhnel family.

Supervisor Pickard advised that AB 1960 has been introduced by Tim Leslie to reinstate the fair share of Vehicle License Fees and gasoline tax for the three counties without any incorporated cities: Mariposa, Alpine, and Trinity. He advised that they are working on getting some meetings scheduled with the Department of Finance to get these funds restored through the budget process. This means about \$80,000 in revenue for Mariposa County. He also wished a very special happy birthday to his daughter, Laurel, on turning fourteen today.

Supervisor Turpin wished his wife, Suzanne, a happy birthday and Happy Valentine's Day. He advised that Bill Shimer passed away; and he reflected on Bill's contributions to California Department of Forestry, Historical Sites and Records Preservation Commission, and to the School Board; and on his influence to the community. He stated this is the passing of a great gentleman that will be missed. Memorial services are scheduled for February 25th at 11:00 a.m. at the Methodist Church in Coulterville. He advised that the Pedestrian and Equestrian Trails Advisory Committee is scheduled to meet this Thursday at 6:30 p.m. at the Don Pedro Community Services District facility. On February 16th, he is meeting with the Public Works Director and Bureau of Land Management in the North County to look at some old borrow pits. On Monday he attended the Coulterville Community Club meeting.

Supervisor Stetson advised that he is planning to attend the El Portal Advisory Committee this evening at 7:00 p.m. in El Portal. On Thursday, there will be a community meeting in Midpines at 7:30 p.m. to discuss issues and everyone is welcome to attend.

Rich Inman, County Administrative Officer;

Presentation and Discussion by Pacific Municipal Consultants Regarding Development of Capital Improvement Program and Impact Fee Ordinance and Possible Selection by the Board of Supervisors
BOARD ACTION: Derek Wong introduced the following staff members of Pacific Municipal Consultants that were present: Donna Snider and Lance Schulte. Derek Wong provided background information on the company; and he gave a presentation on their proposal to help the County develop a capital improvement program and impact fee ordinance. Discussion was held relative to the project and their proposal and projected timeline. Chairman Stetson called for input from the public, and none was received.

10:03 a.m. Recess

10:19 a.m. Discussion was held relative to selecting a consultant for the development of a capital improvement program, including their experience in the foothill communities/rural counties, and the information provided in their presentations and discussions with the Board. (M)Pickard, (S)Turpin, direction was given to the County Administrative Officer to bring back a contract for approval by the Board with Daniel C. Smith and Associates; and for a letter to be sent to Pacific Municipal Consultants thanking them for their efforts in this process/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Chairman Stetson advised of the redistribution of item 2 to reflect the correct attachments. Supervisor Pickard pulled item 6. Supervisor Turpin pulled items 1 and 4. Supervisor Bibby pulled items 4 and 6. Supervisor Bibby noted that issues relative to the drug testing will be discussed by the Alcohol and Drug Advisory Committee. (M)Fritz, (S)Bibby, the balance of the items (items 2, 3, and 5) was approved/Ayes: Unanimous.

Consent Agenda item 1 – acceptance of funds for the creation of a location map marketing downtown Mariposa. Supervisor Turpin initiated discussion and he advised that Coulterville is developing their location map. He asked that these types of projects be reviewed on a countywide basis

in the future. Rich Inman, County Administrative Officer, noted that Marilyn Lidyoff/Business Development Coordinator, is active in Coulterville and is conscientious of the need to help the North County. Supervisor Fritz clarified that the requested action is to accept a donation. (M)Turpin, (S)Fritz, item 1 was approved/Ayes: Unanimous.

Consent Agenda item 4 – contract with Fibre Tech for work on the El Portal pool. Supervisor Turpin initiated discussion relative to the request and the status of the other two pools. Dana Hertfelder, Public Works Director, advised that they were not aware that work would need to be done before the swim season when the budget was prepared, and he advised that they could apply for Proposition 40 funds and reimburse the General Fund. It was clarified that the price in the proposal is still good. Supervisor Bibby asked about the status of the projects planned for the Catheys Valley Park, and she asked for information on the operation costs for the pools on an annual basis. (M)Turpin, (S)Pickard, item 4 was approved, with the understanding that this is a loan from the General Fund Contingency that will be repaid from the Proposition 40 funds. Rich Inman, County Administrative Officer, advised that staff is preparing an item for the Board to review the Proposition 40 funds and the commitments for funding and pending projects. In the interim, he recommends that the commitment for this project come from the \$300,000 funding earmarked for the recreational sports complex. Ayes: Unanimous.

Consent Agenda item 6 – Memorandum of Understanding (MOU) with Mariposa Safe Families, Inc. Supervisor Bibby asked that the MOU be routed to the affected County agencies/departments; and she noted that Mariposa Safe Families needs to work closely with the agencies for the common good of the children. She also asked if there are any liability issues or concerns with the MOU. Rich Inman, County Administrative Officer/Risk Manager, advised that he does not see any concerns. Supervisor Pickard introduced and welcomed Kathy Delaney as Executive Director for Mariposa Safe Families, Inc. (M)Fritz, (S)Pickard, item 6 was approved. Kathy Delaney advised that she plans to work with the agencies to develop an MOU with each of them; and to work to develop a referral service in the community. Ayes: Unanimous.

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

BOARD ACTION: Tom Guarino, County Counsel, reviewed the reasons that the local emergency has been continued; and he advised that after consulting with the Public Works Director, it is his recommendation that the Board declare an end to the local emergency due to this flooding. He advised that the claims process has been completed with the State, and there is no necessity to continue the emergency for the flood event. Dana Hertfelder, Public Works Director, advised that they are continuing with the repairs, and that the process of preparing the damage assessment reports will continue, probably into next fiscal year. He provided a status report on the repairs to Old Toll Road and to Merced Falls Road. Discussion was held. Supervisor Bibby noted that staff continues to monitor the bridges and White Rock Road. She clarified with Tom Guarino, Dana Hertfelder, and Rich Inman, County Administrative officer, that it is their recommendation that the Board declare an end to the local emergency. (M)Bibby, (S)Turpin, based on the recommendation of the Public Works Director, County Counsel, and the County Administrative Officer, Res. 06-61 was adopted discontinuing the local emergency. Tom Guarino, clarified that the recommended action is to declare an end to the local emergency for the flood event. The motion was amended, agreeable with the maker and second, to declare an end to the local emergency for the flood event/Ayes: Unanimous.

Approval of Minutes of January 17, 2006, Regular Meeting (Clerk of the Board); and
Approval of Minutes of January 24, 2006, Regular Meeting (Clerk of the Board)

BOARD ACTION: Supervisor Turpin advised of a correction to the January 17th minutes relative to the information he provided on the late bus for the School District. Supervisor Bibby referred to the minutes for January 17th and clarified that her reference was to the proposed infrastructure bond issue during the discussion to hire a lobbyist. (M)Turpin, (S)Bibby, the minutes were approved, with the correction to the January 17th minutes as noted/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer);

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, stated it is not necessary to hold these closed sessions.

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a) Name of Claimant or Case Number and Name of Adverse Parties: Cooper/Swenson v. County of Mariposa (County Counsel)

BOARD ACTION: Tom Guarino, County Counsel, asked that this matter be continued to February 21, 2006.

CONSENT AGENDA:

- CA-1 Approve Budget Action Accepting Funds from the Economic Development Corporation of Mariposa County for Assisting in Creating a Location Map Marketing Downtown Mariposa (\$1,000) (4/5th Vote Required) (County Administrative Officer); Res. 06-58, with discussion
- CA-2 Approve the Substance Abuse and Crime Prevention Act (SACPA Prop 36) Program Plan for the Fiscal Year 2005-2006 (Human Services Director); Res. 06-55
- CA-3 Approve Amendment No. 1 to the Contract with Valley Oil Company, LLC Dated September 9, 2001 (for Providing Aviation Fuel to the Mariposa-Yosemite Airport) to Extend the Contract Term to June 30, 2006 (Public Works Director); Res. 06-56
- CA-4 Approve a Contract with Fibre Tech for Resurfacing and Renovating the El Portal Pool and Authorize the Chairman of the Board of Supervisors to Sign the Contract and Approve Budget Action Transferring \$42,650 from the General Fund Contingency to Fund #501 (Land, Building & Improvements) to Cover the Cost of the Improvements (4/5th Vote Required) (Public Works Director); Res. 06-59, with direction
- CA-5 Approve and Authorize the Chairman of the Board of Supervisors to Execute the Supplemental Lease Agreement with the USDA Forest Service for Relocation of Helibase Ground Facilities at the Mariposa-Yosemite Airport (Public Works Director); Res. 06-57
- CA-6 Approve and Authorize the Chairman of the Board of Supervisors to Sign the Memorandum of Understanding between Mariposa County and Mariposa Safe Families, Inc., to Maintain Compliance with the Welfare and Institutions Code (Supervisor Fritz); Res. 06-60, with discussion

11:02 a.m. Adjournment in memory of Eddie Donald Freitas, Pauline Hope Largent Ward, and William “Bill” Shimer.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA February 21, 2006



Time Description

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

Pledge of Allegiance

Introductions

Chairman Stetson announced that the replica of the Las Mariposas map is displayed in the lobby.

Rich Inman, County Administrative Officer;

Introduction of Dave Forgang and Presentation of Activities of Yosemite Renaissance

BOARD ACTION: Chairman Stetson introduced Dave Forgang, retired Curator from the Yosemite Museum. Dave Forgang announced that the opening of the 21st art exhibit for the Yosemite Renaissance is scheduled for this Friday. He provided background information on the Yosemite Renaissance; its activities and programs; and its funding sources and partners. Supervisor Bibby asked for written information on the program.

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

Paul Chapman referred to the request by Public Works to purchase a roll-off truck; and he questioned why a new truck is needed for use at the landfill; and he noted that Public Works sold a dump truck last year and questioned why that couldn't have been used. He referred to Consent Agenda item 16, and he stated he feels that funding should not be going to the Arts Council and Yosemite Renaissance. He feels that the funds should go to the Sheriff's Department and that would be of better benefit to the whole County.

Rick Peresan, Technical Services Director, advised that they developed a letter and mailing list to send the survey to the TDS telephone service area customers to collect information on the service interruptions that they experience. He also advised of his discussions with TDS relative to this matter. He advised of work with the Great Valley Center to obtain grant funds to initiate web portals and broadband service to areas of the County that do not have high-speed internet access. Supervisor Bibby commended staff for their efforts in these matters. She also advised that a supply of the survey letters were left at the Airport for citizens to use.

Board Information

Supervisor Fritz advised that the events committee met on Wednesday to plan for events. They would like to see the "Butterfly Days" come back, and they will try to plan for four events a year. She thanked everyone for their support with the Kuhnle family fundraiser. She thanked Public Works and the Sheriff's Department for their efforts with the weekend storms. She advised that there is a fundraiser this weekend for "V-Day" for the capital improvement fund for Mtn. Crisis Services. She also advised that a District IV meeting is scheduled for March 1st at 6:30 p.m. at the Government Center.

Supervisor Bibby advised that there is a possible new option for the Bridgeport Fire Station; and that this matter will be brought back to the Board with information on all available options. She advised that an account has been set up for donations for the Kuhnle family. She announced that the memorial service for George Gordo was well attended. She stated the Hunters Valley Volunteer Fire

Station rib dinner fundraiser was a success. She also complimented the safety and fire personnel for their responses to the weekend incidents with the storms and power outages.

Supervisor Pickard advised of the status of the noxious weed legislation for non-native and invasive species; and he advised of cooperation with the Department of Water Resources with this issue. He advised that he plans to attend the County Medical Services Program (CMSP) board meeting, and a Planning and Benefits meeting in Sacramento on Thursday.

Supervisor Turpin advised that he attended the Hunters Valley Volunteer Fire Station rib dinner. He advised that the Don Pedro Equestrian and Pedestrian Trails Advisory Board is scheduled to hold its first meeting in Don Pedro this Thursday. He complimented Public Works staff for their work during the storms.

Supervisor Stetson advised that he plans to attend the Yosemite Renaissance art show opening on Friday, and he encouraged the public to attend. He announced that the Planning Commission is scheduled to meet on Saturday, March 4th to review the Yosemite West plan. He attended a community meeting in Midpines last Tuesday; and it was decided that the Advisory Committee should be revived and that they would begin meeting monthly to address issues relative to Midpines and planning matters.

Dana Hertfelder, Public Works Director;

Waive the Formal Bid Process and Authorize the Solid Waste Division to Purchase a 2006 Kenworth T-800 Roll-off Truck for \$131,935 and Authorize the Chairman of the Board of Supervisors to Sign the Required Documents for the Purchase; and Approve Budget Action Transferring Funds in the Solid Waste Fund for Payment on the Truck (\$6,748)

BOARD ACTION: Discussion was held with Dana Hertfelder and Carl Casey, Public Works Administrator. Dana clarified that this is not a dump truck, and he advised that the truck will be used to move bins, etc., at the landfill. Dana and Carl advised of their review of financing options and recommendation to enter into a seven-year agreement with Municipal Services Group, Inc.; and they advised that the budget action would not be necessary. Discussion was held. (M)Bibby, (S)Fritz, Res. 06-62 was adopted waiving the formal bid process based on the uniqueness and limited opportunities to purchase this type of vehicle; authorizing the purchase of the roll-off truck as recommended with financing through Municipal Services Group, Inc./Ayes: Unanimous.

9:41 a.m. AIR POLLUTION CONTROL DISTRICT

Dr. C. B. Mosher, Air Pollution Control Officer/Health Officer;

Adopt a Resolution Authorizing the Air Pollution Control Officer to Execute Contracts with both the Mariposa County Unified School District and with Michael Simpson to Modify Diesel Engines Resulting in Reduced Air Pollution

AIR POLLUTION CONTROL DISTRICT BOARD ACTION: Discussion was held with Dr. Mosher. Supervisor Bibby introduced Bob Morse, Transportation Director for the School District. Discussion was held relative to the possibility of obtaining future funding for this program and expanding the program to other entities and businesses. (M)Bibby, (S)Fritz, APCD Res. 06-1 was adopted approving the contracts. The motion was amended, agreeable with the maker and the second, to include direction to encourage the continuance of the program/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 10, 11, 14, 15, and 16. She also advised that additional information could be provided on item 9 if there are any questions on the funding allocation between the counties. (M)Fritz, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 10 – Transfer of funds in the Assessors budget for computers and printer. Supervisor Bibby asked about a correction to the budget action form to delete the \$3,000 that was duplicated at the bottom of the entries. (M)Bibby, (S)Fritz, item 10 was approved, with a correction to the budget action form/Ayes: Unanimous.

Consent Agenda item 11 – Amendment to the Agreement with Best Best and Krieger for the Dean case. Supervisor Bibby asked about the exhibit to the original agreement. Tom Guarino, County Counsel, provided input and advised that the action today is to approve an amendment, and that the original exhibit does not change. (M)Bibby, (S)Turpin, item 11 was approved/Ayes: Unanimous.

Consent Agenda item 14 – Approval of the annual Friends of the Red Cloud Library St. Paddy’s Weekend Dinner as a County sponsored event. Supervisor Bibby asked whether alcohol would be served and who would be in charge. Rich Inman, County Administrative Officer, advised that the event will be held at the Greeley Hill Community Club and that the County is not involved with the alcohol, and the Friends have complied with Public Works requirements. Supervisor Stetson asked for clarification of whether a list of County-sponsored events is being established and whether each event would need Board action for each year. Discussion was held. Jacque Meriam, Librarian, provided input relative to events sponsored by the Friends of the Library groups. Supervisor Bibby suggested that the list could be reviewed on an annual basis by the Board; and she commented on the issue with serving alcohol at events that minors attend. (M)Turpin, (S)Pickard, item 14 was approved for this year/Ayes: Unanimous.

Consent Agenda item 15 – 2006 California State Library Bond. Supervisor Bibby asked if this would take away from any of the other bond issues. Jacque Meriam, Librarian, advised that it doesn’t have anything to do with any of the other bond issues, and she clarified that there is no project selected at this time. (M)Bibby, (S)Pickard, item 15 was approved/Ayes: Unanimous.

Consent Agenda item 16 – Agreement with the Mariposa County Arts Council. Supervisor Bibby asked for a breakdown of the budget for the contract; and she asked that this information be included in the final budget book in the future. Rich Inman, County Administrative Officer, advised that he will provide the information to the Board, and that it can be included in the final budget book in the future. It was clarified that the recommended action is for the Chairman to sign the Agreement. (M)Pickard, (S)Fritz, item 16 was approved, including the direction to itemize the budget/Ayes: Unanimous.

