



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

October 2, 2007

Time Description

9:08 a.m. Meeting called to order at the Mariposa County Government Center with Supervisor Aborn excused due to an injury he sustained in a fall from a haystack. Chair Bibby advised that if anyone needs assistance, the Board members, County Administrative Officer and staff are willing to help in Supervisor Aborn's absence.

Chair Bibby advised that there is an addendum to the agenda for a public hearing on the proposed extension of 2nd, 3rd, 4th, and 5th Streets at 10:00 a.m., and the hearing will be continued to October 16th; however, public comment may be taken today.

Pledge of Allegiance
Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Input from the public was provided by the following:

- Paul Chapman referred to item 2 and questioned the recommendation and the bid process; and he referred to item 12 and stated he does not feel the Master Gardeners should be included.
Cyndi Park, Local Child Care Planning Council Coordinator, referred to item 9 and advised of the advertising efforts to recruit members.
Supervisor Pickard pulled item 11 for introduction of the new members. Supervisor Bibby pulled item 3 for discussion later this date, and item 9 for introduction of the new members.
(M)Fritz, (S)Turpin, the balance of the items was approved/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.
(M)Pickard, (S)Turpin, item 11 was approved/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn. Mary Williams, Community Services Director, introduced Claribell and Lee Eddy.
(M)Fritz, (S)Pickard, item 9 was approved/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

Chair Bibby;

A) Proclaim the Month of October 2007 as "Domestic Violence Month" (Supervisor Fritz)

BOARD ACTION: (M)Fritz, (S)Turpin, the proclamation was approved, and Supervisor Fritz accepted it on behalf of Mountain Crisis Services/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

B) Certificate of Appreciation to AT&T for Providing DSL Service in Wawona and El Portal (Supervisors Pickard & Aborn)

BOARD ACTION: (M)Turpin, (S)Pickard, the Certificate was approved and presented to Kathy Halsey/AT&T Area Director/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn. Kathy Halsey and the following provided input: Chris Valadez/Deputy District Director for Congressman Radanovich,

Bob Phelan/District Director for Assemblymember Berryhill, Bob Wiedman/Deputy District Director for Senator Cogdill, Rick Peresan/Technical Services Director, and Rich Motta/Chief Financial Officer for California Emerging Technology Fund. Supervisor Pickard recognized the presence of Chuck Jones, from the Wawona community. Chair Bibby noted that Sierra Tel has made DSL service available to its customers.

C) Present a Tile Plaque in Celebration of the Mariposa-Yosemite Airport 70th Anniversary 1937-2007

BOARD ACTION: Chair Bibby reminded everyone of the Fly-in event scheduled at the Airport on Saturday. (M)Turpin, (S)Fritz, the plaque was approved and presented to Jim Johnson/Chair of the Airport Advisory Committee and Maria Liddle/Airport Operations Manager/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn. Chair Bibby noted the presence of Dana Hertfelder/Public Works Director, Char Wilson and Jim Secrest/members of the Airport Advisory Committee; and she complimented HISC0 Trophies on creating the plaque.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Paul Chapman referred to the closed session held on September 25th relative to the purchase of property in Midpines and stated he feels funds should be saved for the unfunded liability with PERS.

Dana Hertfelder/Public Works Director, advised that the California Transportation Commission approved requests for funding the following road projects at its last meeting: Darrah Road, Colorado Road, and Don Pedro subdivision roads; and he provided information on the projected timeframes for these projects.

Eleanor Keuning stated she feels that the Old Highway and Ben Hur Roads should be improved as they provide an alternate access route if the highways are closed.

Board Information

Supervisor Turpin thanked the Eddy's for their willingness to serve on the Advisory Committees, and he thanked the members of the other committees that serve. He thanked AT&T for their work with the needs in the North County. On Saturday, he attended several of the sites on the Agri-Nature Trail Harvest Weekend in the Country event. He noted that Public Works will be opening the bids this Friday for the Red Cloud Library. This Saturday is the Fly-in at the Airport and the Farm Bureau auction/dinner.

Supervisor Pickard reported on the Forest Service meeting held on Wednesday and advised that the maps were reviewed relative to the status of roads. He also advised that he plans to bring an item back to the Board asking the Forest Service to extend the comment period for the Off Highway Vehicle routes.

Supervisor Fritz advised that she attended the Metropolitan Transportation Commission meeting in Oakland on Wednesday, and they received the new Rail Plan. She noted that Supervisor Aborn attended the High Speed Rail meeting in Sacramento on Wednesday. She attended the surprise 90th birthday party for Ida Riley and presented the Certificate from the Board. She plans to attend the Juvenile Justice Committee meeting on Wednesday. She thanked the Fire Chief for attending the District IV meeting on Monday. She plans to attend the Gateway meet on Thursday in Yosemite, the YARTS meeting on October 15th at the Government Center, and the High Speed Rail meeting on October 11th in Bakersfield. She noted that the Natural Resources Summit will be held on October 12th in Tuolumne County.

Supervisor Bibby advised that she and Supervisor Turpin attended the Community Action Agency meeting in Coulterville, and she thanked the Hotel Jeffery for providing meeting space. She noted that the Hornitos Flea Market is scheduled for Sunday and is sponsored by the Patron's Club.

9:57 a.m. Recess

10:02 a.m. John Davis, Building Director;

PUBLIC HEARING Regarding a New Master Grading Fee Schedule for the Building Department Based Upon the Increase of Overhead to Provide Code Enforcement for Mariposa County

BOARD ACTION: John Davis and Jerry Progner/Resource Conservation District (RCD) presented the staff report and responded to questions from the Board relative to recommending an effective date; regarding their recommendation for the fee increase; and relative to penalties for grading without a permit. Supervisor Turpin requested that an annual report of permit activity be provided to the Board, including a breakdown of the cubic yards involved so that there could be future review of whether to continue with a flat rate or a fee based on the amount of cubic yards involved.

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

Ruth Sellers questioned the permit processing for grading that was done for a project by the industrial park across from the Mykleoaks Subdivision, and she specifically asked about the process for a project that involves grading for roads and building pads. Staff responded and gave an overview of the process.

Skip Skyrud asked who the “grading police” are and he noted that there are a lot of things that the RCD does that they are not compensated for, such as investigating grading complaints. Staff responded to the concerns.

Rita Kidd provided input relative to enforcement and the County’s policy of “not enforcing excessively” and she questioned what in County law dictates what is excessive. She questioned whether the fee increase is enough and recommended that staff take another look at this and compare it with other counties. Staff responded to the concerns relative to processing complaints.

Eleanor Keuning stated she feels that the same criteria should be used for all inspections.

Jan Owen asked why the fee isn’t based on an hourly rate for the actual services provided.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to a question from the Board and recommended that the fee be effective in thirty days.

(M)Turpin, (S)Fritz, Res. 07-468 was adopted approving the new fee schedule, effective November 1, 2007/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn. The hearing was closed.

Dana Hertfelder, Public Works Director;

PUBLIC HEARING to Adopt a Negative Declaration for the Proposed Extension of 2nd, 3rd, 4th and 5th Streets in the Town of Mariposa; Applicant: Manzanita Estates, LLC

BOARD ACTION: Following discussion, the Board concurred with taking the staff report and public input at this time; and then with continuing the hearing to October 16th. Dana Hertfelder presented the staff report, and he advised that they just received comments from Fish and Game and they are working on the issues that were raised; and he asked that the hearing be continued. He responded to questions from the Board and advised that the extensions are within existing County right-of-way; provided input on the process; and he advised that the Negative Declaration will be included in the package for the continued hearing. County Counsel responded to a question from the Board relative to accepting additional information and keeping the public portion of the hearing open.

Input from the public was provided by the following:

Paul Chapman stated he did not see a notice in the paper for this public hearing, just notice of the comment period; and he commented on the information he received from Public Works for this hearing.

Dana Hertfelder advised that notice in the newspaper solicited comments on the Negative Declaration and included information for today’s public hearing.

(M)Pickard, (S)Fritz, the public hearing was continued to October 16, 2007, at 10:00 a.m., with the public portion open/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

10:49 a.m. Kris Schenk, Planning Director;

Discussion and Direction Regarding the Use, Density and Operational Requirements for Agritourism in Mariposa County

BOARD ACTION: Kris Schenk provided information on the background of the term “agritourism” and he advised that the Coyote Springs Guest Ranch (Ranch) is the first application since the adoption

of the General Plan for agritourism use, so it is referred to in the staff report. He reviewed his determination and recommendations for that application. However, today's item is to seek direction from the Board relative to the clarity and intent of the agritourism standards in the County Code and not to focus on the Ranch specifically. He advised of the California Agricultural Homestay Bill, a provision in the Resources Code that he became aware of after he issued his determination on the Ranch application. That Bill allows for six guest rooms and 15 visitors a night; and he would be willing to amend his determination for the Ranch application to allow for that versus the five rental units. He advised of letters received from Leroy Radanovich/Yosemite-Mariposa Tourism Board Director and Theresa Castaldi/Coyote Springs Guest Ranch. He reviewed his request for direction from the Board relative to the use, density, and implementation determinations he made on September 12, 2007; and he reviewed his recommendation for the Board to refer these matters to staff, the Agricultural Advisory Committee and the Planning Commission for development of specific language and guidelines relative to the agritourism provisions of the Code. He suggested that he could bring back an item to retain a consultant to assist with this process. He anticipates that the entire process could take several months. Discussion was held.

Input from the public was provided by the following:

Joan Conlan, representing MERG (Mariposans for the Environment and Responsible Government) shared their thoughts on agritourism and they agree with the analysis presented by the Planning Director; and they support retaining agricultural land. They feel it would be better for the Ranch to apply for Resort Commercial land use.

Theresa Castaldi stated she agrees with the need for further consideration of agritourism and she reviewed previous actions taken on this matter and advised of their efforts and goals for the Ranch.

A member of the audience stated he agrees with Theresa Castaldi and he stated he feels we need to remember the importance of agritourism to the County. He stated he would support 30 cabins so tour buses could be accommodated.

Gloria Conlan read a letter from Janet Kottman into the record supporting the Ranch and agritourism, and stating that she feels the "let's make it work" attitude should be applied. Speaking for herself, she stated she feels the Board should be doing what is right for the County and working to resolve issues.

Ken Pulvino summarized his written comments and provided input on his background with agritourism; and he stated he feels this is a great opportunity for alternative revenue sources. He provided information on the definition of agritourism and relative to his plans for their ranch in Greeley Hill. He referred to the website for the Planning Department and noted that a photograph of the Courthouse is under the headline of "Join our Team" and he feels that the photograph should be of people.

Herb Gloor, Mariposa Lodge, stated he feels the Ranch would be a plus for the businesses and he supports it.

Cathi Boze, Agricultural Commissioner, advised that she and Supervisor Pickard attended a presentation on agritourism at the Great Valley Center in late 2002 and subsequent workshops were held in the County with persons interested in this to help sustain their farms. She advised that she supports the Planning Director that agriculture needs to be the primary use of the property and the Conditional Use Permit provides an avenue for agritourism uses.

Barry Brouillette stated he feels this issue is a test of the new General Plan and there needs to be a rationale community process. He agrees with the Planning Director's analysis.

Bob Mullen, Mariposa Olive Oil Company, commented on their involvement in the Harvest Weekend in the Country event, and he reminded the Board that they make the decisions and need to do that.

Cathie Pierce, President of the Mariposa County Farm Bureau, stated they feel the issue is what is agritourism and what is a guest ranch. She advised of the Farm Bureau's September meeting and everyone supports the Ranch and what they are doing; but they feel it is a guest ranch and not an agritourism use. They feel the Ranch should apply for a Conditional Use Permit. She referred to a book from the University of California on agritourism and agri-nature. She stated she feels that agritourism will place limitations on the Ranch that they do not want; and she noted that Agriculture Exclusive land is involved and the goal is to protect it and they are not in favor of it being rezoned. She

questioned how recreational vehicle (RV) camping will be handled with the RV/stock trailers that come to the Ranch for events.

Connie Hammersley stated she supports the Ranch and their request for cabins.

Jan Mullen stated she does not understand the rules for agritourism and has concerns with government in California. She supports the Ranch.

Mike Sweeney, Business Manager for the Team Roping Association, commented on the opportunity for events to be held at the Ranch, and he noted that this is a prime location, including consideration of holding their State Final event.

Rita Kidd, speaking on behalf of herself and her husband, provided input on the history of a Conditional Use Permit application that was filed for a dude ranch in 2003 for the Ranch property. She stated she feels the Board is getting an “appeal to emotions” argument. She read her letter into the record concerning agritourism and agricultural activities. She supports the suggestion for hiring a consultant with agritourism expertise.

Susan Taber Crain commented on the involvement of the Resource Conservation and Development District and the UC Davis program when the agritourism group was started. She noted that other agritourism uses in the State have a large guest ranch as a part of their operations. She stated that she feels the income ratio for agriculture and agritourism uses should be carefully reviewed if it is going to be considered. She commented on the revenue potential for the cabins with the transient occupancy tax; and she stated she feels that six cabins on a large acreage would have less impact than bed and breakfast operations on five-acres.

Shirley Schmelzer stated she feels the recommendations of the Planning Director should be followed; and that the new General Plan and processes should be followed.

Mary Ann Huff, President of the Chamber of Commerce/business owner/rancher, stated she agrees that agritourism need to be clearly defined. She supports the Ranch and feels it is an asset.

Paul Hall, Vice-President and Events Director of the Chamber of Commerce, commented on their work with the Ranch for the Catheys Valley Fair and stated he supports the Ranch.

Ruth Sellers stated she doesn't feel that anyone disputes that the Ranch is an asset to the County, but the issue is land use. She stated she feels the Planning Director and Department works hard and it is not fair to direct criticism there – they are supporting the General Plan.

Paul Chapman stated he agrees with Ruth Sellers – he feels the Ranch should apply for a Conditional Use Permit or for Resort Commercial land use. He stated he does not feel that you can have agritourism uses on Williamson Act contracted land.

Al Kudela provided input on his work with the brochure for the Harvest Weekend in the Country event and efforts to help the County and the formation of the photography group. He advised that he supports agritourism and the Ranch.

Heather Bernikoff provided input on the definition of agritourism and the issues.

Steve Saunders referred to the spirit of the General Plan and questioned whether a full expansion of the allowable uses on the parcels would exceed the impacts of the Ranch's request. He stated he feels the “totality” of the project and that parcels need to be reviewed.

Theresa Castaldi thanked everyone for their support and thanked the Board. She advised that they did apply for a Conditional Use Permit in 2003, under Oakander, and she advised of the subsequent processing of the application. She asked that they be allowed to proceed with the 18 cabins that were applied for in 2003, with conditions.

Chair Bibby asked for clarification of whether Theresa Castaldi's request could be considered based on the agenda item before the Board; and she read Theresa Castaldi's letter into the record. Thomas P. Guarino, County Counsel, responded relative to the Brown Act and the item that is listed on the agenda for this matter. He advised that direction could not be given relative to issuing a permit for the Ranch; however, direction could be given on standards so that Planning will know how to proceed. He stated he feels it would be helpful if the Board would give a feeling for what direction it wants to head with agritourism and intensity and scope of uses. He noted that it is clear that some level of use was intended to be permitted; however, direction needs to be given to Planning relative to the allowable level of use. Discussion was held.

Theresa Castaldi asked that there be a stipulation that they be allowed to move forward with their project.

Ruth Catalan stated she feels the process needs to be followed.

Laurel Siebecker asked what the reluctance is for the Ranch to apply for a Conditional Use Permit. She feels that either a Conditional Use Permit should be applied for or the applicant should pursue a Resort Commercial land use designation.

Theresa Castaldi advised that they do not have any reluctance to apply for a Conditional Use Permit, it is a matter of timing.

Mario Marchetti noted that this land is zoned Agricultural Exclusive and State guidelines should be followed. He suggested that the Agricultural Advisory Board could review this matter.

1:43 p.m. Recess

1:56 p.m. Kris Schenk advised that staff is looking for direction or any comments on the determination that he wrote for the Ranch and the request for cabins. Staff is looking for direction to get the ag terms that are causing confusion clarified, and he recommended that a consultant be retained to help with this process.

Following discussion, (M)Turpin, (S)Pickard, direction was given to staff to allow six cabins as a policy for a permitted use at this point; and direction was given for staff to begin the process to amend Title 17 to be in compliance with State law relative to the overnight stay on permitted agritourism operations. County Counsel advised that the direction to Planning to change Title 17 could be a policy direction, without action at this time, as it was not noticed on the agenda. Supervisor Turpin restated his motion, agreeable with the second, to give direction to staff to allow six cabins as an upper limit; and to direct staff to bring Title 17 into compliance with State law. Supervisor Bibby expressed concern that if the Board makes a decision on six as being the allowed number of cabins, that the Agricultural Advisory Board and the Planning Commission would not have an opportunity to provide input on this portion of the issue. Discussion was held. Ayes: Turpin, Fritz, Pickard; Noes: Bibby; Excused: Aborn.

Discussion was held relative to obtaining a consultant to help with the development of specific language and guidelines relative to the agritourism provisions of the Code as recommended. Supervisors Turpin and Pickard suggested that the Yosemite Sequoia Resource Conservation and Development Council be involved in the process; and that a workshop(s) be held with everyone involved, including the Agricultural Advisory Committee, the Planning Commission and others in the industry so that direction could be given to the consultant to help formulate recommendations for the guidelines. Supervisor Bibby suggested including the Agricultural Commissioner and the Farm Advisor and the Mariposa County Farm Bureau, etc. (M)Turpin, (S)Pickard, direction was given for Planning to bring back an agenda item, as a priority, to hire a consultant as recommended; and that a workshop be held to give the consultant guidelines. Further discussion was held. Supervisor Turpin restated his motion, agreeable with the second, to give direction to Planning to bring back an agenda item, as a priority, to hire a consultant to help guide the process to amend the zoning regulations for ag provisions so that they are consistent with the General Plan. Supervisor Pickard asked staff to include in the process the most productive way for the process to proceed, and to include tourism related venues. Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn. Kris Schenk advised that he will bring back information on the process for the Board to approve when the agenda item comes back to the Board to retain a consultant, and the Board concurred.

Consider Items Removed from the Consent Agenda

Item 3 – Supervisor Bibby initiated discussion relative to finding areas to save funds for the unfunded PERS liability, and she suggested that extra help be utilized and that staffing be further reviewed during the mid-year budget review. Rick Benson, County Administrative Officer, advised of his review of the function and he noted that his recommendation saves about \$17,000 a year. (M)Fritz, (S)Turpin, item 3 was approved/Ayes: Turpin, Fritz, Pickard; Noes: Bibby; Excused: Aborn.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)
BOARD ACTION: Rick Benson advised that CalTrans will be having a team meeting to discuss their proposals and plans. Supervisor Pickard asked about the status of looking at an alternative for the bridges with a company that can drop bridges into place. Rick Benson advised that the Public Works Director is still in discussions with this possibility. (M)Fritz, (S)Turpin, Res. 07-470 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

A) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff's Association); Name of County Designated Representative: Richard Bolanos; and

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos

BOARD ACTION: Rick Benson withdrew these closed sessions from the agenda.

2:40 p.m. C) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU (Service Employees International Union); Name of County Designated Representative: Richard Bolanos;

D) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: MCMCO (Mariposa County Managerial/Confidential Organization); Name of County Designated Representative: Richard Bolanos (Richard J. Benson, County Administrative Officer/Personnel/Risk Manager); and

CLOSED SESSION: Public Employee Appointment; Title or Position to be Filled: Appointment of Human Services Director; Government Code Section 54957(b)(1) (County Administrative Officer/Personnel Director/Risk Manager)

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

Vice-Chair Turpin;

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: 2

BOARD ACTION: (M)Turpin, (S)Pickard, this closed session was held/Ayes: Turpin, Fritz, Pickard; Abstained: Bibby; Excused: Aborn.

