



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

July 8, 2008



Time Description

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

Pledge of Allegiance
Introductions

Chair Turpin commented on the 4th of July weekend; and he noted that maintenance staff is working on the air conditioning units for the Board Chambers.

Thomas P. Guarino, County Counsel;

The Following Actions are Recommended as a Result of the Recent Fires in the County:

- A) Resolution Proclaiming the Existence of a Local Emergency and Requesting Declaration Proclaiming Existence of a Local Emergency and Requesting: 1) The Governor to Proclaim a State of Emergency; and 2) Requesting a Presidential Declaration of a State of Emergency; and
B) Approval of Designation of Applicant's Agent Resolution Appointing Individuals to Act on Behalf of Mariposa County

BOARD ACTION: Discussion was held with Thomas P. Guarino relative to the emergency proclamation. Jim Wilson/Fire Chief advised that the Oliver Fire is fully contained and mop-up efforts will continue. Discussion was held relative to the damages. (M)Aborn, (S)Fritz, Res. 08-290 was adopted proclaiming the existence of a local emergency as recommended/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard. (Action on the Applicant's Agent Resolution was taken later in the meeting.)

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: Supervisors Turpin and Aborn pulled item 9. Supervisor Bibby pulled items 7 and 14. (M)Aborn, (S)Bibby, the balance of the items was approved/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Item 7 – Following discussion, (M)Aborn, (S)Fritz, item 7 was approved/Ayes: Aborn, Turpin, Fritz; Noes: Bibby; Excused: Pickard.

Item 14 – Following discussion with Dana Hertfelder, Public Works Director, item 14 was approved with a correction in the staff report of the previous year to reflect 2007-08 and with a correction in the agreement to reflect Preschool Cooperative/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Item 9 – Following discussion with Dana Hertfelder, (M)Bibby, (S)Aborn, item 9 was approved with a correction to reflect that the plans and specifications for the project were approved in 2007/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

B) Approval of Designation of Applicant's Agent Resolution Appointing Individuals to Act on Behalf of Mariposa County for the local emergency as a result of the recent fires
BOARD ACTION: (M)Bibby, (S)Fritz, Res. 08-306 was adopted approving the Designation of Applicant's Agent/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

Chair Turpin;

Presentation by Richard C. Hutchinson, Chairperson, Historic Mariposa County Business Association and Leroy Radanovich, Director, Yosemite/Mariposa Tourism Bureau to Dell Knell as the Chairperson of the 2008 Butterfly Festival

BOARD ACTION: Dick Hutchinson and Leroy Radanovich presented a certificate of recognition to Dell Knell.

Supervisor Fritz;

Resolution Recognizing Chevon Kathari for her Service as Executive Director for Mountain Crisis Services, Inc.

BOARD ACTION: (M)Fritz, (S)Bibby, Res. 08-289 was adopted and presented to Chevon Kathari/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard. Supervisor Fritz introduced Dave Goger, the new Executive Director for Mountain Crisis Services, Inc.

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

Dawn Afman, Natural Resources Conservation Service, presented information on the Emergency Watershed Protection Program and offered assistance with the damages due to the recent fires.

Paul Chapman suggested that advantage be taken of the Emergency Watershed Protection Program; and he commented on the fire fuel break work that has been done by the Fire Safe Council.

Eleanor Keuning questioned the process for taking action on the items that are pulled from the Consent Agenda. On behalf of Kiwanis, she advised that they postponed the fireworks to July 26th; and she advised that they are planning a Monarch Century cyclist ride during the Butterfly Days event. On behalf of the Mariposa Symphony Orchestra Guild, she advised that they held a concert at the Amphitheater at the County Park and a skate-off was held at the skate park and everything worked out. But she feels these are not compatible uses and with the parking limitation, she suggested that scheduling of the facilities be coordinated in the future.

MaryAnn Huff, President of the Chamber of Commerce, advised that they have a calendar of events that is open to the public; and she stated she is proud of the Red Cloud Library and the recent fundraiser.

Dick Hutchinson noted that the merchants have thanked the firefighters and he asked if the County has sent a letter of appreciation.

Board Information

Supervisor Bibby thanked the Governor and Assemblyman Berryhill and everyone who participated and attended the new temporary bridge ceremony at the Ferguson Rockslide. She commended CAL FIRE and the U. S. Forest Service and the firefighters for their efforts on the recent fires, including law enforcement for the evacuations. She attended the Mental Health Board meeting on July 1st and they are planning to have a booth at the County fair in conjunction with the Alcohol and Drug Advisory Board. She advised that emergency services are available during the heat waves.

Supervisor Aborn stated he feels that with the fire danger and water shortage that the County should be implementing an ordinance prohibiting the exportation of water out of the County. He feels the parking at the Rest Area need to be enforced so that there will be spaces available for the large buses now that the new temporary bridges are open. He thanked everyone involved in the recent fire fighting efforts. He stated he feels that there needs to be more of a fine for people that build without permits.

Supervisor Fritz advised of the convoy of large vehicles at the ribbon cutting for the new temporary bridges at the Ferguson Rockslide. She advised that Governor Schwarzenegger stopped at Happy Burger for an ice cream on his way back through Mariposa. She plans to attend the Gateway

meeting on Thursday in Yosemite and the Rail meeting on the 17th in Richmond. She noted that she is still recovering from her surgery.

Supervisor Turpin advised of a letter received from the Resource Conservation District advising that they and the Upper Merced River Watershed Council will not be taking part in the relicensing of the Exchequer Power House. He toured the Oliver Fire on the 24th with the Fire Chief. He did not meet with the U. S. Forest Service due to the fire in the Stanislaus Forest. He attended the ribbon cutting ceremony on the 27th for the new temporary bridges and he appreciated Governor Schwarzenegger and Will Kempton, Director of CalTrans, attending the event. He had a telephone conference meeting with the CSAC Natural Resources Committee on the 2nd and they discussed Williamson Act and water and fire issues and he referred to the assessment being proposed by the Governor. He advised that the Fire Brigade BBQ and carnival at Coulterville Park was a success on Saturday.

Dana Hertfelder, Public Works Director;

A) Waive Second Reading and Adopt Ordinance Creating Chapter 12.30 Entitled “Landscape and Sidewalk Requirements” of the Mariposa County Code

BOARD ACTION: Dana Hertfelder advised that this Ordinance will not affect Halferty (Rite Aid) as their improvements have been approved. County Counsel provided input relative to the intent of the Ordinance to shift the responsibility for maintenance and liability for the improvements to the property owner. Discussion was held relative to the difference between the use of sidewalks for commercial and residential use; status of the Encroachment Permit for Halferty; obtaining more information on the language used by other jurisdictions; and relative to looking at a policy as a part of the subdivision and development process. County Counsel suggested that development of a policy should come from Planning, and they could work with Public Works.

Input from the public was provided by the following:

Don Starchman stated he feels that this issue needs to be studied in greater depth. He feels that if a sidewalk is constructed on County property and inspected by the County, that it is for public use and that the circulation policy needs to be considered. As a developer, he is willing to address the additional costs for maintenance. They have an issue with the liability and being able to obtain insurance. He feels that a policy should be established.

MaryAnn Huff advised that she owns two pieces of commercial property in Coulterville and she asked who constructed those sidewalks and the role the County takes in responsibility as the sidewalks are for public use and the County relies on tourism. She noted the need to have preventive maintenance for the sidewalks and she feels that someone needs to take ownership.

Dick Hutchinson stated he feels there will be problems in the future if we don't have a tree planting policy to prevent damage to the sidewalks. He feels that whoever owns the property where the improvements are located should have the responsibility.

Further discussion was held with Dana Hertfelder and County Counsel relative to establishing a policy and not proceeding with the Ordinance at this time. Supervisor Bibby asked that the language on the Encroachment Permit and the policy be consistent. No action was taken on the Ordinance.

11:18 a.m. Recess

11:28 a.m. B) Discussion, Direction and Possible Action Regarding Adopting a Resolution and Approving a Maintenance and Liability Agreement with Halferty Development Company, LLC and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Discussion was held with Dana Hertfelder and he advised of a correction to the agreement to delete the duplication of “neat and attractive appearance.” County Counsel advised that Section B. of the Recitals of the agreement should reflect State Route 49; and Section 1B under HWN Obligations should include making a maintenance contribution of a dollar amount that is recommended by the Public Works Director; and he advised of language changes in Section 2. County Obligations to delete “at County’s expense” and “asphalt” and to add “along State Route 49. Supervisor Bibby clarified that the maintenance costs is a one-time amount to be paid by Halferty for the life of the sidewalk. Dana Hertfelder recommended that the maintenance contribution be \$2,000. Discussion was

held relative to the portion of the sidewalk included in the agreement, and it was clarified that agreement covers everything in the State right-of-way. It was clarified that it is State Route 49 North.

Chris Peto, Halferty Development Company, advised that they are okay with the requested changes to the agreement, and their intent is just to cover the CalTrans encroachment area of the sidewalk. He offered their assistance and support in the development of a sidewalk policy and Ordinance for the future.

Further discussion was held. (M)Fritz, (S)Aborn, Res. 08-307 was adopted approving the agreement with the changes as requested/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

C) Waive Second Reading and Adopt Ordinance Amending Section 10.08.020 of the County Code Adding a “No Parking” at the Don Pedro Elementary School

BOARD ACTION: Following discussion with Dana Hertfelder, (M)Aborn, (S)Bibby, the second reading was waived and Ordinance No. 1044 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

D) Authorize the Purchase of a New Caterpillar 816F2 Compactor for \$384,610.78 for the Solid Waste Division to be Financed over a 10-year Period through Caterpillar Financial Services at an Interest Rate of 4.25% and Authorize the Public Works Director to Sign all Paperwork Necessary to Complete the Purchase

BOARD ACTION: Discussion was held with Dana Hertfelder.

Input from the public was provided by the following:

Paul Chapman questioned why this request didn't go to the Solid Waste Task Force Committee for review; and he questioned the maintenance of the equipment.

Following discussion, (M)Aborn, (S)Bibby, Res. 08-308 was adopted approving the purchase/Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

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 noted that the new temporary bridges are open and he advised that the local emergency should be continued until such time as full access is restored. He suggested that this matter be placed on the Consent Agenda in the future; and following discussion, it was agreed to keep the matter as an Attention item.

Input from the public was provided by the following:

Dick Hutchinson asked if the County is sending an official thank you to the Governor and CalTrans for the new bridges. Chair Turpin requested that a thank you letter be sent to all of the involved parties, and he advised that he will work with the County Administrative Officer on this.

MaryAnn Huff advised that the Chamber of Commerce sent a thank you letter to the Governor and to those involved in making the bridges a success.

(M)Aborn, (S)Fritz, Res. 08-309 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; and direction was given to send the letters as suggested. Supervisor Fritz requested that TIE and the Chamber of Commerce be included in the thank you letters. Ayes: Aborn, Turpin, Bibby, Fritz; Excused: Pickard.

CLOSED SESSION: Anticipated Litigation: Initiating of Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; Names of Case to be Discussed: County of Mariposa v. Bartlett Petroleum, Inc. (County Counsel)

BOARD ACTION: County Counsel advised that this closed session was not necessary.

12:24 p.m. CLOSED SESSION: Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Bryce Johnson v. County of Mariposa OAH No. 2007080558 and Bryce Johnson v. County of Mariposa WCAB No. FRE 0227960 (County Administrative Officer/Personnel/Risk Manager)

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

1:21 p.m. Chair Turpin announced that information was received as a result of the closed session.

CONSENT AGENDA

- CA-1 Approve the Application for a CalTrans Encroachment Permit in Support of Closing Highway 140, 11:00 a.m. – 12:30 p.m., between Highway 49 North and Highway 49 South, Saturday, August 30, 2008 for the Labor Day Fair Parade and Authorize the Board of Supervisors Chair to Sign a Letter Supporting the Application (Lions Club); Res. 08-291
- CA-2 Approve an Agreement with Judy Hardaway for Weed Control Assistance of Noxious Weeds – Arundo Eradication Project – Mariposa Creek Area and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 08-292
- CA-3 Approve an Agreement with Dan Wice for Implementation of Mariposa County Leading Edge Yellow Starthistle Management and Control Project, Yellow Starthistle Mapping and the AB 2479 Yellow Starthistle Control and Management Project and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 08-293
- CA-4 Approve an Agreement with Progress House, Inc. for Residential Alcohol and Drug Treatment Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-294
- CA-5 Accept the Resignation of Diane Langford from the Alcohol and Drug Advisory Board (Human Services Director)
- CA-6 Appoint Lu Ellen Luker to the Alcohol and Drug Advisory Board for a Term Expiring July 8, 2011 (Human Services Director)
- CA-7 Approve an Amendment to an Agreement with Best, Best & Krieger LLP Amending the Not to Exceed Amount to \$35,000 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 08-303
- CA-8 Approve an Amendment to an Agreement with Daniel W. Rowley, Esq., Amending the Not to Exceed Amount to \$15,000 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 08-295
- CA-9 Approve an Amendment to an Agreement with Verley Construction to Extend the Term of the Agreement to June 30, 2009 for the Construction of the Greeley Hill Library and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-305
- CA-10 Approve an Amendment to an Agreement with R3Consulting Group, Inc. to Extend the Term of the Agreement to June 30, 2009 for Assistance with the Implementation of the Household Hazardous Waste Coordination Grant and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-296

- CA-11 Approve an Amendment to an Agreement with Moore Twining Laboratories, Inc. Extending the Term of the Agreement to June 30, 2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-297
- CA-12 Approve a Lease Agreement with the Kiwanis Club for Use of the Darrah Schoolhouse and Grounds for Fiscal Year 2008-2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-298
- CA-13 Approve a Lease Agreement with Almost Like Home, Inc., a California Non-profit Corporation, for use of the Woodland Community Building and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-299
- CA-14 Approve a Lease Agreement with Mariposa Preschool Cooperative, a California Non-profit Corporation, for use of the Woodland Community Building for Fiscal Year 2008-2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-304
- CA-15 Approval of June 24, 2008 Summary of Proceedings, Regular Meeting (Clerk of the Board)
- CA-16 Approve an Agreement with John C. Fremont Healthcare District to Provide Dietary Services to the Mariposa County Adult Detention Facility and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 08-300
- CA-17 Approve an Agreement with John C. Fremont Healthcare District to Provide Medical Services to the Mariposa County Adult Detention Facility and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 08-301
- CA-18 Adopt a Resolution Approving the 2008-2009 Office of Emergency Services District Attorney Victim/Witness Program Grant in the Amount of \$86,336 and Authorize the Board of Supervisors Chair to Sign the Resolution (District Attorney); Res. 08-302
- CA-19 Appoint Mark Deglomine to the El Portal Town Planning Advisory Committee for a Term Expiring February 28, 2009; Reappoint Catherine Collamer and Paul Amstutz to the El Portal Town Planning Advisory Committee for Terms Expiring February 28, 2010 and Send a Certificate of Appreciation to Nate Kerr who does not Wish to be Reappointed (Supervisor Aborn)

1:25 p.m. Adjournment in memory of James Roulo, Patricia Anne “Pat” Patrickson, and Gerald “Jerry” Leroy Pirtle III.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

July 15, 2008



Time Description

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

Pledge of Allegiance
Introductions

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

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

BOARD ACTION: Chair Turpin pulled item 17 for separate action. Supervisor Bibby pulled items 1 and 20. Supervisor Aborn pulled item 16. (M)Fritz, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Item 17 – (M)Fritz, (S)Bibby, item 17 was approved/Ayes: Aborn, Turpin, Bibby, Fritz;
Abstained: Pickard.

Chair Turpin;

Proclaim the Week of July 13-19, 2008 as “Probation, Parole and Community Supervision Officer’s Week” (Chief Probation Officer)

BOARD ACTION: (M)Pickard, (S)Aborn, the Proclamation was approved and presented to Gail Neal, Chief Probation Officer; and she introduced the Probation Officers/Ayes: Unanimous.

Consider Items Removed from the Consent Agenda

Item 1 – Following discussion with Dr. Mosher, Health Officer, (M)Bibby, (S)Aborn, item 1 was approved/Ayes: Unanimous.

Item 16 – Discussion was held with Dana Hertfelder, Public Works Director. Supervisor Aborn requested that the Board members be provided with a copy of the accident report in the future. (M)Aborn, (S)Bibby, item 16 was approved. Following further discussion, Rick Benson, County Administrative Officer, advised that he will copy the accident reports for the Board in the future. Ayes: Unanimous.

Chair Turpin advised that the maintenance staff is working on the air conditioning for the Board Chambers.

Item 20 – Following discussion, (M)Bibby, (S)Aborn, item 20 was approved/Ayes: Unanimous.

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

Ruth Sellers advised that while she was helping as a decent at the Mariposa Museum and History Center she received a complaint from a visitor that visited the Visitors’ Center relative to their experience – they were not told about the Museum when they inquired as to what there was to do in the County.

Eleanor Keuning commented on the placement of the consideration of item removed from the Consent Agenda being later on the agenda; however, action has been taken on those items earlier in the meeting. She advised that there is difficulty in hearing the meeting with the fans going (the air conditioning was not functioning properly). She presented a poster with information on the Kiwanis' fireworks for July 26th. She commented on parking problems with the vendors at the Rest Area. She referred to letters in the newspaper relative to fire retardant and the landfill and asked whether these suggestions are reviewed by anyone. She referred to Board Information items and the comments by Supervisor Aborn at the previous meeting about water leaving the County; and she stated she feels these kinds of topics should be placed as an item on the agenda with backup information. Chair Turpin advised that the Supervisors and departments review the information to determine if it is something that can benefit the County.

Paul Chapman referred to the parking problems at the Rest Area and the funding for park and ride development; and he commented on the fire retardant issue that Eleanor Keuning addressed.

Ruth Catalan questioned whether it is prudent to hold the fire works display given the current status of the air pollution with the smoke from the fires. She commended the Public Works Director for his action at Coyote Springs and urged the other departments to take the same kind of action.

Karen Robb, Farm Advisor, provided an update on the emergency loans and disaster assistance from FSA. She advised of a livestock feed program under the new Farm Bill that would provide relief due to the drought; and she advised of an Emergency Conservation Program that is available to livestock producers affected by the fires. Supervisor Bibby asked that information on these programs be posted to the web and provided to the newspapers and to the Farm Bureau; and she advised of the publication on managing livestock during a drought. Supervisor Turpin commented on the need to support the small farm operations.

Board Information

Supervisor Fritz advised that she plans to attend the Rail meeting on Thursday. She advised that the Republican Central Committee's annual BBQ is scheduled for July 16th at the County Park; and the Chamber of Commerce monthly mixer will be held next Tuesday at John C. Fremont Hospital. She advised that there is a scoping meeting on the Mariposa Creek Parkway on Wednesday evening at the Government Center.

Supervisor Pickard thanked all of the fire departments, agencies and everyone that responded to the Oliver Fire; and he advised of a thank you letter he received from the National Park Service. He asked staff to provide a list of engine companies that provided services so that a letter of appreciation from the Board could be sent to them. He plans to attend the Keep California Beautiful Committee meeting in Sacramento on Thursday.

Supervisor Bibby referred to the recent news on the status of the economy and asked that the Treasurer/Tax Collector and the County Administrative Officer review and provide a report on the status of the County's investments. She advised that workshop is scheduled for this evening on the draft Catheys Valley Community Plan. She plans to attend the Mother Lode Job Training Board meeting in Sonora on Wednesday. She encouraged residents in the Mariposa Creek Parkway project area to attend the scoping meeting on Wednesday evening and noted that a stakeholders meeting is scheduled for Thursday evening. She referred to the recent enforcement action that was taken (Coyote Springs) and commented on the County's role and advised that this is done all of the time.

Supervisor Aborn commented on the action taken on Thursday relative to the encroachment permit for Coyote Springs. He advised that he was in Sacramento on Monday relative to the high speed rail bond funding and he commented on concerns relative to the process.

Supervisor Turpin noted that he saw three loaded logging trucks coming across the canyon this morning. He commented on the work on the rockslide at Bagby. He attended the Gateway meeting in Yosemite on Thursday and advised of the issues discussed; and he commented on all of the road work being done by the Park Service. He attended the Economic Development meeting in Coulterville on Monday; and he reminded everyone that the workshop on the draft Catheys Valley Plan is scheduled for this evening. He plans to attend the Men's Breakfast in Greeley Hill and the Red Cloud Library meeting. On Thursday he plans to tour the power plant at Exchequer Dam with the County Administrative Officer.

Dr. Mosher, Health Officer;

Authorize the Health Officer to Publicly Promote Mariposa County Emergency Information Hotline

BOARD ACTION: Discussion was held with Dr. Mosher; and he advised that the Health Department will rotate with the Sheriff and the Fire Chief to put information on the line; and emergency messages will override the information. Supervisor Pickard asked that the long-distance number be advertised for use in all areas of the County that are outside of the local number. (M)Pickard, (S)Fritz, Res. 08-324 was adopted approving the request, with direction for the Health Officer, Sheriff, and Fire Chief to be the guardians of the line/Ayes: Unanimous. Dr. Mosher clarified that the line would be available for use by any County department.

10:18 a.m. Recess

10:32 a.m. Dana Hertfelder, Public Works Director;

PUBLIC HEARING to Adopt a Resolution of Intent to Accept a 10.00 Foot Wide Public Service Easement (Public Utilities Easement) being 5.00 Feet on each Side of the Adjusted Property Lines of Lot Nos. 1735 and 1736 as Approved by Lot Line Adjustment No. 2005-173; and Approve the Vacation of that Portion of the Existing Public Service Easement, being 5.00 Feet on Each Side of the Property Lines of Lot Nos. 1735 and 1736 as Shown on the Map Entitled "Lake Don Pedro Subdivision Unit No. 3-M" Filed for Recordation on November 4, 1969 in Book 1 of Maps at Page 1693, Mariposa County Records

BOARD ACTION: Dana Hertfelder presented the staff report; and he responded to questions from the Board and advised that it is the same property for both lots. 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. Following discussion, (M)Pickard, (S)Fritz, Res. 08-325 was adopted accepting the easement and approving the vacation of a portion of the existing easement as recommended/Ayes: Unanimous. The hearing was closed.

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 provided information on vehicle-length limits for highways and for the Park and he advised that the bridges have a 45-foot length restriction to protect them. Discussion was held. Supervisor Bibby requested that information be posted on the web, and that there be coordination with the Tourism Bureau, Chamber of Commerce, and the National Park Service to get information out relative to the change in the access restriction from the 28-foot vehicle length. The County Administrative Officer advised that he will work with the other agencies and with Technical Services to include information on the County's web site.

Input from the public was provided by the following:

MaryAnn Huff advised that the Chamber of Commerce will put together a public service announcement and add the information to their web page.

Further discussion was held relative to getting out the information and being fair to all accesses to the Park through the County. Rick Benson advised that he could work with the Tourism Bureau to see if they could help with professional public service announcements for the media. Supervisor Bibby asked that Merced County be included. Supervisor Fritz suggested that the Visitors' Center could information in their greeting when they answer the phone. (M)Bibby, (S)Aborn, Res. 08-326 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 (County Administrative Officer)

BOARD ACTION: Rick Benson advised that information is being gathered on the costs of damages to submit for reimbursement. Jim Wilson, Fire Chief, provided input on the process. Supervisor

Turpin asked about including the harvest value of the timber that was lost on the Forest Service land; and Jim Wilson advised that he will check on this. (M)Fritz, (S)Pickard, Res. 08-327 was adopted finding the local emergency due to the recent fires continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

10:55 a.m. Recess

11:02 a.m. Kris Schenk, Planning Director;

PUBLIC HEARING to Consider Zoning Amendment 2008-054. Action Includes Adopting a Resolution Approving the Project, Adopting a Mitigated Negative Declaration, Waiving the First Reading and Introducing an Ordinance Amending Zoning Ordinance Text. The Project Proposes to Amend Section 17.44.010.A.1.a of Title 17, Mariposa County Zoning Code to Allow Fire Stations as Permitted Uses in the Timber Exclusive Zone Provided they are Located on Timberland Converted to Non-Timber Use in Accordance with Section 1104.1 of Title 14, California Code of Regulations.

Mariposa County, Project Proponent

BOARD ACTION: Kris Schenk introduced the matter. Skip Strathearn, Senior Planner, presented the staff report. Staff responded to questions from the Board relative to clarifying that the project itself is a separate process and that this is for the zoning amendment; relative to the width of Laurel Lane and access to the property; relative to the conversion of timberland to non-timber use; whether there are any impacts on the Agriculture/Working Landscape; screening for the fire house structure; and relative to the requirements for the Silver Tip Resort to provide fire protection and the Fish Camp Fire Station project. Jim Wilson, Fire Chief, responded to questions from the Board relative to the Laurel Way and the Summit Road accesses and relative to the fire services to be provided by the Silver Tip Resort; and he advised that they are also working with Tenaya Lodge to help obtain volunteers for the station. Staff responded to questions from the Board relative to amending the logging plan; whether the Fish Camp station is included in the list to receive a new fire engine; what becomes of the existing fire station; and clarification that the fire house will not be used for community meetings.

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

Paul Chapman asked why the Silver Tip Resort doesn't move their firehouse for this and provide engines.

Donn Harter, Chair of the Fish Camp Fire Association provided input on their fundraising efforts; and he advised that they plan to use the station for living space for the volunteer firefighters. Staff responded to a question from the Board and clarified that the firefighters would just use the station while they are on-duty.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Pickard, (S)Aborn, Res. 08-328 was adopted approving the project, adopting a Mitigated Negative Declaration, and the first reading was waived and an Ordinance introduced amending Zoning Ordinance Text to allow fire stations as permitted uses in the Timber Exclusive Zone as recommended. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous. The hearing was closed.

11:40 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: Unanimous.

12:16 p.m. Chair Turpin asked County Counsel to report the action taken as a result of the closed session. Thomas P. Guarino, County Counsel, advised that the Board took action in closed session to direct the County Administrative Officer to retain the services of Liebert Cassidy Whitmore to assist in this matter. The Clerk of the Board advised that the vote on the action was four ayes and Supervisor Bibby voting no.

12:17 p.m. Recess

6:44 p.m. Kris Schenk, Planning Director;

JOINT PUBLIC WORKSHOP with the Planning Commission to Consider the Highlighted Version of the Preliminary Draft Catheys Valley Community Plan (CVCP) and Provide Direction to Staff to Prepare the Public Review Version of the Draft CVCP

BOARD ACTION: Chair Turpin advised that the Planning Commissioners are in the audience and that they are not meeting as the Planning Commission, but that they have the opportunity to comment individually if they so desire.

Kris Schenk reviewed the purpose of the workshop and the process – he advised that the document before the Board is a highlighted version of the Preliminary Draft Catheys Valley Community Plan (CVCP); and that the purpose of this meeting is not to debate the merits of the Plan, but to provide direction to staff to prepare the public review Community Plan.

Andy Hauge/Hauge Brueck Associates – Project Manager, advised that if the Board determines this is the document that it wants published, the environmental documentation will need to be prepared for review of the Plan and the official circulation will begin. He advised that there are three questions that staff is requesting direction on: 1) should the draft Plan contain duplicated text from the County General Plan; 2) should the Community Planning Area boundary be modified; and 3) should a Catheys Valley Community Plan Agricultural Advisory Committee be appointed to advise the Board. He advised that comments received before this draft was published were noted in the margins along with staff recommendation; and they will track all of the comments that are received during the process.

Sarah Williams, Deputy Planning Director, reviewed the issues that have been raised with the boundary of the Planning Area and presented the following maps (large versions were posted in the Board Chambers): 1) draft CVCP Land Use Diagram (green) dated for this workshop; 2) map showing difference in boundaries between the adopted 2006 CVCP Planning Study Area and the draft land use diagram as recommended by the Planning Advisory Committee (green); she advised of the Catheys Valley Land Use Study Area map that is in the General Plan – it was not copied for this meeting; and 4) the draft CVCP map (brown) showing properties for which the following property owners have requested to be removed from the Plan Area boundaries: Benson, Fortner (two areas), Dinnel, and Coyote Springs.

Staff advised of correspondence that has been received. Discussion was held.

The following questions were addressed:

1) Should the draft Plan contain duplicated text from the County General Plan?

Input from the public on this question was provided by the following:

Rick Lobaugh stated he does not think that it matters.

Rita Kidd, speaking for Rita and Tony Kidd, advised of committee discussions relative to including the agricultural element in the Plan; and stated she feels the duplicated text should be included.

Rick Lobaugh clarified his earlier statement and stated he does not think that it matters if the duplicate language is included.

Gloria Conlan stated she feels that the language that duplicates the General Plan should be removed, and that reference could be included in the General Plan.

Hubert Hiepe questioned where he stands with his trailer park for future operation.

Discussion was held, including future review of the Plan if changes are made to the General Plan. County Counsel advised that revisions to the General Plan will require, as a part of the underlying review, a review of the community plans.

The public comment portion was re-opened for input from the following:

Curt Hibpshman stated he feels the highlighted information was included in this document as a reference and he does not believe that the General Plan language should be included in the Plan.

Andy Hauge clarified that the yellow highlighted text is taken from the General Plan and was included in this document for reference information as requested by the Board, and that it will be

removed. Staff suggested that the language in the draft Plan (language that is not highlighted) that duplicates the language in the General Plan be removed and some transitory language would be included. (M)Bibby, (S)Aborn, direction was given to keep the language in the Plan as presented by the Catheys Valley Advisory Committee, even if it duplicates language that is in the General Plan, versus referencing the General Plan/Ayes: Unanimous.

2) Should the Community Planning Area boundary be modified?

Discussion was held.

Input from the public on this question was provided by the following:

Bob Benson advised that not all of his property was included in the boundary and he expressed concern with all of the different versions of the boundary during the process – his property was changed back and forth from being included and excluded. He is concerned with the size of the boundary and he feels that those property owners who do not want to be included in the boundary, should be allowed to be excluded. He requested that his land designated as Agricultural Exclusive be taken out of the planning area at a minimum, but he would be okay with all of his land being taken out.

Ken Davis, Catheys Valley Planning Advisory Committee member, advised that they were trying to keep Catheys Valley from becoming another Oakhurst. Speaking as an individual, he recommended that the residential and commercial land be kept in the planning area, and that all of the agriculturally zoned land be taken out; except that if any of that land converts to a different land use classification that it comes back into the planning area.

Tracy Guenthart, Catheys Valley Planning Advisory Committee member, advised that the boundary recommendation was arrived at by considering what Catheys Valley is when people drive along the highway.

Patricia Oakander requested that their property be removed from the planning area. She feels that inclusion deprives them of their property rights and they do not want more restrictions.

Rita Kidd referred to the recent fire in Catheys Valley and noted that when she came to Catheys Valley from Merced as a child, they felt they were in Catheys Valley when they got to the Chase Ranch and it ended at the old rock shop at the top of Guadalupe Grade. She referred to the size of the community plan area for Santa Inez and the inclusion of agricultural land; and the Martis Valley Community Plan. She advised that she presented a letter this evening which she realizes will not be addressed at this workshop. She feels the agricultural land should be included and that the planning area should be even larger.

Steve Saunders stated he feels that the community is expressing itself and that the committee should make some changes. He feels the planning area is a study area and he is concerned with the restrictions in the Plan.

Rick Lobaugh stated he agrees that he does not feel that the community has been represented.

Tammie Guenthart stated she was an original member of the Catheys Valley Planning Advisory Committee and they were given a boundary of about 400-acres at that time. She noted that the only development that has occurred in the area during this process has been The Oaks. She does not feel that the survey that was done asked for the area to be made larger. She suggested that the members of the Catheys Valley community be allowed to vote on this issue. She expressed concern with the restrictions on the Agricultural Exclusive land use designation, and she feels that others would also want out of the planning area if they knew that they could request it.

Curt Hibpshman stated he would like to see the agricultural land removed and the boundary reduced back to its original size.

Discussion was held. Motion by Bibby to proceed with using the draft CVCP Land Use Diagram (green) dated for this workshop, was held for a recess.

8:37 p.m. Recess

8:50 p.m. Motion was seconded by Aborn. Discussion was held. Supervisor Pickard asked for consideration of amending the motion to delete the following properties: Benson as shown in the blue map, Dinnel, Coyote Springs, and Dancefire (since it would be landlocked if the Coyote Springs is

removed). The requested amendment to the motion was not accepted. Ayes: Aborn, Bibby; Noes: Turpin, Fritz, and Pickard. The motion failed.

Further discussion was held.