Approve Amendment of Joint Powers Agreement Creating the CSAC Excess Insurance Authority (E.I.A.) to Include the California Public Entity Excess Insurance Authority (C.P.E.I.A.) and Authorize CSAC E.I.A. Representative to Sign (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, presented the request; and he advised that the change will not become final until 36 counties approve the amendment. Discussion was held. Supervisor Bibby asked that information be provided on the entities that will be participating. (M)Pickard, (S)Fritz, Res. 06-69 was adopted approving the amendment as recommended/Ayes: Unanimous.

Approval of Minutes of February 7, 2006, Regular Meeting (Clerk of the Board)

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

Authorize the Chairman of the Board of Supervisors to Sign a Letter Opposing the Department of Insurance’s Proposal to Alter the Method Automobile Insurance Rates are Developed (Supervisor Pickard)

BOARD ACTION: Following discussion, (M)Fritz, (S)Turpin, Res. 06-70 was adopted approving the letter/Ayes: Unanimous.

10:25 a.m. MARIPOSA COUNTY WATER AGENCY

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

A. Public Presentation

Paul Chapman stated he agrees that the County needs a good law firm for the upcoming Merced Irrigation District negotiations. He also stated that he feels that spending of the Water Agency funds needs to stop, and he referred to a recent contract and expenditure of funds.

B. Adopt a Resolution Approving Agreement with the Firm of Kronick, Moskovitz, Tiedemann & Girard to Monitor the Licensing Process and to Advise the County Water Agency with Regard to its Rights Under the Contracts and Agreements Potentially Affected by this Process; and Authorizing Chairman to Sign Professional Service Agreement; Approve Budget Action Transferring Funds within the Water Agency Fund for the Professional Services Agreement (\$25,000) (County Counsel)

AGENCY ACTION: Discussion was held with Tom Guarino, County Counsel, relative to the proposed agreement; and he advised that he plans to have someone from the law firm come to the

Board to discuss the issues. Director Bibby asked for clarification of the exhibit to the contract. (M)Stetson, (S)Pickard, Water Agency Res. 06-1 was adopted approving the Agreement/Ayes: Unanimous.

10:30 a.m. Recess

10:44 a.m. Waive Second Reading and Adopt an Ordinance Amending Chapter 15.28 of the Mariposa County Code Entitled “Grading and Excavation” (County Administrative Officer, County Counsel, and Building Director)

BOARD ACTION: Tom Guarino, County Counsel, advised of a correction to the lettering of the subparts of section 15.28.200 for Liens. Discussion was held. Supervisor Pickard asked the Board to reconsider adding back in item 12 which referred to an exception for grading in isolated areas; and he noted that the grading ordinance itself wasn’t before the Board for review, just the penalty and administration portion. Discussion was held on this matter. Supervisor Bibby asked whether there was any new information on why item 12 was in the original ordinance. Supervisor Turpin expressed concern with the wording in the penalty section and the discretion that the Building Director has in this matter, and he asked that there be some policies/guidelines adopted for this. Following discussion, (M)Bibby, (S)Stetson (who passed the gavel to Supervisor Pickard), the second reading was waived and Ordinance No. 1025 was adopted, with the correction of the lettering of the subparts as requested by County Counsel. The Clerk of the Board read the title of Ordinance No. 1025 into the record. Further discussion was held. Tom Guarino responded to Supervisor Turpin’s concerns relative to the discretion with the penalty issue; and he advised that the Board could adopt a policy to serve as guidelines for the Building Director to use in exercising his discretion in assessing the fines. He commented on the current system with the departments and he noted that the applicants can appeal the fines to the Board. Ayes: Stetson, Bibby, Fritz; Noes: Turpin, Pickard. The motion passed.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs’ Management Association (SMA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer);

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs’ Association (DSA); Name of Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

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

11:07 a.m. CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a) Name of Claimant or Case Number and Name of Adverse Parties: Pacific Gas & Electric Co. v. State Board of Equalization, et al (County Counsel);

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9. Number of Cases to be Discussed: 1 (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a) Name of Claimant or Case Number and Name of Adverse Parties: Cooper/Swenson v. County of Mariposa (County Counsel)

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

11:42 a.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matters.

INFORMATION – No action was necessary on the following:
Library Hours for Mariposa County Library Branches Yosemite: Monday, 8:30 – 11:30, Tuesday, 10:00 – 2:00, Wednesday, 8:30 – 12:30, Thursday, 4 – 7, Friday, Saturday and Sunday Closed (Librarian)

CONSENT AGENDA:

- CA-1 Reappoint Carol Davis, Don Fox, Charles Lammers, and John Schroeder to the Midpines Planning Advisory Committee for a Term Expiring February 28, 2007. Reappoint Candy O'Donel Browne, Douglas Chappell, Nancy Jones, Lucy Anne Otto and Jerry Progner to the Midpines Planning Advisory Committee for a Term Expiring February 28, 2008 (Supervisor Stetson)
- CA-2 Reappoint Kenneth LeBlanc, Louise Bond, Robert Woolard and Sharon Haley to the Yosemite West Planning Advisory Committee for a Term Expiring February 28, 2008 (Supervisor Stetson)
- CA-3 Reappoint Ken Davis, Tracy Guenthart, and Judie Huffman to the Catheys Valley Planning Advisory Committee for a Term Expiring February 28, 2007. Reappoint Robert Mason, Jim Eppler, Louis Cordero and Joe Simon to the Catheys Valley Planning Advisory Committee for a Term Expiring February 28, 2008 (Supervisor Bibby)
- CA-4 Reappoint Roger Soulanille, Chuck Jones, Susan Baker and Gale Banks to the Wawona Planning Advisory Committee for a Term Expiring February 28, 2008 (Supervisor Pickard)
- CA-5 Accept the Resignation of Dennis Waheed from the El Portal Planning Advisory Committee. Reappoint Catherine Collamer, Marty Acree and Ron Skelton to the El Portal Planning Advisory Committee for a Term Expiring February 28, 2008. Appoint Paul Amstutz and Nate Kerr to the El Portal Planning Advisory Committee for a Term Expiring February 28, 2008 (Supervisor Stetson)
- CA-6 Reappoint Dennis Bunning and Mike Hubert to the Agricultural Advisory Committee for a Term Expiring February 28, 2008 (Planning Director)
- CA-7 Reappoint Gary Balmain, Lee Eddy, Rob Jensen and Sharon Tucker to the Greeley Hill Planning Advisory Committee for a Term Expiring February 28, 2008 (Supervisor Turpin)
- CA-8 Reappoint Rich Roesch and Magnum Godfrey to the Coulterville Planning Advisory Committee for a Term Expiring February 28, 2008 (Supervisor Turpin)
- CA-9
 1. Authorize the Human Services Director to Execute the 2006-2007 Community Services Block Grant (CSBG) Agreement of 06F-4707 on Behalf of the Calaveras-Mariposa Community Action Agency in the Amount of \$347,112;
 2. Accept an Advance of \$43,389 in Anticipated Revenue from CSBG Agreement 06F-4707;
 3. 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;
 4. Authorize the Director of the Human Services Department to Enter into

Subcontract Agreements with the Agencies Providing Direct Services (Human Services Director); Res. 06-63

- CA-10 Approve Budget Action Transferring Funds in the Assessors Budget for the Purchase of 2 New Computers, and a New Combination Color and Black/White Printer (\$3000) (Assessor/Recorder); Res. 06-64, with a correction to the budget action
- CA-11 Approve an Amendment to the Professional Services Agreement with Best, Best, and Krieger and Authorizing the Chairman of the Board of Supervisors to Sign the Amended Professional Services Agreement (County Counsel); Res. 06-65
- CA-12 Approve Certificate of Recognition and Congratulations to George Edmund Young on Celebrating his 100th Birthday (Chairman Stetson)
- CA-13 Appoint Edith Ankersmit to Serve as a Member-at-Large of the Mental Health Board (Human Services Director)
- CA-14 Approve the Annual Friends of the Red Cloud Library St. Paddy's Weekend Dinner as a County Sponsored Event (Supervisor Turpin); Res. 06-66, with approval for this year
- CA-15 Adopt a Resolution Endorsing and Supporting the 2006 California State Library Bond (Librarian); Res. 06-67
- CA-16 Approve Agreement between Mariposa County and Mariposa County Arts Council for Fiscal Year 2005-2006 and Authorize the Chairman of the Board of Supervisors to Sign (County Administrative Officer); Res. 06-68 with direction for providing a breakdown of the budget
- CA-17 Letter of Recognition for Deborah Wenger for her Service on the Juvenile Justice Commission/Juvenile Delinquency Prevention Committee (Chief Probation Officer)

11:43 a.m. Adjournment in memory of Wilma Helen Moore.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA
February 28, 2006

Time _____ Description

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

Pledge of Allegiance

Introductions

Lee Stetson, Chairman;

Present Resolution and Tile Plaque to Joanne Jennrich Recognizing her Retirement from Mariposa County Superior Court

BOARD ACTION: (M)Bibby, (S)Fritz, Res. 06-71 was adopted for Joanne Jennrich and the resolution and tile plaque were presented/Ayes: Unanimous. Judge Dana Walton noted she will be greatly missed.

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

Paul Chapman asked about providing input on the 6th Street Cinema item. Chairman Stetson advised that public input would be accepted at the time of the item later this morning.

Board Information

Supervisor Fritz advised that she attended the CSAC Board of Directors meeting via telephone conference call last Wednesday; and they are working on six issues. She advised that a District IV meeting is scheduled for March 1st at 6:30 p.m. at the Government Center. She announced that the Chamber of Commerce is holding its clubs and organizations recognition dinner on March 10th; and she noted that the Storytelling Festival also begins on March 10th. She advised that she had attended a tour of county roads with Dana Hertfelder on Monday, and she noted the need for improvements on West Whitlock. She advised that a grant of \$190,000 has been received to develop a paved parking lot on the Womack property. She also announced that today is her 30th wedding anniversary to husband, Greg.

Supervisor Bibby advised that Public Works currently has multiple projects and this has led to an additional amount of time needed to apply for Proposition 40 funding, and she is looking forward to the parking lot project being completed. She advised that she attended the Hornitos Patrons Club enchilada dinner on Saturday and it was a success. She also noted that the Storytelling Festival starts on March 10th, and that tickets can be purchases from the Mariposa Arts Council. She also advised that the Upper Merced River Watershed Council is requesting three to eighteen volunteers to assist in applying foam spray to eradicate noxious weeds; anyone interested can call 966-2221 for information; and that a training session is scheduled for March 18th.

Supervisor Turpin advised that he attended the first Don Pedro Equestrian and Pedestrian Trails Advisory Board meeting last Thursday, and they are planning monthly meetings. On Monday he attended a joint planning meeting in Don Pedro with the Community Services District and representatives of Tuolumne County.

Supervisor Pickard advised of the status of the noxious weed legislation for non-native and invasive species; and he thanked Assemblyman Mike Villines of Fresno and Assemblyman Cogdill for their support.

Supervisor Stetson announced that the Planning Commission is scheduled to meet on Saturday, March 4th to review the Yosemite West Special Plan. He also advised that he will attend the Bureau of Land Management (BLM) Advisory Committee meeting on Wednesday in Jackson.

Approval of Consent Agenda (See End of Minutes)

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

Consent Agenda item 3 – Amendment to existing job descriptions that require “Possession of a Valid California Driver’s License.” Supervisor Bibby asked what the time limit is for the “specified time”. County Administrative Officer Rich Inman provided input and advised that language could be added for a time limit “not to exceed 3 months.” Supervisor Bibby asked that the County Administrative Officer come back to the Board if there is a problem with this amendment. (M)Bibby, (S)Pickard, item 3 was approved, with an addition of language for a time limit of three months/Ayes: Unanimous.

Approval of Minutes of February 14, 2006, Regular Meeting (Clerk of the Board)

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

Authorize the Chairman of the Board of Supervisors to Sign a Letter Supporting AB 1960 (Leslie) which Seeks to Restore Funding in the State Budget that was Authorized in Legislation through Passage of AB 473 (Oller) in 1998 for Gas and Diesel Tax and Vehicle License Fee Funds for the Three Counties without Incorporated Cities (Supervisor Pickard)

BOARD ACTION: Following discussion, (M)Fritz, (S)Bibby, Res. 06-74 was adopted approving the letter/Ayes: Unanimous.

9:40 a.m. Recess

10:05 a.m. Tony Radanovich, President – Rural Media Arts & Education Project and Sixth Street Cinema;

Request for \$20,000 for Support of Educational Programs

BOARD ACTION: Tony Radanovich advised that the Cinema has filed for a 1.6 million dollar grant from the California Historic and Cultural Endowment with the help of Marilyn Saunders to renovate the Old Masonic Hall. He briefly summarized his written request including the unique educational opportunity of this program with references to programs such as “World Cinema, a weekly curated film series highlighting foreign, American independent, and experimental films; “Thinking Images”, discussion presentations; “Global Perspectives”, (begins Fall 2006), taking kids on virtual tours of the world, through live videoconferences, across the globe to educate on current issues ongoing in the world; “Kids Film” and “Book Club” weekly series providing folk and fairy tales from around the world; Cinema Veritas/Digital Salon, referencing documentaries, discussions, interviews, and performances of the fine art, social, and political issues as well as current events.

Input from the public was provided by the following:

Susan Robinson, Principal of Mariposa Elementary School (MES), announced she brought four Student Council members from (MES). She also advised that she would like to start a Remedial Literacy Program with the 6th St. Cinema, and she commented on the programs that they utilize at the 6th St. Cinema. The four students addressing the Board were Michelle Faulkner, Patricia Middleton (President of the Council), Marissa Kiernan (Vice President of the Council), and Jared Law, expressing their gratitude of educational opportunity during their experiences in viewing films at the 6th Street Cinema.

Chevon Kothari, Executive Director of Mountain Crisis Services, advised that this program provides awareness and good change in our community; she also was appreciative of the 6th Street Cinema, a non-profit organization, volunteering for V-Day 2005, assisting Mountain Crisis Center, another non-profit organization.

Mitch Terkildsen, a retired teacher from Merced, expressed his support for the 6th St. Cinema.

Tom Martin, a retiree from Stanislaus County, recently moved to Mariposa County said he enjoys and supports the Cinema.

Anita Bothwell and her daughter Mia Bothwell, members of the community and viewers of the 6th Street cinema requested the support of the Board on this issue.

Jon Turner, a retired teacher of Mariposa High School, advised he taught Tony Radanovich at Mariposa High School, and has been consulted by Tony during his initial process of starting up the Cinema, and throughout the years of progress. He also noted the Cinema's impact on a diverse group of people.

Professor Teenie Matlock, Professor of Psychology at UC Merced and member of the community with a long family history in the area, expressed her support for the Cinema, and she advised that this provides an intellectual experience for the community. She stated she feels that this provides the best program in terms of arts in the County.

Father Steve Bulfer, Pastor of St. Joseph's Parish, stated he has been a charter member of the Cinema. He explained his experience in the series of films that drew people from all over the county and state, being of diverse religions and ethnicity coming together and enjoying wholesome, educational films.

Paul Chapman stated he has not heard from the outlying areas of the County, and he feels that the money should be spread to all areas of the county to benefit all of Mariposa County.

Eleanor Keuning urged the Board to support this issue.

Tony Radanovich advised that the following were unable to be present; however, they asked that he advise the Board of their support of the Cinema programs: Miriam Wackerman who feels that this project is an integral part of the commercial and revitalization of the town; and Kenji Hakuta, UC Merced Dean of Humanities, who would like to coordinate programs with UC Merced. He also advised that he had received again as many letters from the community since he submitted the board packet. He commented on the statistics of support from throughout the County and of varying age groups.

Discussion was held relative to the request. Supervisor Stetson advised of his discussion with Linda Gast and her opposition to this request; and he advised that he received much input in support. Supervisor Fritz advised that she only received one negative letter. Supervisor Bibby commented on the County's current financial obligations and pending projects necessitating attention in the very near future. Rich Inman, County Administrative Officer, stated he does not recommend the use of General Fund dollars, and he advised that the only source of discretionary money is the Tobacco Funds and he will be scheduling a presentation to the Board in March on the status of the Tobacco funds and commitments, including the financing of fire stations. Discussion was held relative to possible alternative funding sources and the previous funding provided to the Cinema.