5:18 p.m. RESULTS OF CLOSED SESSIONS: Chair Bibby advised that information was received from staff on the closed session matters relative to labor negotiations with SEIU and MCMCO. Vice-Chair Turpin advised that direction was given to staff on the closed session relative to anticipated litigation for two cases. Chair Bibby advised that by motion of Fritz, seconded by Turpin, action was taken to appoint James Rydingsword as Human Services Director, by a vote of four ayes, with Supervisor Aborn excused. Rick Benson read the press release regarding the appointment into the record. It was noted that the anticipated start date is October 15th.

CONSENT AGENDA:

CA-1 Approve Budget Action Transferring Funds within the Technical Services Budget to Reflect the Purchase of Outside Email, ftp, and Potential Web Server that was Approved by the Board in August 2007 (\$4,000) (Technical Services Director); Res. 07-460

- CA-2 Authorize the Technical Services Director to Purchase a Central File Server from Dell, Representing Best Value, Not Lowest Price, per Director's Recommendation (Technical Services Director); Res. 07-461
- CA-3 Authorize the Elimination of the Full-time Senior Office Assistant Allocation in the Economic Development Budget and Replace it with a 60% Permanent Part-time Office Assistant II Allocation Effective October 1, 2007 (County Administrative Officer/Personnel/Risk Manager); Res. 07-469
- CA-4 Approve Budget Action Reducing Revenue and Appropriations in the Fire Special Grants Budget and Increasing General Contingency (\$1,984) Due to a Lesser Amount Being Approved by the Department of Forestry and Fire Protection and Authorize the Board of Supervisors Chair to Sign the 2007 Grant Agreement (4/5ths Vote Required) (Fire Chief); Res. 07-462
- CA-5 Approve Budget Action Increasing Revenue and Appropriations in the Fire Protection Budget to Cover Expenses Related to Mutual-aid and Out-of-County Fire Incidents Due to Active Fire Season (\$20,000) (4/5ths Vote Required) (Fire Chief); Res. 07-463
- CA-6 Approve Nursery Inspection Agreement No. 07-0501 for Fiscal Year 2007-2008 with California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 07-464
- CA-7 Approve an Amendment with Tuolumne General Medical Facility Due to Name Change and Authorize the Board of Supervisors Chair to Sign the Amendment (Human Services Director); Res. 07-465
- CA-8 Approve an Amendment with Country Villa Merced Behavioral Health Center Due to Name Change and Authorize the Board of Supervisors Chair to Sign the Amendment (Human Services Director); Res. 07-466
- CA-9 Appoint Alan Wright, Vanessa Holt, Marie Pretzer and Janet Gass to the Mariposa Local Child Care Planning Council for a Term of Three Years Expiring October 2, 2010 (Human Services Director)
- CA-10 Accept the Resignation of Sam and Kathy Hill from the Mariposa County Commission on Aging and the Area Agency on Aging PSA-12 Advisory Board (Community Services Director)
- CA-11 Appoint Claribell and Lee Eddy to Mariposa County Commission on Aging as Member at-Large and to the Area Agency on Aging PSA-12 Advisory Board for a Term of Three Years Expiring October 2, 2010 (Community Services Director)
- CA-12 Approve an Agreement with the Regents of the University of California for University of Cooperative Extension – Mariposa County, Including Mariposa 4-H Clubs and Mariposa Master Gardeners, to Use County Facilities for the Purpose of Conducting Projects, Workshops and Activities and Authorize the Board of Supervisors Chair to Sign the Agreement (Farm Advisor); Res. 07-467
- CA-13 Approval of Summary of Proceedings of September 25, 2007, Regular Meeting (Clerk of the Board)

5:24 p.m. Adjournment

Respectfully submitted,

/s/

MARGIE WILLIAMS,
Clerk of the Board

/s/

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

October 9, 2007

Time _____ Description

9:07 a.m. Meeting called to order at the Mariposa County Government Center with Supervisor Aborn excused. Rick Benson, County Administrative Officer, advised that he spoke with Supervisor Aborn this morning and he is still in the hospital and expects to be released within a couple of days.

Lindsey Crafts, Evergreen 4-H Club member, led in the Pledge of Allegiance.

Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: (M)Turpin, (S)Fritz, all items were approved/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

Chair Bibby;

Proclaim the Week of October 7-13, 2007 as "National 4-H Week" (Farm Advisor)

BOARD ACTION: (M)Fritz, (S)Turpin, the Proclamation was approved and presented to Karen Robb, Farm Advisor/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn. Karen Robb advised that Donna Wice was unable to be present due a family emergency. She commended everyone involved in the 4-H program and she introduced Jennifer Lyons, the new 4-H State Ambassador. Jennifer Lyons provided input on the State Ambassador program.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Jim Allen introduced his mother, Poo Poole and his wife, Lee Ann Allen; and he announced his retirement as Sheriff/Coroner/Public Administrator effective December 31, 2007. He recommended that the Board fill the vacancy with Undersheriff Brian Muller and that this be placed on the agenda as soon as possible.

Heidi Peterson, Local Government and Community Relations Representative for UC Merced, presented informational packages on UC Merced and stated she would like to organize a VIP tour for the County of their facilities.

Ruth Sellers stated she was surprised that action was taken on the agritourism item on the October 2nd agenda since the matter was shown on the agenda for discussion and direction.

MaryAnn Huff, Chamber of Commerce President, advised that the Chamber will hold a luncheon on October 25th at the Hotel Jeffery with Tom Porter being the guest speaker.

Board Information

Supervisor Fritz advised that she attended the Gateway meeting in Yosemite on October 4th. She attended the meeting in Yosemite on Saturday on the Merced River Plan. She plans to attend the San Joaquin Rail meeting on Thursday, the Natural Resources Summit in Tuolumne on October 12th, the

YARTS meeting at the Government Center on October 15th, and the San Joaquin Valley Regional Association of California Counties conference at Bass Lake.

Supervisor Turpin advised that he attended several events on Saturday – the Contractors’/Home Show at the Fairgrounds, the Airport Fly-In, and the Farm Bureau dinner. On Monday he attended the Greeley Hill Community Club and the Coulterville Community Club meetings. On Wednesday he plans to attend the monthly meeting with the Forest Service and attend the Red Cloud Library meeting. On Friday he plans to attend the Natural Resources Summit at the Sonora Fairgrounds.

Supervisor Bibby commented on all of the events held over the weekend, including the Farm Bureau dinner and the Hornitos Flea Market; and she noted that an 80th birthday celebration was held for Fred Wackerman on Saturday. She attended the Contractors’/Home Show and the Airport Fly-In. She advised that CalTrans is looking at November 28th in Mariposa and 29th in El Portal as tentative dates for public meetings on the scoping document for the Ferguson Rockslide project.

Dana Hertfelder, Public Works Director;

Select and Approve the Public Member Position for the Mariposa County Solid Waste AB 939 Local Task Force, Select Board Membership, Confirm the Membership and Direct Staff to Proceed with Convening the Group

BOARD ACTION: Discussion was held with Dana Hertfelder. Supervisor Pickard suggested that the Task Force include a representative of the School District. (M)Pickard, (S)Fritz, the following appointments were made: Ruth Catalan/public member; Supervisors Turpin and Pickard; and the following membership was confirmed: Dana Hertfelder and Steve Engfer/Public Works; Brian Hodge/Health Department; Mark Gallagher/Delaware North Company; Tony Brochini/National Park Service; and Fred Youngren/Total Waste; and direction was given to staff to bring back an item to amend the Task Force to include a representative of the School District/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)

BOARD ACTION: Rick Benson advised that he was unable to participate in the CalTrans’ conference call/meeting with their Project Development Team on Thursday due to a conflict. Supervisor Bibby reported on the meeting and the status of the alternatives for the rockslide project – alternatives E, R, and T-2 have been recommended to be dropped. She advised that the Team reviewed the possibility of having an observation site and the space is not available to build something. Discussion was held. Supervisor Turpin advised of a suggestion that he received for realigning the bridges as an interim measure if the permanent fix gets delayed. Supervisor Pickard noted the need to build something that would withstand a possible catastrophic slide in the future. Supervisor Fritz commented on problems with people running the red signal lights and with trying to cross the bridges in small motorhomes; and she suggested that a censor light be installed. Supervisor Bibby noted the need to protect the access to the Park as this is land that was set aside for all to enjoy as well as the need to have full access for health and safety reasons. Supervisor Turpin asked the County Administrative Officer to check with CHP (California Highway Patrol) to make sure that all incidences that are reported, including those to CalTrans, are documented. (M)Turpin, (S)Fritz, Res. 07-477 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

Select the California State Association of Counties (CSAC) Director and Alternate(s) for 2008 (Supervisor Fritz)

BOARD ACTION: (M)Turpin, (S)Pickard, Supervisor Fritz was selected as the Director. The motion was amended by the second, agreeable with the maker, to include the selection of the remaining four Board members as alternates/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

INFORMATION – No action was necessary on the following:

Informational Report of Liability Claims Rejected by the County Administrative Officer/Risk Manager for the Month of September 2007 (County Administrative Officer/Personnel/Risk Manager)

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Mariposa Parking District Parking Lots; Agency Negotiator: Thomas P. Guarino; Closed Session will Concern Price and Terms of Lease/Purchase (County Counsel)

BOARD ACTION: At the request of County Counsel, this closed session was rescheduled for October 16th.

A) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff's Association); Name of County Designated Representative: Richard Bolanos;

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos;

C) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU (Service Employees International Union); Name of County Designated Representative: Richard Bolanos; and

D) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: MCMCO (Mariposa County Managerial/Confidential Organization); Name of County Designated Representative: Richard Bolanos (Richard J. Benson, County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: At the request of the County Administrative Officer, these closed sessions were withdrawn from the agenda.

10:10 a.m. Recess

11:05 a.m. Vice-Chair Turpin;

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

BOARD ACTION: (M)Turpin, (S)Pickard, the closed session was held/Ayes: Turpin, Fritz, Pickard; Abstained: Bibby; Excused: Aborn.

12:56 p.m. RESULTS OF CLOSED SESSION: Vice-Chair Turpin advised that direction was given to staff as a result of the closed session.

CONSENT AGENDA:

CA-1 Approve the Children's Medical Services (CMS) Plan and Budget Justification for Fiscal Year 2007-2008 in the Amount of \$39,418 for California Children's Services (CCS), \$86,538 for Child Health and Disability Program (CHDP), and \$16,250 for the Health Care Program for Children in Foster Care (HCPCFC) and Authorize the Board of Supervisors Chair to Sign the CHDP and CSS Children's Medical Services Certification Statements for Fiscal Year 2007-2008 (Health Officer); Res. 07-471

CA-2 Approve the Grant Agreement for October 1, 2007 to September 30, 2008 with Friday Night Live Partnership and the Tulare Superintendent of Schools for the Friday Night Live Mentoring Program for Compliance with the "No Child Left Behind Act", Title IV-21st Century Schools and all Applicable Regulations and Federal Guidelines and

Authorize the Board of Supervisors Chair to Sign the Agreements (Human Services Director); Res. 07-472

- CA-3 Approve an Amendment to Lease with Wisteria Arbors Rental due to a Rate Increase and Authorize the Board of Supervisors to Sign the Amendment (Human Services Director); Res. 07-473
- CA-4 Amend Resolution No. 07-315 by Designating the Office Assistant (Receptionist) Classification in Administration as a Confidential Position Effective October 1, 2007 (County Administrative Officer/Personnel/Risk Manager); Res. 07-474
- CA-5 Approve the Following Winter Hours for Bassett Wawona Library: Effective as of Today's Date through Memorial Day 2008, Monday-Friday 12p.m.-5p.m. and Saturday 10a.m.-3p.m. (Librarian); Res. 07-475
- CA-6 Approve an Amendment to the Assessment-Recording Clerk III Job Description to Include "Typical Working Conditions" and "Typical Physical Requirements" Effective October 1, 2007 (County Administrative Officer/Personnel/Risk Manager); Res. 07-476
- CA-7 Approval of Summary of Proceedings of October 2, 2007, Regular Meeting (Clerk of the Board)

12:57 p.m. Adjournment in memory of Marshall Hubert "Hub" Saulman and June Wigely Chapman.

Respectfully submitted,

/s/

MARGIE WILLIAMS,
Clerk of the Board

/s/

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

October 16, 2007

Time Description

9:10 a.m. Meeting Called to Order at the Mariposa County Government Center with Supervisor Aborn excused.

Pledge of Allegiance

Introductions

Chair Bibby introduced James “Jim” Rydingsword, the new Human Services Director. Jim Rydingsword thanked the Board and the County Administrative Officer for the courtesy and professionalism displayed through the selection process for the position, and he stated he is happy to be here.

Chair Bibby acknowledged Dick Hutchinson’s presence at the meeting.

Approval of Consent Agenda (See Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Input from the public was provided by the following:

Paul Chapman referred to items 5 and 8 and stated he does not feel that the Arts Council should be funded, and those funds should be used to rebuild the Arts Park restrooms.

Eleanor Keuning referred to items 9 and 10 and she thanked Ollie Slane for his service on the Historic Sites and Records Preservation Commission and she thanked the new members for their willingness to serve.

Bob Brown referred to item 5 and advised that they are actively seeking restitution for the restroom through court proceedings.

(M)Pickard, (S)Turpin, all items were approved/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

Chair Bibby;

Proclaim the Week of October 23-31, 2007 as “Red Ribbon Week” (Sheriff)

BOARD ACTION: (M)Turpin, (S)Fritz, Res. 07-485 was adopted proclaiming “Red Ribbon Week” and the Proclamation was presented to Undersheriff Brian Muller/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn. Undersheriff Muller provided input on their activities and on the history of the event.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda.

Paul Chapman provided input on the drug problem in the United States; and he stated he feels the Certified Local Government program needs to be pursued to protect the historic barns in the County.

Eleanor Keuning stated she is thankful for the installation of the left-turn lane on Highway 49 South for Darrah Road; and she suggested that there should be left-turn arrows on the turn lane installed

on Highway 140 for the Oaks and Hornitos Road. Supervisor Bibby advised that she will advise CalTrans of the concern; and she advised of an upcoming project for the lower bridge on Highway 140 West.

Board Information

Supervisor Turpin advised that he has been assured that work will be done on J132 to repair damages sustained when it was used as a detour route in 2006 when Highway 120 was closed. He attended the Friends of the Red Cloud Library meeting on Wednesday; and he gave the Grand Jury a tour of facilities in the North County on Thursday. He plans to attend the San Joaquin Valley Regional Association of California Counties conference this Thursday and Friday at Bass Lake.

Supervisor Pickard advised that he attended the California Resource Conservation and Development Council fall conference the first week of October – discussion was held on the sustainability of organizations; and he was selected as President of the Association. He advised that the Yosemite/Sequoia Resource Conservation and Development Council will hold workshops in the coming year on sustainability, and they are working to expand the agritourism programs. He plans to attend the San Joaquin Valley Regional Association of California Counties conference and he will be making a report as a member of the Biodiversity Council at the conference.

Supervisor Fritz acknowledged the passing of Joan Gloor this past week and advised of the memorial service that will be held. She attended the High Speed Rail meeting in Bakersfield on Thursday; the Natural Resource Summit on Friday – there was a presentation by CAL FIRE on the importance of brush clearance for fire protection; and the YARTS meeting on Monday. She plans to attend the San Joaquin Valley Regional Association of California Counties conference. She advised that one of Happy Burger’s employees was killed over the weekend, and she thanked the Sheriff’s Department and the Happy Burger employees for their assistance in the search for the bicyclist.

Rick Benson advised of his conversation with Supervisor Aborn on Monday – he is at home and is beginning physical therapy and he is hoping to be able to come in next week. He is following the agenda during the Board meetings.

Supervisor Bibby advised that she plans to attend the Mother Lode Job Training meeting in Sonora on Wednesday, and they are interested in obtaining CDBG grant funding for their programs. She advised that CalTrans is still targeting November 28th (Mariposa) and November 29th (El Portal) for their public meetings relative to the alternatives for the Ferguson rockslide.

9:43 a.m. LOCAL TRANSPORTATION COMMISSION

(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Dianne Fritz)

A) Public Presentation – None

B) Approve the Appointment of Social Services Technical Advisory Council (SSTAC) Members (Public Works Director)

COMMISSION ACTION: Discussion was held with Dana Hertfelder, and he advised that they will continue to recruit for the remaining vacancies.

Input from the public was provided by the following:

Eleanor Keuning asked whether the recruitment for the vacancies is for various areas of the County; and she asked about the status of previous discussion of including youth representation on the committee.

Dana Hertfelder advised of the membership categories. (M)Fritz, (S)Bibby, Debbie Smith, Georgene Tarbox and Mary Williams were reappointed; and Karen Briese, Dick Whittington and Kurt Silva were appointed. Supervisor Pickard commented on the previous request for youth to be involved in the committees and advised that he would support seeing if there is an interest in this. Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

10:02 a.m. Dana Hertfelder, Public Works Director;
PUBLIC HEARING to Adopt a Negative Declaration for the Proposed Extension of 2nd, 3rd, 4th and 5th Streets in the Town of Mariposa; Applicant: Manzanita Estates, LLC (Continued from October 2, 2007)
BOARD ACTION: Dana Hertfelder presented the staff report, including the environmental review; and he advised that this also involves the construction of another street that connects these streets. He advised that the only comments received on this project were from Fish and Game and from the Planning Department; and he provided input on the encroachment permit process. He responded to questions from the Board relative to the requirement for a botanical study; costs for the project being born by the applicant; relative to the encroachment permit process; whether drainage concerns were addressed; whether these are existing road easements; and relative to the utility easements and impacts on existing roads. Dana Hertfelder noted that the extension of these roads have not been accepted by the County for maintenance.

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

Dieter Dubberke, applicant, commented on the processing of this project and the additional costs incurred because of the timeframes in trying to comply with all of the requirements. He stated he feels good about his experience in working with the County departments.

Eleanor Keuning stated she is not opposed to the project, but has questions. As a member of the Historic Sites and Records Preservation Commission, she asked if the Native American group was consulted; and she asked about a previous proposal to connect Jones Street to Highway 49 South.

Paul Chapman stated he thought that 2nd Street was supposed to connect to Highway 49 South and it never occurred. He does not remember these right-of-ways and they have not been used for over fifty years; and he feels that the State considers them to be abandoned after eighteen years of non-use. He expressed concern with addressing construction impacts and compliance with County Code Section 12.12; and he questioned whether the applicant has deposited funds with the County to cover project processing costs.

Ruth Catalan questioned how many units will be constructed and whether impacts on fire, police, water and sewage have been addressed.

Ruth Sellers stated she does not oppose the project, but has questions. She asked whether the easements were recorded as County property; she asked why County personnel and equipment is being used for this project; questioned whether previous mining activity impacts have been evaluated; and she questioned whether all of the environmental concerns have been addressed. She feels this project should require a full CEQA review.

Dana Hertfelder responded to the questions – a cultural resources study was done for this project; there are no plans to connect the roads questioned with Highway 40 South; a title search of the easements show that they are existing County road easements; the County is not doing the construction – it will be performed by a private contract with the developer; the Mariposa Mine is located on another parcel; and he noted that these are existing lots and that is why this is not a subdivision project. He advised that Public Works did not collect a deposit for processing this application – it is being handled through their normal process where costs are billed after the processing is completed. Supervisor Bibby asked for clarification of involvement of MPUD. Thomas P. Guarino, County Counsel, advised that he supports the Public Works Director's statements relative to the easements.

Ruth Sellers asked again whether these easements were recorded as County property. Dana Hertfelder responded that he does not know. County Counsel advised that this would be a question for the Assessor.

Dave Lawson, applicant, provided input on the Title Company's research and their location of a grant deed from 1951 with a specific grant to the County from Mariposa Mining.

