



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

October 7, 2008



Time Description

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

4-H members 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: Input from the public:

Mary Williams thanked the Board for considering the recognition for the sesquicentennial celebration of Meadow Creek Ranch Bed & Breakfast; and she advised that her grandfather bought the ranch in 1911 and sold it to the Hilton family in 1924.

Supervisor Bibby pulled items 1, 8 and 9. (M)Fritz, (S)Bibby, the balance of items was approved/Ayes: Unanimous.

Chair Turpin;

A) Presentation on National 4-H Week, Agriculture in the Classroom and Proclaim the Week of October 5-11, 2008 as "National 4-H Week" (Interim Farm Advisor); and

B) Proclaim the Week of October 6-11, 2008 as "Habitat for Humanity Awareness Week"

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

The 4-H week Proclamation was presented to Donna Wice/4-H Coordinator, 4-H leaders, parents and 4-H members. Cody Hart, past President of the 4-H Council, provided input on the 4-H program and thanked the Board for its support. Becky Crafts thanked the Board for its support of the program and commented on the life skills that the members learn. Phillip Fuller, 4-H member, provided information on his Emerald Star project – "SOS Kids" which is an effort to aid US soldiers in war areas with humanitarian relief and is overseen by the "Soldiers Angels" organization. Donna Wice provided information on the 4-H enrollment and activities; and she invited everyone to the November 1st Achievement Night event.

The Habitat for Humanity Proclamation was presented to Delores Hahn and representatives of Habitat for Humanity. Delores Hahn advised of their official affiliation with Habitat International and of their fundraising activities; and she invited everyone to the October 11th Italian dinner and auction fundraiser at the Lutheran Church. She advised that they are looking for a piece of land to build a home on; and advised of the "Cars for Homes" option for donating to their organization.

9:31 a.m. Recess

9:39 a.m. Chair Turpin announced that there is an addendum to the agenda for a closed session at 2:00 p.m. on the Castaldi and Oakander vs. County of Mariposa case.

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

Ruth Catalan stated she has observed County vehicles being used in a way that she feels is inappropriate; and she referred to Chapter 2.76 of the County Code relative to the assignment of "take home" vehicles and stated she does not feel that this has been complied with. She posed several questions and asked for information on this matter.

Cathi Boze, Agricultural Commissioner, and Bill Hodson advised of the Farm Bureau's dinner/dance fundraising event scheduled for October 11th, with a theme of "wave the flag for ag."

Ron Loya provided input on his efforts to obtain information relative to the status of the Parks and Recreation Commission; and he presented letters he previously sent.

MaryAnn Huff, President of the Mariposa County Chamber of Commerce, advised that they are planning a "public service" recognition dinner for October 25th and they will recognize those who participated in the last three disasters in the County; and she advised that they are looking for sponsors.

Paul Chapman advised that he obtained a list of the people of people who were supposed to get ballots for the Proposition 218 process for the fire equipment/capital improvement project and he does not feel that the list is accurate; and he does not feel that the assessment can proceed as he feels the process is not valid.

Eleanor Keuning advised that she found a booklet in New York that listed all of the agencies for a County and she felt that information is helpful. She also advised that she is reading a book, entitled "Boom Town USA" and it refers to connections with agriculture. She commented on the need to preserve the historical aspect of the downtown area. Chair Turpin encouraged her to contact the Executive Director of the Yosemite/Mariposa County Tourism Bureau with her ideas.

Manuel Souza stated he doesn't feel anything has been happening on developing the agricultural tourism policy and he is concerned. He feels there has been selective enforcement of the ordinances. He referred to an event he is planning to hold at Coyote Springs Ranch, but is concerned with the barricades and he doesn't feel that due process was followed. He feels that the County should try to help people and not discourage them.

Board Information

Supervisor Fritz advised that she plans to attend events on Saturday.

Supervisor Pickard advised that he plans to attend the Bio-Diversity Conference in Oakland this week.

Supervisor Bibby referred to a recent Merced Sun Star story on Marriott's profits dropping and cautioned that consumers are spending less on travel and that may impact our revenues. She advised that she is receiving calls relative to the rate increase that was approved for Total Waste Systems and she notified the callers that the contract calls for this increase; however, the concerns have been expressed to Total Waste Systems and she hopes that they will look at group rates. She advised that there is increased law enforcement activity, especially around school sites; and that drivers need to adhere to the speed reductions for school zones. She complimented those who attended the Patriots game in San Francisco in support of team member Logan Mankins. She plans to attend the Farm Bureau dinner. She thanked the 4-H volunteers for their efforts with the program.

Supervisor Aborn commented on the first storm of the season and preparations to protect the area burned by the Telegraph Fire.

Supervisor Turpin advised that the Board members have been receiving thank you notes for the bumps made at the Jr. Livestock Auction. He advised of a memorandum he received from the Stanislaus National Forest relative to restoration of the Trumble Peak Cabin and he will be meeting with the Forest Service District Ranger on this and other issues. He commented on the first rain of the season. He attended the Agricultural Advisory Committee meeting and the Planning Commission workshop with the different agencies last week.

Scott Oneto, Interim Farm Advisor;

Introduce Margaret M. Collins; Nutrition, Family, and Consumer Science Advisor

BOARD ACTION: Scott Oneto introduced Margaret Collins and advised that she has a split appointment between Mariposa and Tuolumne Counties. Margaret Collins provided information on the programs that she is working on, and discussion was held.

Input from the public was provided by the following:
Dick Hutchinson commented on the programs.
Further discussion was held.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
Authorize Staff to Prepare an Application to the Department of Housing and Community Development to Launch a Microenterprise Assistance Program

BOARD ACTION: Rick Benson advised of a revision in the staff report to delete the County's cash match. Marilyn Lidyoff, Business Development Coordinator, reviewed the request, and discussion was held.

Input from the public was provided by the following:

Ruth Catalan asked about the distribution of the funds and the program and a possible future grant. Marilyn Lidyoff responded to the questions.

Eleanor Keuning asked whether there would be a market survey to determine whether the requested business would be successful here before the loan decision is made. Marilyn Lidyoff responded to the question.

MaryAnn Huff expressed support for this program and offered the Chamber's assistance with personnel – perhaps with a small survey.

Paul Chapman asked why the County is going in the banking business. He stated he does not feel that people can start a small business and be successful in this economy.

Elaine Seymour, Chocolate Soup, provided input on her experience with starting her business with a small private loan; and she stated she sees this as an opportunity. She noted that the small businesses pay the most taxes in the United States.

Ruth Catalan stated she supports this program and feels it is a good idea. She was asking questions to get the answers for the public.

Further discussion was held relative to the program, including the recommended \$15,000 maximum for a loan. Jim Rydingsword, Human Services Director, provided input on the program. (M)Fritz, (S)Bibby, Res. 08-467 was adopted approving the application as requested; and direction was given to look at having a \$20,000 loan limit as discussed/Ayes: Unanimous.

11:24 a.m. MARIPOSA COUNTY WATER AGENCY
(Chair – Director Aborn; Vice-Chair – Director Turpin)

A. Public Presentation – none.

B. Review and Approval of the Pre-application Document (PAD) for the Merced Irrigation District's Merced River Hydroelectric Project Relicensing (County Administrative Officer/Personnel/Risk Manager) (Continued from September 23, 2008)

AGENCY ACTION: Rick Benson advised that this matter is also scheduled for the Board of Supervisors following the Water Agency meeting. Mark Rowney/MPUD General Manager, reviewed the Water Agency Advisory Board's recommendations. Discussion was held relative to suggested wording revisions; and the Directors suggested including impacts on the rest of the public safety departments.

Input from the public was provided by the following:

Jeff Gabe, Merced River Conservation Committee, commented on the PAD process and the FERC relicensing process. He stated he feels that the County should get out front and say that there should be studies on the cultural resources issues.

Paul Chapman stated he feels hydrological and geological issues should be addressed in the study; and he referred to a previous study that was done. He referred to the fisheries issues and questioned Mr. Martin's information and is not sure that his letter should be referenced in the County's response.

Ralph Mendershausen stated he agrees with Mr. Gabe about being proactive. He addressed the historical and cultural issues and stated he feels that this is an opportunity to address these issues

and he feels that the County has a great deal of standing on this. He suggested that the County request discussion of improving the recreational resources.

Discussion was held relative to the issues that were raised – being involved in the study of cultural resources and the service impacts and the fisheries issue. There was concurrence that the response would be submitted jointly from the Water Agency and the Board of Supervisors. Director Bibby initiated discussion relative to including agriculture and water for the production of hay, etc., for our agricultural activities; and Director Turpin initiated discussion relative to MID not opposing stock ponds – there was concurrence to including a statement that MID and the County will be good partners in the management of our natural resources.

Additional input from the public was provided by the following:

Jeff Gabe advised that Mr. Martin is on vacation and his material has been submitted.

Further discussion was held, and Director Turpin suggested that there be more specific information on the agreements between the County and MID – this is to be addressed in the cover letter by stating that the agreements remain an important part of the County's participation. Mark Rowney advised that he will make the suggested revisions and he will bring the document back for action on October 14th. Chair Aborn asked that County Counsel provide a legal review of the revised document. The matter was continued to October 14th.

12:34 p.m. The Board of Supervisors reconvened.

Review and Approval of the Pre-application Document (PAD) for the Merced Irrigation District's Merced River Hydroelectric Project Relicensing (County Administrative Officer/Personnel/Risk Manager) (Continued from September 23, 2008)

BOARD ACTION: This matter was continued to October 14th.

12:35 p.m. Lunch

1:37 p.m. Consider Items Removed from the Consent Agenda

Item 1 – Supervisor Bibby referred to the Summary of Proceedings for September 16th and clarified for the public that the discussion during the Final Budget hearing of the Economic Development budget included her questioning the increase in the budget and for the County Administrative Officer to continue to look at that. She referred to the Summary of Proceedings for September 17th and clarified for the public that the discussion during the Final Budget hearing of the Contingency – General included her concerns and reservations and that she will probably not support a loan for the French Camp Road Zone of Benefit; and that she has concerns about taking \$5,000 from the General Fund for the Rural Media Arts Center – she feels that funds should have been taken from another source if this was to be funded. (M)Bibby, (S)Aborn, the Summary of Proceedings in item 1 were approved/Ayes: Unanimous.

Item 8 – Supervisor Bibby initiated discussion relative to the solicitation of proposals; and she asked whether this was considered by the Mental Health Board because Mental Health Act dollars are involved. (M)Bibby, (S)Aborn, item 8 was approved; with direction that if this hasn't been, that this agreement be scheduled for the Mental Health Board to consider/Ayes: Unanimous.

Item 9 – Supervisor Bibby initiated discussion relative to policies for the use of the bus and whether there are any risk management issues. She asked that the County Administrative Officer review the requests for use of the buses to make sure that they are within the transportation drivers' job description and that we are not violating any transportation rules. (M)Aborn, (S)Fritz, item 9 was approved/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: Rick Benson advised that CalTrans will be here on October 14th to provide an update on the permanent fix; and he recommended that the local emergency be continued. (M)Aborn, (S)Fritz, Res. 08-470 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: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued until such time as reimbursement is received. (M)Pickard, (S)Fritz, Res. 08-471 was adopted finding the local emergency due to the Oliver Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer)

BOARD ACTION: Rick Benson advised he has not received any reports of any problems from the recent rain; and they are in the final stages of collecting the numbers to submit to OES for reimbursement. He advised that there is still an effort to obtain a higher level Federal disaster declaration. He recommended continuing the local emergency. Supervisor Bibby asked about the status of scheduling a presentation from BLM on their activities; and she initiated discussion relative to tracking the costs associated with the sandbags to prevent erosion. (M)Aborn, (S)Bibby, Res. 08-472 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Adopt a Resolution Approving the Response of the Board of Supervisors to the 2007-2008 Mariposa County Grand Jury Final Report and Direct County Administration to Transmit the Response to the Presiding Judge of the Mariposa County Superior Court (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson relative to the response. Marvin Wells, Grand Jury Foreperson for 2007-08, responded to a question from the Board to clarify their recommendation that the Board investigate and develop a method for the Sheriff Department to collect impact fees for requested services from all outside vendors... He advised that this recommendation pertains to the Department providing law enforcement patrol for events. (M)Bibby, (S)Aborn, Res. 08-473 was adopted approving the response with the typographical correction and with clarification to be added that the County will explore the possibility of charging for law enforcement patrol for events/Ayes: Unanimous.

2:04 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: Theresa Castaldi and Patricia Oakander vs. County of Mariposa (County Counsel)

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

2:34 p.m. The Board of Supervisors reconvened in open session. Chair Turpin announced the following as a result of the closed session - authorization was given to retain the firm of Allen, Proietti & Fagalde, LLP, for this case, on a vote of four ayes, and Supervisor Turpin voted no.

Approval of Summary of Proceedings of September 11, 2008, Continued Meeting (Clerk of the Board)

BOARD ACTION: (M)Bibby, (S)Aborn, the Summary of Proceedings were approved/Ayes: Aborn, Bibby, Pickard; Abstained: Fritz (as she was excused from the meeting to attend the CSAC Board of Directors meeting in Sacramento) and Turpin (as he was excused from the meeting to attend a 911 event in Coulterville).

Approve Extra-Help Agreement with Jeffrey G. Green for Temporary County Counsel Services and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Transferring Funds within the County Counsel Budget for the Extra-Help Agreement (\$18,000) (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: (M)Bibby, (S)Aborn, Res. 08-474 was adopted approving the recommended actions/Ayes: Unanimous.

Cancel the Public Workshop on October 18, 2008 for the Board's Consideration of the Draft Yosemite West Special Plan and Reschedule at a Later Time (Planning Director)

BOARD ACTION: Discussion was held with Kris Schenk, Planning Director. (M)Aborn, (S)Pickard, the Board cancelled the October 18th workshop; and it will be rescheduled after input is received from the interim County Counsel/Ayes: Unanimous.

CONSENT AGENDA

- CA-1 Approval of Summary of Proceedings of September 16, 2008, Regular Meeting; Approval of Summary of Proceedings of September 17, 2008, Continued Meeting and Approval of Summary of Proceedings of September 23, 2008, Regular Meeting (Clerk of the Board)
- CA-2 Approval of a 4/10 Schedule for a Senior Office Assistant in Order to Effectively Staff an Office in Coulterville (Human Services Director); Res. 08-462
- CA-3 Reappoint Inez Terra to the Alcohol and Drug Advisory Board for a Three-year Term Expiring October 6, 2011 (Human Services Director)
- CA-4 Approve Providing a "Mariposa County Courthouse" Book Signed by each Board of Supervisor for the Mariposa Lion's Club Time Capsule that Will be Placed at the Monument and Flag Pole Dedication Ceremony at McKay Hall in Catheys Valley on October 21, 2008 (Supervisor Bibby); Res. 08-463
- CA-5 Approve the Sierra San Joaquin Noxious Weed Alliance – 2008 WMA Base Funding Work Plan Agreement No. 08-0464 with the California Department of Food and Agriculture (CDFA) for the Iberian Starthistle Survey and Eradication Project and the Stop the Spread of Yellow Starthistle Control and Management Project and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 08-464
- CA-6 Approve Rental Agreement with 35-A District Agricultural Association for Use of Sequoia Hall on October 2, October 9 and October 23, 2008 to Hold Mass Influenza Immunization Clinics and Authorize the Board of Supervisors Chair to Sign the Agreement (Health Officer); Res. 08-465
- CA-7 Approve a Lease Agreement with Marc and Tracy Lingenfelter for Office Space at 4975 9th Street for the District Attorney's Office, Victim/Witness Program and District Attorney's Vertical Prosecution Program and Authorize the Board of Supervisors Chair to Sign the Agreement (District Attorney); Res. 08-466
- CA-8 Approve an Agreement with Mariposa Safe Families to Carry out the Activities of the Friday Night Live, Club Live, Friday Night Live Mentoring and Substance Abuse Prevention Programs and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-468
- CA-9 Authorize the use of a Mariposa County Transit Bus to Transport Community Members to the Sesquicentennial Celebration of Meadow Creek Ranch Bed & Breakfast on Sunday October 19, 2008; Yosemite Mariposa Bed and Breakfast Association will Donate \$70.00 to Help Defray the Cost (Community Services Director); Res. 08-469

CA-10 Approval of Certificate of Recognition to Meadow Ranch Creek Bed and Breakfast for Celebrating their Sesquicentennial (150 Year) Celebration (Supervisor Fritz)

(M)Pickard, (S)Bibby, the Board adjourned at 2:47 p.m. in memory of Ethene “Muddie” Wold, Russell Daniel Wass, Geraldine “Jerri” Rea, Ruby Alberta Varain, Monika Alexandra Gilmore, Louise Gertrude Fleming, and Jacqueline Rose Airame/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

October 14, 2008



Time Description

9:05 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:

Paul Chapman referred to item 15/Arts Council agreement, and disagreed with taxpayers' money being used to fund this and he feels that this is required to be put out to bid.

(M)Fritz, (S)Aborn, the Consent Agenda items were approved/Ayes: Unanimous.

Chair Turpin;

Proclaim the Week of October 19-25, 2008 as "Red Ribbon Week" (Sheriff)

BOARD ACTION: (M)Bibby, (S)Aborn, the Proclamation was approved and presented to Sheriff Muller/Ayes: Unanimous. Sheriff Muller provided input and he noted that this is the 20th anniversary of the Red Ribbon Week.

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

Eleanor Keuning referred to item 8 and, as Chair of the Historical Sites and Records Preservation Commission, she thanked Leroy Radanovich for his service to the Commission. She referenced the microenterprise assistance program that the Board considered on October 7th and advised of her support for this program. She stated she would like to see a written guide to giving and volunteering for the County like one she obtained from New York. She expressed concern with the status of maintaining the marking for the parking spaces in downtown. She advised that the Kiwanis are sponsoring a candidate debate this evening at the High School Auditorium for the School Board candidates; and she noted recent changes in town with the businesses.

MaryAnn Huff, Mariposa County Chamber of Commerce President, advised that the "home town" heroes' dinner is scheduled for October 25th to thank everyone who helped with the Telegraph Fire and she advised that they are looking for sponsors. She advised that the mixer scheduled for the new brewery is cancelled as they are not open yet.

Board Information

Supervisor Bibby asked for community assistance in reporting vandalism that occurring to County signs – stickers with profanity are being applied to the signs; and she noted that it is against the law to defame government property. She advised that the Catheys Valley Pre School is going forward; and she attended a First 5 meeting on Monday and reported on the enrollment for the Greeley Hill and Don Pedro Pre Schools; and she asked for support to continue the funding for the First 5 programs. She

provided input on the following: Mother Lode Job Training meeting on Wednesday; attended Farm Bureau dinner and commended the Farm Bureau for their work in the community; she will be unable to attend the Volunteer Fire Department picnic on October 26th due to a conflict with the Catheys Valley Fall Festival; and she invited the Board and the community to attend the October 21st flag raising event and monument ceremony at the Catheys Valley Park. She noted that PG&E is kicking off their FERC relicensing on November 4th and that this is a separate process from MID's which is scheduled to kick off on December 8th.

Supervisor Aborn advised that he attended the Gateway meeting, and he commented on discussions he had relative to the status of the Foresta Bridge replacement – he has a call in to Congressman Radanovich to ask for his assistance with the Park Service in moving this project forward. He is also contacting Congressman Radanovich for assistance with obtaining temporary facilities to operate a store in El Portal.

Supervisor Fritz advised that the local Eastern Star chapter closed due to a loss of volunteerism; and she noted the need to support the local service clubs. She commented on problems with vandalism to the election campaign signs. She advised that YARTS is meeting here on October 27th. She plans to attend the San Joaquin Valley Regional Association of California Counties conference next week.

Supervisor Pickard advised that he attended the California Bio-Diversity Council fall meeting in Oakland and they toured the East Palo Alto area – the theme was “connecting children to nature” and he will provide more information to the Board members. He is attending a panel workshop in Shaver Lake this evening relative to land and water use. He plans to attend part of the San Joaquin Valley Regional Association of California Counties conference next week. He also plans to attend the Keep California Beautiful meeting next week and will miss the Board of Supervisors meeting on October 21st. He plans to attend the County Medical Service Program (CMSP) Governing Board meeting on Wednesday and Thursday for their annual strategic planning session.

Supervisor Turpin noted that the PG&E Merced Falls FERC relicensing project is separate from the MID project. He advised that he attended the work day at the Coulterville Fire Station and the Farm Bureau dinner on Saturday; however, he was unable to attend the Air Show at the Airport. He plans to attend the Local Solid Waste Task Force meeting at the Landfill on Wednesday. He plans to attend Senator Cogdill's Natural Resources Summit in Sonora on Friday.

Jim Wilson, Fire Chief;

Revise the County Policy Regarding Payments to Volunteer Firefighters when Serving on Incidents for Which the County Receives Reimbursement to Allow Volunteers to Receive Payment of the Entire Reimbursed Rate

BOARD ACTION: Discussion was held with Jim Wilson relative to this matter. Rick Benson, County Administrative Officer, provided input on this matter and he advised that he is not aware of any other situation where the reimbursed rate is passed through to the volunteer; and that they are still reviewing and addressing other issues. Supervisor Bibby asked that there be careful review to make sure that a situation is not created where the volunteers become subject to the requirements for employees; and she asked for clarification of a line item that is overdrawn. Chris Ebie, Auditor, responded and advised that there will need to be a budget adjustment following the roll-over of the budget to the new fiscal year; and he provided input on the SDI issues that were raised. Supervisor Turpin asked about addressing the liability issues for responding to out-of-county fires; and Rick Benson advised that the agency contracts are being reviewed.

Input from the public was provided by the following:

Paul Chapman stated he feels that if the people are volunteers and contracting to the County, that they are responsible for their own coverage; and he stated he feels that the County's pay scale is higher than the scale for Madera County. He asked if Supervisor Turpin is going to recuse himself from voting on this matter as his son may benefit from this.

Further input and discussion was continued for the following hearing to be opened.

10:00 a.m. The Public Hearing to form a Zone of Benefit for Major Subdivision Application No. 2005-198, Granite Springs Estates, was opened and continued until after the following matter.

Additional input on the policy regarding payments to volunteer firefighters:

Richard Shelton, Captain of the Catheys Valley Fire Station, stated he feels that liability insurance coverage should be provided to the volunteers and he noted that they are working side-by-side full time employees that have coverage. He stated he does not feel that he could obtain coverage personally because of the hazardous conditions.

Rick Benson clarified that there are two different issues relative to the insurance coverage: the County is responsible for the volunteers performing their duties on calls within the County; and today's discussion is relative to the out-of-county incidents. Supervisor Bibby asked about tracking the overhead costs separately; and Chris Ebie advised that could be done. (M)Bibby, (S)Fritz, Res. 08-483 was adopted approving the revision in the County policy for the 2.25 percent reduction so that the volunteers receive payment of the entire reimbursed rate; and with direction that the overhead costs be tracked separately/Ayes: Unanimous.