Tony Radanovich commented on the Profit and Loss Statement that he provided to the Board and on the status of their budget, and of the need to be able to show stability for the grant applications.

Further discussion was held relative to adding a line item to the Tourism budget annually for this project. (M)Pickard, (S)Fritz, to appropriate \$15,000 out of the General Fund Contingency as a grant for one year, with further consideration to be given to funding each year, and with direction to staff to add a separate line item in the Tourism Budget, failed by the following vote: Ayes: Pickard, Fritz, Stetson, Noes: Bibby, Turpin. Discussion was held. (M)Turpin, (S)Pickard, Res. 06-75 was adopted appropriating \$10,000 from the General Fund Contingency as a grant for one year, with further consideration to be given to funding each year, and with direction to staff to add a separate line item in the Tourism Budget/Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee
Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman, County Administrative Officer (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. Number of Cases to be Discussed: 1 (County Counsel)

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

11:30 a.m. Supervisor Bibby excused herself from the following matters due to a potential conflict of interest as her spouse is employed by the Sheriff's Department

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

BOARD ACTION: M)Pickard, (S)Fritz, the closed sessions were held/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

12:38 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

- CA-1 Proclaim March 2006 as "Clubs and Organizations Appreciation Month" in Recognition of the Valuable and Multitude of Services that the Local Clubs and Organizations Provide to the Community (Supervisor Fritz)
- CA-2 Approve Grant Agreement with the Mariposa County Fire Safe Council in the Amount of \$26,750 for Title III Funding from the Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389), Authorize the Chairman of the Board of Supervisors to Sign (County Administrative Officer); Res. 06-72
- CA-3 Authorize the County Administrative Officer / Personnel Director to Amend Existing Job Descriptions that Require "Possession of a Valid California Driver's License" and add "Under Certain Circumstances the Personnel Director may accept a Valid Driver's License if Applicant Verifies His/Her Intent to Acquire a California Driver's License within a Specified Time by Executing an Acknowledgement Form;" Res. 06-73, with additional language to specify a time limit not to exceed three months

12:39 p.m.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

March 7, 2006



Time Description

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

Pledge of Allegiance

Introductions

Chairman Stetson introduced the following newspaper reporters that were present: Monica Fouts for the Mariposa Gazette and Laura Cook of the Merced Sun Star.

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

Kenneth Gosting, Transportation Involves Everyone (TIE) Executive Director, advised that the purpose of their organization is for excellence in transportation. He advised of inaccurate information that is given on the YATI signs and the telephone message line (1-800-gas-road) for road conditions. He played a recent recording from the telephone message line that advised of chain controls, when they had been lifted days earlier. He stated he feels that this impacts the safety of travelers and results in the loss of tourist traffic. He asked the Board to write a letter to CalTrans on these issues. He also noted that Ruth Sellers has been helping them with monitoring the messages. Chairman Stetson stated he would work with Ken Gosting on addressing these issues.

Paul Chapman stated he agrees that CalTrans' has serious problems. He referred to several expenditures for art/tourism related activities; and he stated he feels the dollars would be better spent on salary increases for the deputies and for road maintenance.

Ruth Sellers verified the information that Ken Gosting presented. She thanked the Board for looking into this matter.

Jacque Meriam, Librarian, presented the starting a small business general guide book that was developed with grant funds; and she thanked Marilyn Lidyoff/Business Development Coordinator, for her assistance. Copies of the guide book are available at the library branches. Jacque also presented the Board with a copy of the quarterly newsletter from the Library/Friends of the Library. Supervisor Bibby noted that a grant writing workshop training session is scheduled for April and that the Library and Marilyn Lidyoff have information.

Board Information

Supervisor Bibby presented a photograph that Coach Hobby sent to the Board acknowledging support of the "Yes on Sports – No on Tobacco" campaign. She recognized the Hornitos Patrons Club for a successful Enchilada Dinner. She noted that the Storytelling Festival begins this Friday. She advised that she plans to attend the Mental Health Board meeting today at noon. She stated she is willing to work with Supervisor Stetson on the CalTrans issues, and noted that there are also problems with reflective paint maintenance, and that the reflectors were plowed off during the recent storm.

Supervisor Fritz advised that she held her District IV meeting last week; and she met with a couple of ladies that are interested in bringing back the bluegrass festival. She advised that the Chamber of Commerce is holding the clubs and organizations recognition dinner on Friday, March 10th, to honor the volunteers in the County. Her next District IV meeting is scheduled for April 5th at 6:30 p.m. at the Government Center.

Supervisor Pickard advised that Assemblyman Villines introduced AB 2479, funding for the eradication of noxious and invasive weeds. He advised that he will be in Sacramento on Wednesday for "Weed Day" at the Capital as a part of the Weed Coalition.

Supervisor Turpin advised that he attended the monthly meeting with the Stanislaus National Forest representatives on Wednesday, and they are working on renewing the MOU with Bower Cave. He read a letter that was signed by several Coulterville residents requesting assistance in addressing a junkyard that is growing in the town of Coulterville. Chairman Stetson asked that the letter be forwarded to Planning, and he noted that the Board would be addressing enforcement as a part of the staffing issues for Planning later this date.

Supervisor Stetson advised that the Planning Commission met on Saturday to consider the Yosemite West Special Plan, and he commended Planning staff for their efforts, especially Skip Strathearn/planner. He noted that the Draft General Plan Update is scheduled on the Board's agenda for March 21st. and that public input is encouraged. On March 14th, the El Portal Advisory Committee is scheduled to meet; and on March 21st, the Midpines Advisory Committee is scheduled to meet. He also noted that the Storytelling Festival is this weekend.

Kris Schenk, Planning Director;

Direct the Planning Department to Undertake Steps Necessary to Resolve Severe Problems Created by Staffing Shortages and Increasing Workloads.

BOARD ACTION: Kris Schenk presented information on the increase in their workload with zoning enforcement issues, permit processing, and advanced planning projects; and he advised of time constraints for processing permits. He presented recommendations to help the Department with the workload, especially during the shortage of planning staff. Discussion was held, and he advised that the recommendation to close a day a week to the public would also apply to Environmental Health and Building. The matter was continued for the following hearing to be opened.

10:02 a.m. The public hearing for General Plan Zoning Amendment No. 2005-101 together with Land Division No. 2005-102, was opened and continued until after the following items.

Continued discussion was held relative to the Planning Department staffing shortages and increasing workloads and requested actions. Rich Inman, County Administrative Officer, stated he agrees with the request to hire a financial planning consultant to prepare a comprehensive revision to the Planning Department's fee schedule (which has not been updated since 1992); and he suggested that this be considered on a countywide basis. Supervisor Pickard expressed concern with the request to close a day a week to the public. Kris Schenk advised that they would provide public notice of the closure and still work with applicants that travel a distance or need to meet deadlines with their projects; and he recommended that it be approved on a six month to one-year trial basis. Chairman Stetson requested that the Board receive a status report in six months. Supervisor Bibby asked whether the Building and Environmental Health departments concurred with this request.

(M)Pickard, (S)Bibby, Res. 06-76 was adopted approving the allocation of an additional Planning Technician position/Ayes: Unanimous.

(M)Pickard, (S)Turpin, direction was given to staff to develop procedures to out-source the preparation of staff reports for certain types of projects to qualified, independent planning consultants/Ayes: Unanimous.

(M)Fritz, (S)Bibby, authorization was given for the development services departments (Planning, Building and Environmental Health) to close to the public on Mondays, in order to provide uninterrupted hours for the review and processing of backlogged applications. Kris advised that he does not plan to begin the closures until April 1st to allow adequate time to coordinate with the departments and to provide notice to the public. The motion was amended, agreeable with the maker and second, to include direction that this be re-evaluated in six months. Supervisor Bibby asked County Counsel to review the County Code relative to office hours to see if an adjustment needs to be made. Ayes: Unanimous.

(M)Pickard, (S)Fritz, authorization was given for staff, including the County Administrative Officer, to work on developing a request for proposal to solicit a financial planning consultant to prepare a comprehensive schedule of fees for the County/Ayes: Unanimous.

10:34 a.m. Recess

10:54 a.m. Kris Schenk, Planning Director;

PUBLIC HEARING – Resolution Adopting a Mitigated Negative Declaration and Approve General Plan Zoning Amendment No. 2005-101 together with Land Division No. 2005-102; Waive First Reading and Introduce Ordinance Approving Amendment to Mariposa County Land Use and Zoning Map Pursuant to General Plan Zoning Amendment No. 2005-101; Mariposa County Unified School District, Applicant. Project Site is Located at 4166 Lakeview Drive in the Bridgeport area between Lakeview Drive and Yaqui Gulch Road, APN 017-540-010 (Continued from January 24, 2006)

BOARD ACTION: Supervisor Bibby advised that there is a new proposal for property that has been presented for consideration, and she plans to bring back information on this new proposal and information on the options. Supervisor Pickard mentioned looking at the County-owned site. Supervisor Bibby advised that information will be brought back on three alternatives for the location of the fire station. Tom Guarino, County Counsel, advised that he received a copy of a letter from the School District Superintendent relative to the outstanding lease agreement with the District and the existing lease offer. Megan Tennermann, Associate Planner, advised that the title report to the subject property was obtained and provided to County Counsel, along with information on the transfer of the property from the School District. She noted that the School District is working directly with County Counsel and the County Administrative Officer, and she has not received any information from the School District. She noted that if other properties are going to be considered, that staff will need to review those, as this review and process has been for this specific parcel.

The public portion of the hearing was opened, and there was no public input. The public portion of the hearing was closed. Tom Guarino advised that the Board could hold this project in abeyance pending further direction. Discussion was held. Supervisor Pickard suggested that Supervisor Bibby work with staff and bring back the alternatives for location of the fire station. Supervisor Bibby moved to communicate to the School District that we have new options for the location of the fire station that are being reviewed, and to refer this matter back to staff to bring back the three property options for consideration by the Board and direction. Megan Tennermann recommended that the Board place the project on hold indefinitely, and she noted that the applicant is the County. The motion was restated, and seconded by Supervisor Pickard, to place General Plan Zoning Amendment No. 2005-101 and Land Division Application No. 2005-102 on hold pending review of all of the options/Ayes: Unanimous. The hearing was closed.

11:10 a.m. MARIPOSA COUNTY WATER AGENCY

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

A. Public Presentation – none.

B. Introduction of Edward J. Tiedemann Retained by the Water Agency to advise the County Regarding the FERC Licensing Process and the Agreement Between the Merced Irrigation District (MID) and the County of Mariposa Regarding Water Rights Dispute and Discussion Regarding Process. (County Counsel)

AGENCY ACTION: Tom Guarino, County Counsel, introduced Ed Tiedemann. Attorney Tiedemann presented information on his background and the background of his firm, Kronick, Moskovitz and Tiedemann, and their work on the agreement with MID for the County. He also advised of the status of their work on other re-licensing projects with other agencies. He stated they are planning to hold a meeting with MID and he hopes that they can obtain assurance from MID that they will continue the contract with Mariposa County; and he noted that the Board of Supervisors may be involved with other issues such as law enforcement, etc. Discussion was held. Director Bibby asked

that an update be provided after the meeting is held with MID. Tom Guarino advised that he will be participating in the meeting with MID and that updates will be provided.

Input from the public was provided by the following:

Leroy Radanovich, Water Agency Advisory Board member, commented on his work with this law firm in the 1980's for the Saxon Creek project. He advised that Mariposa County is not a "County of origin." He provided input on the agreement with MID, and he noted that the County does not have any water rights, just rights to build projects on Bean and Maxwell Creeks and limited rights on the South Fork of the Merced River. He commented on the change in the FERC licensing process, and he feels that there will be competition in this process. He asked that the contract be reviewed, because if MID does not receive the license, he feels that the contract may end with no benefits for the County. He stated he is pleased to continue to help with these matters as a Water Agency Advisory Board member.

Mark Rowney, MPUD, commented on looking at this re-licensing process as a partnership in support of working with MID. He suggested that the Advisory Board and the Board of Directors each read the existing agreement with MID. He also commented on looking at the issue of possessory interest tax being paid by PG&E on generating plants.

Tom Guarino noted that PG&E filed a lawsuit against this County and other counties relative to the possessory tax issue, and has requested that their assessment be changed. He noted that MID is a key player in this lawsuit. Discussion was held. Director Bibby asked that staff work closely with the County Administrative Officer through the process relative to budget issues.

11:30 a.m. Rich Inman, County Administrative Officer;

A) Approve Mid-Year Budget Requests Increasing the General Contingency by \$17,805 (4/5ths vote); Allocate an Additional Development Services Technician Position, a Hazardous Materials Specialist Position, a Public Health Emergency Coordinator Position, Increase a .80 Registered Environmental Health Specialist Position to Full Time, and Delete one Allocation of a Public Health Nurse Position from the Health Department Effective Immediately; Approve Revisions to Job Descriptions for Substitution Clauses; Approve the Addition of a Vehicle to the Vehicle Replacement List for the Building Department; and Authorize the District Attorney to Sign an Amended Grant Award Agreement for the SRVP Grant; and

B) Rich Inman, County Administrative Officer, Marjorie Wass, Tax Collector;
Discussion on New Elections Positions

BOARD ACTION: Rich Inman thanked Mary Hodson, Deputy County Administrative Officer, for her work on this report. Mary Hodson presented the staff report for the mid-year budget; and she asked that the following be included in the recommended actions: increase the allocation of the Registered Nurse from a .60 to a .80 permanent part-time position, and authorization to purchase two hybrid vehicles for the Health Department. Discussion was held. Supervisor Bibby asked about the status of the audit exceptions for the Sund-Pellosso budget and whether the water damage repairs at the Mariposa Museum and History Center have been included in the mid-year. Supervisor Pickard initiated discussion relative to the request to replace vehicles in the Health Department with hybrid vehicles and he questioned their efficiency for driving in the mountains. Mary Hodson advised that the new positions being requested by the Health Officer for the Hazardous Materials Specialist and the Public Health Emergency Coordinator will need to come back to the Board to approve the job descriptions and salary ranges. She suggested that the issue of purchasing the hybrid vehicles could come back at the same time.

(M)Fritz, (S)Pickard, Res. 06-77 was adopted approving the mid-year budget requests increasing the General Contingency by \$17,805; allocating an additional Development Services Technician position, a Hazardous Materials Specialist position, a Public Health Emergency Coordinator position, increase a .80 Registered Environmental Health Specialist position to full time, and delete one allocation of a Public Health Nurse position from the Health Department effective immediately; approve revisions to job descriptions for substitution clauses of work experience for college education; approve the addition of a vehicle to the Vehicle Replacement List for the Building Department; authorize the District Attorney to sign an Amended Grant Award Agreement for the SRVP Grant;

increase the allocation of a Registered Nurse from a .60 to a .80 permanent part-time position; and direct that more information be brought back on the Health Officer's request to purchase two hybrid vehicles. The vote was held for the following discussion.

Chairman Stetson called for input from the public.

Marjorie Wass, Treasurer/Tax Collector/County Clerk, provided information on election issues. She advised that they will need to purchase two optical ballot scanning machines and that she can transfer funds in the Elections budget. She noted that Sequoia is offering to dispose of the old equipment that may involve hazardous materials issues. She also advised that she has a staff person that is planning to retire on May 1st, and she feels she will need an additional position to provide technical assistance with the elections. She advised that she will be bringing agenda items back for these requests.

Rich Inman noted that the recommended action to approve the mid-year budget includes the recommendation to substitute work experience for educational requirements. The Clerk of the Board read back the motion to approve the mid-year budget requests. Ayes: Unanimous.

11:59 a.m. Rich Inman, County Administrative Officer;

Discussion and Action Concerning County's Response to Audit Report of California State Controller Concerning Criminal Homicide Trial Costs (Sund-Pelosso) February 16, 1999 through September 30, 2003

BOARD ACTION: Rich Inman presented a revised draft letter to the State Controller's Office relative to the audit report. Discussion was held. Bob Brown, District Attorney, responded to questions relative to the on-going expense for storing vehicles. He also advised of his communication with our legislators relative to the use of the "rock house" and the trial costs and the processes. He stated he feels that there needs to be a review of the Homicide Manual. Supervisor Bibby encouraged the departments and the Auditor to maintain all records in accordance with the Homicide Manual. (M)Pickard, (S)Fritz, Res. 06-78 was adopted approving the letter to be sent to the State Controller's Office/Ayes: Unanimous.