Staff responded to a question from the Board and clarified that all of staff's time on this project will be billed to the applicant. The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to additional questions from the Board relative to the recommended action and request for direction on processing the encroachment permit. Supervisor Pickard suggested that direction be given to Public Works to process the encroachment permit without bringing it back to the Board, contingent on County Counsel's approval. Chair Bibby questioned whether the Board could include this direction in its action since it was not listed in the agenda item. County Counsel stated he feels that Public Works is looking for a sense of direction from the Board and the Board's comments

could be taken into account in the processing. The action should be on the Negative Declaration. (M)Fritz, (S)Pickard, Res. 07-486 was adopted adopting a Negative Declaration and supporting environmental documentation as recommended/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)
BOARD ACTION: Supervisor Turpin noted that the commercial traffic is using alternate routes through the North County and the impacts to those roads need to be considered. Following discussion, (M)Fritz, (S)Turpin, Res. 07-487 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

Chair Bibby noted that staff is recommending that the 2:00 p.m. public hearing for the Seventh Day Adventist (SDA) Camp Wawona Redevelopment Project be continued to November 6th.

Approve Letter to the Sierra National Forest Supervisor Requesting that the Response Period for Off Highway Motorized Vehicle Travel Management Plan and Recreation Facility Analysis Plan be Extended (Supervisor Pickard)

BOARD ACTION: At Supervisor Pickard's request, this matter was continued to October 23rd.

Discussion and Possible Action Regarding Canceling the Board's Regularly Scheduled Meeting of November 20, 2007 (Chair Bibby)

BOARD ACTION: Following discussion, (M)Turpin, (S)Fritz, Res. 07-488 was adopted canceling the meeting for November 20th/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

10:44 a.m. MARIPOSA COUNTY BOARD OF SUPERVISORS/MARIPOSA PARKING DISTRICT

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Mariposa Parking District Parking Lots; Agency Negotiator: Thomas P. Guarino; Closed Session will Concern Price and Terms of Lease/Purchase (County Counsel)

BOARD ACTION: Input from the public was provided by the following:

Dick Hutchinson asked whether this closed session matter includes the two parking lots in town; and he was advised that it does.

(M)Fritz, (S)Pickard, the closed session was held/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

11:33 a.m. RESULTS OF CLOSED SESSION: Chair Bibby announced that the Board authorized County Counsel to explore options with the landowners for leasing the parking lots.

11:34 a.m. Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

A) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff's Association); Name of County Designated Representative: Richard Bolanos;

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos;

C) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU (Service Employees International Union); Name of County Designated Representative: Richard Bolanos; and

D) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: MCMCO (Mariposa County Managerial/Confidential Organization); Name of County Designated Representative: Richard Bolanos

BOARD ACTION: (M)Fritz, (S)Turpin, the closed sessions were held for labor negotiations with SEIU and MCMCO/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn. Supervisor Bibby excused

herself from the meeting at 11:35 for action to be taken on holding the closed sessions for labor negotiations with DSA and SMA due to a potential conflict of interest with her family members being in these bargaining units and she has a financial tie with these family members; and she excused herself from the closed session for these matters. (M)Fritz, (S)Pickard, the closed sessions were held for labor negotiations with DSA and SMA/Ayes: Turpin, Fritz, Pickard; Excused: Aborn and Bibby.

1:03 p.m. RESULTS OF CLOSED SESSION: Chair Bibby announced that the closed session items for labor negotiations with SEIU and MCMCO were not needed and were not held. Announcements from the other closed session matters will be made later in the meeting.

1:04 p.m. – LUNCH

2:04 p.m. Kris Schenk, Planning Director;
PUBLIC HEARING for the Seventh Day Adventist (SDA) Camp Wawona Redevelopment Project
(Continued from August 14, 2007) (Deliberation Phase)

NOTE: STAFF RECOMMENDS THE PUBLIC HEARING BE CONTINUED TO TUESDAY, NOVEMBER 6, 2007 AT 2:00 p.m.

The Project Consists of the Following:

A) Specific Plan/Zoning Text Amendment No. 2002-345: A text amendment to change the Wawona Town Specific Plan, to create a new conditional use designation for “Organizational Recreation Camp”, a new conditional use in the Mountain Residential Land Use and Zone. The Board of Supervisors will also consider a recommended amendment to the Specific Plan lot coverage standards for the Mountain Residential Land Use and Zone to clarify applicability to this project.

B) Conditional Use Permit No. 2002-246: A proposed permit to conditionally approve the proposed phased redevelopment plan for the Seventh Day Adventists’ organizational recreation camp, which includes demolition of existing camp buildings and facilities and construction of new buildings and facilities and associated site work on the camp’s existing property.

C) Environmental Impact Report No. 2002-292: The Environmental Impact Report (EIR) must be certified with mitigation measures to approve the project as recommended.

The project applicant is the Central California Conference of Seventh Day Adventists (CCCSDA).

Camp Wawona, an existing camp facility, is located on two parcels of privately owned land in the southeastern corner of Section 35 of Township 4 South, Range 21 East Mount Diablo Base & Meridian, inside Yosemite National Park, within the community of Wawona in Mariposa County. APN 010-280-009, a 30.45 acre parcel is the last privately owned parcel at the southeastern end of Forest Drive (8110 Forest Drive) and the parcel on which the redevelopment activity is proposed. APN 010-280-010, a 1.768 acre parcel is located on the north side of Forest Drive, between Forest Drive and the South Fork of the Merced River. Access to the site is from Forest Drive.

BOARD ACTION: Kris Schenk advised that the applicant is okay with the recommended November 6th continued date for the hearing; and it will take staff that long to have the materials available for the project. Chair Bibby asked whether public input needs to be taken on continuing the hearing; and County Counsel advised that it does not. (M)Pickard, (S)Fritz, the public hearing was continued to November 6, 2007, at 2:00 p.m. at the Government Center/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

2:07 p.m. Supervisor Bibby excused herself from the meeting for the following announcement.

RESULTS OF CLOSED SESSION: Vice-Chair Turpin announced that direction was given to staff relative to labor negotiations with DSA and SMA.

CONSENT AGENDA:

- CA-1 Approval of Summary of Proceedings of October 9, 2007, Regular Meeting (Clerk of the Board)
- CA-2 Approve the Sudden Oak Death (SOD) Program Agreement No. 07-0439 for Fiscal Year 2007-2008 with California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 07-478
- CA-3 Approve Budget Action Transferring Funds within the Public Works Administration Budget to Allow Conversion from Pervasive SQL Software to Microsoft SQL Software and to Purchase a New Desk for the Senior Office Assistant (\$11,400) (Public Works Director); Res. 07-479
- CA-4 Approve Budget Action for Fleet Services Increasing Revenue for Fire Equipment Repairs by (\$144,961) and Increasing Various Expense Line Items to Cover the Cost of those Repairs (4/5ths Vote Required) (Public Works Director); Res. 07-480
- CA-5 Approve Budget Action Decreasing General Contingency to Cover the Cost of Rebuilding the Arts Park Restroom (\$35,000) (4/5ths Vote Required) (Public Works Director); Res. 07-481
- CA-6 Approve Budget Action Increasing Revenue and Appropriations in the District Attorney's Vertical Prosecution Elder Abuse Budget Extending the Grant Ending September 30, 2007 that were Inadvertently Omitted in the 2007-2008 Fiscal Year for the Extension (\$2,009) (4/5ths Vote Required) (District Attorney); Res. 07-482
- CA-7 Accept Household Hazardous Waste Grant 16th Cycle Countywide Coordination Grant; and Approve a Professional Services Agreement with R-3 Consulting in the Amount not to Exceed \$7,000 to Assist in the Implementation of the Household Hazardous Waste Coordination Grant; and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 07-483
- CA-8 Approve an Agreement with Mariposa Arts Council and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 07-484
- CA-9 Accept the Resignation of Ollie Slane from the Historic Sites and Records Preservation Commission Representing the Northern Mariposa County History Center (Supervisor Turpin)
- CA-10 Appoint John Shimer to the Historic Sites and Records Preservation Commission and Charlotte Barrett-White as Alternate, to the Historic Sites and Records Preservation Commission, both Representing the Northern Mariposa County History Center (Supervisor Turpin)

2:09 p.m. (M)Turpin, (S)Fritz, the Board adjourned in memory of Corinne “Rene” Natalie Thompson, Willa Morrissey-Knox, Joan Gloor, and Norman Tablett/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

Respectfully submitted,

/s/

MARGIE WILLIAMS,
Clerk of the Board

/s/

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS OCTOBER 23, 2007

Time _____ Description

9:12 a.m. Meeting called to order at the Mariposa County Government Center, and Supervisor Aborn was welcomed back.

Pledge of Allegiance
Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Supervisor Turpin pulled items 1 and 6. (M)Aborn, (S)Pickard, the balance of the items was approved/Ayes: Unanimous.

Item 1 – Supervisor Turpin commended John Swanson for his service and advised that he plans to present the resolution to him at an event scheduled for Monday in Groveland. (M)Turpin, (S)Fritz, item 1 was approved/Ayes: Unanimous.

Item 6 – Supervisor Turpin thanked the members for their willingness to serve on the Coulterville Cemetery Ad Hoc Committee. (M)Turpin, (S)Aborn, item 6 was approved/Ayes: Unanimous.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Ken Gosting, TIE (Transportation Involves Everyone), commended the Park Service for moving forward with the project to repair the section of El Portal Road from the Big Oak Flat intersection to the Pohono Bridge, and he advised that construction is scheduled to begin in two weeks. He commended the media for carrying stories on this project and other agencies/associations for their support. He presented information on the increase in visitation to Yosemite National Park. He presented a card to Supervisor Aborn with a ride certificate for the bucking bull at Big Bubba's Bad BBQ in Merced.

Dick Hutchinson referred to his conversation with the Fire Chief; and he provided input on the importance of the insurance/ISO ratings and of supporting the Fire Department. He stated he supports approving the one percent tax increase that the Tourism Bureau is pursuing, and he feels the funding currently provided to the Bureau should be used for the Fire Department. He feels this is an urgency item. Rick Benson, County Administrative Officer, advised that he is planning to make a report to the Board in November on the overall plan for the Fire Department.

Jim Wilson, Fire Chief, advised of the resources being sent to the Southern California to help with the fires. He advised of a fire that occurred in Midpines on Monday. Supervisor Turpin noted the need to support the families that have sent members to Southern California to help fight the fires.

Paul Chapman reiterated his previous comments that he feels the County needs to get rid of the "deadwood" and use the savings for the Fire Department and the Sheriff Department and for the unfunded PERS liability.

Bob Brown, District Attorney, advised that a final restitution hearing was held for the restroom at the Arts Park and the juvenile was ordered to pay for the damages.

Eleanor Keuning thanked the Board for listening to input from the public. She questioned the signage for the Rite Aid which includes advertisement for 1-hour photo and drive-through food mart. Chair Bibby advised that she will pass this concern along to the Building and Planning Departments. Eleanor invited Board members to attend an upcoming Kiwanis' meeting where their guest speaker, Ed Johnson, will speak on conflict resolution and meditation.

Chair Bibby noted that October 30th is a fifth Tuesday; thus, the Board will not hold its meeting.

Laurel Siebecker noted that her husband has been a volunteer firefighter for about 35 years (25 years in San Mateo and ten years here) and she feels it is important to support the Fire Department and to have better fire protection in the Bridgeport/Yaqui Gulch area. She feels that subdivisions should not be allowed to occur with narrow road access.

Mary Ann Huff commented on the fire dangers in the County with the mountains and the brush; and she stated there should be more effort in clearing the brush.

Ruth Catalan stated she feels the exportation of water from the County needs to be stopped.

Board Information

Supervisor Fritz advised that she attended the San Joaquin Valley Regional Association of California Counties conference at Bass Lake, along with Supervisors Turpin and Pickard; and she provided input on the conference, including the "cow to power" program by PG&E.

Supervisor Pickard commended Supervisor Aborn for being present following his recent accident, and Supervisor Fritz following her recent illness. He provided input on the San Joaquin Valley Regional Association of California Counties conference, including creative programs with PG&E, dealing with gases from dairies and landfills, and the presentation of the personnel recruitment/retention program used by Riverside County.

Supervisor Aborn stated he is very happy to be back and he thanked everyone for their support. He commented that he feels that lot splits and development need to be carefully reviewed to alleviate fire dangers.

Supervisor Turpin provided input on the San Joaquin Valley Regional Association of California Counties conference; and he noted that health care and water issues are key topics of discussion. He noted that there were presentations on the recruitment/retention program used by Riverside County, law enforcement efforts with eradicating the marijuana gardens, the "cow to power" program, the extensive processing timeframes for aggregate permits, and he noted the substantial reduction in air pollution in the San Joaquin Valley Air Control District. He plans to hold a District II meeting at the Fire House in Coulterville on Thursday.

Supervisor Bibby commented on the health and safety issues that have been raised in the discussions relative to the Southern California fires; and she commented on the air pollution issues. She attended the Mother Lode Job Training meeting on Wednesday and they plan to submit an application for CDBG grant funds. She noted that the Annual Firefighter Association Picnic is scheduled for Sunday. She plans to attend the town hall meeting on October 24th for discussion relative to disability access for the community. She advised that the Catheys Valley Elementary School is holding its Fall Festival event on Sunday afternoon.

Supervisor Fritz;

Discussion and Direction Regarding the Possible Adoption of an Ordinance Adding a New Chapter to the County Code Entitled "Social Host Accountability"

BOARD ACTION: Supervisor Fritz initiated discussion and she advised that the draft ordinance has been reviewed by other agencies and the Sheriff and the District Attorney. Bob Brown provided input on the proposal and advised that his goal is to protect our children.

Input from the public was provided by the following:

Eleanor Keuning provided input on the Kiwanis' recent development of a policy relative to sponsoring and/or participating in events where alcohol is served. They do not feel that if children are present that alcohol should be served.

Ruth Catalan provided input and questioned whether this ordinance would apply to all events. She noted that prohibition did not work, and she feels there should be more emphasis on education.

Following discussion, (M)Pickard, (S)Fritz, direction was given to staff to bring the Ordinance back for amendment to the County Code/Ayes: Unanimous.

11:00 a.m. Recess

11:21 a.m. The Board reconvened with Supervisor Aborn excused for the rest of the meeting.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)

BOARD ACTION: Rick Benson advised that CalTrans has set their public hearings for Wednesday, November 28th at 6 p.m. at the Government Center and for Thursday, November 29th at the El Portal Community Hall, to take input on the options for the permanent fix for the Ferguson Rockslide. Chair Bibby advised that CalTrans has tentatively scheduled a Planned Development Team meeting for November 13th in the afternoon.

Input from the public was provided by the following:

Ken Gosting, representing TIE, presented the Board with copies of the U.S. Geological Survey, entitled "Simulations of Potential Runout and Deposition of the Ferguson Rockslide, Merced River Canyon, California." He suggested that the Board invite its author Roger Denlinger to a Board meeting to explain the report. Discussion was held and Ken was thanked for providing the report.

(M)Fritz, (S)Turpin Res. 07-494 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

Approve Letter to the Sierra National Forest Supervisor Requesting that the Response Period for Off Highway Motorized Vehicle Travel Management Plan and Recreation Facility Analysis Plan be Extended and Approve Response to Plans (Supervisor Pickard)

BOARD ACTION: Following discussion, (M)Fritz, (S)Turpin, Res. 07-495 was adopted approving the letter/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

Approve Professional Service Agreement with Liebert Cassidy Whitmore for Legal Services and Authorize the Board of Supervisors Vice-Chair to Sign the Agreement (Supervisor Turpin – Vice-Chair)

BOARD ACTION: Input from the public was provided by the following:

Paul Chapman questioned if it is necessary to spend another \$30,000 for this law firm.

Ruth Catalan asked what the contract is for, how much it is going to cost, questioned why Vice-Chair Turpin scheduled the matter versus Chair Bibby, and asked why County Counsel left the meeting.

(M)Turpin, (S)Pickard, Res. 07-496 was adopted approving the agreement/Ayes: Turpin, Fritz, Pickard; Abstained: Bibby; Excused: Aborn.

Approval of Summary of Proceedings of October 16, 2007, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Fritz, (S)Turpin, the minutes were approved/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

Approval of Minutes of December 5, 2006, Regular Meeting; Approval of Minutes of December 6, 2006, Meeting Continued from December 5, 2006; Approval of Minutes of December 18, 2006, Meeting Continued from December 12, 2006; (Clerk of the Board)

BOARD ACTION: (M)Fritz, (S)Turpin, the minutes were approved/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

A) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff's Association); Name of County Designated Representative: Richard Bolanos;

B) **CLOSED SESSION:** Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos;

C) **CLOSED SESSION:** Conference with County Labor Negotiator; Name of Employee Organization: SEIU (Service Employees International Union); Name of County Designated Representative: Richard Bolanos; and

D) **CLOSED SESSION:** Conference with County Labor Negotiator; Name of Employee Organization: MCMCO (Mariposa County Managerial/Confidential Organization); Name of County Designated Representative: Richard Bolanos (Richard J. Benson, County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rich Benson, County Administrative Officer, withdrew these closed sessions from the agenda.

11:48 a.m. – The Board recessed for lunch, and Chair Bibby advised that it would reconvene at 5:00 p.m.

2:06 p.m. Kris Schenk, Planning Director;
LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting (See Separate Minutes)

5:00 p.m. Supervisor Turpin, Vice-Chair;

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: 2

BOARD ACTION: (M)Turpin, (S)Fritz, the closed session was held/Ayes: Turpin, Fritz, Pickard; Abstained: Bibby; Excused: Aborn.

5:40 p.m. RESULTS OF CLOSED SESSION: Vice-Chair Turpin announced that direction was given to staff as a result of the closed session.

CONSENT AGENDA:

- CA-1 Approve a Resolution Recognizing John Swanson for his Service as District Ranger for the Groveland District, Stanislaus National Forest Service (Supervisor Turpin); Res. 07-493
- CA-2 Approve Rental Agreement with the Fair Agricultural Association for Use of the Building on October 11, October 23 and November 15, 2007 to Hold Mass Influenza Immunization Clinics this Season (Health Officer); Res. 07-489
- CA-3 Adopt a Resolution Establishing the Tax Rate on the Yosemite High School Bond for the Secured Property Tax Roll of 2007-2008 (Auditor); Res. 07-490
- CA-4 Adopt a Resolution Establishing the Tax Rate on the Bass Lake Joint Elementary School District Bond for the Secured Property Tax Roll of 2007-2008 (Auditor); Res. 07-491
- CA-5 Adopt a Resolution Adopting the Tax Rate for the Secured Property Tax Roll for the 2007-2008 Fiscal Year (Auditor); Res. 07-492
- CA-6 Appoint John Shimer, Gail Tyler and Allen Haigh to Fill Vacancies on the Coulterville Cemetery Ad Hoc Committee with Terms Expiring October 23, 2010 (Supervisor Turpin)

5:41 p.m. Adjournment in memory of Arline Marjorie “Marge” Fitzgerald and Barbara Jean Good.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

November 6, 2007

Time Description

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

Pledge of Allegiance
Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Input from the public was provided by the following:

Joe Simon provided input relative to item 8 and his involvement with the Catheys Valley Town Planning Area Advisory Committee; and he provided letters of support from Jim Eppler, Chairman of the Committee, and Tracy Guenthart, member of the Committee, urging support of the agreement with Hauge Brueck Associates.

Eleanor Keuning referred to item 19 and advised that she is still concerned with ingress and egress to Mariposa if Highways 41 and 140 are not passable – she suggested that Old Highway and Ben Hur Roads be improved.

Robert Brockman urged support of item 8.

Judy Huffman, member of the Catheys Valley Town Planning Area Advisory Committee, urged support of item 8.

Supervisor Turpin pulled items 8, 10, 11, and 19. (M)Fritz, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Item 8 – Supervisor Turpin initiated discussion relative to the status of the workload in Planning. Kris Schenk, Planning Director, provided input and advised that he will bring back a schedule. (M)Turpin, (S)Aborn, item 8 was approved/Ayes: Unanimous.

Items 10 and 11 – Gail Neal, Chief Probation Officer, responded to questions relative to these items. (M)Turpin, (S)Pickard, item 10 was approved/Ayes: Unanimous. (M)Turpin, (S)Aborn, item 11 was approved/Ayes: Unanimous.

Item 19 – Joel Bibby, Sheriff's Captain, responded to questions relative to this item. (M)Aborn, (S)Turpin, item 19 was approved/Ayes: Unanimous.