The public comment portion was re-opened for input from the following:

Rita Kidd provided additional input and stated she feels that the line needs to be held on the boundary as adopted in the General Plan in 2006.

(M)Pickard, (S)Fritz, direction was given to remove the Benson, Coyote Springs, Dancefire and Dinnel properties at this time and that the Agricultural Exclusive discussion is a policy that needs further review and discussion. Further discussion was held. Supervisor Pickard clarified that his motion is to only remove the Agricultural Exclusive portions of the land in the properties he cited. Sarah Williams advised that if the Dinnel property is all Agricultural Exclusive, that the contiguous parcel to the North should be removed so that a hole isn't left inside the boundary.

9:28 p.m. Recess

9:46 p.m. Supervisor Pickard restated his motion to give direction to remove the Benson property to be consistent with the map adopted with the 2006 General Plan; direction was given to staff to evaluate and look at the Dancefire, Coyote Springs, and Dinnel parcels and the consequences of removing the Agricultural Exclusive portions from the planning area and to bring back information for the Board to make a final decision; and direction was given for staff to look at any impacts to the draft CVCP as it relates to any changes in the Agricultural Exclusive section of the General Plan or any changes to the CVCP. Kris Schenk clarified that the direction is for staff to evaluate any specific differences between what was in the draft CVCP, Chapter 10 particularly, including the environmental consequences; and to look at any changes between the draft CVCP and Chapter 10 of the General Plan for Agricultural Exclusive and report on those. Kris Schenk further advised that the draft CVCP will go to the Catheys Valley Planning Advisory Committee, the Planning Commission, and then to the Board with their comments. Further discussion was held. Supervisors Bibby and Aborn expressed concern with removing the Agricultural Exclusive land. Ayes: Turpin, Fritz, Pickard; Noes: Aborn, Bibby.

3) Should a Catheys Valley Community Plan Agricultural Advisory Committee be appointed to advise the Board?

Discussion was held and Andy Hauge advised that staff's recommendation is to use the Catheys Valley Town Planning Advisory Committee.

Input from the public on this question was provided by the following: none.

(M)Pickard, (S)Fritz, direction was given to retain the Catheys Valley Planning Advisory Committee and that they could form a subcommittee for review of agricultural properties in the future/Ayes: Unanimous.

Kris Schenk referred to section A(6) Criteria for Inclusion of New Lands and recommended that the ten years in item 2 for the Williamson Act contract be changed to two years.

Supervisor Bibby referred to the following issues that she felt should be addressed:

- outside storage
- whether an ISO rating of 6 is obtainable
- definition of tract housing versus rural residential
- definition of mega church and consideration of a larger number, perhaps up to 500 people for special events.

The Board concurred with including these issues in the direction to staff for further review.

Supervisor Turpin asked that the existing commercial area and the potential of 2 ½-acre parcel size be reviewed to determine whether it is grandfathered and how it fits with the CVCP. Andy Hauge noted that the issue of the smaller parcels would be included to determine whether they could ask for 2 ½-acre parcels. The Board concurred.

(M)Bibby, (S)Aborn, direction was given to staff to prepare the public review draft CVCP and environmental documentation as directed during this workshop; release the draft CVCP and environmental documentation starting the circulation period for review and comment; and directing staff to schedule public hearing on the draft CVCP and environmental documentation with the process as recommended/Ayes: Unanimous.

CONSENT AGENDA

- CA-1 Approve a Memorandum of Understanding (MOU) with Mariposa Golden Agers, Inc. for use of the Senior Center as a Cooling and Evacuation Center for Emergencies and Authorize the Board of Supervisors Chair to Sign the MOU (Health Officer); Res. 08-321
- CA-2 Approve a Memorandum of Understanding (MOU) with Yosemite Medical Supply to Provide Medical Supplies Needed in an Emergency and Authorize the Health Officer to Sign the MOU (Health Officer); Res. 08-310
- CA-3 Approve an Agreement with Mariposa County First Five Commission, to Continue the “Smart Start” Program for Fiscal Year 2008-2009 and Authorize the Health Officer to Sign the Agreement (Health Officer); Res. 08-311
- CA-4 Resolution Deleting Representative for Medical Director of John C. Fremont Hospital Emergency Room on the County Emergency Medical Care Committee (Health Officer); Res. 08-312
- CA-5 Resolution Deleting Position of Representative for John C. Fremont Hospital Administration on the County Emergency Medical Care Committee (Health Officer); Res. 08-313
- CA-6 Resolution Deleting Position of Representative for Mariposa Public Utility District Fire Services on the County Emergency Medical Care Committee (Health Officer); Res. 08-314
- CA-7 Appoint Jim Wilson, County Fire Chief, as Representative of the Mariposa County Fire Department with Deputy Chief Middleton as Alternate to the Emergency Medical Care Committee (Health Officer)
- CA-8 Appoint Kevin Smith as Representative of CalFIRE to the Emergency Medical Care Committee (Health Officer)
- CA-9 Appoint Doug Binnewies as Representative of the Mariposa County Sheriff’s Department with Brian Muller as Alternate to the Emergency Medical Care Committee (Health Officer)
- CA-10 Approve an Agreement with U.C. Davis for Inter-County Training Consortium (ICTC) to Provide Specialized Training for Human Services Department Staff and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-315
- CA-11 Appoint Bob Linneman to Serve as a Member of the Mental Health Board for a Term Expiring July 15, 2011 (Human Services Director)

- CA-12 Approve an Agreement with Mother Lode Job Training (MLJT) to Provide Assessment Services for Individuals in the CalWORKs Program for Fiscal Year 2008-2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-316
- CA-13 Approve 9/80 Flex Schedule for the Clerical Staff of the Assessor-Recorder's Office Effective August 1, 2008 (Assessor/Recorder); Res. 08-317
- CA-14 Approve the Purchase of the Social Security Number Truncation Software Program Prior to the Adoption of the Fiscal Year 2008-2009 Budget (Assessor/Recorder); Res. 08-318
- CA-15 Approve Budget Action Transferring Funds within the Facilities Maintenance Budget to Cover Anticipated Costs for Utility and Fuel Expense through June 30, 2008 (\$17,000) (Public Works Director); Res. 08-319
- CA-16 Authorize Fleet Services to Replace Vehicle Number FD-8 Prior to the End of its Useful Life Due to an Accident and to Dispose of this Vehicle in Accordance with the County's Contract with Roger Ernst & Associates; Authorize Fleet Services to Accept the Bid from Wondries Fleet Division for the Replacement Vehicle (Public Works Director); Res. 08-322
- CA-17 Approval of Summary of Proceedings of July 8, 2008, Regular Meeting (Clerk of the Board)
- CA-18 Approve a Certificate of Congratulations to Manuela Ortiz for 60-years in Operation of the Plaza Bar in Hornitos (Supervisor Bibby)
- CA-19 Approve an Amendment to the Property Program Memorandum of Understanding (MOU) with the California State Association of Counties (CSAC) Excess Insurance Authority (EIA) and Authorize the County Administrative Officer to Sign the Amendment (County Administrative Officer/Personnel/Risk Manager); Res. 08-320
- CA-20 Approve Budget Action Decreasing General Contingency and Increasing Appropriations in the Law Library Fund for an Unanticipated Increase in the Book Subscription Services for Fiscal Year 2007-2008 (\$1,910) (4/5ths Vote Required) (County Administrative Officer/Personnel/Risk Manager); Res. 08-323

(M)Bibby, (S)Fritz, the Board adjourned at 10:13 p.m. in memory of Patricia "Pat" Frungillo, Grace L. Marsh, Patricia Ward, David L. "Coach" Owings, and Robert Ray "Bob" Thomas, Sr./Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

July 22, 2008



DRAFT – PENDING BOARD APPROVAL

Time Description

9:02 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: Supervisor Bibby pulled item 7. (M)Bibby, (S)Fritz, the balance of the items was approved/Ayes: Unanimous.

Item 7 – Following discussion with Doug Binnewies, Undersheriff, (M)Bibby, (S)Aborn, item 7 was approved with the understanding that any changes in costs will be brought back to the Board/Ayes: Unanimous.

Chair Turpin;

A) Proclaim the Week of July 21-27, 2008 as “California Invasive Weed Awareness Week” (Agricultural Commissioner)

BOARD ACTION: (M)Pickard, (S)Fritz, the Proclamation was approved and presented to Cathi Boze, Agricultural Commissioner/Ayes: Unanimous.

B) Resolution Recognizing Emergency Medical Service Personnel for Outstanding Professional Performance During the Previous Year (Health Officer)

BOARD ACTION: (M)Fritz, (S)Bibby, Res. 08-329 was adopted and presented to Dr. Mosher/Ayes: Unanimous. Dr. Mosher introduced Pat Murphy, EMS Coordinator. Dr. Mosher and Chair Turpin presented plaques to the following recognizing them as outstanding emergency medical service personnel for FY 2007-08: Dolores Leard/John C. Fremont Hospital emergency room nurse; Brian Shoor/Yosemite Medical Clinic emergency medical technician; Harve and Tina Dearing/first responders; and Linda Lee/Yosemite Medical Clinic Nurse Practitioner. Jim Wilson, Fire Chief, commended the Dearings for their service, including being County firefighters. The following recipients were unable to be present: Dr. Merges, emergency physician of John C. Fremont Hospital; Jonathan Knopf/Mercy Ambulance emergency medical technician/paramedic; and Eric Heim/Mercy Ambulance emergency medical technician.

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

Kris Casto commended Karen Robb for her service as Farm Advisor and for her work on the Ag/Nature Trail event and for being supportive of the Mariposa Wine Grape Association.

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Paul Chapman questioned who cut down the shade tree by the Government Center parking lot and asked who authorized it.

MaryAnn Huff, President of the Chamber of Commerce, invited everyone to the mixer at the John C. Fremont Hospital this evening. She advised of public service announcements and update to the web to get out information on access on Highway 140 with the new temporary bridges. She also advised that they have added information to their greeting when answering the phone at the Visitors' Center.

Dick Hutchinson commended the emergency medical services personnel for their awards; and he stated he feels that a recognition program needs to be done for the departments in the County.

Eleanor Keuning stated she feels the striping for the downtown parking spaces needs to be maintained; and she commented on merchants using the parking spaces in front of their businesses and she feels they should be left open for the visitors. She commented on skating problems in town.

Ruth Catalan asked why the Resource Conservation District is no longer handling the grading permits, and she asked for information on why and when this happened.

Karen Robb, Farm Advisor, showed a draft of the brochure for the Mariposa Ag/Nature Trail event – weekend in the country, scheduled for this fall. She advised that the ag/tourism workshop is being planned for August 26th at 2:00 p.m.

Frank Shannon, Coulterville, advised of problems with rate increases being imposed by the solid waste franchise hauling company for the North County that were not approved by the Board and with the lack of trash pick-up by the company if the increased rates are not paid by the customers. He asked for the Board's assistance with this matter. He presented a letter from Teresa Kelley who worked with Fiske Sanitary Disposal Service for 19 years advising of the agreement that was reached for service. Chair Turpin asked for any other information that Mr. Shannon has; and he advised that this matter would be referred to Public Works for review.

MaryAnn Huff, speaking as a citizen, commented on the trash collection problems she has observed in Coulterville.

Board Information

Supervisor Bibby advised that she plans to attend a MID (Merced Irrigation District) meeting on Wednesday. She attended the Mother Lode Job Training meeting on Wednesday. She attended the Mariposa Creek Parkway scoping meeting. She advised that the Mt. Bullion citizens group is monitoring the General Plan for any growth impacts, some are participating in the master planning for the Airport, some have questioned the process for the Catheys Valley Community Plan, and they want a plan for the Mt. Bullion area. She extended a special thanks to the Sheriff and to the SCOPE volunteers and everyone involved in an incident with a foreign visiting family.

Supervisor Aborn advised of his discussion with a supervisor at Pioneer Market and the increase in business with the new temporary bridges. He went to Sacramento on Monday with a group relative to high speed rail issues and he advised of attendance at the Valley Rail Committee meeting. He noted that the 4th of July fireworks display will be held on July 26th.

Supervisor Pickard advised of his attendance at the Keep California Beautiful Committee meeting and the issues discussed; and he commented on the stencil program being implemented here to remind shoppers to use their reusable shopping bags. He plans to attend the CMSP (County Medical Services Program) Governing Board meeting on Thursday.

Supervisor Fritz advised that the Republican Central Committee's annual BBQ was successful. She reminded everyone of the Chamber's mixer scheduled for this evening at the John C. Fremont Hospital. She attended the Rail meeting on Thursday and advised of concerns with the route issues.

Cathi Boze, Agricultural Commissioner;

Presentation of the 2007 Mariposa Agricultural Crop & Livestock Report by the Mariposa County Agricultural Commissioner/Sealer

BOARD ACTION: Cathi presented the report and advised that the Farm Bureau dinner is scheduled for October 11th. She expressed concern with the proposal in the Governor's budget to reduce the Williamson Act subvention funding.

Input from the public was provided by the following:

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Paul Chapman commented on the value he feels that agriculture is to the County versus tourism.

Dick Hutchinson commented on the flood irrigating of orchards in Merced and he feels they should be required to drip irrigate.

Further discussion was held. No action was necessary.

10:14 a.m. James A. Rydingsword, Human Services Director;
HOUSING AUTHORITY OF THE COUNTY OF MARIPOSA

(Chair – Bibby; Vice-Chair – Turpin)

A) Public Presentation – none

B) 1) Select a Chair and Vice Chair for the Housing Authority Board of Commissioners for FY 2008-2009

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

2) PUBLIC HEARING on the 2008 Annual Plan Update; Approve the 2008 Annual Plan Update and the and Authorize the Board of Supervisors Chair Sign the Certification of Compliance; and Authorize the Signature of the Executive Director on all Required Program and Financial Forms

COMMISSION ACTION: Jim Rydingsword presented the staff report and he advised that there have been no significant changes to the Annual Plan and they continue to work with people on the waiting list for rental assistance and to work with people to transition to home ownership. Janet Gass/HSD-Contract Administrator, responded to questions from the Commissioners relative to the status of the wait list in comparison to the number of vouchers in the program; relative to monitoring eligibility and inspecting the rentals; and relative to the program for the first time home buyers. The public portion of the hearing was opened and there was no input. The public portion was closed and the Commission commenced with deliberations. (M)Bibby, (S)Aborn, Hous. Auth. Res. 08-1 was adopted approving the Annual Plan and related actions as recommended/Ayes: Unanimous. The hearing was closed.

10:23 a.m. Recess

10:36 a.m. Chris Ebie, Auditor;

Adopt a Resolution Authorizing the Auditor to Allow Funds Under the Control of Mariposa County Resource Conservation District (MCRCD) to be in a Negative Cash Position

BOARD ACTION: Discussion was held with Chris Ebie relative to the request, and he suggested that a limit of something around \$50,000 be established if this is allowed. Supervisor Bibby asked that other counties be contacted to see how they handle this type of situation. Rick Benson, County Administrative Officer, suggested that the Resource Conservation District submit a formal request and that there be an agreement, essentially this would be a revolving line of credit with a fixed limit.

Input from the public was provided by the following:

Glenn Franklin, Vice-President of the MCRCD, commented on the provisions in Title 9/California Special Districts for their use of the County's services; and he advised of their efforts to move from quarterly to monthly invoicing of the grants.

Len McKenzie, President of the MCRCD, provided input on the status of their grants; and he advised that they appreciate the services they receive from the County and the Auditor's Office.

Dawn Afman, Natural Resource Conservation District, spoke in support of the MCRCD and the Watershed Council and the work that they do. She provided input on the services they provide.

Jeanne Darcy, MCRCD Office Manager, provided input on the status of meeting payroll costs. Chris Ebie advised that he will review the status of payroll.

Len McKenzie provided additional input on their grants.

Thomas P. Guarino, County Counsel, advised that the Auditor will not be able to operate in a deficit for the MCRCD without authorization by the Board. Following further discussion, this matter was continued to later this afternoon for additional information to be obtained.

DRAFT – PENDING BOARD APPROVAL

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

BOARD ACTION: Rick Benson advised of information he received from Leroy Radanovich, Yosemite/Mariposa Tourism Bureau Director, concerning publicity for the improved access with the new temporary bridges and advising that the bus companies have returned and are using the Highway 140 route.

Input from the public was provided by the following:

Dick Hutchinson advised that he heard that the State is trying to take money away from transportation and he is concerned that could delay the permanent restoration.

Supervisor Bibby asked that CalTrans be invited to provide a status report to the Board in August or September. (M)Fritz, (S)Aborn, Res. 08-337 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 (County Administrative Officer)

BOARD ACTION: Rick Benson advised that Jim Wilson, Fire Chief, has received the information needed to submit for reimbursement and a meeting will be held with officials on this; however, until everything is resolved, he recommended that the local emergency be continued. (M)Fritz, (S)Pickard, Res. 08-338 was adopted finding the local emergency due to the recent fires (Oliver Fire) continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Approve the First Amendment to a Professional Services Agreement with Liebert Cassidy Whitmore LLP Amending the Not to Exceed Amount to \$150,000; and Authorize the Chair of the Board to Sign the First Amendment (County Administrative Officer/Personnel/Risk Management)

BOARD ACTION: Following discussion, (M)Fritz, (S)Pickard, Res. 08-339 was adopted approving the agreement/Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

11:40 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)Aborn, (S)Fritz, the closed session was held/Ayes: Unanimous.

12:45 p.m. Chair Turpin advised that information was received as a result of the closed session.

Ruth Catalan questioned how the Chair could come back and make an announcement from the closed session without having a quorum of the Board present.

12:46 p.m. Lunch

2:00 p.m. Richard J. Benson, County Administrative Officer;
PUBLIC HEARING Regarding the Formation of County Service Area No. 3 and Adopt a Resolution Confirming the County Administrative Officer’s Report; Waive the First Reading and Introduce an Ordinance Enacting Assessments for the Area within County Service Area No. 3

NOTE: Deliberation Phase of the Hearing will be Continued to Friday, July 25th at 9:00 a.m. to Allow for the Tabulation of the Ballots

BOARD ACTION: Rick Benson presented the staff report and reviewed the history and process for forming CSA No. 3. He responded to questions from the Board relative to the status of the CEQA exemption; relative to handling future changes in the value of improvements and the assessments; how mobile homes are handled in the assessments; and clarification that the Engineer’s Report is Exhibit “B” to the resolution.

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

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Persons speaking in support of the formation of CSA No. 3:

Thor Matteson, structural engineer, provided input on his previous review of the fire stations and an independent review he obtained and the findings – he feels that four of the stations are structural deficient. He feels the issues with the fire stations need to be addressed as soon as possible whether or not the assessment passes.

Persons speaking in opposition to the formation of CSA No. 3:

Paul Chapman stated he feels that the process is flawed, and he referred to the Proposition 218 rules and issues relative to signing the ballots and special and proportional benefits. He stated he feels that the Engineer's Report is lacking.

Ken Melton stated he feels that if there was a volcanic eruption on Signal Peak that the fire stations would not survive. He referred to the Proposition 218 ballot process and stated he feels that there is deceit and errors in this process, and he does not feel that they were told that they could vote while they were here for the hearing. He feels everyone violated their oath of office as he does not feel that public health and safety is being addressed; and he is concerned with funding the arts and advertising promotional programs, and he feels that this is morally wrong. He does not feel that the citizens should have to pay for these services.

Rick Pemberton stated he feels that members of the Local Agency Formation Commission (LAFCo) should be separate from the members of the Board of Supervisors; and he questioned how an unbiased opinion could be made when it is the same members involved in both agencies. Rick Benson responded relative to the provisions of the code for LAFCo and the purpose of LAFCo. Mr. Pemberton questioned the process for the idea of forming an assessment district; and he asked that the County Administrative Officer pursue the idea that members of LAFCo should be separate from the Board of Supervisors.

David Norman stated he agrees that we need fire equipment; but he disagrees with how the County is planning to do this. He questioned why existing funds could not be used, including the funds that the County has invested. Rick Benson responded relative to the County's investment funds; he advised of the twelve million dollar unfunded pension liability and advised that funds were set aside; he advised that there is another unfunded liability for POST employment benefits; and there is a need to keep funds in reserves for "rainy" days.

Ruth Catalan stated she has serious reservations about this, but she is in support of the fire equipment; and she referred to discussions that were held during the process and the consideration of a fee for the unimproved parcels. She does not feel that the engines will be able to respond to the unimproved parcels if they are not included in the assessment. She referred to other issues and the Engineer's Report and questioned the process. She advised that she does not have a structure with an assessed value over \$10,000 and questioned why she received a ballot. She questioned the ballot tabulation schedule in relation to the hearing and the process.

Ken Melton asked whether they will have an opportunity to speak again at the continued portion of the public hearing; and he stated he feels there are a lot of problems with this.

Paul Chapman referred to Proposition 218 and the public hearing and ballot tabulation process.

Persons providing general comments relative to the formation of CSA No. 3:

Ron Setterberg stated he feels the comments in opposition have been related to procedural matters; and he responded to the input that was provided. He stated he feels that those with complaints with the Board should work on those issues separate from this. He feels that the issue today is about safety.

Tom Hull, Station Captain 29/Lushmeadows, stated he feels that the recent fires, including the structure fire at the Parrish's and engines breaking down and blocking the access road, make the need for the equipment obvious. He referred to a mechanical problem he had with the brakes on his engine during the Oliver Fire and the potential for disaster. He feels that these incidents point out the extreme need for new equipment. If the Proposition 218 ballot tabulation passes, he urged the Board to support it.

Jane Jones, Ponderosa Basin, advised that after watching the Oliver Fire, they are very grateful for all of the support. She is a member of the Chowchilla Mountain Women's Club; however,

DRAFT – PENDING BOARD APPROVAL

she is speaking as an individual. She noted that the \$80 assessment equals 22 cents a day. She wants the firefighters to be safe in their trucks; and she hopes that if this passes, that the Board will pass it.

Bob Bartholomew stated he was one of the residents in the pre-evacuation area in Ponderosa Basin; and he commented on all of the new equipment that came in from other areas for the Oliver Fire. He stated that he is hearing more argument over the process versus the need. He feels it is up to the Board to see that the people are safe whether or not the vote passes.

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Chair Turpin made one last call for additional public input and none was received. The public portion of the hearing was closed. Rick Benson advised that the ballots were picked up at the Post Office and that this is the last opportunity for ballots to be turned in. Three ballots were turned in. Rick Benson advised that this is the last opportunity for people to change their vote – there were no requests. Rick Benson advised of the Proposition 218 process and he advised that the ballot tabulation process will begin on Wednesday, July 23, 2008, at 9:00 a.m. in the Board Chambers. The process is open to the public; however, the results will not be announced until Friday, July 25th at the continued public hearing at 9:00 a.m. He advised that 7,107 regular ballots were mailed and thirteen special ballots were sent to public entities because they are not exempt from the assessment. He received word that 8 ballots were sent to properties that should not have received them. He advised of requests for replacement ballots and changed vote ballots. He responded to questions from the Board relative to staff checking at the Post Office for the ballots that came in today's mail; and relative to voting for the County's properties.

(M)Aborn, (S)Bibby, the public hearing (deliberation phase) was continued to Friday, July 25, 2008, at 9:00 a.m.; and direction was given to the Clerk of the Board to tabulate the ballots/Ayes: Unanimous.

3:12 p.m. Further discussion was held with Chris Ebie relative to the MCRCD negative cash flow matter. It was noted that there is not a negative cash flow problem at this time. The matter was continued for an official request to be received from MCRCD; and for the County Administrative Officer and the Auditor to review and to bring back a recommendation to the Board.

CONSENT AGENDA

- CA-1 Adopt a Resolution in Support of the Safe Neighborhoods Act Initiative on the November 2008 General Election Ballot (Sheriff); Res. 08-330
- CA-2 Approval of Summary of Proceedings of July 15, 2008, Regular Meeting (Clerk of the Board)
- CA-3 Approve a Memorandum of Understanding (MOU) with the California Department of Social Services to Provide Agency Adoption Services and Authorize the Board of Supervisors Chair and the Human Services Director to Sign the MOU (Human Services Director); Res. 08-331
- CA-4 Authorize an Overfill of the Office Technician Position in the Planning Department at an Office Technician I Level for the Month of August, 2008 (Planning Director); Res. 08-332
- CA-5 Authorize the Planning Department to Hire Emily Meriam as Extra-help, Planning Technician, Grade 169/Step 2, to Work on GIS Mapping Assignments, for a Total of 860 Hours Commencing July 1, 2008 (Planning Director); Res. 08-333

DRAFT – PENDING BOARD APPROVAL

- CA-6 Approve an Agreement with Trilogy Integrated Resources LLC for the Development and Maintenance of Network of Care Internet Channels for Mariposa County and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-334
- CA-7 Approve an Agreement (Memorandum of Understanding) with Superior Court and the Sheriff's Office for Court Security Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 08-336
- CA-8 Approve an Agreement with Merced Mobile Communication for Radio Equipment Maintenance and Repair Services and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 08-335

(M)Fritz, (S)Aborn, the Board recess at 3:28 p.m. in memory of Lucille Rose Frick, Diana Lynn Fee, and Wayne Evans and continued the meeting to Friday, July 25, 2008, at 9:00 a.m. for the continued Public Hearing (deliberation phase) regarding the formation of County Service Area No. 3 and adopt a resolution confirming the County Administrative Officer's report; waive the first reading and introduce an Ordinance enacting assessments for the area within County Service Area No. 3/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

July 22, 2008



Time Description

9:02 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: Supervisor Bibby pulled item 7. (M)Bibby, (S)Fritz, the balance of the items was approved/Ayes: Unanimous.

Item 7 – Following discussion with Doug Binnewies, Undersheriff, (M)Bibby, (S)Aborn, item 7 was approved with the understanding that any changes in costs will be brought back to the Board/Ayes: Unanimous.

Chair Turpin;

A) Proclaim the Week of July 21-27, 2008 as “California Invasive Weed Awareness Week” (Agricultural Commissioner)

BOARD ACTION: (M)Pickard, (S)Fritz, the Proclamation was approved and presented to Cathi Boze, Agricultural Commissioner/Ayes: Unanimous.

B) Resolution Recognizing Emergency Medical Service Personnel for Outstanding Professional Performance During the Previous Year (Health Officer)

BOARD ACTION: (M)Fritz, (S)Bibby, Res. 08-329 was adopted and presented to Dr. Mosher/Ayes: Unanimous. Dr. Mosher introduced Pat Murphy, EMS Coordinator. Dr. Mosher and Chair Turpin presented plaques to the following recognizing them as outstanding emergency medical service personnel for FY 2007-08: Dolores Leard/John C. Fremont Hospital emergency room nurse; Brian Shoor/Yosemite Medical Clinic emergency medical technician; Harve and Tina Dearing/first responders; and Linda Lee/Yosemite Medical Clinic Nurse Practitioner. Jim Wilson, Fire Chief, commended the Dearings for their service, including being County firefighters. The following recipients were unable to be present: Dr. Merges, emergency physician of John C. Fremont Hospital; Jonathan Knopf/Mercy Ambulance emergency medical technician/paramedic; and Eric Heim/Mercy Ambulance emergency medical technician.

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

Kris Casto commended Karen Robb for her service as Farm Advisor and for her work on the Ag/Nature Trail event and for being supportive of the Mariposa Wine Grape Association.

Paul Chapman questioned who cut down the shade tree by the Government Center parking lot and asked who authorized it.

MaryAnn Huff, President of the Chamber of Commerce, invited everyone to the mixer at the John C. Fremont Hospital this evening. She advised of public service announcements and update to the web to get out information on access on Highway 140 with the new temporary bridges. She also advised that they have added information to their greeting when answering the phone at the Visitors' Center.

Dick Hutchinson commended the emergency medical services personnel for their awards; and he stated he feels that a recognition program needs to be done for the departments in the County.

Eleanor Keuning stated she feels the striping for the downtown parking spaces needs to be maintained; and she commented on merchants using the parking spaces in front of their businesses and she feels they should be left open for the visitors. She commented on skating problems in town.

Ruth Catalan asked why the Resource Conservation District is no longer handling the grading permits, and she asked for information on why and when this happened.

Karen Robb, Farm Advisor, showed a draft of the brochure for the Mariposa Ag/Nature Trail event – weekend in the country, scheduled for this fall. She advised that the ag/tourism workshop is being planned for August 26th at 2:00 p.m.

Frank Shannon, Coulterville, advised of problems with rate increases being imposed by the solid waste franchise hauling company for the North County that were not approved by the Board and with the lack of trash pick-up by the company if the increased rates are not paid by the customers. He asked for the Board's assistance with this matter. He presented a letter from Teresa Kelley who worked with Fiske Sanitary Disposal Service for 19 years advising of the agreement that was reached for service. Chair Turpin asked for any other information that Mr. Shannon has; and he advised that this matter would be referred to Public Works for review.

MaryAnn Huff, speaking as a citizen, commented on the trash collection problems she has observed in Coulterville.

Board Information

Supervisor Bibby advised that she plans to attend a MID (Merced Irrigation District) meeting on Wednesday. She attended the Mother Lode Job Training meeting on Wednesday. She attended the Mariposa Creek Parkway scoping meeting. She advised that the Mt. Bullion citizens group is monitoring the General Plan for any growth impacts, some are participating in the master planning for the Airport, some have questioned the process for the Catheys Valley Community Plan, and they want a plan for the Mt. Bullion area. She extended a special thanks to the Sheriff and to the SCOPE volunteers and everyone involved in an incident with a foreign visiting family.

Supervisor Aborn advised of his discussion with a supervisor at Pioneer Market and the increase in business with the new temporary bridges. He went to Sacramento on Monday with a group relative to high speed rail issues and he advised of attendance at the Valley Rail Committee meeting. He noted that the 4th of July fireworks display will be held on July 26th.

Supervisor Pickard advised of his attendance at the Keep California Beautiful Committee meeting and the issues discussed; and he commented on the stencil program being implemented here to remind shoppers to use their reusable shopping bags. He plans to attend the CMSP (County Medical Services Program) Governing Board meeting on Thursday.

Supervisor Fritz advised that the Republican Central Committee's annual BBQ was successful. She reminded everyone of the Chamber's mixer scheduled for this evening at the John C. Fremont Hospital. She attended the Rail meeting on Thursday and advised of concerns with the route issues. She advised of the fireworks and events scheduled for July 26th.

Supervisor Turpin advised that he attended the Friends of the Red Cloud Library meeting on Wednesday. He toured the power house and dam at Exchequer with the County Administrative Officer and he is working to arrange a tour for the Board and staff. On Monday, he met with Maggie Dowle, Ranger for the Groveland Ranger District, and they discussed off-highway vehicle route issues. He plans to attend the Merced Irrigation District (MID) meeting on Wednesday relative to the FERC relicensing; and he announced that MID is scheduled to give a presentation to the Board on August 12th on the relicensing.

Cathi Boze, Agricultural Commissioner;

Presentation of the 2007 Mariposa Agricultural Crop & Livestock Report by the Mariposa County Agricultural Commissioner/Sealer

BOARD ACTION: Cathi presented the report and advised that the Farm Bureau dinner is scheduled for October 11th. She expressed concern with the proposal in the Governor's budget to reduce the Williamson Act subvention funding.

Input from the public was provided by the following:

Paul Chapman commented on the value he feels that agriculture is to the County versus tourism.

Dick Hutchinson commented on the flood irrigating of orchards in Merced and he feels they should be required to drip irrigate.

Further discussion was held. No action was necessary.

10:14 a.m. James A. Rydingsword, Human Services Director;

HOUSING AUTHORITY OF THE COUNTY OF MARIPOSA

(Chair – Bibby; Vice-Chair – Turpin)

A) Public Presentation – none

B) 1) Select a Chair and Vice Chair for the Housing Authority Board of Commissioners for FY 2008-2009

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

2) PUBLIC HEARING on the 2008 Annual Plan Update; Approve the 2008 Annual Plan Update and the and Authorize the Board of Supervisors Chair Sign the Certification of Compliance; and Authorize the Signature of the Executive Director on all Required Program and Financial Forms

COMMISSION ACTION: Jim Rydingsword presented the staff report and he advised that there have been no significant changes to the Annual Plan and they continue to work with people on the waiting list for rental assistance and to work with people to transition to home ownership. Janet Gass/HSD-Contract Administrator, responded to questions from the Commissioners relative to the status of the wait list in comparison to the number of vouchers in the program; relative to monitoring eligibility and inspecting the rentals; and relative to the program for the first time home buyers. The public portion of the hearing was opened and there was no input. The public portion was closed and the Commission commenced with deliberations. (M)Bibby, (S)Aborn, Hous. Auth. Res. 08-1 was adopted approving the Annual Plan and related actions as recommended/Ayes: Unanimous. The hearing was closed.