Approval of Minutes of February 21, 2006, Regular Meeting (Clerk of the Board)

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

Approval of Consent Agenda (See End of Minutes)

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

Rescind Board of Supervisors Action of October 22, 1996 Dealing with Department Heads Ability to Hire Volunteers and Authorize Department Heads to use Volunteers when Deemed Appropriate (County Administrative Officer)

BOARD ACTION: Discussion was held with Rich Inman, County Administrative Officer. Supervisor Bibby clarified that this would be reviewed by personnel and risk management. She also noted that she had given information on an issue with using volunteers and the prevailing wage to County Counsel for review, and that she wants to make sure that we are compliant with the rules. Supervisor Fritz stated she feels that we should use "utilize" versus "hire" the volunteers. (M)Pickard, (S)Fritz, Res. 06-82 was adopted authorizing department heads to use volunteers as recommended/Ayes: Unanimous.

Discussion and Direction Regarding Attending the "Emerging Technologies Forum" in Sacramento on April 17-18, 2006 (Supervisors Pickard and Turpin)

BOARD ACTION: Supervisor Pickard initiated discussion relative to the upcoming forum. (M)Fritz, (S)Bibby, Res. 06-83 was adopted approving the attendance of County personnel as recommended at the forum. Supervisor Pickard asked that the attendees be kept flexible as this is in the planning stages. Supervisor Stetson suggested that someone from Planning be included. The motion was amended, agreeable with the maker and second, to include all interested departments that this new technology would affect. Rich Inman advised that he will bring this forum up at the department head meeting. Discussion was held relative to funding for the attendance costs, and Rich Inman advised that he will

look at the department budget and bring something back if necessary. The vote was held until after the recess.

12:28 p.m. Recess

12:32 p.m. The vote was called for on attending the “Emerging Technologies Forum”/Ayes: Unanimous.

Authorize the Planning Director to Allow Donald Chambers, an Unpaid Volunteer, to Work 1 or More Days per Week in the Planning Department (Planning Director)

BOARD ACTION: Kris Schenk, Planning Director, presented information on Donald Chambers’ offer to assist the department. No action was necessary as the prior action taken this date authorized department heads to utilize volunteers.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs’ Management Association (SMA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer);

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs’ Association (DSA); Name of Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, advised that it was not necessary to hold these closed sessions.

12:34 p.m. CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a) Name of Claimant or Case Number and Name of Adverse Parties: David Mecchi, et al. v. County of Mariposa; Case No. 8772 (County Counsel)

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

12:46 p.m. Chairman Stetson announced that the Board was advised in closed session that a dismissal was filed in the Mecchi v. Moberly case and it ended favorably for the County.

CONSENT AGENDA:

- CA-1 Adopt a Resolution Approving the Proposed Road Names “Poppy Ranch Road” and “Guenthart Way” (Planning Director); Res. 06-79
- CA-2 Appoint Randy Brower as a New Member at-Large of the First Five Commission (Human Services Director)
- CA-3 Adopt a Resolution Approving the Chairman of the Board of Supervisors to Sign the Area 12 Agency on Aging Amended Agreement, Reducing Congregate Meals from 11,500 to 10,500 and the Home-Delivered Meals from 5,702 to 5,000 (Community Services Director); Res. 06-80
- CA-4 Approval and Authorization for the Chairman of the Board of Supervisors to Sign Interim Rental Agreement with the 35-A District Agricultural Association for the Annual Senior Expo and Health Fair Scheduled for May 5, 2005. Funding is in the 05-06 Budget (Community Services Director); Res. 06-81

CA-5 Reappoint Carmen S. Mecleary to the Midpines Planning Advisory Committee
for a term expiring February 28, 2007 (Supervisor Stetson)

12:47 p.m. Adjournment in memory of Roger E. Meade and John Jonas Clark.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA March 14, 2006



Time Description

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

Pledge of Allegiance

Introductions

Rich Inman, County Administrative Officer;

Presentation of a Ceremonial Check in the Amount of \$5,000 to the Board of Supervisors by Mark Hendrickson, Governmental Relations Manager of P.G. &E.

BOARD ACTION: Marilyn Lidyoff, Business Development Coordinator, advised of the grant received from P. G. & E. to create a map of the downtown businesses for insertion in a business development directory. Marilyn introduced Lane Puckett, P. G. & E. Account Executive, and he presented a ceremonial check in the amount of \$5,000.

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

Ruth Sellers advised that the inaccurate reporting on the CalTrans telephone message line continued with the recent storms. Chairman Stetson advised that he and Supervisor Bibby have contacted CalTrans to work on this issue. Ruth suggested that there be coordination between the Park Service and CalTrans as to the status of the roads and messages. Supervisor Bibby advised of her discussion with Dinah Bortner/CalTrans relative to the issues that have been raised, and she noted that the issue of the chain control signs being turned timely was also discussed.

Board Information

Supervisor Fritz advised that the events committee is meeting on Wednesday at the Government Center at 6:15 p.m. She attended the Chamber of Commerce dinner held on last Friday to recognize the clubs and organizations. She thanked the safety officers for their assistance over the weekend with the storm related incidents.

Supervisor Bibby commended the public for hosting several events over the weekend. She expressed concern with the list of vacant job positions and stated she feels that the high cost of housing and transportation is an impact. She commented on her discussion with employees of different bargaining units and the low morale. She stated she feels that something needs to be done quickly relative to the salary survey. She feels that these issues are impacting every office.

Supervisor Turpin commended the employees for their assistance with the recent storms, and he commented on the staffing shortages.

Supervisor Pickard presented the Board members with copies of the "Kids Day" newspaper for the Children's Hospital in Central California, and he noted that Leota Striplin has helped with the distribution of the newspapers in the past. He advised that he attended the Weed Day event held at the Capital last Wednesday, and March 27th is the first budget committee hearing to try to restore the funding to eradicate noxious and invasive weeds. He advised that the grand opening of the solid waste composting facility is scheduled for Wednesday, and he invited the public to visit the facility for a tour in the afternoon. He also mentioned the possibility of coordinating educational efforts with UC Merced. He advised that he and Supervisor Stetson have been invited to participate with a committee that is looking at ways to use grant money for attainable housing for the residents.

Supervisor Stetson commented that the grand opening of the solid waste composting facility will be a splendid moment in the County's history. He advised that on Thursday he met with UC Merced representatives relative to looking at internships and County connections. The El Portal Advisory Committee will meet this evening at 7:00 p.m. in El Portal.

Discussion Regarding Staffing at the Sheriff's Department and Possible Direction to Staff Regarding Research of Employment Data (Supervisors Stetson & Fritz)

BOARD ACTION: Supervisor Stetson advised that this item was scheduled for the Board to have a collective discussion of the issues that have been raised. Supervisor Fritz expressed concern with the staffing at the Sheriff's Department, and she suggested that direction be given to the County Administrative Officer or County Counsel to work with the Sheriff to get information on the status of employees so that the Board can make informed decisions. Supervisor Bibby advised that she has excused herself from the labor negotiations with the Sheriff's Management and Deputy Sheriff's Association due to a potential conflict of interest because of family members that are employed by the department; however, this discussion is regarding operations and she can participate. She expressed concern with the economy and being able to retain our employees, and she noted that there are costs and safety factors involved with employee turn-over. She also advised of a letter that the Board members received from the District Attorney offering to sit on a committee to work on resolving the issues. She stated she feels that we need our law enforcement, roads and fire staff.

Jim Allen, Sheriff, thanked the large audience and employees for attending the meeting. He commended the fire, ambulance, and deputies for their assistance throughout the County during the recent storms. He provided information on the history of the department and the mission started with Sheriff Matlock, and continued with Sheriff Richards, to turn the department around to be a good and respected department. He advised that he has worked to continue with that mission. He advised that in December 2005, he advised the Board that he would be facing a public safety crisis with the number of staff seeking employment elsewhere for a higher wage, and he continued to keep the Board members advised of the status of staffing. He advised of a letter he received from County Counsel telling him not to interfere with labor negotiations; and he stated he respects the Board's authority for labor negotiations; however, as Sheriff, he is tasked with retention and staffing for the department. He commented on their recruitment efforts; and he referred to an email from Supervisor Fritz relative to employees leaving because of him. He advised that each employee that has left, and the Unions, have expressed appreciation for him. He reviewed the list of staffing changes that have taken place during his tenure as Sheriff, and he advised of five pending resignations due to the wages. He advised that he has notified the Hospital and the Fair that the department will no longer be able to provide security services due to the staffing problems. He advised of further staffing changes that he is planning to implement effective April 1st to send two of the boating deputies and the DARE deputy to street patrol to be able to continue with the 24-hour patrol. He advised the Director of Law Enforcement at the Attorney General's Office of the situation and they have offered assistance for major crimes. He requested that the Board provide immediate intervention on behalf of the County and himself to resolve the staffing issues.

Input from the public was provided by the following:

Dick Hutchinson stated he supports raising the wages for the deputies to be comparable with the surrounding counties; and he presented the results of salary survey information that were obtained from the surrounding counties and a comparison of specific classification increases that have occurred in the County over the last couple of fiscal years in comparison with the deputies. He commented on the safety issues the deputies' face.

Chairman Stetson reminded everyone that the discussion today is relative to staffing and not labor negotiations.

John Trujillo, Pastor of the First Baptist Church, presented information on his involvement in the community and his work with the Sheriff's Department. He advised of his discussions with the deputies as to why they are leaving. He stated they told him that they like the Sheriff's administration, that the wages are the issue. He also commented on the changes in the community over the last 24-years and he noted that the deputies are encountering more difficult situations. He stated he is

concerned with the situation, and he feels that the voters expect the Board to stand behind our law enforcement.

Codie Hart, Jail Officer, stated the employees are not leaving because of Sheriff Allen; and he advised that they stand behind the Sheriff.

Marjorie Wass, speaking personally and professionally, stated she feels that the Board members need to realize that the law enforcement officers may be the first faces they see when they need help. They are our people and they provide assistance and offer compassion. She noted that the salary increase for her position was based on the Treasurer/Tax Collector functions, and she has been working with the Board to recognize that since 1996, the County Clerk/Elections functions have not been included in the salary reviews. She advised that she is now dropping that request and she supports the deputies. She stated she does not understand the negotiations; however, she feels that when the negotiations are contracted out, that you lose the personal connection in the process.

Paul Oldale stated he is a volunteer at the Sheriff's Department; however, this is his personal opinion. He referred to his work with the airlines and the high cost of training. He stated he feels that the County could retain the deputies and give a raise and save the training costs for hiring new deputies. He also referred to the situation in South American where the law enforcement personnel receive a substandard wage and many supplement their income by participating in illegal activities; and he stated we do not want to see that happen here. He referred to recent comments made by Supervisor Fritz and he stated he feels that this should stop.

Ruth Sellers commented on her attendance at the Board meetings over the last ten years, and the Board's actions to hire consultants and other expenditures. She commented on the amount of benefits paid to the MCMCO bargaining unit employees versus the deputies benefit package, and she asked why they are treated differently. She noted that the County operated without a County Administrative Officer for years; however, we cannot operate without the deputies and the Sheriff. She stated she feels that the Board needs to determine where the priorities are.

Joe Williams, a life-long resident of the County, advised of his resignation letter of March 8th to the Sheriff as a Deputy Sheriff. He stated he has worked a second job and cannot make ends meet financially, and working seven days a week has exhausted him. He stated he will not continue in law enforcement as he does not feel that he could work for another agency or Sheriff as he has worked for the best here. He stated he hopes to be able to continue as a reserve deputy, and he thanked Sheriff Allen. He noted that he brings home \$2,100 a month as a deputy for his family.

Steve Mason, resident for 25 years, stated he supports Sheriff Allen and the Department. He noted that he has worked with the deputies in his role as a State Parole Agent. He expressed concern that just now a committee is being called to study the problem, and he feels that it has been underestimated. He advised that the jail is packed, and if every offender was detained you would double the capacity. He stated he feels that there is a drug problem in the County and there is a chronic alcoholism problem and the level of crime will go up and we should not deny the problem. He stated he works with several agencies, and he feels that the law enforcement personnel here are among the finest people that he knows. He noted that the problem has been reported in the newspaper, but it does not seem to resonate. He stated he feels that the County is losing a tremendous asset, and he urged the Board to take action.

Dennis Townsend, Chief of Law Enforcement for California Department of Forestry, commented on the investment in recruiting and retaining peace officers and the training that is involved. He stated he feels that Sheriff Allen is giving the County the highest return on its dollars. He stated the cost of a revolving door is extremely costly. He urged the Board to consider an adequate increase in salary and staffing for the department as the dollars are an investment in the community.

Jeremy Dobson stated he has worked here for four years and recently resigned his position as a Deputy Sheriff. He commented on the training that is involved and he stated he cannot afford to live here on the salary. He noted that the dangers here are different than in the valley. Here the deputies are on their own without the quick back-up response that is available in the valley. He stated the deputies want to be able to provide for their families and afford a mortgage and a car payment.

Al Ransom asked if the Board wants to find the crime that is occurring in the neighboring counties to find its way here. He urged support of the Sheriff.

Edward Mee stated he is a resident of Wawona with six generations of family in the County. He noted that he is seeing a lot of emotion from the citizens relative to the importance of their safety and the importance of the Board to ensure their safety. He noted that the deputies that have spoken know the County and its people. He advised that he spent 33 years in law enforcement and he did not apply to work at the Sheriff's Department because of the pay and the reputation of the Department prior to Sheriff Matlock. He stated he feels that the County needs to prioritize and do what is important to the people. He referred to the previous discussion by the Board of raising its wages to attract qualified people, and he stated he feels that the same goes for the deputies.

Mark Fogh, Deputy Sheriff, stated he has worked for seven years for the Department and serves as a senior field training officer. He stated he is a paid decision maker for the Department; however he feels that he has to look after his family first and then the Department. He noted that in the past the Board supported him as a member of the Army Reserve; and now he is being offered more money to serve in the Army than he makes as a Deputy, and the benefits are good. He stated he cannot afford a mortgage to buy a house. He stated the rumors that employees are leaving because of the Sheriff are not true; and they stand behind their Sheriff one hundred percent. He noted that one deputy left with bad feelings; but he spoke with the deputy and has a letter to prove that the deputy supports the Sheriff. He stated it is just a matter of time as to when he will leave, but he asked the Board to look after the other deputies for the betterment of the County.

Bob Bruner stated he recently became the Jail Sergeant, and he referred to the PORAC magazine and the job listings with higher wages and benefits, including signing bonuses. He noted that some of the deputies started in the Jail and went to the academy to become deputies. He commented on his family members that are in law enforcement in the State and the extra "freebies" that they receive – free transit and movies and reduced restaurant meal costs. He noted that Sheriff Allen has held his employees to a higher ethical standard and does not allow for this. He stated he is retired from the military and his retirement check is higher than what most County employees make; he owns an 18-wheeler and rental properties, and he left a high paying job. He does not live here for the money. He referred to an accident his wife had last year and the high medical costs, and he stated they have been meeting their financial obligations on a month-to-month basis now. He stated he does not see how the deputies and their families can make ends meet. They just want a fair wage and to be able to own a home and a car and to support their family. He also commented on the 4 ½ percent cost-of-living increase that he received on his military retirement and he stated that it does not meet inflation; however, the County does not even offer that much.

Ed Sinclair stated he is a life-long resident of the County and his father retired from the Sheriff's Department. He has been there full time for eight years and he takes home \$2,200 at the top step. He commented on the amount of training and experience that is being lost with the deputies that are leaving. He stated he has decided to leave and he is in the hiring process with another agency in the State. He stated he finds the rumors appalling that people are leaving because of Sheriff Allen.

Donna Brownell stated she is present because she wants the Board to understand that Mariposa is important to her. She commented on the training that is involved with the law enforcement. She noted that the Board needs to make a decision on the type of community to build and to consider the impacts of UC Merced and the law enforcement needs. She stated she feels that we need competitive wages.

Bob Brown, District Attorney, commented on a letter that he delivered to the Board members offering his assistance in this matter and suggesting that a public safety committee be formed. He noted that when he heard that Deputy Williams was resigning, he called the Sheriff and asked what was going on and he reviewed the statistics of the staffing changes that are occurring. He stated he is dependent on the Sheriff's Department to provide adequate and quality investigations to prosecute the cases. He stated he feels that this is an important matter that has to be addressed, and that we do not have time to study it. He asked that the Chairman direct that the Board's liaison members for public safety meet with the Sheriff and the County Administrative Officer and himself.