10:09 a.m. Recess

10:22 a.m. Chair Turpin complimented all of the emergency service personnel who responded to motorcycle accidents on Highway 49 North between Bear Valley and Bagby.

Dana Hertfelder, Public Works Director;

PUBLIC HEARING to Adopt a Resolution to Form a Zone of Benefit for Major Subdivision Application No. 2005-198, Granite Springs Estates; Filed by Thomas Phillips and Mark Haynes, Applicants.

BOARD ACTION: Dana Hertfelder presented the staff report; and he responded to questions from the Board relative to the assessment values; he clarified that no loans are involved and that the work will be done as the assessments accrue; and he advised that all of the lots and the remainder parcel in the subdivision are included in this Zone of Benefit. The public portion of the hearing was opened and there was no public input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Fritz, (S)Pickard, Res. 08-484 was adopted forming the Zone of Benefit as recommended/Ayes: Unanimous. The hearing was closed.

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

Kome Ajise and Julie Dunning of CalTrans to Provide Update on a Permanent Fix for the Ferguson Rockslide

BOARD ACTION: Rick Benson advised that Kome Ajise and Julie Dunning were present to provide an update. Kome Ajise/District 10 Director, provided input on the new temporary bridges and the ceremony that was held. He provided a status report on the permanent fix – they are still working on the environmental document. He advised that they are conducting an on-line survey for the recreational portion and depending on the response, they may need to wait until May or June to finish this section. He advised that they are reviewing the range of alternatives and a fact sheet will be sent out on Wednesday. He provided input on the timeframes for the project – they are planning to schedule two public meetings in the spring and to have a draft of the EIR/EIS document for review. During the rest of this year, they are meeting with the resource agencies and environmental groups. They are still hoping to go to construction in 2010. Discussion was held relative to the status of the project and funding; and whether anything could be done to accommodate tractor-trailer rigs. The Board members expressed appreciation for the work CalTrans has done on this project and for getting the new temporary bridges. Supervisor Turpin initiated discussion relative to the Highway 120 Priest Grade work.

Input from the public was provided by the following:

Eleanor Keuning referred to the improvements that CalTrans made to the intersection of Highways 152 and 156 and questioned why this work was completed so quickly and the permanent fix for this project is taking so long. Kome Ajise advised that the project had already gone through the environmental review process before construction began and it was a safety project, so it was not as involved as the Ferguson Rockslide project.

Julie Dunning/Cal Trans - District 10, thanked the Board for its support and commented on the importance of the Governor being able to attend the ceremony for the opening of the new temporary bridges. Chair Turpin noted the importance of CalTrans Director Kempton attending the ceremony.

11:00 a.m. MARIPOSA COUNTY WATER AGENCY

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

A. Public Presentation – none.

B. Review and Approval of the Pre-application Document (PAD) for the Merced Irrigation District's Merced River Hydroelectric Project Relicensing (County Administrative Officer/Personnel/Risk Manager) (Continued from October 7, 2008)

WATER AGENCY ACTION: Rick Benson advised that the comments on the PAD have been revised to reflect the direction given by the Water Agency on October 7th. Mark Rowney, MPUD General Manager, reviewed the revisions, and discussion was held. Thomas P. Guarino, County Counsel, responded to questions relative to the comments and the process. Director Pickard suggested that support for the educational kiosk be included for purposes of including the County's history. Rick Benson suggested that a separate letter could be sent relative to the Board's interest.

Input from the public was provided by the following:

Michael Martin, member of the Merced River Conservation Committee, noted that he has already provided input on the fisheries and economic potential for the County. He invited everyone to attend a workshop on the FERC relicensing that the Committee is hosting at the Midpines Community Center on October 21st. He recommended that the Agency adopt a stronger position; and he advised that he emailed suggested language changes to the Directors for their consideration.

Ralph Mendershausen, member of the Merced River Conservation Committee, provided input on the comments and stated he feels that Agency should be stronger about welcoming the study on the fisheries.

Paul Chapman stated he feels that Mark Rowney has done the best with the comments; and he feels that everything should be left open for studies.

Further discussion was held with Mark Rowney. (M)Turpin, (S)Pickard, Water Agency Res. 08-6 was adopted approving the PAD as presented. The motion was amended by the second, agreeable with the maker, to include direction that the correspondence received from Mr. Martin and Mr. Mendershausen that are referred to in the PAD be included as attachments/Ayes: Unanimous. Director Bibby asked about the status of receiving an update from Attorney Tiedemann; and County Counsel responded that information has been provided to the Directors as attorney/client privilege. Mark Rowney advised that MID has set November 3rd as the date for their submittal of the relicensing application and has scheduled a meeting for December 8th.

11:43 a.m. The Board of Supervisors reconvened.

Review and Approval of the Pre-application Document (PAD) for the Merced Irrigation District's Merced River Hydroelectric Project Relicensing (County Administrative Officer/Personnel/Risk Manager) (Continued from September 23, 2008)

BOARD ACTION: Supervisor Pickard suggested that information be added to the cover letter describing the relationship between the Board of Supervisors as the legislative body and sitting as the Board of Directors for the Mariposa County Water Agency. (M)Pickard, (S)Aborn, Res. 08-485 was adopted approving the PAD, with the inclusion of the information suggested by Supervisor Pickard. Supervisor Turpin asked that the PAD also be sent to Attorney Tiedemann. 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: Rick Benson advised that a report was received earlier in the meeting from CalTrans and he recommended that the local emergency be continued. (M)Bibby, (S)Fritz, Res. 08-486 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.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued until such time as full reimbursement is received. (M)Pickard, (S)Aborn, Res. 08-487 was adopted finding the local emergency due to the Oliver Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer)

BOARD ACTION: Rick Benson advised that the Fire Department gathered information on both fires and submitted it on Friday to the State for reimbursement, and he commended Deputy Chief Middleton for his work on this matter. He will send information to the State delegation that is planning to appeal and try to make this a higher level disaster. He recommended that the local emergency be continued. (M)Aborn, (S)Bibby, Res. 08-488 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

NOTE: The Workshop has been Cancelled for Saturday, October 18, 2008 for Yosemite West Specific Plan.

Approve the Assignment of County Vehicles and Take-home Vehicles (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson relative to the assignment of take-home vehicles – whether this could create a taxable benefit for volunteers; relative to expanding on the justification of the take-home vehicle for the District Attorney Investigator to include response to drug labs, murders, and high profile cases; and relative to accounting for the use of the vehicles.

Input from the public was provided by the following:

Ruth Catalan stated she still does not have answers to all of the questions she presented; she asked whether family members are allowed to ride in the vehicles, she would like to see the written responses submitted by the department heads to justify the take-home use, she feels that log books should be kept, and she questioned who monitors the department heads. She feels that the take-home use is a financial impact.

Paul Chapman stated he agrees with requiring log books and he does not feel that the vehicles should be used to take spouses to lunch or shopping; and he questioned the use of County vehicles for personal use and for church attendance.

MaryAnn Huff referred to her personal experiences, having been raised by a Los Angeles Fire Chief, with the log-in requirements. She stated she feels there is a difference between the emergency personnel and other County workers with the take-home vehicle use.

Further discussion was held relative to the use of County vehicles. Dana Hertfelder, Public Works Director, provided input on the assignment of a vehicle to the Solid Waste Manager and justification for take-home use – it is used for take-home when the employee has an out-of-town meeting to attend the following day. Rick Benson advised that he will bring back a more encompassing report on the usage of County vehicles. Motion by Pickard, Res. 08-489 was adopted approving the assignment of County vehicles and take-home vehicles. Further discussion was held. The motion was amended to give direction to bring back a recommendation to allow staff to take a vehicle home overnight to go on out-of-town business. The motion was seconded by Aborn. Ayes: Unanimous.

12:36 p.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Richard J. Benson (County Administrative Officer/Personnel/Risk Manager);

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

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. Names of Cases to be Discussed: County of Mariposa v. Coyote Springs Ranch and County of Mariposa v. Fiske Sanitary Disposal Services (County Counsel); and

CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a); Name of Claim and or Case Number and Name of Adverse Parties: County of Mariposa v. Wayne Rulon Bevan, et al, County of Mariposa v. Don Endress, Bruce Johnson v. County of Mariposa, Elizabeth Martella v. County of Mariposa, County of Mariposa v. Dean and Stephanie Potter, County of Mariposa v. Wayne and Dorothy Scholkowsky, County of Mariposa v. Paul Vasquez, Yosemite West Lodging, Inc. v. County of Mariposa, Citizens for the Protection & Preservation of Wawona v. County of Mariposa, et al (County Counsel)

BOARD ACTION: (M)Fritz, (S)Aborn, the closed sessions were held following a ten minute recess/Ayes: Unanimous.

1:45 p.m. Chair Turpin announced the following as a result of the closed sessions: direction was given relative to labor negotiations with IHSS; direction was given relative to the downtown parking lots; authorization was given for County Counsel to initiate litigation against Coyote Springs Ranch for code violations; direction was given relative to the matter with Fiske Sanitary Disposal Services; and direction was given concerning the existing litigation matters.

CONSENT AGENDA

- CA-1 Approval of Summary of Proceedings of October 7, 2008, Regular Meeting (Clerk of the Board)
- CA-2 Ratify Prior Securus Agreement for Inmate Telephone Services and Authorize the Board of Supervisors Chair and the Sheriff to Sign the New Agreement (County Counsel); Res. 08-475
- CA-3 Appoint Brian Mattos to the Fish Camp Planning Advisory Council, Term Expiring on October 14, 2011 (Supervisor Pickard)
- CA-4 Approve an Agreement with Edna Terrell for Consulting Services for Human Services Programs, Authorize the Board of Supervisors Chair to Sign the Agreement and Approve Budget Action Transferring Funds within the Social Services Budget to Cover Expenditures (\$25,000) (Human Services Director); Res. 08-476
- CA-5 Approve an Amendment to an Agreement with Central Valley Opportunity Center (CVOC) Weatherization Services and Authorize the Board of Supervisors Chair to Sign the Amendment (Human Services Director); Res. 08-477
- CA-6 Approve an Agreement for a Foster Family Receiving Home in Mariposa County and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-478
- CA-7 Approve an Agreement with the State of California for Local Public Health Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Health Officer); Res. 08-479

- CA-8 Accept the Resignation of Leroy Radanovich from the Cemetery Advisory Committee; Historic Sites and Records Preservation Commission and the Mariposa County Job Creation Task (Supervisor Fritz)
- CA-9 Accept the Resignation of Martin Acree from the El Portal Planning Advisory Committee. (Supervisor Aborn)
- CA-10 Reappoint Candy O'Donel-Browne, Douglas Chappell and Jennifer Nersesian to the Midpines Planning Advisory Committee for a Term Expiring February 28, 2010 (Supervisor Aborn)
- CA-11 Accept the Resignation of Jerry Progner from the Midpines Planning Advisory Committee (Supervisor Aborn)
- CA-12 Approve an Agreement with Meyers/Nave et al to Represent the County in the County of Mariposa v Bartlett Petroleum and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 08-480
- CA-13 Proclaim the Week of October 19-25, 2008 as "National Save for Retirement Week" (Chair Turpin)
- CA-14 Approve an Agreement with Allen, Proietti & Fagalde, LLP to Represent the County in Theresa Castaldi and Patricia Oakander v. County of Mariposa and Authorize the Board of Supervisors Chair to Sign the Agreement (County Counsel); Res. 08-481
- CA-15 Approve an Agreement with Mariposa County Arts Council for Providing Performing Arts, Visual Arts, and Arts Resources and Education Services to the County and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 08-482

1:47 p.m. Adjournment in memory of Robert Carl "Bud" Ballou and James "Bruce" Eckerson.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

October 21, 2008



Time _____ Description

9:06 a.m. Meeting Called to Order at the Mariposa County Government Center with Supervisor Pickard excused to attend the Keep California Beautiful meeting.

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 Bibby pulled items 2 and 6. (M)Bibby, (S)Aborn, the balance of the items was approved/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Item 2 – Supervisor Bibby initiated discussion with Sheriff Muller and Captain Robles relative to the status of funding and reimbursement for the boat. (M)Bibby, (S)Fritz, item 2 was approved/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Item 6 – Supervisor Bibby asked about the change in the scope of the project; and the matter was continued to later in the meeting for discussion with the Public Works Director.

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

Ruth Sellers commented on the high-speed rail situation and the need for oversight and for a business plan to be in place, and she stated she feels that the advertising is misleading for Proposition 1A on the November ballot.

Isaac Park Yonker advised that this is “drug awareness week” and he read a letter he wrote to Paul Reed, SCOPE Volunteer, expressing his concern relative to the location of the Heritage drug treatment facility to the elementary school in town.

Eleanor Keuning commented on parking problems at the Rest Area and the need for more parking spaces in town. As Chair of the Historical Sites and Records Preservation Commission, she advised that they have discussed having recycling receptacles at the Courthouse; and now receptacles have been obtained to be placed around Mariposa and Coulterville and the new staff in Solid Waste was unaware of the Historic District status of the town areas. She stated she feels that new employees should receive training/orientation.

MaryAnn Huff, President of the Mariposa County Chamber of Commerce, advised that the “home town” heroes’ dinner is scheduled for October 25th to thank everyone who helped with the Telegraph Fire.

Consider Items Removed from the Consent Agenda

Item 6 – Discussion was held with Dana Hertfelder, Public Works Director, relative to the changes in the scope of the Hornitos Park restrooms project. (M)Bibby, (S)Aborn, item 6 was approved/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Board Information

Supervisor Fritz advised that she attended the successful sesquicentennial event at Meadow Creek Ranch. She commented on Leroy Radanovich's retirement from various County committees and his request for no public recognition from the County – she expressed her appreciation for his service on the committees and for his work with privatizing the Visitors' Bureau. She plans to attend the San Joaquin Valley Regional Association of California Counties conference this week. She advised that YARTS is meeting here on October 27th; the Rail Committee is meeting in Sacramento on October 30th; and the Fire Volunteer picnic is scheduled for Sunday.

Supervisor Bibby advised that she attended the sesquicentennial event at Meadow Creek Ranch and commented on the activities. She advised that public input on the Heritage House has been received and has been forwarded to the Human Services Director for review to make sure that there is no impact to the school children. She advised that the Lion's Club lighting dedication for Catheys Valley Park is scheduled for this evening. She plans to attend the Community Action Agency meeting at the Jeffrey Hotel on Friday. She advised that the Board members are sponsoring a table for the "home town" heroes' dinner on Saturday. She will be unable to attend the Fire Volunteer picnic, but thanks the volunteers for their service. She will be attending the Catheys Valley Elementary School Fall Festival. She advised of correspondence received from CalPERS advising that the pension system remains sound.

Supervisor Aborn expressed appreciation for the work Leroy Radanovich has done in the County. He provided input on the high-speed rail issues and the lack of oversight and control and advised of his opposition to Proposition 1A.

Supervisor Turpin advised that he attended the Solid Waste Task Force meeting on Wednesday at the Landfill. He attended the Natural Resources Summit in Tuolumne County on Friday and reported on the issues that were discussed and the tours they took. He plans to attend the "home town" heroes' dinner, the Fire Volunteer picnic and the Community Action Agency meeting.

Jim Rydingsword, Human Services Director;

Review Information Contained in the Mental Health Board 2007-2008 Fiscal Year Annual Report

BOARD ACTION: Jim Rydingsword introduced Marilyn Corral, past Chair of the Mental Health Board, and she reviewed the report. Discussion was held and Board members expressed appreciation for the work the staff and the Mental Health Board does.

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 recommended that the local emergency be continued. Supervisor Bibby urged everyone to shop locally for the holidays to help the local economy; and to reinforce that Highway 140 and Yosemite is open. (M)Fritz, (S)Aborn, Res. 08-497 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, Fritz; Excused: Pickard.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued until such time as full reimbursement is received. Supervisor Bibby asked for clarification of the reimbursement process and payment of the claims; and discussion was held. (M)Fritz, (S)Aborn, Res. 08-498 was adopted finding the local emergency due to the Oliver Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued; and he advised that the Upper Merced River Watershed Council met on Monday relative to work on erosion control. He advised of his efforts to contact BLM relative to their work in the fire area. Supervisor Aborn

commented on discussions and concerns relative to the fees and driveway gravel requirements for rebuilding. (M)Aborn, (S)Fritz, Res. 08-499 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

10:03 a.m. CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Hazel Green Ranch, LLC v. United States Department of the Interior, Case No. 1:07-CV-00414-OWW-SMS (County Counsel); and
CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Theresa Castaldi, an Individual, and Patricia Oakander, an Individual, v. County of Mariposa; Case No. 9391 (County Counsel)

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

10:34 a.m. Chair Turpin announced that information was received as a result of both of the closed session matters.

Supervisor Turpin announced that the Soap Box Derby that was held in Coulterville on Saturday was successful.

CONSENT AGENDA

- CA-1 Approval of Summary of Proceedings of October 14, 2008, Regular Meeting (Clerk of the Board)
- CA-2 Approve Agreement No. 08-204-772 with California Department of Boating and Waterways for the Construction of a Heavy Aluminum Patrol Boat and Authorize the Sheriff to Sign the Agreement (Sheriff); Res. 08-495
- CA-3 Approve Budget Action Decreasing Revenue and Appropriations in the Road Fund and Transferring Funds within the Roads Special Projects Fund to Allow for the Payment of an Invoice (\$2,361) (4/5ths Vote Required) (Public Works Director); Res. 08-490
- CA-4 Authorize Public Works to Advertise for Bids for Uniform Rental, Laundry and Related Supplies and Service; Award the Agreement to the Lowest Responsible Bidder and Authorize the Public Works Director to Sign the Agreement (Public Works Director); Res. 08-491
- CA-5 Approve Mariposa Public Works (MCPW) Solid Waste & Recycling Division's Request to Apply for the Department of Conservation (DOC) Beverage Container Recycling Grant to Expand the Community's Beverage Container Recycling Program by Locating Recycling Bins at Multifamily Housing Communities Such as Trailer Parks, Senior Housing, and Apartment Complexes (Public Works Director); Res. 08-492
- CA-6 Approve Budget Action Reducing Contingency in the Proposition 40 Fund and Increasing the Hornitos Park Restrooms Line Item (\$39,670.00); Reject all Current Bids for this Project; Authorize the Director of Public Works to Solicit New Bid Proposals and Award the Contract to the Lowest Responsible Bidder Contingent on Funding Approval From the State (4/5ths Vote Required) (Public Works Director); Res. 08-496

- CA-7 Appoint Kathy Rumfelt to Serve as a Member of the Mental Health Board for a Three Year Term Expiring on October 21, 2011 (Human Services Director)
- CA-8 Approve a Hazardous Materials Emergency Preparedness Planning Assistance Agreement and OES 89 Form and Authorize the Board of Supervisors Chair to Sign the Agreement (Health Officer); Res. 08-493
- CA-9 Adopt a Resolution Amending the Contribution, Under the Public Employees' Medical Hospital Care Act (PEMHCA) for the Retirees of the Deputy Sheriffs' Association (DSA) and Service Employees International Union (SEIU) (County Administrative Officer/Personnel/Risk Manager); Res. 08-494
- CA-10 Invitation to the Board of Supervisors to Participate in the Ribbon Cutting Ceremony for the Playground Equipment at Catheys Valley Park on October 28, 2008 at 3:30 p.m. (Public Works Director)
- CA-11 Proclaim October 25, 2008 as "Public Service Personnel Recognition Day" (Chair Turpin)

10:34 a.m. Adjournment in memory of James Robert "Bob" Dayhoff, Robert David "Bob" Boyle, and Bonner Lee Morgan.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

October 28, 2008



DRAFT Pending Board Approval

Time Description

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

Pledge of Allegiance

Introductions – Candy O’Donel-Browne, Chair of the John C. Fremont Hospital Board of Directors to Introduce Charles (Chuck) Bill, the New Chief Executive Officer for John C. Fremont Healthcare District

ACTION: Candy O’Donel-Browne introduced Chuck Bill the New Chief Executive Officer, and Chuck stated he and his wife are coming to Mariposa from Colorado. He provided a brief statement of his experience and his passion for rural health care and then concluded by stating he is looking forward to working in Mariposa with the great staff of the hospital.

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 Pickard pulled CA-1 for separate vote. Chair Turpin pulled CA-10 for comment from Jim Rydingsword. (M)Fritz, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Item 1 - (M)Bibby, (S)Aborn, CA-1 was approved/Ayes: Aborn, Turpin, Bibby, Fritz; Abstain: Pickard, as he was excused from the meeting.

Item 10 - Jim Rydingsword commented on CA-10 stating that this is an item that comes to the Board each year, he then responded to Chair Turpin’s previous request to look into bringing this program home to Mariposa stating he has selected two people who are on the Welfare to Work Program and have been sent to weatherization training. Supervisor Bibby requested clarification regarding the term of the agreement being December 31, 2008. Jim Rydingsword responded that they will be coming back to the Board after the first of the year and are expecting additional money. (M)Fritz, (S)Bibby Item 10 was approved/Ayes: Unanimous.

Chair Turpin;

Proclaim the Month of November, 2008 as “National American Indian Heritage Month”

BOARD ACTION: (M)Pickard, (S)Fritz, the Proclamation was approved and presented to Tony Brocchini/Ayes: Unanimous. Tony accepted the proclamation and stated it is a great honor. Connie Waldron thanked the Board for the proclamation and stated the American Revolution Organization supports two Indian schools. Chair Turpin thanked the Native Americans for their part in our community on behalf of the Board of Supervisors.

Chair Turpin;

Resolution and Tile Plaque Recognizing Thomas P. Guarino as Mariposa County Counsel

BOARD ACTION: (M)Fritz, (S)Pickard, Res. 08-500 was approved and presented to Thomas P. Guarino/Ayes: Unanimous. Tom stated that the success he has had here is due to the fine folks that he has had a chance to work with and the department heads here are of the finest quality. He will treasure his time here in Mariposa always and he and his family will miss Mariposa.

9:30 a.m. Recess for Public Reception for Thomas P. Guarino, County Counsel.

10:02 a.m. Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Paul Chapman commented that item 8 is listed as a closed session for negotiations for property and commented on a portion of the Brown Act regarding closed sessions saying the Board can not have this closed session.

Jim Rydingsword did a follow up on Heritage House stating Human Services has contacted the schools and they stated they have absolutely no problem with interactions with the Heritage House. The Sheriff said they have no problem and that the people of Heritage House are good neighbors. The Courts have said that Heritage House is part of their process for working with people in the community. Jim stated he was at a gathering and a gentleman commented that Heritage House has changed his life and the life of his family. The Heritage House works under a good neighbor policy and operates under a zero tolerance policy. Supervisor Bibby stated they are going to become proactive instead of reactive. Jim concluded that staff and the people that use Heritage House are proud of this as a resource to help themselves and their families.