Discussion and Possible Appointment Regarding Filling the Vacancy of the Sheriff/Coroner/Public Administrator Effective January 1, 2008 (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held.

Input from the public was provided by the following:

Dick Hutchinson stated he supports the appointment of Brian Muller.

Paul Chapman stated he supports the appointment of Brian Muller.

(M)Aborn, (S)Fritz, Res. 07-515 was adopted appointing Brian Muller as Sheriff/Coroner/Public Administrator as recommended. The motion was amended, agreeable with the maker and second for the appointment to be effective on January 1, 2008/Ayes: Unanimous. Brian Muller, Undersheriff, thanked the Board, Sheriff Allen, and the members of the community who have shown their support.

Supervisor Pickard;

Approve and Present Letter of Recognition to Jennifer Lyons for Attaining her 4-H State Ambassador Achievement

BOARD ACTION: Becky Crafts, 4-H project leader and Community Club Leader for Evergreen, thanked the Board for supporting 4-H; and she noted the importance of the support of families and advised that Jennifer's mother, Kathy, was present. Donna Wice, 4-H Coordinator, provided information on the State Ambassador program and congratulated Jennifer Lyons on her achievement. (M)Pickard, (S)Fritz, the letter of recognition was approved and presented to Jennifer Lyons/Ayes: Unanimous. Jennifer Lyons provided input on her 4-H experiences and introduced her mother.

9:49 a.m. Recess

10:02 a.m. The public hearings for the CDBG grant and for the Don Pedro Equestrian and Equestrian Easement were opened and continued until after the following matters.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Dick Hutchinson commented on the growing concern with MRSA (Methicillin Resistant Staphylococcus Aureus) – staph; and he suggested that the Health Officer provide information on this. He also stated he feels that the County Fire Department needs should be addressed.

Board Information

Supervisor Aborn stated he did not attend the rally in the Art Park on climate change; however, he heard it was a success and this type of event has a positive impact for the businesses by drawing tourists. He provided input on the status of the High Speed Rail comment period.

Supervisor Turpin thanked the Board of Directors for the Red Cloud Library and its supporters for their work to construct a new facility. He thanked CalTrans for progressing with the repairs on Greeley Hill and Smith Station Roads as a result of those roads being used as detours during the Highway 120 closure. He advised that he attended the Coulterville Sewer and Water Advisory Committee meeting. He presented the retirement resolution to John Swanson. On Thursday, he attended the Don Pedro Community Services District planning meeting.

Supervisor Fritz commented on the following events: pancake breakfast at the Bootjack Fire Station; ADA meeting at the Senior Activity Center; and firefighter picnic; and she advised that the downtown merchants held an open house event over the weekend. She noted that because of her husband's surgery she was working at the Happy Burger and town was very busy. She attended the Hospital Foundation's Black and White Ball. She plans to attend the Juvenile Justice Committee meeting on Wednesday; the Fish and Game dinner in Bootjack; and the CSAC Conference in Oakland.

Supervisor Bibby stated she is working to respond to emails, etc. She attended the fire fighters picnic and commended the volunteers. She wished Dana Finney, Fish and Game, a happy retirement at the end of the year. She attended the ADA meeting. She plans to attend the Mental Health Board meeting at noon today. She expressed appreciation for everyone who helped to make the Halloween trick or treating a success in town. She attended the 1st Five meeting on Monday; and she attended the All Souls Candle Lighting Ceremony in Hornitos.

Supervisor Dianne Fritz;

Waive First Reading and Introduce Ordinance Adding a New Chapter to the County Code Entitled "Social Host Accountability"

BOARD ACTION: Following discussion, (M)Fritz, (S)Turpin, the first reading was waived and the Ordinance was introduced. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

Approve Budget Action for a Loan Repayment of \$40,000 from the Don Pedro Wastewater Treatment Plant Project to the General Fund and a Transfer of \$40,000 from the General Fund to the Greeley Hill Library Project so there is Adequate Funding to Construct the Library (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the request and the budget status for the project. Thomas P. Guarino, County Counsel, responded to questions relative to the timeframes and conditions for the use of the land. Carl Casey, Public Works Administrator, responded to questions relative to the status of the loans for the Don Pedro wastewater treatment plant project. Rick Benson noted that there is a requirement for a portion of the loan repayment to be put back into a capital improvement project.

Input from the public was provided by the following:

Bernie Knoll provided input on the formation of the Friends of the Red Cloud Library and their goal for the new facility; and presented checks in the amount of \$15,000 from the Friends and in the amount of \$5,000 from Miriam and Merlin Jones.

Paul Chapman stated he feels there is a shopping list of capital improvement projects that are needed; however, he feels we should cut back and use the funds for fire houses and a new jail.

Mary Ann Huff stated she supports the library project.

Dana Hertfelder noted that this is the only library in the North County and commented on the work with the School District for use of this property.

Janet Williams, Interim Librarian, commented on a study that concluded that fewer jails would be needed if there were more libraries in a community; and she commented on the need for this facility.

Following discussion, (M)Turpin, (S)Aborn, Res. 07-516 was adopted approving the recommended budget actions; and accepting the \$15,000 donation from the Friends of the Library and the \$5,000 private donation/Ayes: Unanimous.

10:52 a.m. Recess

10:58 a.m. A) Richard J. Benson, County Administrative Officer/Personnel/Risk Manager; PUBLIC HEARING to Conduct a Community Participation Public Hearing for Application Submittal in the Amount of \$70,000 for Fiscal Year 2007-2008 Community Development Block Grant (CDBG) Planning and Technical Assistance Grant (General Allocation) to Conduct Drainage Study for the Mariposa Census Designated Place (CDP) Phase II (South of 7th Street to North of 10th Street); and Conduct an Environmental Review – CEQA & NEPA for Mariposa CDP, Phase II; and Approve the Application for Funding, Execution of a Grant Agreement and any Amendments thereto from the Planning/Technical Assistance Allocation of the State CDBG Program, and Designate County Administrative Officer to Authorize Documents

BOARD ACTION: Rick Benson presented the staff report.

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

Paul Chapman stated he feels there are other projects that are more important than the drainage study; and he asked whether the public will have an opportunity to provide input on what projects grants are applied for.

Staff responded to questions from the Board and advised that no written objections were received for this matter; and advised of the procedures for these grants. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Pickard, (S)Aborn, Res. 07-517 was adopted approving the application submittal and recommended actions/Ayes: Unanimous. The hearing was closed.

B) Dana Hertfelder, Public Works Director;

PUBLIC HEARING: 1) Adopt a Resolution of Intent to Accept an Irrevocable and Perpetual Offer of Dedication of Public Service Easement Right of Way to the County of Mariposa on the Realigned Portion of the Don Pedro Pedestrian and Equestrian Easement Currently Located on the North Side of Zelma Way, Relocating to the Eastern Property Line of APN 020-180-001; and 2) Vacation of that Portion of the Don Pedro Pedestrian and Equestrian Easement as Referenced in Item B 1) and as Shown on the Map Entitled "Lake Don Pedro Subdivision Unit No. 2-M", Lot 696, filed for Recordation on September 8, 1969 as Map No. 1676, Mariposa County Records

BOARD ACTION: Dana Hertfelder presented the staff report and he advised that a house and improvements were constructed within the existing easement and the recommended action will realign the easement. He responded to a question from the Board and advised that this hearing was noticed – the public hearing requirements apply to the vacation of the easement and a formal resolution is provided for that; and acceptance of the easement only requires action by the Board. County Counsel responded to a question from the Board and advised that one motion would be acceptable as long as it includes both actions. Staff advised that the realignment complies with the setback requirements and does not affect any of the surrounding properties; and he responded to questions from the Board and advised that there were no comments received from public utilities or from the public.

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

Paul Chapman stated he agrees that this is the easiest way to resolve this issue; however, he feels that this shows that the realtors and title companies did not do their jobs.

Staff responded to questions from the Board relative to other encroachment issues; and relative to payment of the costs for this process.

Dick Hutchinson questioned how many more times the title companies and others fail to catch encroachments in their processing.

Dana Hertfelder commented on the Building Department's permit processing for the Don Pedro subdivision area and their review of the equestrian easements. (M)Turpin, (S)Aborn, Res. 07-518 was adopted accepting the offer of dedication of the easement as recommended; and Res. 07-519 was adopted vacating the portion of easement as recommended/Ayes: Unanimous. The hearing was closed.

11:31 a.m. Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

A) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff's Association); Name of County Designated Representative: Richard Bolanos;

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos;

C) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU (Service Employees International Union); Name of County Designated Representative: Richard Bolanos; and

D) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: MCMCO (Mariposa County Managerial/Confidential Organization); Name of County Designated Representative: Richard Bolanos (Richard J. Benson, County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Supervisor Bibby advised that she is excusing herself from the labor negotiation matters with DSA and SMA due to a potential conflict of interest as her husband and cousin are employed by the Sheriff's Department and are members of these units, and there is a direct financial tie. (M)Pickard, (S)Fritz, the Board approved holding the closed sessions for labor negotiations with SEIU and MCMCO/Ayes: Unanimous. Supervisor Bibby excused herself from the meeting at 11:32 a.m. for the following action. (M)Fritz, (S)Aborn, the Board approved holding the closed sessions for labor negotiations with DSA and SMA/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

12:42 p.m. Lunch

2:06 p.m. The Board reconvened with Supervisor Aborn arriving later.

The public hearing for the Seventh Day Adventist (SDA) Camp Wawona Redevelopment Project was opened and continued until after the following matters for Supervisor Aborn and Attorney Bill Abbott to be present.

Chair Bibby announced that as a result of closed session, further direction was given to the labor negotiator relative to SEIU and MCMCO; and she excused herself at 2:09 p.m. for the Vice-Chair to make the following announcement.

Vice-Chair Turpin announced that as a result of closed session, direction was given to the labor negotiator relative to SDA and SMA. Chair Bibby returned at 2:11 p.m. and explained that she excused herself from labor negotiations with SDA and SMA due to a potential conflict of interest.

Approval of Summary of Proceedings of October 23, 2007, Regular Meeting (Clerk of the Board)
BOARD ACTION: (M)Fritz, (S)Turpin, the minutes were approved/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

Discussion and Possible Action to Cancel the December 26, 2007 and the January 2, 2008, Meeting for the Board of Supervisors (Clerk of the Board)
BOARD ACTION: (M)Fritz, (S)Pickard, Res. 07-520 was adopted canceling both meetings/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)
BOARD ACTION: Rick Benson advised that CalTrans cancelled the Project Development Team meeting scheduled for November 13th; and he advised that CalTrans scheduled their public hearings to receive comments on the alternatives for the rockslide project on November 28th in Mariposa and November 29th in El Portal. Chair Bibby noted that CalTrans plans to have the information for the hearings available by November 19th.

Input from the public was provided by the following:

Dick Hutchinson asked about rumors that CalTrans is planning to spend one million dollars to change the alignment of the first temporary bridge to allow for bus access. Chair Bibby advised that she will check with CalTrans on this.

(M)Fritz, (S)Turpin, Re. 07-521 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

2:21 p.m. Recess

2:34 p.m. The Board reconvened with all members present. Chair Bibby announced that the public hearing on the Seventh Day Adventist (SDA) Camp Wawona Redevelopment Project will be continued until after the following for Attorney Abbott to arrive.

Approve Letter to Department of Boating and Waterways, Supporting the Efforts of Merced Irrigation District in Applying for Grant Funding to Add an Additional Boat Launching Ramp and Facilities at McClure Point on Lake McClure (Supervisor Turpin)
BOARD ACTION: Following discussion, (M)Pickard, (S)Aborn, Res. 07-522 was adopted approving the letter as recommended/Ayes: Unanimous.

2:41 p.m. 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: Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Number of Cases to be Discussed: 1 (County Counsel)
BOARD ACTION: (M)Aborn, (S)Fritz, the closed sessions were held/Ayes: Unanimous.

3:28 p.m. Chair Bibby announced that direction was provided to staff as a result of the closed session for the significant exposure to litigation matter and that information was received from staff as a result of the closed session for the initiating of litigation matter.

Kris Schenk, Planning Director;
PUBLIC HEARING for the Seventh Day Adventist (SDA) Camp Wawona Redevelopment Project
(Continued from August 14 & October 16, 2007) (Deliberation Phase)

The Project Consists of the Following:

A) Specific Plan/Zoning Text Amendment No. 2002-345: A Text Amendment to Change the Wawona Town Specific Plan, to Create a New Conditional Use Designation for “Organizational Recreation Camp”, a New Conditional Use in the Mountain Residential Land Use and Zone. “An Area Containing One or More Permanent Buildings and or Developed Campsites that are Used for Recreational Purposes, for the Transitory Accommodation of Members and Invitees of Private Organizations or Groups, and is Not Open to the General Public. The Recreational Activities and Camping are Provided as Part of an Organized Program that is Owned, Managed, Controlled and Maintained by the Private Not-for-profit Organization or Group.” The Board of Supervisors will also Consider a Recommended Amendment to the Specific Plan Lot Coverage Standards for the Mountain Residential Land Use and Zone to Clarify Applicability to this Project.

B) Conditional Use Permit No. 2002-346: A Proposed Permit to Conditionally Approve the Proposed Phased Redevelopment Plan for the Seventh Day Adventists’ Organizational Recreation Camp, which Includes Demolition of Existing Camp Buildings and Facilities and Construction of New Buildings and Facilities and Associated Site Work on the Camp’s Existing Property. Note that the Land Exchange with the National Park Service has Been Abandoned and is no Longer a Part of the Project. All Redevelopment Activities will Occur on Existing SDA Owned Property. The Applicant has Proposed Architectural Design Guidelines, Elevations, a Site Plan, a Phasing Plan, and a Preliminary Grading Plan.

C) Environmental Impact Report No. 2002-292: The Environmental Impact Report (EIR) must be Certified with Mitigation Measures to Approve the Project as Recommended. There are Several Mitigation Measures Resulting from the Environmental Review of the Project, one of Which Includes Limits on Occupancy of Facility Based Upon the Condition of Forest Drive.

The Project Applicant is the Central California Conference of Seventh Day Adventists (CCCSA).

Camp Wawona, an Existing Camp Facility, is Located on Two Parcels of Privately Owned Land in the Southeastern Corner of Section 35 of Township 4 South, Range 21 East Mount Diablo Base & Meridian, Inside Yosemite National Park, within the Community of Wawona in Mariposa County. APN 010-280-009, a 30.45 Acre Parcel is the Last Privately Owned Parcel at the Southeastern End of Forest Drive (8110 Forest Drive) and the Parcel on Which the Redevelopment Activity is Proposed. APN 010-280-010, a 1.768 Acre Parcel is Located on the North Side of Forest Drive, Between Forest Drive and the South Fork of the Merced River. Access to the Site is from Forest Drive.

BOARD ACTION: Kris Schenk reviewed the history of the tour and hearing on this project; and he advised that Steve Heipel/development of the EIR (Environmental Impact Report); and Attorney Bill Abbott/land use counsel from Abbott & Kindermann were present.

Sarah Williams, Deputy Planning Director, presented the staff report; and she responded to questions from the Board relative to the involvement by the National Park Service in the review of the conditions for the project; and relative to their approval of the Specific Plan text amendment. Sarah Williams reviewed the eighteen amended conditions for the Conditional Use Permit; the Wawona Facilities Matrix amendment; the 20-year construction schedule for the project; and the issue relative to occupancy numbers. She advised of six typographical and grammatical corrections to the resolutions. She reviewed the recommended actions and asked that the adoption of the Ordinance be scheduled for November 13th.

Sarah Williams, Steve Heipel and Attorney Abbott responded to questions from the Board relative to the tree removal conditions and timeframes; the timber harvest plan; the two-foot freeboard requirement for hauling loads; relative to the grading conditions to eliminate the import of fill material and whether that would affect the ability to be able to haul in sand to accommodate the sub-base for pouring of concrete; and relative to the conditions for pilot cars for the buses and construction vehicles on Forest Drive and from the Southern entrance to the Park.

4:27 p.m. The Board recessed for staff to prepare language changes for the Board’s review; and Chair Bibby reminded everyone that the Board is in the deliberation phase of the hearing.

4:36 p.m. The Board reconvened. Sarah Williams advised of a recommended language change to clarify the requirement for pilot cars on Forest Drive for the buses and construction vehicles, and only for construction vehicles from the Southern entrance to the Park. She noted that this was the recommendation of the National Park Service and was not included in the EIR. The Board concurred with the recommended language change. Staff responded to additional questions from the Board as to whether the pilot car conditions apply to the use or just during the construction period; and relative to the reason for requiring 24-hours notice to the Park of construction vehicles planning to enter the Park. Sarah Williams advised of a change to the mitigation measure for air quality to add text to reflect "cover loads or maintain at least a two-foot freeboard." She responded to a question from the Board relative to defining "large and over-sized" construction vehicles.

5:01 p.m. The Board recessed for staff to prepare a language change for the Board's review to define "large and over-sized" construction vehicles.

5:13 p.m. The Board reconvened. Sarah Williams advised of a recommended language change to define "large and over-sized" construction vehicles as those being over eight-foot and six-inches in body width or having three axles or more; and the Board concurred with the change. Sarah Williams suggested that the condition for grading be clarified to reflect "rough" grading, and the Board concurred. Sarah Williams advised that she will make the changes as agreed to by the Board, along with those corrections that she reviewed in her staff report, and she will make sure that the changes are consistent throughout the documents; and the Board concurred.

(M)Pickard, (S)Aborn, Res. 07-523 was adopted certifying the final EIR, adopting the CEQA findings, and approving the Mitigation Monitoring and Reporting Program prepared for the Camp Wawona Redevelopment Project, including the corrections and changes as directed/Ayes: Unanimous.

(M)Pickard, (S)Fritz, Res. 07-524 was adopted approving Specific Plan/Zoning Amendment No. 2002-345, an amendment to the Wawona Town Planning Area Specific Plan, including any corrections and changes as directed/Ayes: Unanimous.

(M)Pickard, (S)Turpin, the first reading was waived and an Ordinance introduced approving an amendment to the Wawona Town Planning Area Specific Plan. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

(M)Pickard, (S)Fritz, Res. 07-525 was adopted approving Conditional Use Permit No. 2002-346, approving the Camp Wawona Redevelopment Project, including the corrections and changes as directed/Ayes: Unanimous.

(M)Aborn, (S)Turpin, the Board approved the scheduling of the adoption of the Ordinance approving an amendment to the Wawona Town Planning Area Specific Plan on November 13th. Board members commented on the long process for this project and thanked everyone involved for their participation, including staff for their work. Ayes: Unanimous.