Roger Matlock, former Sheriff, provided information on the recruitment, retention and quality of staffing efforts that he and subsequent Sheriffs have worked on. He commented on the quality of the job the employees have been doing, and he commented on the need to build the organization from within. He implored the Board to cut through the red tape and rectify this situation.

Brian Muller, Undersheriff, stated he started with the Department in 1980 and it did not have the best reputation and there was distrust by the community; and he noted that there has been a transformation since Sheriff Matlock. However, he feels that in spite of the positive changes, that had it not been for the staff living the philosophy and showing a sincere care for the community, he does not feel that we would have the level of care and trust that is coming from the community. He stated he is hurt and disgusted by what is happening as they have worked so hard and that is being torn apart in a matter of months. He stated he cannot blame the employees for leaving because they are leaving to provide for a better home for their family. But he noted that they have a love for this community and for the department and with that being torn away, that consideration needs to be given to the affect the vacancies will have on the community. He noted that Madera County pays less; however, they have twelve vacant positions and Sheriff Anderson is going to be making a presentation to his Board requesting a \$1,000 a month raise for the deputies. Per his discussion with the Deputy's Association in Tuolumne County, there are 14 to 16 open positions and they have similar pay and retirement and perhaps better benefits; and they are negotiating an 18-22 percent, 3-year contract. He noted that when the Board members took their oath of office, it was to look out for the best interest of the community and the employees and he asked that they remember what that means.

Mrs. Land stated her husband is a Deputy Sheriff, and she advised that he has been looking elsewhere for a job, and the thought of leaving is hard for them. She noted that they are living off of credit cards; and she had to go to work so that they could afford for their children to play sports.

Motion by Supervisor Fritz to have a committee comprised of Supervisors Turpin and Fritz (the justice liaison committee), County Counsel, District Attorney and the Sheriff to meet to address the concerns, was held pending further discussion. Further discussion was held. Jim Allen responded to questions from the Board and recommended that the Undersheriff and Captains be on the committee. He also advised of his meeting with Judge Walton and concerns with having staffing to be able to provided back-up security to the bailiffs at the Courthouse. He noted that his administration has had to put administrative duties aside and fill behind the deputies. He also stated that he just found out during this discussion that two more deputies are planning to leave. Further discussion was continued for the LAFCo meeting to be opened.

11:06 a.m. Chairman Stetson advised that LAFCo would convene after the Board concludes the discussion relative to the staffing at the Sheriff's Department.

Further discussion was held relative to the staffing at the Sheriff's Department. Supervisor Bibby expressed concern with the proposal to cut the staffing for the boating patrol services and with the proposed changes to not provide security for the Fair and Hospital and to cut the DARE program. She asked that updates be continued to be provided to the Board, including the Sheriff's suggestion for membership on the committee. Chairman Stetson asked for clarification of the motion and for a second. Supervisor Pickard seconded the motion, and he commended everyone for their passion and plea and he advised that the Board is supportive of law enforcement. He stated he feels that both sides need to respect each other, and he noted that other departments are also having a difficult time with staffing issues. Tom Guarino, County Counsel, suggested that the Board's standing ad hoc committee work with the Sheriff and the District Attorney and whatever technical assistance is needed to avoid any Brown Act issues. Supervisor Pickard stated he feels that this is an important issue and he asked that the motion stand to create a committee. Discussion was held relative to the membership on the committee and inclusion of law enforcement staff. The motion was amended, agreeable with the maker and second to include the County Administrative Officer and not County Counsel/Ayes: Unanimous.

11:27 a.m. Recess

11:44 a.m. Kris Schenk, Planning Director;
LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting (See Separate Minutes)

12:10 p.m. Discussion, Direction, and Possible Action Regarding the Mariposa County Unified School District's Donation of Land for the Red Cloud Library Site (County Counsel)

BOARD ACTION: Discussion was held with Tom Guarino, County Counsel, and he recommended that this issue be kept separate from the other pending issues involving land with the School District. Supervisor Bibby asked for clarification that this does not impact the property with the pre-school; and she noted that they are exploring other options for the fire station in the Bridgeport area and will bring something back. Further discussion was held relative to the draft MOU for the joint use of the facility. Jacque Meriam, Librarian, responded to questions relative to the draft MOU. (M)Turpin, (S)Pickard, the Board agreed with the original proposal of the donation of land for the Red Cloud library site. Jacque Meriam advised that members of the Red Cloud Friends of the Library and North County residents were present for this item. Further discussion, was held.

Input from the public was provided by the following:

Chester French, President of the Friends of the Red Cloud Library, thanked the Board for its support, and he advised that their fundraising functions are held at the Community Club Hall; and he advised of their past donations to the library. He stated he has concerns about the School Superintendent's change to propose a land swap. They want to pursue the library at the proposed site and they have the funding for the project. He also expressed concern with the costs for survey work being taken from the fund for this project. He noted that there will be a savings in the rent for the existing facility when the library is constructed. He stated they really want a community room and feel that they can do that.

Dana Hertfelder, Public Works Director, provided input relative to billing for work on this project.

Supervisor Turpin restated his motion – the issue for the Red Cloud library and the School is not to be involved in any other issue/Ayes: Unanimous.

John E. Davis, Building Director;

Adopt a Policy Requiring Resource Conservation District Pre-Construction Approval Prior to Issuance of all Habitable and Non-Habitable Structures.

BOARD ACTION: Discussion was held with John Davis. Eileen Collins/Building-Development Services Technician, presented the staff report on the requested changes and the process. (M)Bibby, (S)Turpin, Res. 06-84 was adopted approving the policy as recommended/Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled item 7. Supervisor Pickard pulled item 6. (M)Fritz, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 6 – Personal Services Agreement with John Trujillo to provide parenting classes. Supervisor Pickard initiated discussion and advised that he received concerns relative to the recruitment process for providing this service. Supervisor Bibby advised of questions that she has relative to the agreement. The matter was continued to later this date for discussion with the Human Services Director.

Consent Agenda item 7 – Amendment to the License Agreement with the School District for the Coulterville Community School and parking area. Supervisor Bibby initiated discussion relative to the agreement, and she asked for clarification that the agreement calls for adherence to the County's rules and regulations. Tom Guarino, County Counsel, responded to the questions. (M)Bibby, (S)Turpin, item 7 was approved/Ayes: Unanimous.

Approval of Minutes of February 28, 2006, Regular Meeting (Clerk of the Board)

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

Authorize the Chairman of the Board of Supervisors to Sign a Letter Regarding the Proposed California Bonds (Supervisors Pickard)

BOARD ACTION: Supervisor Pickard initiated discussion and he advised of the status of the proposed bond measure. Dana Hertfelder, Public Works Director, provided input relative to the list of pending road projects. (M)Fritz, (S)Turpin, Res. 06-94 was adopted approving the letter with the addition of distribution to the following: CalTrans, RCRC and CSAC/Ayes: Unanimous.

Consent Agenda item 6 – Discussion was held with Cheryle Rutherford-Kelly, Human Services Director, relative to the Personal Services Agreement with John Trujillo to provide parenting classes. Cheryle advised that John Trujillo offered his services, and they are still recruiting for additional staff to provide these services. Discussion was held relative to the agreement and avoiding any potential conflicts of interest. (M)Pickard, (S)Turpin, item 6 was approved/Ayes: Unanimous.

Discussion and Direction Regarding the County’s Participation in the National Association of Counties (NACo) Prescription Drug Discount Program (Supervisor Stetson)

BOARD ACTION: Supervisor Stetson initiated discussion, and he advised of his discussions with the Human Services Director, Health Officer and County Counsel on this matter. Supervisor Pickard noted that staff in the Auditor’s Office has been watching out for the employees’ interest in health care matters, and he suggested that they be asked to review this proposal. (M)Bibby, (S)Pickard, direction was given for Supervisor Stetson to bring this back with the Health Officer as a formal proposal to contract with NACo for this program/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

BOARD ACTION: Rich Inman, County Administrative Officer, advised that it was not necessary to hold this closed session.

1:33 p.m. Supervisor Bibby excused herself from the following matters due to a potential conflict of interest as her spouse is employed by the Sheriff’s Department.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs’ Management Association (SMA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs’ Association (DSA); Name of Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

BOARD ACTION: (M)Pickard, (S)Turpin, the closed sessions were held after lunch/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

1:34 p.m. Lunch

2:43 p.m. The Board convened in closed session with Supervisor Bibby excused.

4:14 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session.

CONSENT AGENDA:

- CA-1 Appoint Miles Gleason to the Alcohol and Drug Advisory Board as a Member At-Large for a Term of Three Years (Human Services Director)
- CA-2 Approve Additional Hours for an Extra-Help Employee in County Administration (County Administrative Officer); Res. 06-85
- CA-3 Approve a One Year Contract to Continue Services Provided by Lexis Nexis Internet Legal Research “Law Enforcement Solutions” and Authorize the District Attorney to Sign the Contract (District Attorney); Res. 06-86

- CA-4 Authorize the Chief Probation Officer to Apply for the Juvenile Accountability Block Grants Program Set-Aside Funding (Chief Probation Officer); Res. 06-87
- CA-5 Ratify the Signature of the Chairman of the Board of Supervisors in Including Mariposa County on the “Californians AGAINST Higher Insurance Rates” Coalition (Supervisor Stetson); Res. 06-88
- CA-6 Approve a Personal Services Agreement with John Trujillo to Provide Parenting Classes and Authorize the Chairman of the Board of Supervisors to Execute the Agreement (Human Services); Res. 06-95
- CA-7 Authorize the Chairman of the Board of Supervisor to Sign an Amendment to the License Agreement Between the Mariposa County Unified School District and the County of Mariposa for License of Real Property Commonly Known as the Coulterville Community School and Parking Area (County Counsel); Res. 06-93
- CA-8 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Standard Agreement with the California Secretary of State’s Office, for the Reimbursement of \$58,984.36 to Use towards the Purchase of Newly Mandated Election Management System and Related Hardware; Approve Budget Action Increasing Revenue and Expenditure Line Items Accordingly (\$59,000) (4/5ths Vote)(County Clerk); Res. 06-89
- CA-9 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign an Agreement with DFM Associates, in the Amount of \$58,984.36 for the Purchase of a Newly State Mandated Election Management System and Related Hardware; Approve Budget Action Transferring Funds Within the Elections Budget to Cover the Monthly Lease Fees for the Remainder of This Fiscal Year (\$3,000) (County Clerk); Res. 06-90
- CA-10 Authorize the County Clerk to Purchase Two New Insight Optical Scan Ballot Readers from Sequoia Voting Systems in the Amount of \$12,500 to bring the County’s Election Systems into Compliance; Approve Budget Action Transferring Funds Within the Elections Budget to Purchase the Equipment (\$12,500) (County Clerk); Res. 06-91
- CA-11 Approve the Installment Purchase Agreement with Municipal Services Group, Inc. for the Financing of a 2006 Kenworth T-800 Roll-off Truck for the Solid Waste Division (Public Works Director); Res. 06-92

4:15 p.m. Adjournment in memory of Hazel B. White and Albert Cotta.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA March 21, 2006



Time Description

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

Pledge of Allegiance

Introductions

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

Jim Allen, Sheriff, thanked the public for showing support of the law enforcement, and he advised that the committee (Supervisors Turpin and Fritz, County Administrative Officer, the District Attorney, and himself) held its first meeting on Friday and his command staff was included. He feels that the meeting was productive and he mentioned that he needed an olive branch to stop the employees from leaving the department. He requested that the same benefits that the Management and Confidential group receives be extended to the deputies, and that the County drop the 3 ½ percent retirement issue with regard to the grievance, and he noted that assurances were made that a generous offer would be made. He also noted that the County Administrative Officer brought up procedural issues that will come back to the Board that he feels will help. He noted that the County Administrative Officer met with the Deputy Sheriff's Association (DSA) and the Sheriff's Management Association (SMA) on Friday. SMA received an offer that appears reasonable, and when they asked for the offer in contract form, it was much different than what was verbally presented. He feels the olive branch turned into a poison oak branch. He noted that they will be down from 29 to 18 deputies at the end of the month. He commented on the requests to approve advertising contracts and the costs for the Visitor's Bureau items on this agenda. He requested immediate intervention in this matter and asked that something be reflective in the pay checks at the end of the month. He commended the law enforcement, road and fire personnel for working together during the storm on Monday, and he noted that all of his crew was offering assistance to the public.

Chairman Stetson referred to the discussions held the previous week and the meeting with the committee and labor negotiations, and he advised that the Board plans to address labor negotiations in closed session later this date and to extend the closed session to Wednesday, if necessary. He advised that the Board is making every attempt to address the problems that are being raised with the staffing at the Sheriff's department. Since there was a large audience present, he asked that the speakers try to not reiterate previous comments. He noted that the General Plan workshop is scheduled for 10:00 a.m.

Bob Brown, District Attorney, stated he feels that the committee meeting that was held on Friday was productive, and he feels that the Board is sincere in addressing this issue. He also advised that he submitted another letter relative to his observations of the meeting. He stated he feels that this is something that needs to be treated as an emergency.

Elaine Seymour, as a store owner in town, questioned the advertising expense request for Sunset if we do not have a Sheriff's Department that can protect us. She stated she feels that the deputies need a decent raise and we need the department.

Barbara Milazzo stated that as an educator in the County, she tries to create special empowerment for the students and use measurable outcome. She advised that her husband is a sworn peace officer as a Game Warden for the Department of Fish and Game and provides back-up support to the Sheriff's Department. She commented on the dangers of her husband's work, and stated she feels that her husband is being put at risk if the Sheriff's Department staffing is reduced as he relies on the

back-up of the deputies. She stated she feels that the Board should show respect to the Sheriff's Department, the citizens and her family. When it comes to her husband's life and the Board's job, she advised that she will sign a recall petition.

Ann Means, retired as Deputy Sheriff, stated she will not reiterate the training and costs to bring in new deputies. She referred to the staffing of the Sheriff's Department in 1976 and the operations and the changes that have occurred, including changes in the types of problems they deal with, including an increase in gangs and drugs. She would like to see an upgrade for the deputies; and she stated she would like to see an update to the Sheriff's report in the Gazette. She referred to past disasters that have occurred in the County and the assistance offered by the deputies and the fire and road crews, and noted that they risk their lives. She questioned recent expenditures to donate to UC Merced, 6th Street Cinema, and the new telephone system that was installed in the Government Center. She stated she agrees that we do not need to advertise in AAA and Sunset, she feels that Yosemite will draw tourists on its own. She stated this County has been fortunate that no one has been seriously hurt or killed while on duty. She feels we are losing valuable employees and she would match the skills of this department with any other in the country. She asked that the Board show that it cares.

Scott Seymour, lead counselor at the High School, noted that parents look at the school before moving here, and there is a direct link between the safety of the school and the Sheriff's Department. He referred to the problems with gangs and drugs in Merced that we do not have here; and when these problems get here, our children will be at risk.

Richard Hutchinson stated he is looking "outside of the box" and suggested that consideration be given to using a portion of the 3.5 million dollar reserve for contingency fund to give a \$500 a month increase in salary to the deputies.

Stu Tanner stated he is retired and came here to get away from the big city and the crime that he and his family has been victims of. He stated he feels that unless we back up our Sheriff's Department and give them financial support, we will be getting the city crime here. He referred to the Neighborhood Watch Program that is sponsored by the Sheriff's Department and stated that with the spread of the County, it is difficult to watch. He stated he feels that we need to be able to call on the department and get a decent response. He feels an urgent response is needed to take care of the situation.

Cathie Pierce, cattle rancher in Catheys Valley, stated she has watched some of the deputies grow up here and they live in our community. She noted that they used to take care of things themselves. She stated she feels that the Board needs to do its job or there will be a recall.

Brian Muller, Undersheriff, stated that as a member of SMA, the Association has submitted a proposal to the Board through the County Administrative Officer that they feel is fair. He asked each member of the Board to review the proposal, and if there are any questions, that they contact any member of their Association to discuss it. He stated this is a matter of money and it is not a work place issue, and he feels "it is time to put the money where your mouth is." He referred to recent expenditures to construct the compost facility and the amphitheater, hire consultants and advertise in national magazines, and he feels that tells them that those items are more important than public safety. He stated he hopes that the Board will review its priorities as actions speak louder than words on whether public safety is a priority.