10:23 a.m. Recess

10:36 a.m. Chris Ebie, Auditor;

Adopt a Resolution Authorizing the Auditor to Allow Funds Under the Control of Mariposa County Resource Conservation District (MCRCD) to be in a Negative Cash Position

BOARD ACTION: Discussion was held with Chris Ebie relative to the request, and he suggested that a limit of something around \$50,000 be established if this is allowed. Supervisor Bibby asked that other counties be contacted to see how they handle this type of situation. Rick Benson, County Administrative Officer, suggested that the Resource Conservation District submit a formal request and that there be an agreement, essentially this would be a revolving line of credit with a fixed limit.

Input from the public was provided by the following:

Glenn Franklin, Vice-President of the MCRCD, commented on the provisions in Title 9/California Special Districts for their use of the County's services; and he advised of their efforts to move from quarterly to monthly invoicing of the grants.

Len McKenzie, President of the MCRCD, provided input on the status of their grants; and he advised that they appreciate the services they receive from the County and the Auditor's Office.

Dawn Afman, Natural Resource Conservation District, spoke in support of the MCRCD and the Watershed Council and the work that they do. She provided input on the services they provide.

Jeanne Darcy, MCRCD Office Manager, provided input on the status of meeting payroll costs. Chris Ebie advised that he will review the status of payroll.

Len McKenzie provided additional input on their grants.

Thomas P. Guarino, County Counsel, advised that the Auditor will not be able to operate in a deficit for the MCRCD without authorization by the Board. Following further discussion, this matter was continued to later this afternoon for additional information to be obtained.

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

BOARD ACTION: Rick Benson advised of information he received from Leroy Radanovich, Yosemite/Mariposa Tourism Bureau Director, concerning publicity for the improved access with the new temporary bridges and advising that the bus companies have returned and are using the Highway 140 route.

Input from the public was provided by the following:

Dick Hutchinson advised that he heard that the State is trying to take money away from transportation and he is concerned that could delay the permanent restoration.

Supervisor Bibby asked that CalTrans be invited to provide a status report to the Board in August or September. (M)Fritz, (S)Aborn, Res. 08-337 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 (County Administrative Officer)

BOARD ACTION: Rick Benson advised that Jim Wilson, Fire Chief, has received the information needed to submit for reimbursement and a meeting will be held with officials on this; however, until everything is resolved, he recommended that the local emergency be continued. (M)Fritz, (S)Pickard, Res. 08-338 was adopted finding the local emergency due to the recent fires (Oliver Fire) continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Approve the First Amendment to a Professional Services Agreement with Liebert Cassidy Whitmore LLP Amending the Not to Exceed Amount to \$150,000; and Authorize the Chair of the Board to Sign the First Amendment (County Administrative Officer/Personnel/Risk Management)

BOARD ACTION: Following discussion, (M)Fritz, (S)Pickard, Res. 08-339 was adopted approving the agreement/Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

11:40 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)Aborn, (S)Fritz, the closed session was held/Ayes: Unanimous.

12:45 p.m. Chair Turpin advised that information was received as a result of the closed session.

Ruth Catalan questioned how the Chair could come back and make an announcement from the closed session without having a quorum of the Board present.

12:46 p.m. Lunch

2:00 p.m. Richard J. Benson, County Administrative Officer;
PUBLIC HEARING Regarding the Formation of County Service Area No. 3 and Adopt a Resolution Confirming the County Administrative Officer's Report; Waive the First Reading and Introduce an Ordinance Enacting Assessments for the Area within County Service Area No. 3

NOTE: Deliberation Phase of the Hearing will be Continued to Friday, July 25th at 9:00 a.m. to Allow for the Tabulation of the Ballots

BOARD ACTION: Rick Benson presented the staff report and reviewed the history and process for forming CSA No. 3. He responded to questions from the Board relative to the status of the CEQA exemption; relative to handling future changes in the value of improvements and the assessments; how mobile homes are handled in the assessments; and clarification that the Engineer's Report is Exhibit "B" to the resolution.

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

Persons speaking in support of the formation of CSA No. 3:

Thor Matteson, structural engineer, provided input on his previous review of the fire stations and an independent review he obtained and the findings – he feels that four of the stations are structural deficient. He feels the issues with the fire stations need to be addressed as soon as possible whether or not the assessment passes.

Persons speaking in opposition to the formation of CSA No. 3:

Paul Chapman stated he feels that the process is flawed, and he referred to the Proposition 218 rules and issues relative to signing the ballots and special and proportional benefits. He stated he feels that the Engineer's Report is lacking.

Ken Melton stated he feels that if there was a volcanic eruption on Signal Peak that the fire stations would not survive. He referred to the Proposition 218 ballot process and stated he feels that there is deceit and errors in this process, and he does not feel that they were told that they could vote while they were here for the hearing. He feels everyone violated their oath of office as he does not feel that public health and safety is being addressed; and he is concerned with funding the arts and advertising promotional programs, and he feels that this is morally wrong. He does not feel that the citizens should have to pay for these services.

Rick Pemberton stated he feels that members of the Local Agency Formation Commission (LAFCo) should be separate from the members of the Board of Supervisors; and he questioned how an unbiased opinion could be made when it is the same members involved in both agencies. Rick Benson responded relative to the provisions of the code for LAFCo and the purpose of LAFCo. Mr. Pemberton questioned the process for the idea of forming an assessment district; and he asked that the County Administrative Officer pursue the idea that members of LAFCo should be separate from the Board of Supervisors.

David Norman stated he agrees that we need fire equipment; but he disagrees with how the County is planning to do this. He questioned why existing funds could not be used, including the funds that the County has invested. Rick Benson responded relative to the County's investment funds; he advised of the twelve million dollar unfunded pension liability and advised that funds were set aside; he advised that there is another unfunded liability for POST employment benefits; and there is a need to keep funds in reserves for "rainy" days.

Ruth Catalan stated she has serious reservations about this, but she is in support of the fire equipment; and she referred to discussions that were held during the process and the consideration of a fee for the unimproved parcels. She does not feel that the engines will be able to respond to the unimproved parcels if they are not included in the assessment. She referred to other issues and the Engineer's Report and questioned the process. She advised that she does not have a structure with an assessed value over \$10,000 and questioned why she received a ballot. She questioned the ballot tabulation schedule in relation to the hearing and the process.

Ken Melton asked whether they will have an opportunity to speak again at the continued portion of the public hearing; and he stated he feels there are a lot of problems with this.

Paul Chapman referred to Proposition 218 and the public hearing and ballot tabulation process.

Persons providing general comments relative to the formation of CSA No. 3:

Ron Setterberg stated he feels the comments in opposition have been related to procedural matters; and he responded to the input that was provided. He stated he feels that those with complaints with the Board should work on those issues separate from this. He feels that the issue today is about safety.

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(M)Aborn, (S)Bibby, the public hearing (deliberation phase) was continued to Friday, July 25, 2008, at 9:00 a.m.; and direction was given to the Clerk of the Board to tabulate the ballots/Ayes: Unanimous.

3:12 p.m. Further discussion was held with Chris Ebie relative to the MCRCD negative cash flow matter. It was noted that there is not a negative cash flow problem at this time. The matter was continued for an official request to be received from MCRCD; and for the County Administrative Officer and the Auditor to review and to bring back a recommendation to the Board.

CONSENT AGENDA

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- CA-3 Approve a Memorandum of Understanding (MOU) with the California Department of Social Services to Provide Agency Adoption Services and Authorize the Board of Supervisors Chair and the Human Services Director to Sign the MOU (Human Services Director); Res. 08-331

- CA-4 Authorize an Overfill of the Office Technician Position in the Planning Department at an Office Technician I Level for the Month of August, 2008 (Planning Director); Res. 08-332

- CA-5 Authorize the Planning Department to Hire Emily Meriam as Extra-help, Planning Technician, Grade 169/Step 2, to Work on GIS Mapping Assignments, for a Total of 860 Hours Commencing July 1, 2008 (Planning Director); Res. 08-333

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(M)Fritz, (S)Aborn, the Board recess at 3:28 p.m. in memory of Lucille Rose Frick, Diana Lynn Fee, and Wayne Evans and continued the meeting to Friday, July 25, 2008, at 9:00 a.m. for the continued Public Hearing (deliberation phase) regarding the formation of County Service Area No. 3 and adopt a resolution confirming the County Administrative Officer's report; waive the first reading and introduce an Ordinance enacting assessments for the area within County Service Area No. 3/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

July 25, 2008

(Meeting Continued from July 22, 2008)

Time Description

9:07 a.m. The continued meeting, from July 22, 2008, was called to order at the Mariposa County Government Center.

Pledge of Allegiance

Richard J. Benson, County Administrative Officer; Continued PUBLIC HEARING (Deliberation Phase) Regarding the Formation of County Service Area No. 3 and Adopt a Resolution Confirming the County Administrative Officer's Report; Waive the First Reading and Introduce an Ordinance Enacting Assessments for the Area within County Service Area No. 3

BOARD ACTION: Rick Benson thanked staff, including the Clerk of the Board and staff and the Elections Department staff for their assistance with this process and with the ballot tabulations. He also thanked the staff members that cover the front desk; and the Assessor and Public Works for their involvement in the process. He reported on the results of the ballot tabulation:

- Total number of ballots issued: 7112
Total number of ballots received: 3190
Total "No" votes: 1144
Total "Yes" votes: 1939
Total invalid/not voted ballots: 107.

He advised that the percentage of votes in favor of the proposed assessment is 62.9 percent.

(M)Aborn, (S)Pickard, Res. 08-340 was adopted confirming the County Administrative Officer's Report. Board members thanked Rick Benson and staff and the Fire Department and the groups that have been supportive of this measure. Ayes: Unanimous.

(M)Fritz, (S)Bibby, the first reading was waived and an Ordinance introduced enacting assessments for the area within County Service Area No. 3. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous. The hearing was closed.

Discussion was held relative to the next steps in the process and reviewing issues that arise with the assessment values. Rick Benson advised that he could report back to the Board on issues that arise.

(M)Bibby, (S)Aborn, the Board adjourned at 9:26 a.m./Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

Friday, August 1, 2008

Special Meeting

Time Description

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

Pledge of Allegiance

Chair Turpin advised that the Special Meeting was called for the Board to ratify the local emergency due to the Telegraph Fire declared by the Chair of the Board/Emergency Services Director on July 26, 2007 as the ratification is required to be done within seven days.

Public Presentation: The Public May Only Address the Board on Items Listed on the Special Meeting Agenda

Dick Hutchinson advised that he stopped at the Evacuation Center at the Mariposa Elementary School on Sunday evening and the Red Cross volunteers from other areas commented on the tremendous support from the community. Chair Turpin noted that they are receiving the same feedback in the North County.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
The Following Actions are Recommended as a Result of the Telegraph Fire in the County:

A) Resolution Proclaiming the Existence of a Local Emergency and Requesting Declaration Proclaiming Existence of a Local Emergency and Requesting: 1) The Governor to Proclaim a State of Emergency; and 2) Requesting a Presidential Declaration of a State of Emergency; and

B) Approval of Designation of Applicant's Agent Resolution Appointing Individuals to Act on behalf of Mariposa County

BOARD ACTION: Rick Benson advised of the requested actions; and he advised of confirmation received from the Governor's Office that this emergency will be included with the June 20 and 21st fire emergency/Oliver Fire. Jim Wilson, Fire Chief, gave a brief overview on the Telegraph Fire and he advised that a full report will given to the Board on Tuesday, August 5th.

(M)Fritz, (S)Aborn, Res. 08-341 was adopted proclaiming the existence of a local emergency and requesting the Governor to proclaim a State of Emergency and requesting a Presidential Declaration as recommended/Ayes: Unanimous.

Following discussion, (M)Bibby, (S)Fritz, Res. 08-342 was adopted approving the Designation of Applicant's Agent, with the addition of the Sheriff/Ayes: Unanimous.

(M)Aborn, (S)Bibby, the Board adjourned at 9:20 a.m./Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

August 5, 2008



Time Description

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

Pledge of Allegiance

Introductions

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Telegraph Fire and Receive Updates and Reports from the Following: County Fire, CALFIRE, Sheriff; Building Department; Human Services; County Administrative Officer

BOARD ACTION: Rick Benson advised that the following reports are being given to provide updates on what departments are doing and what has been done in response to the Telegraph Fire, and what they plan to do to help those that were affected.

Jim Wilson, Fire Chief, provided a brief report.

Battalion Chiefs Bill Hodson and Kevin Smith, CAL FIRE, provided a report on the fire and its behavior and their fire fighting efforts and commended the Sheriff's Department for their assistance and County Fire for their cooperation in this incident.

Paul Heffner, County Fire and Emergency Operation Center (EOC) Incident Commander, provided input on their work for the re-entry for those who were evacuated and he advised of the recovery plan that is being implemented.

Jim Wilson advised that the damage assessment teams are represented by the incident and the County Building and Health Departments. He advised that the current number of residences lost is 28 and 90 out buildings; however, the final report is not in.

Lane Pucket, Account Manager, and Bradford Applin, Construction Supervisor, with PG&E, gave an overview of their work to restore power to the area and to El Portal and Yosemite.

Brian Muller, Sheriff, provided input on the law enforcement aspect of the emergency and he commended CAL FIRE for their work and for keeping them posted of necessary evacuations. He clarified that the investigation on the cause of the fire is being conducted by CAL FIRE. He recognized the following Sheriff's Departments for their assistance: Fresno, Madera, Merced, and Tuolumne; Yosemite Law Enforcement, CHP, Public Works, and the American Red Cross, and all of the others involved. He commended the communities that were involved for their support and cooperation.

Jim Rydingsword, Human Services, Director, advised of his department's involvement and he commended the Red Cross, Manna House, the LDS and the Chamber of Commerce for their work.

Julie Pardini, Red Cross, provided input on the services they provided and advised that the phone number to their call center is (559) 445-1000.

Paul Chalkins, Governor's Office of Emergency Services, thanked everyone and the agencies that were involved in this incident.

Kevin Nagata, Emergency Services Coordinator/Recovery Specialist with the Governor's Office of Emergency Services, advised of the Governor's Proclamation and of the emergency Presidential Declaration number 3287 for the counties involved in the June lightning fires.

This matter was continued for the following hearings to be opened.

Chair Turpin opened the public hearing regarding the report of delinquent fees for unpaid water, sewer, road and standby fees charged to property owners in special districts and the public hearing

concerning the adoption of a resolution reaffirming the current fee structure for County Service Area No. 1, Road Maintenance Zones of Benefit and County Service Area 1-M Lake Don Pedro assessment for structural fire protection service and continued the hearings until after the following items.

Reports on the Telegraph Fire continued:

John Davis, Building Director, gave an overview of their action plan for helping people with re-building.

Sarah Williams, Deputy Planning Director, advised of their efforts to streamline the re-building process and advised that an item for fee waivers will be coming to the Board.

Dr. Mosher, Health Officer, advised of their efforts in this matter; they have a request to modify the landfill permit to accept waste from the fire; and they have updated the County's home page on the web to reflect the services that are available to the fire victims.

Rick Benson noted that the Assessor's Office has been working on this matter. He advised, on behalf of Public Works, that there will be waste issues coming to the Board and that dumpsters were placed in the fire area for the removal of spoiled food. They are working with the USDA Natural Resources Conservation Service for erosion control and watershed protection.

Supervisor Fritz expressed heartfelt thanks to all of the fire agencies, including those that came from Australia and Greece and CAL FIRE, and to the Sheriff's Department and Public Works and all of the other departments that were involved in this incident. She referred to the community meeting held on Monday; and she advised that Assemblyman Berryhill and his wife visited the County, including the evacuation center and the SPCA. She thanked Total Waste Systems for their help with placing the dumpsters. She commended the County's volunteer firefighters and CAL FIRE; and she noted the need to be prepared for disasters. She thanked www.goldrushcam.com for providing current information and photos of the fire; and she thanked the Red Cross for their services.

Supervisor Pickard commented on the need to be prepared for disasters; and he thanked all of the departments, CAL FIRE and all of the fire agencies that were involved in this incident. He commended PG&E and staff for their work.

Supervisor Bibby noted that the Arebalo's lost their home; and an angel that was in their front yard and survived the fire is now missing and she asked for the community's support for its return. She expressed special thanks to the Governor's Office for keeping CAL FIRE, CHP and OES funded. She noted that the Board has three local emergencies appearing on the agenda now. She commended CAL FIRE for their work.

Supervisor Aborn expressed appreciation to all who were involved in this incident. He commented on the positive response from Red Cross on how this community pulls together. He noted that page 72 of the local telephone book has instructions on what to do in emergencies. He feels that there is a need to pursue all grants that are available for fire fighting equipment. He provided input on his personal experience of his family being evacuated and he thanked everyone that assisted – Sheriff's Department, Animal Control, SCOPE and the local volunteer fire fighters; and he thanked the Miner's Inn for working with the evacuees. He advised that he has comments on the high speed rail route issues; and Chair Turpin advised that input would be provided under Board Information. Supervisor Aborn commented on all of the inmates that helping with the fire fighting effort.

Chair Turpin commented on the work done by the SWIFT program and the Fire Safe Council for fire breaks. He commended the communities for their support with the evacuation centers. He noted that he attended meetings each morning to get updates on the fire.

Rick Benson referred to the County's website and information that is posted; and he noted that there is a "thank you" email address that people can use and staff will forward the emails that are received to the appropriate person. He noted that Red Cross, Salvation Army and Manna House are accepting contributions.

Ken Gosting presented the Board with a map of Highway 140 in the Briceburg area and stated he feels the area at the turn-off to the Bug Hostel would have been a better turnaround when Highway 140 was closed for the fire fighting activities. He commended the Tourism Bureau for their work in promoting the County and commented on the potential for increased visitation by the fire fighters and their families.

Ruth Catalan stated she is one of the lucky ones in that her house was saved – all of her property was blackened; and she thanked CAL FIRE and all of the agencies, including MPUD. She praised Dr. Mosher for assistance with a problem she had. She stated she hopes that CAL FIRE and the County will enforce the 100-foot clearance requirements.

Dawn Afman, District Conservationist with the USDA Natural Resources Conservation Service, reminded everyone of the emergency watershed protection services they offer and she asked that information on their services be included on the County's website. Chair Turpin asked that she provide information to the County Administrative Officer for the website. She noted that an item will be submitted for the August 12th agenda to request emergency watershed protection assistance.

Ken Wagner advised that they had a place in the fire area that they lost to the fire and he referred to rumors that there was a late response to fight the fire. He advised that he was surprised by the quick response by CAL FIRE and County Fire and the amount of resources that they requested to fight the fire.

Dick Hutchinson, on behalf of Manna House, advised of the clothing distribution at Pioneer Village for the fire victims and of the food items that Manna House gives to their clients and the fire victims.

MaryAnn Huff, Chamber of Commerce, commented on the number of calls the Visitors' Center received during the fire of people looking for maps and information and showing concern for the victims and relative to access to the Park. She advised that the Chamber, in partnership with the Mariposa Community Foundation, established a Telegraph Fire victim relief fund at Yosemite Bank. She expressed appreciation from both sides of the County and advised of the Chamber's willingness to help. Supervisor Pickard commended the Chamber for their assistance.

(M)Fritz, (S)Aborn, Res. 08-343 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.

Chair Turpin advised that due to the Telegraph Fire, consideration is being given to postponing the workshop on the Draft Yosemite West Special Plan. Thomas P. Guarino, County Counsel, provided input on the findings for waiving the rules to consider this matter as it is a matter of urgency to get notice of the postponement out to the public. (M)Aborn, (S)Pickard, the Board waived the rules requiring 72 hours agenda noticing to consider this matter, finding that due to the impacts of the Telegraph Fire and that information was received too late to schedule this matter on the agenda, and finding that it is a matter of urgency to get notice of the postponement out to the public/Ayes: Unanimous. Discussion was held relative to the request. (M)Aborn, (S)Pickard, action was taken to cancel the workshop on the Draft Yosemite West Special Plan scheduled for August 16, 2008; and direction was given to Planning to provide notice of the cancellation and to bring back an item to reschedule the workshop/Ayes: Unanimous.

Approval of Consent Agenda (See End of the 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 of a corrected page 2 for the draft minutes for July 22nd that was distributed.

Input from the public was provided by the following:

Ruth Sellers referred to item 9 and questioned why funds are being spent on the sports complex and she asked about the status of this project.

Supervisor Bibby pulled items 9, 10, and 18. (M)Bibby, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Item 9 – Discussion was held with Dana Hertfelder, Public Works Director, relative to the term of the original contract and the requested action. County Counsel provided input and advised that

approval of the amendment will allow the invoice to be paid. Supervisor Aborn expressed concern with the separation between the State and the church. Supervisor Bibby commented on the need for an evacuation site, and suggested that perhaps consideration could be given to combining it with the recreational facilities. (M)Bibby, (S)Pickard, item 9 was approved/Ayes: Turpin, Bibby, Fritz, Pickard; Noes: Aborn.

Item 10 – Following discussion with Dana Hertfelder, (M)Bibby, (S)Fritz, item 10 was approved, with a request that there be active negotiations for an extension of the lease agreement as we near 2011, the expiration of the current lease/Ayes: Unanimous.

Item 18 was continued to later in the meeting.

Leroy Radanovich, Yosemite/Mariposa Tourism Bureau Director;
Introduction of the New Executive Director, Jeffrey Hentz

BOARD ACTION: Leroy Radanovich introduced Jeffrey “Jeff” Hentz and he advised that he is happy to be in Mariposa. Supervisor Bibby suggested that a press release be submitted to the newspaper so the community is aware the Mr. Hentz is the new Executive Director.

11:40 a.m. Recess

11:55 a.m. Chair Turpin noted that there was an addendum to the agenda to add a closed session relative to Hazel Green.

Supervisor Turpin;

Adopt a Resolution Supporting a Proposal from Ken Pulvino to Name Highway 132 and J-132 as John Muir Highway

BOARD ACTION: Chair Turpin advised that this matter has been continued to August 12th.

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

Ken Gosting, TIE (Transportation Involves Everyone), presented the Board with a book entitled “State of Emergency” a novel by Steve Pieczenik. He provided input on the high speed rail issues, legislation, the upcoming bond measure and potential litigation; and he presented the Board with a copy of the *California Rail News* which contains a collection of editorials from around the State.

Scott Oneto, Farm Advisor and County Director for Tuolumne County, introduced himself and advised that he will be filling in for the Mariposa Farm Advisor until there is a replacement.

MaryAnn Huff invited everyone to attend the after hours mixer at Grace Note Chimes this evening.

Board Information

Supervisor Fritz advised that she attended the YARTS meeting on Monday via telephone conference, along with Supervisor Aborn and Ken Gosting. She thanked YARTS and VIA for responding to Dr. Mosher’s call for buses to be available in case they were necessary to evacuate the Hospital or the Senior Activity Center. She advised that there is a Juvenile Justice Committee meeting on Wednesday.

Supervisor Aborn reported on the high speed rail issues, including the November ballot measure. He asked Ken Gosting if he had any additional input on this matter. Ken Gosting commented on legislation and efforts by Ruth Sellers and on their meeting with Senator Cogdill.

Supervisor Bibby advised that she planned to attend the Mental Health Board meeting today; but will miss it due to the length of this Board meeting. On Sunday, she presented Manuela Ortiz with the Certificate of Congratulations for 60-years in Operation of the Plaza Bar in Hornitos; and she advised that Manuela thanked the Board and the County. She complimented the County for the strength and support and kindness shown to emergency personnel throughout the Telegraph Fire; and she provided input on the evacuation process. She advised that she has been receiving questions relative to the CSA No. 3 assessment and the ballot process and relative to verifying the signatures. Rick Benson responded to the questions and provided input on the process.

Supervisor Turpin advised that he met the County Administrative Officer and the Clerk of the Board on Saturday, July 26th at the Government Center to make the emergency declaration for the Telegraph Fire; and he has been attending briefings here and in the North County; and he has been attending meetings with the agencies and County departments and with the communities that have been involved. On Wednesday, he plans to attend the Local Task Force meeting at the Landfill.

Supervisor Pickard recognized Chair Turpin for his efforts with the Telegraph Fire and the Oliver Fire.

Chair Turpin opened the public hearing regarding the report of delinquent fees for unpaid water, sewer, road and standby fees charged to property owners in special districts and the public hearing concerning the adoption of a resolution reaffirming the current fee structure for County Service Area No. 1, Road Maintenance Zones of Benefit and County Service Area 1-M Lake Don Pedro assessment for structural fire protection service and asked if there was anyone from the public present to provide input. There was no response. The hearings were continued to 2:00 p.m.

Jim Wilson, Fire Chief;

Discussion and Possible Direction to Staff Regarding Mr. and Mrs. Smallcombe's Donation of Land for the Mariposa Pines Fire Station Site

BOARD ACTION: Discussion was held with Jim Wilson relative to the request. Dana Hertfelder responded to questions and provided input relative to conducting a preliminary review of the proposed site to determine if there are any biological concerns. Supervisor Bibby asked that a map of the parcel be provided.

Input from the public was provided by the following:

Andrew Derrick advised that he is a resident of the area and retired from Merced City Fire and he is interested in having a fire station in their area. He provided input on the location of the proposed site in relation to power and water sources.

Bob Miller, pharmacist and retired engineer, stated he is a resident and he provided input on the Committee's accomplishments with the temporary building at the Jerseydale Fire Station and with the fundraising efforts for the Mariposa Pines Fire Station.

Dennis Lagutaris, Chair of the Mariposa Pines Fire Station Committee, provided input on the formation of the committee and on their efforts.

Ron Setterberg provided input on the choice of the proposed site and on the need for a fire station in the Mariposa Pines area.

Steve Smallcombe stated he and his wife purchased property and they are willing to donate land for the fire station; and he advised that they are present to answer questions.

Further discussion was held with Dana Hertfelder relative to the zoning for the property and the status of the access road. Board members expressed appreciation to the Smallcombe's for their offer of the donation of land. (M)Pickard, (S)Fritz, direction was given to staff to give a preliminary review of the proposed site and to bring the results back to the Board with more detailed information/Ayes: Unanimous.

12:48 p.m. Lunch

2:10 p.m. Dana Hertfelder, Public Works Director;

A) PUBLIC HEARING Regarding the Report of Delinquent Fees, and Board Approval to Add the Delinquent Fees to the Appropriate Property Tax Roll for Collection. The Delinquent Fees are Unpaid Water, Sewer, Road and Standby Fees Charged to Property Owners in Several Special Districts

BOARD ACTION: Dana Hertfelder presented the staff report. Carl Casey, Public Works Administrator, responded to questions from the Board relative to the penalties and interest that are added to the delinquent fees. The public portion of the hearing was opened and there was no public input. The public portion of the hearing was closed. (M)Bibby, (S)Aborn, Res. 08-363 was adopted approving adding the delinquent fees to the appropriate property tax roll for collection as recommended/Ayes: Unanimous. The hearing was closed.

B) PUBLIC HEARING Concerning the Adoption of a Resolution Reaffirming the Current Fee Structure for County Service Area No. 1 Road Maintenance Zones of Benefit and County Service Area 1-M Lake Don Pedro Assessment for Structural Fire Protection Service and Authorizing those Fees to be Placed on the Property Tax Roll for Fiscal Year 2008-2009

BOARD ACTION: Dana Hertfelder presented the staff report; and he responded to questions from the Board relative to the different fee amounts and being able to reduce the fees; and relative to the Lake Don Pedro structural fire protection fee. 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)Bibby, (S)Aborn, Res. 08-364 was adopted reaffirming the current fee structure as recommended. Dana Hertfelder and Rick Benson responded to additional questions from the Board relative the timeframes and process for changing the fees for the Lake Don Pedro structural fire protection if it is determined that should be done in the future in light of the passage of CSA No. 3. Ayes: Unanimous. The hearing was closed.

Keith Williams, Treasurer/Tax Collector;
Update the Board of Supervisors on the Current Market Conditions and the County's Investment Portfolio

BOARD ACTION: Keith Williams provided an update and discussion was held. No action was necessary.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
Reject the Proposed Decision of the Administrative Law judge in Setting Aside the Disability Retirement of Mr. Bryce Johnson and Return the Case Back to the Administrative Law Judge, if Reasonably Available, otherwise to Another Administrative Law Judge to Take Additional Medical Evidence Regarding Mr. Johnson's Physical Fitness for Duty as it Pertains to Eligibility for Disability Retirement

BOARD ACTION: Rick Benson reviewed the recommended action.

Input from the public was provided by the following:

Paul Chapman stated he is tired of all of the money being spent on this matter and he feels that Mr. Johnson should be given his job back.

Discussion was held relative to the process for referring the matter back to the Administrative Law Judge. County Counsel provided input on the process and the timeframes. Rick Benson clarified that the Administrative Law Judge did not conduct a fitness for duty examination.

The public input portion was reopened at the request of Chris Johnson; and input was provided by the following:

Chris Johnson stated she was the previously elected District Attorney for the County and is the spouse to Bryce Johnson. She provided input on the Administrative Law Judge's decision and the medical examinations, and she questioned what the new medical evidence is that the County has – if it is from an examination done in 2005 for a Workers' Compensation case, then she feels it is far removed and she referred to that doctor's recent deposition. She noted that Bryce is present today and has no disability and she requested that he be returned to work and that the payment of the taxpayer's dollars for this matter be stopped as well as what she feels is a misuse of the PERS system. She feels that the rejection of the Administrative Law Judge's decision is the wrong thing and is hurting a family.

Rick Benson advised that he would recommend a fitness for duty examination for any safety employee that has been away from work for the amount of time that Bryce Johnson has been away.

Bryce Johnson stated he had a fitness for duty examination and questioned why he should be asked to repeat it. He stated he has been cleared by five different doctors, and he asked what information the Board has that he is unfit.

Rick Benson advised that the medical information is confidential.

Bryce Johnson stated he is waiving the confidentiality for this matter to be discussed; and he stated he feels that the 2005 information is too remote to be admissible.

Chris Johnson asked if anyone else in the County has had to pass a physical in this situation.

Chair Turpin advised that medical information is confidential and can not be discussed in open session. Rick Benson advised that the most recent signed medical report signed by a doctor said that Mr. Johnson may have a medical condition that keeps him from returning to his position and he can not recommend that he be returned to his position while there is that cloud hanging over this case.

Bryce Johnson asked when the referenced report was done and when it was made available to the County.

Chris Johnson advised of discussions with their attorney relative to the fitness for duty condition; and she does not feel a rehearing will happen as she does not feel that the County has any evidence.

Further discussion was held. Motion by Bibby to return Bryce Johnson back to work died for lack of a second. Further discussion was held. (M)Pickard, (S)Aborn, Res. 08-365 was adopted rejecting the proposed decision of the Administrative Law Judge in setting aside the disability retirement of Bryce Johnson and returning the case back to the Administrative Law Judge, if reasonably available, otherwise to another Administrative Law Judge to take additional medical evidence regarding Mr. Johnson's physical fitness for duty as it pertains to eligibility for disability retirement/Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

Consider Items Removed from the Consent Agenda

Item 18 – Supervisor Bibby asked about the juvenile supervisor position and the minimum qualifications and peace officer status. Rick Benson noted that the requested action is just to change the job title, but he will look into the questions that were raised. (M)Bibby, (S)Fritz, item 18 was approved, with direction for the juvenile supervisor position and issues raised relative to minimum qualifications and peace officer status/PC 832 requirements to be reviewed/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 the bridges were not affected by the Telegraph Fire Supervisor Bibby noted the need to have two lanes available for traffic during the fire. (M)Fritz, (S)Pickard, Res. 08-367 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 the claims for reimbursement have been submitted. (M)Pickard, (S)Fritz, Res. 08-368 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.

Waive the Second Reading and Adopt an Ordinance Amending Zoning Ordinance Text. The Project Proposes to Amend Section 17.44.010.A.1.a of Title 17, Mariposa County Zoning Code to Allow Fire Stations as Permitted Uses in the Timber Exclusive Zone Provided they are Located on Timberland Converted to Non-Timber Use in Accordance with Section 1104.1 of Title 14, California Code of Regulations. Mariposa County, Project Proponent (Planning Director)

BOARD ACTION: Following discussion, (M)Pickard, (S)Aborn, the second reading was waived and Ordinance No. 1045 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

3:15 p.m. Recess

3:26 p.m. Adopt a Resolution Amending Resolution No. 93-143 Regarding the Payment of Sick Leave Accrual in the Future for Regular Employees Appointed to Department Head Status (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Supervisor Bibby excused herself from the meeting for this matter due to a potential conflict of interest as she was a member of SEIU and MCMCO as an employee in the County

prior to being elected to the Board. Discussion was held relative to the request; and it was clarified that this is only for future employees that are elected or appointed to department head status and that it can not be retroactive for the existing department heads.