Ruth Sellers commented on the high speed rail regarding the requirement of a business plan by September 1st and stated that wasn't going to be available until November 7th after elections.

Eleanor Keuning commented on the traffic at the rest stop saying there is a four-hour parking limit posted but has been told there is no way to enforce this. She submitted photos.

Board Information

Supervisor Bibby, addressed Dana Hertfelder requesting that they take a look into traffic at the rest stop, she expressed concern regarding people parking in the rest stop to visit Yosemite by bus as they will most likely be gone more than four hours. The Mental Health Board meets November 4th; November 3rd is the PG&E meeting regarding the FERC relicensing; November 1st is achievement night for 4-H; November 1st and stated is also the Black and White Ball; November 2nd is All Souls Candle Lighting in Hornitos at the cemetery. She received a PERS update letter stating everybody's retirement is safe after writing them a letter regarding her concerns and PERS responded that they will be monitoring the PERS employers' information web site and will have upcoming news releases for counties, in addition they may be revisiting the current assessment they charge counties. Last Tuesday was the dedication for the ball field lights at Catheys Valley Park. Last Friday was the Community Action Agency meeting, they had each grantee do a presentation and have decided on the grant awards for 2009. Last Saturday was the Chambers Home Town Heroes dinner; she complimented the Chamber and everyone that attended. Catheys Valley Elementary had their annual Fall Festival fund raiser; the PTIC hosts this in addition to helping with funds for needed materials, etc. She feels that there is going to be more community fund raisers due to the economy and it's going to take the community to help get through the hard times and that's what has made Mariposa great for many, many years.

Supervisor Aborn commented on the high speed rail in regards to the cost savings in the long run and stated there are some hand outs in the back of the room that he has copied from a well respected news paper in San Diego, he recommended people read it. He asked that everyone be careful on Halloween night.

Supervisor Fritz attended the San Joaquin Valley Regional Association of California Counties last week and felt they had many good panels discussing various topics. One of the most important topics that came up was from CSAC and RCRC; she plans to bring before this Board a resolution similar to that that was signed by RCRC encouraging counties to pass resolutions that urge the Governor to advocate on the State's behalf to ensure that the fire prevention activities that are desperately needed in the federally owned lands in California are accomplished. She discussed possible

control burns in an attempt to prevent the major fires. There is a Rail Committee meeting on Thursday in Sacramento. She cautioned the public on safety on Halloween night.

Supervisor Pickard echoed Supervisor Fritz's acknowledgment of the resolution RCRC adopted. He believes CSAC and other Counties are going to do the same. He advised Supervisor Fritz that there has already been an effort with the CAO and the Fire Chief, he believes they were working on a draft resolution and hopefully it can come to the Board a little sooner because of its significance. He attended the Keep California Beautiful Committee Meeting on October 21st, this was an annual meeting and the officers were elected and the budget was adopted for the year. He provided history of the issue of the committee and how it began and has evolved into a non-profit organization with members of a number of state agencies as well as combining a number of private industries. It is a very broad scope committee, RCRC was asked to join last year and he is serving as the local government representative on the committee. He stated they are working to schedule a presentation in December or January. They are thinking of offering membership funding for counties to assist in getting this program started. He attended the County Medical Services Governing Board on Wednesday and Thursday, as chair of this organization, he explained what the organization does and stated the strategic meeting came up with some helpful programs. He briefly discussed the C4 program for the elderly. He stated they are also doing some time management studies that include the possibility of rewarding counties for doing their programming and eligibility tracking correctly. He stated Mariposa County is below the 3% margin which reflects well on Jim Rydingsword and his staff.

Chair Turpin joined the Chamber of Commerce on Lake McClure for a houseboat tour of the lake and he feels there is the potential of some really great things to come. He attended the conference at Tenaya Lodge on Thursday, he stated that Mariposa County and the Fire Safe Councils have done some great things; he stated that the Government has their hands tied and feels this needs to be dealt with. He stated there was discussion regarding a prison hospital that is being proposed in San Joaquin County and is going to require 3000 medical professionals, they will be able to pay more than the local cities and counties and expressed concern that they are going to draw their staff from us. The Community Action Agency met on Friday in Coulterville. Saturday the Chamber of Commerce put on the Home Town Heroes at the Fair Grounds. Sunday was the County Fire family picnic and awards. He received a memo from Scott Oneto regarding Agri-Tourism workshops.

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

A) PUBLIC HEARING to Develop an Application to the Department of Housing and Community Development Economic Enterprise Fund Component in the Amount of \$200,000 for the Purpose of Establishing a Microenterprise Assistance Program

BOARD ACTION: Rick Benson recapped the previous meeting and stated the Board provided direction to come back to the Board. Staff explained the purpose of the grant and gave history and background details. Staff recommended applying for the Microenterprise Technical Assistance and Loan Program only with the intent of exploring other programs such as business assistance in the following year. Discussion was held relative to multiple loans. Staff responded to questions from the Board relative to business failure and what responsibility this program has, ensuring a business has the potential to succeed and the process and responsibilities of the applicant.

Input was provided by the following:

MaryAnn Huff, President of the Chamber of Commerce, commented that this is hope for some businesses that are barely hanging on due to the economy and she stated the Chamber will help get the word out.

Eleanor Keuning is in favor of this program.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Pickard, (S)Fritz, Resolution 08-507 was adopted approving the application; Ayes/unanimous. The hearing was closed.

Dana Hertfelder, Public Works Director; Supervisor Fritz and Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

B) PUBLIC HEARING to Adopt Resolution to Form a Zone of Benefit for French Camp Road within Countywide County Service Area No. 1 and Initiating Proceedings for Fees

BOARD ACTION: Dana Hertfelder presented the staff report and he responded to questions from the Board relative to how many different owners were involved in the 24 ballots that went out, payments regarding the Zone of Benefit over the years and how the fees are calculated. Staff informed the Board that tallying the ballots is the next step. Supervisor Bibby expressed concern relative to possibly setting precedence. The Public portion was opened for those in favor, none received. The public portion was opened for those opposed.

Input from the public was provided by the following:

Glenn Robinson expressed concern regarding the vegetation on steep slopes, clear cutting and the roads being subject to erosion. He recommended an EIR review be done if this is approved.

Ruth Catalan stated she does not feel this county should be in the banking business loaning money. The way the other Zone of Benefits were done previously was they would save money first and then get the work done.

Edward Pestana agreed with Ruth Catalan and expressed concern regarding the agencies being stretched too thin and it costing the tax payers more money. He feels this will only cover one quarter of the road as it is proposed.

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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 has no new information and he recommended that the local emergency be continued. Supervisor Bibby urged visiting Yosemite National Park. (M)Aborn, (S)Fritz; Res. 08-510 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.

Dana Hertfelder, Public Works Director;

A) Approve and Award Bids for Eleven Fire Trucks and Four Water Tenders for the Fire Department
BOARD ACTION: Dana presented the staff report and brought to the Board's attention that there are three bids with Golden State being the lowest bidder. Rick Benson recommended that the Board place the award with Golden State and direct staff to bring alternate financing back to the Board. Based on preliminary calls he stated the County may save \$25,000 to \$30,000. He explained the process of using another lender and informed the Board that they do have the option to make the purchase today. Staff responded to questions relative to the bottom line price including all fees for the engines and the water tenders, a drop dead deadline, details of the lease/purchase, the compliance of current standards, specifications, horse power of each engine, load of water and the weight of the vehicles relative to county roads and bridges.

Input from the public was provided by the following:

Bob Bartholomew thanked the Board for expediting the purchase.

Paul Chapman commented that a neighboring county purchased three of these engines

and they are sitting in their fleet yard because they can't get to the fires. He commented on the Proposition 218 process and read from a document to the Board regarding the process and how he feels it affects our county.

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A member of the public stated that he has faith in the Fire Chief and the Deputy Fire Chief.

Tom Hull, Station Captain in Lushmeadows, urged the Board to purchase the engines at the specs proposed and stated he trusts Chief Wilson, he has integrity and supports him.

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Further discussion was held relative to if there is a possibility to pay the loan from the General Funds and reassess the fees for the CSA. Supervisor Bibby asked what the delivery date would be. Staff responded that it is a 300 day delivery. (M)Pickard, (S)Aborn, Res. 08-508 was adopted approving and awarding bids for eleven fire trucks and four water tenders for the County Fire Department to Golden State, and direction was given to staff to bring back proposals for alternate lease/purchase financing and to bring back the formula for which a replacement fund would be established. AYES: unanimous.

12:25 p.m. Lunch

1:36 p.m. Reconvened with Supervisor Bibby to arrive later.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer)

BOARD ACTION: Rick Benson stated that we have gone through an appeal with FEMA and they still have not designated the California fires as a major emergency. He informed the Board that Butte County has the most at stake as far as fires and is working directly with Senator Feinstein's office constructing a delegation to go to Washington DC to meet with officials from FEMA. They have asked the County Administrative Officer or Board of Supervisors Chair of Mariposa County to go as part of a unified California delegation. He stated Mariposa County has approximately \$35,000 at stake. Butte County is taking the lead on this and at this time they do not have a date. All reports have been submitted to FEMA and now FEMA is requesting an additional report. Discussion was held relative to possible changes to the County's Emergency Action Plan. Staff recommended that the local emergency be continued. Supervisor Pickard asked if a letter has been sent to FEMA regarding our dissatisfaction on this process. Rick Benson responded "no" but the Governor's office has done so for all affected Counties. He explained where we are in the bureaucratic process and stated that we have been told we will get the 75% and 25% is up to us, if we get the FEMA designation then 75% of that 25% we would no longer be responsible for. Discussion was held relative to sending a letter to Senator Feinstein, Senator Boxer and Congressman Radanovich stating we are supportive of an effort for these claims and Mariposa County needs their help. County Counsel stated it would be helpful to give authority now for the County Administrative Officer or the Board Chair to travel to Washington DC and to the County Administrative Officer to prepare the letters. (M)Pickard, (S) Fritz; Res. 08-511 was adopted finding the local emergency due to the Oliver Fire continues to exist, and continuing the local emergency based on the findings. Ayes/Aborn, Turpin, Fritz, Pickard. Excused: Bibby.

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BOARD ACTION: Rick Benson advised that the same report applies as for the Oliver Fire local emergency, and he recommended that the local emergency be continued. (M)Pickard, (S) Aborn, Res. 08-512 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings and Direction was given to staff to prepare and send a letter to Senator Feinstein, Senator Boxer and Congressman Radanovich for the Board Chair to sign, raising our concerns of FEMA providing the reimbursement for the two fires. Supervisor Pickard suggested the letter be copied to RCRC and CSAC. Authorization was approved for the County

administrative Officer or Board Chair to travel to Washington DC/Ayes: Aborn, Turpin, Fritz, Pickard. Excused: Bibby.

Supervisor Bibby arrived.

Select the California State Association of Counties (CSAC) Director and Alternate(s) for 2009 (Supervisor Fritz)

BOARD ACTION: Following discussion, (M)Fritz, (S)Pickard, Res. 08-509 was adopted selecting Chair Turpin as the Director. Supervisor Fritz stated that she plans on attending her final CSAC meeting in San Diego in December. Ayes/Unanimous.

Discussion and Possible Direction for Solid Waste Removal Services in Wawona

BOARD ACTION: Dana presented the staff report and provided the background with details on dates of notifications and letters of requested increases from Total Waste. He gave the Board the options that they have at this time and discussions he has had with the Park Service. He gave figures of the proposed increase and advised they could go out to bid but feels comfortable with the requested increase. He is looking for direction from the Board for negotiations and to create a fee increase. Staff responded to questions relative to the fee structure of the land fill, the CPI increase, the term of the agreement, the rate for collection in the CSA and changing the rate. Discussion was held relative to Wawona regarding the CSA. Supervisor Pickard stated that he doesn't support going out to bid and feels it would be more than fair to negotiate with Total Waste. Supervisor Bibby asked if there will be a public hearing due to the fee increase. Dana responded that there will have to be at least one public hearing; he will check into this and bring it back to the Board.

Input from the public was provided by the following:

Ruth Catalan commented that she feels this should have been addressed sooner. She stated she was at a Total Waste Task Force meeting in which she is a member recently where she expressed concern that this had not been addressed. She commented that Total Waste has had the contract since 1999 and hasn't received an increase and has had to absorb the increased expenses; she doesn't feel the increase is unreasonable.

Stuart Katte with Total Waste discussed the impact of the tipping fee on Total Waste expenses. He stated that of their total gross income they pay 45.6% in tipping fees based on their audited figures.

Ed Mee of Wawona expressed concern relative to the three different services in the community and feels that it would save money if there were only one combined service. Rick Benson responded that the Park Service will not compete with private industry.

Discussion was held relative to the different services. (M)Pickard, (S)Fritz, direction was given to staff to negotiate fees with Total Waste Systems for a fee increase. Supervisor Aborn commented regarding the public comment towards the Board and Public Works relative to the response to the fee increase request stating there has been a lot going on in the County including the fires over the past several months; he stated Public Works is doing their job. Ayes: Unanimous.

2:00 p.m. Kris Schenk, Planning Director;

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

2:45 p.m. Board of Supervisors reconvened

Chair Turpin stated the Board will be recessing to Catheys Valley Park after Closed Session in memory of Robert McGuire.

2:50 p.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: SPCA Properties Located at 10th, Bullion and 11th Streets; Agency Negotiator: Thomas P. Guarino; Closed Session Will Concern Price and Terms of Lease/Purchase (County Counsel); CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 Relative to a Workers'

Compensation Case. Number of W/C Cases to be Discussed: 1 (County Administrative Officer/Personnel/Risk Manger) and

CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Merced Irrigation District's Merced River Hydroelectric Project, United States of America Federal Energy Regulatory Commission Project No. 2179 (County Counsel).

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

Ruth Catalan commented on Closed Session item 8 stating she is President of the SPCA and has no idea where the Board is going as far as negotiations, she is not aware of any offer. She stated that if they have spoken to anybody they are out of order, they have a Property Committee that is supposed to report to her and had has no report from them.

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

3:20 p.m. Chair Turpin announced that information was received as a result of the SPCA property item and the MID item and direction was given to staff relative to the Workers Comp item of the closed session matters.

3:21 p.m. Recess

3:40 p.m. Dana Hertfelder, Public Works Director;

Reconvene for Ribbon Cutting Ceremony at Catheys Valley Park for Playground Equipment

BOARD ACTION: The Board of Supervisors reconvened at Catheys Valley Park and the ribbon cutting ceremony was held.

CONSENT AGENDA

- CA-1 Approval of Summary of Proceedings of October 21, 2008, Regular Meeting (Clerk of the Board)
- CA-2 Approve Budget Action Transferring Funds within the Fire Department Budget to Cover Unanticipated Increases in Fire Incident Expenses due to Extraordinary Fire Activity (\$5,000) (Fire Chief); Res. 08-502
- CA-3 Approve an Agreement with Stanislaus County Department of Child Support Services to Provide Attorney Services for Ten Hours a Week to Mariposa County Department of Child Support Services in an Amount Not to Exceed \$14,181 and Authorize the Board of Supervisors Chair to Sign the Agreement and Approve Budget Action Transferring Funds Within Child Support Services Budget to Fund Agreement (\$14,181) (Child Support Services Director); Res. 08-503
- CA-4 Adopt a Resolution Regarding the Pick-up of Employee Contributions to the California Public Employees' Retirement System (CalPERS) to Comply with Revenue Ruling 2006-34 (County Administrative Officer/Personnel/Risk Manager); Res. 08-504
- CA-5 Authorize the County Administrative Officer to Sign the California State Association of Counties (CSAC) Excess Insurance Authority (EIA) Medical Malpractice Program Extended Participation Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 08-505
- CA-6 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 Program (Sheriff); Res. 08-506

- CA-7 Accept Resignation of Dr. Monty Thornburg from the Alcohol and Drug Advisory Board (Human Services Director)
- CA-8 Appoint Emma Levy to Serve as a Member of the Mental Health Board for a Three Year Term Expiring October 28, 2011 (Human Services Director)
- CA-9 Reappoint Nancy Jones to the Midpines Planning Advisory Committee for a Term Expiring February 28, 2010 (Supervisor Aborn)
- CA-10 Authorize the Human Services Director to Execute the 2008 Low Income Home Energy Assistance Program (LIHEAP) Agreement 08B-5473, Amendment One and Authorize the Human Services Director to Execute the 2008-2009 Department of Energy (DOE) Agreement 08C-1721 (Human Services Director); Res. 08-501

3:55 p.m. (M)Fritz, (S)Aborn, the Board adjourned at Catheys Valley Park; Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

TRACY GAUTHIER
Deputy Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

October 28, 2008

Time Description

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

Pledge of Allegiance

Introductions – Candy O’Donel-Browne, Chair of the John C. Fremont Hospital Board of Directors to Introduce Charles (Chuck) Bill, the New Chief Executive Officer for John C. Fremont Healthcare District

ACTION: Candy O’Donel-Browne introduced Chuck Bill the New Chief Executive Officer, and Chuck stated he and his wife are coming to Mariposa from Colorado. He provided a brief statement of his experience and his passion for rural health care and then concluded by stating he is looking forward to working in Mariposa with the great staff of the hospital.

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 Pickard pulled CA-1 for separate vote. Chair Turpin pulled CA-10 for comment from Jim Rydingsword. (M)Fritz, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Item 1 - (M)Bibby, (S)Aborn, CA-1 was approved/Ayes: Aborn, Turpin, Bibby, Fritz; Abstain: Pickard, as he was excused from the meeting.

Item 10 - Jim Rydingsword commented on CA-10 stating that this is an item that comes to the Board each year, he then responded to Chair Turpin’s previous request to look into bringing this program home to Mariposa stating he has selected two people who are on the Welfare to Work Program and have been sent to weatherization training. Supervisor Bibby requested clarification regarding the term of the agreement being December 31, 2008. Jim Rydingsword responded that they will be coming back to the Board after the first of the year and are expecting additional money. (M)Fritz, (S)Bibby Item 10 was approved/Ayes: Unanimous.

Chair Turpin;

Proclaim the Month of November, 2008 as “National American Indian Heritage Month”

BOARD ACTION: (M)Pickard, (S)Fritz, the Proclamation was approved and presented to Tony Brocchini/Ayes: Unanimous. Tony accepted the proclamation and stated it is a great honor. Connie Waldron thanked the Board for the proclamation and stated the American Revolution Organization supports two Indian schools. Chair Turpin thanked the Native Americans for their part in our community on behalf of the Board of Supervisors.

Chair Turpin;

Resolution and Tile Plaque Recognizing Thomas P. Guarino as Mariposa County Counsel

BOARD ACTION: (M)Fritz, (S)Pickard, Res. 08-500 was approved and presented to Thomas P. Guarino/Ayes: Unanimous. Tom stated that the success he has had here is due to the fine folks that he

has had a chance to work with and the department heads here are of the finest quality. He will treasure his time here in Mariposa always and he and his family will miss Mariposa.

9:30 a.m. Recess for Public Reception for Thomas P. Guarino, County Counsel.

10:02 a.m. Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Paul Chapman commented that item 8 is listed as a closed session for negotiations for property and commented on a portion of the Brown Act regarding closed sessions saying the Board can not have this closed session.

Jim Rydingsword did a follow up on Heritage House stating Human Services has contacted the schools and they stated they have absolutely no problem with interactions with the Heritage House. The Sheriff said they have no problem and that the people of Heritage House are good neighbors. The Courts have said that Heritage House is part of their process for working with people in the community. Jim stated he was at a gathering and a gentleman commented that Heritage House has changed his life and the life of his family. The Heritage House works under a good neighbor policy and operates under a zero tolerance policy. Supervisor Bibby stated they are going to become proactive instead of reactive. Jim concluded that staff and the people that use Heritage House are proud of this as a resource to help themselves and their families.

Ruth Sellers commented on the high speed rail regarding the requirement of a business plan by September 1st and stated that wasn't going to be available until November 7th after elections.

Eleanor Keuning commented on the traffic at the rest stop saying there is a four-hour parking limit posted but has been told there is no way to enforce this. She submitted photos.

Board Information

Supervisor Bibby, addressed Dana Hertfelder requesting that they take a look into traffic at the rest stop, she expressed concern regarding people parking in the rest stop to visit Yosemite by bus as they will most likely be gone more than four hours. The Mental Health Board meets November 4th; November 3rd is the PG&E meeting regarding the FERC relicensing; November 1st is achievement night for 4-H; November 1st and stated is also the Black and White Ball; November 2nd is All Souls Candle Lighting in Hornitos at the cemetery. She received a PERS update letter stating everybody's retirement is safe after writing them a letter regarding her concerns and PERS responded that they will be monitoring the PERS employers' information web site and will have upcoming news releases for counties, in addition they may be revisiting the current assessment they charge counties. Last Tuesday was the dedication for the ball field lights at Catheys Valley Park. Last Friday was the Community Action Agency meeting, they had each grantee do a presentation and have decided on the grant awards for 2009. Last Saturday was the Chambers Home Town Heroes dinner; she complimented the Chamber and everyone that attended. Catheys Valley Elementary had their annual Fall Festival fund raiser; the PTIC hosts this in addition to helping with funds for needed materials, etc. She feels that there is going to be more community fund raisers due to the economy and it's going to take the community to help get through the hard times and that's what has made Mariposa great for many, many years.

Supervisor Aborn commented on the high speed rail in regards to the cost savings in the long run and stated there are some hand outs in the back of the room that he has copied from a well respected news paper in San Diego, he recommended people read it. He asked that everyone be careful on Halloween night.

Supervisor Fritz attended the San Joaquin Valley Regional Association of California Counties last week and felt they had many good panels discussing various topics. One of the most important topics that came up was from CSAC and RCRC; she plans to bring before this Board a resolution similar to that that was signed by RCRC encouraging counties to pass resolutions that urge the Governor to advocate on the State's behalf to ensure that the fire prevention activities that are desperately needed in the federally owned lands in California are accomplished. She discussed possible control burns in an attempt to prevent the major fires. There is a Rail Committee meeting on Thursday in Sacramento. She cautioned the public on safety on Halloween night.

Supervisor Pickard echoed Supervisor Fritz's acknowledgment of the resolution RCRC adopted. He believes CSAC and other Counties are going to do the same. He advised Supervisor Fritz that there has already been an effort with the CAO and the Fire Chief, he believes they were working on a draft resolution and hopefully it can come to the Board a little sooner because of its significance. He attended the Keep California Beautiful Committee Meeting on October 21st, this was an annual meeting and the officers were elected and the budget was adopted for the year. He provided history of the issue of the committee and how it began and has evolved into a non-profit organization with members of a number of state agencies as well as combining a number of private industries. It is a very broad scope committee, RCRC was asked to join last year and he is serving as the local government representative on the committee. He stated they are working to schedule a presentation in December or January. They are thinking of offering membership funding for counties to assist in getting this program started. He attended the County Medical Services Governing Board on Wednesday and Thursday, as chair of this organization, he explained what the organization does and stated the strategic meeting came up with some helpful programs. He briefly discussed the C4 program for the elderly. He stated they are also doing some time management studies that include the possibility of rewarding counties for doing their programming and eligibility tracking correctly. He stated Mariposa County is below the 3% margin which reflects well on Jim Rydingsword and his staff.