Chairman Stetson thanked everyone for their input, and he reiterated that the Board is working to resolve this matter.

9:34 a.m. Recess

9:58 a.m. Board Information

Supervisor Bibby provided input relative to her concerns regarding safety issues, safety for the community and for staff. She presented statistical information that was received from the Visitors' Bureau relative to Park visitation through the Arch Rock entrance. She referred to a Channel 30 news report that Merced Police Department is experiencing difficulty in retaining employees and she asked that the information be verified. She also suggested that the safety element of the General Plan be reviewed with respect to law enforcement. She noted that the last employee status list showed that another deputy was leaving.

Supervisor Turpin advised that their second Pedestrian and Equestrian Trails Advisory Board meeting is scheduled for Thursday in Don Pedro.

Supervisor Stetson advised that a meeting is scheduled for today at 7:00 p.m. at the Midpines Community Hall to discuss the General Plan.

Supervisor Bibby advised that she would like to discuss the information item on the agenda relative to sponsoring the Coyote Howl.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Fritz pulled items 2 and 3. Supervisor Bibby pulled items 2, 3, and 5. (M)Pickard, (S)Turpin, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda items 2 and 3 – advertising contract with Sunset Magazine and with AAA. Supervisor Fritz asked that the items be taken off the agenda for further review of where we are spending our money. Discussion was held. Supervisor Pickard commented on the importance of visitation to the County and the need to advertise. Supervisor Bibby asked for clarification of the dates of the contracts and whether services have been received. Rich Inman, County Administrative Officer, noted that these contracts reflect an on-going relationship with Sunset and AAA. Supervisor Bibby noted that her package did not include the Exhibit “A” for the contracts. Susan Crain, Tourism Coordinator, advised that the advertising with Sunset was for a piece that went out with the California Travel and Tourism Guide magazine that is produced by the State of California. She noted that there was a \$30,000 savings with this year’s advertising with the joint marketing and more exposure was received. She also advised that these contracts are coming to the Board because of the new purchasing ordinance. Supervisor Bibby asked that an item be brought back in June to determine whether to continue this program into the next fiscal year. (M)Pickard, (S)Fritz, item 2 was approved/Ayes: Unanimous. Further discussion was held relative to item 3 with Susan Crain. Supervisor Bibby asked that an item be brought back in June to determine whether to continue with program into the next fiscal year. (M)Fritz, (S)Pickard, item 3 was approved/Ayes: Unanimous.

Consent Agenda item 5 – agreement with Don Henley Construction for general construction work in Northern Mariposa County. Supervisor Bibby initiated discussion relative to this item and she asked for clarification of the anticipated services to be provided. Dana Hertfelder, Public Works Director, responded to the questions relative to the professional services agreement and the services to be provided. Supervisor Turpin noted the importance of being able to provide these services in the North County. (M)Turpin, (S)Fritz, item 5 was approved/Ayes: Unanimous.

INFORMATION:

Notification that the Coulterville Coyote Howl Committee is Hosting the 21st Annual Coulterville Howl Festival on May 21, 2006, and that this Event is Considered a County Sponsored Event and is Listed as an Additional Covered Party for Liability Insurance (Supervisor Turpin)

BOARD ACTION: Supervisor Bibby asked whether there will be alcohol served and whether that is covered in the liability insurance. Rich Inman, County Administrative Officer, advised that the coverage does not include alcohol. Tom Guarino, County Counsel, advised that the liability coverage is not blanket liability coverage for the event.

Dr. Mosher, Health Officer;

Discussion and Direction to Staff Regarding the Purchase of Hybrid 4-Wheel Drive Vehicles to Replace Traditional Gasoline Engine Vehicles

BOARD ACTION: Discussion was held with Dr. Mosher relative to the request. (M)Pickard, (S)Turpin, Res. 06-102 was adopted approving the purchase of the vehicles as requested/Ayes: Unanimous.

Approval of Minutes of March 7, 2006, Regular Meeting (Clerk of the Board)

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

10:44 a.m. Recess

10:57 a.m. Kris Schenk, Planning Director;
Public Workshop to Consider Comments Received and Possible Revisions to the September, 2005
Draft General Plan Update

BOARD ACTION: Kris Schenk advised that Andy Hauge with Parsons Consulting and Sarah Williams, Deputy Planning Director, were present for the workshop and to assist with answering questions. Kris Schenk advised that the September 2005 version of the Draft General Plan is the document that is being reviewed, and he referred to the review process, public comments that have been received, and he explained why a General Plan is needed.

Andy Hauge provided information on the development of the Plan. Discussion was held relative to the amendment process and the number of amendments that can be made each year to the Plan.

Discussion was held relative to the “down zoning issue” and the “overlay map.” Kris Schenk explained that Title 17 would be reviewed for consistency with the adopted General Plan; and it is not the intent to create a problem with any overlay zoning. He further advised that they would like to begin calling the “overlay map” the “General Plan Diagram.” The purpose of the “Diagram” is to give direction to the policies.

Discussion was held relative to the issue of “split zoning” of parcels. Kris Schenk noted that the General Plan will not be a zoning map any more, and it is not intended to change the zoning maps. He asked that the Board review the issue in concept. Supervisor Turpin stated he felt that direction should be given to staff to fix the issues with the maps and bring the matter back for further review. Supervisor Bibby asked that information be brought back that includes scenarios with this issue. Kris Schenk advised that he could bring back samples of how this would apply and draft better specific language in the Plan to guide how this process would work. Supervisor Bibby asked that there be a better explanation in the document of “base” zoning in comparison with land use. She commented on input that she has received from people who are concerned that there will be conditional use permit requirements for uses in Agriculture Exclusive zoning; and she asked that this be clarified. Supervisor Turpin asked for clarification of the environmental review of the document and disclosure of the effects.

Discussion was held relative to the issue of the proposed planning area boundaries and whether the Environmental Review Impact (EIR) report studied all of the variations. Staff advised that the planning areas shown on the map should be defined as “study areas.” It would take a committee recommendation to the Board in the future, with the Board having final authority to set the boundaries. Andy Hauge noted that the boundary study areas do not change the land use at this time. Kris Schenk noted that the numbers for future build-out calculations were based on five-acre minimum parcel size, and to change to 2 ½ acre minimum parcel size would require further review of the EIR. Discussion was held. Supervisor Turpin clarified that the EIR was based on existing land uses. Andy Hauge advised that he will go back and look at changing from five to 2 ½ acre minimum parcel size in existing town planning areas that would be affected by this issue and advise of any significant environmental impacts.

Kris Schenk initiated discussion relative to an alternative that is felt to be environmentally superior to some of the alternatives that have been described to enhance and protect the rural character of the County. Discussion was held relative to the further review of the use of “shall” versus “should” and “may” in the document. Kris Schenk also raised the issue of recognition of Native American history and cultural traditions and suggested that staff draft some language for the Board’s review.

Supervisor Bibby noted that comments have been received that are geared toward specific properties and there are concerns with spot zoning; and she suggested that General Planning be looked at as an overall guiding policy for the entire County versus individual interests. Supervisor Pickard asked about the list of concerns beyond what has been discussed this morning. Kris Schenk advised that he has a list; however, the analysis is not complete. But he could provide the list for further discussion. The workshop was continued to 1:30 p.m.

12:10 p.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee
Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County

Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

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

Supervisor Bibby excused herself from the following matters due to a potential conflict of interest as her spouse is employed by the Sheriff's Department.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

BOARD ACTION: (M)Pickard, (S)Turpin, the closed sessions were held/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

1:38 p.m. Chairman Stetson announced that the Board is still meeting in closed session and he continued the General Plan workshop to 2:00 p.m.

The Board continued with closed session matters.

2:17 p.m. The Board reconvened in open session. Chairman Stetson advised that direction was given to staff as a result of the closed session matters; and at the end of the General Plan workshop today, the Board would determine what time to reconvene in the continued closed sessions on Wednesday, March 22, 2006.

Continue with the Public Workshop to Consider Comments Received and Possible Revision to the September, 2005 Draft General Plan Update

BOARD ACTION: Chairman Stetson noted that Planning staff presented a list of the pending issues to be reviewed with request that direction be given to staff. Discussion was held relative to the process for the workshop, and it was agreed that input would be taken from the public at this time.

Input from the public was provided by the following:

John Trujillo, Pastor of the First Baptist Church, referred to a letter that was submitted to the Board and signed by leaders in the religious community expressing concern with the existing conditional use permit process. They would like to see a provision to address non-profit organizations. Supervisor Pickard asked about the existing status. Sarah Williams advised that churches are conditional uses in all zones in the rural parts of the County, and may be a permitted use in the town of Mariposa.

Attorney Don Starchman noted that churches are not permitted in Agriculture Exclusive, and he feels that there should be something that encourages churches, camps, and non-profit youth camps. He agrees with having conditions for allowing churches as permitted uses.

Sam Hensley, Chair of the Board of The Barrier, a non profit organization, stated they build camps for children and they are hoping to build a camp here. He referred to their process for trying to locate a camp in Mariposa County, and expressed concern that there is nothing in the Ag Working Landscape land use to allow for this project.

Attorney Anita Starchman Bryant, Starchman & Bryant Law Offices, representing The Barrier, advised that the second property purchased by The Barrier for the camp is in the Mountain General zoning designation and in the new overlay map of Agriculture Working Landscape. The camp will require a land use change and they could not meet the four criteria to take the land out of the Agriculture Working Landscape. She noted that the Agricultural Advisory Committee considered the four criteria and recommended that the last two criteria be sent back to them for further review. Andy Hauge suggested that direction be given for further review of the Agriculture Working Landscape and non-agriculture related tourism activities. Attorney Don Starchman stated he still wants more information on the "diagram" and he feels that this subject property is not agricultural property and it

should be in the Natural Resources land use designation, including the surrounding area. Supervisor Turpin commented on the overlay map and the Bull Creek and Hazel Green area and the issues that were raised. Further discussion was held relative to dealing with church uses. Andy Hauge suggested that they be dealt with in the zoning ordinance and not the General Plan.

Mark Taylor, Bull Creek area, commented on the Bull Creek issue, and he stated he feels that there has been a lack of information provided to residents in the North County on the General Plan. He asked that future notices be published in the Foothill Express and the Yosemite/Highway Herald. He stated he does not agree with the Agriculture Working Landscape for the area. It is not agricultural land, and the couple of ranches that existed in the area had to move the cattle during the year due to the poor grazing conditions. He referred to his letter to the Board relative to their living conditions in the area and the limited infrastructure – there is no power and no cell phone service. He stated he is trying to obtain signatures from the other property owners that he will present at a later time. He would agree with the Natural Resource designation for the area. He also advised that he contacted the Farm Bureau and they do not agree with the Agriculture Working Landscape designation for the area.

Lew Geyser stated he owns Hazel Green. The Agriculture Working Landscape overlay is on National Forest land for the most part. He noted that the land could not be taken out of this designation based on the four criteria, and he has concerns with this.

Steve Saunders presented a petition that he said was signed by 173 citizens and property owners of the County asking for protection of the ag lands, open spaces and individual property rights; and asking that the town planning areas be kept and that properties not be down zoned. The petition further asks that the existing General Plan be kept until the proposed plan is determined to be open, honest, and says what it means, with clear rules and regulations. He asked for clarification of the Agriculture Working Landscape and what it means, and he stated he agrees with the existing zoning map. He feels that the diagram allows for build-out of the Catheys Valley area, and he feels that the proposed large town planning area will encourage development. He asked whether the EIR covers the existing town planning areas, and he was advised that it does. He stated he feels that people have made property purchases based on what is on the map, and this procedure is leaving everyone wondering what will happen. Supervisor Bibby commented on the Catheys Valley town planning area maps and designated community area, and she advised that the only change is from 2 ½-acres to 5-acre parcel size. Mr. Saunders stated he wants to be continued as Agriculture Exclusive, and he advised that he is concerned with what developers may be able to do when they build out and create infrastructure for more development. He does not feel that agriculture is being protected. Supervisor Bibby asked staff to clarify these issues and to advise whether there is any change in the building permit process. Sarah Williams clarified the issues that were raised. Mr. Saunders asked why we have a community planning committee. Supervisor Bibby commented on the differences between the existing and proposed changes. Supervisor Stetson noted that a community plan cannot be less restrictive than the General Plan.

Bob Benson, BJ Ranch in Catheys Valley, stated he feels that agriculture is being beat up by the regulations. He feels the reclassification from Agriculture Exclusive to other classifications is restrictive, and the four criteria that have been referred to are very restrictive. He stated he does not agree with Mr. Saunders; however, sooner or later if the area is going to build out, it will.

Kris Casto, resident of Hunters Valley, stated it is tough to preserve the County as the jewel of the Sierras. She referred to the new diagram proposal and the ranges of acreage and the need to make sure that the criteria are understandable. She feels that people get confused with land use and zoning and all of the changes, and people are nervous about development. She feels preservation is important as well as buffer zones. She stated she does not care whether the Agriculture Exclusive or Natural Resource land use designation is used, but she feels we need better definitions where there are overlaps. She stated she feels there is a need to provide clarification to the constituents in the County relative to issues such as topography and water, etc., as they may not be able to develop a piece of property. She asked that the Planning staff be tasked to develop preservation; and she suggested that light industry or research and development be added for new job creation to the Land Use and Economic Development sections.

Ken Baker stated he is speaking for people that could not stay, and who own about thirty percent of the developable land in the Catheys Valley town planning area. He asked for clarification of

the 800 +/- acres in the Catheys Valley town planning area. He commented on the community planning advisory committee meetings and their process, and he noted that he was not allowed to speak at their meetings. He stated he is not a property owner in the County, and he could not live with his property being governed by rules made by this particular committee. He noted that the majority of the property owners with developable property do not have a voice on the Catheys Valley Town Planning Advisory Committee. He stated he has been approached by the property owners to help protect their property rights. He does not understand the overlay and asked why it is necessary. He feels the existing zoning map should be used. Mr. Baker responded to questions from Supervisor Bibby relative to the map for Catheys Valley and the process; and he stated he has a problem with the system and questioned why the need for layers of bureaucracy. He stated he feels that there is confusion with all of the changes that have occurred during this process.

3:56 p.m. Recess

4:17 p.m. Ken Trujillo stated he speaking as an individual, and he is a Pastor and owns land in the Catheys Valley town planning area and outside of the area. He stated he does not have any interest in having a committee tell him what he can do with his property. He noted that he has twelve years of planning experience. He stated he is not interested in the town planning area being large. Chairman Stetson clarified that this workshop is not to discuss the Catheys Valley Plan, but the General Plan. Ken Trujillo asked why the map is being redone that was done with the previous General Plan that he worked on. He stated he feels there should be something in the General Plan for churches and something that can be consistent with zoning. He stated he thought the boundary for the Catheys Valley town planning area was going to be reduced and now he finds that it is being expanded, and that Supervisor Bibby has shown a third map.

Len McKenzie, representing MERG, presented a package that they feel lays out alternative plan principles that they feel should govern the General Plan. The changes they requested are: reduce community plan areas to current sizes to prevent sprawl; eliminate the density bonus (area zoning) outside community plans; retain large parcel open space between communities; protect the 35,000 acres of agricultural and mountain preserve land by maintaining its current 160 acre minimum parcel size; adjust residential parcel sizes based on road access, fire risk, slope, water availability, and delivery of services; maintain CalTrans traffic level of service "C" as the minimum acceptable; add mitigation measures for impacts on air, water, wildlife, and traffic; set the growth rate to match that of the state at large; adopt development impact fees ordinance immediately; include as mandatory "shalls" all mitigation measures currently listed as "should" in the draft General Plan Update; no conversion of agricultural land to residential; continued support for the right to farm, and support for the Williamson Act; and support the Planning Department's decision on certificates of compliance. They feel these principles will maintain the rural character, agricultural heritage, open space, and air and water quality which we have at present and future citizens and tourists will desire. He also provided a MERG map of lands they feel are at risk under the current proposed update, and a MERG and Sierra Nevada Alliance map which they feel would show the designations of land use needed to protect the open space between our communities, prevent sprawl, traffic congestion, and pollution. He asked that the Board give serious consideration to their recommendations as they feel it will result in a phased growth/low impact, and environmentally superior alternative. He also advised of the response to their recent mailer asking residents about their wishes to maintain the rural character of the County and to preserve the environment.