Input was provided by the following:

Jim Allen provided input on the Board's action in 1993 and he stated he feels that the people who retired before him received this benefit because the Board's policy was not known. He advised that he did not receive the benefit and he filed a claim to get this fixed for the rest of the department heads/elected officials. He asked that if there is anything that can be done for the existing department heads in this situation, that it be pursued.

Becky Crafts, Assessor/Recorder, referred to her correspondence that she previously provided to the Board members relative to the action taken in 1993; and she advised that she does not feel that the "promotion" referred to in the action applies to her as she was elected to the position. She noted that 25-years ago elected officials were dealt with separately from appointed department heads. She stated they are asking for service credit for the sick leave time they accrued and not payment. She noted that a subsequent County employee policy does not mention this sick leave policy.

Keith Williams, Treasurer/Tax Collector/County Clerk, noted that he accepted the Board's appointment to the position for a few days so that there wouldn't be a void in the office when the former Treasurer/Tax Collector/County Clerk retired. He had always planned to use the sick leave he accrued as an employee to purchase service credits; and he hopes that something can be done.

Further discussion was held. Supervisor Pickard stated he hopes that this matter can be reviewed in 2009 when department head and elected officials salaries are reviewed. (M)Pickard, (S)Aborn, Res. 08-369 was adopted amending Resolution No. 93-143 regarding the payment of sick leave accrual in the future for regular employees appointed to department head status as recommended; and direction was given to staff to review whether anything can be done for the existing department heads, such as service credits, to support the department heads and to come back to the Board with information/Ayes: Aborn, Turpin, Fritz, Pickard; Excused: Bibby.

Approve Agreement Between Mariposa County and University of California Regents to Support the Master Gardener Program (Farm Advisor)

BOARD ACTION: Discussion was held with Scott Oneto, Tuolumne County Farm Advisor and County Director, relative to the request. Scott Oneto provided input on the process to fill the Farm Advisor position for Mariposa County, and advised that he will assist in the interim. Discussion was held relative to the costs for the Master Gardener coordinator and how those costs are covered.

Input from the public was provided by the following:

Paul Chapman stated he feels the University of California should pay for this program.

Further discussion was held. Supervisor Bibby suggested that this should be considered with the final budget hearing process. Rick Benson advised that the requested amount for the agreement is requested in the FY 2008-09 budget. (M)Pickard, (S)Aborn, Res. 08-370 was adopted approving the agreement/Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

Waive Second Reading and Adopt an Ordinance Enacting Assessments for the Area within County Service Area No. 3 for Fire Equipment and Improvements to Existing County Fire Stations (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson. Supervisor Bibby asked that there be sample review of the ballots to check for the signatures; and she asked for clarification of the definition of a "developed" parcel. County Counsel stated that if someone were to challenge the definition of "developed" parcel, the legislative history of this matter would be reviewed and the record is clear.

Input from the public was provided by the following:

Ruth Catalan stated it is her understanding that parcels with structures assessed at \$10,000 or more would be included in the assessment. She noted that the assessed value of her place is about \$11,000 and \$5,000 of that is for the septic system. She stated that if the Ordinance does not specify structures with a value of \$10,000 or more, she does not feel it will be legal and that it could be challenged. She asked if the signatures on the ballots were verified against the tax rolls. She stated

she does not feel that there is any immediate benefit and she feels the Ordinance is unlawful. She asked that her previous questions be answered.

Rick Benson referred to Ruth Catalan's specific parcel and pursuant to his understanding of the facts, he advised that she will not be assessed. Chair Turpin clarified that mobile homes that are registered with DMV do not count toward the assessed value of \$10,000 or more for improved parcels with a structure.

Ruth Catalan asked why she was given a ballot and asked how many others received ballots that shouldn't have.

Paul Chapman commented on the process and read a letter from his mother into the record challenging the assessment on her property.

Rick Benson provided input on the hearing process and the ballot tabulation process. Discussion was held. (M)Pickard, (S)Fritz, the second reading was waived and Ordinance No. 1046 was adopted enacting assessments for the area within County Service Area No. 3 for fire equipment and improvements to existing County fire stations. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

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 September 2007, February, April, May, June and July 2008 (County Administrative Officer/Personnel/Risk Manager)

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: This closed session was not held.

4:45 p.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9; Name of Case to be Discussed: 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)Fritz, (S)Aborn, the closed session was held/Ayes: Unanimous.

5:14 p.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 July 22, 2008, Regular Meeting and Approval of Summary of Proceedings of July 25, 2008, Continued Meeting (Clerk of the Board); Approved with correction to Board Information section.
- CA-2 Adopt a Resolution Recognizing Shari Allen upon her Retirement from the Planning Department as Office Technician (Chair Turpin); Res. 08-344
- CA-3 Approve the Plans and Specifications for Bidding Purposes on E. Whitlock Road, Project #07-05, and Authorize the Public Works Director to Award to the Lowest Responsible Bidder (Public Works Director); Res. 08-345
- CA-4 Authorize the Fire Chief to Sign the 2008 FEMA Assistance to Firefighters Grant (AFG) Award for Personal Protection Equipment, Pagers, and Laundry Equipment in the Amount of \$350,000. The Grant will Require a 5% Cost Share of \$17,504 and

Expenditures Proposed in the Fiscal Year 2008-2009 Budget Would Meet the Cost Share Requirements (Fire Chief); Res. 08-346

- CA-5 Authorize the Fire Chief to Accept the 2008 Department of Interior Rural Fire Assistance Award for Portable Water Tank, Pumps, and Accessories to Establish a Rural Water Supply System in the Amount of \$18,300. The Grant will require a 10% cost Share of \$1,830 and Expenditures Proposed in the Fiscal Year 2008-2009 Budget Would Meet the Cost Share Requirement (Fire Chief); Res. 08-347
- CA-6 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Sheriff's Department to Cover Increase in Fuel Costs (\$23,000) (Sheriff); Res. 08-348
- CA-7 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Sheriff's Department to Cover County Vehicle Expenses (\$21,000) (Sheriff); Res. 08-349
- CA-8 Approve an Agreement for the Sheriff's Community Organized Policing Effort (SCOPE) to Participate in and Provide Services at the 2008 Annual Mariposa County Fair and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 08-350
- CA-9 Approve Amendment Three to the Contract with Roger Stephens Engineering for the Sports Complex Waterline Extending the Term to December 31, 2007 and Authorize the Board of Supervisors Chair to Sign the Amendment; Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Sports Complex Fund to Cover Agreement Cost and Authorize Payment of \$2,352 to Roger Stephens Engineering for Invoice #2855 Dated October 19, 2007 (Public Works Director); Res. 08-361
- CA-10 Approve the Plans and Specifications for the Human Services Remodel Project #09-01 and Authorize the Public Works Director to Award a Contract to the Lowest Responsible Bidder (Public Works Director); Res. 08-362, with direction that an extension to the lease agreement be actively negotiated when 2011 nears.
- CA-11 Waive the Bid Process and Approve the Purchase of a Sensus HHD 5002 Electronic Meter Reader for \$6,919 for Yosemite West Prior to the Adoption of the Final Budget for Fiscal Year 2008-2009 (Public Works Director); Res. 08-351
- CA-12 Approval of Granite Springs Estates Subdivision Map, Application Number 2005-198; as per Mariposa County Code, Title 16.20.232 (Public Works Director); Res. 08-352
- CA-13 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Road Fund to Cover Utility Expenses through June 30, 2008 (\$2,500) (Public Works Director); Res. 08-353
- CA-14 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Road Fund to Cover Fuel Expense Costs through June 30, 2008 (\$2,200) (Public Works Director); Res. 08-354
- CA-15 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Library Budget to Cover Utility Costs (\$1,500) (Interim Librarian); Res. 08-355
- CA-16 Review and Approve the Substance Abuse and Crime Prevention Act (SACPA Proposition 36) Program Plan and Offender Treatment Program (OTP) Application for the 2008-2009 Fiscal Year (Human Services Director); Res. 08-356

- CA-17 Adopt a Resolution in Support of First 5, Opposing any Efforts to Reprogram the Funds Allocated by the Voters for First 5 to Resolve the Budget Crisis of the State of California (Human Services Director); Res. 08-357
- CA-18 Approve Amendments to the Job Descriptions for the Administrative Technician, Executive Assistant/County Counsel, Junior Engineer, and Juvenile Supervisor; and Approve the Job Descriptions for Child Support Accounting Specialist and Child Support Specialist III (County Administrative Officer/Personnel/Risk Manager); Res. 08-366, with direction for the juvenile supervisor position and issues raised relative to minimum qualifications and peace officer status/PC 832 requirements to be reviewed
- CA-19 Approve a Liability Claims Administration Agreement with Freese & Gianelli Claim Service Effective July 1, 2008 and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 08-358
- CA-20 Approve a Letter of Appreciation to Charlotte Wilson for her Service on the Mariposa County Commission on Aging and the Area Agency on Aging Advisory Council Representing Mariposa County (Community Services Director)
- CA-21 Approve a Certificate of Recognition for Ellen Fiske on Celebrating her 91st Birthday on August 13, 2008 (Chair Turpin)
- CA-22 Adopt a Resolution Ratifying the United States Department of Agriculture (USDA) Primary Disaster Declaration Request by the Agricultural Commissioner for Mariposa County Agricultural Operations Due to Fires (Agricultural Commissioner); Res. 08-359
- CA-23 Approve the Pesticide Application Reporting Agreement No. 08-C0020 for Fiscal Year 2008-2009 with California Department of Pesticide Regulation (CDPR) and Authorize the Board of Supervisors Chair to Sign the Agreement (Agricultural Commissioner); Res. 08-360

5:15 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

August 12, 2008



DRAFT – PENDING BOARD’S APPROVAL

Time Description

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

Pledge of Allegiance
Introductions

Chair Turpin;

Proclaim the Month of August as “Child Support Awareness Month” (Debbie Walton, Child Support Services Director)

BOARD ACTION: (M)Bibby, (S)Aborn, the Proclamation was approved and presented to Debbie Walton; and she provided information on the status of their program/Ayes: Unanimous.

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

Ruth Catalan expressed concern with the lack of brush clearing along the County roads; and she made other suggestions for future emergencies and asked that all allegations of mis-conduct be investigated.

Linda Gast presented two photographs from the Sherlock Road area showing the problems with overgrown brush into the roadway; and she asked the Board to allocate more funding to the Road Department and to make clearing the brush from the roadways a priority. Chair Turpin noted the difficulty and expense of brush clearing with not being able to spray and kill the brush.

Jeanne Darcy invited the Board members to the Habitat for Humanity Art Auction.

Paul Chapman referred to the brushing issue and questioned why the tree was cut down by the Government Center. He also noted that he has not seen a response to the letter he submitted from his mother on August 5th challenging the Proposition 218 process.

Bob Brown, District Attorney, referred to the recent newspaper stories concerning the status of prosecution for the person(s) that started the Telegraph Fire and he advised that a decision has not been made on whether to file charges – the Sheriff’s Department is still working on a report from their portion of the investigation.

Kenneth Gosting, TIE (Transportation Involves Everyone), presented a copy of a stamp that will be issued this week depicting Yosemite National Park. He presented a copy of a letter that TIE sent to CalTrans concerning safety issues with the bus stops in downtown Mariposa. Chair Turpin advised that the letter would be copied to Public Works. He noted that Marin County is using alternatives to harsh chemicals in their brushing program.

Eleanor Keuning commended the Red Cross and Salvation Army for their assistance during the Telegraph Fire. She noted that there are hanging tree branches over Usona and Leonard Roads and Triangle Road. She stated she feels the parking spaces need to be repainted in the downtown area.

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 emergency be continued.

Input from the public was provided by the following:

Ken Gosting presented a copy of a letter that TIE sent to Sheriff Muller relative to securing evacuated areas and re-entry permit options. He commented on the need to review the location for turning traffic around when the canyon is closed on Highway 140. He suggested that a community

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critique session be held for the Telegraph Fire. Chair Turpin noted that a meeting is scheduled in the North County on Monday.

Ruth Sellers reminded the Board that through the Proposition 218 process and at other times, she has emphasized the need to clear brush (per CAL FIRE standards) and she feels that this needs to be enforced. Chair Turpin advised that he will be in contact with CAL FIRE and noted that it is their responsibility for enforcement.

Supervisor Aborn advised that he plans to work with SierraTel to update the emergency preparedness information (page 72) in the telephone book, and will include the information hotline that the County approved. Supervisor Bibby noted the need to support CAL FIRE on enforcement of the fire clearances and Public Works with brushing; and she commented on the evacuation and critique process. (M)Bibby, (S)Pickard, Res. 08-371 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings. Supervisor Pickard asked that Sheriff Muller respond to the input relative to the evacuations and closure of the area during the fire emergency. Sheriff Muller provided input relative to the evacuations and road closures; and he advised that the number one priority during this emergency was the safety and preservation of lives and the second priority was for the property. He advised that the only report of any damage or loss of property that they received was the missing angel from the Arebalo property. He further advised that he was only aware of two people that expressed displeasure with the way they were treated out of the 2500 residents that were evacuated or under pre-evacuation notice that were affected by the fire; and he advised that he is pleased with the performance of his department and all of the agencies that assisted them. Supervisor Turpin commended CAL FIRE for their support of law enforcement. Supervisor Fritz suggested that if the message on the information line doesn't change, that the time be updated so that people know they are receiving current information, and she commended Marie Jacobsen/Administration Office, for her work with the information line. Supervisor Pickard amended the motion, agreeable with the maker, to include direction for the Sheriff to work with the County Administrative Officer to schedule a community meeting/critiquing session on the agenda, and to include information on how an evacuation would be addressed when the threat of live is not so eminent/Ayes: Unanimous.

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 8 and stated he does not feel that this assistance is needed, that the Director should be able to write the articles.

Supervisor Bibby pulled item 8 for discussion relative to the mileage reimbursement rate. (M)Fritz, (S)Bibby, the balance of items was approved/Ayes: Unanimous.

Board Information

Supervisor Fritz advised that she did “back to school” shopping with her grandchildren.

Supervisor Aborn stated he feels that now is the time for the Board and those involved to look for grants to address fire equipment needs; and he advised of his contact with Senator Boxer's Office for emergency response equipment.

Supervisor Bibby noted that the minutes for the August 5th meeting show that she was not going to be able to attend the Mental Health Board meeting; however, she was able to attend the meeting late. She attended the FERC relicensing scoping meeting. She advised that the tree was removed by the District Attorney's Office (near the Government Center) because it had a split in the middle and was deemed to be a hazard. She attended the First 5 meeting on Monday. She received a letter from TDS

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and they are addressing the outages that have been occurring in their system; however, the outages continue to be documented.

Supervisor Turpin advised that he attended the Solid Waste Task Force meeting on Wednesday; and on Thursday he met with County Fire and OES concerning claims from the Telegraph Fire. He advised of the Don Pedro Equestrian/Pedestrian Trails meeting in Don Pedro on Thursday, and will present Ellen Fiske with the 91st birthday certificate in the evening. He advised that a community meeting is scheduled with CAL FIRE in the North County to critique the Telegraph Fire.

10:14 a.m. Recess

10:22 a.m. Rick Peresan, Technical Services Director;
Presentation on the New Mariposa County Web Site and Approve Publishing the New Site on the Internet

BOARD ACTION: Rick Peresan gave the presentation on the new web site; commended Community Services/Senior Services for all the services that they provide; thanked Mrs. Benson for her work on the Board’s logo; thanked the departments for their assistance; and he advised that the plan is to have the new site go live on August 25th. Board members commended Rick Peresan for his work on the new site and thanked the departments for their work. Supervisor Pickard asked that the County’s email address be added to the home page.

Input from the public was provided by the following:

Ken Pulvino, Co-Chair of Central Sierra Connect, provided input and advised that they worked to bring broadband to the County.

Cody Hart advised that he had a part in writing for the Sheriff’s Office website and he thanked Rick Peresan.

(M)Fritz, (S)Pickard, Res. 08-384 was adopted approving publishing the new site on the internet/Ayes: Unanimous.

John E. Davis, Building Director;
Direction to Staff to Review Waiver of Owner Paid Fees for Electrical Power Permits (Blue Tags) for Property Owners Impacted by the Telegraph Fire of 2008, and Reimburse the Building Department with General Funds Money for the Electrical Power Permit Fees

BOARD ACTION: Discussion was held with John Davis and he advised that even though their offices are generally closed to the public on Mondays, that they posted a note on their door that they would be available to assist the fire victims Monday through Friday. He advised that information is posted on the websites for Planning, Building and Environmental Health and they have put together packages to start the application process. He advised that the final estimates have been obtained on the number of power poles that burned and they are increasing their request to \$12,700 for the electrical power permit fees. Rick Benson noted that once the final cost of the fees is known, a budget request will be brought back to the Board to reimburse the Building Department. (M)Aborn, (M)Fritz, Res. 08-385 was adopted approving the waiver of electrical power permit fees as requested with the total amount not to exceed \$12,700; and with changes in the resolution to include out buildings and power poles/Ayes: Unanimous. Supervisor Turpin asked whether geological reports would be required to rebuild. John Davis advised that they would provide a case-by-case review.

Dana Hertfelder, Public Works Director;
Discussion and Possible Direction Regarding Debris Disposal from the Structures Damaged or Destroyed by the Telegraph Fire

BOARD ACTION: Discussion was held with Dana Hertfelder relative to disposal of the debris. Rick Benson advised of the suggestion that an account be established for each property owner affected by the fire. Supervisor Bibby clarified that this only applies to the debris resulting from the fire, and not from things such as new construction, to eliminate health and safety issues. (M)Pickard, Res. 08-386 was adopted authorizing Public Works/Solid Waste to provide a letter similar to the form used for the Stumpfield Fire to each of the property owners that were affected by the fire, and to include information that those who do not have insurance coverage or any way to cover the disposal cost could bring a fee

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waiver request to the Board for consideration; direction was given to staff to seek reimbursement of the costs through OES. The motion was amended to give a timeframe of fourteen days for individuals to respond to the letter and for a space to be included on the form for the property owners to provide insurance information. The motion was seconded by Supervisor Fritz. Ayes: Unanimous.

11:40 a.m. Chair Turpin advised that the Merced Irrigation District’s presentation on Federal Energy Regulatory Commission (FERC) re-licensing of the Hydroelectric Project item is continued to 1:30 p.m.

Consider Items Removed from the Consent Agenda

Item 8 – Supervisor Bibby initiated discussion with Dana Hertfelder and he advised that this is recommended by the Grand Jury and there is strong support by the Local Task Force for this service to be provided; and that it was intended that reimbursement of mileage would be at the current IRS rate. (M)Pickard, (S)Aborn, item 8 was approved with the change in the mileage rate to reflect reimbursement at the current IRS rate/Ayes: Unanimous.

11:45 a.m. Recess

11:54 a.m. Authorize the County Administrative Officer to Request Emergency Watershed Protection Assistance from the State Conservationist (County Administrative Officer/Personnel/Risk Manager)
BOARD ACTION: Rick Benson provided input on the request. Dawn Afman, District Conservationist – USDA Natural Resources Conservation Service, provided input on the assistance program and advised of the work they have done with the landowners. She advised that the Resource Conservation District Office has wildflower seeds available at a discount for those that were affected by the fire. (M)Pickard, (S)Aborn, Res. 08-388 was adopted approving the request for Emergency Watershed Protection Assistance, with direction given for a summary of the Telegraph Fire to be included in the request, with further direction for the request to be copied to Senators Boxer and Feinstein and to Congressman Radanovich and that assistance be sought to make these funds available as soon as possible due to the potential impact on the Merced River and downstream to the Exchequer and McSwain Dams/Ayes: Unanimous.

Kris Schenk, Planning Director;

Reschedule a Public Workshop to Complete the Board’s Consideration of the Draft Yosemite West Special Plan

BOARD ACTION: Following discussion with Kris Schenk, (M)Fritz, (S)Aborn, the public workshop was rescheduled for Saturday, October 18, 2008, at 10:00 a.m./Ayes: Unanimous.

Supervisor Turpin;

Adopt a Resolution Supporting a Proposal from Ken Pulvino to Name Highway 132 and J-132 as John Muir Highway (Continued from August 5, 2008)

BOARD ACTION: Ken Pulvino gave a presentation on his proposal and discussion was held as to whether this change would affect the street addresses and relative to the process for a name change. Supervisor Pickard suggested that Chair Turpin contact CalTrans and the Park Service to help to determine what this process would be and what is entailed.

Input from the public was provided by the following:

Kenneth Gosting, TIE, stated they find this intriguing and he provided input on CalTrans’ policy on these matters and he asked if contact has been made with John Muir’s family as they have certain rights on the naming. Ken Pulvino responded and advised that preliminary contact has been made with the family and he commented on the need to amend the Streets and Highway Code for the naming.

Paul Chapman stated he feels that there is still two years worth of work to do with the State and he feels that the local tribal council should be consulted.

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MaryAnn Huff, President of the Mariposa County Chamber of Commerce, clarified that the request is for a letter of support and she urged the Board to approve a letter. She commented on the need for the Highway 132 corridor to become a destination.

Following further discussion, (M)Pickard, (S)Fritz, direction was given to the Chair to move forward with the concept of renaming Highway 132; and to bring back further information as to the process and the State’s requirements for the renaming and what the County’s involvement would be/Ayes: Unanimous.

12:56 p.m. Chair Turpin announced that the MID item is continued until 2:00 p.m. versus 1:30 p.m. and the Board recessed for lunch.

2:17 p.m. Chair Turpin;

Merced Irrigation District’s (MID) Presentation on Federal Energy Regulatory Commission (FERC) Re-licensing of the Hydroelectric Project

BOARD ACTION: Ted Selb, Deputy General Manager for MID; Dan Pope, General Manager for MID; and Jim Lynch, Vice President of Devine Tarbell and Associates, Inc. - relicensing consultant and project manager, were present. Dan Pope reviewed the re-licensing process. Jim Lynch gave a presentation on the process. Discussion was held; including responding to the PAD questionnaire that was sent out, a future visit to the site and relative to potential impacts from the Telegraph Fire.

Input from the public was provided by the following:

Ken Gosting asked for information that MID has on potential silting as a result of the Telegraph Fire.

Supervisor Bibby noted that there is information on MID’s website relative to the FERC re-licensing process.

Ted Selb provided input on the watershed and the Telegraph Fire and he advised that they will be taking part in the erosion control effort that BLM is working on. He advised their website is: www.merced-relicensing.com for the FERC re-licensing project.

2:58 p.m. MARIPOSA COUNTY WATER AGENCY

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

A. Public Presentation – none.

B. Discussion, Direction and Action Regarding Amending the Water Agency Advisory Board’s Duties and Powers to Include Advising the Board of Supervisors with Respect to the Merced Irrigation District’s FERC Relicensing Process and Surface and Groundwater Issues (County Counsel)

AGENCY ACTION: Thomas P. Guarino reviewed the request and discussion was held. Director Bibby asked that an update be requested from Attorney Tiedemann on this matter. Director Pickard initiated discussion relative to having a consultant for the County to work with MID to keep the County apprised of the status of the project, etc; and discussion was held. Director Turpin asked that a Water Agency Advisory Board meeting be scheduled within the next couple of weeks to discuss the response for the PAD to MID for the Water Agency to review in drafting a response for the County. Director Bibby asked that staff be sure that all members of the Water Agency Advisory Board receive the agendas and packages for the meetings.

Input from the public was provided by the following:

Mark Rowney, MPUD advised of his Board’s discussion and authorization for him to work with whatever entities are necessary on MID’s FERC re-licensing project and he advised that they have been involved with the Water Agency Advisory Board. He provided input on the use of the Saxon Creek water system for the Telegraph Fire.

(M)Pickard, (S)Turpin, Water Agency Res. 08-3 was adopted expanding the duties and powers of the Water Agency Advisory Board to include advising the Board of Supervisors with respect to MID’s FERC re-licensing process and surface and groundwater issues; and direction was given to staff to bring back an item in two weeks to add MPUD as an ex-officio representative to the Advisory Board/Ayes: Unanimous. Chair Aborn gave direction to staff to explore contracting with Mark Rowney or MPUD

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as a consultant to assist the Water Agency and the Board of Supervisors in the FERC re-licensing process.

3:38 p.m. Thomas P. Guarino, County Counsel;

Report by Staff on the Hazel Green Ranch, LLC v. United States Department of the Interior, et al Matter and Possible Discussion and Direction to Staff

BOARD ACTION: Thomas P. Guarino gave a report and clarified that currently the County is not a party to this litigation.

Input from the public was provided by the following:

Pete Padilla, President of the Foresta Preservation Association, presented a statement on behalf of the Association asking that the County disjoin itself from any legal actions regarding Hazel Green and expressing concern that this matter is impacting the bridge replacement project. He noted that Tuolumne County has stated that they do not want to be involved and he would like to see Mariposa County take the same action.

Discussion was held. County Counsel advised that bridge replacement is separate from the other issues.

Supervisor Pickard asked Kevin Cann, Deputy Superintendent for Yosemite National Park, to provide input on the status of replacing the Foresta bridge.

Pete Padilla provided further input relative to County’s position on the lawsuit and concerning the Old Coulterville Road and he stated he feels the County has failed to maintain it.

Kevin Cann stated he is on personal leave to attend this meeting; and he addressed the issue of why the replacement of the bridge was placed on hold, and he advised that it will remain on hold until the County is not a part of the Indemnity Agreement with Hazel Green. He further advised that they just core-sampled a 40-year old tree that is in the middle of the Old Coulterville Road and they do not believe that litigation will change the status quo of these roads. His fear with any litigation is that it damages a relationship that has grown over the last thirty years between the Park and the County.

County Counsel advised that the Indemnity Agreement does not do anything but protect the County from the cost of a lawsuit. It is not an assertion of the ownership of the road. He recommended that an item be scheduled with Public Works concerning the road ways. Chair Turpin requested that the County Administrative Officer work with Public Works to come back to clarify the road system in Foresta.

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: Following discussion, (M)Bibby, (S)Aborn, Res. 08-389 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 reimbursement is received. Supervisor Pickard advised that he is planning to schedule a certificate of recognition to the Chowchilla Mountain Women’s Club and approval of letters of appreciation to the agencies that responded to the Oliver Fire on August 26th; and he offered to include those that assisted with the Telegraph Fire if the Board members involved in that incident want him to. Supervisor Bibby commented on the impact the dust and dirt from the fire had on the equipment and asked if that is included in the reimbursement request. (M)Pickard, (S)Aborn, Res. 08-390 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.

Chair Turpin advised that the workshop scheduled for August 16, 2008 to consider the draft Yosemite West Special Plan has been rescheduled for Saturday, October 18th.

DRAFT – PENDING BOARD’S APPROVAL

4:10 p.m. 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: Merced Irrigation District’s Merced River Hydroelectric Project; Project No. 2179 (County Counsel)

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

4:42 p.m. Chair Turpin announced that direction was given to staff as a result of the closed session.

CONSENT AGENDA

- CA-1 Approve Summary of Proceedings of August 1, 2008, Special Meeting; Approve Summary of Proceedings of August 5, 2008, Regular Meeting (Clerk of the Board)
- CA-2 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Facilities Maintenance Budget of Public Works to Cover Costs for Fuel Expense through June 30, 2008 (\$350) (Public Works Director); Res. 08-372
- CA-3 Approve an Amendment to an Agreement by Extending the Termination Date with Janet Stutzman to Assist the Behavioral Health Deputy Director and Authorize the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 08-373
- CA-4 Approve Agreement with the State Department of Mental Health to Provide Mental Health Services Under the Mental Health Services Act and Authorize the Human Services Director to Sign the Agreement (Human Services Director); Res. 08-374
- CA-5 Approve an Amendment to the Current Behavioral Health Contract with Country Villa Health Services Due to Rate Changes and Authorize the Board of Supervisors Chair to Sign the Amendment (Human Services Director); Res. 08-375
- CA-6 Approve Medical Data Privacy and Security Agreement with the California Department of Health Care Services (DHCS) and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-376
- CA-7 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Social Services Budget to Cover County Vehicle Expenses through June 30, 2008 (\$3,285) (Human Services Director); Res. 08-377
- CA-8 Approve an Agreement with Karen Dusek to Educate and Inform the Public of Recycling and Waste Reduction and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-387 with the change in the mileage rate to reflect reimbursement at the current IRS rate
- CA-9 Approve Plans and Specifications for Hornitos County Park Restroom Proposition 40 Project and Authorize the Director of Public Works to Solicit Bid Proposals and Award the Contract to the Lowest Responsible Bidder Contingent on Funding Approval from the State (Public Works Director); Res. 08-378
- CA-10 Approve Plans and Specifications for Red Cloud Park Volley Ball Court Proposition 40 Project and Authorize the Director of Public Works to Solicit Bid Proposals and Award the Contract to the Lowest Responsible Bidder Contingent on Funding Approval from the State (Public Works Director); Res. 08-379

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- CA-11 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Roads Budget to Cover Unanticipated Expenses through June 30, 2008 (\$20,264) (Public Works Director); Res. 08-380
- CA-12 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Solid Waste Budget to Cover Unanticipated Expenses through June 30, 2008 (\$5,714) (Public Works Director); Res. 08-381
- CA-13 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Sheriff’s Department Budget to Cover County Vehicle Expenses (\$9,000) (Sheriff); Res. 08-382
- CA-14 Approve an Agreement with Tulare County for Region 5 Anti-Gang Intelligence-Led Policing Program and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 08-383
- CA-15 Approve Certificates of Congratulations to the Mariposa Gazette, Dan Tucker, Jill Ballinger and Zach Hosseini for their “National Newspaper Association Awards” (Supervisor Bibby)

4:43 p.m. Adjournment in memory of Shane Crawford, Alice C. Gibbons, Irene Helen Cross, Helen Eloise Hopper, Robert Allen Kelly, Monique D. Cisneroz, Janet Sue Oliver aka Jessika Mounce, and Leroy Reinhardt.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

August 12, 2008



Time Description

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

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Introductions

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

Ruth Catalan expressed concern with the lack of brush clearing along the County roads; and she made other suggestions for future emergencies and asked that all allegations of mis-conduct be investigated.

Linda Gast presented two photographs from the Sherlock Road area showing the problems with overgrown brush into the roadway; and she asked the Board to allocate more funding to the Road Department and to make clearing the brush from the roadways a priority. Chair Turpin noted the difficulty and expense of brush clearing with not being able to spray and kill the brush.

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Ken Gosting presented a copy of a letter that TIE sent to Sheriff Muller relative to securing evacuated areas and re-entry permit options. He commented on the need to review the location for turning traffic around when the canyon is closed on Highway 140. He suggested that a community critique session be held for the Telegraph Fire. Chair Turpin noted that a meeting is scheduled in the North County on Monday.

Ruth Sellers reminded the Board that through the Proposition 218 process and at other times, she has emphasized the need to clear brush (per CAL FIRE standards) and she feels that this needs to be enforced. Chair Turpin advised that he will be in contact with CAL FIRE and noted that it is their responsibility for enforcement.

Supervisor Aborn advised that he plans to work with SierraTel to update the emergency preparedness information (page 72) in the telephone book, and will include the information hotline that the County approved. Supervisor Bibby noted the need to support CAL FIRE on enforcement of the fire clearances and Public Works with brushing; and she commented on the evacuation and critique process. (M)Bibby, (S)Pickard, Res. 08-371 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings. Supervisor Pickard asked that Sheriff Muller respond to the input relative to the evacuations and closure of the area during the fire emergency. Sheriff Muller provided input relative to the evacuations and road closures; and he advised that the number one priority during this emergency was the safety and preservation of lives and the second priority was for the property. He advised that the only report of any damage or loss of property that they received was the missing angel from the Arebalo property. He further advised that he was only aware of two people that expressed displeasure with the way they were treated out of the 2500 residents that were evacuated or under pre-evacuation notice that were affected by the fire; and he advised that he is pleased with the performance of his department and all of the agencies that assisted them. Supervisor Turpin commended CAL FIRE for their support of law enforcement. Supervisor Fritz suggested that if the message on the information line doesn't change, that the time be updated so that people know they are receiving current information, and she commended Marie Jacobsen/Administration Office, for her work with the information line. Supervisor Pickard amended the motion, agreeable with the maker, to include direction for the Sheriff to work with the County Administrative Officer to schedule a community meeting/critiquing session on the agenda, and to include information on how an evacuation would be addressed when the threat of live is not so eminent/Ayes: Unanimous.