Chair Turpin joined the Chamber of Commerce on Lake McClure for a houseboat tour of the lake and he feels there is the potential of some really great things to come. He attended the conference at Tenaya Lodge on Thursday, he stated that Mariposa County and the Fire Safe Councils have done some great things; he stated that the Government has their hands tied and feels this needs to be dealt with. He stated there was discussion regarding a prison hospital that is being proposed in San Joaquin County and is going to require 3000 medical professionals, they will be able to pay more than the local cities and counties and expressed concern that they are going to draw their staff from us. The Community Action Agency met on Friday in Coulterville. Saturday the Chamber of Commerce put on the Home Town Heroes at the Fair Grounds. Sunday was the County Fire family picnic and awards. He received a memo from Scott Oneto regarding Agri-Tourism workshops.

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

A) PUBLIC HEARING to Develop an Application to the Department of Housing and Community Development Economic Enterprise Fund Component in the Amount of \$200,000 for the Purpose of Establishing a Microenterprise Assistance Program

BOARD ACTION: Rick Benson recapped the previous meeting and stated the Board provided direction to come back to the Board. Staff explained the purpose of the grant and gave history and background details. Staff recommended applying for the Microenterprise Technical Assistance and Loan Program only with the intent of exploring other programs such as business assistance in the following year. Discussion was held relative to multiple loans. Staff responded to questions from the Board relative to business failure and what responsibility this program has, ensuring a business has the potential to succeed and the process and responsibilities of the applicant.

Input was provided by the following:

MaryAnn Huff, President of the Chamber of Commerce, commented that this is hope for some businesses that are barely hanging on due to the economy and she stated the Chamber will help get the word out.

Eleanor Keuning is in favor of this program.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Pickard, (S)Fritz, Resolution 08-507 was adopted approving the application; Ayes/unanimous. The hearing was closed.

Dana Hertfelder, Public Works Director; Supervisor Fritz and Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

B) PUBLIC HEARING to Adopt Resolution to Form a Zone of Benefit for French Camp Road within Countywide County Service Area No. 1 and Initiating Proceedings for Fees

BOARD ACTION: Dana Hertfelder presented the staff report and he responded to questions from the Board relative to how many different owners were involved in the 24 ballots that went out, payments

regarding the Zone of Benefit over the years and how the fees are calculated. Staff informed the Board that tallying the ballots is the next step. Supervisor Bibby expressed concern relative to possibly setting precedence. The Public portion was opened for those in favor, none received. The public portion was opened for those opposed.

Input from the public was provided by the following:

Glenn Robinson expressed concern regarding the vegetation on steep slopes, clear cutting and the roads being subject to erosion. He recommended an EIR review be done if this is approved.

Ruth Catalan stated she does not feel this county should be in the banking business loaning money. The way the other Zone of Benefits were done previously was they would save money first and then get the work done.

Edward Pestana agreed with Ruth Catalan and expressed concern regarding the agencies being stretched too thin and it costing the tax payers more money. He feels this will only cover one quarter of the road as it is proposed.

Chair Turpin informed the public that this is the last chance to turn in ballots or to make a change to a ballot previously turned in. Public portion of the hearing closed. Staff responded to further questions from the Board relative to the portion of road that is covered, dedicated legal access, amending a Zone of Benefit, default of payments, assessing fees to regular use of a non-resident. Discussion was held relative to the process involved once Public Works gets a request from the public. Discussion was held regarding brushing, chipping and erosion relative to safety and not for fuel break purposes. Staff directed the Deputy Clerk of the Board to tally the ballots.

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A member of the public stated that he has faith in the Fire Chief and the Deputy Fire Chief.

Tom Hull, Station Captain in Lushmeadows, urged the Board to purchase the engines at the specs proposed and stated he trusts Chief Wilson, he has integrity and supports him.

Becky Crafts, Assessor/Recorder clarified relative to Paul Chapman's comments that she would like to assure the Board that the Assessor/Recorder records are up to date.

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12:25 p.m. Lunch

1:36 p.m. Reconvened with Supervisor Bibby to arrive later.

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Supervisor Bibby arrived.

Select the California State Association of Counties (CSAC) Director and Alternate(s) for 2009 (Supervisor Fritz)

BOARD ACTION: Following discussion, (M)Fritz, (S)Pickard, Res. 08-509 was adopted selecting Chair Turpin as the Director. Supervisor Fritz stated that she plans on attending her final CSAC meeting in San Diego in December. Ayes/Unanimous.

Discussion and Possible Direction for Solid Waste Removal Services in Wawona

BOARD ACTION: Dana presented the staff report and provided the background with details on dates of notifications and letters of requested increases from Total Waste. He gave the Board the options that they have at this time and discussions he has had with the Park Service. He gave figures of the proposed increase and advised they could go out to bid but feels comfortable with the requested increase. He is looking for direction from the Board for negotiations and to create a fee increase. Staff responded to questions relative to the fee structure of the land fill, the CPI increase, the term of the agreement, the rate for collection in the CSA and changing the rate. Discussion was held relative to Wawona regarding the CSA. Supervisor Pickard stated that he doesn't support going out to bid and feels it would be more than fair to negotiate with Total Waste. Supervisor Bibby asked if there will be a public hearing due to the fee increase. Dana responded that there will have to be at least one public hearing; he will check into this and bring it back to the Board.

Input from the public was provided by the following:

Ruth Catalan commented that she feels this should have been addressed sooner. She stated she was at a Total Waste Task Force meeting in which she is a member recently where she expressed concern that this had not been addressed. She commented that Total Waste has had the contract since 1999 and hasn't received an increase and has had to absorb the increased expenses; she doesn't feel the increase is unreasonable.

Stuart Katte with Total Waste discussed the impact of the tipping fee on Total Waste expenses. He stated that of their total gross income they pay 45.6% in tipping fees based on their audited figures.

Ed Mee of Wawona expressed concern relative to the three different services in the community and feels that it would save money if there were only one combined service. Rick Benson responded that the Park Service will not compete with private industry.

Discussion was held relative to the different services. (M)Pickard, (S)Fritz, direction was given to staff to negotiate fees with Total Waste Systems for a fee increase. Supervisor Aborn commented regarding the public comment towards the Board and Public Works relative to the response to the fee increase request stating there has been a lot going on in the County including the fires over the past several months; he stated Public Works is doing their job. Ayes: Unanimous.

2:00 p.m. Kris Schenk, Planning Director;

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

2:45 p.m. Board of Supervisors reconvened

Chair Turpin stated the Board will be recessing to Catheys Valley Park after Closed Session in memory of Robert McGuire.

2:50 p.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: SPCA Properties Located at 10th, Bullion and 11th Streets; Agency Negotiator: Thomas P. Guarino; Closed Session Will Concern Price and Terms of Lease/Purchase (County Counsel);

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 Relative to a Workers' Compensation Case. Number of W/C Cases to be Discussed: 1 (County Administrative Officer/Personnel/Risk Manger) and

CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code

Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Merced Irrigation District's Merced River Hydroelectric Project, United States of America Federal Energy Regulatory Commission Project No. 2179 (County Counsel).

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

Ruth Catalan commented on Closed Session item 8 stating she is President of the SPCA and has no idea where the Board is going as far as negotiations, she is not aware of any offer. She stated that if they have spoken to anybody they are out of order, they have a Property Committee that is supposed to report to her and had has no report from them.

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

3:20 p.m. Chair Turpin announced that information was received as a result of the SPCA property item and the MID item and direction was given to staff relative to the Workers Comp item of the closed session matters.

3:21 p.m. Recess

3:40 p.m. Dana Hertfelder, Public Works Director;

Reconvene for Ribbon Cutting Ceremony at Catheys Valley Park for Playground Equipment

BOARD ACTION: The Board of Supervisors reconvened at Catheys Valley Park and the ribbon cutting ceremony was held.

CONSENT AGENDA

- CA-1 Approval of Summary of Proceedings of October 21, 2008, Regular Meeting (Clerk of the Board)
- CA-2 Approve Budget Action Transferring Funds within the Fire Department Budget to Cover Unanticipated Increases in Fire Incident Expenses due to Extraordinary Fire Activity (\$5,000) (Fire Chief); Res. 08-502
- CA-3 Approve an Agreement with Stanislaus County Department of Child Support Services to Provide Attorney Services for Ten Hours a Week to Mariposa County Department of Child Support Services in an Amount Not to Exceed \$14,181 and Authorize the Board of Supervisors Chair to Sign the Agreement and Approve Budget Action Transferring Funds Within Child Support Services Budget to Fund Agreement (\$14,181) (Child Support Services Director); Res. 08-503
- CA-4 Adopt a Resolution Regarding the Pick-up of Employee Contributions to the California Public Employees' Retirement System (CalPERS) to Comply with Revenue Ruling 2006-34 (County Administrative Officer/Personnel/Risk Manager); Res. 08-504
- CA-5 Authorize the County Administrative Officer to Sign the California State Association of Counties (CSAC) Excess Insurance Authority (EIA) Medical Malpractice Program Extended Participation Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 08-505
- CA-6 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 Program (Sheriff); Res. 08-506
- CA-7 Accept Resignation of Dr. Monty Thornburg from the Alcohol and Drug Advisory Board (Human Services Director)

- CA-8 Appoint Emma Levy to Serve as a Member of the Mental Health Board for a Three Year Term Expiring October 28, 2011 (Human Services Director)
- CA-9 Reappoint Nancy Jones to the Midpines Planning Advisory Committee for a Term Expiring February 28, 2010 (Supervisor Aborn)
- CA-10 Authorize the Human Services Director to Execute the 2008 Low Income Home Energy Assistance Program (LIHEAP) Agreement 08B-5473, Amendment One and Authorize the Human Services Director to Execute the 2008-2009 Department of Energy (DOE) Agreement 08C-1721 (Human Services Director); Res. 08-501

3:55 p.m. (M)Fritz, (S)Aborn, the Board adjourned at Catheys Valley Park; Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

By: TRACY GAUTHIER
Deputy Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

November 10, 2008

Time Description

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

Pledge of Allegiance

Introductions – Chair Turpin welcomed Jeff Green who is serving as Interim County Counsel.

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 Turpin advised that item 7 is being continued to November 18th; and he pulled item 1. Supervisor Bibby pulled items 6 and 18. (M)Fritz, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Item 1 – Supervisor Turpin initiated discussion with Dana Hertfelder, Public Works Director, relative to item 1 and the environmental process and requirements. (M)Aborn, (S)Bibby, item 1 was approved/Ayes: Unanimous.

Item 6 – Supervisor Bibby initiated discussion with Dana Hertfelder relative to item 6; and she asked that more information be provided in the liability issue with a replacement cattleguard. Supervisor Pickard suggested that options be considered such as painting stripes on the road to look like a cattleguard. Following discussion, (M)Pickard, (S)Aborn, item 6 was approved with direction for staff to look at painting the white striping to look like a cattleguard if necessary. Supervisor Aborn asked that more information be provided on the status of the cattleguards on a countywide basis. Ayes: Unanimous.

Item 18 – Supervisor Bibby initiated discussion relative to the Encroachment Permit and sponsorship; and suggested that the permittee and the signator on the Permit should be the same to be consistent. Rick Benson concurred that as Risk Manager he or the Public Works Director should sign the Permit, and discussion was held. Paul Hall, Chamber of Commerce, provided input on the process and advised that they are agreeable with the County being the applicant. Rick Benson asked that the Chamber bring this matter to the County’s attention earlier next year for review. (M)Bibby, (S)Aborn, item 18 was approved with direction for the Risk Manager to make necessary changes in the application to reflect the County’s sponsorship/Ayes: Unanimous.

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

Keith Williams, County Clerk, provided information on the status of the November 4th election results. Board members commended Keith and his staff for their work.

Paul Hall, Chamber of Commerce, referred to the cattleguard discussion and noted that California cows are “happy cows” in the television ads. He advised that the next mixer is scheduled for Tuesday evening at the Windows on the World -- Book Art; and that they are recognizing Kay Barnes/Fabled Kottage and Antiques as Business of the Month as she will be one of the Grand Marshals for the Merry Mountain Christmas Parade. He thanked Chair Turpin for his presentation at the Chamber’s leadership

conference that was held in the North County. He thanked the Board for its support of the CalTrans Permits for the Merry Mountain Christmas events.

Board Information

Supervisor Fritz noted that she is waiting for the final outcome of the election results for the Supervisor for District IV; and she commented on the good turnout for the election.

Supervisor Bibby expressed special thanks to the citizens and businesses that provided treats for the children for Halloween. She advised that she attended the PG&E FERC re-licensing kick-off meeting. She attended the Mental Health Board meeting on November 4th and commented on their programs. She attended the rural roads presentation in Midpines on Friday, and she noted that information is available on the Cooperative Extension website. She plans to attend the First 5 meeting this afternoon if the Board meeting finishes in time. She thanked Jeff Green for serving as Interim County Counsel.

Supervisor Turpin commented on the good voter turnout for the November 4th election. He advised that he attended the North County History Association meeting. He plans to attend the SWIFT meeting and the Agricultural Advisory Committee meeting this week. Depending on weather, he plans to look at rehabilitation work in the Stanislaus National Forest. He plans to help with checking out the lights on the Christmas tree in Coulterville on Saturday.

Rick Benson reported on the Governor's press conference that was held last week relative to the State budget and potential impacts to the County – proposal to eliminate Williamson Act subvention funding would result in a possible reduction of \$162,000; proposal to eliminate grant funds for the Sheriff's Department would result in a possible reduction of ultimately \$500,000; and proposal to cut some funding for Probation.

Kris Schenk, Planning Director;

Adopt a Resolution Correcting Clerical Error Associated with the Approved Silver Tip Resort Village Project, Relative to Allowed Square Footage for the Main Hotel and Lodge Structure. The Project Site is Located at the Intersection of Highway 41 and Fish Camp Lane in Fish Camp; APN's 010-550-035, 010-550-054, 010-550-056 and 010-550-057. Property Owner: PacificUS Real Estate Group.

BOARD ACTION: Discussion was held with Kris Schenk and he clarified that the square footage should be 112,560 throughout the staff report. (M)Pickard, (S)Fritz, Res. 08-528 was adopted correcting the clerical error associated with the square footage for the Silver Tip Resort Village project to reflect 112,560 throughout the documents and the Notice of Exemption/Ayes: Unanimous.

9:54 a.m. Recess

10:01 a.m. Supervisor Bibby;

Adopt a Resolution Certifying that the Oakvale Ranch Conservation Easement Proposal is Consistent with the Mariposa County Voluntary Oak Woodland Management Plan and Landowner Guidelines, and Authorize the Board of Supervisors Chair to Sign the Certification

BOARD ACTION: Supervisor Bibby initiated discussion and reviewed the request; and she advised that Jerry Preston/applicant and Ed Stanton/American Land Conservancy were present.

Input from the public was provided by the following:

Ed Stanton provided input on the County's role in providing the certification for the application, and he provided information on the process. Discussion was held. Supervisor Turpin noted that "city" needs to be changed to reflect the "town" of Mariposa in the application.

Bridgett Fithian, Sierra Foothill Conservancy, advised that they support this project.

(M)Bibby, (S)Aborn, Res. 08-529 was adopted approving the recommended actions/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: Rick Benson recommended that the local emergency be continued. Supervisor Bibby asked the County Administrative Officer to check with Kome Ajise to see if there is any impact

on the funding for this project as a result of the State budget adjustments. (M)Aborn, (S)Bibby, Res. 08-530 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.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer)

BOARD ACTION: Rick Benson advised that there is no new information and he recommended that the local emergency be continued until such time as full reimbursement is received. Supervisor Pickard asked if the letters relative to the FEMA reimbursement include the Oliver Fire, and Rick Benson advised that it is included. (M)Pickard, (S)Fritz, Res. 08-531 was adopted finding the local emergency due to the Oliver Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer)

BOARD ACTION: Rick Benson advised of his discussions with the Bureau of Land Management and their rehabilitation efforts – replacement of 27 culverts has been concluded with larger culverts; and they are spreading hay for erosion control. He provided input on the FEMA reimbursement efforts; and he recommended continuing the local emergency. Discussion was held. Supervisor Pickard stated he would like to see weed-free hay used to avoid problems in the future with noxious and invasive weeds. Cathi Boze, Agricultural Commissioner, advised that BLM has not been in contact with her relative to the hay, just relative to surveying the 35-miles of fire line for noxious weeds and spraying as necessary. (M)Pickard, (S)Fritz, Res. 08-532 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings; and asking that the Agricultural Commissioner be kept informed relative to the use of hay/straw in the erosion control to avoid bringing in noxious or invasive weeds/Ayes: Unanimous.

Deny Application for Leave to Present Late Claim of Dawnetta Soares and Melvin Johnson (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised of the request for submittal of a late claim; and he recommended that the Board adopt a resolution stating that the Board does not have jurisdiction to address this claim due to its lateness based on the recommendation of County Counsel. (M)Pickard, (S)Aborn, Res. 08-533 was adopted stating that the Board does not have jurisdiction to address this claim due to its lateness/Ayes: Unanimous.

10:28 a.m. Recess

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

PUBLIC HEARING to Consider Adoption of a Resolution Taking Final Action on Land Conservation Act Cancellation No. 2008-89; a Proposed Cancellation of a 6.97 Acre Portion of Mariposa County Land Conservation Act (Williamson Act) Contract No. 17, a 3,280+/- Acre Contract. Request is Made so that the Canceled Acreage Can be Used for Construction and Operation of a 1,600 Square Foot Church/Multi-Purpose Facility and Appurtenant Facilities (Alternative Use). The Project Site is Located off of Highway 140 in Mariposa, Just West of the Spring Hill High School, APN 012-180-032, Applicant: Mariposa Revival Center, Inc. / Henry Falany. Property Owner: Frank and Francis Long.

BOARD ACTION: Chair Turpin advised of the public hearing process. Sarah Williams, Deputy Planning Director, presented the staff report; and she responded to questions from the Board relative to the eight acres referred to in the Petition for Partial Cancellation of Mariposa County Williamson Act Contract Number 17 and the 6.97-acres referred to in the staff report; relative to the food distribution program at Mariposa Park; and clarifying that all of the information that has been received for this project is included in the package. Jeff Green, Interim County Counsel, responded to a question from the Board relative to clarifying the process for the other permits and applications that are required if the cancellation is tentatively approved. Staff responded to questions from the Board relative to clarifying

the acreage for the project site and for the road to access the site; and relative to provisions for circulation of the cattle.

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

Applicant's Presentation:

Dave Breemer, agent for the petitioners, thanked Sarah Williams for her work on this project; and he advised that they are trying to build a church on the Long's property and that the Longs are willing to lease property to the church for a dollar a year. They need to remove the acreage for this project from the Williamson Act contract; and he noted that this process was first suggested by the Department of Land Conservation (DOC). He referred to the necessary findings and he noted that the proposed use is for a particular church; and he advised the term "available" for noncontracted land is not defined and he referred to the Friends of East Willets Valley v. Mendocino County case. He advised of the church's food distribution program and noted that it was bigger and better when they had a permanent building. He stated there is a desperate need for people in the County to have food and he referred to a University survey that found that over 7,000 people in Mariposa are food insecure. He advised that a primary mission of the church is to feed the poor and he feels that meets the public concern finding. He advised of his search for available land in the area; advised that they do not have any funds to purchase land and no one else has offered to donate land; and he addressed the findings made by the Planning Commission. He responded to questions from the Board relative to circulation for the cattle and agreed with the circulation need and advised that this could be addressed in the Conditional Use Permit (CUP) process; clarified the relationship between the landowners and the Mariposa Revival Center and the lease for the CUP process; relative to the primary function of the church and its financial status; efforts on locating an alternative site for the church and whether the landowners have any other parcel(s) that would be an option for this use; relative to locating a site for storage of the food; and relative to the Encroachment Permit process with CalTrans to access the site.

Speakers in Support of the Applicant:

Kay Mickel advised that she is a retired real estate broker and has been fighting cancer for the last two years and this has changed her priorities. She commented on information she received as a new real estate agent about how many cows could be placed on a five-acre parcel. She referred to agriculture and noted that if the food does not have an opportunity to get to the people who need it, we have broken the chain.

Opponents' Presentation:

Cathie Pierce, immediate Past President of the Mariposa County Farm Bureau, referred to the input and the issue with the cancellation of the Williamson Act contract for the wastewater treatment plant in Don Pedro; and she noted that was a health and safety issue for the people. She referred to the cattle circulation/trap issue and problems that she has seen. She suggested that if storage is the issue for the food, that a storage unit be rented or that they ask for a donation for that. She feels that the landowner has other land that could be donated; and she advised that the Planning Commissioner for District III reviewed the land and perhaps could provide input. She suggested that there are other locations in the County where people may be willing to donate land that is not under Williamson Act contract or a Land Conservation Easement. She referred to the 1999 lease between the Longs and Falany and advised that there was an opportunity to leave the requested acreage out of the easement. She questioned why we are going through this process, as they have stated that they have no money to do anything right now.

John Weech, Associate Counsel for the California Farm Bureau Federation, provided input on the project and advised that he previously submitted two letters; and he briefly discussed the East Willets Valley case that was mentioned earlier. He provided input on the lease proposal and finances.

Paul Chapman stated he feels that there is plenty of property to buy and that the landowner should have funding available as he received money from entering into the preserves – he does not feel that it is a matter that he can't afford it, but that he will not. He does not feel that the church should be put on Williamson Act contracted land.

Cathi Boze, Agricultural Commissioner, stated she supports agriculture; and she referred to the State's proposal to eliminate the subvention funding and stated the purpose of the Williamson Act contract is to preserve farm land. She feels the DOC's enforcement of contracts should

be followed and that a non-renewal would be preferred. She suggested that the food distribution program may be better in other locations; and she commented that there are parcels in the area that she feels would be suitable. She does not want to see any loss of agricultural land, and she feels the Williamson Act should be protected as stated in the letter she submitted; and she asked that the proposed cancellation be denied.

General Comments:

Eleanor Keuning noted that there are other food distribution programs in the County. She referred to the proposed location and stated she feels that part of their reason for wanting to build there is the location as it is at the top of the mountain; and she is concerned about access from Highway 140. She referred to Mr. Long's previous offer to donate land for a fire station and questioned if that parcel is still available.

Dennis Bunning, member of the Agricultural Advisory Committee, advised that he found seven parcels when he searched for property in the area that ranged in price from \$70,000 to \$143,000. He referred to the State law requirements and Long's responsibilities.