Don Starchman referred to his letter relative to tourism and recreation and resort uses and restrictions, and he highlighted the issues that he raised. He stated he feels that we are encouraging these uses; however, the criteria precludes development from going forward. He stated he feels the North East corner of the County and the Eastern quadrant should not have been included with the agricultural uses; they should be in the Natural Resources. Supervisor Stetson asked staff to respond to these issues. Andy Hauge stated that given the discussion today, he feels it is worthwhile to go back and look at this designation again. Supervisor Turpin stated he agrees with the Agricultural Advisory Committee's recommendation that the issue relative to the four criteria be sent back to them for further

review. Supervisor Pickard suggested that there be a review of what fits in the agriculture land use designation.

Cathie Pierce, Farm Bureau President, noted that some of the problems they are seeing have to do with historic parcels and Williamson Act contracts with historic parcels. She suggested that the Farm Bureau and Agricultural Advisory Committee be involved in these issues. She referred to the history of the Catheys Valley Town Planning Advisory Committee, which started 9-10 years ago, and she noted that the original committee was stacked with realtors and developers. They resigned and were replaced, and when that committee started working on the plan for Catheys Valley, surveys were sent out to all property owners that they had addresses for. The committee worked hard to see what the community as a whole wanted. She noted that with UC Merced and the longer the issues drag on, the worse she feels it will get. She stated she supports property rights, but there are a lot of things to be considered.

David Butler stated he appreciated Supervisor Pickard's comments relative to zoning and versatility. He asked about the open space and zoning; and he stated he feels that the people that own these lands are being left out of the decisions. He asked about the mining and quarrying issue of taking these uses from a permitted use, and he stated he feels that the recommendations of the Ag Advisory Committee should be looked at. He noted that these activities are controlled by SMARA. He also noted that there are currently four active mining operations versus the two listed in the General Plan. He referred to the ridgeline development issues, and he stated that as a general contractor and builder, he feels the topographics of the County will force development on the hillsides and that causes problems with construction and erosion. He stated he feels that the issue of looking at lights is the same whether you look up or down. He stated he feels that there needs to be provisions for flexibility with development.

Ken Melton presented an outline of his recommended changes to the General Plan Update. He stated he feels that Goals 5-3a and 5-3a(3) should be removed as they do not allow for waivers and would prohibit many subdivisions. He feels that they create off-site requirements that are beyond the control of the applicant, and he does not feel that adequate road capacity has been defined. He cited a parcel behind Outback Materials as an example relative to the road requirement issue. He also stated that he does not feel that the Board is required to provide police and fire protection, or take care of private roads. He referred to page 5-32, section E, second paragraph, and discussion of the requirement of water supply and wastewater disposal to be in place prior to map recording. He stated he feels that the best time for these decisions to be made is when there is a buyer and seller, and the buyer determines where to develop the parcel. Andy Hauge noted that this language is mandated under CEQA. Ken Melton stated he disagreed, and he also stated he feels there should be allowance for using the neighboring water. Discussion was held. Ken Melton stated he feels that the hilltop and ridgeline development restrictions need to be removed. He feels that this constitutes a "taking" without compensation of one's property for the enjoyment (view) of another. He presented a news story about Paul McCartney's cabin in London and objections by the Council because it interfered with the "view shed." Supervisor Fritz commented on growth and people wanting to locate their homes where they can have a view. Ken Melton referred to page 5-33, section E(3) and asked why the septic system is restricted to onsite and that there isn't allowance for obtaining an easement on a neighboring property. He suggested that the Health Department be consulted on this matter. Ken Melton referred to page 5-34, section E(5) and he asked that the word "requirements" be changed to "regulations." He stated "requirements" can mean almost anything the department wants you to do. He commented on incidents he has encountered with CDF where they have tried to require the implementation of "requirements" and he advised that this has occurred with CalTrans as well. He referred to page 5-41, section E-8, and asked that "standards" be changed to "regulations." Kris Schenk stated he does not see a problem with what term is used, they still need to abide by the "wills." Ken Melton referred to page 5-38, section B(3), last paragraph, relative to providing for employee housing, and he stated he feels that we should let the natural market take care of this issue. He referred to page 11-2, second paragraph and noted that if one is viewing another's home then theirs' must be in view also. He stated he feels the last two paragraphs of page 16-3, section A, relative to ISO ratings should be deleted. He feels the fire stations come with growth.

Frank Chimrenti stated he represents several property owners and he thanked everyone for their efforts and time in this process. He asked that staff go back and evaluate the environmental review to make sure that no down zoning takes place and to make sure that the same level of zoning is maintained as exists in the current General Plan. He stated he feels that there needs to be a further evaluation of the necessity for community planning areas and for community committees in all seventeen areas. He feels that we need to ensure that the General Plan is consistent with current zoning designations of land in the County.

Don Starchman provided the following input for individuals that he represents. He referred to his letter of March 17th and the Northway/Berloger property at the Airport. He referred to the Board's previous discussion relative to this area and the possibility of having a water system with annexation to the Saxon Creek project. Now he sees that the property has been designated as Natural Resources and he feels it should have been designated as residential. He noted that environmental review for projects will be more difficult with the Natural Resources designation. He stated he feels the current map needs to go away. He stated he feels the rural character issues and the issue of the use of "shall" versus "should" in the document should be further reviewed based on previous consideration when the issue comes back. Supervisor Bibby asked for clarification from staff of what triggered the Natural Resources land use designation for the Northway parcels/Las Mariposas, and she noted that there are currently multiple land uses in the Airport area. Sarah Williams advised that the parcel currently has four land use designations and two Assessor Parcel Numbers. She noted that this issue will come back in the context of the "parcel split" discussion to determine how to deal with parcels that have more than one land use designation.

Supervisor Bibby asked that clarification be provided relative to the change to the Natural Resources land use designation for the Indian Gulch area. Supervisor Turpin referred to page 5-21, section E, relative to adoption of area plans and suggested wording changes and asked about qualifications for membership. He asked what the advantage is of having the overlay maps. Andy Hauge stated there is no overlay, just land use designations on land use maps that guide development. Supervisor Turpin asked that there be further review of the solid green areas of the overlay map.

Chairman Stetson asked the Board to review the pending issues and provide direction to staff. The following issues were reviewed:

- 1) "No down zoning" – the Board concurred with the four direction points recommended by staff to modify text to list the range of densities allowed in each land use classification (as reflected in the existing General Plan); add new text to clarify that the purpose of the range of densities is to maintain or allow the current General Plan densities; modify the name of the countywide map to "Land Use Diagram" and modify the name of the community areas to "Community Planning Study Areas;" and clarify intent by adding text to describe how to "interpret" the General Plan land use boundaries – to give the Planning Commission and the Board of Supervisors discretion on how to interpret boundaries in the future.
- 2) "Split parcels" – the Board concurred with the five direction points recommended by staff to add text to clarify that lines of the General Plan land use diagram are not precise; add text to clarify that parcels less than 40 acres in size should have one land use designation; add text to clarify that parcels larger than 40 acres in size may have more than one land use designation; Board of Supervisors will review parcel specific land use diagram modifications at next workshop; underlying zoning will be criterion for land use diagram modifications; and to provide direction to staff to identify the parcels that have split land use designations.
- 3) "2 ½ acres in town planning areas" – Supervisor Stetson asked for clarification of staff's recommendation of how to "determine the level of significance" for allowing 2 ½ acre parcel sizes in current town planning areas. Andy Hauge advised that these levels are set in the environmental review report. Discussion was held. Supervisor Turpin stated he feels that we need to make sure that everyone is aware that 2 ½ acres can not be developed on all of the land. Supervisor Bibby clarified that more information would be brought back and that staff would verify the boundaries for all of the town planning areas identified in the 1981 General Plan. Kris Schenk advised that staff will provide the requested information; however, he does not know if they will be able to provide an

analysis on the extended boundaries for the 2 ½ acre consideration. The Board concurred with staff's recommendation to review the criteria used in the draft EIR to determine the level of significance for allowing 2 ½ acre minimum parcel sizes in current town planning areas.

- 4) "Native American consultation" – the Board concurred with staff's recommendation to add text in the history section and to modify policies to reflect current review practices.

Kris Schenk advised that all of the text changes that are made to this draft document will be in a different color so that they can be easily identified for future review.

- 5) "Rural character protection alternative" – Supervisor Pickard asked that the ridgelines development issue be added as a rural character alternative. Discussion was held relative to the use of "may" and "should" and "shall." Kris Schenk advised that these terms would be highlighted in the text for further review. He asked about addressing comments on concepts relative to flood hazards, biological resources and wetlands, historical cultural resources, and visual design criteria. Staff's recommendations are to revise the DEIR to include the rural character protection alternative; alternative to reflect lower build out projection; alternative to provide separation between communities (greenbelt); and alternative to return some policy and implementation measures from "shoulds" to "shall."
- 6) "Churches and church camps" – The Board concurred with further reviewing the issues raised during the workshop and perhaps review this in the context of Title 17. Discussion was held. Andy Hauge asked the Board to give consideration of whether these uses should be allowed anywhere by right or by conditional use permit. Tom Guarino, County Counsel, commented on the Federal Act, RLUIPA, relative to building churches and he noted that objective criteria needs to be used, and that the activities need to be allowed without identifying them by religious basis. Supervisor Turpin initiated discussion relative to page 5-15 and questioned whether the language is adequate. Andy Hauge advised that he will work with County Counsel relative to the Rural Economic Resort section to address this issue for non-profit camps. Supervisor Bibby noted the need to consider circulation issues with these types of uses, especially with private road maintenance associations.
- 7) "Dead-end roads" – Kris Schenk referred to a recent situation with a proposed development project on Boyer Road, and he advised that staff is working on developing regulations for circulation when subdivisions are presented versus having a cul-de-sac at the end of the last parcel in the subdivision. Supervisor Pickard noted that this is also an issue in Jerseydale. Supervisor Bibby asked that consideration be given to joining existing road maintenance associations versus creating a new one that people would use and not participate in the maintenance program. Sarah Williams advised that they are waiting for a decision from CDF relative to the dead-end road issue. Tom Guarino clarified that the suggestion is to require an easement to go to the end of the property line versus the current cul-de-sac method. The Board concurred with staff proceeding on this issue as discussed. Andy Hauge advised that he will include this in the subdivision guidelines and bring back language for further consideration.
- 8) "Saxon Creek reference" – Supervisor Stetson stated he feels that if this is considered as mentioned by Don Starchman, it should be amended later. Andy Hauge stated the language needs to be reviewed to make sure that it is consistent with State law. Supervisor Pickard initiated discussion relative to the water rights issues. Andy Hauge suggested that language could be added in the General Plan relative to this issue to document the background. Bob Rudzik provided input on the Planning Commission's consideration of this matter, and he advised that it was their goal to anticipate uses down the road to protect the rights for the future. Andy Hauge advised that he will work with County Counsel to address these issues.
- 9) "Noise standards enforcement" – Andy Hauge noted that there is a need to identify who is responsible for this. Supervisor Stetson suggested that staff could see if there are

alternatives. Discussion was held relative to this issue and implementation. Tom Guarino noted that the previous direction was for staff to come back with the minimum State requirements and he does not see this triggering an avalanche of noise issues. The Board concurred with making no changes to this.

- 10) "Mining and agritourism in Ad/Working Landscape" – Kris Schenk initiated discussion relative to this issue and permitted uses.
- 11) "State agency amendments" – Kris Schenk advised of the comments received from the Department of Transportation, the Department of Conservation, and the Regional Water Quality Control Board. Discussion was held.
- 12) "Other technical or diagram corrections" – Kris Schenk advised that staff will make minor technical changes/corrections throughout the document and to the diagram/maps with the Board's concurrence.
- 13) "Four criteria referred to on page 5-46" – Staff will further review.
- 14) "Changing "standards" to "regulations" issue" – Supervisor Stetson asked about the Board further reviewing this issue.

6:40 p.m. Recess

6:55 p.m. Further discussion was held. Supervisor Pickard asked that direction be given to staff to bring back color changes to the map for the North East quadrant to reflect the Natural Resources land use classification versus Agriculture Working Landscape. Discussion was held. Sarah Williams provided input on Geyser's concern about converting their plans for development to another use, such as the economic resort classification. Don Starchman noted that the Geyser parcel is a unique piece of property and they presented a project concept many years ago for a destination hotel and they are working with UC Merced and want to be able to bring a project back for the Board's consideration.

Discussion was held relative to the timeframes for staff to bring back the additional information from today's workshop to the Board and the process for the Update. Kris Schenk advised that he feels it will take staff about sixty days to prepare the new language for the Board. Then a public hearing will need to be scheduled for the Planning Commission, and then the Update can be scheduled for a public hearing for adoption by the Board of Supervisors. Supervisor Stetson asked whether there is anything in today's discussion/direction that alarms staff relative to the EIR; and Andy Hauge responded that there wasn't anything that he was aware of.

7:10 p.m. The Board reconvened in the continued closed session from earlier this date with Supervisor Bibby excused.

7:21 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matters, and that the closed session was continued to Wednesday, March 22, 2006, at 1:30 p.m.

CONSENT AGENDA:

- CA-1 Resolution Amending the Professional Services Agreement with Allen, Polgar, Proietti & Fagalde and Authorizing Chairman to Sign the Amended Professional Services Agreement (County Counsel); Res. 06-96
- CA-2 Approve Contract between Sunset Magazine / California Travel and Tourism Publication and Mariposa County for \$28,010, and Authorize the Chairman of the Board of Supervisors to Sign the Contract (County Administrative Officer); Res. 06-99, with direction to staff

- CA-3 Approve Contract between AAA / American Automobile Association, Inc. and Mariposa County in an amount of \$19,270.35, and Authorize the Chairman of the Board of Supervisors to Sign the Contract (County Administrative Officer); Res. 06-100, with direction to staff
- CA-4 Approve the Public Health Emergency Response Coordinator Job Description, set the Salary at Range 465 (\$3,730-\$4,534/month), and Assign the Position to the SEIU Bargaining Unit (County Administrative Officer); Res. 06-97
- CA-5 Approve Resolution Authorizing Public Works to Enter into a Professional Service Agreement with Don Henley Construction for General Construction on work in Northern Mariposa County in an Amount not to Exceed \$15,000 (Public Works Director); Res. 06-101
- CA-6 Accept the Resignation of Tom Hogan and Carol Williams from the Mental Health Board (Human Services Director)
- CA-7 Approve Budget Action transferring Funds within the Planning Department Budget, Fixed Assets and Professional Services to the Planning Technician and the Equipment \$300 - \$1,000 Account for the New Planning Technician and Computer (\$9,500) (Planning Director); Res. 06-98

7:22 p.m. The meeting was continued to Wednesday, March 22, 2006, at 1:30 p.m. for the continued closed session.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

March 22, 2006

(Meeting Continued from 3-21-06)



Time _____ Description

1:36 p.m. The Board met in continued meeting from March 21, 2006, at the Mariposa County Government Center with Supervisor Bibby excused.

Chairman Stetson announced that the Board would convene in continued closed session from March 21, 2006, relative to labor negotiations with Sheriffs' Management Association (SMA) and Deputy Sheriffs' Association (DSA).

1:37 p.m. The Board convened in closed session.

3:05 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matters and that the closed session was continued to 8:00 a.m. on Thursday, March 23, 2006.

The meeting was continued to Thursday, March 23, 2006, at 8:00 a.m.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

March 23, 2006

(Meeting Continued from 3-22-06)



Time Description

8:09 a.m. The Board met in continued meeting from March 22, 2006, at the Mariposa County Government Center with Supervisor Bibby excused.

Chairman Stetson announced that the Board would convene in continued closed session from March 22, 2006, relative to labor negotiations with Sheriffs' Management Association (SMA) and Deputy Sheriffs' Association (DSA).

8:10 a.m. The Board convened in closed session.

9:09 a.m. Recess

9:52 a.m. The Board reconvened in closed session.

11:45 a.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matters and that the closed session was continued to 3:00 p.m. on Monday, March 27, 2006.

The meeting was continued to Monday, March 27, 2006, at 3:00 p.m.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

March 27, 2006

(Meeting Continued from 3-23-06)



Time _____ Description

3:00 p.m. The Board met in continued meeting from March 23, 2006, at the Mariposa County Government Center with Supervisor Bibby excused.

Chairman Stetson opened the meeting and continued it to 4:00 p.m. for the Board to convene in continued closed session from March 23, 2006, relative to labor negotiations with Sheriffs' Management Association (SMA) and Deputy Sheriffs' Association (DSA).