INFORMATION – No action was necessary on the following:

A) List of Contracts Entered into by the County Administrative Officer Pursuant to Ordinance 3.08 for the Months of July, August, September and October 2007 (County Administrative Officer/Personnel/Risk Manger)

B) Reminder of the Board of Supervisors Chair's Authority to Sign Indemnity Agreements (County Administrative Officer/Personnel/Risk Manger)

CONSENT AGENDA:

CA-1 Approve an Interim Rental Agreement with 35-A District Agricultural Association for Use of the Fairgrounds Facilities for the Annual Cops For Kids and Food Give Away and Authorize the Board of Supervisors to Sign the Agreement (Sheriff); Res. 07-497

CA-2 Approve Budget Actions Increasing Revenue and Appropriations in the Child Abuse Vertical Prosecution Grant Budget and the Statutory Rape Vertical Prosecution Grant

Budget Unit, Extending the Fiscal Year 2006-2007 Grants into Fiscal Year 2007-2008 (\$1,768 each Budget) (4/5ths Vote Required) (District Attorney); Res. 07-498

- CA-3 Review the State Mandated Self Improvement Plan that has Been Developed in Conjunction with Community Partners and Authorize the Human Services Director to Submit the Plan to the State (Human Services Director); Res. 07-499
- CA-4 Review and Approve the Substance Abuse and Crime Prevention Act (SACPA Proposition 36) Program Plan and Offender Treatment Program (OTP) Application for 2007-2008 Fiscal Year (Human Services Director); Res. 07-500
- CA-5 Appoint Colin Ritter to the Mental Health Board as a Member-at-large with a Three Year Term Expiring November 6, 2010 (Human Services Director)
- CA-6 Adopt a Resolution Approving Encroachment Permits be Issued to the Mariposa County Chamber of Commerce for the Annual Merry Mountain Christmas Festival and Parade and the Mariposa Lions Club for the Merry Mountain Christmas Tree Lighting Festival to Allow Road Closures for Both Events (Public Works Director); Res. 07-501
- CA-7 Approve the Recommendation to Reject Claim No. C07-17 Filed by Bryce Johnson for \$500,000 and Authorize the Board Of Supervisors Chair to Sign the Notice of Rejection (County Administrative Officer/Personnel/Risk Manager); Res. 07-502
- CA-8 Approve an Agreement (Task Order No. 2) with Hauge Brueck Associates, LLC, to Continue Implementation of the General Plan by Preparing the Catheys Valley Community Plan and Authorize the Board of Supervisors Chair to Sign the Agreement (Planning Director); Res. 07-511
- CA-9 Authorize Payment for Deputy Probation Officer Extra-Help Employee at Step V Rate to Alleviate the Workload Due to Vacancies (Chief Probation Officer); Res. 07-503
- CA-10 Approve Agreement with Total Merchant Services (Credit Card/Debit Card Acceptance) as a Comprehensive Collection Program and Authorize the Board of Supervisors Board Chair to Sign the Agreement (Chief Probation Officer); Res. 07-512
- CA-11 Approve an Agreement with LexisNexis Risk & Information Analytics Group Inc. for the Purpose of on-line Skip Tracing and Authorize the Chief Probation Officer to Sign the Agreement (Chief Probation Officer); Res. 07-513
- CA-12 Adopt a Resolution Authorizing the Board of Supervisors Chair to Sign a Declaration of Intent not to Contract for Emergency Medical Services Appropriation (EMSA) for Fiscal Year 2007-2008 (Health Officer); Res. 07-504
- CA-13 Approve Public Health Emergency Preparedness Centers for Disease Control and Prevention (CDC) Agreement for Fiscal Year 2007-2008, Certificate Regarding Lobbying, Certificates Against Supplanting and Similar Documents Pertinent to Fiscal Year 2007-2008 and Authorize the Board of Supervisors Chair to Sign (Health Officer); Res. 07-505
- CA-14 Approve Agreement No. 07-65061, Exhibits D(F), E and Form CCC-307 for the HIV/AIDS Education and Prevention Program For Fiscal Years 2007-2010, MOU 07-22/1-3, for HIV/AIDS Education and Prevention, AIDS Surveillance and AIDS Testing Programs for Fiscal Years 2007-2010 in the Amount of \$40,173, Authorize the Board of Supervisors to Sign the Agreement and MOU's and Authorize the Health Officer to Sign

Contractor's Release Upon Submission of Final Invoice (Exhibit F) (Health Officer); Res. 07-506

- CA-15 Approve Budget Action Reducing Yosemite West Contingency by \$3,505 and Transferring \$5,000 from Depreciation to Cover the Cost of Equipment Maintenance and Repairs in the Yosemite West Water Division (\$8,505) (4/5ths Vote Required) (Public Works Director); Res. 07-507
- CA-16 Authorize Fleet Services to Replace Vehicle Number SO-223 Prior to the End of its Useful Life due to an Accident and to Dispose of this Vehicle in Accordance with the County's Contract with Roger Ernst & Associates (Public Works Director); Res. 07-508
- CA-17 Approve Budget Action Transferring Funding within the Personnel Budget to Accommodate an Increase in Travel Expenses that are Greater than Anticipated (\$1,000) (County Administrative Officer/Personnel/Risk Manager); Res. 07-509
- CA-18 Approve the Acceptance of One-Time Funding from the Department of Boating and Waterways for the Boating Enforcement Financial Aid Program for Fiscal Year 2007-2008; Approve Budget Action (\$9,607) (4/5ths Vote Required) (Sheriff); Res. 07-510
- CA-19 Approve the Acceptance of Grant Funding from the United State Department of Home Land Security and the State of California Office of Home Land Security to Identify Critical Infrastructure Sites in California, Approve Budget Action Increasing Revenue and Appropriations in the Sheriff Budget (\$189,000) and Budget Action (4/5ths Vote Required) (Sheriff); Res. 07-514

5:30 p.m. (M)Fritz, (S)Aborn, the Board adjourned in memory of Bessie Montgomery Sheldon, Jackie Donald Emery, John Everett Hoppe, Gary Main Weichlein, Elaine Wildt Piazza, and Patricia Jean Schaefer/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JANET BIBBY
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

November 13, 2007

Time Description

9:06 a.m. Meeting Called to Order at the Mariposa County Government Center with Supervisor Fritz excused to attend the CSAC (California State Association of Counties) conference.

Pledge of Allegiance

Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Input from the public was provided by the following:

Ruth Catalan referred to item 5 and questioned the need for the replacement of the auger at this time.

Chair Bibby pulled item 5 for Public Works Director to respond to the question. (M)Pickard, (S)Aborn, the balance of the items was approved/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Dick Hutchinson thanked Public Works for getting the funds for the Darrah Road project and for the replacement of the restrooms at the Art Park. He also reiterated his previous concern that funds need to be found for the Fire Department as soon as possible.

Board Information

Supervisor Turpin thanked CalTrans for completing the repair work on Greeley Hill and Smith Station Roads. He attended the water meeting held at the Government Center on Monday – Ken Schmidt was the speaker. On Wednesday, he plans to attend the following: South West Interface meeting at Moccasin, Friends of the Red Cloud Library meeting, and the kick-off meeting for the OHV (off-highway vehicle) route designations for the Stanislaus National Forest – the official meeting for the community will be held on November 28th. The Volunteer Fire Brigade will hold its tree decoration event in Coulterville on Saturday. He plans to attend the high-speed internet meeting at the Library with the surrounding counties on Monday.

Supervisor Bibby advised that she toured the John C. Fremont Health Care facilities on Thursday. There was a dedication of a tree planting for Fred Lester and Dan Lazer, former Catheys Valley volunteer firefighters on Sunday. She plans to attend the community citizen meeting in Mt. Bullion on Thursday.

Supervisor Turpin advised that there will be a District II meeting in Greeley Hill at 6:30 p.m. on Thursday – the Hospital Director and the County Administrative Officer will be present relative to the opening of the health care clinic.

Supervisor Bibby advised that the Hospital will be scheduling a presentation for the Board on the clinic and there will be a grand opening. She asked departments to be on the lookout for State funding reductions as the Governor is looking at agencies to make a ten percent reduction.

Consider Items Removed from the Consent Agenda

Item 5 – Dana Hertfelder provided input on the request to replace the auger. Steve Engfer, Solid Waste and Recycling Manager, responded to questions relative to the compost facility operations. Discussion was held, including implementing a recycling education program. (M)Pickard, (S)Turpin, item 5 was approved/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

Keith Williams, County Clerk;

Authorize the County Clerk to Purchase Equipment Required in Connection with Secretary of State’s Conditional Re-certification of the County’s Sequoia Voting System and Approve Budget Action Transferring \$6,665 from General Fund Contingency to Fixed Asset Selection Equipment and \$7,475 from Special Election to Election Equipment (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Keith Williams relative to the request. (M)Pickard, (S)Aborn, Res. 07-533 was adopted approving the request/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

9:44 a.m. 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 (Supervisor Turpin)

BOARD ACTION: (M)Aborn, (S)Turpin, the closed session was held/Ayes: Aborn, Turpin, Pickard; Abstained: Bibby; Excused: Fritz.

10:23 a.m. The Board reconvened in open session. Vice-Chair Turpin announced that direction was given as a result of the closed session. Chair Bibby announced that she was excused and did not participate in the closed session.

Adopt a Resolution Requesting the Federal Government to Continue Funding the Workforce Investment Act at Current Levels (Chair Bibby)

BOARD ACTION: Gwen Nitta, Mother Lode Job Training, provided input. Following discussion, (M)Pickard, (S)Turpin, Res. 07-534 was adopted as recommended, with direction given for a cover letter to be sent with the Resolution to Congressman Radanovich, Senators Boxer and Feinstein, and copies to be sent to NACO and CSAC/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

Chris Lever, PhD in Environmental Science, Policy and Management;

Presentation on “Stepping Outside the Boundary: Organizational Change and Community Building at Yosemite National Park” (Supervisor Fritz)

BOARD ACTION: Roger Biery introduced Dr. Chris Lever; and he thanked Supervisor Fritz for sponsoring this item and the Economic Development Corporation for sponsoring Dr. Lever’s trip for the presentation and for their instrumental role in getting the Forum started.

Dr. Lever gave his presentation and concluded that since 2003 Yosemite National Park has created and strengthened transboundary networks with local publics outside mandated processes. Discussion was held. Dr. Lever advised that he will make his presentation available, and his dissertation is available for a fee.

Input from the public was provided by the following:

Kevin Cann provided input on the presentation and the Gateway entity and the Mariposa Forum and Park visitation.

Candy O’Donel-Browne provided input on the creation of the Forum and the Gateway partnership.

Dr. Lever was thanked for his presentation.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)

BOARD ACTION: Rick Benson advised that CalTrans cancelled the Project Development Team meeting; and CalTrans will hold a public hearing in Mariposa on November 28th and in El Portal on

November 29th to take public comment on the alternatives for the permanent repairs for the Ferguson Rockslide. Chair Bibby noted that Julie Dunning/CalTrans is checking on the bridge rumors that Dick Hutchinson raised on November 6th. (M)Turpin, (S)Pickard, Res. 07-535 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

Kris Schenk, Planning Director;
Waive Second Reading and Adopt Ordinance Approving Amendment to the Wawona Town Planning Area Specific Plan

BOARD ACTION: (M)Pickard, (S)Aborn, the second reading was waived and Ordinance No. 1041 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

11:28 a.m. Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

A) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff's Association); Name of County Designated Representative: Richard Bolanos;

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos;

C) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU (Service Employees International Union); Name of County Designated Representative: Richard Bolanos;

D) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: MCMCO (Mariposa County Managerial/Confidential Organization); Name of County Designated Representative: Richard Bolanos (Richard J. Benson, County Administrative Officer/Personnel/Risk Manager); and

MARIPOSA COUNTY BOARD OF SUPERVISORS/MARIPOSA PARKING DISTRICT

CLOSED SESSION: Conference with Real Property Negotiator: Description of Real Property: Mariposa Parking District; Agency Negotiator: Thomas P. Guarino; Closed Session will Concern Price and Terms of Lease/Purchase (County Counsel)

BOARD ACTION: Supervisor Bibby advised that she will excuse herself from the closed sessions for labor negotiations with DSA and SMA as she has a family member in each bargaining unit, and if there is an issue with salary compaction, she has a potential conflict of interest. (M)Aborn, (S)Turpin, the Board approved holding the closed sessions for labor negotiations with SEIU and MCMCO and with holding the closed session for the Mariposa Parking District/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz. Supervisor Bibby was excused at 11:30 a.m. for the following motion. (M)Pickard, (S)Aborn, the Board approved holding the closed sessions for labor negotiations with SDA and SMA/Ayes: Aborn, Turpin, Pickard; Excused: Bibby, Fritz.

1:12 p.m. Vice-Chair Turpin announced that direction was given to the labor negotiator relative to labor negotiations with DSA and SMA.

1:13 p.m. Chair Bibby announced that information was received from staff relative to labor negotiations with SEIU; direction was provided to the labor negotiator relative to labor negotiations with MCMCO; and direction was provided to the negotiator for the Mariposa Parking District item.

CONSENT AGENDA

- CA-1 Approve Budget Action Increasing Revenue and Expenditures to Cover Payroll and Related Expenses for Mutual Aid Assignments to the Recent Southern California Fires (\$80,000) (4/5ths Vote Required) (Fire Chief); Res. 07-526
- CA-2 Approve Budget Action Increasing Revenue and Expenditures by Accepting Funding Donated by TDS Telecom (Hornitos Telephone) for the Purchase of an Automated External Defibrillator (AED) for the Hornitos Community (\$1,500) (4/5ths Vote Required) (Fire Chief); Res. 07-527
- CA-3 Authorize the Fire Chief to Apply for a FEMA Assistance to Firefighters Prevention Grant in the Amount of \$29,700. This Grant Requires a 5% Local Match with 95% Federal Funds Contribution (Fire Chief); Res. 07-528
- CA-4 Approve Extended Hours for the Mariposa County Library Main Branch and Allow the Senior Staff to Use a Flex Schedule (Interim Librarian); Res. 07-529
- CA-5 Authorize the Public Works Director to Approve the Purchase of a Replacement Auger for the Jaylor (Mixer) at the Mariposa Solid Waste Compost Facility in an Amount not to Exceed \$6,000 with a Purchase Order (Public Works Director); Res. 07-532
- CA-6 Approve Agreement with Madera County for Placement of Wards at the Correctional Boot Camp or Detention Facility for Fiscal Year 2007-2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (Chief Probation Officer); Res. 07-530
- CA-7 Approve the use of \$5,000 of Title III Funding from the Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) for the Purchase of Supplies for the County's Fire Safety Trailer (County Administrative Officer/Personnel/Risk Manager); Res. 07-531

1:14 p.m. Adjournment in memory of Karen Sue Jones and John Alex Mendrin.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JANET BIBBY
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

November 27, 2007



Time _____ Description

9:11 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Chair Bibby clarified that item 7 is just to add the School District position to the Solid Waste AB939 Local Task Force, and the position will be posted before an appointment is made. She asked that a separate action be taken on item 6 due to a potential conflict of interest as the Airport Master Plan may involve property that she has a remaining interest in.

Input from the public was provided by the following:

Paul Chapman thanked Supervisor Bibby for her integrity; and he provided input on item 9 relative to operation and maintenance of the equipment; and on item 12 relative to the cost of providing a tile plaque.

Jill Harry urged support of item 5, and she asked that the playground equipment be installed first and that it be relocated closer to the ballfields. Supervisor Bibby advised that the petition and correspondence that has been received for item 5 has been copied for the Board members.

Supervisor Fritz referred to item 8 and congratulated Public Works for completing the Darrah Road project. Supervisor Turpin pulled item 9 and Supervisor Aborn pulled item 4, and action was taken on these items later this date. (M)Pickard, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Supervisor Bibby was excused at 9:21 a.m. for action on item 6. Input from the public was provided by the following:

Paul Chapman questioned the need for the additional funding.

(M)Pickard, (S)Fritz, item 6 was approved/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

9:24 a.m. Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Steve Donahue thanked the Board and Public Works for the work done on Stout Lane.

Paul Chapman questioned how the road work expense could be justified on Silver Bar Road.

Mary Williams, Community Services Director, advised that Senior Activity Center open house is scheduled for this Saturday, and they are on the Friends of the Library tour. They will be selling See's candy and the Hospital boutique will be held. She advised that they had a good turnout for Thanksgiving lunch.

Todd Leyton expressed concern with illegal parking on 5th Street and advised of problems with youth in the area. Chair Bibby advised that this concern will be forwarded to the Sheriff, Public Works and to the CHP.

Dick Hutchinson asked that immediate action be taken to restrict access to the back of the Gold Coin building as he noticed that the building is sagging and he feels it will collapse if corrective action isn't taken. He also expressed concern with fire danger and trespassing with the building. Chair Bibby advised that the concern will be forwarded to the Building Department, and she noted that County Counsel was present and heard the concern.

Eleanor Keuning advised that the Historical Sites and Records Preservation Commission met on Monday and the property owner of the Gold Coin was at the meeting and is trying to address the concerns. She referred to the agreements on the Consent Agenda for Human Services for the services they provide, and she commented on a situation she is aware of with an elderly neighbor that she feels needs adult protective services. Chair Bibby asked that she provide information on the situation to the Human Services Director as these are confidential matters.

Dr. Mosher, Health Officer, provided information on MRSA (Methicillin Resistant Staphylococcus Aureus) – staph.

Supervisor Fritz;

Approve and Present a Letter of Appreciation to Chris Ebie, Mariposa County Auditor and his Staff for earning the California State Controller's "Award for Achieving Excellence in Financial Reporting"

BOARD ACTION: (M)Fritz, (S)Turpin, letter of appreciation was approved and presented to Chris Ebie and his staff: Debbie Greenhalgh, Jane Shackelton, Kathy Payton, Debbie Isaacs, Anne Middleton, Debbie Cumings, Karla Berg, and Carol Azevedo/Ayes: Unanimous.

Consider Items Removed from the Consent Agenda

Item 4 – Jim Rydingsword, Human Services Director, provided input on the contract. (M)Aborn, (S)Fritz, item 4 was approved/Ayes: Unanimous.

Item 9 – Dana Hertfelder, Public Works Director, provided input on the request and maintenance. (M)Turpin, (S)Pickard, item 9 was approved/Ayes: Unanimous.

Board Information

Supervisor Turpin invited everyone to the Christmas Tree Lighting Ceremony to be held in Coulterville on Saturday evening; and he stated he hoped everyone had a fulfilling Thanksgiving. He plans to attend the Solid Waste Task Force meeting in the morning, the pre-planning meeting with the Stanislaus Forest Service in the afternoon relative to a fuel reduction project and noxious weed issues, and the meeting with the Stanislaus Forest Service in the evening relative to the off-road vehicle routes on Wednesday.

Supervisor Aborn stated he hoped everyone had a great Thanksgiving. He noted that CalTrans is holding the public hearings on the alternatives for the Ferguson Rockslide permanent fixes on Wednesday at the Government Center and on Thursday in El Portal.

Supervisor Pickard provided input on the Governor's Health Initiative that the legislature has been working on; and he advised that he plans to schedule a more informative update on this matter with the Health Officer and the Human Services Director.

Supervisor Fritz stated she hopes that everyone had a good Thanksgiving. She advised of her attendance at the CSAC (California State Association of Counties) conference. She noted that the Soroptimist craft fair is scheduled for this weekend. She plans to attend the Broadband meeting in Sonora on Wednesday – they are working with other counties to bring high-speed internet services to the entire County. She plans to attend a meeting with neighboring counties relative to the High Speed Rail to promote the Altamont Pass route. She encouraged everyone to attend the public hearings being held by CalTrans on the Ferguson Rockslide. She advised that she is working on the Merced River Plan.

Supervisor Bibby commented on the Governor's request for State departments to reduce their budgets by ten percent and asked the County departments to watch for impacts. She advised of her discussion with the Agricultural Commissioner relative to possibly declaring a draught emergency. She advised that she is thinking of the families that lost homes and property in the recent Malibu fires and noted the narrow roads have been an issue. She also noted the CalTrans public hearings are scheduled for the Ferguson Rockslide this week, and she advised that CalTrans will accept comments until

January 3, 2008. She advised of a request from Senator Feinstein asking for County input on funding that may have been earmarked for the County and she is trying to get additional information, and noted that there should be funding for the Ferguson Rockslide.

Supervisor Pickard;

A) Presentation by Glenn Franklin Regarding the Envirothon Program

BOARD ACTION: Glenn Franklin, Mariposa Resource Conservation District and Envirothon member, provided information on the Envirothon program and of their work with UC Merced to bring their international event here in 2010. He asked for the Board's support with this event. He introduced Robyn Smith, an Envirothon committee member.

Input from the public was provided by the following:

Paul Chapman commended on the appointment process for the directors of the Resource Conservation District.

Robyn Smith stated they are looking for any sponsors for the Envirothon.

Glenn Franklin noted that all of the committee members are volunteers. Discussion was held.

B) Adopt a Resolution Supporting the Naming for a High Sierra Peak for Dr. Carl W. Sharsmith

BOARD ACTION: Supervisor Pickard introduced former Supervisor Lee Stetson and Len McKenzie, who is also a director of the Mariposa Resource Conservation District. Speaking on behalf of the Name4Carl Committee, they presented the request for support for naming a high Sierra peak for Dr. Sharsmith and provided information on the process. Lee Stetson noted that Ron Mackie was also present in support of this request. Discussion was held.