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 8 and stated he does not feel that this assistance is needed, that the Director should be able to write the articles.

Supervisor Bibby pulled item 8 for discussion relative to the mileage reimbursement rate. (M)Fritz, (S)Bibby, the balance of items was approved/Ayes: Unanimous.

Board Information

Supervisor Fritz advised that she did "back to school" shopping with her grandchildren.

Supervisor Aborn stated he feels that now is the time for the Board and those involved to look for grants to address fire equipment needs; and he advised of his contact with Senator Boxer's Office for emergency response equipment.

Supervisor Bibby noted that the minutes for the August 5th meeting show that she was not going to be able to attend the Mental Health Board meeting; however, she was able to attend the meeting late. She attended the FERC relicensing scoping meeting. She advised that the tree was removed by the District Attorney's Office (near the Government Center) because it had a split in the middle and was deemed to be a hazard. She attended the First 5 meeting on Monday. She received a letter from TDS and they are addressing the outages that have been occurring in their system; however, the outages continue to be documented.

Supervisor Turpin advised that he attended the Solid Waste Task Force meeting on Wednesday; and on Thursday he met with County Fire and OES concerning claims from the Telegraph Fire. He advised of the Don Pedro Equestrian/Pedestrian Trails meeting in Don Pedro on Thursday, and will present Ellen Fiske with the 91st birthday certificate in the evening. He advised that a community meeting is scheduled with CAL FIRE in the North County to critique the Telegraph Fire.

10:14 a.m. Recess

10:22 a.m. Rick Peresan, Technical Services Director;
Presentation on the New Mariposa County Web Site and Approve Publishing the New Site on the Internet

BOARD ACTION: Rick Peresan gave the presentation on the new web site; commended Community Services/Senior Services for all the services that they provide; thanked Mrs. Benson for her work on the Board's logo; thanked the departments for their assistance; and he advised that the plan is to have the new site go live on August 25th. Board members commended Rick Peresan for his work on the new site and thanked the departments for their work. Supervisor Pickard asked that the County's email address be added to the home page.

Input from the public was provided by the following:

Ken Pulvino, Co-Chair of Central Sierra Connect, provided input and advised that they worked to bring broadband to the County.

Cody Hart advised that he had a part in writing for the Sheriff's Office website and he thanked Rick Peresan.

(M)Fritz, (S)Pickard, Res. 08-384 was adopted approving publishing the new site on the internet/Ayes: Unanimous.

John E. Davis, Building Director;

Direction to Staff to Review Waiver of Owner Paid Fees for Electrical Power Permits (Blue Tags) for Property Owners Impacted by the Telegraph Fire of 2008, and Reimburse the Building Department with General Funds Money for the Electrical Power Permit Fees

BOARD ACTION: Discussion was held with John Davis and he advised that even though their offices are generally closed to the public on Mondays, that they posted a note on their door that they would be available to assist the fire victims Monday through Friday. He advised that information is posted on the websites for Planning, Building and Environmental Health and they have put together packages to start the application process. He advised that the final estimates have been obtained on the number of power poles that burned and they are increasing their request to \$12,700 for the electrical power permit fees. Rick Benson noted that once the final cost of the fees is known, a budget request will be brought back to the Board to reimburse the Building Department. (M)Aborn, (M)Fritz, Res. 08-385 was adopted approving the waiver of electrical power permit fees as requested with the total amount not to exceed \$12,700; and with changes in the resolution to include out buildings and power poles/Ayes: Unanimous. Supervisor Turpin asked whether geological reports would be required to rebuild. John Davis advised that they would provide a case-by-case review.

Dana Hertfelder, Public Works Director;

Discussion and Possible Direction Regarding Debris Disposal from the Structures Damaged or Destroyed by the Telegraph Fire

BOARD ACTION: Discussion was held with Dana Hertfelder relative to disposal of the debris. Rick Benson advised of the suggestion that an account be established for each property owner affected by the fire. Supervisor Bibby clarified that this only applies to the debris resulting from the fire, and not from things such as new construction, to eliminate health and safety issues. (M)Pickard, Res. 08-386 was adopted authorizing Public Works/Solid Waste to provide a letter similar to the form used for the Stumpfield Fire to each of the property owners that were affected by the fire, and to include information that those who do not have insurance coverage or any way to cover the disposal cost could bring a fee waiver request to the Board for consideration; direction was given to staff to seek reimbursement of the costs through OES. The motion was amended to give a timeframe of fourteen days for individuals to

respond to the letter and for a space to be included on the form for the property owners to provide insurance information. The motion was seconded by Supervisor Fritz. Ayes: Unanimous.

11:40 a.m. Chair Turpin advised that the Merced Irrigation District's presentation on Federal Energy Regulatory Commission (FERC) re-licensing of the Hydroelectric Project item is continued to 1:30 p.m.

Consider Items Removed from the Consent Agenda

Item 8 – Supervisor Bibby initiated discussion with Dana Hertfelder and he advised that this is recommended by the Grand Jury and there is strong support by the Local Task Force for this service to be provided; and that it was intended that reimbursement of mileage would be at the current IRS rate. (M)Pickard, (S)Aborn, item 8 was approved with the change in the mileage rate to reflect reimbursement at the current IRS rate/Ayes: Unanimous.

11:45 a.m. Recess

11:54 a.m. Authorize the County Administrative Officer to Request Emergency Watershed Protection Assistance from the State Conservationist (County Administrative Officer/Personnel/Risk Manager)
BOARD ACTION: Rick Benson provided input on the request. Dawn Afman, District Conservationist – USDA Natural Resources Conservation Service, provided input on the assistance program and advised of the work they have done with the landowners. She advised that the Resource Conservation District Office has wildflower seeds available at a discount for those that were affected by the fire. (M)Pickard, (S)Aborn, Res. 08-388 was adopted approving the request for Emergency Watershed Protection Assistance, with direction given for a summary of the Telegraph Fire to be included in the request, with further direction for the request to be copied to Senators Boxer and Feinstein and to Congressman Radanovich and that assistance be sought to make these funds available as soon as possible due to the potential impact on the Merced River and downstream to the Exchequer and McSwain Dams/Ayes: Unanimous.

Kris Schenk, Planning Director;

Reschedule a Public Workshop to Complete the Board's Consideration of the Draft Yosemite West Special Plan

BOARD ACTION: Following discussion with Kris Schenk, (M)Fritz, (S)Aborn, the public workshop was rescheduled for Saturday, October 18, 2008, at 10:00 a.m./Ayes: Unanimous.

Supervisor Turpin;

Adopt a Resolution Supporting a Proposal from Ken Pulvino to Name Highway 132 and J-132 as John Muir Highway (Continued from August 5, 2008)

BOARD ACTION: Ken Pulvino gave a presentation on his proposal and discussion was held as to whether this change would affect the street addresses and relative to the process for a name change. Supervisor Pickard suggested that Chair Turpin contact CalTrans and the Park Service to help to determine what this process would be and what is entailed.

Input from the public was provided by the following:

Kenneth Gosting, TIE, stated they find this intriguing and he provided input on CalTrans' policy on these matters and he asked if contact has been made with John Muir's family as they have certain rights on the naming. Ken Pulvino responded and advised that preliminary contact has been made with the family and he commented on the need to amend the Streets and Highway Code for the naming.

Paul Chapman stated he feels that there is still two years worth of work to do with the State and he feels that the local tribal council should be consulted.

MaryAnn Huff, President of the Mariposa County Chamber of Commerce, clarified that the request is for a letter of support and she urged the Board to approve a letter. She commented on the need for the Highway 132 corridor to become a destination.

Following further discussion, (M)Pickard, (S)Fritz, direction was given to the Chair to move forward with the concept of renaming Highway 132; and to bring back further information as to the process and the State's requirements for the renaming and what the County's involvement would be/Ayes: Unanimous.

12:56 p.m. Chair Turpin announced that the MID item is continued until 2:00 p.m. versus 1:30 p.m. and the Board recessed for lunch.

2:17 p.m. Chair Turpin;

Merced Irrigation District's (MID) Presentation on Federal Energy Regulatory Commission (FERC) Re-licensing of the Hydroelectric Project

BOARD ACTION: Ted Selb, Deputy General Manager for MID; Dan Pope, General Manager for MID; and Jim Lynch, Vice President of Devine Tarbell and Associates, Inc. - relicensing consultant and project manager, were present. Dan Pope reviewed the re-licensing process. Jim Lynch gave a presentation on the process. Discussion was held; including responding to the PAD questionnaire that was sent out, a future visit to the site and relative to potential impacts from the Telegraph Fire.

Input from the public was provided by the following:

Ken Gosting asked for information that MID has on potential silting as a result of the Telegraph Fire.

Supervisor Bibby noted that there is information on MID's website relative to the FERC re-licensing process.

Ted Selb provided input on the watershed and the Telegraph Fire and he advised that they will be taking part in the erosion control effort that BLM is working on. He advised their website is: www.merced-relicensing.com for the FERC re-licensing project.

2:58 p.m. MARIPOSA COUNTY WATER AGENCY

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

A. Public Presentation – none.

B. Discussion, Direction and Action Regarding Amending the Water Agency Advisory Board's Duties and Powers to Include Advising the Board of Supervisors with Respect to the Merced Irrigation District's FERC Relicensing Process and Surface and Groundwater Issues (County Counsel)

AGENCY ACTION: Thomas P. Guarino reviewed the request and discussion was held. Director Bibby asked that an update be requested from Attorney Tiedemann on this matter. Director Pickard initiated discussion relative to having a consultant for the County to work with MID to keep the County apprised of the status of the project, etc; and discussion was held. Director Turpin asked that a Water Agency Advisory Board meeting be scheduled within the next couple of weeks to discuss the response for the PAD to MID for the Water Agency to review in drafting a response for the County. Director Bibby asked that staff be sure that all members of the Water Agency Advisory Board receive the agendas and packages for the meetings.

Input from the public was provided by the following:

Mark Rowney, MPUD advised of his Board's discussion and authorization for him to work with whatever entities are necessary on MID's FERC re-licensing project and he advised that they have been involved with the Water Agency Advisory Board. He provided input on the use of the Saxon Creek water system for the Telegraph Fire.

(M)Pickard, (S)Turpin, Water Agency Res. 08-3 was adopted expanding the duties and powers of the Water Agency Advisory Board to include advising the Board of Supervisors with respect to MID's FERC re-licensing process and surface and groundwater issues; and direction was given to staff to bring back an item in two weeks to add MPUD as an ex-officio representative to the Advisory Board/Ayes: Unanimous. Chair Aborn gave direction to staff to explore contracting with Mark Rowney or MPUD as a consultant to assist the Water Agency and the Board of Supervisors in the FERC re-licensing process.

3:38 p.m. Thomas P. Guarino, County Counsel;

Report by Staff on the Hazel Green Ranch, LLC v. United States Department of the Interior, et al Matter and Possible Discussion and Direction to Staff

BOARD ACTION: Thomas P. Guarino gave a report and clarified that currently the County is not a party to this litigation.

Input from the public was provided by the following:

Pete Padilla, President of the Foresta Preservation Association, presented a statement on behalf of the Association asking that the County disjoin itself from any legal actions regarding Hazel Green and expressing concern that this matter is impacting the bridge replacement project. He noted that Tuolumne County has stated that they do not want to be involved and he would like to see Mariposa County take the same action.

Discussion was held. County Counsel advised that bridge replacement is separate from the other issues.

Supervisor Pickard asked Kevin Cann, Deputy Superintendent for Yosemite National Park, to provide input on the status of replacing the Foresta bridge.

Pete Padilla provided further input relative to County's position on the lawsuit and concerning the Old Coulterville Road and he stated he feels the County has failed to maintain it.

Kevin Cann stated he is on personal leave to attend this meeting; and he addressed the issue of why the replacement of the bridge was placed on hold, and he advised that it will remain on hold until the County is not a part of the Indemnity Agreement with Hazel Green. He further advised that they just core-sampled a 40-year old tree that is in the middle of the Old Coulterville Road and they do not believe that litigation will change the status quo of these roads. His fear with any litigation is that it damages a relationship that has grown over the last thirty years between the Park and the County.

County Counsel advised that the Indemnity Agreement does not do anything but protect the County from the cost of a lawsuit. It is not an assertion of the ownership of the road. He recommended that an item be scheduled with Public Works concerning the road ways. Chair Turpin requested that the County Administrative Officer work with Public Works to come back to clarify the road system in Foresta.

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: Following discussion, (M)Bibby, (S)Aborn, Res. 08-389 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 reimbursement is received. Supervisor Pickard advised that he is planning to schedule a certificate of recognition to the Chowchilla Mountain Women's Club and approval of letters of appreciation to the agencies that responded to the Oliver Fire on August 26th; and he offered to include those that assisted with the Telegraph Fire if the Board members involved in that incident want him to. Supervisor Bibby commented on the impact the dust and dirt from the fire had on the equipment and asked if that is included in the reimbursement request. (M)Pickard, (S)Aborn, Res. 08-390 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.

Chair Turpin advised that the workshop scheduled for August 16, 2008 to consider the draft Yosemite West Special Plan has been rescheduled for Saturday, October 18th.

4:10 p.m. 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: Merced Irrigation District's Merced River Hydroelectric Project; Project No. 2179 (County Counsel)

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

4:42 p.m. Chair Turpin announced that direction was given to staff as a result of the closed session.

CONSENT AGENDA

- CA-1 Approve Summary of Proceedings of August 1, 2008, Special Meeting; Approve Summary of Proceedings of August 5, 2008, Regular Meeting (Clerk of the Board)
- CA-2 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Facilities Maintenance Budget of Public Works to Cover Costs for Fuel Expense through June 30, 2008 (\$350) (Public Works Director); Res. 08-372
- CA-3 Approve an Amendment to an Agreement by Extending the Termination Date with Janet Stutzman to Assist the Behavioral Health Deputy Director and Authorize the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 08-373
- CA-4 Approve Agreement with the State Department of Mental Health to Provide Mental Health Services Under the Mental Health Services Act and Authorize the Human Services Director to Sign the Agreement (Human Services Director); Res. 08-374
- CA-5 Approve an Amendment to the Current Behavioral Health Contract with Country Villa Health Services Due to Rate Changes and Authorize the Board of Supervisors Chair to Sign the Amendment (Human Services Director); Res. 08-375
- CA-6 Approve Medical Data Privacy and Security Agreement with the California Department of Health Care Services (DHCS) and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-376
- CA-7 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Social Services Budget to Cover County Vehicle Expenses through June 30, 2008 (\$3,285) (Human Services Director); Res. 08-377
- CA-8 Approve an Agreement with Karen Dusek to Educate and Inform the Public of Recycling and Waste Reduction and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-387 with the change in the mileage rate to reflect reimbursement at the current IRS rate
- CA-9 Approve Plans and Specifications for Hornitos County Park Restroom Proposition 40 Project and Authorize the Director of Public Works to Solicit Bid Proposals and Award the Contract to the Lowest Responsible Bidder Contingent on Funding Approval from the State (Public Works Director); Res. 08-378
- CA-10 Approve Plans and Specifications for Red Cloud Park Volley Ball Court Proposition 40 Project and Authorize the Director of Public Works to Solicit Bid Proposals and Award the Contract to the Lowest Responsible Bidder Contingent on Funding Approval from the State (Public Works Director); Res. 08-379
- CA-11 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Roads Budget to Cover Unanticipated Expenses through June 30, 2008 (\$20,264) (Public Works Director); Res. 08-380

- CA-12 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Solid Waste Budget to Cover Unanticipated Expenses through June 30, 2008 (\$5,714) (Public Works Director); Res. 08-381
- CA-13 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Sheriff's Department Budget to Cover County Vehicle Expenses (\$9,000) (Sheriff); Res. 08-382
- CA-14 Approve an Agreement with Tulare County for Region 5 Anti-Gang Intelligence-Led Policing Program and Authorize the Board of Supervisors Chair to Sign the Agreement (Sheriff); Res. 08-383
- CA-15 Approve Certificates of Congratulations to the Mariposa Gazette, Dan Tucker, Jill Ballinger and Zach Hosseini for their "National Newspaper Association Awards" (Supervisor Bibby)

4:43 p.m. Adjournment in memory of Shane Crawford, Alice C. Gibbons, Irene Helen Cross, Helen Eloise Hopper, Robert Allen Kelly, Monique D. Cisneroz, Janet Sue Oliver aka Jessika Mounce, and Leroy Reinhardt.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

August 19, 2008



Time Description

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

Pledge of Allegiance

Introductions

Chair Turpin advised that the item to approve the specifications to purchase fire engines and water tenders will be considered at 2:00 p.m.; and that there will be a fire engine in the parking lot to look at during the lunch break.

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 noted that items 8 and 9 were reversed in the packages from how they were placed on the agenda. He advised that item 4 is being continued to August 26th.

Input from the public was provided by the following:

Dick Hutchinson referred to item 5 and asked whether there is a conflict with the grant process and operation of this pre-school.

Supervisor Bibby pulled items 5 and 9. (M)Aborn, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Item 5 - Supervisor Bibby advised that she is a member of the First 5 Commission and explained that it is a separate non-profit entity from the County and that they also receive School Readiness funding; and she explained their funding and grant processes. (M)Bibby, (S)Aborn, item 5 was approved/Ayes: Unanimous.

Item 9 – Following discussion, (M)Bibby, (S)Aborn, item 9 was approved/Ayes: Unanimous.

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

Paul Hall, Chamber of Commerce, advised of activities that the Chamber has been involved with post-Telegraph Fire and fundraising efforts to assist the victims; and of the information website: www.telegraphfirefund.org.

Eric Inman advised that most of his acreage on Sherlock Road burned by the Telegraph Fire and he asked about rehabilitation to prevent soil erosion for the area disturbed by the fire lines. Chair Turpin suggested that he contact Fire Chief Jim Wilson and Kevin Smith/CAL FIRE.

Paul Chapman presented newspaper stories from Vashon, Washington.

Eleanor Keuning invited the Board members to the open house for the Pre-school Academy at Darrah – this is their second year.

Donna Brownell, Arts Council Director, invited everyone to the mural dedication on Saturday in conjunction with Mariposa Evening in the Arts Park.

Board Information

Supervisor Fritz advised that Wednesday is the first day of school and urged motorists to watch for the children.

Supervisor Pickard advised that he plans to attend the RCRC (Regional Council of Rural Counties) meeting on Wednesday and the Environmental Services Joint Powers Authority meeting on Thursday in Sacramento.

Supervisor Aborn expressed concern with the exportation of water with the draught situation in the State; and he questioned whether there is a permit process or an ordinance to monitor this. He noted that the designated parking spaces for buses in the Rest Area and parking lot by the China Station are being used by other vehicles. He noted that the CHP is ticketing the vehicles being left with "for sale" signs across the road from the Happy Burger. He advised of an issue in Yosemite West with campfires; and he would like to have Fire look into this and see if it can be restricted. He commented on the Mariposa County Unified School District Board meeting and the removal of Principal Rock Carlson from the High School and of the community's support for Mr. Carlson.

Supervisor Bibby thanked Eleanor Keuning for mentioning the second anniversary of the pre-school and she advised that this was one of the grants that were competitive for First 5 funds. She attended the public scoping meeting for MID's FERC re-licensing and she advised that information and documents are posted on MID's website (www.merced-relicensing.com). She advised that she missed the Habitat for Humanity fundraising event due to illness. She wished everyone a happy and safe school year.

Supervisor Turpin advised that he attended the Pedestrian/Equestrian Trails meeting in Don Pedro on Wednesday. On Thursday, he presented Ellen Fiske with the 91st birthday certificate on behalf of the Board. He attended the SWIFT meeting at Moccasin and advised of issues that were discussed. On Monday, there was a District II meeting in Greeley Hill to review the Telegraph Fire issues. On Monday, he attended the Lake Don Pedro Community Services District meeting. He advised that the Water Agency Advisory Board is meeting on Wednesday. There is a Red Cloud Library meeting and an Agricultural Advisory Committee meeting on Thursday.

Chris Ebie, Auditor;

Establish a Policy Authorizing the Mariposa County Resource Conservation District Mariposa County Resource Conservation District (MCRCD) to Temporarily Borrow Funds Under a Line of Credit
BOARD ACTION: Following discussion with Chris Ebie, (M)Pickard, (S)Fritz, Res. 08-399 was adopted approving the policy as recommended/Ayes: Unanimous.

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

Approve an Amendment on the 0.4-mile Route of the Non-motorized Mariposa Creek Parkway and Authorize Staff to Research the Feasibility of an Alternate Ingress/Egress Access Area off of Jessie Street and Additional Grant Funding Opportunities

BOARD ACTION: Marilyn Lidyoff presented information on the requested amendment to eliminate the proposed access off of Coakley Circle and to research the feasibility of an alternative access off of Jessie Street. Discussion was held, including ADA accessibility concerns.

Input from the public was provided by the following:

Eleanor Keuning stated she supports the walkway project; but she is concerned with the parking at the Rest Area and for those with disabilities in accessing the project.

Paul Chapman stated he feels that access would be too steep from Jessie Street.

Discussion was held and it was clarified that the new access would be a separate grant project. (M)Fritz, (S)Aborn, Res. 08-400 was adopted approving the requested action/Ayes: Unanimous.

10:00 a.m. Dana Hertfelder, Public Works Director;

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

NOTE: Hearing will be Continued to Tuesday, August 26th at 10:00 a.m.

BOARD ACTION: The hearing was opened and Chair Turpin advised of the recommendation for a continuance and asked for input from the public. There was none. (M)Fritz, (S)Aborn, the hearing was continued to August 26, 2008, at 10:00 a.m./Ayes: Unanimous.

10:12 a.m. Recess

10:25 a.m. Jim Wilson, Fire Chief;

Request Clarification of a Compensation Process of the Board for the Following:

1. Clarify Mariposa County Fire Department (MCFD) Member Status as “Volunteer” while Acknowledging the IRS Notice of Determination that they are Employees for the Purpose of Payroll Taxes Only
2. Authorize Compensation to MCFD Members Based on the Hourly Rate of the Applicable Annual Agency Operating Plan Less 2.25 Percent to Replace the Employer’s Expenses
3. Authorize the Auditor to Compensate MCFD Members Pre-reimbursement or Post-reimbursement of Receiving Compensation from the Applicable Agency.
4. Instruct MCFD to Forward Annual Operating Plan Compensation Rates to County Auditor and the Personnel Office at the Beginning of Each Year
5. Instruct MCFD to Forward Copies of Billing Statements to County Auditor at the Time of Billing

BOARD ACTION: Discussion was held with Jim Wilson, Rick Benson and Chris Ebie relative to the compensation process for the volunteer fire fighters. Supervisor Bibby asked about the disbursement of revenues received for the vehicles; and she was advised that only the sedans have a depreciation account, otherwise the revenues go to the Fire budget. Discussion was held relative to the out-of-state volunteers and Jim Wilson advised that an item will be coming to the Board to address that matter separately.

Input from the public was provided by the following:

Ruth Catalan asked whether the County receives total reimbursement, and was advised that it does.

Paul Chapman asked if Chair Turpin will recuse himself from voting on this matter as he feels his son will benefit from this.

Further discussion was held. (M)Pickard, (S)Fritz, Res. 08-401 was adopted: 1) clarifying Mariposa County Fire Department (MCFD) member status as “volunteer” while acknowledging the IRS Notice of Determination that they are employees for the purpose of payroll taxes only; 2) authorizing compensation to MCFD members based on the hourly rate of the applicable Annual Agency Operating Plan less 2.25 Percent to replace the employer’s expenses; 3) authorizing the Auditor to compensate MCFD members pre-reimbursement of receiving compensation from the applicable agency; 4) instructing MCFD to forward Annual Operating Plan Compensation Rates to the County Auditor and the Personnel Office at the beginning of each year; and 5) instructing MCFD to forward copies of billing statements to the County Auditor at the time of billing. Supervisor Bibby stated she supports the post-reimbursement of receiving compensation from the applicable agency. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

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 full access is restored. (M)Aborn, (S)Pickard, Res. 08-402 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 from OES. (M)Aborn, (S)Bibby, Res. 08-403 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. He advised that he is working with the Sheriff and a community re-cap meeting is tentatively scheduled for Thursday, September 11, 2008, at 6:30 p.m. in the Government Center.

Input from the public was provided by the following:

Ken Gosting, TIE Executive Director, advised that as an organization and as an individual they commend CHP Lt. Price for evaluating the turn around location on Highway 140 for when they need to have a road closure through the canyon. He thanked the Sheriff and County Administrative Officer for setting up the community meeting.

Dick Hutchinson advised of relief efforts for the people that suffered losses in the fire; and thanked the people that have helped and donated space.

Jim Wilson provided a status report on the Disaster Act relative to reimbursement efforts to the County for the emergency response expenses; and he advised of the on-site damage assessment status.

Ken Gosting advised that there was concurrence with CHP that there is a need and they will work with Cal Trans to improve the portable signage in the future.

(M)Fritz, (S)Pickard, Res. 08-404 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.

Receive Fiscal Year 2008-2009 Recommended Budget Documents for the County of Mariposa and Special Districts Under the Control of the Board of Supervisors, Receive Report by County Administrative Officer and Schedule Budget Hearings to Begin on September 16, 2008 (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson gave a brief overview and commended the departments for their work and cooperation in the budget process; and he recognized Mary Hodson and the Auditor's Office for the work they do on the budget. He recommended that the budget hearing start on September 16th and advised that he has asked departments to not submit other agenda items for that Tuesday meeting. Discussion was held and he advised that the budget schedule will be available shortly. (M)Pickard, (S)Bibby, the Board accepted the report and scheduled the budget hearing to begin on Tuesday, September 16, 2008, at 9:00 a.m./Ayes: Unanimous.

11:37 a.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: 2 (County Administrative Officer/Personnel/Risk Manager); 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: Town of Atherton, et al. v. California High Speed Rail Authority, et al, Case No. 34-2008-8000022-CU-WM-GDS (County Counsel)

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

12:15 p.m. Lunch

2:04 p.m. The Board reconvened. Chair Turpin announced that direction was given to staff as a result of the closed session on the Workers' Compensation cases; and that information was received as a result of the closed session concerning the High Speed Rail Authority.

Dana Hertfelder, Public Works Director and Jim Wilson, Fire Chief; Approve the Specifications to Purchase Eleven New Fire Engines and Four Water Tenders; and Request Direction from the Board of Supervisors on When and How to Proceed with the Purchasing Process

BOARD ACTION: Joe Halencak/PWD-Fleet Superintendent, was present on behalf of Dana Hertfelder. Discussion was held with Jim Wilson relative to the specifications.

Input from the public was provided by the following:

Paul Chapman stated he feels that most of the County is not suitable for the recommended trucks; and he cautioned the Board to not spend the money because he feels the Proposition 218 process is being challenged.

Paul Smith stated he appreciates the Board members' service to the County and the community and he is pleased with the positive discussion on supporting the Fire Chief and Public Works' recommendation on the specifications. He urged the Board to support this and the volunteer fire fighters.

Jan Hamilton stated she agrees with Paul Smith and she urged the Board to support this.

Dennis Buck advised that the Chief has the Fire Department's support and they have done a lot of work on this. He urged the Board to move forward on this before the prices of the equipment increase; and he stated he feels that the people spoke with the ballot tabulation results on the Proposition 219 process.

Discussion was held relative to the purchasing and finance process. Joe Halencak provided input on the status of the FEMA bid for the engine that was purchased using grant funds, and relative to the timeframes for a bid process. (M)Pickard, (S)Fritz, Res. 08-405 was adopted approving the specifications for the fire engines and water tenders as recommended; directing staff to put the specifications out to bid for 30 days for eleven engines and four tenders; and further direction was given to staff to bring back a lease/purchase finance package for the equipment/Ayes: Unanimous.

CONSENT AGENDA

- CA-1 Authorize the Treasurer to Sign a Four Year Agreement with Smith & Newell, Certified Public Accountants to Audit the County Treasury's Investment Activities and to Insure Compliance with the County Investment Policy on an Annual Basis (Treasurer/County Clerk/Tax Collector); Res. 08-391
- CA-2 Authorize the Health Officer to Apply for Hazardous Materials Emergency Preparedness Planning Grant (\$12,000) (Health Officer); Res. 08-392
- CA-3 Approve Rental Agreement with 35-A District Agricultural Association to Participate in the Mariposa County Fair for a Breast Feeding Center and Authorize the Board of Supervisors Chair to Sign the Agreement (Health Officer); Res. 08-393
- CA-4 Approve Summary of Proceedings of August 12, 2008, Regular Meeting (Clerk of the Board); Continued to August 26th
- CA-5 Approve a Memorandum of Understanding (MOU) Authorizing the First 5 Commission of Mariposa County to Operate the Building Blocks Preschool in Greeley Hill and Authorize the Board of Supervisors Chair to Sign the MOU (Human Services Director); Res. 08-397
- CA-6 Approve Subcontracting the Mariposa County's Substance Abuse Prevention Programs to a Qualified Community Agency (Human Services Director); Res. 08-394
- CA-7 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Fire Budget Due to Various Line Items Having Expenses Greater than Anticipated (\$33,623) (Fire Chief); Res. 08-395
- CA-8 Approve Budget Action for Fiscal Year 2007-2007 Transferring Funding within the Indigent Defense Budget for End of the Year Expenses that were Greater Than Anticipated (\$2,208) (County Administrative Officer/Personnel/Risk Manager); Res. 08-396

CA-9 Approve Budget Action for Fiscal Year 2007-2008 Reducing General Contingency and Increasing Funding in the Law Library Fund for Book Expenditures (\$2,241) (4/5ths Vote Required) (County Administrative Officer/Personnel/Risk Manager); Res. 08-398

2:50 p.m. (M)Pickard, (S)Fritz, the Board adjourned in memory of Lt. Col. Hansel “Turk” Turley, Patricia Ann Brosius (Weaver), Elizabeth Tryer, Aticus William Weeks, and Eldon Boyd Drury/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

August 26, 2008



Time Description

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

Pledge of Allegiance
Introductions

Supervisor Pickard;

Approve and Present a Certificate of Recognition to the Chowchilla Mountain Women's Club for Services they Provided during the Oliver Fire

BOARD ACTION: (M)Pickard, (S)Fritz, the Certificate was approved and presented to Ella Jensen, President of the Chowchilla Mountain Women's Club, and ladies representing the Club/Ayes: Unanimous. Supervisor Pickard shared a letter that was received from the Colton Fire Department commending the Club and Fire Station 32 for the services they received and donating an electric pencil sharpener for the Station.

Chair Turpin;

Proclaim the Month of September 2008 as "National Alcohol and Drug Addiction Recovery Month" (Human Services Director)

BOARD ACTION: (M)Pickard, (S)Fritz, the Proclamation was approved and presented to Jim Rydingsword/Human Services Director, Gail Neal/Chief Probation Officer, and Inez Terra/Chair of the Alcohol and Drug Abuse Advisory Board/Ayes: Unanimous.

Supervisor Fritz;

Approve and Present Certificates of Recognition to Chaplains Frank Walker, Liz Sexton and Reverend Ron Sexton for their Recent "President's Volunteer Service Awards"

BOARD ACTION: (M)Fritz, (S)Aborn, the Certificates were approved and presented to Chaplains Walker, Sexton and Reverend Sexton/Ayes: Unanimous. Brian Muller, Sheriff, commended the Chaplains for their services.

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 10 and stated he feels the subdivision has been there for three years and he questioned why the map is just now being approved.

Louie Edwards referred to item 10 and stated he owns the Bluebonnet Estates Subdivision and he advised that the road was put in recently and that it has not been there for three years.

Supervisor Aborn pulled item 10 and 13. Supervisor Bibby pulled item 10. Supervisor Turpin pulled items 5 and 8. (Action was taken on item 5 later in the meeting.) (M)Bibby, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Item 13 – Following discussion, (M)Aborn, (S)Bibby, item 13 was approved/Ayes: Unanimous. Supervisor Bibby asked that the contact number for the County be listed on the form for the property owners.

Item 8 – Following discussion with Dana Hertfelder/Public Works Director, (M)Pickard, (S)Fritz, item 8 was approved/Ayes: Unanimous.