Rebuttal by the Applicant:

Dave Breemer stated the Williamson Act allows for a cancellation process and he referred to the two findings that are necessary; and he noted that Mariposa County is the lead agency and not the DOC. He noted the Mariposa Revival Center provided assistance to the victims of the Telegraph Fire and not the DOC. He advised that the Longs do not have any other available land. He did his search for "proximate" noncontracted land to the site that is available as required by the Act versus what was done by others. He provided input on their need for a central location for the food distribution and storage. He noted that the bottom line is that there is a need for food and he referred to the UCLA study that found that 7,000 people do not have enough food in the County; and he feels that meets the finding for the cancellation of the Williamson Act contract for the requested acreage. He responded to questions from the Board relative to the proposed lease between the Longs and the Mariposa Revival Center and being able to provide assurance that something else wouldn't be done in the future by conditioning this in the CUP; and relative to being able to meet the timelines and getting the rest of the required permits and applications completed.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the original Land Conservation Act contract; and whether there have been any other cancellation applications and whether more would be anticipated if this were approved. Becky Crafts, Assessor/Recorder, responded to questions from the Board relative to the status of property and improvement tax assessments if this project goes forward. Staff responded to questions from the Board as to whether the ridgetop design standards would apply to this project; relative to the timelines that would be given to meeting the additional requirements for this project; whether this would be a sub-sized parcel under the General Plan in the Agricultural Exclusive Zone and the relative to the zoning amendment requirements in the process and the findings that would need to be made. (M)Bibby, (S)Aborn, Res. 08-534 was adopted denying Land Conservation Act Cancellation Application No. 2008-09 with the findings as stated in the staff report/Ayes: Aborn, Bibby, Pickard; Noes: Turpin, Fritz. The hearing was closed.

12:24 p.m. Lunch

2:05 p.m. Dr. Mosher, Health Officer;

A) Approve a Public Health Emergency Preparedness Centers for Disease Control and Prevention (CDC) Agreement for Fiscal Year 2008-2009 and Hospital Preparedness Program (HPP) Agreement with the State of California Department of Public Health (\$325,434) and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Discussion was held with Dr. Mosher. (M)Bibby, (S)Fritz, Res. 08-535 was adopted approving the agreements/Ayes: Unanimous.

2:12 p.m. B) Accept Carl Moyer Air Quality Funds for Mariposa County and Authorize the Funds to be Routed Through the Rural District Assistance Program

AIR POLLUTION CONTROL DISTRICT ACTION: Discussion was held with Dr. Mosher; and he advised that they are looking into using the funds for the Fire Department and that the match can be waived for small districts.

Input from the public was provided by the following:

Paul Chapman asked if the labor for doing the work can be used as an in-kind match, and he commented on the particulate matter from diesel engines. Dr. Mosher responded to the input.

(M)Pickard, (S)Aborn, Air Pollution Control District Res. 08-3 was adopted accepting the funds as recommended and using the Rural District Assistance Program to administer the funds/Ayes: Unanimous.

Adopt a Resolution Electing to Receive the Full County Payment Under the Reauthorization of the Secure Rural Schools and Community Self-Determination Act (SR2008) and of the Full County Payment to Allocate 8-Percent to Title II Projects, and 7-Percent to Title III Projects (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Following discussion, (M)Pickard, (S)Aborn, Res. 08-536 was adopted approving the recommended action/Ayes: Unanimous. Supervisor Pickard asked that staff check with the Forest Supervisor for the Stanislaus and Sierra National Forest relative to what is involved in establishing a separate Resource Advisory Committee (RAC).

Discussion and Possible Approval of Fire Engine Lease Financing Proposal (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson relative to the proposals that were received for financing the fire equipment lease purchase – proposals were received from 1) Oshkosh Capital and 2) Municipal Asset Management/however, they included terms that he would not recommend to the Board. He advised that if the Board concurs, he will bring back all of the documentation for action on November 18th.

Input from the public was provided by the following:

Paul Chapman stated he feels the bid proposal information should have been made available to the public; he expressed concern with the interest rate for financing the equipment; and he stated he still disagrees with the specifications for meeting the County's needs.

Rick Benson advised that the proposal was sent out to the banking businesses that deal with municipal leasing of equipment; and Supervisor Bibby asked that this information be included with the package for November 18th, along with the rationale for his recommendation. Supervisor Bibby initiated discussion relative to the status of budgeting for the replacement costs – Rick Benson advised that this will be a part of the final budget discussions with a recommendation of \$225,000 a year for 20 years; and he plans to recommend that when the equipment is assigned out of County, that a portion of the revenue received goes to the replacement fund. Further discussion was continued until after the following recess.

2:57 p.m. Recess

3:00 p.m. Further discussion was held. (M)Pickard, (S)Fritz, direction was given to the County Administrative Officer to proceed with financing arrangements with Oshkosh Capital; and to bring back the financing package on November 18th for action/Ayes: Unanimous.

Approve County's Comments Regarding PG&E's FERC Relicensing Pre-Application Document for the Merced Falls Hydroelectric Project and Authorize the Board of Supervisors Chair to Sign the Letter (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson reviewed the draft response. (M)Bibby, (S)Aborn, Res. 08-537 was adopted approving the comments/Ayes: Unanimous.

3:10 p.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 Relative to a Workers' Compensation Case. Number of W/C Cases to be Discussed: 1 (County Administrative Officer/Personnel/Risk Manger);

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: Hazel Green Ranch, LLC v. United States Department of the Interior, et al.; Case No. 1:07-CV-00414 OWW SMS (County Counsel); and

CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Richard J. Benson (County Administrative Officer/Personnel/Risk Manager)

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

4:28 p.m. Chair Turpin announced the following as a result of the closed session matters: direction was given on the Workers' Compensation Case and on the IHSS negotiations; and information was received on the Hazel Green Ranch matter.

CONSENT AGENDA

- CA-1 Approve an Agreement with Analytical Environmental Services (AES) to Conduct Cultural Resource Studies Required for Road Projects (Public Works Director); Res. 08-525
- CA-2 Approve Budget Action Transferring Funds within Facilities Maintenance Budget to Cover Unanticipated Costs of a Full Panel Testing Requirement for Woodland Park (\$2,200) (Public Works Director); Res. 08-513
- CA-3 Approve Budget Action Reducing Yosemite West Fund Contingency to Cover a Title 22 Broad Spectrum of Water Analysis in the Yosemite West Water Division as Required (\$1,800) (4/5ths Vote Required) (Public Works Director); Res. 08-514
- CA-4 Authorize Public Works to Solicit Bids for the Annual Roadside and Zone of Benefit Herbicide Spraying with a Provision to Allow a Negotiated Extension for Three Consecutive Fiscal Years and Authorize the Public Works Director to Sign the Agreement (Public Works Director); Res. 08-515
- CA-5 Approve the Use of \$35,000 of Proposition 40 Funds and Award an Agreement to Mid-State Solar to Install a Solar Pool Heating System and Thermal Pool Blanket at the Mariposa Pool Contingent on State Approval of the Project and Authorize the Public Works Director to Sign the Agreement (Public Works Director); Res. 08-516
- CA-6 Authorize the Department of Public Works to Remove the Cattle Guard on Triangle Road, Located at the Top of the Hill Between Carter and Darrah Roads at Post Mile 13-14.115 (Public Works Director); Res. 08-526, with direction to staff
- CA-7 Authorize the Public Works Director to File the Notice of Completion, and Accept the Greeley Hill Library as Complete (Public Works Director); Pulled and rescheduled for November 18th.
- CA-8 Approve Sudden Oak Death (SOD) Program Agreement No. 08-0526 for Fiscal Year 2008-2009 with California Department of Food and Agriculture and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 08-517

- CA-9 Accept Resignation from Leroy Radanovich from the Mariposa County Water Agency Advisory Board (Supervisor Fritz)
- CA-10 Authorize the Health Officer to Assign Public Health Preparedness Funds Earmarked for Local Emergency Medical Services (EMS) Agency to Stanislaus County for Administration (Health Officer); Res. 08-518
- CA-11 Authorize the Board of Supervisors Chair to Apply for Certified Unified Program Agency (CUPA) Reimbursement Funds and Sign Disbursement Worksheet for Rural CUPA Reimbursement Funds for Fiscal Year 2008-2009 and Authorize the Health Officer to Submit and Sign Additional Documents to Secure Funding as Necessary (Health Officer); Res. 08-519
- CA-12 Appoint Officer Lance Berns to the California Highway Patrol (CHP) Representative Position on the Emergency Medical Care Committee and Appoint Bryan Duncan as an Alternate Representative (Health Officer)
- CA-13 Appoint Bill Hodson of Cal Fire as Cal Fire Public Sector Representative to the Emergency Medical Care Committee and Appoint Steve Leonard as an Alternate Representative (Health Officer)
- CA-14 Adopt a Resolution Approving Road Name "Bean Creek Lane" for the Subject Easement; Road Name Application No. 2008-186, Merlin and Miriam Jones, Applicants (Planning Director); Res. 08-520
- CA-15 Issuance of a "Letter of Public Convenience and Necessity" to the Department of Alcohol Beverage Control to Upgrade Rite Aid Store #6443's Current Type 20 Off-Sale Beer and Wine License to a Type 21 Off-Sale General License (Wine, Beer and Distilled Spirits); Store is Located at 4994 Joe Howard Street (Planning Director); Res. 08-521
- CA-16 Approve Budget Action Increasing Revenue and Appropriations in the Seventh Day Adventist (SDA) Camp Wawona Budget to Cover Increasing Litigation Costs of the SDA Project (\$93,000) (4/5ths Vote Required) (Planning Director); Res. 08-522
- CA-17 Ratify Letter to Elected Officials Regarding FEMA Disaster Declaration/Oliver Fire/Telegraph Fire (County Administrative Officer/Personnel/Risk Manager); Res. 08-523
- CA-18 Approve the Application for a Cal Trans Encroachment Permits in Support of Closing Highway 140 from 11:00 a.m. to 12:30 p.m., Between Highway 49 South, Saturday, December 6, 2008, and for Christmas Banners Along Highway 140 and Authorize the Board of Supervisors Chair to Sign the Letter Documenting the Board's Support and Approval (Chamber of Commerce); Res. 08-527, with direction for changes in the Application to reflect the County's sponsorship
- CA-19 Authorize Public Works to Advertise for Bids and Award an Agreement to the Lowest Responsible Bidder to Supply Fuel for the County's Fleet (Public Works Director); Res. 08-524

4:29 p.m. Adjournment in memory of Lori Lynette Heath – Sousa.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS November 18, 2008



DRAFT – PENDING BOARD APPROVAL

Time Description

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

Pledge of Allegiance

Chair Turpin advised of an addendum to the agenda for a certificate recognizing Bruce and JoAnn Pickard on celebrating their 50th wedding anniversary.

Introductions – Chair Turpin introduced Fred Lustenberger, the new Building Director.

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 the November 10th Summary of Proceedings from item 1. (M)Fritz, (S)Aborn, the balance of the items was approved/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Item 1 – Supervisor Bibby referred to the November 10th Summary of Proceedings and asked that they be clarified to reflect that she suggested the permittee and the signator on the Merry Mountain Christmas CalTrans Encroachment Permit should be the same to be consistent. (M)Bibby, (S)Aborn, the November 10th Summary of Proceedings was approved with the requested change/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

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

Keith Williams, County Clerk, provided a status report on the November 4th election results and advised that the outcome of the persons elected with the unofficial results has not changed; and he is preparing an item for the agenda on December 2nd to certify the results. Chair Turpin recognized the presence of the two new Supervisors that have been elected to the Board: Jim Allen and Kevin Cann.

Eleanor Keuning advised that the Historical Sites and Records Preservation Commission’s next meeting is scheduled for December 8th at 10:00 a.m. and the meetings are open to the public. She encouraged attendance at the Community Chorus Winter Concert scheduled for December 15th and the Mariposa Symphony Orchestra Holiday Concert scheduled for December 20th. She commented on how people seem to feel that they are entitled to criticize people and the government; and she referred to a saying by Dewitt Jones about “celebrating what is right with the world.”

Board Information

Supervisor Bibby attended the First 5 meeting on Monday – progress is being made with the modular facility for Catheys Valley Pre-School and the enrollment is up for the Greeley Hill Pre-

DRAFT – PENDING BOARD APPROVAL

School. She plans to attend the Mt. Bullion citizen organization meeting on Thursday. She announced the 4-H Achievement Night is scheduled for this Saturday.

Supervisor Aborn advised he attended the Midpines Community Planning meeting on Wednesday and they are working on planning issues for the community. He attended the High School Drama class play and commended the students for their talent.

Supervisor Fritz congratulated Kevin Cann on winning the election and advised that she is looking forward to a transition period with him. She advised the Soroptimist Craft Fair is scheduled for December 5 and 6th at the Fairgrounds. She plans to attend the CSAC Conference in San Diego and will miss the December 2nd Board meeting.

Supervisor Turpin advised that he attended the SWIFT meeting on Wednesday and they discussed the CAL FIRE mandatory fuel reduction requirements and problems with the insurance companies having varying standards. He met with Alan Johnson/Stanslaus National Forest Service on Thursday and toured fuel brake/rehabilitation projects. The meeting with BLM to look at the fire area was postponed. They conducted a walk-through of the Red Cloud Library last week. He advised of a presentation by Leroy Radanovich and Ralph Mendershausen on Saturday at the Northern County History Center in Coulterville relative to the history of Bagby. He advised that the Coulterville Fire Brigade met on Monday to plan for the Christmas activities for December 9th; and the Christmas in Coulterville event is scheduled for December 20th.

Mary Williams, Community Services Director, introduced Don Fox, the new member of the Commission on Aging and the Area 12 Agency on Aging Advisory Council.

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 there is no new information and recommended that the local emergency be continued until full access is restored. (M)Bibby, (S)Aborn, Res. 08-545 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, Fritz; Excused: Pickard.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer)

BOARD ACTION: Rick Benson advised that there is no new information and recommended that the local emergency be continued until such time as full reimbursement is received. He also advised that the Southern California fires will not affect our reimbursement. (M)Aborn, (S)Bibby, Res. 08-546 was adopted finding the local emergency due to the Oliver Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer)

BOARD ACTION: Rick Benson advised that there is no new information and recommended that the local emergency be continued until such time as full reimbursement is received. He also advised that following discussion with the Auditor, he plans to bring an item to the Board to take care of the internal costs. Supervisor Bibby asked that a breakdown of the cost information be provided. Supervisor Turpin advised that the BLM representative is willing to come and give a report on their activities. (M)Fritz, (S)Aborn, Res. 08-547 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

9:33 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) Adopt a Resolution Approving the Mariposa County Coordinated Public Transit-Human Services Transportation Plan (Public Works Director)

DRAFT – PENDING BOARD APPROVAL

COMMISSION ACTION: Discussion was held with Dana Hertfelder and Barbara Carrier/Administrative Analyst-Transportation, relative to the Plan and the delivery of services.

Input from the public was provided by the following:

Eleanor Keuning suggested that the youth be involved in planning for the services so that their needs are met, including the possibility of being able to come to town on weekends.

(M)Bibby, (S)Aborn, LTC Res. 08-15 was adopted approving the Plan as recommended/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

9:44 a.m. Approve Finance Resolution, Master Lease Purchase Agreement and other Related Financing Documents Relative to the Lease/Purchase of Fire Apparatus and Authorize the Board of Supervisors Chair to Sign the Documents (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised that the final Lease Purchase Agreement was received on Monday and has been distributed to the Board and made available to the public. He reviewed the recommended action, purchase process and transfer of funds for this purchase. Discussion was held relative to the payments, replacement for the loss of any equipment, and the disposition of the current fleet – an item will be brought to the Board with recommendations for disposition of equipment and some equipment will be retained for backup.

Input from the public was provided by the following:

Ruth Catalan asked about the status of insurance for the vehicles and for liability; and she asked whether there is a restriction on being able to take this equipment out of County. Rick Benson responded to the questions – the County is self-insured to a point and then the catastrophic insurance coverage takes affect; and the final Agreement has a clause that allows the equipment to participate in out of County fire incidents.

Paul Chapman referred to the Proposition 218 requirements and stated he feels the equipment can only be used for fire protection for Mariposa County; and he commented on the cost of the equipment and financing; and he referred to concerns he has with the terms of the Agreement.

Discussion was held. Dana Hertfelder responded to questions from the Board relative to inspecting the equipment and requirements for it to meet the specifications. Rick Benson commented on the bond for the acceptance of the equipment; and he advised of the outcome of a recent Court decision on the West Point Fire Protection District fire equipment purchase. (M)Aborn, (S)Fritz, Res. 08-548 was adopted approving the documents as recommended. Supervisor Bibby asked about scheduling the payment for automatic distribution to ensure that late fees are not incurred. Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Approve an Equity Adjustment of 7.5-Percent to the 4-H Coordinator Position, Effective July 1, 2008; and Approve Budget Action Reducing General Contingency to Fund the Equity Adjustment (\$3,592) (4/5ths Vote Required) (County Administrative Officer/Personnel/Risk Manger)

BOARD ACTION: Discussion was held with Rick Benson.

Input from the public was provided by the following:

Ruth Catalan commented on her work with Donna Wice/4-H Coordinator, and expressed her support for the work she does with the 4-H program.

Donna Wice provided input on the status of using the comp hours she accrued and relative to coordinating her work hours with the 4-H activities.

Cathi Boze, Agricultural Commissioner, agreed with Ruth Catalan relative to Donna Wice's commitment to the 4-H program; she advised of assistance she has offered and asked that there be consideration to adding extra help for the program.

Following discussion, (M)Aborn, (S)Bibby, Res. 08-549 was adopted approving the equity adjustment as recommended/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

INFORMATION – No action was necessary on the following:

List of Contracts Entered into by the County Administrative Officer Pursuant to Ordinance 3.08 for the Months of April, July, August, October 2008, and March 2009 (County Administrative Officer/Personnel/Risk Manager)

DRAFT – PENDING BOARD APPROVAL

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised that this closed session was not needed.

10:35 a.m. CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54946.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Bryce Johnson v. County of Mariposa OAH No. 2007080558; Existing Litigation: California Government Code Section 54946.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Bryce Johnson v. County of Mariposa WCAB No. FRE 0227960 (County Administrative Officer/Personnel/Risk Manager)

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

10:55 a.m. Chair Turpin announced that information was received as a result of the closed session.

CONSENT AGENDA

- CA-1 Approval of Summary of Proceedings of October 28, 2008 and November 10, 2008, Regular Meetings (Clerk of the Board)
- CA-2 Approve Fee Increases for Registration Fees for Pest Control Operators, Pest Control Advisors, Pest Control Aircraft Pilots, Maintenance Gardeners, Structural Pest Control Operators, and Farm Labor Contractors and Implement Fees for Registration Amendments (Agricultural Commissioner); Res. 08-538
- CA-3 Amend the Agricultural and Standards Inspector II Job Description by Adding an Agricultural and Standards Inspector I Classification and Creating a Flex Class of Agricultural and Standards Inspector I/II; Set the Salary for the Agricultural and Standards Inspector I at \$3187.60 - \$3874.54 (the Salary for the Agricultural and Standards Inspector II has Previously Been Set at \$3350.01 - \$4072.12) (County Administrative Officer/Personnel/Risk Manager); Res. 08-539
- CA-4 Approve Nursery Inspection Agreement No. 08-0399 for Fiscal Year 2008-2009 with California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 08-540
- CA-5 Reappoint Marilyn Corral to the Mental Health Board for a Term Expiring November 18, 2011 (Human Resources Director)
- CA-6 Authorize the Fire Chief to Sign for a Form Change and Increase in Monies for the Previously Approved 2008 Homeland Security Grant Program on Behalf of County Health, Fire and Sheriff's Departments (Fire Chief); Res. 08-541
- CA-7 Accept the Resignation of Claribell Eddy and Lee Eddy From the Mariposa County Commission on Aging and the Area Agency on Aging Advisory Council (Community Services Director)
- CA-8 Appoint Don Fox to Mariposa County Commission on Aging as a Member At-Large Term Expiring November 18, 2012 and to the Area Agency on Aging Advisory Council for Term Expiring November 18, 2011 (Community Services Director)

DRAFT – PENDING BOARD APPROVAL

- CA-9 Approve Budget Action Transferring Funds within the Probation Budget for the Final Payment of Software Contract with New Dawn (\$4770) (Chief Probation Officer); Res. 08-542
- CA-10 Approve Behavioral Health Assigning Funding for One of Three Projects to the California Department of Mental Health to Operate the Program on a Statewide Basis and Authorize the Board of Supervisors Chair to Sign the Assignment Agreement (Human Services Director); Res. 08-543
- CA-11 Authorize the Public Works Director to File the Notice of Completion, and Accept the Greeley Hill Library as Complete (Public Works Director) (**Continued from November 10, 2008**); Res. 08-544
- CA-12 Approve Certificate of Recognition and Congratulations to Bruce and JoAnn Pickard on Celebrating their 50th Wedding Anniversary on November 22, 2008 (Supervisor Pickard)

10:56 a.m. Adjournment in memory of Ronaye “Rae” Bohl, Ester M. Bird, Ilene E. Miller, Michael Steven Linn, Ruth Massey, and David Joseph Martin.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS November 18, 2008



Time Description

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

Pledge of Allegiance

Chair Turpin advised of an addendum to the agenda for a certificate recognizing Bruce and JoAnn Pickard on celebrating their 50th wedding anniversary.

Introductions – Chair Turpin introduced Fred Lustenberger, the new Building Director.

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.

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9:33 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) Adopt a Resolution Approving the Mariposa County Coordinated Public Transit-Human Services Transportation Plan (Public Works Director)

COMMISSION ACTION: Discussion was held with Dana Hertfelder and Barbara Carrier/Administrative Analyst-Transportation, relative to the Plan and the delivery of services.

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9:44 a.m. Approve Finance Resolution, Master Lease Purchase Agreement and other Related Financing Documents Relative to the Lease/Purchase of Fire Apparatus and Authorize the Board of Supervisors Chair to Sign the Documents (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised that the final Lease Purchase Agreement was received on Monday and has been distributed to the Board and made available to the public. He reviewed the recommended action, purchase process and transfer of funds for this purchase. Discussion was held relative to the payments, replacement for the loss of any equipment, and the disposition of the current fleet – an item will be brought to the Board with recommendations for disposition of equipment and some equipment will be retained for backup.

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BOARD ACTION: Discussion was held with Rick Benson.

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Cathi Boze, Agricultural Commissioner, agreed with Ruth Catalan relative to Donna Wice's commitment to the 4-H program; she advised of assistance she has offered and asked that there be consideration to adding extra help for the program.

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INFORMATION – No action was necessary on the following:

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CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised that this closed session was not needed.

10:35 a.m. CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54946.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Bryce Johnson v. County of Mariposa OAH No. 2007080558; Existing Litigation: California Government Code Section 54946.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Bryce Johnson v. County of Mariposa WCAB No. FRE 0227960 (County Administrative Officer/Personnel/Risk Manager)

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

10:55 a.m. Chair Turpin announced that information was received as a result of the closed session.