Input from the public was provided by the following:

Ron Mackie stated he was a trail crew wilderness ranger for about 37 years in Yosemite; and he provided input on the naming process with the Domestic Names Committee of the U. S. Board on Geographic Names.

Lee Stetson provided input on the legislative process that is also available.

(M)Pickard, (S)Aborn, Res. 07-548 was adopted supporting the request, with direction for County Counsel to review that everything is grammatically correct; and with direction that a cover letter accompany the resolution to the U. S. Board of Geographic Names, with a copy to be sent to the following: Tuolumne County, Madera County, Mono County and any other surrounding counties of Yosemite, Senator Boxer, Senator Feinstein, and Congressman Radanovich/Ayes: Unanimous.

10:42 a.m. Recess

11:02 a.m. Chair Bibby noted that she was advised that the 11:30 a.m. closed session item has been moved to 1:30 p.m.

Supervisor Pickard;

Presentation Relative to Ag/Nature Tourism by the Following with Discussion and Possible Direction from the Board with the Next Steps Needed to Address Ag/Nature Tourism:

Yosemite/Sequoia Resource Conservation and Development;

Kris Casto, Chair of the Ag Tourism Weekend in the Country Committee; and

Karen Robb, Farm Advisor

BOARD ACTION: Supervisor Pickard commented on the presentation. Chair Bibby invited the audience to take the seats in the front rows to see the power point presentation. Supervisor Aborn asked that people attending the meeting remove their hats.

Hazel Lavender, Ameri-Corp volunteer and VISTA (Volunteer in Service to America), presented information on agri-nature tourism in general terms, its history and information from Tennessee on a definition.

Robyn Smith, Yosemite/Sequoia Resource Conservation and Development Coordinator, provided information on their purpose and involvement with the agri-nature tourism.

Kris Casto, representing the Agri-Nature Trail Association, and Len McKenzie, representing the nature portion, provided information on their Weekend in the Country events.

Karen Robb, Farm Advisor, provided information, including what other counties are doing and on the goals to promote and maintain local agriculture.

Discussion was held.

Cathi Boze, Agricultural Commissioner, referred to the laws and regulations for agriculture, and she noted the need to address bio-security issues to preserve our agriculture and to protect the ranchers and producers. She stated she agrees with the agri-nature tourism program, but it is important for everyone to be good neighbors.

Input from the public was provided by the following:

Cathie Pierce, cattle rancher in Catheys Valley and immediate past President of the Mariposa County Farm Bureau, stated she feels that when everything is worked out, agri-nature tourism will be a good asset to the County. However, she feels that we should proceed with caution and protect both sides. She stated she would like to see the University of California's definition used.

Ken Pulvino, resident of Greeley Hill and a member of the Northside Community Coalition, provided input on his interest in agri-nature tourism and his efforts with his farm. He referred to language in the Home Stay Bill.

Steve Saunders, resident of Catheys Valley, stated he appreciates that the presentation was broad; and he does not feel that we should be narrow in our interpretation of agricultural and its use.

Mary Ann Huff, President of the Mariposa County Chamber of Commerce and landowner in the North County, offered her and the Chamber's assistance to help with moving this process forward.

Ruth Sellers stated she feels agri-nature tourism should be easy to define as the zoning allows for specific uses, and she feels that agri-nature tourism is an outgrowth of your business, i.e., a rural home industry.

Rita Kidd stated she is anxious to have the definition completed and she referred to the definition for agri-nature tourism that exists in today's law. She suggested that there be a step-by-step statement put out by the Board of what is required for implementation of the General Plan as she feels that there is very little understanding of the process and the public should be educated on this. She also noted the need to update Title 17 overall.

Further discussion was held. Kris Schenk, Planning Director, provided input and referred to the previous direction for a consultant to assist with this process. He advised that the scope of work needs to be defined for the consultant so that a contract can be prepared pursuant to the direction given on October 2nd. (M)Pickard, (S)Turpin, direction was given to staff to coordinate and bring back a schedule for holding workshops to proceed with defining and addressing agri-nature tourism. The motion was amended, agreeable with the maker and second, to include further direction that the schedule be brought back to the Board by the end of this year; and if that is not possible, then information is to come back to the Board by the end of the this year/Ayes: Unanimous.

12:47 p.m. Recess

1:04 p.m. Chair Bibby continued the Mariposa Parking District item to after the following item.

Mary Williams, Community Services Director;

Approve the Purchase of a Transzporter Van in the Transit Fund; Approve Budget Action Transferring Funds within the Transit Fund to Allow for the Purchase of the Van (\$65,000)

BOARD ACTION: Following discussion with Mary Williams, (M)Fritz, (S)Aborn, Res. 07-549 was adopted approving the request/Ayes: Unanimous.

MARIPOSA COUNTY BOARD OF SUPERVISORS/MARIPOSA PARKING DISTRICT

Thomas P. Guarino, County Counsel;

Discussion, Direction and Action Regarding the Lease of the Downtown Parking Lots

BOARD ACTION: Discussion was held with Thomas P. Guarino, and he advised that all of the property owners are in agreement with extending the lease agreement for one more year for the lower parking lot; however, for the upper parking lot, Vaughns and Carters only want to sell.

Discussion was held relative to the status of the parking lots in town. County Counsel clarified that once a lease expires, the land is not under agreement and becomes the responsibility of the

property owners. (M)Fritz, (S)Aborn, direction was given to County Counsel to send a letter to all of the property owners currently in the Parking District to continue the lease for one more year. The motion was amended by the maker, to include the recommendation from County Counsel that the letter include information that if all of the property owners do not participate in the lease for the upper parking lot, it will be the intent of the Parking District to lease the lower lot only/Ayes: Unanimous.

1:33 p.m. Supervisor Turpin, Vice-Chair;

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

BOARD ACTION: (M)Turpin, (S)Fritz, the closed session was held/Ayes: Aborn, Turpin, Fritz, Pickard; Abstained: Bibby.

2:26 p.m. Vice-Chair Turpin announced that direction was given as a result of the closed session.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)

BOARD ACTION: Rick Benson, County Administrative Officer, noted the public hearings that CalTrans is holding this week. Chair Bibby advised that the third bridge that CalTrans is planning to install is for the construction phase for staging of the construction equipment to avoid interruption of the flow of traffic. She noted that after the public hearings, CalTrans will come back to the Board and give an overall update on the public hearings and on the next steps in the process and on their targeted timeline. Discussion was held, and it was agreed that the Board would update its previous letter to CalTrans after the comments are received from the hearings.

Input from the public was provided by the following:

Witt Hawkins asked whether there is any reason that the construction staging bridge couldn't remain permanently; and he provided input on his discussion with CalTrans Director Kome Ajise relative to the third bridge.

Supervisor Aborn advised of a delay on the Highway 120/140 construction project due to permit processing. Following discussion, (M)Turpin, (S)Aborn, Res. 07-550 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Waive Second Reading and Adopt Ordinance Adding a New Chapter to the County Code Entitled "Social Host Accountability" (Supervisor Fritz)

BOARD ACTION: Following discussion, (M)Fritz, (S)Turpin, the second reading was waived and Ordinance No. 1042 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Approval of Summary of Proceedings of November 13, 2007, Regular Meeting, (Clerk of the Board)

BOARD ACTION: (M)Turpin, (S)Aborn, the Summary of Proceedings were approved/Ayes: Aborn, Turpin, Bibby, Pickard; Abstained: Fritz, as she was excused from the meeting.

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: SBE v. All Persons Interested in the Validity, etc., Sacramento County Superior Court Case No. 07AS04798 (County Counsel)

BOARD ACTION: This matter was rescheduled on the December 4th agenda at County Counsel's request.

A) **CLOSED SESSION:** Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff's Association); Name of County Designated Representative: Richard Bolanos; and

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos (Richard J. Benson, County Administrative Officer/Personnel/Risk Manager)
BOARD ACTION: Rick Benson withdrew these items from the agenda.

CONSENT AGENDA

- CA-1 Appoint Vicky Mansperg to the Mental Health Board for a Three Year Term Expiring November 27, 2010 (Human Services Director)
- CA-2 Approve an Agreement with Doctors Medical Center in Modesto for Psychiatric Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-536
- CA-3 Approve Budget Action Transferring Funds within the Human Services Administration Budget Unit, Increase the Allocation of a Half Time Permanent Part Time Senior Office Assistant to Full Time and to Fund the Promotion of an Office Technician I to Office Technician II (Human Services Director); Res. 07-537
- CA-4 Approve an Agreement with the State Department of Mental Health to Provide Mental Health Services Under the Mental Health Services Act and Authorize the Human Services Director to Sign the Agreement (Human Services Director); Res. 07-546
- CA-5 Authorize the Director of Public Works to Forward the Proposition 40 Application for the Catheys Valley Park Proposition 40 Project to the State Department of Parks and Recreation for Approval of Funding and Approve the Plans and Specifications for the Project and Authorize the Award to the Lowest Responsible Bidder Contingent on Funding Approval from the State (Public Works Director); Res. 07-538
- CA-6 Approve a Second Amendment with Mead Hunt for Mariposa-Yosemite Airport Master Plan Update to Extend the Term to June 30, 2008 and Authorize the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 07-545
- CA-7 Approve the School District Representative and Add the School District Seat to the Mariposa County Solid Waste AB939 Local Task Force (Public Works Director); It was clarified that the action is just to add the position at this time – Res. 07-539
- CA-8 Approve the Notice of Completion for the Darrah Road, Project #00-24 and Authorize the Public Works Director to Issue Said Notice of Completion (Public Works Director); Res. 07-540
- CA-9 Approve Budget Action Reducing Solid Waste Contingency to Allow for Additional Equipment Maintenance Needs (\$16,462) (4/5ths Vote Required) (Public Works Director); Res. 07-547
- CA-10 Approve the Placement of a Welcome to Coulterville Sign on County Property, Assessors Parcel Number 020-050-001 (Public Works Director); Res. 07-541
- CA-11 Appoint Dana Finney and William Bondshu as Members of the Mariposa Public Utility Districts Board of Directors and Appoint Richard Ryon as a Director of Yosemite Alpine Community Services District (County Clerk/Treasurer/Tax Collector); Res. 07-542

- CA-12 Approve a Tile Plaque for Wes Lujan for Providing Legislative Lobbying Services to the County (Supervisor Pickard)
- CA-13 Authorize the Health Department to Overfill one Development Service Technician Position until the Incumbent Development Service Technician who is on Extended Leave, Either Returns to Work or a Final Determination is Made Regarding Work Status (Health Officer); Res. 07-543
- CA-14 Approval of Summary of Proceedings of November 6, 2007, Regular Meeting (Clerk of the Board)
- CA-15 Adopt a Resolution and Authorize Board of Supervisors Chair to Sign a Letter to Assemblyman Berryhill Supporting AB 151, Relating to Peace Officers, 830.1 P.C. (County Counsel); Res. 07-544

2:53 p.m. (M)Fritz, (S)Aborn, the Board adjourned in memory of Johnnie Andrew Callison, Roy Edward "Eddie" Chapman, Jr., and Al Deardorff/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JANET BIBBY
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

December 4, 2007

Time Description

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

Pledge of Allegiance

Introductions

Supervisor Fritz was wished a Happy Birthday.

Chair Bibby advised that she received a request to take the CDBG grant for the Coulterville drainage study public hearing before the CDBG grant for the Economic Vitality and Implementation Plan public hearing at 10:00 a.m. She advised of the planned lunch break from 12 noon to 2:00 p.m.; and she advised that this meeting would be continued to Wednesday for closed sessions for labor negotiations with SDA and SMA. She further advised that because of a financial tie with family members involved in these bargaining units and compaction issues that could arise with these labor negotiations, she has been excusing herself and she will not be participating in these items.

Approval of Consent Agenda (See End of Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

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

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

James Upperman referred to the Coulterville Water and Sewer Advisory Committee meeting that was held, and he advised that he and his friend would like to donate their time to read the meters to save costs and they are looking into insurance requirements. Chair Bibby advised that this offer would be forwarded to the appropriate department.

Helen Kwalwasser assured the Board that the Gold Coin building is stable and she has an engineer working on the building.

Jim Allen, Sheriff, advised that everything is being moved today for the updated 9-1-1 dispatch center; and he invited the Board members and the public to see the new center, which is in the same building.

Mary Ann Huff, President of the Mariposa County Chamber of Commerce, complimented the Yosemite/Mariposa County Tourism Bureau for its promotion of the County with the radio advertising; and she advised of the upcoming Merry Mountain Christmas activities and of the holiday lighting in the North County.

Eleanor Keuning invited everyone to attend the Community Chorus Christmas Concert on December 10th and the Mariposa Symphony on December 15th.

Board Information

Supervisor Fritz advised that she helped with the Soroptimist Craft Fair over the weekend. She plans to attend a meeting in Merced on Wednesday relative to high speed rail route issues. She advised that the Civil War planning meeting will be held here on Friday. She plans to attend the Merced River Plan meeting in Yosemite. She wished every a safe and happy holiday season.

Supervisor Pickard advised of the pending relocation of the A12AAA facilities in Sonora. He plans to attend the CMSP (County Medical Services Program) meeting on Thursday, and he advised of the status of the health care reform.

Supervisor Aborn advised that the Midpines Boosters sponsored a farewell party for retiring Sheriff Allen. He plans to attend the swearing-in ceremony at 1:00 p.m. today for the new Postmaster in Midpines. He also noted that his daughter has a birthday this date.

Supervisor Turpin advised that the Station 26 Fire Brigade had a tree lighting ceremony in Coulterville on Saturday, and that the first event was held in 1939. On Friday, the Air National Guard and the Marine Band will be performing at the Hacienda in Don Pedro. The Red Cloud Library will hold its home tour fundraising event this coming weekend. He attended the Solid Waste Local Task Force meeting on Wednesday. He met with Agricultural Commissioner Cathi Boze and the Forest Ranger for the Groveland Ranger District relative to a fuel reduction project. He attended a meeting on Wednesday in Greeley Hill relative to the OHV (off-road vehicle) routes and the comment period ends on January 18, 2008 for this.

Supervisor Bibby advised that she plans to attend the Mental Health Board meeting at noon today. She advised that the Agricultural Commissioner will be bringing an item to the Board on December 18th relative to the draught, possible emergency declaration and programs that are available. CalTrans will be giving a presentation on the Ferguson Rockslide on December 11th, and she extended her appreciation to everyone who participated in the public hearings held by CalTrans.

Supervisor Turpin referred to the Coulterville Water and Sewer Advisory Committee meeting; and he advised that unless there is an objection, the Board's public hearing on the fees will be scheduled for January 8, 2008, at 2:00 p.m. in Coulterville.

Rick Benson, County Administrative Officer, recommended that the presentation relative to the future plans and addressing the needs of the Fire Department be scheduled for January 15, 2008, at 2:00 p.m. versus the tentative date of December 18th as that agenda is filling up.

Keith M. Williams, County Clerk/Treasurer/Tax Collector;

Set Public Hearing for January 8, 2008 at 11:00 a.m. to Approve Fee Increases for Marriage Licenses and Fictitious Business Name Statements and Increase and Implement Fees for Other County Clerk Services

BOARD ACTION: Discussion was held with Keith Williams. It was noted that due to the scheduling of the public hearing for the Coulterville water and sewer fees at 2:00 p.m. in Coulterville on January 8, 2008, that this hearing would be scheduled at 10:00 a.m. versus 11:00 a.m.

Input from the public was provided by the following:

James Upperman questioned the maintenance costs for the marriage license program.

(M)Fritz, (S)Aborn, Res. 07-553 was adopted setting the public hearing for January 8, 2008, at 10:00 a.m./Ayes: Unanimous.

John Davis, Building Director and Matthew Watson, Fire Captain – Cal Fire;

Presentation Regarding the New Requirements to the California Building Codes going into Effect January 1, 2008

BOARD ACTION: John Davis and Matt Watson provided information on the new requirements. Discussion was continued for the following hearing to be opened.

10:00 a.m. The public hearings on the CDBG grant for the Coulterville drainage study and the CDBG grant for the Economic Vitality and Implementation Plan were opened and continued until after the following matter.

Discussion was held relative to the Building Code requirement changes, and John Davis advised that permits filed before January 1, 2008, will not need to follow the new requirements.

Input from the public was provided by the following:

Eleanor Keuning asked for clarification of the requirement for water storage for the high fire hazard areas. Matt Watson responded and provided input on the requirements.

Richard J. Benson, County Administrative Officer, and Dana Hertfelder, Public Works Director; PUBLIC HEARING to Notify the General Public of the Accomplishments of the Drainage Study for the Town of Coulterville Funded by the State of California Department of Housing and Community Development CDBG/Planning and Technical Assistance Program; and for the Board of Supervisors to Accept the Final Report

BOARD ACTION: Marilyn Lidyoff, Administration-Business Development Coordinator, and Rick Benson presented the staff report; and they responded to questions from the Board relative to being able to obtain color maps of the area, and relative to future updates to the study to reflect any development that may occur.

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

Eleanor Keuning, Historical Sites and Records Preservation Commission, questioned whether a future project would include any consideration of disturbance of any historic path or walk, or roads or any Native American artifacts. Dana Hertfelder, Public Works Director, advised that most of the work would occur in the existing roadway; however, the environmental study would determine if there are any impacts.

Mary Ann Huff, resident of Coulterville, stated she supports this grant and she feels the work would help to protect the historic buildings.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Turpin, (S)Aborn, Res. 07-554 was adopted accepting the final report/Ayes: Unanimous. The hearing was closed.

10:32 a.m. Recess

10:44 a.m. Richard J. Benson, County Administrative Officer; PUBLIC HEARING to Notify the General Public of the Accomplishments of a Grant to Develop an Economic Vitality Strategy and Implementation Plan Funded by the State of California Department of Housing and Community Development CDBG/Planning and Technical Assistance Program; and for the Board of Supervisors to Accept the Final Report

BOARD ACTION: Marilyn Lidyoff presented the staff report; and Leroy Radanovich, Tourism Director for the Yosemite/Mariposa County Tourism Bureau, and Roger Biery, Economic Development Corporation, assisted with the presentation. They responded to questions from the Board relative to the reference to a convention center, relative to potential opportunities with UC Merced, relative to the next steps in this process, whether there are any commitments with accepting the report, whether there was a targeted sales tax goal, relative to the services provided by the consultant for this report, comparison of this report with the General Plan, and whether there was any public input on where the businesses should be located.

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

Paul Chapman stated he does not feel that there is anything new in the report and he feels we need something different that the other areas to draw the tourists.

Ken Pulvino, Northside Community Coalition, praised Marilyn Lidyoff and those involved for their work on this and he stated he feels the issue is keeping the rural character of the County; and he referred to infrastructure matters.

Mary Ann Huff, President of the Chamber of Commerce and North County citizen, praised the efforts of the process and the report, and she commented on the need for “green” industry.

Ken Baker complimented those involved in the process, and he stated he feels that this will be one of the most important documents presented to this Board – he feels it is almost a business plan for this County.

Odella Knell, antique shop owner in town, stated she really appreciates what has been done and she feels the plan is a strategy and it is not set in stone.

Dick Hutchinson, speaking for himself, referred to the financial problems with the School District and the need for a better economy in the County.

Candy O'Donel-Browne, former tourism industry business owner and as a member of the Economic Development Corporation and Visitor's Bureau and as President of the Mariposa Arts Council, stated the greater income in the County comes from investments and not earning an income and she feels that this plan will turn that around; and she stated she doesn't feel that it is very realistic that big box stores will want to locate here. She commended Marilyn Lidyoff for her work, and she stated she is supportive of having a performing arts center on the "wish list."

Supervisor Bibby asked whether there is anything in this report that conflicts with the General Plan; she clarified that this report is just a strategy and that it is consistent with the General Plan; she expressed concern that the consultant did not stay with the report through this presentation; she clarified that this document will not be used to undermine the General Plan, but to enhance it; and she thanked everyone for all of the work they put into this report.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Fritz, (S)Aborn, Res. 07-555 was adopted adopting the final report. Supervisor Pickard asked for clarification from the Planning Director that this is a task in the General Plan. The motion was amended, agreeable with the maker and second, to clarify that the Board is accepting this report and not adopting it. Chair Bibby asked County Counsel whether additional questions to staff could be taken at this time; and Supervisor Pickard advised that he was satisfied by the nod of agreement that he received from the Planning Director. Ayes: Unanimous. The hearing was closed.