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

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

Brian Muller, Sheriff, advised of an incident that occurred at the Middle School this morning that resulted in a lock-down of the school – a neighbor was using a shotgun to scare off woodpeckers.

Paul Chapman noted that it is against the law to shoot a woodpecker.

MaryAnn Huff, President of the Mariposa County Chamber of Commerce, advised that the Telegraph Fire Relief Fund is growing; and she invited everyone to the business mixer for TKO Travel/Kit O’Shell at River Rock Inn/Café.

Dick Hutchinson advised that the clothing center at Pioneer Village for the Telegraph Fire victims has been closed; and a rummage sale will be held with the leftovers and proceeds will be donated to the Relief Fund.

Board Information

Supervisor Bibby noted that the agricultural tourism presentation item is scheduled for 2:00 p.m. She thanked CHP for their assistance to the County and for responding to problems on Highway 140. She thanked the Sheriff for advising of the incident at the Middle School. She attended the First 5 meeting on Monday and they addressed space needs and the future location of the Catheys Valley Pre-School. She attended the mural dedication and Evening in the Park on Saturday at the Art Park and thanked Ron Willey, the Arts Council, Contractors Association and the artists that participated in the mural.

Supervisor Aborn presented a poster with photographs of an oak tree that fell on his property and information on an advisory from Yosemite National Park on oak tree failure; and he advised that his children will share the poster with their schools.

Supervisor Fritz advised that there was a report to the Sheriff’s Office on unsafe shooting at the Happy Burger on Monday and that it was a car that backfired. She advised that she was unable to attend the mural dedication as her husband had surgery. She urged everyone to enjoy the Fair. She plans to attend the CSAC meeting in Sacramento on September 11th and will be unable to attend the community meeting for the Telegraph Fire.

Supervisor Aborn advised that there was a community meeting in Midpines last week and another one will be held on Thursday for the fire victims.

Supervisor Turpin advised that he attended the Water Agency Advisory Board meeting on Wednesday, and they will meet again on September 3rd. On Thursday he attended the Agricultural Advisory Committee meeting. As he travels across the canyon on Highway 49 North, he has noticed that the quail are filling their craws at the mines and there has been a logging truck hauling logs.

Chris Ebie, Auditor;

Presentation of 2006-2007 Audited Financial Statements

BOARD ACTION: Chris Ebie reviewed the Audited Financial Statements, and discussion was continued for the following hearing to be opened.

10:02 a.m. The public hearing relative to forming a Zone of Benefit for Granite Springs Estates was opened and continued until after the following items.

Discussion was held with Chris Ebie on the Audited Financial Statements. Rick Benson noted that Chris Ebie runs a very good operation and the Board members agreed. No action was necessary.

Consider Items Removed from the Consent Agenda

Item 5 – Following discussion with Chris Ebie, (M)Pickard, (S)Fritz, item 5 was approved/Ayes: Unanimous.

10:30 a.m. Recess

10:44 a.m. Dana Hertfelder, Public Works Director;

PUBLIC HEARING to Adopt a Resolution of Intention to Form a Zone of Benefit for Major Subdivision Application No. 2005-198, Granite Springs Estates; Filed by Thomas Phillips and Mark Haynes, Applicants, and Schedule a Public Hearing on October 14, 2008, at 10:00 a.m. in the Board Chambers to Consider Provision of the Additional Types of Extended Services Proposed in the Zone of Benefit to be Established and a Determination of the Appropriate Charges for the Extended Services to be Provided (Continued from August 19, 2008)

BOARD ACTION: Dana Hertfelder presented the staff report; and he advised that this portion of the process did not need to be a public hearing but it was advertised as a hearing. He responded to questions from the Board relative to the allocation of the proposed fees to the parcels and the process for determining the fee structure; and clarification that the fees will be collected whether or not the parcels sell. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Pickard, (S)Fritz, Res. 08-418 was adopted for intent to form the Zone of Benefit and setting the public hearing as recommended/Ayes: Unanimous. The hearing was closed.

Supervisor Pickard;

Approve a Letter of Support for Mariposa County Resource Conservation District's Grant Application for the Integrated Regional Water Management Plan and Authorize the Board of Supervisors Chair to Sign the Letter

BOARD ACTION: Supervisor Pickard reviewed the request. Chair Turpin advised that the Water Agency Advisory Board approved supporting this request. Terry McLaughlin, Upper Merced River Watershed Council, gave a presentation on the request on behalf of the Mariposa County Resource Conservation District (RCD). Discussion was held.

Input from the public was provided by the following:

Michael Martin stated he is a toxicologist by training and worked for the Fish and Game Department; and he represents the Merced Fly Fishing Club as a Conservation Director, the Merced River Conservation Committee as a member and the Mariposa Fish and Game Club – he is the Game Committee Chair. He commented on the importance of water and its quality, quantity and planning; and he advised that they support this request.

Sandy Wright, San Joaquin Valley Resource Conservation and Development Area Council, advised that they support this; and she feels that the Plan will be a living document and can continue to be developed.

Ruth Sellers asked what the water testing on the Upper Merced River is for, what is being found, and what is being done about what is found. She asked what the funds are being spent on and what is being accomplished.

Paul Chapman stated he feels that we need a water management plan for the whole County, not just the Merced River.

Chair Turpin requested that as this project moves forward, that Len McKenzie of the RCD provide status reports with more information to the Board. (M)Pickard, (S)Bibby, Res. 08-419 was adopted approving the letter of support as requested/Ayes: Unanimous.

Terry McLaughlin, Education Coordinator, Upper Merced River Watershed Council;
Presentation to Outline the Merced River Center at Briceburg Project

BOARD ACTION: Terry McLaughlin gave a presentation on the Merced River Center at Briceburg project and advised of their plans for the Center. She invited the Board members to tour the Center next Wednesday at 12:30 p.m. Supervisor Turpin suggested that information on the Telegraph Fire be included. Discussion was held. No action was necessary.

Thomas P. Guarino, County Counsel;

Waive First Reading and Introduce Ordinance Amending Chapter 9.12 of the Mariposa County Code Entitled "Public Consumption of Alcoholic Beverages"

BOARD ACTION: Discussion was held with Thomas P. Guarino relative to the Ordinance. (M)Fritz, (S)Bibby, the first reading was waived and the Ordinance was introduced. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

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

Approve the Grant Agreement for the Use of Title III Funding from the Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) for the Continued Funding of the Mariposa Fire Safe Council from July 1, 2008, through June 30, 2011, in the Amount of \$159,048 and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Following discussion with Rick Benson, (M)Pickard, (S)Aborn, Res. 08-420 was adopted approving the agreement as recommended. Supervisor Bibby advised that she supports the Fire Safe Council program, but would prefer that the contract be on a year-to-year basis. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

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 full restoration for access; and he advised that CalTrans has cut back on their planning meetings, but they are moving forward with the project. Supervisor Bibby asked about the status of scheduling CalTrans to give a status report to the Board. (M)Aborn, (S)Bibby, Res. 08-421 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. 08-422 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 there will be a kick-off meeting this Friday with representatives of the Governor's Office of Emergency Services with the affected departments involved in the fire recovery to start the formal process for reimbursement for both the Oliver and Telegraph Fires. He advised that he plans to put an item on the next agenda to make the September 11th community meeting a Board workshop so the Board members can attend. Supervisor Aborn asked that written comments be accepted from people who can't attend the meeting. Discussion was held relative to the internal decision to not publicize the names of the fire victims and relative to involvement of agencies/departments in the community meeting/workshop. (M)Bibby, (S)Aborn, Res. 08-423 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.

11:52 a.m. LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) Adopt a Resolution Authorizing the Executive Director to Execute the Application and Other Necessary Documents Pertaining to Federal Transit Administration (FTA) Section 5310 Elderly and Disabled Specialized Transit Funds for Federal Fiscal Year 2008 (Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Pickard, (S)Fritz, LTC Res. 08-13 was adopted approving the recommended action/Ayes: Unanimous.

11:58 a.m. MARIPOSA COUNTY WATER AGENCY

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

A) Public Presentation – none.

B) Discussion, Direction and Action Regarding Amending the Water Agency Advisory Board’s Membership to Include Mariposa Public Utility District (MPUD) as a Non-voting Ex-Officio Member of the District and Direction to Staff Regarding Staffing of the Advisory Board (County Counsel)

AGENCY ACTION: Following discussion with Thomas P. Guarino, County Counsel, and Dana Hertfelder, (M)Pickard, (S)Turpin, Water Agency Res. 08-4 was adopted adding MPUD as an ex-officio member to the Water Agency Advisory Board as recommended; and direction was given to staff to work with the Personnel Director to bring back a recommendation for extra help for the Water Agency Advisory Board and the Water Agency, including a recommended budget for the extra help using Water Agency funds/Ayes: Unanimous.

12:10 noon Lunch

2:05 p.m. Chair Turpin and Supervisor Pickard;

Resolution and Tile Plaque Recognizing Karen Robb Upon her Retirement as Mariposa County Farm Advisor/County Director

BOARD ACTION: (M)Pickard, (S)Fritz, Res. 08-406 was adopted and presented to Karen Robb, along with a tile plaque/Ayes: Unanimous.

Supervisor Pickard;

Presentation by Ken Churches, Farm Advisor and County Director for Calaveras County, on how Calaveras County has Handled the Issue of Agricultural Tourism, Including the University of California Definition of Agricultural Tourism and its Opportunities and Challenges for Rural Counties; and Provide Direction to Staff

BOARD ACTION: Supervisor Pickard and Kris Schenk, Planning Director, provided input and introduced Ken Churches. Ken Churches gave a presentation on Calaveras County’s process and development and implementation of agricultural tourism policies. He advised of the different levels of permits they use and of the zonings and of the benefits of agricultural tourism. Discussion was held.

Input from the public was provided by the following:

Bart Brown asked if someone had a vineyard and wanted to add a tasting room, winery and events and overnight stays, how that would be managed in Calaveras County; and he asked about the minimum size for agricultural land. Ken Churches responded as to their processes.

Ken Pulvino, Greeley Hill rancher and agricultural tourism activist, asked for more information on the permitted uses and he referred to the zoning language for Calaveras County which includes a specific list of allowed uses and nuisance language. He referred to his efforts to have agricultural tourism uses on his property; and he asked how Calaveras would deal with land that is mostly used for agriculture, with a small portion being used for agricultural tourism and whether it would matter if the income is greater from the agricultural tourism use. Ken Churches responded and advised that the income would not matter.

Kris Casto asked if the process is going to be defined differently for uses on agricultural land versus non-agricultural land and for different sizes of parcels. Kris Schenk advised that would be issues to discuss in the process. Kris Casto stated she agrees with the benefits of agricultural tourism and with the need for a collaborative process; and of the need for everyone to be a good neighbor.

Discussion was held. Chair Turpin asked that the power point presentation be forwarded to the Planning Director.

3:17 p.m. Recess

3:33 p.m. Discussion was held relative to giving direction to staff on agricultural tourism. The Board concurred that staff should make available to it all of the information that Calaveras County has put together in reference to agricultural tourism and agri-nature tourism in the next couple of weeks. Supervisor Bibby asked that information be provided on the definitions of "Farm Stay" concerning kitchen uses, etc. Kris Schenk advised that they will try to put the materials on the website and follow this up with a workshop. Supervisor Pickard asked that Planning come back during the final budget hearing with a proposal on what staff time and costs would be needed to proceed with developing a policy. Discussion was held relative to establishing a coalition of stakeholders to help with this process. Supervisor Pickard thanked Planning and Karen Robb for arranging for this presentation.

3:40 p.m. CLOSED SESSION: Public Employee Appointment; Appointment of County Counsel (County Administrative Officer/Personnel/Risk Manager);
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: Mariposa County v. Bartlett Petroleum, Inc. (County Counsel); and
CLOSED SESSION: Liability Claims; Claimant Name: Kriss Miranda; Claim Number: G576272; Agency Claimed Against: California State Board of Equalization and all Counties in California (County Counsel)

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

5:09 p.m. Chair Turpin announced the following as a result of the closed session matters: direction was given to staff to open the recruitment for County Counsel; direction was given to County Counsel to set up interviews with outside counsel to initiate litigation against Bartlett Petroleum; and information was received on the claim by Miranda.

CONSENT AGENDA

- CA-1 Approve Changes to the Staffing of the Mental Health Services Act (MHSA) Children's System of Care Program. Changes include 1) The Addition of a Full-time Mental Health Clinician; 2) Addition of a Full Time Mental Health Assistant I; and 3) Addition of a Half-time Office Assistant II (Human Services Director); Res. 08-407
- CA-2 Approval of Summary of Proceedings of August 12, 2008, and Summary of Proceedings of August 19, 2008, Regular Meetings (Clerk of the Board)
- CA-3 Approve Letters of Appreciation to the Fire Companies and Agencies that Responded to the Oliver Fire (Supervisor Pickard)
- CA-4 Adopt a Resolution Adopting the Tax Rate for the Secured Property Tax Roll for the 2008-2009 Fiscal Year (Auditor); Res. 08-408
- CA-5 Approve an Agreement with Demsey Filliger & Associates to Conduct an Actuarial Study for Other Post Retirement Benefits (OPEB) and Authorize the Board of Supervisors Chair to Sign the agreement (Auditor); Res. 08-417
- CA-6 Approve an Agreement with John C. Fremont Healthcare District for Fiscal Year 2008-2009 for Routine Medical Screening for Juveniles Detained and Authorize the Board of Supervisors Chair to Sign the Agreement (Chief Probation Officer); Res. 08-409
- CA-7 Authorize the Fire Chief to Apply for Allocated Funds for the 2008 Homeland Security Grant Program on Behalf of County Health, Fire and Sheriff's Departments. Funds are to Enhance Capabilities in the Event of Disasters, Terrorist Attacks and other Emergencies and will Require no Local Match (Fire Chief); Res. 08-410

- CA-8 Approve Fourth Amendment to the Agreement with Golder Associates for Monitoring, Report Generation and Environmental Engineering Services for the Landfill and Related Waste Management Activities to Extend the Term until June 30, 2009, Increase the Agreement by \$63,000, and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-415
- CA-9 Approve an Agreement with Cascade Software Systems, Inc. for Software Maintenance and Support for Fiscal Year 2008-2009 in the Amount of \$10,059 and Authorize the Public Works Director to Sign the Agreement (Public Works Director); Res. 08-411
- CA-10 Approve Bluebonnet Estates Subdivision Map, Application Number 2006-150; as Per Mariposa County Code Title 16.20.232 (Public Works Director); Res. 08-416
- CA-11 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Yosemite West Budget to Cover Costs for Snow Plowing, Road maintenance and Professional Services in the Sewer Division through June 30, 2008 (\$19,400) (Public Works Director); Res. 08-412
- CA-12 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Facilities Maintenance Budget to Cover Reimbursable Roads Charges through June 30, 2008 (\$6,647) (Public Works Director); Res. 08-413
- CA-13 Approval of “Right of Entry Permit” for the Oliver/Telegraph Fires and Authorize the County Health Officer of his Designee to Sign (County Administrative Officer/Personnel/Risk Manager); Res. 08-414

5:10 p.m. Adjournment in memory of Bernard E. “Bernie” Comstock and Helen Kempster.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

September 2, 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: Supervisor Bibby pulled items 4 and 5. (M)Fritz, (S)Aborn, the balance of the agenda items was approved/Ayes: Unanimous.

Item 4 – Following discussion with Doug Binnewies, Undersheriff, (M)Bibby, (S)Aborn, item 4 was approved/Ayes: Unanimous.

Item 5 – Following discussion with Doug Binnewies, Undersheriff, (M)Bibby, (S)Aborn, item 5 was approved/Ayes: Unanimous.

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

Board Information

Supervisor Bibby congratulated everyone that participated in the Fair; noted the outstanding job that Brian Bullis/Fair Manager does, along with the Board of Directors; and recognized everyone's effort for making the Jr. Livestock Auction a success. She advised that she plans to attend the Mental Health Board meeting at noon today. She read a letter from the U.S.D.A. Forest Service, dated August 22, 2008, relative to their current situation with their fire fighting budget.

Supervisor Aborn commented on the Fair projects that his children were involved with; and he advised of problems he encountered with people drinking and driving on Highway 140.

Supervisor Fritz advised that she worked a booth in Building "A" at the Fair and they had tourists come from all over. She noted that it was a good Fair and Parade. She plans to attend the Juvenile Justice Committee meeting on Wednesday and the CSAC Board of Directors meeting in Sacramento on September 11th.

Supervisor Pickard advised that he attended the Fish Camp Fire Rescue Association's annual picnic in Fish Camp on Sunday; and he noted that it was a good Fair over the weekend.

Supervisor Turpin advised of his attendance at the Fair and he noted that residents of the North County placed well in the Destruction Derby. He attended the FEMA/OES meeting with the Fire Department on Friday relative to the process to submit claims for reimbursement as a result of damages from the fires. He attended the Jr. Livestock Auction at the Fair and he complimented the community for its support of this event. He advised that the Water Agency Advisory Board is scheduled to meet on Wednesday (this meeting was changed to Thursday). He advised that the Board will meet in continued

session on Thursday to interview applicants for the Building Director position. He advised that there will be a meeting on Friday with Michelle Shelton at the Library on high speed internet.

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 full restoration for access; and he advised that he is following up with CalTrans to schedule a status report for the Board. (M)Aborn, (S)Fritz, Res. 08-428 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. 08-429 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 he attended the kick-off meeting on Friday with FEMA and OES to start the formal process for reimbursement for the fires. He advised that the Fire Department is taking the lead on gathering the information for the reimbursement claims; and he recommended continuing the local emergency.

Input from the public was provided by the following:

Ruth Catalan, on behalf of the SPCA, advised of their ongoing program to assist the fire victims.

(M)Aborn, (S)Bibby, Res. 08-430 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.

Schedule a Special Meeting for a Workshop for the Board for Thursday, September 11, 2008, at 6:30 p.m. in the Board of Supervisors' Chambers for a Public Meeting to Discuss the Telegraph Fire and the Various Agencies' Responses to the Emergency (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised that this does not need to be a special meeting, the September 9th Board meeting can be continued for this workshop. Supervisor Fritz suggested that the Chamber of Commerce be asked to do an e-blast of the flyer for the workshop; and she advised that she will be at the CSAC Board of Directors meeting in Sacramento on September 11th. Supervisor Bibby asked that CalTrans be contacted relative to the issue of signage that was raised by a citizen and be invited to attend the workshop. Supervisor Pickard asked that CHP be invited to attend. Chair Turpin clarified that this is a public forum and citizens are urged to attend and provide input. Supervisor Aborn asked for input on the information that is included in the emergency procedures page in the Telephone book (page 72). The Board concurred with the scheduling of the public workshop.

Adopt a Resolution and Authorize the Board of Supervisors Chair to sign a Letter Opposing any Proposal in the Governor's 2008-2009 State Budget to Eliminate or Reduce the Open Space Subvention Program (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Discussion was held with Rick Benson.

Input from the public was provided by the following:

Paul Chapman stated he supports this request.

(M)Bibby, (S)Aborn, Res. 08-431 was adopted approving the letter/Ayes: Unanimous.

Authorize the Auditor to Loan \$16,883 to the Area 12 Agency on Aging to Assist with Their Cash Needs in Funding their Operation until the State Budget is Adopted (Supervisor Pickard)

BOARD ACTION: Discussion was held and changes were suggested in the loan agreement. (M)Pickard, (S)Fritz, Res. 08-432 was adopted approving the Agreement for Repayment of the Loan with the changes as suggested. Supervisor Bibby clarified the funding will come from General Contingency. Ayes: Unanimous.

10:06 a.m. CLOSED SESSION: Public Employee Appointment; Appointment of County Counsel (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: (M)Bibby, (S)Aborn, the closed session was held following a recess/Ayes: Unanimous.

10:46 a.m. The Board convened in Closed Session.

11:24 a.m. Chair Turpin announced that as a result of the closed session, the Board agreed with retaining former County Counsel Jeff Green as interim County Counsel.

CONSENT AGENDA

- CA-1 Approval of Summary of Proceedings of August 26, 2008, Regular Meeting (Clerk of the Board)
- CA-2 Approval of California Department of Veterans Affairs Subvention and Medi-Cal Certificates of Compliance, Fiscal Year 2008-2009 (Community Services Director); Res. 08-424
- CA-3 Approve a Grant Agreement for October 1, 2008 to September 30, 2009 Between the Mariposa County Friday Night Live Partnership and the Tulare Superintendent of Schools for the Friday Night Live Mentoring Program for Compliance with “No Child Left Behind Act”, Title IV-21st Century Schools and all Applicable Regulations and Federal Guidelines and Authorize the Board of Supervisors Chair to Sign the Agreement (Human Services Director); Res. 08-425
- CA-4 Authorize the County Administrative Officer or Designee to Participate in a Regional Grant Application for the Interoperable Emergency Communication Grant Program, Authorize the Board of Supervisors Chair to Sign the Letter of Intent and Authorize the County Administrative Officer or Designee to Sign all Needed Memoranda of Understanding with all Agencies Listed and Sign all Grant Documents as Necessary (Sheriff); Res. 08-426
- CA-5 Authorize the County Administrative Officer or Designee to Participate in a Regional Grant Application for the Public Safety Interoperable Communications Grant, Authorize the Board of Supervisors Chair to Sign the Letter of Intent and Authorize the County Administrative Officer or Designee to Sign all Needed Memoranda of Understanding with all Agencies Listed and Sign all Grant Documents as Necessary (Sheriff); Res. 08-427

11:25 a.m. The Board recessed and the meeting was continued to Thursday, September 4, 2008 at 1:30 p.m. for Closed Session for Public Employee Appointment; Building Department Director Interviews.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

September 4, 2008

(Meeting Continued from September 2, 2008)



Time _____ Description

1:37 p.m. Continued meeting from September 2, 2008 was called to order at the Mariposa County Government Center

CLOSED SESSION: Public Employee Appointment; Building Department Director Interviews (County Administrative Officer/Personnel/Risk Manager)

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

4:39 p.m. Chair Turpin announced that as a result of the closed session that by motion of Pickard, second by Bibby, a conditional offer was made to a candidate for the Building Department Director by a vote of four ayes and Supervisor Aborn voting "no".

4:40 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

September 9, 2008



Time _____ Description

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

Pledge of Allegiance
Introductions

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

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

BOARD ACTION: Supervisor Aborn pulled items 2 and 5. Supervisor Bibby pulled items 3 and 6. (M)Pickard, (S)Aborn, items 1 and 4 were approved/Ayes: Unanimous.

Chair Turpin;

Proclaim September 17-23, 2008 as "Constitution Week"

BOARD ACTION: (M)Pickard, (S)Bibby, the Proclamation was approved and presented to Connie Waldron/Ayes: Unanimous. Connie Waldron advised that the Proclamation will be on display in the Library and that pocket Constitutions are also available; and she thanked the Board on behalf of the Merced River Chapter of the Daughters of the American Revolution.

Consider Items Removed from the Consent Agenda

Item 2 – Supervisor Aborn suggested that there be lights on the mural so that it can be seen at night. (M)Aborn, (S)Bibby, item 2 was approved/Ayes: Unanimous.

Item 3 – Supervisor Bibby initiated discussion with Marilyn Lidyoff/Administration-Business Development Coordinator, relative to the project. (M)Aborn, (S)Pickard, item 3 was approved. Supervisor Bibby requested that status reports be provided as this project progresses. Ayes: Unanimous.

Item 5 – Supervisor Aborn initiated discussion with Dana Hertfelder, Public Works Director, relative to the project and clarified that no General Fund dollars are required. (M)Pickard, (S)Aborn, item 5 was approved/Ayes: Unanimous.

Item 6 – Supervisor Bibby initiated discussion relative to considering agreements after the Final Budget Hearing that are paid for from the General Fund; and she requested that the lobbyist provide a presentation to the Board. (M)Pickard, (S)Bibby, item 6 was approved with direction to staff to bring back a more thorough discussion of handling those agreements that are attached to General Fund or other discretionary dollars/Ayes: Unanimous.

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

Tony Radanovich advised that on July 24th, the Rural Media Arts and Education Project received the 1.3 million dollar grant from the California Cultural and Historical Endowment; and he thanked the Board for its support of the two-year restoration project for the Old Masonic Hall.

Len McKenzie, Mariposa County Resource Conservation District, thanked the Board for its action to establish a line of credit so the District could make payments pending receipt of their grant funds, and for the letter of support for their grant application on the September 2nd agenda. He provided clarification and advised that the District was not involved in the flyer that was distributed concerning the falling oaks – their recommendation is for citizens to contact a certified arborist or a registered professional forester if they have questions.

Jim Middleton, Deputy Fire Chief, advised that BLM has completed their assessment of their area burned by the Telegraph Fire. He advised of work by the State Emergency Assessment Team and advised that members John Munn/representing the State Environmental Assessment Team and Kevin Nagata/Emergency Services Coordinator representing OES were present. John Munn provided input on their work to identify post-fire hazards and advised that they are working with representatives from other agencies. Supervisor Turpin asked that the Board be provided with a copy of the assessment report from BLM.

MaryAnn Huff, Mariposa County Chamber of Commerce, invited everyone to the business mixer at River Rock Inn that is being hosted by Golden State Cellular this evening. She presented a new copy of the Chamber's newsletter, the Link, and commented on their statistics for July. She advised of coordination with VFW and the Contractors' Association to build restrooms at the Visitors Center.

Mike McCreary stated he would like to see financial information included in the agenda titles relative to the net County cost.

Paul Chapman referred to the Board's action to pay the volunteer firefighters in advance of receiving reimbursement and commented on recent amounts that were paid and stated he feels that there should be an audit of the Fire Department.

Eleanor Keuning provided input on recycling efforts and suggested that collapsible bags would be more user friendly than separating trash into trash cans. Supervisor Turpin commented on the Solid Waste Task Force Committee's work on recycling. Supervisor Pickard stated he hopes that the new County website will be helpful in educating citizens on the services that are available.

Board Information

Supervisor Fritz advised that she plans to attend the CSAC Board of Directors meeting on September 11th in Sacramento, and she hopes to be back for the Telegraph Fire public workshop.

Supervisor Pickard advised that he plans to attend the Yosemite/Sequoia Resource Conservation and Development meeting on Thursday in North Fork. He plans to attend the Solid Waste Local Task Force meeting with Supervisor Turpin on Wednesday.

Supervisor Bibby advised that she attended the First 5 meeting on Monday, and attended a meeting with the Fire Chiefs' Association. She asked the County Administrative Officer to include financial impact information for the agenda items in the titles on the agenda.

Supervisor Aborn commented on the Telegraph Fire meeting scheduled for Thursday. He referred to comments in the Gazette about the County's spending, and he advised that he plans to bring an agenda item to the Board for discussion with the Auditor and the County Administrative Officer to set up a program that monitors County expenses.

Supervisor Turpin advised that he attended the Upper Merced River Watershed information meeting at Briceburg on Wednesday. He advised that the Board met on Thursday to interview applicants for the Building Director. He met with Michelle Shelton on Friday relative to the high-speed internet project with the five counties. The Coulterville Community Club met on Monday. He plans to attend the Solid Waste Local Task Force meeting on Wednesday. He advised that this meeting will be continued for the Board to hold a public workshop relative to the Telegraph Fire on Thursday.

Supervisor Pickard and Jim Wilson, Fire Chief;

Approve a New Land Lease Agreement with Yosemite Mountain Ranch (YMR) for Fish Camp Fire Station Site and Direct the Public Works Director to Seek Bid Proposals for Construction of a Fire Station on the Leased Property in Fish Camp

BOARD ACTION: Supervisor Pickard presented the request. Discussion was held with Jim Wilson/Fire Chief, and Dana Hertfelder/Public Works Director, relative to the project and timeframes

and costs, the proposed land lease agreement and the use of the fire station, and relative to the bid process. Thomas P. Guarino/County Counsel responded to questions relative to the liability for damages section in the agreement and relative to other questions on the language in the agreement. Rick Benson/County Administrative Officer, responded to questions relative to the insurance requirements for the agreement. Supervisor Turpin clarified that General Fund dollars would not be used in developing the bid proposals.

Input from the public was provided by the following:

Mike McCreary referred to the lease agreement and his experience that unless something is specifically stated in the agreement, you do not get to do it. He feels the allowed uses of the fire station should be specifically stated and that the agreement should include the sublease/assignment for a joint powers agreement with the Forest Service, and that the definition of “continually” for staffing of the station should be included.

Ruth Shane stated she feels the idea of leasing property and constructing a building becomes messy at the end of the lease; and she suggested that consideration be given to the powers of eminent domain.

Jeanetta Phillips stated she agrees that all of the wording should be included in the agreement. She expressed concern that this project is being considered in light of the recent Proposition 218 process and the need for fire equipment. She noted that other fire stations are falling apart and the station for Yaqui Gulch area has not progressed. She expressed concern with the liability with fire fighters living at the station.

Further discussion was held. (M)Pickard, (S)Fritz, Res. 08-436 was adopted approving the land lease agreement with the following changes: 1) under 5. Use – “...or any other reason involving non safety related public assembly or recreation.” and 2) under 13. Exemption of Lessor from Liability – replace “member” with “lessee” and direction was given to Public Works to seek bid proposals for construction of a fire station on the leased property/Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

11:26 a.m. Recess

11:40 a.m. Supervisor Fritz;

Adopt a Resolution Regarding Establishment of French Camp Road Zone of Benefit within Countywide County Service Area No. 1 and Initiating Proceedings for Fees and set Public Hearing for Tuesday, October 28, 2008 at 10:00 a.m.

BOARD ACTION: Supervisor Fritz presented the request and discussion was held relative to the formation costs. Dana Hertfelder responded to questions relative to maintenance for the Zones of Benefit. Supervisor Bibby asked that this be considered after the Final Budget Hearing because of the subsequent request to approve a loan if the Zone of Benefit is approved.

Input from the public was provided by the following:

Mike McCreary referred to an article in the *Gazette* relative to overspending and discussion that occurred earlier this morning relative to fiscal issues and concerns about the budget. He stated he feels there should be a public policy focus to make sure that we do not have a cash flow problem and he feels that the potential budget deficit situation should be addressed. He stated he would like to see more discussion on the impacts of these decisions and he feels that the Board should be saving wherever it can.

Ruth Catalan stated she feels that we are spending money before we have it and if more Zones of Benefits are approved it could have a one million dollar impact. She does not feel that the County should be in the banking business, and she feels that there should be additional charges to cover the administrative fee. She feels the Board needs to stop spending money.

Paul Chapman agreed with the input that has been provided, and he does not feel that the County can afford to loan money. He stated he feels that Supervisor Fritz’s daughter and son-in-law live on the road and would benefit and that she should recuse herself from voting on this matter.

Ron Kennedy stated he is part of the Zone of Benefit proposal and he appreciates the work done by the Public Works Director and the County Administrative Officer; and he commented on the request. He stated he feels that the County should address how to handle requests for Zones of Benefit.

Discussion was held. Rick Benson responded to the input and advised that the overhead includes administrative costs in the budget and he advised of the Code allowance for charging interest. Supervisor Pickard asked that information be provided on the amount that has been repaid on Zones of Benefit loans to the General Fund. Further discussion was continued for a recess for Supervisor Fritz to discuss with the property owners that were attendance whether they were agreeable with continuing this matter until after the Final Budget Hearing.

12:30 p.m. Recess

12:38 p.m. Supervisor Fritz stated she would like for the Board to take action to approve starting the formation process for the Zone of Benefit and hopefully when it comes time to make the decision on the request for the \$80,000 loan, we will have a State budget and things will be better. She advised that her daughter and son are renting and they do not get a vote. (M)Fritz, (S)Aborn, Res. 08-437 was adopted initiating proceedings to establishment the French Camp Road Zone of Benefit within Countywide County Service Area No. 1 with fees and setting Public Hearing for Tuesday, October 28, 2008 at 10:00 a.m./Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

12:48 p.m. Lunch

2:08 p.m. Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued until there is full restoration for access; and he advised that he is following up with CalTrans to schedule a status report for the Board. The next PDT meeting is scheduled for next Tuesday. (M)Bibby, (S)Aborn, Res. 08-438 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)Fritz, Res. 08-439 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 the engineers are reviewing the watershed and erosion issues. A public meeting is scheduled for Thursday to discuss the County's response to the fire and he advised that this workshop is intended to obtain feedback from the public. (M)Fritz, (S)Aborn, Res. 08-440 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.