CONSENT AGENDA

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- CA-3 Amend the Agricultural and Standards Inspector II Job Description by Adding an Agricultural and Standards Inspector I Classification and Creating a Flex Class of Agricultural and Standards Inspector I/II; Set the Salary for the Agricultural and Standards Inspector I at \$3187.60 - \$3874.54 (the Salary for the Agricultural and Standards Inspector II has Previously Been Set at \$3350.01 - \$4072.12) (County Administrative Officer/Personnel/Risk Manager); Res. 08-539
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- CA-6 Authorize the Fire Chief to Sign for a Form Change and Increase in Monies for the Previously Approved 2008 Homeland Security Grant Program on Behalf of County Health, Fire and Sheriff's Departments (Fire Chief); Res. 08-541
- CA-7 Accept the Resignation of Claribell Eddy and Lee Eddy From the Mariposa County Commission on Aging and the Area Agency on Aging Advisory Council (Community Services Director)
- CA-8 Appoint Don Fox to Mariposa County Commission on Aging as a Member At-Large Term Expiring November 18, 2012 and to the Area Agency on Aging Advisory Council for Term Expiring November 18, 2011 (Community Services Director)

- CA-9 Approve Budget Action Transferring Funds within the Probation Budget for the Final Payment of Software Contract with New Dawn (\$4770) (Chief Probation Officer); Res. 08-542
- CA-10 Approve Behavioral Health Assigning Funding for One of Three Projects to the California Department of Mental Health to Operate the Program on a Statewide Basis and Authorize the Board of Supervisors Chair to Sign the Assignment Agreement (Human Services Director); Res. 08-543
- CA-11 Authorize the Public Works Director to File the Notice of Completion, and Accept the Greeley Hill Library as Complete (Public Works Director) (**Continued from November 10, 2008**); Res. 08-544
- CA-12 Approve Certificate of Recognition and Congratulations to Bruce and JoAnn Pickard on Celebrating their 50th Wedding Anniversary on November 22, 2008 (Supervisor Pickard)

10:56 a.m. Adjournment in memory of Ronaye “Rae” Bohl, Ester M. Bird, Ilene E. Miller, Michael Steven Linn, Ruth Massey, and David Joseph Martin.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

December 2, 2008

Time Description

9:02 a.m. Meeting Called to Order at the Mariposa County Government Center, with Supervisor Turpin excused to attend the CSAC Conference.

Pledge of Allegiance

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: Vice-Chair Fritz advised that item 5 was withdrawn by the department. Action on the Consent Agenda was continued until after the following.

Marvin Wells presented gifts (candy and pinecone Christmas trees) from Santa and the taxpayers in appreciation of the work done by the Board, and he recognized the service that Supervisors Fritz and Pickard have provided during their terms.

(M)Aborn, (S)Bibby, the balance of the Consent Agenda was approved/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

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

- Lt. Price, California Highway Patrol, advised that the Amgen Tour of the California Bicycle Race is planning to come through Mariposa on February 18th; and he would appreciate having any concerns/suggestions or information forwarded to Sgt. Green or himself. Supervisor Fritz asked that this event be coordinated with the YARTS bus schedule. Rick Benson, County Administrative Officer, advised that the organizers have been in contact with the County and this is the first race that Lance Armstrong is coming back for; and he advised that the Tourism Bureau is also working with the organizers of the race to showcase Mariposa.
- Paul Hall, Mariposa County Chamber of Commerce, advised of the Merry Mountain Christmas Parade and events scheduled at the Mariposa Museum and History Center this Saturday. Kay and Fred Barnes and Larry and Joan Laity are the Grand Marshals. He advised that the Merry Mountain Community Christmas party is scheduled for Friday. He recognized the businesses that are contributing to the events. He also advised of the Christmas in Coulterville activities scheduled for December.
- Paul Chapman referred to the input on the bicycle race and advised that this group came through Raymond about 16 years ago and there were problems, including vandalism.
- Dick Hutchinson advised that the Mariposa Museum and History Center is raffling a cord of wood as a fundraiser; and they will hold a cake walk and accept canned food for the Manna House. He expressed concern with the status of the Gold Coin facility and stated he feels the building is unsafe and may tumble down like the Fremont Adobe and cause damage to the

wall of the adjacent business. Supervisor Bibby noted that Eleanor Keuning previously raised the concern with the Gold Coin and it was forwarded to the Building Department for review; and she asked that the concerns expressed by Dick Hutchinson be forwarded to the Building Department as a complaint.

- Charles Phillips advised that engineers from CalTrans reviewed the Gold Coin and a report should be available; and he advised that they also looked at the sidewalks in town and that there was an accident with an elderly lady on the sidewalks on Monday.
- Ruth Sellers, member of the Historical Sites and Records Preservation Commission, advised of their efforts in dealing with the Gold Coin building and asked for the Board's assistance.

Board Information

Supervisor Bibby advised that she will call Helen Kwalwasser, owner of the Gold Coin building, and let her know of the concerns the Board is receiving; she plans to verify that the status of the building is being reviewed; and she plans to ask CalTrans to look into the sidewalk accident with the elderly lady – and she asked that Charles Phillips provide more detailed information. She thanked Marvin Wells for his efforts in the County and for his service on the Grand Jury; and thanked Santa's helpers for the treats. She advised that they are still waiting for confirmation of the contract for the Mariposa Parking District. She noted the Mental Health Board is changing its meetings from Tuesday to Thursday, and their next meeting is this Thursday, so that they do not interfere with the Board of Supervisors meetings. She plans to attend the following meetings on December 8th: meeting with MID in Merced, First 5, and a public meeting at 7:00 p.m. in the Government Center relative to new septic system regulations. Though the Board members have been invited, she will be unable to attend the Historical Sites and Records Preservation Commission meeting on the 8th due to the other commitments.

Supervisor Aborn thanked Marvin Wells for his work in the community and for serving for two years on the Grand Jury, and he expressed appreciation for the service provided by the other members of the Grand Jury and for the gifts. He advised of a meeting held with a representative of Congressman Radanovich relative to the status of the store in El Portal and the Foresta Bridge project. He commented on ongoing problems with buses being able to park in the Rest Area.

Supervisor Pickard thanked Marvin Wells and the taxpayers for the gifts. He advised that he has been attending a lot of meetings and had a wonderful Thanksgiving holiday. He noted that he wished the Foresta Bridge project would move forward, and he feels that it is unrelated to the Hazel Green issue.

Supervisor Fritz stated she hopes that everyone had a wonderful holiday. She advised that the Soroptimist Crafts Fair is scheduled at the Fairgrounds on Friday and Saturday, and the Merry Mountain Christmas events are scheduled for this weekend. She encouraged local shopping due to the economy and the fog in the valley. She thanked Marvin Wells for the gifts.

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 recommended that the local emergency be continued until there is a permanent fix. Supervisor Fritz commented on her recent trip through the area and on the improvements to the Pohono Bridge section of the Highway. (M)Pickard, (S)Bibby, Res. 08-553 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, Bibby, Fritz, Pickard; Excused: Turpin.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued until such time as full reimbursement is received. He advised of his discussion on Monday with the Fire Chief relative to the Oliver and Telegraph fire areas, and he advised that they have been surveying the areas with the recent rains to watch for any problems. (M)Aborn, (S)Pickard, Res. 08-554 was adopted finding the

local emergency due to the Oliver Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer)

BOARD ACTION: Rick Benson advised that the requests for reimbursement have been submitted and he recommended continuing the local emergency until such time as full reimbursement is received. Supervisor Pickard asked about the status of receiving a higher level of the disaster declaration, and was advised that there has been no change. Supervisor Aborn noted that there has been minimal erosion and the vegetation is growing. (M)Aborn, (S)Bibby, Res. 08-556 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

Approve an Agreement with Spriggs, Inc. and Minolta Corporation for Copy Machine Service and Authorize the Board of Supervisors Chair to Sign the Agreement, the Addendum to the Lease, and Attachment "A" (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson.

Input from the public was provided by the following:

Marvin Wells commended Spriggs for the service the Grand Jury received on weekends with their copy machine.

Cathi Boze, Agricultural Commissioner, expressed concern with the problems they have been experiencing with their copy machine.

Discussion was held and the matter was continued to after a recess for more information to be obtained on the copiers that are being replaced.

9:50 a.m. Recess

9:58 a.m. Rick Benson advised the machine for Solid Waste is a new machine and the color copier in Planning is on a separate contract; but all of the other copiers will be replaced with this agreement. (M)Aborn, (S)Bibby, Res. 08-557 was adopted approving the agreement/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

10:00 a.m. Kris Schenk, Planning Director;

PUBLIC HEARING on the Following Land Conservation Act Contracts:

A) Adopt a Resolution Approving Land Conservation Act (LCA) Contract Application No. 2008-149, Approving the Creation of a New Agricultural Preserve and Approving Execution of a New Land Conservation (Williamson) Act Contract with Lou Ellen Rauch for Property Located on Silver Bar Road in Mariposa; APNs 017-100-043 (169.69 Acres), 017-100-033 (200 Acres), and 017-100-030 (160 Acres) for a Total of 529.9 Acres

BOARD ACTION: Alvaro Arias, Associate Planner, presented the staff report; and he responded to questions from the Board relative to clarifying that the title on the formal resolution should reflect the Board of Supervisors versus the Planning Commission, and relative to the existing uses and continued operation. The public portion of the hearing was opened and there was no input. The public portion was closed and the Board commenced with deliberations. Jeff Green, Interim County Counsel, responded to a question from the Board relative to the status of the contracts if the State cancels the subvention funding. (M)Bibby, (S)Aborn, Res. 08-558 was adopted approving LCA No. 2008-149, with the recommended findings and conditions and finding that this project is exempt from CEQA; and with the correction on the formal resolution to reflect the Board of Supervisors in the title/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin. The hearing was closed.

B) Resolution Approving Land Conservation Act Contract Modification No. 2008-143 and Land Conservation Act Contract Application No. 2008-144, Approving the Creation of a New Agricultural Preserve and Modification of an Existing Agricultural Preserve; and Approving Execution of a Modified and a New Land Conservation (Williamson) Act Contract with John and Nancy Rinell.

Project Site is Located in Mariposa on Silver Bar Road, APNs Involved in the Modification Include 017-173-006 (63.72 Acres) and 017-080-043 (149.03 Acres). APNs Portion of the New Contract Application Include 017-080-039 (134.62 acres) and 017-173-007 (190+ Acres).

BOARD ACTION: Alvaro Arias, Associate Planner, presented the staff report; and he advised that the Department of Conservation does not recognize modifications to contracts; so technically the contracts are rescinded and re-entered into. He responded to questions from the Board relative to clarifying that the contract is being rescinded versus modified in the documents; relative to the continued use of the land; and relative to the condition that the parcels will be managed together for the life of the contract. The public portion of the hearing was opened and there was no input. The public portion was closed and the Board commenced with deliberations. (M)Aborn, (S)Bibby, Res. 08-559 was adopted approving LCA No. 2008-143 and 2008-144, with the recommended findings and conditions and finding that these projects are exempt from CEQA; and with changes in the documents to reflect that the contract is being rescinded and re-entered into versus a modification/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin. The hearing was closed.

C) Resolution Approving Land Conservation Act Application No. 2008-115 with Findings and a Condition, Approving the Creation of a New Agricultural Preserve and Approving Execution of a New Land Conservation (Williamson) Act Contract with Carla and Michael Kelly for a 160-Acre Portion of a 165.9 Acre Parcel Located on French Camp Road in Mariposa; APN 012-010-031.

BOARD ACTION: Alvaro Arias, Associate Planner, presented the staff report; and he responded to questions from the Board as to whether the ranch horse use meets the criteria for agriculture production; relative to the grape production and clarifying that Michael Kelly should be added to the documents. Sarah Williams, Deputy Planning Director, responded to questions from the Board relative to ranch horses and agricultural production issues.

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

Carla Kelly, applicant, provided input on their operations with the ranch horses and expansion of their cattle production. She responded to the questions that were raised by the Board relative to the vineyard production from the wine grapes.

Jeanetta Phillips referred to the Agricultural Advisory Committee meeting and discussion concerning horses for Coyote Springs Ranch in comparison with discussion concerning horses for this application; and she does not feel there is consistency.

Paul Chapman stated he supports the Williamson Act contracts; and he feels that even if the subvention funds go away that the contracts still have a 20-year life. He provided input on the sale of horses in Europe for food.

Rebuttal:

Carla Kelly advised that they have submitted the application to transition the zoning to Agricultural Exclusive.

Staff responded to questions from the Board relative to the zoning change process in relation to the contract process for the LCA; and staff advised that the policy for this could be further reviewed when the overall LCA policies are reviewed.

The public portion was closed and the Board commenced with deliberations and further discussed the horse issue in relation to agricultural production. Supervisor Bibby clarified that the applicant qualifies for a LCA contract based on the vineyard and cattle uses for the last three years meeting Williamson Act goals and the State requirements for food, crop or fiber; and advised that she could not support this if it was just based on the horse use. The Board asked that the policy be brought back for review relative to processing zoning changes so that they occur before the LCA contract is entered into. (M)Aborn, (S)Pickard, Res. 08-560 was adopted approving LCA No. 2008-115, with the recommended findings and conditions and finding that this project is exempt from CEQA/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin. The hearing was closed.

Deny the Request for Reclassification of Administrative Assistant – District Attorney to District Attorney Administrator (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Following discussion with Rick Benson, (M)Pickard, (S)Bibby, Res. 08-561 was adopted denying the request for reclassification/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

Approval of Summary of Proceedings of November 18, 2008, Regular Meetings (Clerk of the Board)
BOARD ACTION: (M)Bibby, (S)Aborn, the Summary of Proceedings was approved/Ayes: Aborn, Bibby, Fritz; Abstained: Pickard; Excused: Turpin.

11:01 a.m. Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
PUBLIC HEARING to Conduct a Community Participation Public Hearing for Grant Application Submittal in the Amount of \$200,000 to the California Community Economic Enterprise Fund Component Fiscal Year 2008-2009 for the Purpose of Establishing a Microenterprise Assistance Program for New Business Start Ups; and Approve an Application for Funding from the Economic Development Allocation of the State Community Development Block Grant (CDBG) Program and Authorize the Board of Supervisors Chair to Sign the Grant Agreement and any Amendments thereto with the State of California

BOARD ACTION: Rick Benson and Marilyn Lidyoff, Administration/Business Development Coordinator, presented the staff report. Marilyn Lidyoff responded to a request from the Board and advised that since this is a new program that any material changes will be brought back to the Board, as well as status reports on the program.

Input from the public was provided by the following:

Paul Chapman questioned why this program is being requested when he feels that 95-percent of new businesses fail in a good economy; and he feels the funds should be used for other things that would benefit the majority of the people in the County.

Gwen Nitta, Manager of Mother Lode Job Training, advised that they support this program and they feel there is a real need for it in the County.

Dick Hutchinson asked if an applicant can apply for this program if they had a business that they lost; and he referred to a recent fire victim that lost their facility for their business and asked whether they would qualify. Marilyn Lidyoff responded and advised that there are eligibility criteria that an applicant would need to meet, and she asked that the person meet with her to determine eligibility.

Ruth Catalan asked if the applicant would be responsible for repayment of the loan if the business failed; and she asked for information on the success and failure rate for people that have received these types of loans – she feels that we should know the track record before proceeding with this program. Marilyn Lidyoff responded that repayment on a failed business depends on the circumstances and the collateral; and she provided information on the loans that have been approved by this program. Supervisor Bibby noted the information in the package relative to the delinquency rate.

The public portion of the hearing was closed and the Board commenced with deliberations. Rick Benson advised that this is a program that has been developed by the State and the County is trying to take advantage; and he further noted that this action is to submit an application for funding. He commended Marilyn Lidyoff for the staff work and advised that he feels that this program is a good opportunity for the County. (M)Bibby, (S)Pickard, Res. 08-562 was adopted approving the application as recommended/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin. The hearing was closed.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager); and

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54946.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Hazel Green Ranch, LLC v. United States Department of the Interior, et al.; Case No. 1:07-CV-00414 OWW SMS (County Counsel)

BOARD ACTION: Rick Benson advised that the closed sessions were not needed.

CONSENT AGENDA

- CA-1 Approve an Agreement with Social Welfare Evaluation, Research and Training Center (SWERT) at California State University at Fresno to Complete and Review the Current Practices of the Human Services Department and its Community Partners in the Delivery of a Continuum of the Human Services in the Communities of Mariposa County (Human Services Director); Res. 08-550
- CA-2 Reappoint Nancy Damm, School District Representative, and Marilyn Coppola, Member-at-Large, to the First 5 Commission for Terms Expiring December 2, 2011 (Human Services Director)
- CA-3 Reappoint Susan Johnson, Gwen Nitta, and Nancy Damm to the Local Child Care Planning Council for Terms Expiring December 2, 2011 (Human Services Director)
- CA-4 Approve Budget Action Increasing Revenues and Appropriations the SilverTip Resort Budget for Expenses Related to the SilverTip Project (49,000) (4/5ths Vote Required) (Planning Director); Res. 08-551
- CA-5 Approve an Agreement with Jill Ballinger to Provide Public Information Officer Services During Law Enforcement Related Incidents that Result in Significant Interaction with Outside Media Sources and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); item was withdrawn by the Department
- CA-6 Approve the Statement of Votes Cast as Certified to the Secretary of State on December 1, 2008 and Declare Elected those Persons in Local Races as Set out in the Statement (Elections/County Clerk/Tax Collector/Treasurer); Res. 08-552
- CA-7 Appoint Eldon Henderson to Mariposa County Unified School District Board of Trustees and Governing Board Member; and Candace J. Harrison, Suzette Prue, and Samuel “Mike” McCreary as Director’s for the John C. Fremont Healthcare District, Pursuant to Elections Code Section 10515 (a) (County Clerk/Treasurer/Tax Collector); Res. 08-562a
- CA-8 Approve Agreements with Dan Wice and Custom Weed Control for Implementation of the Sierra – San Joaquin Noxious Weed Alliance – 2008 WMA Base Funding Work Plan Contract # 08-0464 with CDFA and the Mariposa County Noxious Weed Work Plan and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 08-553

(M)Bibby, (S)Pickard, the Board adjourned at 11:26 a.m. in memory of Stella Lou (Coleman) Petree, Paul Eugene Worden, Ester Hugo, Brian Alexander Winton, Dr. Thomas Parker, and Conrad Niles Barber/Ayes: Aborn, Bibby, Fritz, Pickard; Excused: Turpin.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board

DIANNE FRITZ,
Vice-Chair



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

December 9, 2008



Time Description

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

Chair Turpin thanked Vice-Chair Fritz for chairing the meeting on December 2nd.

Pledge of Allegiance

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 Aborn pulled item 7. Supervisor Bibby pulled items 5 and 9. Supervisor Turpin pulled items 1, 2, and 9. (M)Fritz, (S)Pickard, the balance of items was approved/Ayes: Unanimous.

Item 1 – Following discussion with Dana Hertfelder, Public Works Director, (M)Pickard, (S)Fritz, item 1 was approved/Ayes: Unanimous.

Item 2 – Following discussion with Dana Hertfelder, Public Works Director, (M)Bibby, (S)Fritz, item 2 was approved/Ayes: Unanimous. Dana Hertfelder advised that as a result of their recruitment efforts with the University of Toledo, they are in the process of hiring a Junior Engineer.

Item 5 – Jeff Green, Interim County Counsel, responded to a question from Supervisor Bibby, and advised that he feels that since the agreement expired a new agreement should be entered into effective this date and expiring on June 30, 2009, with the same terms and conditions as proposed in the extension. (M)Bibby, (S)Aborn, Res. 08-571 was adopted for a new agreement as recommended by County Counsel/Ayes: Unanimous.

Item 7 – Following discussion with Dana Hertfelder, Public Works Director, (M)Bibby, (S)Aborn, item 7 was approved/Ayes: Unanimous.

Item 9 – Jim Wilson, Fire Chief, provided input. (M)Bibby, (S)Aborn, the matter was continued to be scheduled on the timed agenda for December 16th to allow more time for review and for presentation on the Plan/Ayes: Unanimous.

Chair Turpin;

A) Present Certificates of Recognition to Sharon Power in Recognition of being the First Mariposan to Complete the 25-miler and to Eileen Bissmeyer for being the First Mariposa to Complete the 50-miler in the "2008 Mariposa Run for the Gold" Endurance Rides

BOARD ACTION: (M)Pickard, (S)Fritz, the Certificates were approved and presented to Sharon Power and Eileen Bissmeyer/Ayes: Unanimous. Rich Theodore, Ride Coordinator, provided input on the event and thanked the Sheriff's Department, Search and Rescue, and the Fire Department for their assistance with the event. Carol Suggs/4-H Horse and Pony Project Leader, provided input on their fundraising activities at the event for their project.

B) Resolution and Tile Plaque Recognizing Gary Meyer Upon his Retirement as Maintenance Worker III, Mariposa County Public Works Department

BOARD ACTION: (M)Bibby, (S)Pickard, Res. 08-563 was adopted and presented to Gary Meyer, along with a tile plaque/Ayes: Unanimous.

C) Resolution and Tile Plaque Recognizing Marty Allan Upon his Retirement as Safety Officer, Mariposa County Public Works Department

BOARD ACTION: (M)Fritz, (S)Pickard, Res. 08-564 was adopted and presented to Marty Allan, along with a tile plaque/Ayes: Unanimous. Chair Turpin recognized the presence of Gwen Foster, retired Public Works engineer, for these presentations.

Chair Turpin;

Approve Special Recognition for Leroy Radanovich

BOARD ACTION: Rick Benson provided input on Leroy Radanovich's services and many contributions to the County, including serving as a member of the Board of Supervisors, on the Planning Commission, and as Tourism Coordinator; and he advised that the Yosemite/Mariposa County Tourism Bureau paid for a special plaque. (M)Pickard, (S)Fritz, Res. 08-573 was adopted authorizing the placement of the plaque in the Government Center plaza in recognition of Leroy Radanovich's innumerable contributions and decades of dedicated service to the citizens of Mariposa County/Ayes: Unanimous. Each Board member commended Leroy for his service to the County.

9:50 a.m. Recess for a medical emergency in the audience.

9:53 a.m. Chair Turpin commented on keeping good thoughts for Ken Gosting; and he advised that medical personnel were on their way and he commended them for their service.

Board members continued with their input commending Leroy Radanovich for his service to the County.

Input from the public was provided by the following:

Kimberly Coffman, representing Congressman Radanovich, presented Leroy Radanovich with a copy of an entry in the Congressional Record commending him for his service.

Eleanor Keuning noted that Leroy plays a "mean saxophone."

Becky Crafts, Assessor-Recorder, provided input commending Leroy for his work with the Wagon Train event; stated she feels that he echoes what Mariposa is all about; and she noted that he took her wedding photographs and senior portrait.

MaryAnn Huff noted that he has many "girlfriends" and she is proud to be one of them; and as President of the Mariposa County Chamber of Commerce, she is grateful for his mentoring.

Kevin Shelton, Yosemite/Mariposa County Tourism Bureau, thanked him for sharing his stories; stated he means a lot to him and his family; and commented on his work with the Tourism Bureau and his wisdom.

Patti Radanovich, daughter, thanked Leroy for helping her and commented on his knowledge and passion for the community; and stated she is proud to be his daughter.

Jeff Hentz, Yosemite/Mariposa County Tourism Bureau Executive Director, expressed his appreciation for Leroy's knowledge. Leroy commented on the selection of Jeff by the Tourism Board and noted that he is an important part of the community.

Jim Allen, retired Sheriff-Coroner and Supervisor-elect/District V, noted that Leroy took his wedding photographs; and he thanked him for his support and advice and assistance with the Sheriff's Department.

Ken Pulvino, Coulterville, stated he appreciates Leroy's knowledge and ability to see things strategically and his inclusion of North County.

Marilyn Lidyoff, Administration/Business Development Coordinator, stated she feels that Leroy is amazing and she appreciates his assistance and mentoring.

Don Starchman commented on his first experience in meeting Leroy with processing photographs; and he thanked him for being a friend and a mentor.

Paul Hall commented on Leroy's historical photograph collection and historical knowledge; and thanked him for his friendship.

Cathy Vinzant, Mountain Marketeer, thanked Leroy for being her first advertisement client and for being an inspiration.

Jen Nersesian, Planner – on behalf of the National Park Service, recognized Leroy for his work on a regional basis and for his understanding of the tourism role.

Mike Coffield, former County Administrative Officer, commented on his introduction to Leroy through his newspaper column in 1993. With his appointment as Interim County Administrative Officer in 2006, he commended Leroy for his assistance, especially with tourism issues, and he thanked him for his service.

Candy O'Donel-Browne commented on Leroy's career in the County and his love and passion for the community. She noted that he is respectful and supportive of everyone; and he makes things happen.

Dorothy Kuhnel, Mariposa County Chamber of Commerce Executive Director, commented on Leroy's passion and commitment for the County, and on being an historian.

Mark Rowney, MPUD General Manager, noted that Leroy has been a family friend for more than 52 years; and he thanked him for his involvement and support during his 31-year career. He noted that his support was a major factor in the success of the Saxon Creek project to bring water to the town of Mariposa.

Theresa Castaldi thanked Leroy for asking her to be on the Tourism Board; and for his support of Coyote Springs Ranch behind the scenes, including having his daughter's wedding at the ranch. She noted that he has a big heart.

Jeff Green, Interim County Counsel, stated it was a privilege to serve as County Counsel while Leroy was on the Board of Supervisors. He noted that Leroy does not recognize the theory that you can not do something – if it was right for the County, Leroy found a way to do it. He noted that Leroy told him that quality people come in pairs; and he feels that has never been truer than with Leroy and Ellie Radanovich.

Leroy stated he feels that the quality of the community is in the people that are present; and he commented on the changes in the Sheriff's Department over the years and of the importance to maintain a respected department.

10:25 a.m. The meeting was moved to the Government Center plaza and the cast-bronze plaque recognizing Leroy Radanovich was unveiled.

10:32 a.m. The Board was in recess; and the Clerk of the Board opened and continued the public hearing on the CDBG application to conduct a Study of Needs and Feasibility of the Development of a Child Care Center, and continued the hearing until after the following items.

10:52 a.m. Dana Hertfelder, Public Works Director;
Recognize Delivery of the New Fire Engine Purchased with the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant

BOARD ACTION: Dana Hertfelder advised that the fire engine is parked in the Government Center parking lot for viewing. Chair Turpin thanked the Fire Chief and everyone involved in the acquiring the FEMA grant funds for the purchase of this engine.

Chair Turpin noted that the public hearing on the CDBG application to conduct a Study of Needs and Feasibility of the Development of a Child Care Center was continued until after the following items.

10:55 a.m. The Board recessed for everyone to look at the fire engine; and Chair Turpin presented the check to pay for the engine to Darren Wright, Golden State Fire Apparatus representing Pierce Manufacturing.

11:06 a.m. Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda.

Paul Chapman stated he feels that the new fire truck needs to be made available and he wants it parked in his yard; and he questioned the recognition for Leroy Radanovich.

Dana Hertfelder introduced the new engineer, Mohamed Cader. He provided input on the request they received to submit road maintenance/improvement projects for the Federal Economic Stimulus Package; and advised of the projects they submitted for consideration. He advised that he will bring back more details. (Further discussion was held with the Old Highway road repair request later in the meeting.)

Board Information

Supervisor Bibby advised that she attended the following on Monday – the MID FERC re-licensing meeting in Merced, and the First 5 Commission meeting and she asked for the Board and community support for keeping the funding intact for this program. She visited Yosemite on Sunday via the slide area; and she urged the National Park Service to look at thinning the forest – including the under brush and the dead trees. She referred to the information item on the agenda, and she asked that the County Administrative Officer and the Public Works Director meet to review the situation on the road for the liability claim that was rejected. She advised that the Lion’s Club tree lighting is scheduled for December 20th.

Supervisor Aborn advised that the word is that work will begin on the Gold Coin building shortly.

Supervisor Bibby urged everyone to review the State’s proposed new septic tank regulations and to provide input before the February deadline. Supervisor Aborn agreed and noted the deadline for submitting comments is February 9th.

Supervisor Turpin advised that he attended the meeting on Monday evening relative to the State’s proposed new septic tank regulations; and he advised that Dr. Mosher will be bringing an item to the Board on this. He attended the CSAC Conference in San Diego last week and advised of the issues that were discussed; and he thanked Supervisor Pickard for the production responsibility presentation that was given to the Board previously – CSAC is now working on this. He attended the MID FERC re-licensing kick-off meeting along with Supervisor Bibby and Mark Rowney/MPUD. He advised of the Christmas tree lighting in Coulterville and noted that the new sign for Coulterville was unveiled. He plans to attend the SWIFT meeting in Moccasin if his schedule allows.

Supervisors Bibby;

Presentation and Road Repair Request by Don Woolf Regarding Old Highway and Discussion and Possible Direction Regarding Scheduling Additional Sections of Old Highway Road Repairs and Pavement Overlay Improvements

BOARD ACTION: Supervisor Bibby advised of the road repair request for Old Highway and she read the petition language. She noted that Old Highway is a through road. Don Woolf and Denny Gunnels provided input on their request for Old Highway to be repaired.

Dana Hertfelder, Public Works Director, provided information on projects to repair Old Highway and on the traffic counts. He advised that they are just finishing their pavement management review; and they are trying to address a section of repairs through the Economic Stimulus funding that he provided input on earlier in the meeting. Discussion was held.

Input from the public was provided by the following:

Paul Chapman referred to previous petitions for maintaining Ben Hur Road and he noted that there is no feasible alternative route for this road. He questioned the prioritizing of projects and stated he feels that the people who pay taxes should be benefiting.

Further discussion was held. Supervisor Pickard suggested that language be included in the Economic Stimulus package that if the funding is not provided, that all of the projects will not be required to be completed. Dana Hertfelder advised of project for Ben Hur, and advised that over two million dollars in road projects were done last year and he commended staff for their work. (M)Bibby, (S)Aborn, direction was given to the Public Works Director to bring back information on the projects targeted for the Economic Stimulus funding in early January, with a priority ranking, and with information on whether there are alternative funding sources available/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

Select a Date for the Ribbon Cutting Ceremony for the Red Cloud Library

BOARD ACTION: Supervisor Turpin initiated discussion relative to scheduling a date; and the Board concurred with Thursday, December 18th at 10:00 a.m.

12:03 p.m. Janet Gass and Debbie Smith/Human Services Department, appeared on behalf of Jim Rydingsword, Human Services Director;

PUBLIC HEARING Regarding the Submission of a \$35,000 Community Development Block Grant (CDBG) Application for 2009 to Conduct a Study of Needs and Feasibility of the Development of a Child Care Center; Approve the \$35,000 CDBG Planning and Technical Assistance (P/TA) Application to Request Funding from the State Department of Housing and Community Development to Support this Effort; Authorize the Human Services Director to Sign the Agreement and Any Subsequent Amendments with the State Department of Housing and Community Development if the Grant is Funded; and Authorize the Human Services Director to Release the Request for Qualifications for Consultants if the Grant is Funded

BOARD ACTION: Janet Gass presented the staff report; and responded to questions from the Board relative to developing statistical information and the need for day care providers to be available longer hours; whether there is coordination with Mariposa Safe Families and their efforts to build a family resource/enrichment center. The public portion of the hearing was opened and there was no public input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Fritz, (S)Pickard, Res. 08-574 was adopted approving the submittal of the grant application as recommended/Ayes: Unanimous. The hearing was closed.

Gail Neal, Chief Probation Officer;

Present Mariposa County Juvenile Hall Needs Assessment and Authorize the Chief Probation Officer to Apply for and Sign Application for Request for Grant Funds from the State of California for New Juvenile Facilities Construction Pursuant to Senate Bill 81

BOARD ACTION: Rick Benson advised that due to the meeting schedule today, the Chief Probation Officer is willing to continue this matter to December 16th, and will bring back a clarification of the assessment; and the Board concurred with the continuance.

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

Approve a Memorandum of Understanding (MOU) between the Economic Development Corporation of Mariposa County (EDC) and the County of Mariposa Establishing a Public/Private Partnership and Authorize the Board of Supervisors Chair to Sign the MOU

BOARD ACTION: Rick Benson advised of a change to his recommendation to add, as suggested by County Counsel, that the agreement be for a two-year term, with a report to be made at the conclusion, and the opportunity to review and renew the agreement. Marilyn Lidyoff/Administration-Business Development Coordinator, provided input on the proposal. Roger Biery/Economic Development Corporation (EDC), provided input on the role of the EDC; and he presented a framed print for the Boy Scouts of America Project Arrow 2008 and Boy Scout badges that were received as a result of submitting a site for consideration for future national Scout jamborees. Discussion was held.

Input from the public was provided by the following:

Paul Chapman expressed concern with the proposal and noted that the Farm Bureau is not mentioned; and he does not feel that we have the workforce here to bring in high-tech industry. He suggested that this be continued for the new Board to reject it.

Marilyn Lidyoff responded to the input and referred to the Economic Vitality Strategy Study. Supervisor Bibby asked that they work closely with Public Works, Planning and Building to encourage development where the infrastructure exists. (M)Pickard, (S)Fritz, Res. 08-575 was adopted approving the MOU for a two-year term as recommended by the County Administrative Officer/Ayes: Unanimous.

12:38 p.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager); and

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54946.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Hazel Green Ranch, LLC v. United States Department of the Interior, et al.; Case No. 1:07-CV-00414 OWW SMS (County Counsel)

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

12:39 p.m. CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 Relative to a Workers' Compensation Case; Number of W/C Cases to be Discussed: 1 (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Supervisor Bibby excused herself from the meeting for this closed session and advised that she would not be participating in this closed session. (M)Pickard, (S)Aborn, the closed session was held/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

2:00 p.m. Recess

2:11 p.m. The Board reconvened in open session, and Chair Turpin announced the following as a result of the closed session: direction was given relative to IHSS negotiations; information was received on the anticipated litigation matter; and the matter relative to Hazel Green Ranch was continued to later in the meeting.

2:12 p.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) Re-appoint Karen Briese, Dick Whittington and Kurt Silva to the Social Services Technical Advisory Council (SSTAC) for Terms Expiring December 9, 2011 (Dana Hertfelder, Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Fritz, (S)Bibby, the appointments were approved/Ayes: Unanimous.

2:15 p.m. Kris Schenk, Planning Director;
Continued Workshop to Consider Agritourism Codes, Development Standards and Programs in Other California Communities and Provide Direction for the Completion of an Agricultural and Nature Tourism Implementing Ordinance

BOARD ACTION: Kris Schenk reviewed the history of the discussions and workshops on agritourism; and he referred to the materials included in the package and advised that they are looking for direction for preparation of a draft ordinance.

Cindy Fake, Placer and Nevada County Farm Advisor, presented information on the lessons and challenges they have faced with agritourism. Discussion was held.

Sarah Williams, Deputy Planning Director, presented background information, suggesting that thresholds be established as a framework for language for an ordinance to implement the General Plan and to address the issues that have been raised. She noted that one-day events are regulated by Public Assemblage Permits (PAP). Ongoing events are regulated by zoning. Discussion was held. Supervisor Bibby referred to the State law definition for Agriculture Home Stay in the UC Handbook. Supervisor Fritz stated she feels insurance issues need to be addressed for the PAP.

Karen Robb provided input on the process thus far and the process of drafting language for an Ordinance.

Further discussion was held with Cindy Fake relative to issues they encountered and how they dealt with them – road maintenance and number of employees.

3:58 p.m. Recess

4:07 p.m. Discussion was held relative to staff's recommendations and establishing thresholds based on the number of events held per year and the number of people and access. Supervisor Bibby asked how the 250 number was arrived at for the PAP; and she stated she feels that uses should not be permitted if there are any building codes or other violations. Supervisor Pickard suggested tying the agritourism to the home enterprise provisions in the General Plan. Supervisor Turpin noted that some activities such as bird watching are seasonal and may involve a larger number of events with a smaller number of people. Supervisor Aborn stated he feels that it needs to be clear that the County does not provide insurance for these events. Supervisor Bibby suggested that the differences between events and ongoing uses be identified; she stated she feels the PAP needs to be reviewed; she suggested that the agritourism advisory committee have a representative of the Agricultural Advisory Committee; she suggested that a requirement be included for an annual declaration signed under penalty of perjury by the producer as to the products, number of events held, and the number of people that visited the site so that the uses could be reviewed and a registry could be established. Supervisor Pickard suggested providing some guidelines for staff to take to the Agricultural Advisory Committee and to the Planning Commission for review, with a fine-tuned product to come back for further review by the public and the Board; and he suggested that direction be given on the thresholds for the different levels of uses; i.e., permitted and conditional. Supervisor Turpin stated he feels it is important to require that the uses be "mom and pop"/landowner managed; and he stated he feels that uses such as rodeos and competitive events need to be defined – some of these uses may only involve a small number of people. Supervisor Pickard stated he agrees that events like the Weekend in the Country are separate; and he feels that if these types of uses exceed twelve events a year, they would become a use versus event. Supervisor Bibby asked how the number of events and people would be supervised. Supervisor Turpin stated he does not feel that someone should be limited to 12 events per year if they only have 10 to 12 people at a time.

Input from the public was provided by the following:

Ken Pulvino, Greeley rancher and bird watcher, stated he feels the Board is trying to micro-manage these uses and that is not what was advised. He referred to a recent event where a snow duck showed up at a pond and 80 people responded to see it. He agrees with observing access and environmental issues, but feels the conditions should be limited.

Jeanetta Phillips stated she feels the Board is getting off-point – she feels that tourism is what should be developed in the County and that micro-management will stop that. She asked if the competition trail ride that was held in Jerseydale would need a use permit with the establishment of an ordinance.

Rita Kidd stated she feels it is difficult for the Board to set these standards tonight – she feels that Planning should be given direction to move forward with putting an Ordinance together and let the provisions be established by a collaborative group, like was done in Calaveras County. She asked that staff be given direction to come up with development standards. She referred to her situation of having small acreage in Agricultural Exclusive (AE) zoning, surrounded by other small AE parcels, and they are about a mile in on their access road – she feels the impacts need to be considered for agritourism uses in situations like this. She feels the PAP, standards and zoning are two different things. She stated she feels that this has been an excellent public process; and she feels business plans are important for these uses. She referred to her letter to the Board and her concern of overlaying State law and local ordinances that may result in allowing something that is more lenient, such as with the Home Stay law and food service. She referred to Calaveras County's use of mediation to settle community disputes, and stated she feels that process needs to be outside of the Board. She feels the agritourism uses need to be within the framework of policies for traffic, home enterprise, bed and breakfast and zoning ordinances.

Kris Casto, speaking as an individual, thanked the Board for having Cindy Fake speak today. She feels that this is getting back to the General Plan where this process started – such as keeping the County rural, keeping larger parcels in a unit, and she feels that this is economic development. She agrees with getting the stakeholders together and letting them work through the issues, including the thresholds. She feels the discussion this afternoon is getting murky, and she noted that the "right-to-farm" ordinance sends a message throughout the County. She wants to make sure that agri-nature-tourism is not penalized and feels it should be consistent with home enterprise uses. She feels we need

a policy that is readable and is understandable. She feels that most people want to be good neighbors and obey the rules. She agrees that the mediation group is important to include in the advisory committee. She feels education is important and that a permit should not be required for classes that are held.

MaryAnn Huff stated she feels the presentation was excellent. She noted that the Chamber of Commerce participated in the workshops and in the Economic Vitality Report, and they would like to be on the list of stakeholders. She also suggested that the Economic Development/Business Development Coordinator be included.

Manual Souza provided input and stated he liked the presentation, and he feels the public should have been able to ask Cindy Fake questions. He stated he feels a pumpkin patch is an on-going operation versus an event; and he feels these uses and events need to be differentiated between. He agrees with putting together a stakeholder group and with getting an understanding of what the existing agritourism uses are; and he feels there needs to be education of what agritourism is in this County.

Further discussion was held. Supervisor Pickard agreed with adding the Chamber of Commerce to the agritourism advisory committee, along with Ducks Unlimited and an Agricultural Advisory Committee member; and he suggested changing the Yosemite/Sequoia Resource Conservation and Development Council to Mariposa Resource Conservation District. Discussion was held relative to the recommendation to include Yosemite National Park and whether other federal agencies should be included. Kris Schenk advised that the Park was included because they were thinking of having a planner as a liaison to help with the promotional portion. Kris Schenk advised that they could come back with a contract for services and a work program to draft the ordinance, and put together an advisory committee to provide input on the process from the beginning. Supervisor Pickard asked how many public members would be on the advisory committee; and he suggested that the committee be established by resolution versus ordinance. Jeff Green advised that the ordinance could reflect that the advisory committee will be formed by resolution. Supervisor Bibby suggested that there be an odd number of members on the advisory committee, with perhaps three public members. She feels the Farm Advisor, Business Development Coordinator, and Agricultural Commissioner should be ex-officio members. Supervisor Aborn stated he would prefer the order of recommended actions by staff. Supervisor Pickard asked for clarification of the definition of agritourism; and stated he feels the intent of participation in the processes that are taking place on the farm/ranch should be clarified.

(M)Pickard, (S)Aborn, direction was given to staff to bring back a resolution to establish an agritourism committee with the suggested changes to the membership, including an odd number of members; and direction was given for staff to return with a contract and scope of services and a work plan to help the advisory committee in development of an agritourism ordinance, as soon as possible. Supervisor Pickard recognized the presence of Scott Oneto, Interim Farm Advisor. Ayes: Unanimous.

5:40 p.m. Recess

5:54 p.m. Scott Oneto introduced Maxwell Norton, the new Interim Farm Advisor/County Director, for the County, effective January 1, 2009. Maxwell Norton/Merced County, provided input on his background and his work with the County. Board members thanked Scott Oneto for his services.

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 recommended that the local emergency be continued. (M)Aborn, (S)Bibby, Res. 08-576 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.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued. Supervisor Pickard asked whether there are any contracts between CAL FIRE and Public Works for work like was done for the Telegraph Fire; and Rick Benson advised that he will check. (M)Pickard, (S)Aborn, Res.

08-577 was adopted finding the local emergency due to the Oliver Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued, and he advised that reimbursement has been received for the contract work between CAL FIRE and Public Works. (M)Aborn, (S)Bibby, Res. 08-578 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Approval of Summary of Proceedings of December 2, 2008, Regular Meetings (Clerk of the Board)

BOARD ACTION: Chair Turpin advised that revisions to the Summary of Proceedings were distributed. (M)Bibby, (S)Aborn, the Summary of Proceedings were approved with the noted corrections/Ayes: Aborn, Bibby, Fritz, Pickard; Abstained: Turpin, as he was excused from the meeting.

Declare Friday, December 26, 2008, as a County Holiday (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Following discussion with Rick Benson, (M)Fritz, (S)Aborn, Res. 08-579 was adopted declaring December 26, 2008, as a County holiday/Ayes: Unanimous.

INFORMATION – No action was necessary on the following:
Informational Report of Liability Claims Rejected by the County Administrative Officer/Personnel/Risk Manager for the Month of November 2008 (County Administrative Officer/Personnel/Risk Manager)

6:04 p.m. The Board reconvened in closed session.

6:36 p.m. Chair Turpin advised that information was received as a result of the closed session on the Hazel Green Ranch matter.

CONSENT AGENDA

- CA-1 Approve Budget Action Recognizing \$160,000 in Unanticipated Revenue from Cal Fire (For Rehabilitation Work after the Telegraph Fire) and Increasing Appropriations for Overtime Vehicle Repairs and Contingency in the Road Fund (4/5ths Vote Required) (Public Works Director); Res. 08-569
- CA-2 Approve Funding the Junior Engineer Position from January 1, 2009 through June 30, 2009 and Approve Budget Action Transferring \$3,000 within the Roads Budget to Cover the Salary (Public Works Director); Res. 08-570
- CA-3 Approve Budget Action Transferring Funds within the Public Works Administration Salary Budget for Extra-Help to Cover the Duties of a Staff Member out on Medical Leave (\$4,500) (Public Works Director); Res. 08-565
- CA-4 Approve Budget Action Reducing Contingency in the Don Pedro Sewer Budget and Increasing Fixed Assets to Allow for the Purchase of a New Pump for Lift Station #8 and for Chain-link Fencing to Keep Animals and People out of the Wastewater Pond Area (\$17,000) (4/5ths Vote Required) (Public Works Director); Res. 08-566
- CA-5 Approve Amendment No. 1 Extending the Termination Date to June 30, 2009 to the Professional Service Agreement with Roger Stephens Engineering to Provide Drafting

and Engineering Services for Various Small Projects; and Authorize the Board of Supervisors Chair to Sign the Amendment (Public Works Director); Res. 08-571 for a new agreement versus the extension

- CA-6 Approve an Agreement with Michael W. Skenfield, Biological and Wetland Consultant, for the Proposed Firehouse in Mariposa Pines and the SAFETEALU Road Projects and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-567
- CA-7 Approve an Agreement with Roger Stephens Engineering to Perform Map Checking, Legal Description Checking, General Surveying Document Checking and Executing Documents as the County Surveyor Under the Direction of the Public Works Director in the Not to Exceed Amount of \$25,000; and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-572
- CA-8 Approve Budget Action Increasing Revenue and Appropriations in the Boating Safety Budget from a One-time Increase in Funding from the Department of Boating and Waterways (\$4,090) (4/5ths Vote Required) (Sheriff); Res. 08-568
- CA-9 Authorize the Board of Supervisors Chair to Sign the Foresta Community Wildfire Protection Plan (CWPP). This Plan is Required Prior to Application for Federal Grant Funding for Fuel Reduction Projects and was Prepared through Yosemite National Park Funding by a Private Consultant and has been reviewed and Approved by both Cal Fire and Mariposa County Fire Chief (Fire Chief); matter was continued to December 16th

6:37 p.m. Adjournment in memory of Bill Gene Parker and Grant Colliver.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

December 16, 2008



DRAFT – PENDING BOARD APPROVAL

Time Description

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

Pledge of Allegiance

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)Aborn, all items were approved/Ayes: Unanimous.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda – None.

Board Information

Supervisor Fritz wished everyone a Merry Christmas and a happy and joyous holiday and a safe New Year. She noted that she is thankful for the opportunity to serve on the Board for the last four years.

Supervisor Aborn wished everyone a Merry Christmas.

Supervisor Bibby wished everyone a Merry Christmas and a happy holiday and New Year. She advised that she plans to attend the Foreign Trade Zone meeting in Fresno on Wednesday; and she urged everyone to drive safely with the winter weather conditions.

Supervisor Turpin wished everyone a fulfilling holiday season, and urged everyone to be safe in their travels. He advised that the Red Cloud Friends of the Library Board of Directors are meeting on Wednesday; and the Board will tour the new library facility on Thursday. He advised of Christmas in Coulterville events scheduled for Saturday.

MARIPOSA COUNTY BOARD OF SUPERVISORS/MARIPOSA PARKING DISTRICT

Jeffrey G. Green, Interim County Counsel;

Adopt a Resolution Authorizing the Board of Supervisors Chair to Sign all Renewing Two-Year Lease Extension Agreements for the Mariposa Downtown Parking Lots

BOARD/PARKING DISTRICT ACTION: Jeff Green advised that he is still waiting for two agreements to come back. Supervisor Bibby initiated discussion as to whether all of the agreements are being renewed for two years; and she advised of her discussion with CalTrans and their review to see whether there are any transportation funds for parking districts. Jeff Green advised that one of the agreements was for a one year extension; and he asked that the Board approve all extensions.

(M)Bibby, (S)Aborn, Res. 08-590 and Parking District Res. 08-1 were adopted approving all agreements that are extended for the downtown parking lots as recommended/Ayes: Unanimous.

DRAFT – PENDING BOARD APPROVAL

Gail Neal, Chief Probation Officer;

Present Mariposa County Juvenile Hall Needs Assessment and Authorize the Chief Probation Officer to Apply for and Sign Application for Request for Grant Funds from the State of California for New Juvenile Facilities Construction Pursuant to Senate Bill 81 (Continued from December 9, 2008)

BOARD ACTION: Rick Benson advised that this presentation has been withdrawn by the department, as well as the application requesting grant funds. It was felt by the department that this is not the time to move forward considering the costs involved. However, a lot of work has gone into the assessment that can be used in the future.

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 recommended that the local emergency be continued. Supervisor Bibby noted the importance of have this route open with the winter weather. (M)Fritz, (S)Aborn, Res. 08-591 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.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued until such time as full reimbursement is received. Discussion was held, and the Board was advised that the reimbursement requests were combined for the Oliver and Telegraph fires. Supervisor Pickard asked that the status of contracted costs between CalFire and Public Works be reviewed. Supervisor Bibby asked about the status of payment to other counties, and was advised that they will be reimbursed when Mariposa is reimbursed. (M)Pickard, (S)Aborn, Res. 08-592 was adopted finding the local emergency due to the Oliver Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued until such time as full reimbursement is received. Supervisor Pickard asked for further clarification of how the contract for services was approved between CalFire and Public Works, and he was advised that this was approved at the department level. Supervisor Turpin noted the improvement to the Forest Service roads, especially in the Telegraph Fire area, by taking advantage of the work forces. (M)Aborn, (S)Bibby, Res. 08-593 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Approve Response to Grand Jury Letter Dated November 24, 2008 and Authorize the Board of Supervisors Chair to Sign the Letter (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Following discussion with Rick Benson, (M)Pickard, (S)Fritz, Res. 08-594 was adopted approving the response letter/Ayes: Unanimous.

Authorize the Board of Supervisors Chair to Sign a Resolution Asserting Legal Standing and Formally Requesting Coordination Status with all Federal and State Agencies Maintaining Jurisdiction over Lands and/or Resources Located within Mariposa County (Supervisor Turpin)

BOARD ACTION: Supervisor Turpin initiated discussion relative to the request.

Input from the public was provided by the following:

Kevin Cann provided input relative to the planning processes and staffing involved for federal agencies; and he advised that he is in favor of this resolution.

(M)Fritz, (S)Bibby, Res. 08-595 was adopted as recommended/Ayes: Unanimous.

DRAFT – PENDING BOARD APPROVAL

9:42 a.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS); Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager); and

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

BOARD ACTION: Rick Benson advised that Mike Coffield is scheduled to be present at 11:00 a.m. for the closed session relative to the IHSS labor negotiations. Chair Turpin advised that the Board would recess after the closed session on the anticipated litigation until the 10:30 a.m. agenda item. (M)Fritz, (S)Pickard, the closed sessions were held, as discussed/Ayes: Unanimous.

10:10 a.m. Recess

10:34 a.m. Chair Turpin announced that direction was given relative to the closed session on the anticipated litigation matter.

Jim Wilson, Fire Chief;

Authorize the Board of Supervisors Chair to Sign the Foresta Community Wildfire Protection Plan (CWPP). This Plan is Required Prior to Application for Federal Grant Funding for Fuel Reduction Projects and was Prepared through Yosemite National Park Funding by a Private Consultant and has been reviewed and Approved by both Cal Fire and Mariposa County Fire Chief (Continued from December 9, 2008)

BOARD ACTION: Jim Wilson provided input on the Plan, and discussion was held. (M)Aborn, (S)Bibby, Res. 08-596 was adopted authorizing the Chair to sign the Plan. Supervisor Bibby clarified that the Public Works Director may not have had an opportunity to review the Plan for road maintenance, road history, abandonments or RS2477; so the action today is only from a fire standpoint as a preventive document. Ayes: Unanimous.

Patrick Tierney, Mariposa Fire Safe Council, provided input on his background with the Forest Service and working with fire plans; and he commented on his work with this Plan and preparing for future plans for the other communities. Discussion was held.

11:03 a.m. The Board reconvened in closed session.

11:55 a.m. Lunch

2:10 p.m. The Board reconvened in open session and Chair Turpin announced that information was received as a result of the closed session relative to labor negotiations with IHSS.

Vice-Chair Fritz;

Presentation of the Gavel Plaque to Supervisor Turpin for Serving as Chair for 2008

BOARD ACTION: (M)by the Board, (S)by the Board, Vice Chair Fritz presented the gavel plaque to Chair Turpin/Ayes: Unanimous.

Chair Turpin;

A) Presentation of Tile Plaque and Resolution to Supervisors Fritz and Pickard for their Outstanding Service to Mariposa County

BOARD ACTION: (M)Bibby, (S)Aborn, Res. 08-580 was adopted and presented to Supervisor Fritz, along with a tile plaque; and Res. 08-581 was adopted and presented to Supervisor Pickard, along with a tile plaque/Ayes: Unanimous. Chair Turpin recognized the presence of the following former Board members: Frank Long, Doug Balmain, and Art Baggett.

B) Other Presentations of Recognition to Supervisors Fritz and Pickard
ACTION: The following presentations were made:

DRAFT – PENDING BOARD APPROVAL

Kurt Vander Weide, on behalf of Congressman Radanovich, presented a Congressional Record entry to Supervisors Fritz and Pickard.

Bob Wiedman, on behalf of Senator Cogdill and Assemblyman Berryhill, presented Certificates to Supervisors Fritz and Pickard.

Chair Turpin presented Certificates of Resolutions to Supervisors Fritz and Pickard from the Merced County Board of Supervisors.

Paul Smith, RCRC, and Mary Pitto, ESJPA, presented plaques of recognition to Supervisor Pickard.

Dick Whittington, representing YARTS, presented a plaque to Supervisor Fritz.

Robyn Smith, Yosemite/Sequoia RC&D, presented a plaque to Supervisor Pickard.

Dave Goger and Candy O'Donel-Browne, Mountain Crisis Services, presented a plaque to Supervisor Fritz.

Chair Turpin presented a plaque of recognition from “California Biodiversity Council” to Supervisor Pickard.

Chair Turpin recognized the presence of Pelk Richards, retired Sheriff.

Jan Hamilton, Mariposa County Fire Safe Council, presented a Certificate to Supervisors Fritz and Pickard.

Chair Turpin recognized the presence of the County department heads; and he wished everyone a Merry Christmas and happy holiday and announced the reception in the lobby for Supervisors Fritz and Pickard.

CONSENT AGENDA

- CA-1 Approval of Summary of Proceedings of December 9, 2008, Regular Meeting (Clerk of the Board)
- CA-2 Approve Budget Action Transferring Funds within the County Fire Budget Due to Unanticipated Increases in Fire Incident Expenses Because of Extraordinary Fire Activity (\$3,000) (Fire Chief); Res. 08-582
- CA-3 Authorize the Fire Chief to Sign the 2008 FEMA Assistance to Firefighters Grant (AFG) Award for a Portable Live Fire Training Proposition in the Amount of \$373,100. The Grant will Require a 5% Cost Share of \$18,655 and Expenditures Proposed in the Fiscal Year 2008-2009 Budget would Meet the Cost Share Requirements (Fire Chief); Res. 08-583
- CA-4 Approve the Overfill of Two Eligibility Worker I/II Allocations to Accommodate Two Current Staff Members Who are Temporarily Being Assigned to the C-IV Project (Human Services Director); Res. 08-584
- CA-5 Approve the 2008 Low Income Home Energy Assistance Program (LIHEAP) Agreement 08B-5473, Amendments Two and Three and Authorize the Human Services Director to Sign the Amendments (Human Services Director); Res. 08-585
- CA-6 Approve Budget Action Transferring Funds within the Road Budget to Purchase Two New Computers for New Engineering Staff Members (\$2,500) (Public Works Director); Res. 08-586
- CA-7 Approve Tile Plaque Recognizing Kathi Sarno Upon her Retirement from the Sheriff’s Department (Sheriff)

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- CA-8 Approve Budget Action Increasing Revenue and Appropriations Due to Additional Funding Available Through the Vertical Prosecution Block Grant and Authorize the District Attorney to sign Augmentation of Funds (\$21,934) (4/5ths Vote Required) (District Attorney); Res. 08-587
- CA-9 Approve Children’s Medical Services (CMC) Plan and Budget Justification for Fiscal Year 2008-2009 in the Amount of \$46,140 for California Children’s Services (CCS), \$75,000 for Child Health and Disability Program (CHDP), and \$15,355 for the Health Care Program for Children in Foster Care (HCPCFC); and Authorize the Board of Supervisors Chair to Sign the CHDP and CCS Children’s Medical Services Certification Statements for Fiscal Year 2008-2009 (Health Officer); Res. 08-588
- CA-10 Decrease General Fund Contingency to Cover Unexpected Cost to Upgrade the Nutrition Kitchen Hood Suppression System in Order to Meet the State Fire Marshal Requirements (\$2,980) (4/5ths Vote Required) (Community Services Director); Res. 08-589

(M)Fritz, (S)Pickard, the meeting was recessed in memory of Dennis Wesley Haag and Supervisor Thomas W. Mayfield/Stanislaus County at 3:09 p.m.; and the meeting was continued to Thursday, December 18, 2008, at 10:00 a.m. for a tour and acceptance of the Red Cloud Library, Fiske Road, Greeley Hill/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

December 16, 2008

Time Description

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

Pledge of Allegiance

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)Aborn, all items were approved/Ayes: Unanimous.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda – None.

Board Information

Supervisor Fritz wished everyone a Merry Christmas and a happy and joyous holiday and a safe New Year. She noted that she is thankful for the opportunity to serve on the Board for the last four years.

Supervisor Aborn wished everyone a Merry Christmas.

Supervisor Bibby wished everyone a Merry Christmas and a happy holiday and New Year. She advised that she plans to attend the Foreign Trade Zone meeting in Fresno on Wednesday; and she urged everyone to drive safely with the winter weather conditions.

Supervisor Turpin wished everyone a fulfilling holiday season, and urged everyone to be safe in their travels. He advised that the Red Cloud Friends of the Library Board of Directors are meeting on Wednesday; and the Board will tour the new library facility on Thursday. He advised of Christmas in Coulterville events scheduled for Saturday.

MARIPOSA COUNTY BOARD OF SUPERVISORS/MARIPOSA PARKING DISTRICT

Jeffrey G. Green, Interim County Counsel;

Adopt a Resolution Authorizing the Board of Supervisors Chair to Sign all Renewing Two-Year Lease Extension Agreements for the Mariposa Downtown Parking Lots

BOARD/PARKING DISTRICT ACTION: Jeff Green advised that he is still waiting for two agreements to come back. Supervisor Bibby initiated discussion as to whether all of the agreements are being renewed for two years; and she advised of her discussion with CalTrans and their review to see whether there are any transportation funds for parking districts. Jeff Green advised that one of the agreements was for a one year extension; and he asked that the Board approve all extensions. (M)Bibby, (S)Aborn, Res. 08-590 and Parking District Res. 08-1 were adopted approving all agreements that are extended for the downtown parking lots as recommended/Ayes: Unanimous.

Gail Neal, Chief Probation Officer;

Present Mariposa County Juvenile Hall Needs Assessment and Authorize the Chief Probation Officer to Apply for and Sign Application for Request for Grant Funds from the State of California for New Juvenile Facilities Construction Pursuant to Senate Bill 81 (Continued from December 9, 2008)

BOARD ACTION: Rick Benson advised that this presentation has been withdrawn by the department, as well as the application requesting grant funds. It was felt by the department that this is not the time to move forward considering the costs involved. However, a lot of work has gone into the assessment that can be used in the future.

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 recommended that the local emergency be continued. Supervisor Bibby noted the importance of have this route open with the winter weather. (M)Fritz, (S)Aborn, Res. 08-591 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.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued until such time as full reimbursement is received. Discussion was held, and the Board was advised that the reimbursement requests were combined for the Oliver and Telegraph fires. Supervisor Pickard asked that the status of contracted costs between CalFire and Public Works be reviewed. Supervisor Bibby asked about the status of payment to other counties, and was advised that they will be reimbursed when Mariposa is reimbursed. (M)Pickard, (S)Aborn, Res. 08-592 was adopted finding the local emergency due to the Oliver Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued until such time as full reimbursement is received. Supervisor Pickard asked for further clarification of how the contract for services was approved between CalFire and Public Works, and he was advised that this was approved at the department level. Supervisor Turpin noted the improvement to the Forest Service roads, especially in the Telegraph Fire area, by taking advantage of the work forces. (M)Aborn, (S)Bibby, Res. 08-593 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Approve Response to Grand Jury Letter Dated November 24, 2008 and Authorize the Board of Supervisors Chair to Sign the Letter (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Following discussion with Rick Benson, (M)Pickard, (S)Fritz, Res. 08-594 was adopted approving the response letter/Ayes: Unanimous.

Authorize the Board of Supervisors Chair to Sign a Resolution Asserting Legal Standing and Formally Requesting Coordination Status with all Federal and State Agencies Maintaining Jurisdiction over Lands and/or Resources Located within Mariposa County (Supervisor Turpin)

BOARD ACTION: Supervisor Turpin initiated discussion relative to the request.

Input from the public was provided by the following:

Kevin Cann provided input relative to the planning processes and staffing involved for federal agencies; and he advised that he is in favor of this resolution.

(M)Fritz, (S)Bibby, Res. 08-595 was adopted as recommended/Ayes: Unanimous.

9:42 a.m. CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) – In-Home Supportive Services (IHSS);

Name of County Designated Representative: Mike Coffield (County Administrative Officer/Personnel/Risk Manager); and

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

BOARD ACTION: Rick Benson advised that Mike Coffield is scheduled to be present at 11:00 a.m. for the closed session relative to the IHSS labor negotiations. Chair Turpin advised that the Board would recess after the closed session on the anticipated litigation until the 10:30 a.m. agenda item. (M)Fritz, (S)Pickard, the closed sessions were held, as discussed/Ayes: Unanimous.

10:10 a.m. Recess

10:34 a.m. Chair Turpin announced that direction was given relative to the closed session on the anticipated litigation matter.

Jim Wilson, Fire Chief;

Authorize the Board of Supervisors Chair to Sign the Foresta Community Wildfire Protection Plan (CWPP). This Plan is Required Prior to Application for Federal Grant Funding for Fuel Reduction Projects and was Prepared through Yosemite National Park Funding by a Private Consultant and has been reviewed and Approved by both Cal Fire and Mariposa County Fire Chief (Continued from December 9, 2008)

BOARD ACTION: Jim Wilson provided input on the Plan, and discussion was held. (M)Aborn, (S)Bibby, Res. 08-596 was adopted authorizing the Chair to sign the Plan. Supervisor Bibby clarified that the Public Works Director may not have had an opportunity to review the Plan for road maintenance, road history, abandonments or RS2477; so the action today is only from a fire standpoint as a preventive document. Ayes: Unanimous.

Patrick Tierney, Mariposa Fire Safe Council, provided input on his background with the Forest Service and working with fire plans; and he commented on his work with this Plan and preparing for future plans for the other communities. Discussion was held.

11:03 a.m. The Board reconvened in closed session.

11:55 a.m. Lunch

2:10 p.m. The Board reconvened in open session and Chair Turpin announced that information was received as a result of the closed session relative to labor negotiations with IHSS.

Vice-Chair Fritz;

Presentation of the Gavel Plaque to Supervisor Turpin for Serving as Chair for 2008

BOARD ACTION: (M)by the Board, (S)by the Board, Vice Chair Fritz presented the gavel plaque to Chair Turpin/Ayes: Unanimous.

Chair Turpin;

A) Presentation of Tile Plaque and Resolution to Supervisors Fritz and Pickard for their Outstanding Service to Mariposa County

BOARD ACTION: (M)Bibby, (S)Aborn, Res. 08-580 was adopted and presented to Supervisor Fritz, along with a tile plaque; and Res. 08-581 was adopted and presented to Supervisor Pickard, along with a tile plaque/Ayes: Unanimous. Chair Turpin recognized the presence of the following former Board members: Frank Long, Doug Balmain, and Art Baggett.

B) Other Presentations of Recognition to Supervisors Fritz and Pickard

ACTION: The following presentations were made:

Kurt Vander Weide, on behalf of Congressman Radanovich, presented a Congressional Record entry to Supervisors Fritz and Pickard.

Bob Wiedman, on behalf of Senator Cogdill and Assemblyman Berryhill, presented Certificates to Supervisors Fritz and Pickard.

Chair Turpin presented Certificates of Resolutions to Supervisors Fritz and Pickard from the Merced County Board of Supervisors.

Paul Smith, RCRC, and Mary Pitto, ESJPA, presented plaques of recognition to Supervisor Pickard.

Dick Whittington, representing YARTS, presented a plaque to Supervisor Fritz.

Robyn Smith, Yosemite/Sequoia RC&D, presented a plaque to Supervisor Pickard.

Dave Goger and Candy O'Donel-Browne, Mountain Crisis Services, presented a plaque to Supervisor Fritz.

Chair Turpin presented a plaque of recognition from "California Biodiversity Council" to Supervisor Pickard.

Chair Turpin recognized the presence of Pelk Richards, retired Sheriff.

Jan Hamilton, Mariposa County Fire Safe Council, presented a Certificate to Supervisors Fritz and Pickard.

Chair Turpin recognized the presence of the County department heads; and he wished everyone a Merry Christmas and happy holiday and announced the reception in the lobby for Supervisors Fritz and Pickard.

CONSENT AGENDA

- CA-1 Approval of Summary of Proceedings of December 9, 2008, Regular Meeting (Clerk of the Board)
- CA-2 Approve Budget Action Transferring Funds within the County Fire Budget Due to Unanticipated Increases in Fire Incident Expenses Because of Extraordinary Fire Activity (\$3,000) (Fire Chief); Res. 08-582
- CA-3 Authorize the Fire Chief to Sign the 2008 FEMA Assistance to Firefighters Grant (AFG) Award for a Portable Live Fire Training Proposition in the Amount of \$373,100. The Grant will Require a 5% Cost Share of \$18,655 and Expenditures Proposed in the Fiscal Year 2008-2009 Budget would Meet the Cost Share Requirements (Fire Chief); Res. 08-583
- CA-4 Approve the Overfill of Two Eligibility Worker I/II Allocations to Accommodate Two Current Staff Members Who are Temporarily Being Assigned to the C-IV Project (Human Services Director); Res. 08-584
- CA-5 Approve the 2008 Low Income Home Energy Assistance Program (LIHEAP) Agreement 08B-5473, Amendments Two and Three and Authorize the Human Services Director to Sign the Amendments (Human Services Director); Res. 08-585
- CA-6 Approve Budget Action Transferring Funds within the Road Budget to Purchase Two New Computers for New Engineering Staff Members (\$2,500) (Public Works Director); Res. 08-586
- CA-7 Approve Tile Plaque Recognizing Kathi Sarno Upon her Retirement from the Sheriff's Department (Sheriff)
- CA-8 Approve Budget Action Increasing Revenue and Appropriations Due to Additional Funding Available Through the Vertical Prosecution Block Grant and Authorize the

District Attorney to sign Augmentation of Funds (\$21,934) (4/5ths Vote Required)
(District Attorney); Res. 08-587

- CA-9 Approve Children's Medical Services (CMC) Plan and Budget Justification for Fiscal Year 2008-2009 in the Amount of \$46,140 for California Children's Services (CCS), \$75,000 for Child Health and Disability Program (CHDP), and \$15,355 for the Health Care Program for Children in Foster Care (HCPCFC); and Authorize the Board of Supervisors Chair to Sign the CHDP and CCS Children's Medical Services Certification Statements for Fiscal Year 2008-2009 (Health Officer); Res. 08-588
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Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

December 18, 2008

(Continued Meeting from December 16, 2008)



DRAFT – PENDING BOARD APPROVAL

Time Description

10:00 a.m. The Board reconvened in continued meeting from December 16, 2008, at the Red Cloud Library, Fiske Road, Greeley Hill, with Supervisor Pickard excused.

Dana Hertfelder, Public Works Director, and Janet Chase-Williams, Interim Librarian, led the Board on a tour of the library and the Board accepted the building, and it was noted that the formal plaque will be officially presented at the ribbon-cutting ceremony to be scheduled for the facility.

10:45 a.m. (M)Bibby, (S)Fritz, the meeting was adjourned/Ayes: Aborn, Turpin, Bibby, Fritz;
Excused: Pickard.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN,
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

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Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN,
Chair, Board of Supervisors