4:35 p.m. The Board convened in closed session.

5:30 p.m. Recess

5:40 p.m. The Board reconvened in closed session.

5:50 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matters; and he read the Closed Session Announcement relative to labor negotiations with SMA and DSA into the record.

5:50 p.m. (M)Fritz, (S)Turpin, the meeting was adjourned/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

March 27, 2006
(Special Meeting)

Time Description

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

Pledge of Allegiance

Supervisor Bibby asked about taking public input before convening in closed session. Discussion was held. Supervisor Bibby asked whether the staff member involved in the closed session matters made a determination of whether to hold the evaluation in public session. Chairman Stetson advised that the public session was declined, and he advised that due notice was given to the employee. Supervisor Bibby advised that she was in surgery on Thursday and that her decision will be based on the facts; and she expressed concern that a special meeting was called and that this matter was not scheduled on the regular agenda for Tuesday. She again asked that the public presentation portion be done before the closed session. Discussion was held. Tom Guarino, County Counsel, advised that the Board's procedures call for the Chair of the Board to determine the order of the Board.

An unidentified gentleman from the public quoted a portion of the Brown Act relative to public presentations.

Chairman Stetson advised that the Board would take public presentations before holding the closed session.

Public Presentation: The Public May Only Address the Board on Items Listed on the Special Meeting Agenda – No comments were received.

9:15 a.m. CLOSED SESSION:

- A. Public Employee Performance Evaluation – Position of Employee under Review: County Administrative Officer
- B. Public Employee Discipline/Dismissal/Release
- C. Public Employee Appointment – Title or Position to be Filled: County Administrative Officer

(Chair of the Board of Supervisors)

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

11:56 a.m. Chairman Stetson announced that the following actions were taken in closed session:

- the Board released Rich Inman, County Administrative Officer, from service this date;
- the Chairman of the Board has been appointed acting County Administrative Officer;
- risk management, personnel, and pending labor negotiations were assigned to County Counsel; and
- direction was given to the acting Personnel Director to begin the recruitment process for the County Administrative Officer position; by unanimous vote.

11:58 a.m. (M)Pickard, (S)Bibby, the Board adjourned/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA March 28, 2006

Time Description

9:09 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Marjorie Wass, Treasurer;

Investment Report by Fiduciary Trust, Investment Consultants

BOARD ACTION: Marjorie Wass introduced Eric Reynolds, Fiduciary Trust; and he gave a report on the status of the County's investments. Discussion was held.

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

Ruth Sellers, representing Transportation is for Everyone, presented the Board with high speed rail alignment alternatives and station options information from the March 22nd California High Speed Rail Authority meeting. She noted that they are looking at the Altamont Pass and Highway 152 routes.

Jim Allen, Sheriff, commented on the closed session announcement that the Board released on Monday relative to labor negotiations; and he thanked the Board and stated he appreciates the announcement and hopes that negotiations will move forward. He advised that the Board has his commitment to work together for the public safety. He also advised that he will use the negotiation numbers in the announcement for his recruitment efforts.

Bob Brown, District Attorney, thanked the Board for its efforts. He noted that this crisis with public safety has been extraordinary and he appreciates the extra efforts that have been made to help resolve the matter. He also stated he feels that this crisis has brought to light the bigger picture that involves all employees in the County, and he asked the Board to consider appointing a citizen advisory committee to look at personnel in the County, with specific emphasis on a marketing study comparison. He stated he feels that it would be beneficial to have the public involved in this process.

Kristy Waskiewicz, AFSCME representing Mariposa County Management and Confidential employees (MCMCO), asked that it be remembered that they are also trying to be in labor negotiations. She stated she feels that the County engaged in bad faith bargaining and she feels that they have been lied to. She advised that she is submitting documentation/formal complaint to the State. She stated the County has refused to return to the bargaining table since January and demanded an immediate return to the table by the County. Tom Guarino, County Counsel, advised that he was appointed on Monday to handle personnel, risk management, and labor negotiations and he has spoken with the other two bargaining units and asked staff to schedule a meeting with her to continue with labor negotiations. He advised that he would meet with Kristy during the break to schedule the next bargaining session.

Jim Dulcich stated he feels the sound system in the Board Chambers needs to be improved, and that the speakers need to be used in the lobby when there is a crowd. He stated that now that the County Administrative Officer is gone, he does not want to see the Board use him as the fall person. He feels that the Board needs to take its share of the blame and needs to do what the public pays it to do – administer the County. He stated he feels that things went too far with the Sheriff's staffing situation and we are losing good staff. He feels that the Board needs to salvage what it can and keep business running.

Eleanor Keuning stated she agrees with the problem with the sound system. She referred to recent articles in the Mariposa Gazette relative to the Sheriff's Department and labor negotiations; and she noted that a Board member has excused herself from these matters due to her spouse being employed by the Department. She stated she feels that in future elections, the citizens need to know if Board members are related to anyone in the County and whether they will need to excuse themselves due to potential conflicts of interest.

Ron Enos, Hunters Valley, commented on what a good Fair we have in the County and that there are no problems. He stated he feels that the Sheriff's Department does a wonderful job, and he noted that they took care of problems that he had in his area. He stated he is concerned that if the Department is not taken care of, that there will be more problems.

Board Information

Supervisor Bibby presented statistical information on the visitation for the Storytelling Festival and she advised that it was a success.

Supervisor Stetson noted that the arts are a tremendous benefit to the County, including the Storytelling Festival.

Supervisor Bibby commented on the public presentation relative to the need to know if someone is related in the County; and she advised that she has been married to her husband, Joel, for over twenty years. While she was in office, her cousin was hired at the Jail and she has no control over that. She also noted that she watches for any potential conflicts of interest.

Supervisor Pickard advised that the Board met in continued sessions last week for closed sessions and has been working hard to try to resolve the problems with the Sheriff's Department. He noted that we depend on the employees and they are fine people.

Supervisor Turpin commented on the situation with staffing at the Sheriff's Department, and he advised that the Board has put a lot of energy into addressing this situation. It has been a tough time for everyone and the matter needs to be resolved. He advised that they held a productive Pedestrian and Equestrian Trails Advisory Committee meeting in Don Pedro. This Wednesday and Thursday, he plans to attend the CSAC conference in Sacramento.

Thomas P. Guarino, County Counsel / Dana Hertfelder, Public Works Director;
Waive First Reading and Introduce Ordinance; Rescinding Urgency Ordinance No. 934 Restricting Water and / or Sewer Hook-Ups and the Issuance of Building and other Permits for any Property within the Yosemite West Maintenance District.

BOARD ACTION: Chairman Stetson advised that this matter has been pulled from the agenda.

Supervisor Fritz advised that she plans to attend the CSAC conference in Sacramento on Wednesday and Thursday. She also noted that the Soroptimist will hold their annual Gold Rush dinner/dance on April 1st.

Dana Hertfelder, Public Works Director;

Appoint the Following Members to the Water Agency Advisor Board: District I/Tom Standen; District II/Harter Bruch; District III/Walt Palmer; District IV/Leroy Radanovich; and District V/Mike Coffield. In Addition, Letters were Received from the Following Persons by Public Works that could be Considered for the At-Large Position; Robert Keller, Michael Martin, Bart Brown, Paul Chapman. Staff is Looking for Direction Relative to Filling this At-Large Position.

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the appointments. (M)Fritz, (S)Turpin, the following persons were appointed to the Water Agency Advisory Board as recommended: Tom Standen, Harter Bruch, Walt Palmer, Leroy Radanovich, and Mike Coffield/Ayes: Unanimous. Discussion was held relative to filling the at-large position and possibly increasing the membership to seven people due to the number of applications that were received. Supervisor Bibby asked if staff could verify Mr. Martin's residency and asked if additional information on his background could be provided. (M)Pickard, (S)Turpin, Robert Keller was appointed to the at-large position/Ayes: Turpin, Fritz, Pickard; Noes: Bibby, Stetson. Supervisors Bibby and Stetson stated they would prefer to have someone else appointed

to the at-large position initially. Further discussion was held. (M)Pickard, (S)Fritz, direction was given to Public Works to bring back an agenda item to add a seventh member to the Water Agency Advisory Board. Supervisor Pickard asked County Counsel to assist in researching to see what needs to be modified for this action. Ayes: Unanimous. Supervisor Fritz suggested that consideration be given to interviewing applicants for the added position.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby and Supervisor Turpin pulled items 5 and 10. (M)Fritz, (S)Turpin, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 5 – agreement with Daniel Smith & Associates for capital improvement program. Supervisor Bibby noted a spelling error in the compensation amount and she noted that the agreement was already signed. Tom Guarino, County Counsel, advised that the recommended action is to ratify the agreement. Supervisor Fritz noted that the Tax ID number needed to be redacted from any of the public copies. (M)Bibby, (S)Turpin, Res. 06-117 was adopted ratifying the agreement with the typographical correction to be made/Ayes: Unanimous.

Consent Agenda item 10 – agreement with Mead Hunt for Mariposa-Yosemite Airport Master Plan Update. Supervisor Bibby asked whether this item includes possible future expansion of the Airport. Dana Hertfelder, Public Works Director, responded and advised that it may include expansion. Supervisor Bibby excused herself from this item at 10:09 a.m. Following discussion, (M)Turpin, (S)Pickard, item 10 was approved/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby. Supervisor Bibby returned at 10:10 a.m. and advised that she excused herself from this matter due to a potential conflict of interest as she has a possible remainder interest in property adjoining the Airport.

Approval of Minutes of March 14, 2006, Regular Meeting (Clerk of the Board)

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

Direction to Staff with Respect to Sending a Draft Memorandum of Understanding to the Administrative Office of the Courts for use of the Historic Mariposa County Courthouse (County Counsel)

BOARD ACTION: Discussion was held with Tom Guarino, County Counsel, relative to the draft MOU. (M)Pickard, (S)Fritz, direction was given for the draft MOU to be submitted to the Administrative Office of the Courts. Further discussion was held. Supervisor Bibby recognized the support of the Superior Court Judges throughout this process; and she and Supervisor Pickard thanked everyone who has been involved in this process. Supervisor Fritz asked about providing this information to the CSAC committee that is working on the historic courthouse issues. Tom Guarino advised that the draft MOU is public information. Ayes: Unanimous.

Discussion, Direction, and Action Regarding Approval of the Best, Best & Krieger Contract for Negotiation Services and Termination of Negotiation Services (County Counsel)

BOARD ACTION: Tom Guarino, County Counsel, initiated discussion relative to the contract; and he advised that with the changes in Administration and duties, the portion of the contract for Best, Best & Krieger to sit at the table as the County's representative for labor negotiations is no longer necessary. However, it is necessary to maintain other portions of the contract for services. He advised that the original contract did not meet all of the formalities, and he recommended that authorization be given for the Chairman to sign the contract, and he will add his signature line approving the contract as to form. Supervisor Bibby commented on the letter from the Auditor and asked for clarification relative to the services provided and payments made. Supervisor Pickard clarified that the Board is taking action to ratify the agreement and asked about the term of services. (M)Pickard, (S)Turpin, Res. 06-119 was adopted ratifying and authorizing the Chairman to sign the agreement with Best, Best & Krieger, with the change to relieve them of the portion of services to provide labor negotiations at the bargaining table/Ayes: Unanimous.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial/Confidential Organization (MCMCO); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer); and CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation: Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 45956.9. Number of cases to be Discussed: 1 (County Counsel)

BOARD ACTION: Supervisor Bibby clarified with County Counsel that she doesn't have any potential conflict of interest with the closed session matter concerning anticipated litigation. (M)Bibby, (S)Pickard, the closed sessions were held/Ayes: Unanimous.

10:29 a.m. Supervisor Bibby excused herself from the following matters due to a potential conflict of interest as her husband is employed by the Sheriff's Department.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer); and

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of Designated Representative: Rich Inman, County Administrative Officer (County Administrative Officer)

BOARD ACTION: (M)Pickard, (S)Fritz, the closed sessions were held/Ayes: Stetson, Turpin, Fritz, Pickard; Excused: Bibby.

11:52 a.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

- CA-1 Approve and Authorize the Director of Child Support Services to Sign the Plan of Cooperation between Mariposa County Department of Child Support Services and California State Department of Child Support Services (Child Support Services Director); Res. 06-103
- CA-2 Approve Budget Action Transferring funds within the Boating Safety Budget for the Purchase of Educational Items Promoting Water Safety Practices (\$1,173) (Sheriff); Res. 06-104
- CA-3 Approve and Authorize the Chairman of the Board of Supervisors to Sign a Lease Agreement between William A. Freeman and the County of Mariposa for the Property Located at 5012 Fairgrounds Drive Mariposa County for use by the Animal Control Division in the Amount of \$20,474 (Sheriff); Res. 06-105
- CA-4 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Contract to Participate in Boating Safety and Enforcement Financial Aid Program for Fiscal Year 2006-2007 (Sheriff); Res. 06-106
- CA-5 Approve Agreement with Daniel Smith & Associates for Capital Improvement Program and Impact Fee Ordinance (County Administrative Officer); Res. 06-117 ratifying the agreement, with the typographical correction to be made
- CA-6 Approve the Deletion of the Position of Representative of Yosemite National Park Fire on the County Emergency Medical Care Committee (Health Officer); Res. 06-107

- CA-7 Adopt a Resolution Authorizing the Health Officer to sign the Rental Agreement with Fair District in the Amount of \$374.00 (Health Officer); Res. 06-108
- CA-8 Approve the list for 5-Year Tax Defaulted Parcels Scheduled for Auction on August 25, 2006 (Treasurer); Res. 06-109
- CA-9 Approve and Authorize the Chairman of the Board of Supervisors to Sign Investment Policy and Guidelines for Mariposa County (Treasurer); Res. 06-110
- CA-10 Approve Scope and Authorize Public Works Director to Execute Agreement with Mead Hunt for Mariposa-Yosemite Airport Master Plan Update and Authorize the Chairman of the Board of Supervisors to Sign (Public Works Director); Res. 06-118
- CA-11 Adopt a Resolution to Extend the Professional Service Agreement with Fred Solomon for Project Management Services to June 30, 2006 and Increase compensation in the Amount not-to-exceed \$2,000 for Completion of the Compost Facility (Public Works Director); Res. 06-111
- CA-12 Authorize a Continuing Contract for FY 2005-2006 between the County of Mariposa and Value Options (VO) for Administration of Mental Health Counseling and Medication Services for Foster Children Placed out of County; and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 06-112
- CA-13 Approve a Continuing Behavioral Health Contract for Mental Health Services under the SAMHSA Grant with the MACT Health Board; and Authorize the Chairman of the Board of Supervisors to Sign the Contract (Human Services Director); Res. 06-113
- CA-14 Adopt a Resolution Authorizing the Human Services Director to 1) Execute the 2006 Low Income Home Energy Assistance Program (LIHEAP) Agreement 06B-5373; 2) Accept an Advance of \$62,391 in anticipated Revenue from LIHEAP Agreement 06B-5373; 3) Authorize Human Services to Continue to Coordinate the Weatherization Portion of the Program with the Central Valley Opportunity Center (CVOC); and 4) Authorize the Human Services Director to Execute Subsequent amendments to this Agreement with the State Department of Community Services and Development (Human Services director); Res. 06-114
- CA-15 Approve a Contract with Central Valley Opportunity Center (CVOC) to 1) Provide Weatherization Services in the Homes of Low Income Residents; 2) Authorize the Chairman of the Board of Supervisors to Sign the Contract; 3) Authorize the Employment and training Unit to Continue to Search for a Trainee who is Interested in Construction and Weatherization (Human Services Director); Res. 06-115
- CA-16 Authorize the Human Services Director to 1) Accept One-Time Money and Execute the Petroleum Violation Escrow Account (PVEA) Weatherization Agreement 05P-6122; 2) Approve Budget Action Increasing Revenue and Expenditures (\$6,265) (4/5ths Vote Required); 3) Authorize Human Services to Continue to Coordinate the Weatherization Services with the Central Valley Opportunity Center; and 4) Authorize the Human Services Director to Execute Subsequent Amendments to this Agreement with the State Department of Community Services and Development (Human Services Director); Res. 06-116

11:53 a.m. Adjournment in memory of Michael George Hancock, Floyd Bernell Sartain, Evelyn Marion Lockwood, Thelma Preston, and Kevin Mark Southerland.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board