2:18 p.m. MARIPOSA COUNTY WATER AGENCY

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

A. Public Presentation – none.

B. Adopt a Resolution Authorizing the Chairman to Sign Contract for Services with Mariposa Public Utility District (MPUD) to Provide Consultation and Advisory Services to the Water Agency Regarding Merced Irrigation District (MID) FERC Re-licensing and Related Water Issues. (County Counsel)

AGENCY ACTION: Discussion was held with County Counsel. (M)Pickard, (S)Turpin, Water Agency Res. 08-5 was adopted approving the contract as recommended/Ayes: Unanimous.

2:21 p.m. Review and Approval of the Pre-application Document (PAD) for the Merced Irrigation District's Merced River Hydroelectric Project Re-licensing (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson advised that the County will be submitting a PAD and that the Water Agency Advisory Board addressed this issue at their meeting on Thursday and decided to have more review and input from the departments and they will submit their recommendations for the Board meeting on September 23rd. Discussion was held as to whether this should be a Board of Supervisors or a Water Agency item for action. County Counsel advised that although the two are distinct entities, both are covered under the agenda and that one response could be submitted.

Input from the public was provided by the following:

Michael Martin, Merced River Conservation Committee, advised of the presentation they made to the Water Agency Advisory Board requesting consideration of the historic cultural resources in the County and the possibility of considering an information center - pre and post-gold rush, development and maintenance of a trail recreational access, and the reintroduction of a fish species in the River. He requested that the PAD include these considerations. Discussion was held as to whether this would make any changes on the water flow.

Paul Chapman stated he feels this matter should come to the Water Agency versus the Board of Supervisors. He feels the fish proposed to be reintroduced is a new species and he is concerned that MID might balk at this subject.

Michael Martin provided input on the original territory of the Steelhead Salmon and the Chinook Salmon, and he advised of a lawsuit relative to the planting of trout.

Further discussion was held relative to submitting the PAD from the Water Agency and/or from the Board of Supervisors. Supervisor Bibby asked for a copy of the comments that were previously submitted by the County. County Counsel advised that he would review the obligations of the 1960 agreement with MID. The matter was continued to September 23rd to receive a report from the Water Agency Advisory Board.

Waive Second Reading and Adopt an Ordinance Amending Chapter 9.12 of the Mariposa County Code Entitled "Public Consumption of Alcoholic Beverages" (County Counsel)

BOARD ACTION: Following discussion, (M)Fritz, (S)Aborn, the second reading was waived and Ordinance No. 1047 was adopted as recommended. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Discussion and Action Regarding Resolution Asserting County Road Rights-Of-Way Created Under United States Revised Statute 2477 Throughout Mariposa County (Supervisor Turpin)

BOARD ACTION: Supervisor Turpin initiated discussion and County Counsel provided input.

Input from the public was provided by the following:

Paul Chapman stated he feels this is a poorly veiled attempt to help Hazel Green, and he feels that this opens issues with miles of old trails, etc.

Discussion was held, and Supervisor Bibby asked how this would work with old trails that were used to cross private property. County Counsel advised that this deals with road rights-of-way on federal government land.

Anita Starchman Bryant, Starchman & Bryant Law Offices, asked for further clarification that this only involves federal land and not private land. County Counsel responded relative to the intent of this action.

(M)Pickard, (S)Fritz, Res. 08-441 was adopted, with a change to reflect Public Works Road Commissioner/Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

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 August 2008 (County Administrative Officer/Personnel/Risk Manager)

3:30 p.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: SPCA Bullion & 10th Streets Property; Name of Party who will Negotiate with County (Not Party's Agent): Thomas P. Guarino; Closed Session will Concern Price and Terms of Lease/Purchase (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: Hazel Green Ranch, LLC v. United States Department of the Interior, et al; Case No. 1:07-CV-00414OWW-SWS; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54946.9; Number of Cases to be Discussed: 1 (County Counsel)

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

4:18 p.m. County Counsel announced that the Board authorized the reopening of negotiations with the SPCA with respect to the 10th Street property. The Clerk of the Board announced that this action was taken by a vote of four ayes and Supervisor Bibby voting "no." Chair Turpin announced that information was received relative to the Hazel Green Ranch matter.

CONSENT AGENDA

- CA-1 Approval of Summary of Proceedings of September 2, 2008, Regular Meeting and September 4, 2008, Continued Meeting (Clerk of the Board)
- CA-2 Approve Certificates of Appreciation to Individuals and Organizations that Participated and Contributed to the Mural Depicting Mariposa County's History on the Pizza Factory's Outer Wall (Supervisor Bibby)
- CA-3 Approve a Grant Application to Pacific Gas & Electric (PG&E) in the Amount of \$8,000 for Lot Line Adjustment on Property for an Americans with Disabilities Act (ADA) Compliant, Non-motorized Trail and the Eradication of invasive Flora Along the Mariposa Creek Parkway Trail (County Administrative Officer/Personnel/Risk Manager); Res. 08-433
- CA-4 Appoint Eric Baskind to the Alcohol and Drug Advisory Board for a Term Expiring September 9, 2011 (Human Services Director)
- CA-5 Adopt a Resolution Approving Public Works Solid Waste & Recycling Division's Request to Apply for State Grants from the Department of Conservation Recycling (\$40,496) and the California Integrated Waste Management Grant for Household Hazardous Waste Collection (Maximum \$450,000) (Public Works Director); Res. 08-434
- CA-6 Approve an Agreement with Advocacion for Lobbying Activities and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager); Res. 08-435, with direction to staff.

4:20 p.m. The Board recessed in memory of Lorraine S. O'Donnell, William "Bill" Bomprezzi, and Joyce M. Madole; and the meeting was continued to Thursday, September 11, 2008 at 6:30 p.m. for a public workshop to discuss the Telegraph Fire and the various agencies' responses to the emergency.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

September 11, 2008

(Meeting Continued from September 9, 2008)



Time Description

6:36 p.m. Continued Meeting Called to Order at the Mariposa County Government Center with Supervisor Fritz excused

Pledge of Allegiance

Chair Turpin requested a moment of silent prayer in Observance of this date seven years ago.

Chair Turpin stated that the Vice-Chair has been excused tonight and that he has a prior commitment to take part in the VFW meeting in Coulterville. Therefore there will be a nomination for an acting Chair for tonight's meeting.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager & Sheriff Brian Muller;
Public Workshop to Discuss the Telegraph Fire and the Various Agencies' Responses to the Emergency

WORKSHOP DISCUSSION: Chair Turpin thanked the public, departments and agencies within the County and outside the County for the tremendous response tonight. He then briefly described the purpose of this meeting and explained that the departments and agencies are here to answer, comment or follow up on any questions or comments that may arise this evening.

(M) Bibby, (S) Pickard, nomination for Supervisor Aborn to Chair tonight's Board of Supervisors meeting was approved/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz.

Supervisor Bibby thanked the community for their support throughout this disaster and thanked the safety personnel and emergency services; she stated that this community is what it is because they all pitched in and pulled us through this.

Supervisor Aborn thanked and welcomed everyone for coming tonight.

Supervisor Pickard agreed with Supervisor's Bibby and Aborn's comments and added comments regarding the Stumpfield fire in 1996 in reference to the format used before and after the debriefing, it was a good opportunity for County departments, state officials and all the agencies that were involved in that fire to get a better sense of what went right and wrong and it was very healthy for the community to say what was on their minds. He stated that it is very rewarding to see the amount of people here tonight and said our hearts go out to all those that were affected by this fire and hopes this meeting tonight is a very good meeting. He complimented the Sheriff, County Administrative Officer, County Fire and all other departments that are here.

Chair Turpin stated that the departments are good listeners and will be taking notes; he excused himself at 6:50 p.m. and passed the gavel to Supervisor Aborn.

Rick Benson mentioned that he was asked to make an announcement that on Saturday, September 20th, at 10:00 a.m. the Mariposa County Master Gardener's Program in cooperation with the Resource Conservation District is going to have a public workshop on landscape restoration at the Midpines Community Hall.

Rick Benson stated that tonight we are here to listen; this is for the public to provide comments on what they think went right and wrong and what we should continue doing that worked very well. He introduced the representatives from the different departments available for questions, comments or follow up, including Mariposa County Fire, Sheriff's Department, Human Services Department, Public Works Department, Health Department, PG&E, Cal Fire, and California Highway Patrol. He also announced the department representative available in the audience including the Building Director, Planning Director, the USDA who will be working with erosion control, the District Attorney, the Assessor, Merced County Fire and the Chamber of Commerce, stating that these people are all here to listen.

Rick Benson invited any one from any of the agencies to speak. He introduced Sheriff Muller stating that this meeting has been arranged by the Sheriff and himself.

A member of the public thanked everyone in the room that helped; she didn't lose her home but was affected by electricity, water, and landscape which all burned. She commented that every agency here at the meeting passed out information pertinent to restoring services, etc. except PG&E. She also expressed concern about PG&E cutting down trees on private property with no explanation on how to clean up.

Darlene Arebalo stated that their house and all other structures on their property were lost. She expressed concern regarding PG&E being on her property cutting trees when they were finally allowed back by Sheriff's escort. When she inquired about an entry permit to come onto your property like hazardous waste does and she was told they have thousands of trees and don't have time for this. She has taken it personal and wants an apology.

A member of the public expressed concern regarding his right as a property owner to keep the trees after the fire had already gone through. He stated PG&E didn't take a core sample of the trees before they cut them.

Joe Curtis of Sherlock Road expressed concern regarding the trees that were marked stating he was told that the property owners will have to clean up themselves, and now we have another fire hazard. He also expressed concern regarding the vehicles driving on Telegraph Hill regarding public safety, the nuisance factor, and trash being dumped. He suggested that only PG&E, foot traffic and equestrian traffic be allowed up there.

Mario Rendon, PG&E Public Affairs, thanked the public for their comments and stated that he will be taking notes and taking the information back to the vegetation management. He stated that some of the comments are accurate; they look at safety of the home owners as well as safety of the crews that will be working in that area when clearing trees. He said that even though a tree looks like it is alive, it may be dying and it's better to cut it now then wait for something to happen later. He will take this back to them and see what they can do to improve things in the future and see if there is anything else they can do for right now to help the property owners.

Jenny Morimue, daughter of Marian and Bill Greer, stated that they lost everything, a home her dad built from top to bottom. She expressed concern regarding the water tankers not being brought in right away. She inquired on who would pay for the clean up of the trees being cut down. She addressed the news crews stating that even today they were on her property, they had no right and this was trespassing where signs were clearly posted. She can not make the meetings on Thursdays, therefore she is not unable to receive the information that is discussed and the website is not detailed in regards to these meetings. She requested that contact information for assistance be added to the website. She expressed concern regarding erosion and suggested installing the reverse 911 system. She was concerned that they were not contacted with any warnings to evacuate even though some of the neighbors were. She felt that the home was defensible and it wasn't defended. She was thankful for the help that was provided. She commented on State hazardous waste removal and that they won't deal

with the propane tank. She provided her email address and asked that any pertinent information be sent to her.

Supervisor Aborn stated that every Thursday night from 6:00 p.m. to 7:30 p.m. there is a Midpines community meeting through Human Services for anyone who has suffered a loss.

Jim Rydingsword, Human Services Director, stated that he will work with the folks that are updating the website to include more detailed information. He said that he will look into establishing a weekly webinar where they can actually talk to and update people living out of the area.

Dr. Mosher, Health Officer, responded to the hazardous waste comments explaining the program to have the State come in and pick up hazardous waste, he stated that they found more asbestos than they thought they would. What they were looking for was things that could be packaged up and taken away and propane tanks don't fit into that category. They did send out entry permits to everyone to be respectful.

Bill Hodson, Assistant Chief of Cal Fire, responded to Jenny Morimue and offered to take her to the area and show her exactly what happened and why at times they choose not to put people in unsafe situations even when some of the ground appears to be defensible.

Carol Willis, stated they were blessed and didn't lose anything, she commented to the representative from PG& E that she liked what he said but felt he started waffling on how it was a safety issue. She then stated we do have a reverse 911 system and was impressed that if you didn't answer it left a message. She is very sorry for the people that suffered losses and is thankful for the efforts of all the people. She feels that saving lives is the most important task.

Sheriff Muller responded stating the reverse 911 system had been used that day. He then explained how the 911 system works and gave an example of possible problems in using the GIS system for this. He stated that the manufacturer is working with them to correct the problem. He stated that the fire occurred during an election year, and there is a 2 or 3 second delay with political calls, the reverse 911 has a 2 or 3 second delay also. They are working on that, that's why deputies were out there knocking on every door.

Candy O'Donel Browne thanked everyone and said she is grateful she no lives were lost. She stated that she is working on the Telegraph Fire Relief Fund and that several groups get together regarding disaster planning; she feels that this could be something that the County could include in the disaster planning. Midpines meetings on Thursday nights is not only for people who lost their homes, it's for anyone that was affected.

Paul Haul, Vice President of the Chamber of Commerce said the Chamber is handling the Relief Fund web site and if any of the agencies, fire victims, and general public has any information that could be helpful to please contact the Chamber and they will add the information to the website.

Dale Dean thanked PG&E, stating they did a great job restoring power and commented that there wasn't anyone available from the phone company to assist in restoring service. There was limited access due to the phone pedestals getting hot and in that sense the reverse 911 calls won't get through.

Ken Gosting with Transportation Involves Everyone (TIE) initiated a round of applause for the unified command team. He commented on some improvements that could still be made. He expressed concern regarding the potential for fatalities due to people stopping to look along Highway 140 on the Briceburg grade causing a hazard to buses also. He commended the reverse 911 system and the 966-1133 line; and stated that it appeared there was a break down was on the individual lines. He suggested another term be used instead of pre-evacuation notice because in the dictionary this implies there will be an evacuation. He suggested in regards to the 966-1133 line that CalTrans Highway Information

Network be referenced rather than the Sheriff's Department. Also there was some confusion between soft-closure and hard-closure at the re-entry points.

Sheriff Muller responded in regards to the County information line of 966-1133 line stating Dr. Mosher and his staff deserve credit for this as he brought this to the Board and initiated this. They are working together as a County to improve on the updates regarding the information line.

Rick Benson stated this line was not set up just for the fire; this number is going to be Mariposa County's permanent emergency line. It is the intent that 966-1133 will be open and available to provide information to the public during a crisis/emergency.

Sue Vilums thanked the Fire Department and stated her house was not touched even though most of their neighbors were. She commented on the length of time it took to respond to the fire right after it was reported then asked why there isn't a helicopter bucket available at the airport.

Bill Hodson responded to Sue stating that with no other fires in the area they had every available piece of equipment; the difficult part was getting the equipment and firefighters to the fire safely. He stated there is a helicopter at the airport and it was used. He stated they were going to fly resources into the river canyon but the smoke was so bad they couldn't and this could have turned disastrous for the firefighters if they had been brought down in there. He stated they were there quickly and this fire was in a position to move away from them and not allow them to get a real hold on it until several hours later and that's exactly what happened

Angela Phillips with Human Services stated she attends the survivor support group meetings on Thursdays, she explained what is included in the meetings and encouraged anyone who would like more information to call her.

Ingram Angelini stated that her home was spared and her only suggestion is that if there is ever a next time, her street is not on a map and firefighters from out of town had a difficult time locating it. She suggested the County make every effort to get every tax paying address on a map.

Barbara Stigel stated that her home was evacuated during the Oliver fire but was ok. She then stated she is a member of the Red Cross and as such she described what the Red Cross does. After the Oliver fire her and her husband created a list of important things to grab during an evacuation, she offered to share this list with anyone interested.

Linda Gast stated that in the middle of the night they were notified that they were on pre evacuation and the next morning the Santa Barbara Fire Department came and gave them pointers on what they could do to improve fire safety around their house. She stated she had requested Sherlock Road be brushed 2 weeks prior to the fire and was told those roads get brushed every 10 years. She felt that because her husband has brushed a large portion of their property they were able to stop the fire and their home was saved. She also asked if the East end of Sherlock were brushed could they have been able to defend the fire.

CDF responded to Linda Gast stating that with approximately 90% of the fires it would have helped but with this particular fire it would not have had an impact. He said they work with Public Works on road brushing and in addition have a proposal that entails several of these roads, in 2005 the proposal requested Federal funding and that funding has not yet come. Other than adding additional resources to the Road Department and the hand crews he isn't able to expedite the requests for brushing.

A member of the public expressed concern regarding the bushes that grow in after the trees are cut down and asked if there is a way to kill these bushes so that they don't come back; can the County use stronger herbicides.

Dana Hertfelder, Public Works Director, said there isn't a 10 year program for brushing and apologized for the incorrect information. He then stated that they have one 2 man crew to brush 560 miles of road in the County, he explained the process, and is working very closely with CalFire and the Road Department on the issue of brushing program. Dana commented regarding spraying the roads, stating the County is probably far more restricted than the property owners on the types of herbicides they can use. He said they have looked into ways to kill the bushes after they have been brushed but he feels that their brushing program is probably one of the most controversial brushing programs that they have and they are also very limited in their right of way. He gave an example of what happens when a single property owner does not want brushing done. He also discussed subcontracting in regards to the budget that they are allowed for this.

Dawn Afman, with the Natural Resources Conservation Service, stated she has been offering flower seeds and will be offering 3 year old ponderosa pines as soon as the weather cools. She explained she is here to help and do some erosion control and seeding. She offered to help anyone and she let everyone know that she left literature in the back of the room for help with erosion. She will visit everyone who wants to talk to her before the rains come. They have ordered a new load of seed and promised seed to everyone who has been affected. She advised the public that a gentleman is going to be selling his whole load of trees for \$20 each in December and named the types that will be available.

Ellen Zoltak stated she lost her home and asked for clarification regarding the controlled burn that was set on Wednesday. She thanked the Buddhist for their assistance. She explained what she did to try to prevent fire with her tree trimming. She spoke of an owl that had died on her property due to the fire. She suggested that people be consulted prior to coming on to their property, she felt she could have explained the terrain for the firefighters.

Bill Hodson explained the position of the fire and what had happened regarding a possible controlled burn. Bill stated he is not aware of fire being put down on Wednesday. Ellen stated a fire was set on both sides of the road. She said she would appreciate someone coming out to look at it. Bill stated he will get her information and go out to see her.

A member of the County stated he did not remember seeing controlled burns set there.

Paul Chapman said that people were extremely lucky as it could have been a lot worse. He felt Bill Hodson did his best guess and that's all he had and they did a good job.

A member of the public wanted to give tribute to Jerry of Goldrushcam and Les Marsden's network for providing the information made available to the public.

A member of the public commented that people may be able to get some compensation from their insurance companies for the trees that burned and were cut down.

A member of the public asked what Bureau of Land Management (BLM) is going to do regarding seeding Potato Hill, etc.

Bill Hodson responded explaining they are in the process now of fire suppression repair but they don't necessarily seed everywhere, they also have some budget issues and Brian Muholland is the individual that is working the fire suppression repair for BLM. The coffers remain open for another 9 or 10 months for the rehab portion of what they are doing and they are going to do what they can in that time. He feels everyone will be happy with what they are trying to accomplish.

Debbie Peters of Sierra Telephone apologized that the press release made on July 29th did not get out to more of the community. She addressed installing approximately 60 telephone lines in different locations. They have learned that they need to do a better job of getting the information out.

For customers that have lost their homes they will do what they can to find a solution. She stated that customer voice mail can be kept activated so customers can still receive messages. She stated that for anyone that has not yet been assisted to please call.

Reid Marks spoke regarding a monthly Fire Safe Council meeting for anyone interested in attending, they have spearheaded a lot of vegetation management in the last 5 or 6 years, they do get grants and have the ability to finance portions.

Pat McGovern expressed concern regarding the erosion that could affect his home and asked if there someone at CDF that could do a little brushing up the creek before the rains come.

Bill Hodson responded yes.

A member of the public addressed PG&E stating that the oak trees are coming back even though they are getting ready to go into a dormant state. He felt the oaks and pines would probably have been okay left alone and not cut down.

Rick Benson stated that the next step for people is rebuilding, our departments are ready to help. Human Services is there to help with human needs. The Building Department is ready to help with permits. He then commented on the www.telegraphfirefund.org stating that they are still collecting and distributing money and helping out. The Red Cross, Manna House, the Salvation Army and the Buddhists have all helped and the Southern Baptist showed up to help clear property. A lot of people came to Mariposa to help as well as the community.

Supervisor Aborn stated there are funds at Yosemite Bank.

Paul Haul of the Chamber commented on Sierra Telephone setting up a computer system and DSL for the victims. He requested that anyone needing furniture to please contact him; any excess furniture, clothing, etc. will be liquidated and the money will be put into the Telegraph Fire Relief Fund. He commended the Oakhurst Chamber for their assistance.

Linda Gast mentioned that the SPCA has plenty of clothes and hay.

Supervisor Aborn commended the volunteers and inmates that helped with the animals that were evacuated to the fair grounds.

Sheriff Muller expressed his appreciation to the community, departments and agencies for all of their team efforts and stated the input is very important and critical.

Fire Chief Wilson stated that this was a devastating fire and that when the incident management team placed orders for resources the requests were met. He felt that to control a fire of this magnitude in that amount of time was due to the resources being available. He addressed BLM and their plan for the rehabilitation.

Dr. Mosher thanked everyone who came tonight, we do get a lot of feed back from the people and it does help with planning for the next event.

Jim Rydingsword explained what their roll is in regards to the Red Cross and the Salvation Army. He feels that the group has come together here and put together a solid plan for doing this in the future and thanked them

David Price stated the community should be very proud of the public safety and other public agencies, such as PG&E, after 30 years he has never seen a group of people work so well together, both on the Oliver fire and the Telegraph fire.

David Price, CHP representative, stated that their hearts go out to anyone who has suffered any losses in the fires. He then commented on a digital intelligent transportation system for real time road conditions; he stated that many times in a disaster the transportation system is affected.

Mario Rendon of PG&E thanked the County for including PG&E. He felt this is great information to take back and learn from and be more prepared if there is a next time.

A member of the public stated that when Mariposa Pines Villa had their 16 residents evacuated, Rose Varney's home was used for seven for the five days. She feels it should be treated more like the hospital; they had to be transported in staff vehicles because there wasn't time to get busses there to assist.

Supervisors Bibby thanked everyone for their participation throughout this process. She feels that we are truly blessed with the community we have, volunteers, professionals and emergency responders. She stated this is going to be a continued process and all the suggestions and community input we receive will be critiqued and implemented so we will be better prepared each time. She thanked everyone for their cooperation and thanked all the agencies that stepped up to the plate and participated and blesses each and every one.

Supervisor Pickard added that he thought this was a healthy exchange, and thanked PG&E for their comments. He acknowledged all the technology that was made available through Dr. Mosher and Sheriff Muller. He feels that the 966-1133 number really helped calm people. He stated that he took a long list of things he would like to follow up on with department heads. He feels we are really blessed with a community and agencies that really care. He is proud to be a part of this community.

Supervisor Aborn stated that this will continue on with the departments after tonight to be better prepared if this were to happen again. He thanked all for coming.

Supervisor Pickard thanked Rick Benson and Sheriff Muller for putting this together.

(M)Bibby, (S)Aborn, the Board adjourned at 8:45 p.m./Ayes: Aborn, Bibby, Pickard; Excused: Turpin, Fritz. Under discussion Supervisor Bibby informed the public to please call any department if you have any questions.

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

September 16, 2008

Time Description

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

Pledge of Allegiance

Introductions

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

Ruth Sellers referred to the tragic train wreck that occurred in Southern California and thanked the Board for its previous action on the high speed rail objecting to the use of the tracks by both passenger and freight trains.

Dick Hutchinson advised that there will be a distribution of donated items for the Telegraph Fire victims at the Methodist Church and that a rummage sale would follow for the remaining items with proceeds to benefit the Telegraph Fire Relief Fund.

Eleanor Keuning asked if a report would be given on the Telegraph Fire public workshop that was held on September 11th.

Board Information

Supervisor Fritz advised that she attended the CSAC Board of Directors meeting in Sacramento on Thursday and was unable to attend the Telegraph Fire workshop.

Supervisor Bibby advised that she attended the First 5 meeting on Monday and they discussed the status of facilities for the Catheys Valley Pre-School. She noted that the Telegraph Fire workshop was well attended and she commended everyone for their participation.

Supervisor Aborn commented on the Telegraph Fire workshop. He commented on problems he has observed with the parking lots in town and the spaces that are designated for the buses are being used by other vehicles.

Supervisor Turpin advised that he attended the Solid Waste Local Task Force meeting on Wednesday. He advised that he attended the VFW ceremony in Coulterville on Thursday evening.

Approval of Summary of Proceedings of September 9, 2008, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Aborn, (S)Fritz, the minutes were approved with a correction in the French Camp Road Zone of Benefit item to reflect that Supervisor Fritz's daughter and son were renting/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 until there is full restoration for access; and he advised that he is still following up with CalTrans to schedule a status report for the Board on the activities of the permanent fix; and that CalTrans plans to hold their next public meeting in February or March 2009. (M)Aborn, (S)Bibby, Res. 08-442 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. Supervisor Bibby asked about a letter that was received questioning some of the costs submitted by the County for reimbursement. Rick Benson advised that he had not seen the letter. (M)Pickard, (S)Fritz, Res. 08-443 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 the Telegraph Fire workshop was well attended and productive with comments that the County can take action on. He advised of the status of the disaster declaration with FEMA. (M)Aborn, (S)Fritz, Res. 08-444 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.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
PUBLIC HEARING to Consider the Final Budget for Fiscal Year 2008-2009, and Continue the Hearing and Meeting to September 17th, and 18th as Necessary to Conclude the Hearing and for the Adoption of the Final Budget (A Tentative Budget Hearing Schedule is Available at the Administration Office and is Subject to Change)

BOARD ACTION: Chris Ebie/Auditor, Debbie Isaacs/Assistant Auditor and Mary Hodson/Deputy County Administrative Officer, were present to respond to questions and to track the budget changes.

Input from the public was provided by the following:

Paul Chapman commented on the State budget cuts and potential impacts to the County and cautioned that he does not feel the County should fund discretionary items like the Arts Council and Yosemite Renaissance; and he feels the Airport budget should not be subsidized since it is an enterprise fund.

Rick Benson presented the staff report including an overview of the recommended budget, and advised that the State still has not adopted its budget. He addressed the FY 2006-07 audited Financial Statements that were previously presented to the Board with regard to the recent report of overspending by the County, and he explained the budget situation with the abnormalities with spending and revenue in that fiscal year especially with the Lake Don Pedro wastewater treatment plant project. He clarified that the County did not overspend the budget. He also addressed the issues that have been raised relative to the status of the County's debt, and he pointed out the different kinds of debt, including the borrowing of funds for various projects, the unfunded pension liability with PERS, and the OPEB obligation due to changes in accounting. Supervisor Bibby requested that a list of the departments be included with the information on the pie charts showing the allocation of funding so that the public would know what departments the different categories consist of. Chris Ebie advised that additional information can be included in the final budget document. Rick Benson advised that this information is also available on the internet. Supervisor Bibby initiated discussion as to what would happen if the delinquency rate exceeds a certain level for the budgets that are offset by assessments; i.e., the service areas where Proposition 218 assessments have been implemented. Chris Ebie and Keith Williams/Treasurer-Tax Collector, provided input on the process.

Rick Benson recognized Mary Hodson for her work in preparing and monitoring the budget. He provided a budget overview for each of the budget units and the Board reviewed the following budget units:

General Purpose Revenue – Discussion was held relative to the SB90 cost claiming revenue status and the possibility of a ten percent reduction in the Williamson Act Subvention Funding program by the State and the status of the Rural Schools Funding. The Board concurred with this budget unit.

Administration – The Board concurred with this budget unit as revised.

Assessment Appeals – The Board concurred with this budget unit.

Personnel – The Board concurred with this budget unit as revised.

Economic Development – Discussion was held. The Board concurred with this budget unit as revised. Supervisor Pickard requested that a summary of revenue that has been brought in as a result of this function be provided to the Board.

Indigent Defense – The Board concurred with this budget unit.

Economic Development Strategy – The Board concurred with this budget unit as revised.

Board of Supervisors – The Board concurred with this budget unit as revised.

Fish and Game – The Board concurred with this budget unit as revised.

Forest Reserve HR2389 – The Board concurred with this budget unit as revised.

Tobacco Settlement – Following discussion relative to allocating funds for County Service Area No. 3/fire protection when the equipment bids are received, the Board concurred with this budget unit as revised.

Audits – The Board concurred with this budget unit.

Auditor – The Board concurred with this budget unit.

Mariposa Parking Bond Redemption, Yosemite West Bond, Government Center, Yosemite West Bond 2004, Yosemite West WWTP Reserve, Lake Don Pedro WWTP Bond, and Lake Don Pedro WWTP Reserve – The Board concurred with these budget units.

Treasurer – Tax Collector – The Board concurred with this budget unit.

County Clerk – The Board concurred with this budget unit as revised.

Elections – Discussion was held with Keith Williams/County Clerk relative to the status of the budget for elections; and of costs for the possible March 2009 special election and the possible special election for the School Board members. The Board concurred with this budget unit.

Yosemite West Bond Administration, Cash Difference – Tax Collector, Lake Don Pedro Bond Administration, Tax Collectors Cost, and Vital/Health Clerk – The Board concurred with these budget units.

Assessor/Recorder – Discussion was held with Becky Crafts/Assessor-Recorder, relative to the education line item. The Board concurred with this budget unit.

Recorders Modernization, Recorders Cash Difference, Micro Conversion, Vital Health Recorder, and Social Security Truncation – Following discussion, the Board concurred with these budget units.

County Counsel – The Board concurred with this budget unit.

Technical Services – Discussion was held with Rick Peresan/Technical Services Director, relative to the website changes and the request for the wireless upgrade. The Board concurred with this budget unit.

Building – The Board concurred with this budget unit as revised.

Public Comment:

Ruth Catalan asked when input would be taken from the public.

10:56 a.m. Recess

11:10 a.m. Chair Turpin advised that the hearing schedule has public comment scheduled periodically; and be called for public comment on the budgets discussed thus far.

Paul Chapman questioned the increase in the County Counsel insurance and the request from Technical Services for Ethernet.

Library – Discussion was held with Janet Chase-Williams, Interim Librarian, relative to the status of positions. The Board concurred with this budget unit.

Cooperative Extension Services – Discussion was held with Scott Oneto, Acting Farm Advisor, relative to the budget and the Master Gardener program funding. The Board concurred with this budget unit.

Planning – Mary Hodson advised of the Fish Camp Fire Auxiliary funds for professional services for the new fire station – direction was given on this fund later in the budget hearing process. Discussion was held with Kris Schenk, Planning Director, relative to the status of projects and funding. The Board concurred with adding the following to the list for future consideration in the hearing process: \$25,000 for code enforcement and \$20,000 for General Plan consistency work.

SDA Camp EIR, South Shore Ranches LLC EIR, Yosemite Cascades EIR, Silvertip Resort EIR, Vallecito Specific Plan EIR, Microform, Local Agency Formation Commission, and Mariposa Aggregate – Discussion was held with Kris Schenk relative to the status of the Mariposa Aggregate project. The Board concurred with these budget units as revised.

Health/Air Pollution – Discussion was held with Dr. Mosher/Health Officer, relative to the status of the CUPA funding. The Board concurred with this budget unit.

Emergency Medical Services, Tobacco Cessation, Realignment Health, Perinatal Program, Public Health Emergency Program, Moyer Program, Local Enforcement Agency, First Five Visiting Public Health Nurse, West Nile Virus, HRSA Bio-Terrorism, Pacific Bell Settlement, and Above Ground Petroleum Storage Act (APSA) – The Board concurred with these budget units as revised.

Human Services Department – Behavioral Health – Discussion was held with Jim Rydingsword/Human Services Director, relative to the status of the Designated Buddy Fund, and he advised that he will follow-up on this. The Board concurred with this budget unit as revised.

Alcohol and Drug – Discussion was held with Jim Rydingsword relative to the future impact of the position changes. The Board concurred with this budget unit as revised.

Social Services – The Board concurred with this budget unit as revised.

Social Service Programs – The Board concurred with this budget unit as revised.

Human Services Administration – The Board concurred with this budget unit as revised.

Employment and Community Services – The Board concurred with this budget unit as revised.

Family Preservation, Housing Development, Housing Authority Choice Voucher, Energy Grant, Community Programs – CAA, TANF Incentives, Proposition 36 – Substance Abuse, Designated Buddy, Individual Education Plan, Youth Council, Incentives Social Services, Assistance Advance, Children's Trust, Drug & Alcohol Prevention, Welfare Trust, Alcohol Program, Medi-Cal County Bounty – The Board concurred with these budget units as revised.