12:53 p.m. Lunch

2:05 p.m. Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)

BOARD ACTION: Rick Benson advised that CalTrans will be present for the next meeting to provide input on the public hearings it held on the Ferguson Rockslide and to discuss where they are in the process, and he will prepare a draft letter for the Board to reaffirm its support for getting the project done quickly. Chair Bibby urged the public to submit their comments to CalTrans. Following discussion, (M)Aborn, (S)Turpin, Res. 07-556 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Approve the 2008 Civil War Re-Enactment as an Annual County Sponsored Event for Liability Insurance Purposes (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held.

Input from the public was provided by the following:

Paul Chapman stated the Long property is under Williamson Act contract and he does not feel that this event is allowed under the contract.

(M)Fritz, (S)Pickard, Res. 07-557 was adopted approving the Civil War Re-enactment as an annual County sponsored event for liability insurance purposes on the Long ranch for the three day event to be held in April; with direction that insurance for any other activities that are held (such as the dances in town) will be handled separately. Supervisor Fritz advised that no alcohol will be served on the Long ranch. Supervisor Aborn questioned whether any input has been received from the Agricultural Commissioner on this request; and he noted that there are other issues that the Board will be asked to decide that pertain to this property. Further discussion was held. The motion was amended, agreeable with the maker and second, to include direction that a determination be obtained from the Planning Department that this event is compliant with the Williamson Act contract; that there will be a designated contact person for the event; and that no alcohol will be served on the Long's ranch/Ayes: Turpin, Bibby, Fritz, Pickard; Noes: Aborn.

CLOSED SESSION: Liability Claims; Claimant Name: Kenneth Alan Gosting; Claim Number: C07-21; Name of Agency Sued: County of Mariposa (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson withdrew this item from the agenda.

INFORMATION – No action was necessary on the following:
Information Report of Liability Claims Rejected by the County Administrative Officer/Risk Manager for the Month of November 2007 (County Administrative Officer/Personnel/Risk Manger)

2:42 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: SBE v. All Persons Interested in the Validity, etc., Sacramento County Superior Court Case No. 07AS04798 (County Counsel); and

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 5080 Bullion Street, Mariposa CA; Agency Negotiator: Richard J. Benson; Name of Party who will Negotiate with County (not Party's Agent): Robert Bondshu; Closed Session will Concern Price and Terms of Lease/Purchase (County Administrative Officer/Personnel/Risk Manager)

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

3:02 p.m. Chair Bibby announced that as a result of the closed session matters that information was received from staff on the Sacramento County Superior Court Case No. 07AS04798; and that action was taken by unanimous vote to designate the County Administrative Officer as the real property negotiator for the property at 5080 Bullion Street.

CONSENT AGENDA

- CA-1 Approval of Summary of Proceedings of November 27, 2007, Regular Meeting (Clerk of the Board)
- CA-2 Approve an Agreement with SouthTech Systems for the Lease and Maintenance of the New Marriage License Module for the Existing CATS County Clerk Software and Approve the Budget Action Decreasing General Contingency to Cover the Cost of County Clerk Software (\$2,155) (4/5ths Vote Required) (County Clerk/Treasurer/Tax Collector); Res. 07-551
- CA-3 Approve the Rejection of Claim No. C07-21 Filed by Kenneth Alan Gosting for \$400,500 and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection (County Administrative Officer/Personnel/Risk Manager); Res. 07-552

3:03 p.m. Chair Bibby recessed the Board meeting in memory of Wendy Lee Wilson-Eastwood; and the meeting was continued to Wednesday, December 5, 2007, at 9:00 a.m. for closed sessions to be held relative to labor negotiations with DSA and SMA. Chair Bibby also provided a reminder that she is recusing herself from these labor negotiations.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

December 5, 2007

(Meeting continued from December 4, 2007)

Time Description

9:05 a.m. Continued meeting from December 4, 2007, was called to order at the Mariposa County Government Center with Supervisor Bibby excused.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

A) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff's Association); Name of County Designated Representative: Richard Bolanos; and

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos

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

10:06 a.m. Vice-Chair Turpin announced that direction was given to the labor negotiator as a result of both closed session matters.

10:07 a.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board

LYLE TURPIN,
Vice-Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

December 11, 2007



Time Description

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

Pledge of Allegiance
Introductions

Approval of Consent Agenda (See End of Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Chair Bibby noted that additional and replacement pages were provided for item 11.

Input from the public was provided by the following:

Paul Chapman referred to item 3 and questioned the need for more rented office space and the increase in staff in the Human Services Department.

Supervisor Turpin pulled items 10, 11, and 12. Supervisor Bibby pulled item 3. (M)Pickard, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Eleanor Keuning thanked the Road crew for grading Leonard Road. She referred to a presentation made to the Board on December 4th relative to the development of the economic vitality strategy and implementation plan and previous presentations on this subject, and she commented on the work being done by the Sierra Business Council, and she stated she feels that other local ideas should be incorporated into the report and that local talent should be used, including the completion of the wayfinding sign project. Chair Bibby noted that the Mariposa Task Force worked on the wayfinding signs and that project is still on the list of things to be completed.

Mary Ann Huff, President of the Mariposa County Chamber of Commerce, advised of the success of the 10th annual Merry Mountain Christmas event and she provided information on the holiday activities scheduled for this coming weekend with the Lion's Club at the Courthouse and the Winter Wonderland in the North County.

Board Information

Thomas P. Guarino, County Counsel, reported that the Court of Appeal ruled in the case of Bird v. the County of Mariposa relative to charges that the Board had not held its meetings appropriately. The ruling was in favor of the County, including costs.

Supervisor Fritz advised that she attended the Chamber of Commerce's Merry Mountain Christmas events. She attended the High Speed Rail committee meeting in Merced and discussion was held relative to the Altamont versus Pacheco Pass route. She plans to attend the Merced River Plan meeting in Yosemite on Wednesday. She congratulated Leroy Radanovich and Dell Knell for be selected as the Grand Marshals for the Merry Mountain Christmas parade.

Supervisor Turpin advised that the Arts Council worked to bring the Air National Guard of the West Coast Christmas program to Mariposa and to the Hacienda in Don Pedro on Friday, and that he

attended the event. He attended the Merry Mountain Christmas parade on Saturday and the Red Cloud Friends of the Library home tour was held over the weekend. He provided information on the Christmas in Coulterville events scheduled for this coming weekend.

Supervisor Pickard provided information on recycling and relative to the California Product Stewardship on behalf of Supervisor Turpin and himself representing the Solid Waste Task Force. He advised that he plans to attend the Regional Council of Rural Counties meeting on Wednesday in Sacramento and the Yosemite/Sequoia Resource Conservation and Development Council meeting on Thursday in Tulare.

Supervisor Aborn advised that he attended the Mountain Riders annual Christmas party on Saturday; and he participated in the High Speed Rail committee meeting on Thursday by telephone conference call. He advised that repair work is beginning on the Highway 120/140 corridor and noted the need to get the information on the schedule of the road closures out to the public.

Supervisor Bibby thanked the Planning staff for their assistance with the Catheys Valley Advisory Community meeting on Thursday. She advised that she was in Trinity County over the weekend and they are really watching their water situation. She plans to attend the Community Action Agency meeting with Supervisor Turpin on Wednesday and will not be able to attend the Foreign Trade Zone meeting scheduled for the same day. She provided input on the First 5 meeting and their grant application request for the school readiness program for continuance of the preschools.

Richard J. Benson, County Administrative Officer;

Receive Report from CalTrans Regarding the Ferguson Rock Slide Permanent Restoration Project Options, Discuss Options and Authorize The Board of Supervisors Chairman to Sign a Letter to CalTrans Communicating the Board's Preferred Alternative

BOARD ACTION: Kome Ajise, CalTrans District 10 Director, provided information on the public hearings they held on November 28th and 29th and relative to their plans and goals to reopen the Highway to full service as soon as possible – they have set an aggressive schedule and hope to be able to start construction in the summer of 2008. Discussion was held. Kome Ajise, Julie Dunning/CalTrans Deputy Director, and Christine Cox/CalTrans Office Manager for Environmental Studies, responded to questions relative to the project and the temporary third bridge that is proposed to keep traffic flowing during construction; and relative to the permitting process with the Forest Service and the federal agencies. Chair Bibby thanked CalTrans for being so accessible to the Board and the public during this process. Following discussion, (M)Turpin, (S)Aborn, Res. 07-565 was adopted approving the letter to CalTrans/Ayes: Unanimous.

10:25 a.m. Recess

10:30 a.m. Supervisor Aborn;

Adopt a Resolution Supporting the Altamont Alignment for the Bay Area to Central Valley High Speed Train and Supporting Recirculation of the Draft EIR/EIS

BOARD ACTION: Supervisor Aborn initiated discussion and advised of suggested language changes in the draft resolution.

Input from the public was provided by the following:

Kenneth Mostern, TIE (Transportation Involves Everyone), thanked the Board for its leadership to oppose the draft EIR and supporting its recirculation. He provided input on the problems with the Pacheco Pass route and the benefits of the Altamont Pass route.

Ruth Sellers further commented on the inadequacies that she feels exist in the EIR.

Eleanor Keuning stated she supports the Altamont Pass route; and she stated she feels that Sacramento should be included in the route.

(M)Aborn, (S)Fritz, Res. 07-566 was adopted with the changes as requested. Discussion was held relative to the distribution of the resolution, and it was agreed to copy the counties in the San Joaquin Rail area and the High Speed Rail Committee. Supervisor Pickard noted that Supervisor Fritz is also on the Committee; and he asked that future Board agenda items include both Board members that are representing a particular committee. The motion was amended, agreeable with the maker and second, to include further language changes as recommended by County Counsel/Ayes: Unanimous.

10:42 a.m. Leroy Radanovich, Tourism Director for Yosemite/Mariposa County Tourism Bureau;
Tourism Progress Report

BOARD ACTION: Leroy Radanovich presented the report, he introduced the Tourism Bureau Board members that were present, he commended Mary Ann Huff for her work with the Chamber of Commerce and for being the first President from the North County, advised of their work on the business improvement district – he will be bringing an item to the Board probably in late January 2008, and he urged everyone to view their website – www.homeofyosemite.com. Discussion was held relative to the status of tour buses coming through the County with the Ferguson Rockslide, impacts on tourism with the gaming casinos, and the status of staffing for the Bureau.

Input from the public was provided by the following:

Paul Chapman stated he feels that the County needs to stop the export of water to the Chukchansi Casino and he commented on the make-up of the directors of the Tourism Bureau and the need to advertise something that is different for the County from other areas.

Mary Ann Huff, President of the Chamber of Commerce and North County resident, commented on her attendance at the merchants meetings in Mariposa and she commended the Tourism Bureau for its promotion efforts. She noted that the Highway 132 corridor needs to be promoted as a route to Yosemite, and she recommended that J-32 be changed to a State highway to help with economic growth. She noted that the Chamber is upgrading its web page to work with the Tourism Bureau's website. She also noted the importance of the Altamont Pass route to the North County.

Supervisor Bibby commented on discussions with Merced Irrigation District relative to offsetting the costs impacts that the County has with providing services to the area. Leroy Radanovich responded to her questions relative to the airing times for the radio advertising and relative to the membership of the Tourism Bureau and their meetings.

Richard J. Benson, County Administrative Officer;
Conduct Strategic Planning Forum to Develop a Combination Grant to the State Community Development Block Grant Program for a Housing, Jobs Training and Fire Component; and to Provide Direction to Staff

BOARD ACTION: Discussion was held with Rick Benson and Marilyn Lidyoff/Administration-Business Development Coordinator. Jim Rydingsword, Human Services Director, and Janet Gass/HSD-Contract Administrator, provided input on the housing component and recommendation for projects including the Whispering Pines apartment complex water project. Supervisor Bibby stated she would like to see what other housing projects in the County need assistance and would like more information on the proposed project.

Input from the public was provided by the following:

Paul Chapman stated he agrees with the request for a fire truck, but questioned the other projects. He stated he feels the projects should benefit the County.

Gwen Nitta, Mother Lode Job Training, provided input on the success of the job training services they have provided.

Ruth Catalan questioned whether the Health Department is involved in the water problem with the apartment complex that was discussed; and she questioned why the County is subsidizing rent with the Voucher Program for this complex given the water problems.

Bill Flaherty, Victim Services Supervisor, provided input on the experience the District Attorney's Office has had with Mother Lode Job Training and stated they appreciate being able to work with them with staffing and training.

(M)Fritz, (S)Pickard, direction was given to staff to try to obtain the CDBG funds as recommended, with the stipulation that other housing projects in the County be reviewed for needing assistance. Supervisor Pickard commented on the efforts of the Affordable Housing Committee's work and the need for them to proceed. He also stated he feels the County should continue working on the Public Works type-projects that have been started with these funds. Supervisor Bibby stated she is not supportive of proceeding with the apartment complex project, but supports the job training and fire component. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

Consider Items Removed from the Consent Agenda

Item 3 – Supervisor Bibby initiated discussion relative to the lease agreement for additional office space for Human Services and the limited parking spaces. Jim Rydingsword, Human Services Director, advised that they are reviewing alternatives for parking and provided input on their need for office space. Rick Benson clarified that the building permits have been finalized. (M)Fritz, (S)Pickard, item 3 was approved/Ayes: Unanimous.

Karen Robb, Farm Advisor/Anne Lombardo, Program Representative - University of California; Present Information Regarding New Project on Wildfire Management and Forest Stewardship being Conducted by the University of California and Other Agencies in the Sierra Nevada

BOARD ACTION: Anne Lombardo presented information on the seven-year project located in the Fish Camp/Nelder Grove/Sugar Pine area and advised that they are developing an educational component for the students. Discussion was held.

12:44 p.m. Recess

12:53 p.m. Consider the Remaining Items Removed from the Consent Agenda

Items 10 and 11 – At Supervisor Turpin’s request, Rick Benson reviewed the MOUs.

Input from the public was provided by the following:

Bill Flaherty, as a member of the MCMCO bargaining unit, stated it was a pleasure to work with Rick Bolanos in the labor negotiation process.

Rick Benson commended Rick Bolanos, Sandi Laird, and the negotiators from the bargaining units for their work with the labor negotiations. Supervisor Bibby asked for clarification of whether the language that is in the MOU with MCMCO relative to participation in a management/labor committee to review and discuss the County’s pension plan unfunded liability and to evaluate options for addressing that liability is included in the MOU with SEIU. The Board recessed at 1:02 p.m. for the County Administrative Officer to research this question. The Board reconvened at 1:04 p.m. and Rick Benson advised that SEIU agreed to this matter; however, the language is being formulated in a side letter. Discussion was held and Sandi Laird/Administrative Analyst-Administration responded to questions relative to this matter. (M)Fritz, (S)Pickard, item 10/MOU with MCMCO was approved; and direction was given for the MOU with SEIU to come back on the agenda for December 18, 2008, with the side letter/Ayes: Unanimous. Further discussion was held, and County Counsel advised that the side letter would be behind the MOU when it is brought back.

Item 12 – Supervisor Turpin initiated discussion relative to the letter to BLM, and he asked that copies be distributed to our state and federal legislators, Tom Quinn/Stanislaus National Forest Supervisor, CSAC, and RCRC.

Input from the public was provided by the following:

Keith Williams suggested that a copy also be sent to the State Parks and Recreation OHV Division, and the Board concurred.

Supervisor Pickard asked that a copy also be sent to Ed Cole/Sierra National Forest Supervisor, and the Board concurred. (M)Turpin, (S)Fritz, item 12 was approved and direction was given for distribution as discussed/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)

BOARD ACTION: (M)Turpin, (S)Aborn, Res. 07-570 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

- A) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff’s Association); Name of County Designated Representative: Richard Bolanos; and

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos (Richard J. Benson, County Administrative Officer/Personnel/Risk Manager)
BOARD ACTION: Rick Benson withdrew these items from the agenda.

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: Citizens for the Protection and Preservation of Wawona v. Mariposa County Board of Supervisors (County Counsel)
BOARD ACTION: (M)Fritz, (S)Aborn, the closed session was held/Ayes: Unanimous.

1:35 p.m. Chair Bibby announced that information was received as a result of the closed session.

CONSENT AGENDA

- CA-1 Appoint Susan Peterson to Serve as a Member of the In Home Supportive Service Advisory Committee (Human Services Director)
- CA-2 Approve an Agreement with Community Regional Medical Center for Psychiatric Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-558
- CA-3 Approve a Lease Agreement with Tolley and/or Sherry Gorham for Additional Office Space for Social Services, Located at 5174 Highway 140 North and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 07-567
- CA-4 Authorize the Human Services Director to Submit a Request to the State Department of Mental Health for \$75,000 in Planning Funds that are Set Aside for Mariposa County, to be Used to Create a Mental Health Prevention and Early Intervention Plan that will Serve Mariposa County Residents (Human Services Director); Res. 07-559
- CA-5 Approve the Detection Trapping Contract No. 07- 0635 for Fiscal Year 2007-2008 with California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 07-560
- CA-6 Approve Pierce's Disease Control Program/Glassy-winged Sharpshooter Contract No. 07-0107-1, Amendment 1 for Fiscal Year 2007-2008 Thru 2009-2010 with California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Amendment (Agricultural Commissioner); Res. 07-561
- CA-7 Approve an Agreement with 35-A District Agricultural Association for Use of the Fairgrounds Facility for Calendar Year 2008 for Trainings, Meetings and other Similar Events and/or Activities and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 07-562
- CA-8 Approve the Sheriff's Office Staff to Donate Accrued Vacation Time to the Sick Leave Account of a Sheriff's Office Employee (Sheriff); Res. 07-563
- CA-9 Approve Additional Pages of an Agreement Previously Approved by Resolution No. 07-512, with Total Merchant Services for Acceptance of Credit Card Payment of Fines, Fees, Restitution and Other Financial Obligation Ordered by Mariposa County Superior Court and Authorize the Board of Supervisors Chair to Sign the Additional Pages of the Agreement (Chief Probation Officer); Res. 07-564

- CA-10 Approve a Three Year Memorandum of Understanding (MOU) with the Mariposa County Managerial and Confidential Organization (MCMCO) Effective November 1, 2007 and Authorize the Board of Supervisors Chair to Sign the MOU and Authorize Auditor to Transfer Appropriations to Each Affected Budget Unit in Order to Implement Provisions of the MOU (County Administrative Officer/Personnel/Risk Manager); Res. 07-568
- CA-11 Approve a Three Year Memorandum of Understanding (MOU) with the Service Employees International Union, Local 521 (SEIU) Effective November 1, 2007 and Authorize the Board of Supervisors Chair to Sign the MOU and Authorize Auditor to Transfer Appropriations to Each Affected Budget Unit in Order to Implement Provisions of the MOU (County Administrative Officer/Personnel/Risk Manager); This item was continued to December 18, 2008, for the side letter to be included as discussed.
- CA-12 Approve a Letter in Reference to the BLM Sierra Resource Management Plan/Environmental Impact Statement of August 2006 (Supervisor Turpin); Res. 07-569

1:36 p.m. Adjournment in memory of Mark Evans and Dorothy “Dot” Dryden (Greenamyre).

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board

JANET BIBBY,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

December 18, 2007



Time Description

9:10 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance
Introductions

Chair Bibby advised of the addendum to the agenda to add a closed session relative to labor negotiations with SEIU; she advised that it is her understanding that the appeals may have been withdrawn for the 3:30 p.m. public hearing; and she advised that there was a replacement page for the letter of recognition for Judy Hertfelder.

Approval of Consent Agenda (See End of Summary of Proceedings)

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

BOARD ACTION: Supervisor Bibby pulled item 9 for separate action due to a potential conflict of interest as she has a remaining interest in a piece of property that is close to the Old Toll bridge; and she asked the Vice-Chair to handle this item.

Input from the public was provided by the following:

Paul Chapman questioned the need to extend the agreement for item 10.

Rick Benson, County Administrative Officer, pulled item 16 to discuss later in the afternoon. Supervisor Turpin pulled item 1 for a correction to the December 4th minutes. Supervisor Bibby pulled item 13. Supervisor Aborn pulled item 10. (M)Fritz, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Item 1 – Supervisor Turpin advised of a correction to the minutes for December 4th to reflect that Station 26 Fire Brigade had the tree lighting ceremony in Coulterville. (M)Turpin, (S)Fritz, item 1 was approved with the correction/Ayes: Unanimous.

Supervisor Fritz;

Present Judy Hertfelder Letter of Recognition for Being the First Mariposa Resident to Attend UC Merced

BOARD ACTION: (M)Fritz, (S)Aborn, the letter was approved and presented to Judy Hertfelder recognizing her as the first Mariposa resident to register as a freshman to attend UC Merced/Ayes: Unanimous. Judy introduced her parents, Dana and Katie Hertfelder.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Elnora George, Chief Executive Officer of the John C. Fremont Health Care District, announced the opening of the North County health care clinic; and she thanked those who helped to make this clinic possible. She also advised that they plan to give a presentation to the Board in later January or February 2008, relative to the changes at the hospital for the community. Supervisor Turpin commended Elnora for her work with the clinic.

Kenneth Gosting, TIE (Transportation Involves Everyone), thanked the Board for its action on December 11th on the High Speed Rail, and he advised of an oversight hearing scheduled by the Senate. He advised of discussions with CalTrans officials and legislators and others relative to notching bridge number one at the Ferguson Rockslide. He commented on the work schedule over the holidays for the road reconstruction project on Highways 120/140.

9:32 a.m. Recess

9:41 a.m. Board Information

Supervisor Aborn advised that he attended the 4-H club dinner held in Bootjack; and he wished everyone a very Merry Christmas and a Happy New Year.

Supervisor Pickard provided information on the status of the health care reform proposal; and he advised of the need for clarification of issues that will affect the local government with this. He advised that Congress voted on the energy bill and the PILT funding and Rural Schools funding were removed.

Supervisor Turpin wished everyone a Merry Christmas and a joyous holiday. He advised that he attended the Christmas events in Coulterville on Saturday. He thanked the Board for sending a letter to BLM commenting on the Management Plan, and he noted that BLM realizes that they need to communicate with the Forest Service on issues of mutual concern.

Supervisor Fritz advised that she attended the Merced River Wild and Scenic Plan meeting the previous week and she commented on the Highway 120/140 repairs. She attended the tree lighting ceremony at the Courthouse on Saturday sponsored by the Lion's Club. She rang the bells for Salvation Army on Monday for the Soroptimists at Pioneer Market, and she congratulated the community for being so giving. She advised the Supervisorial District IV meeting will be held on January 7th. She plans to attend the San Joaquin Valley Rail meeting in Merced on January 10th, and she plans to attend the YARTS JPA meeting in Merced on January 14th. She wished everyone a safe and happy holiday season and encouraged everyone to shop locally.

Supervisor Bibby commented on the shortfall in the State's budget and the need to closely watch what the impacts will be to the County. She commented on the impact to First 5 and the local programs if funding is cut. She also commented on shopping locally. She attended the Lion's Club tree lighting event at the Courthouse and commended the volunteers that make these events happen. She attended the Sheriff's Department year-end get together and noted that Sheriff Allen received his 30-year pin for service, and recognized the SCOPE volunteers for their work. She noted that the next Board meeting is scheduled for January 8, 2008, and she wished everyone a happy holiday and a prosperous 2008. She thanked the community, County staff, and the Board members for their assistance during the year while she served as Chair; and she wished the new Chair and Vice-Chair a fantastic 2008. She noted that she is looking forward to seeing the Ferguson Rockslide project start in 2008.

Supervisor Turpin further commented on the holiday activities held in Coulterville and he thanked Mary Ann Huff and the volunteers for the fundraising event held in the Cedar room at the Jeffrey Hotel. He thanked Chair Bibby for leading the Board this past year.

Chair Bibby extended a special wish to the County employees and departments, and thanked everyone for going the extra step to provide service.

Cathi Boze, Agricultural Commissioner;

Adopt a Resolution Re-affirming the USDA Primary Disaster Declaration Request for Mariposa County Rangeland/Livestock Operations Due to Drought Conditions that Began October 15, 2006 and are Continuing; and Introduction of Laura Westerfield, USDA Merced-Mariposa Farm Service Agency Office and Dawn Afman, USDA NRCS – Relative to USDA Disaster Program and Resource Development Assistance Resources

BOARD ACTION: Cathi Boze provided input on the Board's previous action to declare a disaster due to the drought conditions. Laura Westerfield and Dawn Afman explained the programs that they have available.

Input from the public was provided by the following:

Paul Chapman urged the Board to adopt the resolution re-affirming the disaster; and he urged the Board to stop the exportation of water from the County.

(M)Turpin, (S)Fritz, Res. 07-578 was adopted re-affirming the drought/Ayes: Unanimous.

MARIPOSA COUNTY BOARD OF SUPERVISORS/MARIPOSA PARKING DISTRICT

Thomas P. Guarino, County Counsel

Discussion, Direction and Action Authorizing the Board of Supervisors Chair to Sign Parking District Leases

BOARD ACTION: Thomas P. Guarino advised of the responses received from the property owners to continue the lease agreements. He advised that in order for the lease to continue on each of the lots, all of the property owners for each lot must agree to continue with the lease agreement. If all of the property owners agree for one lot and not for the other lot, then only the one lot that has agreement will continue with the lease. Following discussion, it was clarified that the only lease agreement that has not been returned is from Mr. Freitas and that is being pursued. (M)Aborn, (S)Fritz, Board Res. 07-579 and Mariposa Parking District Res. 07-1 were adopted authorizing the Chair to sign the lease agreements for each of the parking lots, contingent on receipt of signed lease agreements from all of the property owners for each of the parking lots as recommended by County Counsel/Ayes: Unanimous.

MARIPOSA COUNTY WATER AGENCY

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

A) Public Presentation – none.

B) Dana Hertfelder, Public Works Director;

Approve Budget Action Transferring \$3,000 within the Water Agency Budget from Projects to the MPUD Feasibility Study to Allow for Payment of the Final Invoice from Provost & Pritchard for Preparing the Study

AGENCY ACTION: Following discussion with Dana Hertfelder, (M)Pickard, (S)Fritz, Water Agency Res. 07-1 was adopted approving the budget action/Ayes: Unanimous.

Supervisor Pickard advised that he and Supervisor Turpin attended a meeting with a water consultant as a follow-up to the Water Agency Advisory Committee meeting, and he asked that the Chair schedule an item on a future agenda for the Water Agency to discuss the feasibility study concept that was presented to the subcommittee of the Advisory Committee. Dana Hertfelder provided input. Chair Turpin advised that this matter would be scheduled for the Water Agency.

10:40 a.m. Dana Hertfelder, Public Works Director;

Update by CalTrans on the Status of Projects in the County

BOARD ACTION: Dana Hertfelder introduced Ken Baxtor, CalTrans Deputy District Director for Planning; and he introduced Jane Perez/CalTrans Assistant Division Chief for Program Project Management, and Mark Ward, CalTrans/Office Chief for Traffic Engineering. Ken Baxtor advised of the availability of transportation planning grant funds that are available, reviewed their mission statement, reviewed the STIP allocations, and the status of projects in the County. Discussion was held with Ken Baxtor, Jane Perez, and Mark Ward, as to whether the Ferguson Rockslide project would impact the STIP funding; and relative to the status of projects in the County. Supervisor Pickard complimented CalTrans on the left-turn lane project at Darrah Road and the chip seal/recessed markers project.

11:12 a.m. Vice-Chair Turpin;

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: 2

BOARD ACTION: (M)Turpin, (S)Aborn, the closed session was held/Ayes: Aborn, Turpin, Fritz, Pickard; Abstained: Bibby.

12:44 p.m. The Board reconvened in open session, and Vice-Chair Turpin announced that direction was given to staff as a result of the closed session.

Consider Items Removed from the Consent Agenda

Item 9 – Supervisor Bibby excused herself from the meeting at 12:45 p.m. due to a potential conflict of interest as stated previously, for the following item.

Input from the public was provided by the following:

Paul Chapman questioned why the Old Toll bridge was included in this item. Dana Hertfelder provided input on the request. Following discussion, (M)Pickard, (S)Fritz, Res. 07-580 was adopted approving item 9/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby. Supervisor Bibby returned at 12:53 p.m.

Item 10 – Following discussion with Dana Hertfelder, (M)Aborn, (S)Pickard, item 10 was approved/Ayes: Unanimous.

Item 13 – Discussion was held with Kris Schenk, Planning Director. Supervisor Bibby asked about the consultant being present to give a presentation to the Board following the public workshops. (M)Pickard, (S)Fritz, item 13 was approved, with changes as discussed to add the Agricultural Commissioner and to change RCD staff to Yosemite/Sequoia Resource Conservation and Development Council staff/Ayes: Unanimous.

Item 16 – Chair Bibby advised that this item will be considered after the closed session relative to labor negotiations with SEIU.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

C) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SEIU (Service Employees International Union); Name of County Designated Representative: Richard Bolanos (Richard J. Benson, County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: (M)Fritz, (S)Pickard, the closed session will be held at 2:00 p.m./Ayes: Unanimous.

Supervisor Bibby excused herself from the meeting at 1:04 p.m. for the following action, due to a potential conflict of interest as she has family members involved in the SMA and SDA bargaining units.

A) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: DSA (Deputy Sheriff's Association); Name of County Designated Representative: Richard Bolanos; and

B) CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriff's Management Association); Name of County Designated Representative: Richard Bolanos

BOARD ACTION: (M)Fritz, (S)Aborn, the closed sessions will be held following the closed session relative to labor negotiations with SEIU at 2:00 p.m./Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

1:05 p.m. Lunch

2:10 p.m. The Board convened in closed session.

2:54 p.m. The Board reconvened in open session. Chair Bibby advised that information was received as a result of the closed session relative to labor negotiations with SEIU. Vice-Chair Turpin announced that direction was given to staff as a result of the closed session relative to labor negotiations with DSA and SMA.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)

BOARD ACTION: Rick Benson advised of inquiries that were received as a result of an earlier letter from the Park Service asking CalTrans to tweak the temporary bridge; and he recommended that the emergency be continued. Supervisor Bibby commented on getting additional information from the downtown businesses and the gas stations relative to the impacts the rockslide is having on their

business. (M)Fritz, (S)Aborn, Res. 07-583 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Approval of Summary of Proceedings of December 5, 2007, Continued Meeting from December 4, 2007 (Clerk of the Board)

BOARD ACTION: Supervisor Bibby excused herself from the meeting at 2:59 p.m. for this matter because these minutes are for the continued meeting for labor negotiations with DSA and SMA. (M)Fritz, (S)Pickard, the minutes were approved/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

3:02 p.m. Karen Robb, Farm Advisor;
Approve Support of the Master Gardener Program

BOARD ACTION: Discussion was held with Karen Robb relative to the request. Rick Benson advised that if the Board wishes to proceed with this program, the agreement and budget action will be brought back.

Input from the public was provided by the following:

Paul Chapman referred to the Governor's proposal to cut the State's budget; and he questioned why the County should pay for this program versus the University of California.

Ruth Catalan stated she feels the program is important, but questioned why the Master Gardeners couldn't volunteer the hours to take care of the program.

Further discussion was held. (M)Pickard, (S)Fritz, the Board approved supporting the Master Gardener Program and directed staff to bring back an agreement and budget action for the remainder of the fiscal year/Ayes: Unanimous.

Consent Agenda item 16 – Rick Benson provided input on the MOU and advised of the addition of a paragraph that is to be inserted in the MOU that was overlooked due to a clerical error, and he advised of a side letter agreement to the MOU relative to the management labor committee. (M)Fritz, (S)Turpin, item 16 was approved, with the correction and side letter as discussed/Ayes: Unanimous.

Declare Monday, December 24, 2007, a County Holiday (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Following discussion with Rick Benson, (M)Aborn, (S)Fritz, Res. 07-585 was adopted declaring December 24th as a County holiday/Ayes: Unanimous.

3:30 p.m. Kris Schenk, Planning Director;

PUBLIC HEARING – to Consider **Appeal No. 2007-169**, an Appeal of the Planning Director's September 12, 2007, Determination Regarding the Processing Requirements for an Agritourism/Guest Ranch/Farm Stay Use at Coyote Springs Ranch and **Appeal No. 2007-176**; an Appeal of the Planning Director's October 25, 2007, Revised Determination Regarding the Processing Requirements for the Coyote Springs Ranch projects. Coyote Springs Ranch is Located at 2100 Old Highway, Catheys Valley; APNs 016-220-008, 016-160-082, 016-160-023, 016-160-071, 016-170-091, 016-170-093, 016-170-094, 016-160-074, 016-180-008, 016-180-009. (Appellant: Theresa Castaldi)

BOARD ACTION: Kris Schenk advised a letter was received from Theresa Castaldi withdrawing the appeals. County Counsel agreed that the appeals have been withdrawn. Supervisor Bibby asked for a copy of the correspondence that was received withdrawing the appeals.

Approve Contract with Granicus, Inc., to Provide Audio Internet Streaming Services for Board of Supervisor's Meetings and Authorize the Chair of the Board of Supervisors to Sign the Contract (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson, and he advised of a revised amount of \$32,100 versus \$37,000. Board members expressed concern with being able to fund the fire protection services and asked that this matter be held.

Input from the public was provided by the following:

Ruth Catalan questioned how many people will listen to the internet streaming.

Paul Chapman stated he agrees with Ruth Catalan, and he questioned whether there will be additional needs with the system.

(M)Aborn, (S)Turpin, the Board postponed consideration of this matter for sixty days to consider the fire protection presentation in January 2008. Further discussion was held. Ayes: Aborn, Turpin, Bibby, Fritz; Noes: Pickard.

Resolution Granting an Exception to Policy Regarding Vacation Payoff when Assuming a Department Head Position (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson, and he advised that there are some questions as to whether this conforms to the IRS regulations; and a legal opinion is being sought. County Counsel stated he agrees with moving forward with this item; but there are two concerns: 1) the IRS implication; and 2) he does not want to allow any use of the 457 program (deferred compensation) to be in violation of PERS regulations. He recommended that the Board adopt a finding if this is approved, that it is being done on the basis that it is a benefit to the County due to the large sum that is involved. Chris Ebie, Auditor, provided input on his research and his concerns with this matter and whether the action could be justified in an audit. County Counsel concurred with the comments from the Auditor and advised that is the reason for his recommended findings. County Counsel further advised that this action would give an opportunity to review whether an exception to the policy could be granted.

Input from the public was provided by the following:

Ruth Catalan questioned whether income averaging is still available to a taxpayer and commented on other options.

Paul Chapman suggested that the Auditor write three different checks.

Doug Binnewies, Sheriff's Captain, advised that Undersheriff Muller was unable to be present as something came up at the last minute; and he advised that this request came about as a way to help the County and the interest is not self-motivating.

Further discussion was held. Chris Ebie noted that he is trying to protect the County and Undersheriff Muller. (M)Pickard, (S)Aborn, Res. 07-586 was adopted, with the inclusion of a finding that this is being done on the basis that it is a benefit to the County as discussed/Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

INFORMATION – No action was necessary on the following:

Provide Information on Dates and Plans for Upcoming Public Workshops on Agri-Nature Tourism and Related Uses in Mariposa County; Workshops will be Held Saturday, January 26, 2008 and Saturday, March 1, 2008 (Farm Advisor)

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: Citizens for the Protection and Preservation of Wawona v. Mariposa County Board of Supervisors (County Counsel)

BOARD ACTION: County Counsel asked that this matter be continued to January 8, 2008.

CONSENT AGENDA

- CA-1 Approval of Summary of Proceedings of December 4, 2007 Regular Meeting; and Approval of Summary of Proceedings of December 11, 2007, Regular Meeting (Clerk of the Board)
- CA-2 Approve an Amendment to the Agreement with California Department of Forestry and Fire Protection Schedule "A" Dispatch Contract # 4CA66709 for Dispatch Services for Fiscal Year 2007-2008 in the Amount of \$156,076 for the Second Year of the Three Year Contract (Fire Chief); Res. 07-571

- CA-3 Approve a Cooperative Fire Protection Mutual Aid Agreement to Provide Assistance to One Another, Between Mariposa County and the California Department of Forestry and Fire Protection CAL-FIRE and Authorize The Board of Supervisors Chair to Sign the Agreement (Fire Chief); Res. 07-572
- CA-4 Approve Budget Action Transferring Funds from Board Salaries (District II) to Enhance the Red Cloud Library Project (5,622) (4/5ths Vote Required) (Supervisor Turpin); Res. 07-573
- CA-5 Accept the Resignation of Lee Eddy from the Greeley Hill Planning Advisory Committee (Supervisor Turpin)
- CA-6 Approve Budget Action Reducing General Fund Contingency to Pay off the Mariposa Public Utility District (MPUD) Assessment on APN 013-186-009, Which is Part of the Arts Park (\$3,268) (4/5ths Vote Required) (Public Works Director); Res. 07-574
- CA-7 Approve the Appointment of Barbara Milazzo to the Mariposa County Unified School District Seat of the Mariposa County Solid Waste AB 939 Local Task Force (Public Works Director)
- CA-8 Authorize an Additional 350 Hours Each (Beyond the 999 Hour Limit) for Two Maintenance Worker I Extra Help Staff Working in the Solid Waste Division (Public Works Director); Res. 07-575
- CA-9 Approve an Amendment to an Agreement with CH2MHill Extending the Date of Completion to June 30, 2008, for the Replacement or Rehabilitation of Five Bridges that the County Currently has Programmed for Funding through the Highway Bridge Replacement and Rehabilitation Program (HBRR) and Authorize the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 07-580
- CA-10 Approve an Amendment to the Agreement with Provost and Pritchard for the MPUD Feasibility study Extending the Date to June 30, 2008 and Authorize the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 07-581
- CA-11 Accept the Resignation of Lee Shackleton from the Historic Sites and Records Preservation Commission (Chair Bibby)
- CA-12 Appoint Tom Phillips to the Historic Sites and Records Preservation Commission as a Member Representing the Mariposa Museum and History Center and Appoint Al Ranson to the Historic Sites and Records Preservation Commission as an Alternate Representing the Mariposa Museum and History Center (Chair Bibby)
- CA-13 Approve an Agreement with Hauge Brueck Associates, LLC to Implement the Mariposa County General Plan by Developing Standards and Guidelines for Agri-Nature Tourism and Related Uses and Authorize the Board of Supervisors Chair to Sign the Agreement (Planning Director); Res. 07-582 with changes as discussed
- CA-14 Adopt a Resolution Amending the Contribution Under the Public Employees' Medical and Hospital Care Act (PEMHCA) for the Retirees of the Mariposa County Managerial and Confidential Organization (MCMCO), Sheriffs' Management Association (SMA), Court Management, as Well as Retired Appointed and Elected Officials (County Administrative Officer/Personnel/Risk Manager); Res. 07-576

- CA-15 Approve Budget Action Accepting One Time Only Funds From Area 12 Agency on Aging for Purchases for the Congregate and Home Delivered Meal Programs (\$2,034) (4/5ths Vote Required) (Community Services Director); Res. 07-577
- CA-16 Approve a Three Year Memorandum of Understanding (MOU) with the Service Employees International Union (SEIU) Effective November 1, 2007 and Side Letter and Authorize the Board of Supervisors Chair to Sign the MOU and Authorize Auditor to Transfer Appropriations to Each Affected Budget Unit in Order to Implement Provisions of the MOU (County Administrative Officer/Personnel/Risk Manager); Res. 07-584

4:55 p.m. (M)Fritz, (S)Aborn, the Board adjourned in memory of Robert “Bob” Daniels and Genetta A. (Von Escher) Gonder/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board

JANET BIBBY,
Chair, Board of Supervisors