Realignment – Mental Health, and Realignment – Social Services – The Board concurred with these budget units as revised.

Mental Health Services Act – Discussion was held with Jim Rydingsword relative to the status of the funding with the delay of the adoption of the State budget. The Board concurred with this budget unit as revised.

In-Home Supportive Services Public Authority – Discussion was held with Jim Rydingsword relative to the status of the funding with the delay of the adoption of the State budget. The Board concurred with this budget unit as revised.

Community Services Department – Veterans’ Services – The Board concurred with this budget unit.

Senior Services – The Board concurred with this budget unit as revised.

Senior Nutrition – The Board concurred with this budget unit as revised.

Transit – The Board concurred with this budget unit as revised.

Public Comment

Paul Chapman questioned the increase for the Master Gardener program as he feels it should be funded by the University system; and he stated he feels the 4-H program should not be cut because it benefits more people.

12:15 p.m. Lunch

1:38 p.m. Public Comment – none.

District Attorney – Statutory Rape Vertical Prosecution Grant, Elder Abuse Vertical Prosecution Grant, Child Abuse Vertical Prosecution Grant, Drug Enforcement Grant, Victim Witness, District Attorney Asset Forfeiture, Department of Justice, and Sund-Pelosso Advance – Mary Hodson advised that the Elder Abuse Vertical Prosecution Grant funds have been combined with the Child Abuse Vertical Prosecution Grant budget. The Board concurred with these budget units as revised.

District Attorney – Prosecution – Rick Benson advised that the request to reclassify the Administrative Assistant position to an Administrative Analyst is under review and will be brought back. He advised that there are two other requests for positions which are not recommended; and he recommended that there be a revision for the rent for additional space in the total amount of \$5,400 - \$5,000 is included in the recommended revisions and the balance of \$400 was added to the list for further consideration. Discussion was held with Bob Brown/District Attorney, relative to his requests for the reclassification of the Administrative Assistant, request for additional office space and he advised that he will give up the space he is using at the Courthouse; request for two new positions: Investigator and Victim-Witness Advocate; request for increase in operating expenses up to \$7,000; and he initiated discussion relative to the status of the State continuing to fund the costs of forensic services. Discussion was held. Bill Flaherty, Victim-Witness Coordinator, provided input relative to the request for the additional office space and related costs. The Board concurred with adding \$4,640 to the list for further consideration for the operating expenses. Supervisor Turpin initiated discussion relative to the status of the Sund-Pelosso budget expenses for the storage of vehicles and the storage of files by the defense attorney. Chris Ebie provided input and advised that he will research to see if the file storage expenses can be claimed for reimbursement. Supervisor Bibby asked the District Attorney to check on the need to continue with the storage of these items and that the Board receives a report back.

Presiding Superior Court Judge – Grand Jury – The Board concurred with this budget unit.

Law Library – Discussion was held, and Supervisor Bibby asked if the inventory could be reviewed to determine if all of the subscriptions are still needed. The Board concurred with this budget unit as revised.

Child Support Services and Child Support Advance – Rick Benson noted that additional reductions in funding are possible. The Board concurred with these budget units as revised.

Sheriff-Coroner-Public Administrator – The Board concurred with this budget unit.

Boating Safety – Supervisor Bibby initiated discussion relative to the increasing costs and the impact to the General Fund for providing this service. Brian Muller/Sheriff provided input. Supervisor Turpin asked for information on the boat tax revenue. The Board concurred with this budget unit.

Jail – Supervisor Fritz initiated discussion relative to the food costs. Brian Muller provided input on the status of the proposed State budget impacts – crime lab (forensic) services are still included in the State budget, and the Rural and Small Counties Crime Prevention Fund has been fully funded. He advised that AB900, a proposal to create re-entry facilities to try and alleviate overcrowding in the State prisons, was removed from the budget. He commended Undersheriff Doug Binnewies and Captain Byron Robles for their work on the Department's budgets; and he advised that they are still having a retention problem with the deputies. The Board concurred with this budget unit.

Public Administrator - The Board concurred with this budget unit as revised.

Asset Forfeiture, Sheriff Asset Forfeiture, COPS Grant, SLESF, Rural County Crime Prevention, DNA Identification, County Inmate Welfare, Fingerprint ID, Animal Control, Criminalistics Lab, Standards & Training Corrections Program, Automated Warrant System, and Civil Matters – Supervisor Pickard initiated discussion relative to the status of consideration of a chipping program for animal control. Brian Muller and Byron Robles advised that they will look into this program further. The Board concurred with these budget units as revised.

3:00 p.m. Recess

3:15 p.m. Probation, Juvenile Detention, Youthful Offender Block Grant (YOBG), and Revenue & Recovery – Discussion was held with Gail Neal, Chief Probation Officer, relative to the YOBG grant and the allocation of a position. Rick Benson advised that he concurs with the allocation of the requested position. (M)Pickard, (S)Fritz, Res. 08-445 was adopted adding a Deputy Probation Officer position for the YOBG program, with the understanding that there is no additional costs to the General Fund/Ayes: Unanimous. Discussion was held relative to the request for an additional Deputy Probation Officer position and the status of grant funding – the Chief Probation Officer will further review this at mid-year. Discussion was held relative to the status of the Revenue and Recovery Program. Chris Ebie provided input on the program and advised that he could get some information for the Board on the funds that have been collected. The Board concurred with these budget units as revised.

ADAPT Program, Juvenile Justice Crime Prevention Act, Domestic Violence, and Probation – Drug Program – The Board concurred with these budget units as revised.

Fire – Discussion was held with Jim Wilson, Fire Chief relative to setting up replacement accounts for the engines. Supervisor Bibby stated she feels that reimbursement that is received for the equipment when it is assigned to fires should be placed in a vehicle replacement or maintenance account. Discussion was held. Jim Wilson advised that he brings a budget adjustment at year-end for allocation of the revenues. Rick Benson suggested that there be a floor for replacement costs from the General Fund and a separate line item for accelerated replacement costs for the revenue received from assistance by hire. The Board concurred with this budget unit as revised.

Special Grants – Fire and Fire – SAFER Grant – Jim Wilson advised that the Department has received grants totaling 1.8 million dollars over the last eighteen months. The Board concurred with these budget units as revised.

Agricultural Commissioner – Discussion was held with Cathi Boze, Agricultural Commissioner, relative to the status of the grant programs, including the weed program, and the status of staffing. She reminded everyone of the Farm Bureau’s dinner on October 11th. The Board concurred with this budget unit as revised.

Public Comment: none.

4:12 p.m. The Board recessed and continued the meeting and the Public Hearing on the Final Budget for FY 2008-09 to Wednesday, September 17, 2008, at 9:00 a.m.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS
September 17, 2008
(Meeting Continued from 9-16-08)

Time Description

9:07 a.m. The continued meeting was called to order at the Mariposa County Government Center.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager; Continued PUBLIC HEARING to Consider the Final Budget for Fiscal Year 2008-2009, and Continue the Hearing and Meeting to September 18th, as Necessary to Conclude the Hearing and for the Adoption of the Final Budget (A Tentative Budget Hearing Schedule is Available at the Administration Office and is Subject to Change.)

BOARD ACTION: Chris Ebie/Auditor, Debbie Isaacs/Assistant Auditor and Mary Hodson/Deputy County Administrative Officer were present to respond to questions and to track the budget changes:

Public comment: none.

Rick Benson provided a budget overview for each of the budget units and the Board reviewed the following budget units:

Public Works Department - Facilities Maintenance - Discussion was held with Dana Hertfelder/Public Works Director, and Carl Casey/Public Works Administrator. Dana Hertfelder advised of request to move the Plant Operator Technician position from the Road budget to this budget unit; he advised of request to add a Maintenance Worker I/II position; and he advised that reimbursement received from insurance for damages to the Midpines Hall was placed in the Facilities Maintenance Budget last year and the repairs have not been completed. The Board concurred with adding \$13,534 to the list for further consideration for the repairs to the Midpines Hall. Supervisor Pickard asked about the status of the Darrah Schoolhouse restroom facilities, and Dana Hertfelder advised that he will check on this. The Board concurred with this budget unit as revised and with the change in allocation of the Plant Operator Technician position.

Public Works Administration - Discussion was held with Dana Hertfelder relative to the status of filling the vacant Assistant Director position. The Board concurred with this budget unit.

Regional Transit System - Discussion was held relative to the YARTS program and expansion possibilities.

Public comment:

Chris Ebie, speaking as a citizen, stated he supports the YARTS services and advised that his children have used it to attend Merced College.

The Board concurred with this budget unit.

Parks & Recreation - Discussion was held with Dana Hertfelder relative to the programs and the status of a heater for the pool. The Board concurred with this budget unit.

Roads - Discussion was held with Dana Hertfelder relative to the status of the Foresta Bridge and the Darrah Road Bridge funding; and relative to the status of the Road budget and revenue and request for a contingency fund; and relative to the status of road maintenance projects including materials, brushing and the weed spraying program. The Board concurred with this budget unit as revised. Further discussion was held on this budget later in the day.

10:32 a.m. Recess

10:44 a.m. Local Transportation - The Board concurred with this budget unit as revised.

State Transit Assistance – The Board concurred with this budget unit as revised.

Transportation Planning – Discussion was held with Dana Hertfelder and the Board was advised that the Old Highway Bridge project has been removed from the STIP program, but they are still discussing the project with CalTrans as a State project. The Board concurred with this budget unit as revised.

Pedestrian Bikeway – Following discussion relative to the status of the Greeley Hill walkway project, the Board concurred with this budget unit as revised.

Special Aviation – Discussion was held with Dana Hertfelder and Carl Casey relative to the status of projects at the Airport. The Board concurred with this budget unit as revised.

Roads – Special Projects – Following discussion, the Board concurred with this budget unit as revised.

Water Agency – Discussion was held. Mary Hodson advised of the new Fund 311 that was established to account for the Lake Don Pedro CSA fire assessment fees. The Board concurred with these budget units as revised.

Coulterville Lighting – The Board concurred with this budget unit as revised.

Coulterville Service Area – Following discussion, the Board concurred with this budget unit as revised.

Don Pedro Service Area 1M – The Board concurred with this budget unit as revised.

Don Pedro Sewer – The Board concurred with this budget unit as revised.

Hornitos Lighting – The Board concurred with this budget unit as revised.

Mariposa Lighting – The Board concurred with this budget unit as revised.

Mariposa Parking – Following discussion, the Board concurred with this budget unit as revised.

Mariposa Pines Sewer – The Board concurred with this budget unit as revised.

Wawona Service Area – The Board concurred with this budget unit as revised.

Yosemite West Maintenance – The Board concurred with this budget unit as revised.

Airport Hangar Project – The Board concurred with this budget unit as revised.

Airport Planning Grant – The Board concurred with this budget unit as revised.

Hazardous Material Clean Up – Following discussion, the Board concurred with this budget unit as revised.

Capital Improvement Projects – The Board reviewed each of the projects. Supervisor Bibby asked about the status of repair of the clock on the Courthouse, and Dana Hertfelder advised that they have located an expert, that has a manual for the clock, and who will come out and give a repair estimate. Discussion was held relative to the status of receiving restitution for rebuilding the restrooms at the Art Park. Discussion was held relative to the status of the Proposition 40 funds for the recreational park/sports complex, including preliminary future plans for a YMCA. Supervisor Pickard advised of preliminary review of consideration of other uses for the property such as an RV park/campground and recreational trail system – he suggested that the Board give further consideration to utilizing the site. Discussion was held relative to the lighting and floor projects for the amphitheater. The Board concurred with these budget units as revised.

Solid Waste & Recycling – The Board concurred with this budget unit as revised.

Solid Waste Closure – The Board concurred with this budget unit as revised.

Solid Waste Composting Project – The Board was advised that this fund is being closed out as the project is complete. Discussion was held relative to the status of a liner budget for the future, and Dana Hertfelder advised that they are looking at options and he will be bringing an item back to the Board. The Board concurred with this budget unit as revised.

Airport Operations – Following discussion, the Board concurred with this budget unit as revised.

Fleet Maintenance – Mary Hodson advised of the list of vehicles requested for replacement. Dana Hertfelder provided input on the request to purchase a new service truck and pick up for Fleet and to use the existing 4x4 pick up in the vehicle pool. Discussion was held. Dana Hertfelder commended Joe Halencak, Fleet Superintendent, for the time he put on the fires with the low bed. Supervisor Bibby commended the road staff and administrative staff for their efforts with the fires. The Board concurred with this budget unit as revised. (M)Pickard, (S)Aborn, the lists of replacement vehicles were approved, with the changes as requested/Ayes: Unanimous.

Fire Vehicle Replacement – Discussion was held relative to the status of establishing a replacement fund for the water tenders – staff will further review. The Board concurred with this budget unit as revised.

Vehicle/Heavy Equipment Replacement – Following discussion, the Board concurred with these budget units as revised.

Rick Benson commended Dana Hertfelder and his staff for their assistance with the Public Works budgets.

Public comment: none.

12:47 p.m. Lunch

1:40 p.m. Community/Cultural Services – Rick Benson advised that the \$10,000 recommended for the Yosemite Renaissance is the usual amount that is budgeted; and that the request for funding for the Rural Media Arts Center/6th Street Cinema was received after the budget was prepared for the hearing. He advised of the recommendation to reduce the funding to the Yosemite/Mariposa Visitors' Bureau line item due to budget constraints. Discussion was held. Supervisor Bibby suggested that the balance of \$330 in the Fair Parade line item be used toward the shortfall in the rent for the additional facility for the District Attorney, and that the remaining balance of \$70 come from another line item in the District Attorney's budget; and the Board concurred.

Public comment:

Barry Brouillette added his thanks for the Board's support of the historic renovation project for the 6th Street Cinema; and he provided input on their request for \$10,000 in funding for their programs.

Laura Phillips, Co-Executive Director of the Rural Media Arts Center, provided input on their request for funding and on their programs.

Discussion was held, and further consideration of this budget was given later in the day.

Interfund Transfers – The Board concurred with this budget unit as revised.

Risk Management – Following discussion, the Board concurred with these budget units as revised.

Contingency – General – The Board was advised of the recommendation to add \$105,000, with the possibility of future consideration of loaning \$80,000 to the French Camp Road Zone of Benefit and retaining \$25,000 for expenses due to the Telegraph Fire that may be incurred and not reimbursed. Discussion was held.

Supervisor Pickard initiated discussion relative to establishing a separate Fund for the Fish Camp Fire Station project to track revenue and expenses. (M)Pickard, (S)Aborn, direction was given to the Auditor to establish a CIP project fund for the proposed Fish Camp Fire Station, with any remaining balance in Fund 418 to be used to establish this account/Ayes: Unanimous.

The Board reviewed the list of items that were held pending further consideration.

Discussion was held relative to Planning's funding requests for code enforcement and the General Plan consistency, and further consideration was continued for discussion with the Planning Director later this day.

Discussion was held with Bob Brown, District Attorney, relative to request for increased funding in operating expense line items. The rental shortfall was previously covered with savings in the Fair Parade line item and from the Department's budget. The Board concurred with making no further revisions at this time; if necessary, the budget could be further reviewed at mid-year.

Discussion was held with Kris Schenk, Planning Director, relative to the funding requests for code enforcement and General Plan consistency, including the five bedroom issue for bed and breakfast operations, 2 ½ acre cluster zoning issue, economic tourism location and criteria, and rural character definition. Discussion was held relative to the status of the road impact fee and the fee schedule adjustments for the department.

Discussion was held with Dana Hertfelder relative to the repairs for the Midpines Community Hall; and the Board concurred with taking \$13,534 from General Fund Contingency for this project.

Discussion was held with Dana Hertfelder relative to the road budget projects. The Board concurred with using the Road Contingency line item to fund \$70,000 for the weed spraying program and the balance of the funds to be added to the materials line item.

Following discussion, the Board concurred with funding \$5,000 from the General Fund Contingency for the Rural Media Arts Center/6th Street Cinema.

Further discussion was held with Kris Schenk relative to the Planning budget. The Board concurred with using salary savings from the vacant Senior Planner position to fund \$10,000 toward the General Plan consistency items, with a priority to be given to the five room bed and breakfast issue and the 2 ½ acre zoning component; and no revisions were made to the code enforcement funding.

3:48 p.m. The Board recessed for staff to prepare a written list of the Final Budget Hearing adjustments.

4:03 p.m. Supervisor Pickard initiated discussion relative to the Economic Development grant information that was provided by the Auditor; and he noted that there are also CDBG grants and PG&E grants.

Supervisor Bibby provided an update on information that she received from the Human Services Director relative to the status of the Designated Buddy Program funding, the remaining funding was from the sale of t-shirts.

Rick Benson advised that the list of Final Budget Hearing adjustments is based on concurrence reached by the Board during the hearing process. He again thanked Mary Hodson for her hard work on the budget and the departments for their cooperation; and the Board for its help and understanding. He recommended that the budget hearing be closed and that direction be given to staff to bring back a final resolution for adoption. Mary Hodson advised that the General Fund Contingency budget is \$533,891. Board members commended staff and the departments for their work on the budget. Rick Benson also recognized the work of the Auditor and his staff in this process.

(M)Aborn, (S)Fritz, direction was given to the County Administrative Officer to bring back a resolution on September 23rd to adopt the Final Budget for FY 2008-09, with the changes as agreed to/Ayes: Unanimous.

(M)Bibby, (S)Fritz, the Board adjourned at 4:16 p.m. in memory of Herbert Clinton Lowrimore and James "Jim" Mac Johnson/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

September 23, 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: Chair Turpin advised that the minutes for item 1 have been scheduled for approval on October 7th. Supervisor Aborn pulled item 6. (M)Fritz, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

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

Ruth Catalan provided input on her recent experience and commended the Community Services Department for the medical transportation services they provide.

MaryAnn Huff, President of the Mariposa County Chamber of Commerce, invited everyone to the mega mixer being held at the Fire Safe Council this evening with the neighboring agencies participating.

Connie Waldron thanked the Board for the letter of support that was approved with Consent Agenda item 10. She expressed concern with the County's fiscal matters and recommended that there be a hiring freeze; that when someone leaves County service, that the money be paid against the County's debt; and she stated she would like to see detailed fiscal information on the debt on the website.

Board Information

Supervisor Bibby advised that the Hornitos Flea Market is scheduled for October 5th and is a fundraiser for the Hornitos Patron's Club. She thanked TDS for giving the presentation today. She extended her compliments to the School District for coordinating with First 5 for pre-school facilities at Catheys Valley Elementary School.

Supervisor Aborn commented on the fire mop-up and coordination with CAL FIRE. He advised that he and Gary Francisco/Planning Commissioner attended a meeting that was held in El Portal. The Incline Road washout is being addressed. He noted that there is a dog dropping problem on Incline and Foresta Roads.

Supervisor Pickard advised that he attended the annual RCRC Conference this week; and he plans to attend the Fish Camp Town Planning Area Advisory Committee meeting in Fish Camp on Saturday.

Supervisor Turpin advised that he attended the graduation ceremony for the Academy on Friday at Delta College, and he advised that they have new deputies in the North County: Deputy Clark and Deputy Howard. He plans to attend the Agricultural Advisory Committee meeting on Thursday.

Jim Rydingsword, Human Services Director;

Approve a Public Notice Requesting Lease Proposals for Office Space and Approve Release of Letters of Interest.

BOARD ACTION: Discussion was held with Jim Rydingsword relative to the proposal and projected cost savings. (M)Fritz, (S)Pickard, Res. 08-454 was adopted approving the recommended action. Supervisor Bibby asked that the job descriptions be reviewed for the positions that are projected to be consolidated to make sure the duties can be absorbed by the remaining staff; and that the projected liability insurance and utility expenses are reviewed to see how they compare with existing costs. Ayes: Unanimous.

Jim Wilson, Fire Chief;

Division Chief Munn, CalFire to Present a Closeout and Summary Report from Telegraph Fire State Emergency Assessment Team (SEAT)

BOARD ACTION: John Munn, CAL FIRE Division Chief, reviewed the draft SEAT report findings and recommendations; and he advised that they hope to have a final report in a couple of weeks. Discussion was held relative to the recommendations, oversight and environmental review. Supervisor Bibby asked that BLM be invited to come and discuss the recommendations, especially pertaining to Burma Grade.

Input from the public was provided by the following:

Ken Gosting asked County Counsel about the Government Code requirement that copies of documents be made available to the public when they are made available to the Board; and he requested that copies be made available.

Discussion was held with Jim Wilson relative to the status of the draft report; and he advised that BLM has a final document that has been posted to the web. Thomas P. Guarino, County Counsel, responded to Mr. Gosting relative to the requirement for the document to be made available to the public. Rick Benson, County Administrative Officer, advised that the document is available at the front counter.

Paul Chapman provided input on the Brown Act and requirement for documents to be made public.

Chair Turpin thanked Mr. Munn for the presentation. Supervisor Bibby requested that BLM be scheduled to give a presentation to the Board.

10:00 a.m. Supervisor Bibby;

PowerPoint Presentation by Liz Cerveney of TDS Titled Review of Capital Investment Projects and New Service Offerings

BOARD ACTION: Supervisor Bibby introduced Liz Cerveney and Heath Brower, TDS Local Field Service Technician. The Board recessed at 10:02 a.m. for the PowerPoint presentation to be set up; and the Board reconvened at 10:17 a.m. Liz Cerveney gave the presentation, reviewing capital investment projects, new service offerings, and contributions to the community; and she commended Heath Brower for his work. The presentation was continued for the following hearing to be opened.

10:30 a.m. The public hearing to approve the request from Total Waste Systems, Inc. for a Consumer Price Index Increase was opened and continued until after the following.

Liz Cerveney continued with her presentation. Discussion was held, and no action was necessary.

10:42 a.m. Dana Hertfelder, Public Works Director;

A) PUBLIC HEARING to Approve Request from Total Waste Systems, Inc. for a Consumer Price Index Increase (CPI) of 4.0 % to be Effective November 1, 2008 for the Mariposa Franchise Area

BOARD ACTION: Dana Hertfelder presented the staff report; and he responded to questions from the Board relative to this request for an increase and how it compares to rate increases in other areas; and whether there has been a trash dumping impact with the last rate increase.

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

Stuart Katte, Total Waste Systems, Inc., advised that the CPI is used by all consumers.

Eleanor Keuning stated she feels that there has been an increase in people using dumpsters; and she addressed recycling issues.

Paul Chapman stated he owns property in Madera and their trash disposal fees are less than Mariposa's.

The public portion of the hearing was closed and the Board commenced with deliberations. Supervisor Bibby asked if Total Waste Systems, Inc., would go back and compare their rates with other providers in rural areas. Staff responded to a question from the Board and clarified that this does not raise the rates at the landfill. (M)Aborn, (S)Pickard, Res. 08-455 was adopted approving the request for the CPI increase/Ayes: Aborn, Turpin, Bibby, Pickard; Noes: Fritz. The hearing was closed.

B) Approval to Change the Number of Members on the Airport Advisory Committee from Nine back to Seven Members

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the request, quorum issues, and relative to the status of membership. Supervisor Aborn stated he would prefer to see the number of members decreased to five members. County Counsel provided input on the Committee's makeup and structure. Supervisor Bibby expressed concern with eliminating any non-pilot positions. Dana Hertfelder recommended that the vacant position and the position held by the late Turk Turley be eliminated if the members are reduced to seven. County Counsel advised that if the number of members is reduced that there is still a quorum requirement for five members to be present; and he recommended that a resolution be brought back to amend the quorum requirements and to reduce the positions.

Input from the public was provided by the following:

Ruth Catalan suggested that the quorum requirement be changed to one-half of the committee membership, plus one. She agreed with Supervisor Bibby about changing the wording so that members of the general public are not involved in aviation.

Paul Chapman stated he feels that two additional pilot positions were added when the committee increased to nine members. He questioned the future of the Airport and the advertisement of the vacancies.

Dick Hutchinson suggested that consideration be given to an option of having seven members and two alternate members – one representing the pilots and one from the general public.

Ruth Sellers commented on the issues of subsidizing the Airport and stated she feels it is important to have members on the committee that are objective. She questioned the sales price of the fuel; and she suggested the option of the membership being one-half pilots and one-half representing the general public.

Further discussion was held. Dana Hertfelder advised that they adjust the fuel price with the delivery of each load of fuel; and he suggested that the seven members be comprised of the following: 3 aviation members, 2 members who reside in the area, and 2 public members. (M)Aborn, (S)Fritz, Res. 08-456 was adopted changing the number of members from nine to seven, with the vacant position and the position held by the late Turk Turley to be eliminated. The motion was amended by the second, agreeable with the maker, to include direction for a revision of the by-laws to be brought back to change the quorum requirement to be a simple majority. County Counsel clarified that this action would bring the committee back to its original constitution of seven members, two of which are public members. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

Consider Items Removed from the Consent Agenda

Item 6 – Supervisor Aborn initiated discussion with Keith Williams, County Clerk, relative to this process. (M)Aborn, (S)Bibby, item 6 was approved/Ayes: Unanimous.

11:47 a.m. Recess

11:58 a.m. Supervisor Pickard;

PowerPoint Presentation by Sean Rankin of Terra Firma Customs Regarding Fire Safe Council Activities

BOARD ACTION: Supervisor Pickard introduced Sean Rankin, and he advised that he is the recipient of Fire Safe Council grants for the chipping program in the County. He noted that Jan Hamilton and Smiley Tierney, Board members of the Fire Safe Council, were also present. Sean Rankin gave a PowerPoint presentation on the chipping projects and showing what people can do to keep their property fire safe. Discussion was held, and Sean was thanked for the presentation.

12:20 p.m. Lunch

1:42 p.m. The Board reconvened with Supervisor Aborn arriving at 1:56 p.m.

LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) Approve the Transportation Planning Overall Work Program (OWP) for Fiscal Year 2008-2009 and Authorize the Executive Director to Submit the OWP and Sign the Necessary Agreement (Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Bibby, (S)Fritz, LTC Res. 08-14 was adopted approving the OWP/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

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

BOARD ACTION: Rick Benson advised that Kome Ajise and Julie Dunning, CalTrans are planning to make a presentation to the Board on October 14th relative to the status of the permanent fix; and he recommended that the local emergency be continued. Supervisor Bibby advised of an email she received from Kome Ajise advising that they are doing everything possible to move this process forward. (M)Fritz, (S)Bibby, Res. 08-458 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

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)Bibby, Res. 08-459 was adopted finding the local emergency due to the Oliver Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

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 referred to the SEAT report that was given this morning and the on-going activities. Supervisor Bibby reiterated her previous request that BLM be asked to come and give a report to the Board on addressing the Burma Grade issues and the issues raised in the SEAT report. (M)Fritz, (S)Bibby, Res. 08-460 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

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)

BOARD ACTION: Chair Turpin advised that Mark Rowney is compiling information for a response and he has contacted MID relative to the timeframes for responding; and this matter is being continued to October 7th. Chair Turpin asked the County Administrative Officer to work with Mark Rowney to separate the Water Agency and Board of Supervisors issues.

1:56 p.m. Supervisor Aborn was present.

MARIPOSA COUNTY WATER AGENCY

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

A. Public Presentation

Paul Chapman provided input relative to his review of diaries and the fish that Mr. Martin discussed – he feels it was carp and not salmon that was in the Merced River. He advised that there is an archeological/historical survey that was conducted when Exchequer was built and that survey would contain information.

Jeff Gabe, Merced River Conservation Committee, commented on the input concerning information previously provided by Mr. Martin.

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)

AGENCY ACTION: Rick Benson advised of his discussion with Mark Rowney relative to gathering information for the Agency to review; and that he confirmed with MID that submitting a response after the meeting of October 7th is within their timeframes. The matter was continued to October 7th.

Review of the Board's Meeting Schedule for the Rest of the Calendar Year and Possible Action to Cancel and/or Reschedule Meetings (Board Clerk)

BOARD ACTION: Chair Turpin initiated discussion relative to the schedule. County Counsel advised of a legal brief that was presented on the draft Yosemite West Special Plan last week, and he advised that the Board needs to consider whether he should be present for the workshop or to continue the workshop until after November 1st to have consistency with counsel for this matter. Rick Benson advised that he will work with the Planning Director to bring back an item for the October 7th agenda to consider canceling the October 18th workshop. (M)Aborn, (S)Bibby, Res. 08-461 was adopted canceling the November 12th meeting (November 11th is a holiday in observance of Veterans Day) and setting the Board meeting for Monday, November 10th; canceling the November 25th meeting due to the Thanksgiving holiday; and canceling the December 23rd meeting due to the Christmas holiday/Ayes: Unanimous.

2:13 p.m. Thomas P. Guarino, 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. Bartlett Petroleum;

CLOSED SESSION: Public Employee Appointment; Building Department Director Appointment (County Administrative Officer/Personnel/Risk Manager); 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: County of Mariposa v. Wayne and Dorothy Scholkowsky; Case No. 8890 (County Counsel)

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

4:58 p.m. Chair Turpin asked County Counsel to report on the Bartlett Petroleum matter; and County Counsel advised that the Board took action to authorize County Counsel to negotiate to retain the

services of Meyers/Nave for this matter by unanimous vote. Char Turpin advised that the Board took action to offer the position of Building Department Director to Fred Lustenberger contingent on satisfactory completion of the pre-employment physical. The Clerk of the Board advised that this action was taken by a vote of four ayes, and Supervisor Aborn abstained. Chair Turpin advised that direction was given to staff for the Scholkowfsky case.

CONSENT AGENDA

- CA-1 Approval of Summary of Proceedings of September 11, 2008, Continued Meeting (Clerk of the Board); Continued to October 7th
- CA-2 Approve the Second Amendment to an Agreement with Daniel W. Rowley, Esq. by Amending the Not to Exceed Amount to \$20,000 and Authorize the Board of Supervisors Chair to Sign the Amendment (County Administrative Officer/Personnel/Risk Manager); Res. 08-446
- CA-3 Adopt a Resolution Establishing the Tax Rate on the Bass Lake Joint Elementary School District Bond for the Secured Property Tax Roll of 2008-2009 (Auditor); Res. 08-447
- CA-4 Adopt a Resolution Establishing the Tax Rate on the Yosemite High School Bond for the Secured Property Tax Roll of 2008-2009 (Auditor); Res. 08-448
- CA-5 Adopt a Resolution Designating the Method by Which the Appropriation Limits will be Calculated for the Fiscal Year 2007-2008 (Auditor); Res. 08-449
- CA-6 Adopt a Resolution Approving Exhibit A – Amendment 2008, which Constitutes the Revised Mariposa County Conflict of Interest Code (County Clerk/Treasurer/Tax Collector/Elections); Res. 08-457
- CA-7 Adopt a Resolution Consolidating Mariposa County Unified School District Election, Lake Don Pedro Community Service District and for the Wawona Precinct only (of which Wawona-Fish Camp Area are a Part of the Following School Districts) Bass Lake School District Elections with the November 3, 2008 General Election, Pursuant to EC 10401; Directing County Clerk to Canvass Returns of Said Election Pursuant to EC 10411 and 15301; Directing County Clerk to Bill the Mariposa County Unified School District, Madera County Office of Education, and Lake Don Pedro Community Service District in Full for Cost of Services Performed in the Conduct of the Portion of the Election Relating to Each of their Respective Districts (County Clerk/Treasurer/Tax Collector/Elections); Res. 08-450
- CA-8 Approve a Professional Service Agreement with John B. Anderson Land Use Planning to Provide Supplemental Staff Planning Services for the Silver Tip Resort Project and Authorize the Board of Supervisors Chair to Sign the Agreement (Costs to be Paid by Silver Tip) (Planning Director); Res. 08-451
- CA-9 Approve Certificate of Recognition and Congratulations to Clifford “Smitty” Smith on Celebrating his 90th Birthday (Supervisor Bibby)
- CA-10 Approve a Letter of Support to the Federal Prevailing Rate Advisory Committee (FPRAC) for Wage Area Petition for Yosemite Wage Grade Employees that Would Move the Area of Survey from Fresno to Stockton and Authorize the Board of Supervisors Chair to Sign the Letter (Supervisor Aborn); Res. 08-452

CA-11 Approve a Resolution Adopting the Fiscal Year 2008-2009 Final Budget as Reviewed and Amended, and Authorize Certain Actions to Implement the Budget (County Administrative Officer/Personnel/Risk Manager); Res. 08-453

5:01 p.m. Adjournment in memory of Clifford E. Wass, Marguerite Campbell, and Cary Lynn Simms.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors