



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

April 6, 2010



Folder Time Description

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

Pledge of Allegiance

Chair Cann called for a moment of silence in memory of the 25 coal miners that lost their lives in West Virginia and for the four miners that are still missing.

Introductions – none

- 1 **Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)**
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:
 Eleanor Keuning referred to item 111 and noted the Chamber of Commerce’s event scheduled for April 15th to recognize the clubs and organizations.
 Supervisor Allen pulled item 103. Supervisor Cann pulled item 111. (M)Bibby, (S)Turpin, the balance of the items was approved/Ayes: Unanimous.

- 2 **Chair Cann**
Dedicate the 2010 Butterfly Festival in Memory of Alinda Franklin (Dell Knell, Committee Chair of Butterfly Festival)
BOARD ACTION: Input from the public was provided by the following:
 Dell Knell commented on Alinda Franklin’s commitment to the Butterfly Festival; and she noted this is the fifth year of the Festival.
 Miriam Costello commented on what a special lady Alinda Franklin was.
 (M)Aborn, (S)Bibby, the Certificate was approved and presented to Dell Knell/Ayes: Unanimous.

- 3 **Chair Cann**
Proclaim the Month of April, 2010 as “Sexual Assault Awareness Month” and April 21, 2010 as “Denim Day” (Alison Tudor, Prevention Coordinator, Mountain Crisis Services)
BOARD ACTION: (M)Allen, (S)Aborn, the Proclamation was approved and presented to Jeannemarie Caris-McManus, Executive Director of Mountain Crisis Services and Valley Crisis Center/Ayes: Unanimous.

4

Chair Cann

Proclaim the Month of April, 2010 as “National Child Abuse Prevention Month” (Cheryl Bhalla, Mariposa Safe Families Director)

BOARD ACTION: (M)Bibby, (S)Turpin, the Proclamation was approved and presented to Cheryl Bhalla, and she recognized the presence of her staff: Mariah Tate, Vanessa Holt, and JoEllen Tilton/Ayes: Unanimous.

5

Chair Cann

Proclaim the Month of April, 2010 as “Alcohol Awareness Month” (Jim Tucker, Alcohol and Drug Abuse Advisory Board Chair)

BOARD ACTION: (M)Allen, (S)Bibby, the Proclamation was approved and presented to Jim Tucker/Ayes: Unanimous.

Consent Agenda item 111 – (M)Turpin, (S)Allen, the Proclamation was approved and presented to Lester Bridges, President of the Chamber of Commerce/Ayes: Unanimous.

6

Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)

Dell Knell thanked the Board members for their individual contributions to the Butterfly Festival, and she provided input on their events and activities; and she recognized the committee members that were present.

Eleanor Keuning announced that the Gem Show is scheduled for this weekend; the Mariposa Symphony Concert is scheduled for the same weekend as the Butterfly Festival; and she advised of solicitation for nominations to the All American High School Service Team.

Vickie Lorenzi advised of the “Wednesday Night Live in Mariposa” program that will be held in cooperation with the Farmers Market; and of awareness of the fifteen shops that serve sandwiches in town.

Carol Dewey Iudice stated she feels we need to update the Town Plan to reflect changes in what the community wants and the importance of tourism.

Peter Schimmelfennig, Chamber of Commerce Executive Director, thanked the Board for its recognition of the clubs and organizations; and he advised that the Shin Dig committee is getting ready for the construction of the stage at the Coulterville Park.

7

Board Information

Supervisor Bibby commented on the planning process for town plans and for the General Plan, and the need to address AB 32/global warming. She advised that she attended the Social Workers recognition event on March 25th, the Farm Bureau rib dinner on March 27th, and the Mental Health Board meeting on April 1st – they did not have a quorum, but heard a presentation from ETHOS. She met with the Human Services Director relative to the State Improvement Plan. She urged support of the merchants participating in the “Wednesday Night Live in Mariposa.” She attended the Williamson Act Forum in Fresno with Supervisor Turpin; and she commented on the importance of this program.

Supervisor Turpin advised that he attended the Williamson Act Forum and provided input on the importance of this program. He attended the CSAC Board of Directors meeting on March 25th and the Farm Bureau rib dinner on Saturday in Hornitos. He plans to attend the Sierra Nevada Conservancy meeting in Oakhurst on Thursday. On Thursday afternoon, he plans to meet with Bureau of Land Management relative to the Date Flat OHV route.

Supervisor Allen advised that he attended a lot of events, including the dedication of “May Rock” near Bear Valley and the Emergency Medical Care Committee meeting.

He visited with most of the departments in the County relative to various issues. He noted the Relay for Life is planning a pancake breakfast on Saturday.

Supervisor Aborn provided input on the importance of water, and he commented on pending issues, including the renewal of the contract with MID (Merced Irrigation District).

Supervisor Cann advised that he attended several meetings, including the RCRC (Regional Council of Rural Counties) and he noted their discussion of the proposal to increase the Vehicle License Fees. He plans to attend the Gateway Partners meeting and the unveiling of the National Geographic sponsored geotourism site on Thursday in Yosemite. He advised of the National Park Service's announcement on Monday relative to the Yosemite Institute environmental education campus project.

8

Brenda Ostrom and Laura Phillips

Presentation to the Board of Supervisors Regarding an Interim Ordinance to Prohibit the Establishment of Formula Retail and Restaurant for any uses that may be in Conflict with the Adopted General Plan

BOARD ACTION: Chair Cann explained the process for citizens to schedule matters on the Board's agenda; and he advised that this matter is scheduled as an informational exchange.

Laura Phillips commented on her experience as a former Subway employee during college, and the subsequent impact Subway had on a neighboring family business which closed about three years later. Brenda Ostrom, Co-Chair of the Mariposa County Independent Business Alliance, stated she feels there should be a law relative to the kind of development that is allowed. She clarified that she is not talking about buyer co-ops or what is here already. She provided input on the impacts that she feels the proposed Subway franchise will have on the community to support her request for an interim ordinance. She feels it is important to maintain our rural character and uniqueness. She provided input on how Subway processes their foods for the global market versus the independent businesses, and the impact that will have on redistributing the market share. She used an egg as example – eggs for Subway are pre-prepared, and eggs for an independent business requiring preparation and cooking, etc. resulting in more handling and higher costs leaving an unfair advantage for independent businesses to be able to compete. She referred to the pie chart showing the break-down of average costs for a Subway franchise. She provided input on the contributions local businesses make to the community versus those made by franchises. She referred to her experience with transportation planning and with attempts to hold the Farmers Market on 7th Street, and she expressed concern with the impacts Subway would have at the intersection of 7th Street and Highway 140. She quoted from and presented a copy of the book entitled "Big-Box Swindle." She advised of the response they have received to their petitions that Subway is not appropriate for the County. Laura Phillips referred to the workload in Planning, but stated they feel that this is important; and she provided input on the legal issues to support their request for an urgency ordinance.

10:57 a.m. Recess

11:12 a.m. The Board reconvened and input was provided by the following:

Marty Paige, Subway proponent, advised that he and his wife live in Auberry and they own three Subway franchises. They get very involved in the community, hire locals, have a monthly health inspection by Subway; and he noted that Subway has partnered with the schools to return a portion of their proceeds and to support the reading programs for the children. They include healthy meals in their menu.

John Ford, co-owns the Butterfly Café with his wife, stated they oppose having a Subway franchise; but they are supportive of having a "subway store" of some type or

other types of sandwich places. He feels that they cannot compete with a franchise; so he feels that this will lead to more franchises versus independent businesses.

Peter Schimmelfennig provided information on the Humboldt County Independent Business Directory and their mission statement. He advised of the comments the Chamber received to their website question on whether franchises should be allowed in Mariposa; and stated he feels the question should be restated to ask “should Mariposa implement change to support that independent retailers and formula retail establishments succeed in co-existence?” He referred to the Keynesian Market Theory and provided input on the market forces; and advised of the Chamber’s support of business in all of its forms.

Ron Iudice stated he is a property owner with Larry Laity of the proposed location of the Subway, and he advised of their efforts to develop the 7th Street properties and that the building will retain its historic structure. He commented on their efforts to support the community and of his involvement in the Mariposa Business Forum and of changes in the County to welcome businesses.

Betty Williams stated she feels that a Subway would offer healthy and affordable meal choices for the children.

Kay Mickel stated she was a former business owner and owner of one of the largest franchises – Century 21, and she advised of the increase in business they saw when they changed from Sierra Gold to the real estate franchise. She commented on her experience with the Frost Shop and the need for quality control. She feels that we need healthy and affordable options; and noted the number of tourists that pass through that may stop if they see a familiar business. She commented on her discussion with a Rite Aide employee relative to the use of their drive-through; and noted that Fosters of True Value work to have competitive prices and to be supportive of the community. She feels that businesses that come to town should have a level playing field.

Tolley Gorham presented a list of businesses in the County that are operated under a franchise or national name; and he noted that we still function as a community. He referred to Rite Aide and its impact on business, and he commented on previous efforts for development to come to the County. He cautioned the proponent to double check the information he receives from Planning, including the timeframes for processing applications, and he referred to a recent experience he had with a church wanting to use a commercial building. He feels that we need to support growth and employee the people who live here; and he does not feel that a Subway would negatively impact business.

Troy Foster provided input relative to the proposal, and stated he feels that this comes down to why have “x” business as it may compete with existing business(es). He feels that business is about providing a service. He feels that having a business come in like Rite Aid and eliminating the competition is not good; plus they received special considerations, like the drive-thru, and he does not feel that the regulations should be bent.

Elaine Seymour, Chocolate Soup owner, stated she is not afraid of competition; however, she is concerned about what we want Mariposa to be and we need to determine what we want the downtown area to look like and have a plan. She expressed concern with traffic circulation issues and crosswalk problems. She feels the question is whether we can preserve our unique culture and do that with franchises. She referred to the definition of “free enterprise.”

Lester Bridges, Chamber of Commerce President, provided input on their support of businesses in the community. He does not feel that the rules should be changed in the middle of a business trying to locate here. He doesn’t feel there is anything wrong with franchises and he noted that we have several.

Gary Colliver, owns Window on the World book store, commented on his experience with being a Planning Commissioner and working on the General Plan; and he stated Title 17 needs to be updated to address these issues. He advised that they are

asking for time to consider the issues that have been raised that they feel are significant and can affect our community.

Jim Turner asked where the parking will be for this business.

Jim Musick noted there were four grocery stores in downtown Mariposa about forty years ago and now there are none. He doesn't feel that the parking and traffic issues will go away no matter what business is there. He agrees that there should not be a change in mid-stream for a business.

Peter Schimmelfennig provided additional input on the responses the Chamber received to its website question on whether franchises should be allowed. He feels that this is a healthy alternative and he feels that competition is good; however, responsible growth is the key.

Ruth Catalan noted that if an interim urgency ordinance is approved, it would be the third one and she doesn't feel the County should be ruled by interim ordinances. She has no objections to the Subway.

David Butler stated he feels that there is a lot of emotion today. He was on the original Town Planning Advisory Committee; and he feels that there was opportunity to provide input on these matters during the planning processes for the Town Plan and with the General Plan. He feels that the proponents meet all of the rules and have the right to bring their business to town. He commented on the change in the businesses in town throughout our history, and he feels that there will continue to be change.

Amy Eaton, owner of Pony Espresso, stated she has pros and cons; however, she feels that the issue of value of a business is important. She noted that they help the children and the elderly; and she worries about whether she will be able to continue to do so if competing with Subway. She noted that they share landlords.

Chair Cann reminded everyone that this was scheduled as an informational exchange and the input will be taken under advisement.

12:25 p.m. Recess

12:35 p.m. The Board reconvened.

9

Jun G. Payoyo, Contract Enforcement Specialist, SEIU (Service Employees International Union)

Request for the Board to Revisit its Decision of October 27, 2009 to Lay-Off Building Inspector Position, and to Revisit Res. 04-171 Increasing the Minimum Qualifications for a Building Inspector

BOARD ACTION: Rick Benson advised of the request received from SEIU, and he advised that this is scheduled for information and not for action.

Jun Payoyo highlighted the issues that were raised in their written request for the Board to revisit the law-off decision and Resolution No. 04-171 which increased the minimum qualification for a building inspector. They feel there will be an increase in the Building Department's activities that will support retaining this position; and they feel that Resolution No. 04-171 was misapplied to Jay Munk and was not to be applied retroactively. He asked that if the reinstatement of the position is not approved, that Jay Munk be given the full 18 months on the rehire list with the minimum qualification at the time he was hired of one certificate.

Discussion was held relative to the Building Department's workload and chronology of staffing and status of the enterprise budget for the department.

Input from the public was provided by the following:

Kip Winters stated she feels this request is a waste of time, money, and resources as the lay-off is due to the budget crisis in the department – it is an economic issue. She questioned whether the Union is willing to revisit other changes since 2004 and lower qualifications; and why the Union did not go before the Board when other employees were laid-off.

Mark Harris, Yosemite Falls Well Drilling, asked what happened to the funds that were received when the department's revenue was higher. He asked how many other counties require two certificates for their inspectors; and he referred to the owner/builder requirements for surrounding counties.

John Davis, former Building Director, stated that during his 22 years with the County, only one certificate was required and that is what was required by the California Building Code; and he claimed he didn't know anything about the change to require two certificates. No one said the employee he hired needed two certificates; and he stated he feels that some people are not trainable, even if they have the certificates. He provided input on the budget issues and changes over the years with the organization of the department; and he commented on the health benefits in retirement.

Michael Simpson, local building contractor, stated he feels that losing another inspector will hamper the department's activities; and he noted Jay Munk's history with the County.

Randy Brower, local building contractor, stated he is happy with the new Building Director. He asked about the plan checks being contracted to an outside firm in Fresno, and stated he feels that if that is done in the department, the lay-off may not need to occur. He asked the Board to revisit this issue.

Mark Harris stated he likes the new Building Director, but he is concerned about service interruption with the lay-off.

Kip Winters advised that the building inspectors were informed in 2004, when John Davis was the Director, and again in 2008 that they needed to have two certificates; and she does not want to see the County go backwards.

Ruth Catalan commented on Jay Munk's experience and stated she feels that experience counts.

Jun Payoyo provided closing comments, reiterating their position that the change to require two certificates was only to apply to new hires; and they feel that Jay Munk deserves 18 months to obtain the additional certificate.

Discussion was held relative to the issues that were raised, and Rick Benson provided input relative to his review of the certificate requirements – advising that the Union was notified of the change and of his discussions with the former and current Building Directors relative to this applying to all building inspectors; and he further advised that the changes to job classifications in 2004 were reviewed by John Davis. He advised that the 18-month issue to obtain the second certificate is a separate personnel matter. Mike Kinslow, Building Director, responded to questions relative to sending the plan checks out.

Chair Cann announced that the Board would reconvene at 2:30 p.m.

1:52 p.m. Lunch

2:33 p.m. The Board reconvened.

15

Administration

Approve a Loan Agreement with the John C. Fremont Healthcare District in the Amount of \$1.7 Million and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Rick Benson reviewed the request, and distributed a revised draft loan agreement. Steve Dahlem, County Counsel, responded to a question from the Board relative to the change in the revised agreement to delete the paragraph relative to the County being able to intercept property tax revenues if the loan is not repaid.

Chuck Bill, Chief Executive Officer for the John C. Fremont Healthcare District, presented additional information on their request for a loan so they can participate in an

Intergovernmental Transfer process where the District can transfer local funds (\$1.7 million) to the State in order to obtain matching dollars from the federal government (\$2.7 million). He advised that they will not move forward with the process until the contract is in place with the California Medical Assistance Commission (CMAC).

Discussion was held with Chuck Bill relative to the request and the process, timeframes for the process, and whether the Hospital has other options for obtaining a loan. Chuck Bill noted that the following District Board members were present: Mike McCreary, Ruth Shane, Bob Rudzik, and Candy O'Donel-Browne. Further discussion was held relative to the agreement and timeframes and options.

Chris Ebie, Auditor, provided input on the County's financial position, and he expressed concern with the amount of time it might take for the Hospital to receive the loan repayment funds back from the State. He also suggested that the County should be increasing its General Reserve each year.

Rick Benson suggested that consideration could be given to using a portion of the Tobacco Settlement Funds for the loan; and discussion was held.

Mike McCreary, Chair of the Board of Directors for the District, provided input relative to the request.

Keith Williams, Treasurer/Tax Collector, provided input relative to the status of funds. Further discussion was held relative to securing the loan and whether the District could obtain insurance coverage for this.

(M)Allen, (S)Aborn, Res. 10-158 was adopted approving the loan agreement as recommended, with the condition that the Hospital District obtain loan guarantee insurance/Certificate of Indebtedness with all due diligence; and further directing that \$500,000 of the \$1.7 million loan come from the Tobacco Settlement Funds. Discussion was held. Rick Benson restated the motion as follows, and it was agreeable with the maker and the second and with Chuck Bill: the loan agreement was approved, with the release of funds to be contingent on receiving evidence of the insurance/Certificate of Collateral to the satisfaction of the Auditor; and with direction that \$500,000 come from the Tobacco Settlement Funds/Ayes: Unanimous.

4:26 p.m. Recess

10

4:38 p.m. Planning

Rescind Resolution 2003-384 and Adopt a Resolution Affirming and Re-Establishing the Midpines Planning Advisory Committee and Reducing the Number of Committee Members from 11 to 9; Approve the Midpines Planning Advisory Committee By-Laws

BOARD ACTION: Discussion was held with Kris Schenk and Karen Peneschi, Assistant Planner, relative to the request. Karen Peneschi advised of comments received from the Midpines Planning Advisory Committee, especially pertaining to excused/unexcused absences. Supervisor Turpin asked that consideration be given of whether the federal lands should be included in the boundary area.

Input from the public was provided by the following:

Candy O'Donel-Browne provided input on the history of boundary issue, and she noted that the Forest Service land was included because land transfers were occurring; and they wanted to have the land included in case it transferred from Forest Service ownership. They used the ridge tops for their boundaries.

Supervisor Aborn noted that Don Fox was present earlier in the meeting and that he had some concerns with the recommendation. (M)Aborn, (S)Bibby, Res. 10-159 was adopted re-establishing the Midpines Planning Advisory Committee and approving the Committee by-laws/Ayes: Unanimous.

- 11 **Administration**
 Approve the Proposed FY 2010-2011 Budget Development Guidelines
BOARD ACTION: Rick Benson revised the guidelines and discussion was held. Supervisor Allen clarified that departments will not be directed to prepare a step-down budget at this time; and that if it becomes necessary, to prepare budgets with cuts, that the departments be given sufficient notice. (M)Turpin, (S)Aborn, Res. 10-160 was adopted approving the Guidelines as written/Ayes: Unanimous.
- 12 Consider Items Removed from the Consent Agenda
 Item 103 – Following discussion, (M)Allen, (S)Bibby, item 103 was approved with a correction in the supervision authority to include Public Administrator/Ayes: Unanimous.
- 13 **Administration**
 CLOSED SESSION: Public Employee Employment: Public Works Director
BOARD ACTION: This closed session was not held.
- 14 **County Counsel**
 CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: Hazel Green Ranch, LLC v. United States Department of the Interior, et al.; Case No. 1:07-CV-00414-OWW-SWS
BOARD ACTION: (M)Aborn, (S)Allen, this closed session was held at 5:12 p.m./Ayes: Unanimous.
- 5:53 p.m. Report from Closed Session:**
 Chair Cann advised that direction was given to County Counsel as a result of the Hazel Green Ranch matter.

Consent Agenda

- CA-101 **Administration**
 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-151
- CA-102 **Administration**
 Resolution Continuing the Local Emergency Due to the Big Meadow Fire; Res. 10-152
- CA-103 **Administration**
 Ratify the Personnel Director’s Decision to Amend the Minimum Qualifications of the Sheriff’s Administrative Assistant Job Description; Res. 10-161
- CA-104 **Administration**
 Approve an Employment Agreement with Willdan Engineering for the Services of Doug Wilson as Interim Public Works Director in the Not to Exceed Amount of \$65,000 and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Transferring Funds within the Public Works Administration Budget for the Employment Agreement (\$36,000); Res. 10-153
- CA-105 **Clerk of the Board**
 Approval of Summary of Proceedings of March 23, 2010, Regular Meeting

- CA-106 **Auditor**
 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; Res. 10-154
- CA-107 **Sheriff**
 Approve Budget Action Increasing Revenue and Appropriations to Receive Grant Funds from the Justice Assistance Grant Program for a Video Based Security System (\$24,545) (4/5ths Vote Required); Res. 10-155
- CA-108 **Fire**
 Authorize the Fire Chief to Apply for Volunteer Fire Assistance Grant for \$20,000 for a Generator, Requiring a 50% Cost Share; Expenditures Proposed in the FY 2010/2011 Budget will Meet the Match Requirement; Res. 10-156
- CA-109 **Fire**
 Authorize the Fire Chief to Apply for the US Department of Interior (DOI) Rural Fire Assistance (RFA) Grant Program to Purchase Wildland Safety Equipment for \$19,853, Expenditures Proposed in the FY 2010/2011 Budget; Res. 10-157
- CA-110 **Supervisor Allen**
 Appoint Paul DeSantis to the Wawona Town Planning Advisory Committee for a Term Expiring February 28, 2012
- CA-111 **Chair Cann**
 Proclaim the Month of April, 2010 as “Clubs and Service Organizations Appreciation Month”
- 16 **Adjourn**
 Chair Cann adjourned the meeting at 5:54 p.m. in memory of Patricia Doerr Daugherty, Hans Anderson, Dorothy Garner, Christopher Britt, Adrienne Thatcher, and Jeanette Paquette.

Respectfully submitted,

MARGIE WILLIAMS
 Clerk of the Board

KEVIN CANN
 Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

April 13, 2010



Folder Time Description

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

Pledge of Allegiance led by students in the Mariposa Special Day Class and in the Head Start Program

Chair Cann called for a moment of silence in honor of the just departed Jerry Freeman, a County employee (County Surveyor) and the people of Poland with the loss of their leaders in a recent airplane crash.

2

Chair Cann

Proclaim April 11-17, 2010 as “Week of the Young Child” (Angela Steele, Program Manager, Infant-Child Enrichment Services Mariposa)

BOARD ACTION: (M)Bibby, (S)Turpin, the Proclamation was approved and presented to Angela Steele, and she thanked the Board for its support of the program and use of the Board room to display the children’s artwork/Ayes: Unanimous.

9:15 a.m. Recess

9:20 a.m. Introductions – Chair Cann introduced Faith Conley, CSAC Legislative Analyst, and advised that she will provide an update to the Board later in the meeting. He introduced Ed Wall, Yosemite National Park Service Chief of Facility Management; and Don Neubacher, Yosemite National Park Service Superintendent.

1

Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)

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: Item 101 was withdrawn to be rescheduled on April 20, 2010. (M)Allen, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

3

Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)

Dianne Fritz, on behalf of the Las Mariposas Civil War Committee, thanked the County for its sponsorship of the event; and she advised of the activities that are scheduled for the weekend, including the Friday programs for the school children.

4

Board Information

Supervisor Allen expressed condolences to Jerry Freeman's family. He mentioned that Mary Williams, Community Services Director, has announced her retirement. He advised that he met with Dr. Mosher relative to Stanislaus County pulling out of the Mountain Valley-Emergency Medical Services Agency (EMSA). He plans to attend the Regional EMSA meeting in Copperopolis on Wednesday. He attended the candidates' night on Friday. He plans to attend the Wawona Area Property Owners' Association meeting on Saturday.

Supervisor Aborn advised that he attended the candidates' night on Friday. He attended the YARTS meeting on Monday – they are rescheduling the ground breaking ceremony for the park and ride by Rite Aid for April 21st; he commented on the ridership and importance of the fixed-base operator at the Airport and the high speed rail to YARTS; and he advised that they adjourned their meeting in memory of Ken Gosting. He advised that the Midpines Planning Advisory Committee has finished their by-laws. He referred to the April edition of National Geographic and their feature story on water and their chart that shows the water usage for various items. He expressed concern with the status of the water rights for the County.

Supervisor Bibby advised that she attended the First 5 Commission meeting on Monday and they plan to continue funding the programs through grants. She attended the open house at the Airport that was hosted by the fixed-base operator. She advised that Mother Lode Job Training will hold a workshop on its programs on April 21st; and they are looking for a private business representative to serve on the Workforce Investment Board. She noted the Civil War Reenactment was mentioned on Channel 30 this morning. She advised that the Board received a letter of thanks for supporting CENIC's application for broadband stimulus funding; and from Fresno County Supervisor Case for participating in the Williamson Act forum. She expressed condolences to Jerry Freeman's family. She commented on the statistics in the executive summary of the Storytelling Festival that the Board members received from the Arts Council.

Supervisor Turpin commented on the waterfalls and wild flowers he observed on Highway 49 North on his drive from North County this morning. He attended the informational meeting at the Airport on Wednesday. He attended the Sierra Nevada Conservancy meeting in Oakhurst on Thursday and provided a reminder about Earth Day. He met with Bill Haag, Bureau of Land Management relative to the future of Date Flat and OHV use. He met with staff on Monday relative to the new fire stations. He plans to attend the Solid Waste Task Force meeting on Wednesday at the Compost Facility, and the Airport Advisory Committee in the afternoon.

Supervisor Cann advised that he attended the Gateway Partners meeting and appreciates the information provided on the schedule for road construction. He attended the Water Agency Advisory Board meeting on Wednesday. He attended the geotourism release, the candidates' forum, and on Saturday the Relay for Life breakfast. He plans to attend the RCRC (Regional Council of Rural Counties) workshop on AB32/global warming on Wednesday, and he invited other Board members to attend. He advised that he will be working with Rotary on the Invitational High School Track Meet on Saturday.

5

County Counsel

Opening of Sealed Proposals for the Lease of Grazing Property Located in the Lake Don Pedro 1-M Area Described as Parcels 1 and 2 in Area 1M of Lake Don Pedro (Approximately 162 Acres)

BOARD ACTION: Steve Dahlem advised that no sealed proposals were received. Chair Cann called for oral bids and none were received. Supervisor Turpin initiated discussion relative to the status of this matter. Steve Dahlem advised that he could discuss this matter with potential bidders and bring back another item for the Board to consider re-soliciting bids; and the Board concurred.

6

Human Services

Staff and DesCor, Inc to Provide an Update of the Next Steps on the Construction of the Human Services Center Including: Local Contractor Workshop; Opportunities for Local Businesses to Provide Products for Human Service Center; Actions Taken to Offset or Reduce Costs of Human Services Center; Opportunities to Reduce Network Costs in New Human Services Center; Naming of Family Service Center; Naming of Conference Rooms; Groundbreaking

BOARD ACTION: Jim Rydingsword reviewed the status of the project and the next steps; and discussion was held relative to scheduling the groundbreaking in June. Neal Cordeiro, DesCor, Inc., reviewed the changes that have occurred to the drawings for the center since the last presentation to the Board; and he reviewed the timelines for the project. Discussion was held, and Board members provided input on the project.

Input from the public was provided by the following:

Marvin Wells asked about the flat roofs and maintenance and whether there is a handicapped exit on the second floor.

Neal Cordeiro responded and advised that there are entrances on both levels, and he provided input on the flat roofs and maintenance.

7

Human Services

Approve the New California Statewide Automated Welfare System Consortium IV (C-IV) Memorandum of Understanding (MOU) Effective June 1, 2010; Approve the C-IV Joint Exercise of Powers Authority (JPA) Amended Agreement Effective June 1, 2010 and Authorize the Board of Supervisors Chair to Sign the MOU and the JPA

BOARD ACTION: Discussion was held with Jim Rydingsword, and he commended his staff for a smooth transition with the new automated system. He advised of the new online application of C4Yourself services. (M)Aborn, (S)Bibby, Res. 10-168 was adopted approving the recommended actions/Ayes: Unanimous.

10:43 a.m. Recess

11:00 a.m. Board to Convene as

8

LOCAL TRANSPORTATION COMMISSION

(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Brad Aborn)

9

Public Presentation: For Items within the Jurisdiction of the Commission and not on Today’s Agenda (Speakers Limited to Five Minutes) – none

10

Public Works

Adopt a Resolution Authorizing the Submission of the Functional Classification Road Change Request Form, and Approve the Exchange of Abandoned and Accepted Roads into the County Maintained Mileage System

COMMISSION ACTION: Doug Wilson, Interim Public Works Director, commented on the impact of the loss of Jerry Freeman to the Department. Following discussion, (M)Aborn, (S)Cann, LTC Res. 10-10 was adopted approving the recommended actions/Ayes: Unanimous.

Reconvened

11:04 a.m. BOARD OF SUPERVISORS

11

Public Works

Adopt a Resolution Authorizing the Submission of the Functional Classification Road Change Request Form, and Approve the Exchange of Abandoned and Accepted Roads into the County Maintained Mileage System

BOARD ACTION: (M)Turpin, (S)Aborn, Res. 10-169 was adopted approving the recommended actions/Ayes: Unanimous.

- 12 **Faith Conley, Legislative Analyst, Public Employee Relations, California State Association of Counties (CSAC)**
Provide Brief Budget Update, Information on Upcoming Legislative Conference and Institute for Excellence in County Government
BOARD ACTION: Faith Conley provided information on the status of the State budget and CSAC programs. Discussion was held.

- 13 Consider Items Removed from the Consent Agenda - none

- 14 **Administration**
CLOSED SESSION: Public Employee Employment: Public Works Director
BOARD ACTION: This closed session was not held.

- 15 **County Counsel**
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: Paulo Eugene Guinn v. County of Mariposa, et al
BOARD ACTION: (M)Allen, (S)Aborn, the closed session was held at 11:25 a.m./Ayes: Unanimous.

11:37 a.m. Lunch

2:04 p.m. The Board reconvened.

Report from Closed Session
Chair Cann advised that information was received on the Guinn litigation matter.

- 16 **Planning**
PUBLIC HEARING to Consider General Plan Amendment No. 2008-63, the Catheys Valley Community Plan. The Community Plan Contains the Area Plan Boundaries, a Land Use Diagram, and Goals and Policies for Land Use and Development in the Community Area. Amendment Includes Text and Land Use Diagram Changes to the General Plan for Boundary Consistency and to Reflect Change in Status of Catheys Valley from Planning Study Area to Adopted Community Plan. The Proposed Community Plan Area is the Catheys Valley Vicinity, Including Areas along Highway 140, Hornitos Road, Schoolhouse Road and Old Highway. The County of Mariposa is the Project Proponent
NOTE: Staff Recommends the Public Hearing be Continued to Tuesday, May 18, 2010 at 2:00 p.m. or as soon thereafter as Possible. Continuation of the Public Hearing is Necessary because Release of the Final Supplemental Environmental Impact Report (EIR) for the Catheys Valley Community Plan has been Delayed
BOARD ACTION: Kris Schenk advised that the supplemental EIR which is focused on the climate change/greenhouse gases is being circulated; and he recommended the hearing be continued. Supervisor Turpin advised that he received requests that these types of hearings should be held in the evening when the public can attend; and discussion was held.

Chair Cann called for public comment on the recommendations to continue the hearing.

Attorney Anita Starchman Bryant advised that the public notice for the Planning Commission's hearing stated that public comment would not be received at

the hearing, so that may be why only two people showed. She further noted that input was accepted at the hearing.

Kris Schenk advised that this was not advertised as a public hearing for the Planning Commission. The Chair called the matter and allowed the public to speak at the Commission's meeting. However, the County's attorney is advising that this be scheduled as a public hearing for the Board. He responded to a question from the Board and advised that the document that comes to the Board will show where changes were made.

(M)Allen, (S)Aborn, the hearing was continued to May 18, 2010, at 2:00 p.m./Ayes: Unanimous.

Consent Agenda

- CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of April 6, 2010, Regular Meeting; withdrawn to be rescheduled.
- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-162
- CA-103 **Administration**
Resolution Continuing the Local Emergency Due to the Big Meadow Fire; Res. 10-163
- CA-104 **Public Works**
Re-appoint Sam Spaulding, Marty Allan, David Radanovich, Jenny Binning and Alan Berg to the Mariposa Town Cemetery Ad Hoc Committee for Terms Expiring December 31, 2013
- CA-105 **Public Works**
Approve Plans and Specifications for Bidding Purposes for the Ashworth Road Rehabilitation from P.M. 13.975 to P.M. 14.820, Project No. 06-21; Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder, and Authorize the Public Works Director to Sign the Agreement; Res. 10-164
- CA-106 **Agricultural Commissioner**
Approve County Petroleum Products Compliance and Weighmaster Enforcement Program Agreement No. 10-0029 for FY 2010/2011 with California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-165
- CA-107 **Human Services**
Authorize Mariposa County Employees to Donate Vacation and/or Compensatory Time to a County Employee in the Human Services Department; Res. 10-166
- CA-108 **Supervisor Aborn**
Appoint Peter Regla to the Yosemite West Planning Advisory Committee for a Term Expiring February 28, 2012
- CA-109 **Public Works**
Reschedule Bid Opening and Hearing for the Lot Line Adjustment and Sale of Fee Title to County Property Located in Yosemite West to May 11, 2010, at 9:00 a.m. or as soon there after as the Matter May be Held; Res. 10-167

17

Adjourn

Chair Cann adjourned the meeting at 2:15 p.m. in memory of Jerome “Jerry” Freeman, Marie Beth Redding, Richmond “Dick” Schouten, Emberly Carisio, Garland Compton, Donald Kohles, and Muriel Nevin.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

April 20, 2010



Folder Time Description

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

Pledge of Allegiance

Chair Cann called for a moment of silence for the recovery efforts for the Haitian people, and he noted that Dr. Mosher/Health Officer is in Haiti helping with the efforts.

Introductions – none

- 1 **Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)**
NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.
BOARD ACTION: Supervisor Aborn pulled item 114. Supervisor Bibby pulled item 107. Supervisor Turpin pulled items 106, 107, and 114. (M)Aborn, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

- 2 **Chair Cann**
Resolution Recognizing Bob Grycel Upon his Retirement as Systems Analyst, Mariposa County Superior Court (Mariposa Superior Court)
BOARD ACTION:
Input from the public was provided by the following:
Randy Henkle, Superior Court Judge Dana Walton, and Witt Hawkins commended Bob Grycel for his work.
(M)Allen, (S)Bibby, Res. 10-170 was adopted and presented to Bob Grycel/Ayes: Unanimous. Board members commended Bob for his work.

9:18 a.m. Recess

- 3 **9:28 a.m.** Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)
Peter Schimmelfennig, Chamber of Commerce Executive Director, thanked the Board for the Proclamation for their Clubs and Organizations recognition dinner, and thanked the Board members for attending. He advised that Chamber has arranged for the Courthouse tours to resume, using Mariposa Works Program employees and docents. He advised that they are working on updating the Mariposa County Visitor Guide.

Marvin Wells advised that Christmas lists can be emailed to “Santa” until 10:30 a.m.

Jim Rydingsword, Human Services Director, advised that four youth from Mariposa County plan to attend and testify at a statewide gathering on April 28th at the legislature relative to foster youth issues.

Witt Hawkins, aka “Santa,” asked about the status of the General Plan and progress on projects.

Lester Bridges expressed appreciation to Jim Rydingsword for the program where Human Services is providing employee assistance to the Chamber and to the businesses.

Chair Cann responded to the question relative to the status of reports on the General Plan and advised that the Annual Report was given to the Board on March 16, 2010, and that General Plan Amendments are scheduled for June 22nd. He thanked the Chamber for coordinating the Courthouse tour program.

4

Board Information

Supervisor Bibby advised that she attended the Clubs and Organizations recognition dinner and congratulated Kris Casto on receiving the Volunteer of the Year award. She attended the Civil War Reenactment on Friday. She plans to attend the Mother Lode Job Training workshop and the Workforce Investment Board meeting on Wednesday; and she advised that they are still looking for a representative of the private industry. She noted that there are several events scheduled for this weekend, including the FFA Boosters dinner/dance, Bootjack Volunteer Fire Station breakfast, DAR’s recognition event for Dieter Dubberke for receiving the “Americanism” award, the Hospital Spring Fling, and Weekend in the Country. She referred to the issue raised relative to the General Plan and noted the Williamson Act update has been completed, and that Title 17 needs to be addressed.

Supervisor Turpin commented on the spectacular spring scenery, and he reported that he saw a road runner, but not the usual one on Highway 49 North yet. He attended the Solid Waste Task Force meeting on Wednesday and the Airport Advisory Committee meeting. He plans to attend the CSAC Executive Committee meeting on Thursday in Sacramento, and he noted the legislative body will be recognizing all counties for “County Government Month.”

Supervisor Allen advised that he attended the Regional Emergency Medical Services Agency meeting in Copperopolis on Wednesday – they have upgraded their computer program and they are still pursuing meetings with Stanislaus County and the consultant they hired relative to their decision to withdraw from the Agency. He attended the Chamber’s Clubs and Organizations recognition dinner and commended Kris Casto and the Mariposa Contractors Association for their awards. He attended the WAPOA meeting in Wawona on Saturday – they are reviewing the status of their Specific Plan. He advised of concerns he received relative to residents in Wawona and Fish Camp not being contacted for the Census information – he followed up with Congressman Radanovich’s office and was reassured that all citizens will be counted. He noted the Bootjack Volunteer Fire Station breakfast and the DAR event for Dieter Dubberke’s “Americanism” award is scheduled for Saturday. He urged property owners to start their weed abatement and brushing to meet fire clearances. He advised that he is working with County Counsel on an ordinance to enforce weed abatement on undeveloped parcels in Ponderosa Basin and Lushmeadows.

Supervisor Aborn advised that he attended the Civil War Reenactment on Friday. He attended the El Portal Town Planning Advisory Committee meeting on Tuesday and speeding issues were discussed. He attended the spring clean-up event on Saturday in El Portal. He attended the Midpines Town Planning Advisory Committee meeting on Thursday. He noted that there is a presentation on “global climate change and what it

means for California water and wildfire” on Saturday at the Windows on the World – Books and Art.

Supervisor Cann advised that he attended the Solid Waste Task Force meeting and noted the improvement at the compost facility with the help of workers from the Human Services work program. He advised that he will write a letter for the local media relative to the disposal of plastics and the importance of separating the compostables from non-compostables for the facility to operate properly. He commended Dr. Miller/Solid Waste and Recycling Manager for her work. He attended the Chamber’s dinner to recognize the clubs and organizations and commended Kris Casto for her award, and he noted that he wrote a letter of reference for consideration of her appointment to the State Redistricting Commission. He helped Rotary with the track meet at the High School on Saturday. He met multiple times with representatives of both sides of the Subway and formula franchise issues. He plans to attend the RCRC (Regional Council of Rural Counties) meeting in Sacramento on Wednesday, and AB 32/global warming will be discussed. He noted there are several events scheduled in the County for Saturday.

5 **Administration**

Approve Rural Incentive Stipend in the Amount of \$50,000 for the Psychiatrist Position to be Paid out over a Three-Year Period

BOARD ACTION: Following discussion with Rick Benson, (M)Bibby, (S)Allen, Res. 10-184 was adopted approving the stipend/Ayes: Unanimous.

9 Consider Items Removed from the Consent Agenda

Item 107 – Discussion was held with Doug Wilson, Interim Public Works Director, relative to road maintenance and funding. Supervisor Turpin noted that it was previously agreed that the improvement project for Texas Hill Road would be exchanged for a project on Dogtown Road. Doug Wilson advised that he reviewed the direction the Board gave in 2008 for this, and he asked that the list be approved with this correction. Barbara Carrier/PWD-Administrative Analyst, responded to questions and provided input on the status of projects and funding; and she offered to provide the Board members with a chart on the status of the road projects. (M)Turpin, (S)Aborn, item 107 was approved, with the correction as noted/Ayes: Unanimous.

10:16 a.m. Board Convened as

LOCAL TRANSPORTATION COMMISSION

(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Brad Aborn)

6 Public Presentation: For Items within the Jurisdiction of the Commission and not on Today’s Agenda (Speakers Limited to Five Minutes) - none

7 **Public Works**

Authorize the Executive Director to Sign the Grant Application and Other Necessary Documents Pertaining to Federal Transit Administration (FTA) Section 5311 Program (Operating Assistance) Funds for FY 2009-2010

COMMISSION ACTION: Following discussion with Doug Wilson, (M)Cann, (S)Aborn, LTC Res. 10-11 was adopted approving the recommended actions/Ayes: Unanimous.

Reconvened as

10:20 a.m. BOARD OF SUPERVISORS

8 **Public Works**
Bid Opening and Hearing for the Sale of Fee Title to County Property Located in Yosemite West
NOTE: This item has been Rescheduled to May 11, 2010 at 9:00 a.m. or as Soon thereafter as the Matter may be Heard (No Folder)

9 Consider Items Removed from the Consent Agenda
Item 114 – Discussion was held. (M)Aborn, (S)Turpin, item 114 was approved. Supervisor Turpin asked the County Administrative Officer to provide information on the property tax formula change to PILT payments for this land. Ayes: Unanimous.

10 **Administration**
CLOSED SESSION: Public Employee Employment: Public Works Director
BOARD ACTION: This closed session was not held.

11 **10:36 a.m. Administration**
CLOSED SESSION: Public Employee Employment: Community Services Department Director
BOARD ACTION: (M)Turpin, (S)Allen, the closed session was held following a recess at 10:42 a.m./Ayes: Unanimous. Chair Cann advised that the Board would recess for lunch following the closed session and reconvene at 2:00 p.m. in open session.

11:07 a.m. Lunch

2:01 p.m. Reconvene

Report from Closed Session

Chair Cann announced that direction was given to staff as a result of the closed session matter.

12 **Planning**
PUBLIC HEARING to Amend Site Plan Application No. 2009-124 to Allow Modifications to the Approved Site Plan and Architecture, and Clarifications of Certain Conditions of Approval for the Silver Tip Resort Village Project; Planned Development No. 99-1 and Conditional Use Permit No. 267. The Silver Tip Resort Village Project was Approved by the Board of Supervisors in December 2003. The Silver Tip Resort Village Project Consists of 47.3 Acres and is Located at the Intersection of State Highway 41 and Fish Camp Lane in the Fish Camp Town Planning Area. The Site Includes Assessor’s Parcel Numbers: 010-550-035, 010-550-054, 010-550-056 and 010-550-057. Applicants: PacificUS Real Estate Group. (Hearing Continued from March 9, 2010)

NOTE: Applicant is Requesting a Further Continuance to May 25, 2010 at 2:00 p.m. Staff Recommends that the Board of Supervisors Open the Public Hearing and Continue the Staff Report and Public Testimony to the Requested Time and Date

BOARD ACTION: Chair Cann called for public input on the request for a continuance, and no input was received. (M)Aborn, (S)Allen, the hearing was continued to May 25, 2010, at 2:00 p.m./Ayes: Unanimous.

9 Consider Items Removed from the Consent Agenda
Item 106 – Supervisor Turpin initiated discussion as to how the policy amendment would be interpreted and potentially affect an existing 40-acre meat goat ranch – whether the Land Conservation Act contract would still be viable and the ranch

operation could meet the requirements. Kris Schenk, Planning Director, noted that there are still steps to be taken following the adoption of the policy amendment, including addressing enforcement; and he noted that issues will come up and he suggested that they be discussed by the Agricultural Advisory Committee. (M)Allen, (S)Turpin, item 106 was approved/Ayes: Unanimous.

Consent Agenda

- CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of April 6, 2010; Approval of Summary of Proceedings of April 13, 2010, Regular Meetings
- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-171
- CA-103 **Administration**
Resolution Continuing the Local Emergency Due to the Big Meadow Fire; Res. 10-172
- CA-104 **Administration**
Approve Lease Agreement with the Mariposa County Chamber of Commerce to House the Economic Development Office at \$706.61 Per Month and Authorize the Board of Supervisors to Sign the Lease Agreement; Res. 10-173
- CA-105 **Administration**
Authorize County Administrative Officer to Sign Documents Necessary to Facilitate the Construction and Lease of the New Human Services Building; Res. 10-174
- CA-106 **Planning**
Approve Form of Resolution 10-150 for County Policy Amendment No. 2005-230, a Comprehensive Amendment to the County-Wide “Rules of Procedure to Implement the California Land Conservation Act of 1965.”; Res. 10-187
- CA-107 **Public Works**
Approve the Revised Road Project List for FY 07-08 Proposition 1B Funding to Allow Public Works Department to Meet the State of California Requirements; Res. 10-185
- CA-108 **Sheriff**
Approve an Agreement with the United States Drug Enforcement Administration for Reimbursement for Marijuana/Drug Investigations and Authorize the Sheriff to Sign the Agreement; Res. 10-175
- CA-109 **Sheriff**
Approve an Amendment with Richard Shelton Increasing the Not to Exceed Amount to \$17,500 to Provide General Maintenance Services at the Jail Facility and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-176
- CA-110 **Agricultural Commissioner**
Approve European Grapevine Moth (EGVM) Trapping Agreement No. 09-0799 for the Period of March 1 to June 30, 2010 with California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-177

- CA-111 **Fire**
 Approve a Memorandum of Understanding (MOU) with American Red Cross (ARC) to Enable and Expedite Services to Victims of Fire and Other Disasters and Authorize the Fire Chief to Sign the MOU; Res. 10-178
- CA-112 **Fire**
 Approve a Lease Agreement with Robert Bondshu for Office Space at 5080 and 5082 Bullion Street for County Fire Administration for FY 2010-2011 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-179
- CA-113 **Human Services**
 Approve and Authorize Submission of the Family Centered Substance Abuse Treatment Grants for Adolescents and their Families (CFDA # 93.243) in the Amount of \$572,788 to the Department of Health and Human Services – Substance Abuse and Mental Health Services Administration; Res. 10-180
- CA-114 **Supervisor Cann**
 Approve a Letter Supporting Proposed Legislation for the National Park Service to Acquire Land in Mariposa County for a Visitors' Center for Yosemite National Park and Authorize the Board of Supervisors Chair to Sign the Letter; Res. 10-186
- CA-115 **Health**
 Authorize the Health Officer to Apply for Certified Unified Program Agencies (CUPA) Forum Board Trust Fund Grant in the Amount of \$47,558; Res. 10-181
- CA-116 **Health**
 Appoint Sam Arrington as a Representative of California Highway Patrol and Todd Weichers as Alternate Representative to the Mariposa County Emergency Medical Care Committee for Continuous Terms; Res. 10-182
- CA-117 **Health**
 Accept the Resignation of Bill Hodson as a Representative of Cal Fire from Mariposa County Emergency Medical Care Committee; Appoint Roscoe Rowney as a Representative of Cal Fire to the Mariposa County Emergency Medical Care Committee for a Continuous Term
- CA-118 **Supervisor Allen**
 Accept the Resignation of Pamela Salisbury from the Fish Camp Planning Advisory Council
- CA-119 **County Counsel**
 Approve an Agreement with Allen, Fagalde, Albertoni & Flores, LLP for Legal Services to Represent the County of Mariposa and the Named County Defendants in Civil Action No. 1:10-CV-0320-LJO-DLB filed by Paulo E. Guinn in the United States District Court for the Eastern District of California and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-183

NOTE: The Public Hearing to Discuss the Mariposa County Mental Health Services Act (MHSA) Innovation Program Work Plan has been Canceled will be Rescheduled and Re-noticed at a Later Date

13

Adjourn

Chair Cann adjourned the meeting at 2:12 p.m. in memory of Phillip Bogdanovich and Ralph Lovato.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

April 27, 2010



Folder Time Description

9:01 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Chair Cann called for a moment of silence in honor of families impacted by cancer and cancer survivors.

Introductions – none

- 1 Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)
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 106 and 112. (M)Bibby, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

- 2 **Chair Cann**
Proclaim April 29, 2010 as “Paint the Town Purple Day” in Recognition of the National Relay for Life Community Awareness Event Kickoff (Ginny Carpenter, Relay for Life Chair)
BOARD ACTION: (M)Bibby, (S)Turpin, the Proclamation was approved and presented to Ginny Carpenter/Ayes: Unanimous.

- 3 Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)
Eleanor Keuning advised that there is a workshop scheduled at the County Park this afternoon for the Human Services Department’s Friendly Visitor Program; and she referred to the Subway proposal and noted that we have several unique businesses operating here.
Lester Bridges, President of the Chamber of Commerce, urged support of the Relay for Life event; and he advised that the business mixer is scheduled for this evening at Yosemite Falls Well Drilling.
Dick Hutchinson presented the Butterfly Days Parade banner that is being sponsored by the Board members.
Peter Schimmelfennig, Executive Director of the Chamber of Commerce, advised of questions they have relative to the request for proposal (RFP) process for the fixed-base operation of the Airport and requested that the RFPs be resolicited; and he provided an Advisory Circular from the Federal Aviation Administration. Chair Cann asked that the questions be submitted in writing.

Doug Wilson, Interim Public Works Director, advised that notification was received that the STIP funding for the Mt. Bullion Cut-off Road project is being delayed by three years to FY 2013-14 due to the financial woes of the State. They are reviewing what maintenance will be needed in the interim and he advised that they will need to revisit the required funding for the project due to the delay. Discussion was held. Supervisor Turpin asked about the status of the Smith Station Road project, and he was advised that it is scheduled for FY 2010-11.

Manuel Souza advised that he obtained the Assemblage Permit and they are moving forward with the Championship Bull Riding event. He expressed concern with the negative feedback he has been receiving and with the Permit process – he advised that this is his event even though it is being held at Coyote Springs Ranch; and he urged support for the event and noted he has received interest from participants from across the country. He expressed concern with the upcoming vote on the Catheys Valley Community Plan – he has a parcel that is included in the Plan area as non-conforming; and he does not feel that the four Board members should be able to vote on the proposed restrictions that do not affect their districts.

4

Board Information

Supervisor Bibby encouraged citizens to discuss their concerns and questions on any proposed community/town plans with the Planning staff to help avoid the rumors and misinformation that gets circulated. She advised that she attended the reading incentive award presentations at Woodland School with Supervisor Allen; and she expressed appreciation to Sierra Telephone for donating books and to the Fire Department and Hallie Wass/Fire Department for coordinating this. She attended the Bootjack Fire Station breakfast, the John C. Fremont Hospital Spring Fling, and the FFA Boosters dinner/dance on Saturday. She attended the Mother Lode Job Training workshop. She plans to attend a meeting with the telephone company providers to discuss a 9-1-1 emergency loop, the Mother Lode Job Training meeting in Sonora on Wednesday, and a luncheon with representatives of tourism. She commented on road maintenance issues due to the recent storms and the needs for citizens to drive slower.

Supervisor Turpin advised that he attended the John Muir Highway planning session on Wednesday – the ribbon cutting ceremonies are scheduled for June 5th. He attended the Red Cloud Library meeting in Greeley Hill, the CSAC (California State Association of Counties) Executive Committee meeting and the presentation at the State Capital of the proclamation for National Counties Government Month in Sacramento on Thursday – there was discussion on deferring the COLA benefits for CSAC staff and on proposals for new pension formulas, the Planning Commission meeting on Friday relative to the agritourism discussion, and a portion of the Agri-Nature Trails/Weekend in the Country event on Saturday.

Supervisor Allen advised that he attended the reading incentive program awards at Woodland School; the Bootjack Fire Station breakfast, the Spring Fling, and the Daughters of the American Revolution's "Americanism" award presentation to Dieter Dubberke on Saturday; and the future fire station meeting with Supervisor Turpin on Monday. He met with the Public Information Officer for CalTrans relative to the left-turn lane safety project on Highway 49 at Ashworth Road – they plan to begin construction in 2011. He noted the Butterfly Festival is this weekend. He asked that the County Administrative Officer schedule a status report next week on the proposed loan to the Hospital.

Supervisor Aborn announced that the Airport Advisory Committee is holding a special meeting on Wednesday. He advised that he attended the presentation on "global climate change and what it means for California water and wildfire" on Saturday at the Windows on the World – Books and Art.

Supervisor Cann advised that he attended the RCRC (Regional Council of Rural Counties) meeting in Sacramento on Wednesday – discussion was held relative to AB

32/global warming and affords to suspend implementation of this, and relative to the status of efforts to reinstate the subvention funding for the Williamson Act contracts. He attended the Bootjack Fire Station breakfast on Saturday; he met with supporters and opponents of the Subway in District 4 and hopes everyone can stay focused on what is best for the town area relative to formula chain businesses. He noted that Friday is the kick-off for the Butterfly Festival.

Supervisors Turpin and Cann provided additional input relative to the status of the State budget and Williamson Act subvention funding.

5 **Farm Advisor/UC Cooperative**

Maxwell Norton, Interim Farm Advisor, to Introduce Kris Randal, the new Master Gardener Coordinator and Present the Cooperative Annual Report for 2009

BOARD ACTION: Maxwell presented the annual report, and he introduced Kris Randal. Kris Randal provided information on the Master Gardener activities, including the following – a plant sale this Saturday, a Garden Tour on June 5th, helping with the Courthouse landscaping, the Creek Parkway native plant gardens and they are planning a demonstration garden, and Master Gardener training in 2011. Maxwell Norton introduced Elizabeth Johnson, President of the Master Gardeners; and he provided more information on the activities of the department and efforts to get a full-time Farm Advisor for the County.

Input from the public was provided by the following:

Ruth Sellers complimented the Master Gardeners for what they do; she advised that Butterfly Garden Club also has a plant sale this Saturday to raise funds for a scholarship; and she wished the Master Gardeners a lot of luck with helping with the landscaping at the Courthouse as they used to assist and encountered problems.

Eleanor Keuning stated she would like to see after-school programs that include gardening at the schools; she commented on the need for landscape maintenance at the Post Office in town; and she extended her appreciation to the Master Gardeners for their work.

10 Consider Items Removed from the Consent Agenda
Item 106 – Supervisor Aborn initiated discussion with Doug Wilson relative to this project. (M)Aborn, (S)Turpin, item 106 was approved/Ayes: Unanimous.

6 **Stanley Bismeyer and Tyson Wellcome**

Video Presentation and Information on Ethos Youth Center

BOARD ACTION: Stanley Bismeyer and Tyson Wellcome gave a presentation on the Ethos Youth Center and advised of their activities and partnerships – they are developing partnerships with various agencies and the schools to reach out to help support the youth by offering counseling, crisis intervention, youth support, and homework help/support; and they are working to expand teaching of employability skills in various areas. They advised of fundraising efforts and of their needs for the programs. Discussion was held.

10:36 a.m. Recess

7 **10:52 a.m. Agriculture**

Approve Agreement No. 10-73-06-0260-RA, the Annual Financial Plan, Annual Work Plan, Annual County Summary for FY 2008/2009, and a Letter of Intent for the 2010/2011 with USDA/APHIS/WS (Wildlife Services) and Authorize the Board of Supervisors Chair to Sign the Agreement, the Annual Financial Plan, Annual Work Plan, Annual County Summary for FY 2008/2009 and the Letter of Intent

BOARD ACTION: Discussion was held with Cathi Boze/Agricultural Commissioner, Don Simms/Wildlife Services Assistant District Supervisor and Animal Control Specialist, and Wade Carlson/Wildlife Services District Supervisor relative to the services they provide and the funding. (M)Bibby, (S)Allen, Res. 10-200 was adopted approving the requested actions/Ayes: Unanimous.

8

Administration

Adopt a Resolution of Intention to Purchase Real Property Located on Old Highway in Mariposa County (APN # 017-390-015) and Schedule a Public Meeting on May 25, 2010 in the Board of Supervisors' Chambers to Consummate the Purchase

BOARD ACTION: Discussion was held with Rick Benson.

Input from the public was provided by the following:

Dick Hutchinson commented on the Fire Department's participation in the Butterfly Festival parade.

(M)Bibby, (S)Allen, Res. 10-188 was adopted as recommended/Ayes: Unanimous.

9

Administration

PUBLIC HEARING to Close out Grant on Standard Agreement 06-STBG-2609, HDC/Community Development Block Grant for Drainage Study for the Town of Mariposa and Environmental Overview for the Towns of Mariposa (3rd – 5th Streets) and Coulterville; Approve the Final Reports and Authorize the Board of Supervisors Chair to Sign Supporting Documents

BOARD ACTION: Rick Benson, County Administrative Officer, presented the staff report.

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

Ruth Catalan asked what will happen with this now.

The public portion of the hearing was closed. Rick Benson responded that the studies are the necessary base work to be able to apply for other grants for the improvement projects. The Board commenced with deliberations. (M)Turpin, (S)Allen, Res.10-201 was adopted approving the final documents and authorizing the Chair to sign supporting documents/Ayes: Unanimous. The hearing was closed.

10

Consider Items Removed from the Consent Agenda

Item 112 – Supervisor Aborn initiated discussion, suggested that there be an annual presentation on the YARTS program when the contract is scheduled for renewal, and he asked for clarification on Section 7.01 in the contract relative to termination.

Steve Dahlem, County Counsel, responded to the question relative to the termination clause. Supervisor Aborn advised that he would follow-up with the Dick Whittington/YARTS relative to scheduling a presentation.

Input from the public was provided by the following:

Marvin Wells asked whether there are any plans for a pedestrian/bike path from the bus stop being located by Rite Aid to the downtown area.

Discussion was held relative to the Creek parkway and sidewalk improvements. (M)Aborn, (S)Allen, item 112 was approved/Ayes: Unanimous.

11

County Counsel

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

BOARD ACTION: (M)Bibby, (S)Aborn, the closed session was held at 11:50 a.m./Ayes: Unanimous. Chair Cann advised that the Board will reconvene in open session at 2:30 p.m.

12:24 p.m. Lunch

12

2:00 p.m. LOCAL AGENCY FORMATION (LAFCo) TO CONVENE
(See Separate Minutes)

2:32 p.m. Reconvened as Board of Supervisors

Report from Closed Session

Chair Cann announced that information was received as a result of the closed session matter.

13

Planning

PUBLIC HEARING to Consider **Appeal No. 2009-169**, an Appeal of the Planning Director's Determination Regarding a Portion of Certificate of Compliance Application No. 2007-093 for Approval of a "Consolidated" Certificate of Compliance and Authorization of Building Permit No. 28614. Appellants: MERG (Mariposans for the Environment and Responsible Government). Applicants and Property Owners: Jeff Miller and Layne Clifton. Project site for "Consolidated" Certificate of Compliance is APN 016-080-014 and Portion of APN 016-080-016; 871 Highway 140 near the Merced/Mariposa County Line (Public Hearing Continued from March 2, 2010)

BOARD ACTION: Kris Schenk introduced the matter.

Jeff Miller, applicant and property owner, raised a question relative to jurisdiction – he referred to the County's appeal rules and cited the definition of "interested party" as someone whose rights will be affected by the decision made on the appeal. He stated MERG is a non-profit corporation and he does not feel that they qualify as an "interested party" as there is no impact to them with this appeal; and he objected with going forward with the hearing on this legal basis.

County Counsel advised the Board that the appellant should have a chance to respond to this issue.

John Brady, Chair of MERG/appellant, advised that MERG has taken an active interest in land issues in the County, and he cited their purpose to inform the public and decision makers about responsible government, land use, and environmental issues so that the best choices can be made. He noted the land use issues are important to our County – for the present and in the future.

County Counsel referred to Resolution No. 97-3 – Appeal Procedures and he quoted from Section 2 – Filing of Appeals, and he noted that this does not refer to "interested party." He referred to the Information Sheet for the Appeal Procedure, adopted by Resolution No. 98-364 and he noted that the term "interested party" is used; but he does not feel that the definition cited by the applicant is applicable. He feels MERG can proceed with this appeal. Supervisor Cann asked whether there should be a modification made to the Information Sheet; and County Counsel responded that the language needs to be modified. The Board proceeded with the hearing.

Sarah Williams, Deputy Planning Director, presented the staff report – reviewed the status of the subject parcel, appeal issues, processing information for the garage permit, and advised of correspondence that was received. Staff responded to questions from the Board relative to the use of a "consolidated" Certificate of Compliance and what that would allow versus having a fractionalized parcel - staff advised that a fractionalized parcel does not allow for any kind of development permit to be obtained; whether a Certificate of Compliance could be obtained if a

chain of title could be shown; whether the land owner could merge/consolidate the parcels with a whole patent and whether that would eliminate underlying patents; clarifying that with the “consolidated” Certificate of Compliance the property owner should still have the option to merge parcels or to establish a chain of title; and as to what is involved for a full chain of title. Chair Cann reviewed the appeal hearing process. Staff responded to additional questions from the Board relative to Appeal Issue No. 6 that there is reason to believe that the division of the Chase ranch in 1971 extinguished the underlying patents, and staff’s response that they did not have enough information on this; and relative to the request for policy direction to requiring full chain of title information from applicants for Certificate of Compliance applications and regarding the appropriateness of not issuing permits during a 20-day appeal period. County Counsel advised that the policy issues are not before the Board for action as a part of the appeal issue.

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

Appellants Presentation:

John Brady reviewed the Board’s actions relative to the fractionalized parcels; expressed concern and raised legal issues with issuing an amended Certificate of Compliance and allowing a non-binding consolidation of fractional and whole portions of parcels; they feel that this should be a merger and not a temporary consolidation, and that this is not about a building permit but the issue is recognizing parcels for development; questioned whether the Subdivision Map Act has been violated; they feel that the County should require that a chain of title be provided; and referred to the Certificate of Compliance check list requirements. He advised that MERG requests that the appeal be upheld and the Planning Director’s determination to issue the amended Certificate of Compliance be overturned; that the County’s practice of allowing non-binding consolidation of fractional to whole portions for development purposes be ended; that applicants be allowed to merge property when they wish to; that the County require full title history; that staff be supported in lawfully carrying out their obligations as to how and when conditional or unconditional Certificates of Compliance will be issued; and that a fee structure be established so that the process is self-supporting for the workload and costs of applications. Mr. Brady responded to a question from the Board relative to the policy issues that were raised that the actions taken by Planning that are not founded by law.

Staff responded to a question from the Board relative to Mr. Brady’s statement that the practice of issuing “consolidated” Certificates of Compliance could be used to give development rights to the fractionalized parcels that are less than one-acre in the 160-acre minimum zone.

Speakers in support of the appellant: none.

Opponents/Property Owners Presentation:

Jeff Miller stated the temporary/“consolidated” Certificate of Compliance was issued before the Board’s decision in January relative to the fractionalized portions of land. He questioned why he should have to give up his rights to be able to do anything, including repairs, while things are in process. He referred to his efforts to provide chain of title information; and he stated he does not feel that the Court case (the *Tehama* case) requires a separate deed for each parcel. He feels that if full chains of title are going to be required, that it should be for future applications and he commented on the costs involved; and he feels that there are other avenues to approach the request for policy decisions. He asked what would happen to his building (garage) if the appeal is upheld. He stated he doesn’t feel that the Subdivision Map Act has anything to do with this Certificate – it was a temporary fix. He responded to questions from the Board relative to Appeal Issue No. 5 as to whether the division of the Chase ranch in 1971 violated the Subdivision Map Act and stated he feels that this is a “red herring” and did not apply to the division

between family members. He noted there is a deed from 1926 that specifies the parcels in the section in question. He responded to further questions from the Board as to how long he thinks it will take to settle this matter and have a permanent fix, and he advised that he filed another appeal with the Board on Monday relative to this parcel and an action in Superior Court on all of the parcels; and it could be a number of years before the matter is resolved. He responded that he feels the parcel with the garage could stand on its own; and it is his intention to get everything legal and to sort out the patent issues – they want his sister’s children to be able to build their houses there. He responded as to the timeframes for building the garage and the Board’s action to approve his first appeal and the subsequent change to denial of the appeal; and he advised that he received the Certificate of Completion on the garage in the mail on Monday.

Speakers in Support of the Opponents/Property Owners:

Anita Starchman Bryant, Starchman Bryant Law Offices, advised that she is not representing any particular individual, but is very familiar with the *Tehama* case. She stated she feels that the issues involved in this matter are unsettled areas of law and there may be a case that addresses this situation in the future and the law may change. She feels that if the property owner is required to merge the parcels, he would be unable to have the fractionalized patent recognized. She stated the *Tehama* case did not address “leftover” fractionalized patents; and there is no basis in law to require a merger of the parcels. She responded to questions from the Board as to what would happen if the existing rules are not applied, and advised that there is no case law today – this was a “holding pattern” application.

Appellants Rebuttal:

Rita Kidd, Secretary for MERG, stated she does not feel there is validity to the points that were raised as to whether the parcels would have to be merged to redo a roof and whether the structure was appropriate at the time it was constructed. She stated State law would permit a merger and subdivision in one act without having to revert to acreage, and she feels that could have been done. She does not feel that a merger would preclude further application for division of land. She noted that they went through tortured evaluation of the chain of title in the *Tehama* case to determine whether a Certificate of Compliance could be issued and this case challenged Civil Code 1093. She agrees that the law is changing rapidly; and she referred to information on Abbott & Kindermann’s law blog concerning Certificates of Compliance and patented parcels. She referred to the Court case of *Morehart v. Santa Barbara* relative to the merger of parcels and subdivision. She noted that Anita Starchman Bryant represented the Redington ranch and they have been issued a number of Certificates of Compliance. She stated it is her understanding from MERG’s counsel that once the County issues a building permit, the property owner has a vested right to have that parcel recognized separately; and there are any number of those situations on the Redington ranch where this could happen. This provides a legal means for Mr. Miller with the parcel for his garage. She referred to the Court case of *Lakeview Ranch v. Santa Clara*, and advised that the *Abernathy* case says the County has the option to issue conditional, unconditional Certificates of Compliance, or to deny the issuance. She advised that in her research, that the County has recognized almost 700 parcels in the western lands of the County with Certificates of Compliance. They are asking the Board to satisfy the remedies, give direction on the procedural issues raised in the appeal, and that staff be given direction to move forward; and that the appeal be upheld. She responded to questions from the Board relative to her input that the County established a legal parcel by granting a permit; and relative to the “consolidated” Certificate of Compliance process the County used.

The public portion of the hearing was closed.

4:00 p.m. Recess

4:12 p.m. Sarah Williams reviewed the conclusion - questions that the Board needs to answer for this appeal; and she advised that the formal resolution will be updated to show action being taken on this appeal this date versus March 2nd. The Board commenced with deliberations. Staff responded to questions from the Board as to how setbacks were applied for the garage with the temporary merger; what standards were followed; clarifying that a subdivision could be applied for in the future even after a merger – the minimum parcel size would be determined by the zoning; and relative to issuance of a building permit to a parcel that is not legally created and the status. Supervisor Cann clarified that the parcels are temporarily merged because of the “consolidated” Certificate of Compliance until there is a change in the circumstances; and he further stated he feels that the setbacks should be enforced from the individual property lines. Discussion was held.

Motion by Aborn, Res. 10-203 was adopted denying Appeal No. 2009-169; upholding the Planning Director’s action on December 4, 2009, to approve a “consolidated” Certificate of Compliance; upholding the Planning Director’s action on December 8, 2009, to record a Certificate of Compliance; and upholding the Planning Director’s action on December 8, 2009 to authorize issuance of Building Permit No. 28614. County Counsel recommended that the Board make a finding of the jurisdictional issue that was raised based on the preceding argument to the appeal. The motion was amended by the maker, to include a finding that the Board has jurisdiction to consider this appeal. The motion was seconded by Allen. Supervisor Bibby reiterated her concerns with the setbacks and issuance of a temporary “consolidated” Certificate of Compliance and application of standards. Ayes: Aborn, Turpin, Cann, Allen; Noes: Bibby. The hearing was closed.

County Counsel asked about the status of the policy issues that were raised and staff recommendation to bring back an item to require a full chain of title information from applicants for Certificate of Compliance applications; relative to the appropriateness of not issuing permits during a 20-day appeal period; and relative to the fee structure issue raised by the appellant. Kris Schenk advised that they are working on a fee structure proposal for the Department and will include this issue; and that staff would like direction on the other two policy issues. The Board concurred with staff bringing back a proposal relative to the 20-day appeal period and with information on how other counties are handling the chain of title information.

Consent Agenda

- CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of April 20, 2010, Regular Meeting

- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-189

- CA-103 **Administration**
Resolution Continuing the Local Emergency Due to the Big Meadow Fire: Res. 10-190

- CA-104 **Administration**
 Extend the Appointment of Janet Chase-Williams as Interim County Librarian through March 31, 2011; Continue the Out of Class Pay for Janet Chase-Williams and Continue the Overfill of the Senior Library Assistant Position through March 31, 2011; Res. 10-191
- CA-105 **Public Works**
 Waive Encroachment Fee for the Closure of Jessie Street to Hold an Annual Open House Event for the Mariposa History Museum to be Held on May 22nd and 23rd, 2010; Res. 10-192
- CA-106 **Public Works**
 Approve Budget Action Increasing Revenue and Appropriations in the Parallel Taxiway fund for Unanticipated Revenue from the Federal Aviation Administration (FAA) for the Preparation of the Environmental Review and Plans and Specifications for the Rehabilitation of the Parallel Taxiway Project (\$53,488) (4/5 Vote Required); Res. 10-199
- CA-107 **Public Works**
 Decline the Option to Purchase Hangar Number 38 at the Mariposa/Yosemite Airport for \$13,500 and Allow the Owner to Sell the Hangar to the Person who has made an Offer for it; Res. 10-193
- CA-108 **Public Works**
 Approve the Program Agreement for the Ashworth Road Project and Authorize the Public Works Director to Sign the Agreement; Res. 10-194
- CA-109 **Public Works**
 Approve an Agreement with Cascade Software Systems, Inc. for Software Maintenance and Support for Fiscal Year 2010-2011 in the Amount of \$10,877.33 and Authorize the Public Works Director to Sign the Agreement; Res. 10-195
- CA-110 **Sheriff**
 Authorize the Sheriff to Purchase a Touch Print Livescan Booking System from L-1 Identity Solutions and Approve Budget Action Transferring Funds within the Finger print ID Fund for the Purchase (\$29,895); Res. 10-196
- CA-111 **Sheriff**
 Approve an Agreement with 35-A District Agricultural Association for Sheriff's Community Organized Policing Effort (SCOPE) to Participate and Provide Services at the 2010 Annual Mariposa County Fair and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-197
- CA-112 **County Counsel**
 Approve an Agreement with Yosemite Area Regional Transportation Systems (YARTS) Joint Powers Authority (JPA) to Continue Providing Public Transit Services and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-202
- CA-113 **District Attorney**
 Approve a Three Year Subscription Agreement with LexisNexis to Continue Internet Legal Research from April 1, 2010 through March 31, 2013 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-198

14

Adjourn

Chair Cann adjourned the meeting at 4:39 p.m. in memory of Mrytle Marie Allen and Edith May Snell.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

May 4, 2010



Folder Time Description

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

Pledge of Allegiance

Chair Cann called for a moment of silence in honor of our armed forces, and especially the anti-terrorism law enforcement and troops working to keep us safe.

Introductions – none

- 1 Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)
NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.
BOARD ACTION: (M)Turpin, (S)Aborn, all items were approved/Ayes: Unanimous. Chair Cann referred to item 109 and advised that the Proclamation will be presented at the Senior Expo on Friday at the Fairgrounds.
- 2 **Chair Cann**
Proclaim the Month of May 2010 as “Mental Health Month” (Ruth Catalan, Mental Health Board & Jim Rydingsword, Human Services Director)
BOARD ACTION: (M)Aborn, (S)Bibby, the Proclamation was approved and presented to Ruth Catalan and Jim Rydingsword/Ayes: Unanimous.
- 3 **Chair Cann**
Proclaim the Month of May, 2010 as “National Military Appreciation Month” (Andrea Summerlin, DAR, Merced River Chapter, Chuck Kendall, Commander, American Legion Post 567 and Ron Wollak, Commander, VFW Keith M. Berkin Post 6042)
BOARD ACTION: (M)Turpin, (S)Allen, the Proclamation was approved and presented to Andrea Summerlin and Ron Wollak/Ayes: Unanimous.
- 4 **Chair Cann**
Proclaim the Week of May 10-16, 2010 as “Mariposa County Relay for Life Week” (Ginny Carpenter, Relay for Life Chair)
BOARD ACTION: (M)Bibby, (S)Aborn, the Proclamation was approved and presented to Ginny Carpenter/Ayes: Unanimous.

5

Chair Cann

Proclaim May 7, 2010 as “Child Care Provider Appreciation Day” (Amber Chambers, Mariposa Local Child Care Planning Council Coordinator & Angela Steele, Programs Manager at Infant / Child Enrichment Services, Inc. (ICES))

BOARD ACTION: (M)Bibby, (S)Turpin, the Proclamation was approved and presented to child care providers and children/Ayes: Unanimous.

6

Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)

Jeanetta Phillips, Co-Chair of the Butterfly Festival, provided input on the event and thanked everyone for their support.

Kris Schenk, Planning Director, presented information on answers to questions that have been raised relative to the Catheys Valley Community Plan impacts; and advised that the information will be posted to the Planning’s website. He further advised that the public hearing scheduled for May 18th will need to be continued due to some extremely detailed issues and questions that have been raised, including climate change/greenhouse gases. Chair Cann asked that the information relative to the continuance of the hearing be forwarded to the media and posted on the web. Supervisor Bibby asked that the information include the design review not being applicable for residential, just neighborhood commercial; and she asked that the notice of continuance of the hearing and the information on answers be distributed to everyone in the Catheys Valley community area as misinformation has been circulating and causing confusion. Supervisors Allen and Turpin agreed with this request. Supervisor Turpin asked for clarification of the status of the public comment portion of the hearing for the Plan. Kris Schenk responded and advised that the new language applies to new subdivisions/projects; and how those apply will be subject to future ordinances and State requirements. The hearing will be open to input for focused comment on the new language, and where appropriate, to clarify language. Supervisors Cann and Bibby requested that the information include AB 32/global warming – it has been in place since 2006 and is a State wide requirement.

Keith Williams, County Clerk, advised that Sample Ballots for the June 8th election will be mailed this week; and the permanent absentee ballots will be mailed on May 10th and will include a pamphlet with the candidates’ statements.

Lester Bridges, President of the Chamber of Commerce, commented on the busy weekend and noted several events are scheduled over the next few weeks. He advised that the 3rd annual golf scramble will be held on Saturday at Sierra Meadows to benefit causes in North County.

7

Board Information

Supervisor Turpin advised that he noticed that boats are being launched at Bagby and the Lake is up to 65-percent this morning. He attended the Airport Advisory Committee meeting last Wednesday; and the Northern Mariposa County Ambulance Association dinner on Monday. He plans to attend the Tourism Bureau meeting at the Library on Wednesday; meet with the Farm Advisor in North County on Thursday relative to landscaping issues; and he advised that there will be a town clean-up day in Coulterville on Saturday to get ready for the Coyote Howl and the John Muir Highway dedication.

Supervisor Bibby expressed special thanks to those who organized and participated in the Butterfly Festival and parade. She advised that she met with Jeff Hentz/Executive Director of the Yosemite-Mariposa County Tourism Bureau and staff on April 30th with writers for national circulation; met with the Health Committee on April 30th; attended Mother Lode Job Training meetings on April 26th, April 29th, and plans to attend on May 10th; met with Sierra Telephone representatives and toured their facilities on April 28th; attended a presentation by MERG at McCay Hall on April 28th;

and she attended the Candidates' Night on Monday and she thanked the *Mariposa Gazette* for hosting this. She noted the pump at McCay Hall is experiencing problems and is being worked on. She urged attendance at the Senior Expo on Friday.

Supervisor Aborn commented on the Butterfly Festival parade; advised that the El Portal Town Planning Advisory Committee is meeting next Tuesday – the Spring Fling and clean-up events were successful; and advised of discussions relative to the Airport and fixed-base operations.

Supervisor Allen advised that he attended the Mariposa Pines/Jerseymdale Fire Safe meeting on Wednesday and discussion was held with the Planning Director relative to acquiring land for the fire station; he attended the Woodland School tri-tip fundraiser and the Butterfly Festival Taste of Mariposa on Friday; he attended the waffle breakfast and the Butterfly Festival parade on Saturday; he attended the Greeley Hill breakfast on Sunday; and he attended the Northern Mariposa County Ambulance Association dinner on Monday. He advised the Ponderosa Fire Station will be having a spaghetti dinner. He plans to attend the Area 12 Agency on Aging meeting on Thursday in Sonora; and the Senior Expo on Friday.

Supervisor Cann advised that he was thrilled with the turnout for the weekend activities. He was honored on Friday to represent the Board at the Taste of Mariposa and for the dedication of the Butterfly Festival in memory of Alinda Franklin. He expressed appreciation to the *Mariposa Gazette* for a great job with the Candidates' Night. He advised that he continues to spend a lot of time with the Subway, formula chain, and free enterprise issues. He plans to attend the Tourism Bureau meeting with Supervisor Turpin; and he commented on the transient occupancy tax revenues.

Rick Benson commented on the transient occupancy tax revenues, and he noted that other revenues are down. He advised that a check was received for reimbursement of the Big Meadow Fire emergency expenses and staff is reviewing to see if this is final payment and covers full reimbursement; if so, the continuation of this local emergency will be taken off of the agenda. He provided an update on the status of the County's loan to the Hospital and advised that negotiations are continuing between the State and the Hospital, but it appears that loan deal could fall apart – more information will be known in a week and the funds have not been transferred from Contingency. He advised that a proposed agreement for fixed-base operations at the Airport is being reviewed by outside counsel to ensure compliance with FAA regulations; and he publicly thanked Rick Roesch for his cooperation and patience in this process – the agreement will be brought to the Board as soon as possible.

Supervisor Bibby advised of her discussion with the District 10 CalTrans Director relative to the status of the environmental documents for the Ferguson Rockslide, and of the Director's offer to provide an update to the Board. Board members asked that the update be scheduled.

Supervisor Allen asked for clarification that the County is still accruing interest on the funds that were authorized for loan to the Hospital. Keith Williams, Treasurer, advised that the County is accruing interest and that the money is still invested.

8

Human Services

Amber Chambers, Local Child Care Planning Council Coordinator, Presentation on the Mariposa Local Child Care Planning Council (LCCPC) and the Findings of the Feasibility Study Conducted by the LCCPC

BOARD ACTION: Amber Chambers reviewed the history of the Council and the findings of the feasibility study. Discussion was held. Angie Steele/ICES, responded to questions relative to the number of child care providers.

- 9 **Treasurer**
 Adopt a Resolution Authorizing the County Treasurer to Make a Temporary Transfer of Funds to the Mariposa County Unified School District for the Amount of \$1,000,000 During the 2010-2011 Fiscal Year
BOARD ACTION: Discussion was held with Keith Williams relative to the request. Supervisor Allen clarified that this is a “shall” in the language for the County to make the temporary transfer. Steve Dahlem, County Counsel, responded to a question from the Board relative to repayment. Chair Cann advised that a revised formal resolution was distributed, and County Counsel reviewed the changes to include the Education Code. (M)Aborn, (S)Allen, Res. 10-215 was adopted approving the transfer as recommended/Ayes: Unanimous.
- 10 **Fire**
 Authorize the Fire Chief to Apply for the FY 2010/2011 Emergency Management Performance Grant from CalEMA to Complete the County’s Hazard Mitigation Plan
BOARD ACTION: Discussion was held with Jim Wilson relative to the grant; and he clarified that all costs for the emergency planner position will be covered by the grant funds. (M)Allen, (S)Aborn, Res. 10-216 was adopted approving the grant application/Ayes: Unanimous.
- 11 Consider Items Removed from the Consent Agenda – none.
- 12 **Administration**
 CLOSED SESSION: Public Employee Employment: Public Works Director
BOARD ACTION: This closed session was not held.

Consent Agenda

- CA-101 **Clerk of the Board**
 Approval of Summary of Proceedings of April 27, 2010, Regular Meeting
- CA-102 **Administration**
 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-204
- CA-103 **Administration**
 Resolution Continuing the Local Emergency Due to the Big Meadow Fire; Res. 10-205
- CA-104 **Administration**
 Approve Correction of the County’s Policy Against Discrimination and Harassment in the Workplace; Res. 10-206
- CA-105 **Administration**
 Approve a Grant Application to Pacific Gas & Electric (PG&E) in the Amount of \$8,000 to Cover the Cost of Cleanup on the Mariposa Creek from 3rd – 8th Street; Res. 10-207
- CA-106 **Administration**
 List of Agreements Entered into by the County Administrative Officer Pursuant to Ordinance 3.08 for the Months of July, August, October, November 2009, and January and March 2010; Res. 10-208

- CA-107 **Administration**
 Approve Budget Action Reducing General Fund Contingency to Provide Additional Funding to the Building Department for Plan Checking Services (\$20,780) (4/5ths Vote Required); Res. 10-209
- CA-108 **Community Services**
 Resolution Disbanding the Adult Day Health Care Planning Council; Res. 10-210
- CA-109 **Community Services**
 Proclaim the Month of May 2010, as “Senior Awareness Month”
- CA-110 **Human Services**
 Approve the Re-allocation of One Mental Health Clinician and One Social Worker IV Effective May 1, 2010; Fund One Office Technician I Position and Reduce Funding of a Senior Office Assistant Position in the Behavioral Health Department Effective May 1, 2010; Approve Budget Actions Transferring Funds within the Wraparound Fund and Behavioral Health Budget to Cover the Funding Costs (\$14,000); Res. 10-211
- CA-111 **Human Services**
 Re-appoint Dr. Mosher to the First 5 of Mariposa County for a Term Expiring May 4, 2013
- CA-112 **County Counsel**
 Approve a Lease Agreement with Kiwanis Preschool, a California Non-profit Corporation, for use of the Darrah Schoolhouse Building for FY 2010-2011 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-212
- CA-113 **County Counsel**
 Approve an Amendment to Agreement with Mariposa County Unified School District for Recreational Use of Facilities Extending the Term from Five to Ten Years and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-213
- CA-114 **Probation**
 Approve a Memorandum of Understanding (MOU) with Franchise Tax Board (FTB) for Participation in Court Ordered-debt Program and Authorize the Chief Probation Officer to Sign the MOU; Res. 10-214

13 **Adjourn**
BOARD ACTION: (M)Bibby, (S)Aborn, the meeting was adjourned at 10:44 a.m. in memory of “Slim” Glen Koontz, Mabel “Gay” Rowney, and Margaret W. Miller/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
 Clerk of the Board

KEVIN CANN
 Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

May 11, 2010



Folder Time Description

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

Pledge of Allegiance

Chair Cann called for a moment of silence in honor of our troops serving across the world.

Introductions – none

- 1 Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)
NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.
BOARD ACTION: (M)Turpin, (S)Bibby, all items were approved/Ayes: Unanimous.

- 2 **Chair Cann**
Resolution and Tile Plaque Recognizing Sheryl Terry, Upon her Retirement as Accountant II, Health Department (Health)
BOARD ACTION: (M)Aborn, (S)Allen, Res. 10-217 was adopted and presented to Sheryl Terry, along with a tile plaque/Ayes: Unanimous. Dr. Mosher, Health Officer, commended Sheryl Terry for her service.

9:15 a.m. Recess

- 3 **9:24 a.m.** Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)
Lee Stetson referred to a call he received from the Sheriff’s Office following up on a complaint filed against him by Brad Aborn relative to his signs violating the Election Code; and advised that he does not feel that anyone is being misled by the signs. Chair Cann advised that input needs to be on items that are within the jurisdiction of the Board. Lee Stetson continued with input on his concerns with the demeanor of the campaign.

- 4 Board Information
Supervisor Bibby advised that she missed the Senior Expo to respond to phone calls she has been receiving on the Catheys Valley Community Plan, and she advised of her cell phone number for people trying to reach her; and she commented on the process the Plan has to go through. She toured roads in her district that have

maintenance concerns with the Interim Public Works Director, County Administrative Officer and the Transportation Planner. She attended the Mother Lode Job Training meeting on May 10th and plans to attend their meeting next week. She urged support for the Relay for Life event this coming weekend.

Supervisor Turpin noted the water level at Bagby Bridge was about 69-percent this morning, and he commented on the growth of the native grasses. He attended the following meetings/events: on May 4th relative to the equestrian and pedestrian trails in Don Pedro; the Tourism Bureau meeting on Wednesday; tour of the North County with the Interim Farm Advisor on Thursday; Coulterville town clean-up on Saturday and he thanked the CDC crews for their work this week with the Coulterville cemetery; and the fire station planning meeting on Monday. He plans to attend the SWIFT meeting in Moccasin and the Tuolumne – Mariposa RAC meeting in Sonora on Wednesday.

Supervisor Allen advised that he attended the Area 12 Agency on Aging Board of Directors meeting in Sonora on Thursday and they are working on trying to get the State to release funds for the programs. He attended the Senior Expo on Friday; the Pow Wow at the Fairgrounds on Saturday; noted Sunday was Mother's Day; and he attended the BBQ at the Hospital in celebration of National Hospital Week. He noted that there are a lot of events scheduled for this weekend: Ponderosa Basin Fire Station spaghetti dinner; Coyote Howl in Coulterville; and Relay for Life. He advised that the Board members received the Motorized Travel Management Plan documents for the Sierra National Forest – he has spoken with Dave Martin/Sierra National Forest Service District Ranger, relative to giving a presentation to the Board on the Plan and scheduling a public workshop in Mariposa.

Supervisor Aborn commented on rumors about meters being installed on private wells to monitor water usage; and he clarified that this is not coming from the Board. He advised that he will meet with the Interim Public Works Director relative to the trees in Midpines Park. He advised that the El Portal Town Planning Advisory Committee is meeting next Thursday (this was corrected later in the meeting). He advised that he attended the fire station planning meeting on Monday. He noted that he has a new colt.

Supervisor Cann advised that he has had several calls and meetings with citizens relative to the Catheys Valley Community Plan. He attended the Tourism Bureau meeting on Wednesday, the Senior Expo on Friday, and the Hospital BBQ on Monday. He has a meeting this week with proponents of the new Grizzly stadium proposal. He noted there is another candidates' forum on Wednesday and it is hosted by AAUW. He plans to attend a CSAC training on managing conflict on Friday; and he is honored to be the opening speaker for the Relay for Life event on Saturday.

Supervisor Turpin advised that the facility staff has been working on the Park in Coulterville to be ready for the Coyote Howl this weekend. He advised that he attended the North County History Center breakfast on Sunday.

Rick Benson advised that the Hospital Administrator notified him on Monday that the Hospital will not be moving forward with the proposed loan from the County due to problems encountered at the State level.

9:49 a.m. Board Convened as

LOCAL TRANSPORTATION COMMISSION

(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Brad Aborn)

5

Public Presentation: For Items within the Jurisdiction of the Commission and not on Today's Agenda (Speakers Limited to Five Minutes) – none

- 6 **Public Works**
 Adopt a Resolution Adopting the Transportation Planning Overall Work Program for FY 2010/2011 and Authorize the Executive Director to Submit the Overall Work Program and Sign the Necessary Agreement
COMMISSION ACTION: Discussion was held with Doug Wilson, Interim Public Works Director, and Barbara Carrier/Transportation Planner. (M)Bibby, (S)Aborn, LTC Res. 10-12 was adopted approving the recommended actions/Ayes: Unanimous.
- 7 **Public Works**
 Authorize Participation in the Optional Regional Surface Transportation Program (RSTP) Federal Exchange and State Match Program for FY 2009/2010 in the Amount of \$37,989 and Authorize the Executive Director to Sign the Agreement with Caltrans for Funds to be used in the Road Department in FY 2010/2011
COMMISSION ACTION: (M)Cann, (S)Bibby, LTC Res. 10-13 was adopted approving the recommended actions/Ayes: Unanimous.
- 8 **Public Works**
 Approve the Removal of Debbie Smith as a Social Services Provider for the Disabled Member from the Social Services Technical Advisory Council (SSTAC) Per Article V of the SSTAC Bylaws; Appoint Laurel Crose as a Social Services Provider for a Disabled Member and Melanie Rose as a Potential Transit user with a Disability to the SSTAC with Terms Expiring May 11, 2013; Accept the Resignation of Kurt Silva as an Additional Member from the SSTAC
COMMISSION ACTION: Discussion was held with Doug Wilson and Barbara Carrier. Supervisor Allen requested that this matter be continued for staff to discuss representation from the Human Services Department with the Human Services Director; and the Board concurred.
- 10:06 a.m.** Reconvened as
BOARD OF SUPERVISORS
- 9 **Public Works**
 Authorize Participation in the Optional Federal Apportionment Exchange and State Match Program for Regional Surface Transportation Program (RSTP) Funds for FY 2009/2010 in the Amount of \$236,573 and Authorize the Board of Supervisors Chair to Sign the Agreement with Caltrans for Funds to be used in the Road Department
BOARD ACTION: Following discussion with Doug Wilson, (M)Turpin, (S)Bibby, Res. 10-226 was adopted approving the recommended actions/Ayes: Unanimous.
- 10 **Public Works**
 Bid Opening for the Sale of a Portion of the Real Property Located at 7577 Henness Ridge Road, Mariposa (Yosemite West) (Continued from April 20, 2010)
NOTE: Staff Recommends this Item be Continued to May 18, 2010 at 9:00 a.m. or as soon thereafter as the Matter May be Heard
BOARD ACTION: Doug Wilson advised that questions were raised relative to the environmental process and recommended that this matter be continued to allow time to resolve the issues. (M)Bibby, (S)Allen, this matter was continued to May 18, 2010 as recommended/Ayes: Unanimous.
- 11 **Supervisors Bibby and Cann**
 Discussion and Possible Direction Relative to the Mariposa 4-H Council's Request to Provide up to \$5,000 to Cover the Costs for Construction and Travel Costs Relating to the State Fair Booth

BOARD ACTION: Discussion was held with Donna Wice/4-H Coordinator, relative to the funding request and the project. Supervisor Cann suggested contact be made with the Upper Merced River Watershed group relative to props for the exhibit booth; and he advised that he will talk with the Tourism Bureau about their participation and financial support. Supervisor Turpin advised of a contact with MID that may be able to assist with props. Rick Benson recommended that if funding is approved, it be taken from General Contingency versus individual district travel accounts. (M)Bibby, (S)Allen, Res. 10-227 was adopted approving up to \$5,566 from General Contingency, with direction that Tourism Bureau is requested to share the costs on a 50/50 split and that the \$5,566 be reduced by any financial contribution received from the Tourism Bureau. Further discussion was held. The motion was amended, agreeable with the maker and second, to include \$2,000 for construction – total funding is still up to \$5,566/Ayes: Unanimous. Chair Cann asked that the Board be notified of the award ceremony.

12

Supervisor Aborn

Discussion and Possible Direction to Staff on the County’s Interest in Purchasing Approximately 8-Acres of Land Adjacent to the Midpines Park

BOARD ACTION: Supervisor Aborn initiated discussion relative to the request. Rick Benson advised that he does not know if the property is for sale, but if the Board is interested in exploring this, staff can check for grants. Supervisor Allen asked whether there is a list of properties that the County has an interest in; and discussion was held relative to establishing a list, reviewing list of existing County-owned property, and property that is rented by the County for vision/strategic planning.

Input from the public was provided by the following:

Marvin Wells, member of the Midpines Planning Committee, urged support of this for expansion of the Park; and he noted the need for additional space for the YARTS buses to turn around and for parking, and for other uses of the Park; i.e., playground equipment.

Ruth Catalan recommended that the property owner be contacted to determine the interest in selling; and noted that eminent domain is an option if the property is needed.

Supervisor Aborn corrected the information provided earlier in the meeting and advised that the Midpines Planning Advisory Committee meeting is scheduled for next Thursday, and the El Portal Town Planning Advisory Committee is meeting this evening.

The Board concurred with staff investigating whether the property is available and potential funding sources, other than General Funds, with a report to come back to the Board.

13

Consider Items Removed from the Consent Agenda - none

14

Administration

CLOSED SESSION: Public Employee Employment: Public Works Director;

15

Administration

CLOSED SESSION: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 Relative to a Workers’ Compensation Case; Number of W/C Cases to be Discussed: 1; and

16

County Counsel

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

BOARD ACTION: (M)Bibby, (S)Turpin the closed sessions are to be held at 11:30 a.m./Ayes: Unanimous. Chair Cann advised that following the closed sessions, the Board

will recess for lunch and report on the closed session matters when it reconvenes at 2:00 p.m.

10:54 a.m. Recess

11:34 a.m. The Board convened in closed session.

12:42 p.m. **Lunch**

2:05 p.m. Reconvened

Report from Closed Session

Chair Cann advised that direction was given to staff as a result of the three closed session matters.

17

Planning

PUBLIC HEARING to Consider Zoning Amendment No. 2010-025. Action Includes Adopting a Resolution Approving the Project and Amending Mariposa County Code Relating to Political Signs, and Finding Project is Exempt and Directing Staff to File a Notice of Exemption; Waive the First Reading and Introduce an Ordinance Amending the Zoning Ordinance Text. The Project Proposes to Amend County Code to Add a Definition of a Political Sign and Align the Zoning Ordinance with State Law as it Relates to Political Signs. The Proposed Amendment is to Section 17.65.010.E.4.d, 17.108.190, and 17.148.010 of the Zoning Ordinance. Mariposa County, Project Proponent

BOARD ACTION: Kris Schenk introduced the item. Karen Peneschi, Assistant Planner, presented the staff report. The public portion of the hearing was opened and there was no input. The public portion was closed. Staff responded to questions from the Board relative to dissemination of the regulations to candidates and whether signed statements of receipt would be required. Supervisor Aborn questioned whether the signs should be allowed along a scenic highway/river; and whether the signs should be allowed for 60 versus 90 days. Seeing no objections, Chair Cann reopened the public portion, and input was provided by the following:

Marvin Wells asked whether this amendment includes advertising signs, such as real estate and business signs. Chair Cann responded that this is for temporary political signs.

The public portion of the hearing was closed. (M)Bibby, (S)Allen, Res. 10-228 was adopted approving Zoning Amendment No. 2010-025 and adopting a Notice of Exemption on the environmental determination; the first reading was waived and the Ordinance was introduced as recommended, and the title of the Ordinance was read into the record/Ayes: Unanimous. The hearing was closed.

Consent Agenda

CA-101

Clerk of the Board

Approval of Summary of Proceedings of May 4, 2010, Regular Meeting

CA-102

Administration

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-218

CA-103

Administration

Resolution Continuing the Local Emergency Due to the Big Meadow Fire; Res. 10-219

- CA-104 **Administration**
Approve the use of Fish & Game Funding to Finance Hunter Education and Beginning Shooting Classes in the Amount of \$6,450; Res. 10-220
- CA-105 **Administration**
Approve a Second Amendment to the Professional Services Agreement with Liebert Cassidy Whitmore Amending the Termination Effective Date to June 30, 2011 and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-221
- CA-106 **Public Works**
Approve the Program Agreement for the Ben Hur Road Project and Authorize the Public Works Director to Sign the Agreement; Res. 10-222
- CA-107 **Public Works**
Approve the Construction of a Stage at the Coulterville Park and Waive the Fees for the Encroachment Permit for the Construction; Res. 10-223
- CA-108 **County Counsel**
Approve a Lease Agreement with Mariposa Preschool Cooperative, a California Non-profit Corporation, for use of the Woodland Community Building for FY 2010/2011 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-224
- CA-109 **Tax Collector**
Approve the 5-Year Tax Defaulted Parcels Scheduled for Auction on August 13, 2010; Res. 10-225
- 18 **Adjourn**
Chair Cann adjourned the meeting at 2:19 p.m. in memory of Chester H. Moore, David Smothers, and Rita Marie Holt.

Respectfully Submitted,

MARGIE WILLIAMS
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

May 18 and 19, 2010



Folder Time Description

9:01 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Chair Cann called for a moment of silence on honor of our troops defending us across the world.

Introductions – none

Chair Cann noted that Monday was Supervisor Aborn's birthday.

- 1 Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)
NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.
BOARD ACTION: Supervisor Turpin pulled item 112. Supervisor Bibby pulled items 105 and 108. Rick Benson, County Administrative Officer, withdrew item 103, and he advised that action is no longer necessary to continue the local emergency due to the Big Meadow Fire as final payment for reimbursement has been received. He recognized Jim Middleton, Deputy Fire Chief, for his work on this. (M)Aborn, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

- 2 **Chair Cann**
Resolution Recognizing Emergency Medical Service Personnel for Outstanding Professional Performance During the Previous Year as Follows: a Physician, Dr. Charles Neumann of John C. Fremont Hospital, an ER Nurse, Wendy Gillespie of John C. Fremont Hospital, two Paramedics, Amy Clubb of Mercy Medical Transport and Shannon Jolley of Yosemite Medical Clinic, two Emergency Medical Technicians, Marcella Good of Mariposa County Fire Department and Jessica DeMartin of Yosemite Medical Clinic, and a First Responder, Ron Setterberg of Mariposa County Fire Department (Health Officer)
BOARD ACTION: Board members commended all of the emergency medical service personnel and Dr. Mosher/Health Officer for their work. (M)Bibby, seconded by the other four Board members, Res. 10-229 was adopted recognizing the emergency medical service personnel/Ayes: Unanimous. Dr. Mosher and Pat Murphy/Emergency Medical Services Agency, presented plaques to the recipients for outstanding professional performance, with Dr. Rogers present on behalf of Dr. Neumann. Chair Cann recognized Fire Chief Jim Wilson and Deputy Fire Chief Jim Middleton for their work.

3 Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Stephen Churgin advised of a proposed benefit concert for the County for the fall and asked for \$20,000.

Peter Schimmelfennig, Executive Director of the Chamber of Commerce, advised that High Country Health Food and Café is hosting a mixer on May 25th; advised of the Coulterville Visitor Center schedule; and of the Courthouse tour guide schedule.

8 Consider Items Removed from the Consent Agenda
Item 108 – Following discussion with Jim Rydingsword, Human Services Director, (M)Bibby, (S)Aborn, item 108 was approved/Ayes: Unanimous.

4 Board Information

Supervisor Aborn commented on the political season; advised that he was unable to attend the Airport Advisory Committee meeting; and that the Midpines Advisory Committee is meeting on Thursday.

Supervisor Allen commented on the activities that occurred over the weekend: Coyote Howl, Relay for Life, and Ponderosa Basin Fire Station spaghetti dinner. He advised that a workshop has been scheduled for May 27th at 6:30 at the Government Center on the Sierra National Forest Motorized Travel Management Plan. He commented on the Governor's "May Revise" for the State budget – Williamson Act subvention funding status and concern with proposal to transfer inmates from the State prisons to County jails.

Supervisor Turpin noted the water is still rising at Bagby, but he still hasn't seen the roadrunner; and fishing is reported to be good at McClure. He attended the SWIFT meeting in Moccasin on May 12th, and the Tuolumne County Administrative Officer was present and noted their County is facing some challenges. He missed the Coyote Howl in Coulterville, but attended the dinner that evening. He advised that the Board is meeting on Wednesday and Thursday to interview candidates for the Public Works Director position. He plans to attend the Calaveras-Mariposa Community Action Agency meeting in Coulterville on Friday with Supervisor Bibby. He advised that the Coulterville Community Club is holding a benefit yard sale on Saturday, and the Greeley Hill Community Club is holding a benefit dinner and auction for improvements to the hall. He commented on concerns with the State budget.

Supervisor Bibby advised that she attended the Mother Lode Job Training meetings in Sonora on May 10th and 17th. She advised that a presentation by the Hospital on health care is scheduled for May 19th at the Government Center. She plans to attend the Calaveras-Mariposa Community Action Agency meeting on Friday. She noted Parks and Recreation has a "movie at the park" event scheduled for May 22nd and thanked Shannon Hansen for her work with this. She thanked everyone for their support of the Relay for Life event, and she commended the volunteer firefighters for their participation and Sergeant Cramer for winning the 2010 honor.

Supervisor Cann advised that he met with constituents on several issues, including the stadium proposed to be located by the High School. He thanked the American Association of University Women (AAUW) for holding the candidates forum last week. He advised that he attended the CSAC training on managing conflict, and the Relay for Life. He met with citizens on Monday that are interested in taking advantage of initiating a General Plan amendment for vacation home rentals on Agriculture Exclusive land. He advised he is scheduled to chair the Environmental Services Joint Powers Authority meeting on Thursday, but is trying to get someone else to take his place so he can be here for the Public Works Director interviews.

Rick Benson provided input on the Governor's "May Revise" State budget which impacts the following: mental health programs, incarceration of inmates, Williamson

Act subvention, and CalWorks; and he advised that the State is planning to reimburse Counties for the 2009 special election costs, and they do not expect further cuts to transportation funding; and the Governor is pursuing pension reform. Supervisor Allen further commented on the proposal for housing inmates in the County jails and the lack of reimbursement for costs.

5

Public Works

Bid Opening for the Sale of a Portion of the Real Property Located at 7577 Henness Ridge Road, Mariposa (Yosemite West) (Continued from May 11, 2010)

BOARD ACTION: The Clerk of the Board advised that no sealed bids were received. Doug Wilson, Interim Public Works Director, recommended that the Board move to the next item scheduled by Planning. Chair Cann called for oral bids and none were received.

6

Planning

Direct and Authorize the Mariposa County Planning Department to Accept and Process Applications from Yosemite Cascades, LLC, Applicant for the Development Proposed for the Yosemite West Special Planning Area Including a Lot Line Adjustment Application Affecting Lands Owned by the County of Mariposa Presently Used as Maintenance Facilities for the Yosemite West Maintenance District. County-Owned Parcels include APN 006-150-007, APN 006-150-004, and APN 006-150-005, Address 7577 Henness Ridge Road. Authorization would Not Mandate County Approval of the Project(s) in the Future, but only Authorize Staff to Process Project(s)

BOARD ACTION: Kris Schenk and Sarah Williams/Deputy Planning Director, presented the staff report and reviewed the recommended action.

Input from the public was provided by the following:

Jeff Hornacek, Yosemite West Cascades, stated they are asking for a complete environmental review of the project, provided input on the project, and advised that he has counsel available if there are any legal questions.

Harry Hagen, Yosemite West, stated he feels that the proposed project is going to be extraordinarily controversial in the community.

Don Pitts, member of the Yosemite West Maintenance Advisory Committee and the Yosemite West Planning Advisory Committee and a resident of Yosemite West, agrees that this project will be extremely controversial. He advised of the Maintenance Committee's meeting and action on the proposal; and concerns with space and space for future expansion of the maintenance yard, and fire safety issues. He does not feel that the Park Service will be happy with this.

Steve Dahlem, County Counsel, advised that the email and letter received from Mr. Mock would be made a part of the record. Chair Cann asked for clarification of whether all of the correspondence that has been received relative to the project itself would be a part of the record. Sarah Williams responded that they have opened a file and would include all correspondence that has been received. Direction was given to the Clerk of the Board to forward a copy of all of the correspondence that the Board has received on this project to Planning.

(M)Allen, (S)Aborn, Res. 10-238 was adopted approving the recommended actions/Ayes: Unanimous.

7

Administration

Consider Relocation of the Economic Development Office and Approve Layoff of a Permanent Part-Time Office Assistant II

BOARD ACTION: Discussion was held with Rick Benson, and he advised that the agreement with the Building Director for the relocation is that it is to be considered temporary. Supervisor Allen asked about the status of County-owned equipment,

including the copier, and he recommended that it be removed when the office is relocated; and he asked that Personnel work with the Office Assistant employee.

Input from the public was provided by the following:

Ruth Catalan asked whether the grant search program would still be available to the public; whether the new space (downstairs in the Government Center) would accommodate confidential meetings with clients; and whether the additional workload would create an unfair burden to Administrative staff.

Lester Bridges, President of the Chamber of Commerce, stated he does not feel it is in the County's best interest to relocate this office; and he advised that the loss of rent will be a financial hardship to the Chamber. He asked that if the relocation is going to occur, that the contract be extended by six months to give the Chamber an opportunity to find another tenant.

Rick Benson responded to the questions – advised that there will be no change in the availability of the e-civis grant search program; the relocation is to a private office; and that the additional workload can be handled by the Administrative staff. He further advised that the recommended actions are to be effective July 1, 2010. No action is necessary on the relocation. (M)Allen, (S)Turpin, Res. 10-239 was adopted approving the layoff of the permanent part-time Office Assistant II/Ayes: Turpin, Bibby, Cann, Allen; Noes: Aborn.

8

Consider Items Removed from the Consent Agenda

Item 105 – Supervisor Bibby reiterated her previous concerns about the suitability of this property for Courthouse facilities. Rick Benson advised that this is a procedural action before any discussion can be held, and that this does not commit the County in any way. Discussion was held relative.

Input from the public was provided by the following:

Ruth Catalan endorsed the appointment of the County Administrative Officer as negotiator – stated she feels that this is important for the SPCA and for the County, and she feels it would be a good investment for the County.

(M)Aborn, (S)Turpin, item 105 was approved/Ayes: Unanimous.

9

Administration

CLOSED SESSION: Public Employee Appointment: Public Works Director;

10

Administration

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 11th & Bullion; Agency Negotiator: Richard J. Benson; Name of Party who will Negotiate with County: SPCA; Closed Session will Concern Price; and

11

County Counsel

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

BOARD ACTION: (M)Bibby, (S)Aborn, the closed sessions were held following a short recess/Ayes: Unanimous. Chair Cann advised that the Board would reconvene in open session at 2:00 p.m.

10:50 a.m. Recess

10:58 a.m. The Board convened in closed session.

11:39 a.m. Lunch Service at Senior Center

2:00 p.m. Reconvene

Report from Closed Session

Chair Cann announced that direction was given to staff as a result of the three closed session matters.

12

Planning

PUBLIC HEARING to Consider General Plan Amendment No. 2008-63, the Catheys Valley Community Plan. The Community Plan Contains the Area Plan Boundaries, a Land Use Diagram, and Goals and Policies for Land Use and Development in the Community Area. Amendment Includes Text and Land Use Diagram Changes to the General Plan for Boundary Consistency and to Reflect Change in Status of Catheys Valley from Planning Study Area to Adopted Community Plan. The Proposed Community Plan Area is the Catheys Valley Vicinity, Including Areas along Highway 140, Hornitos Road, Schoolhouse Road and Old Highway. The County of Mariposa is the Project Proponent (Continued from April 13, 2010)

NOTE: Staff Recommends the Public Hearing be Continued to a Date and Time Certain or be Rescheduled

BOARD ACTION: Kris Schenk recommended that the public hearing be rescheduled as a date and time certain cannot be determined at this time. He advised that the release of the final Environmental Impact Report (EIR) has been delayed due to the volume, highly technical, and legal nature of the comments that were received on the draft Supplemental EIR; and in order to comply with the new state guidelines for greenhouse gases and rapidly evolving state regulations for carbon emissions. He advised that he will come back to the Board with a revised work plan for completing the Catheys Valley Community Plan, including processing information and a detailed schedule; and with an amendment to the Personal Services Agreement with the consultant. He responded to questions from the Board relative to reopening the public hearing on the entire Plan versus just the changes; relative to bringing back draft ordinances with the Plan for implementation so that everyone can understand the intent of the Plan; clarifying verbiage in the Plan; suggestion for holding a public workshop, perhaps on a Saturday, to allow for public input – he advised that these issues/suggestions would be addressed in the revised work plan for the Board's approval. County Counsel recommended that the discussion and public input today be kept to the issue of continuing or rescheduling the hearing.

The public portion of the hearing was opened for input on the issue of continuing or rescheduling the hearing, and input was provided by the following:

Don Starchman, Starchman & Bryant Law Offices, stated he would like to see the whole document reopened or be under discussion versus having any constraints, as he does not feel that the new information items can be separated out. He agrees with rescheduling the hearing.

Ken Baker, Catheys Valley, asked whether the hearing would be scheduled far enough out to have public meetings in the community; and he suggested perhaps scheduling the hearing for next year.

Steve Saunders stated he is not clear what County Counsel said about rescheduling the meeting.

Steve Fortner, Catheys Valley, stated he does not feel that a date can be set at this time to continue the hearing to since the completed EIR is not available; and he commented that they were not behind the greenhouse gas issues that were raised.

The public portion of the hearing was closed. Chair Cann advised that the hearing would be rescheduled with substantial advance notice in addition to the regular noticing requirements. Staff responded to a question from the Board as to whether a workshop could be held before the final EIR is available to the public; and advised that they would need to be guided by the consultant, but there should be close proximity between the two. County Counsel responded to the question regarding clarification of his recommendation that discussion today be kept to the issue of continuing or

rescheduling the hearing. (M)Allen, (S)Aborn, the Board directed that the public hearing be rescheduled/Ayes: Unanimous.

- 8 Consider Items Removed from the Consent Agenda
Item 112 – Supervisor Turpin initiated discussion with Kris Schenk relative to the contract and status of processing the Housing Element. (M)Bibby, (S)Turpin, item 112 was approved/Ayes: Unanimous.

Consent Agenda

- CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of May 11, 2010, Regular Meeting
- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-230
- CA-103 **Administration**
Resolution Continuing the Local Emergency Due to the Big Meadow Fire; this item was withdrawn as final reimbursement was received
- CA-104 **Administration**
Approve Budget Action Increasing Revenue and Appropriations, and Reducing General Contingency for Actual Reimbursement and Expenses Relating to the Big Meadow Fire (\$1,620) (4/5ths Vote Required); Res. 10-231
- CA-105 **Administration**
Appoint Richard J. Benson, County Administrative Officer, as County’s Negotiator Concerning Possible Acquisition of Property Located at 11th and Bullion in Mariposa
- CA-106 **Sheriff**
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; Res. 10-232
- CA-107 **Human Services**
Approve an Agreement with Kings View Corporation for Telepsychiatric Services and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-233
- CA-108 **Human Services**
Authorize Human Services Behavioral Health Department to Submit the FY2010/2011 MHSA Plan Update to the Department of Mental Health (DMH) as Required by DMH as Part of the Ongoing MHSA Funding Process; Res. 10-237
- CA-109 **Fire**
Authorize the Fire Chief to Submit Two (2) Grant Applications to the FEMA Assistance to Firefighters Grants (AFG) Program to Retrofit Fire Stations with Vehicle Exhaust Extraction Systems, Purchase Two Fire Hose Testing Machines and Replace one Water Tender. The Grants will Require a 5% Cost Share and Expenditures to be Proposed in the FY 2010/2011 Budget would Meet the Match Requirements. The Grants will Consist of Two Separate Applications; Res. 10-234

- CA-110 **Health**
 Approve Budget Action Increasing Revenue and Appropriations for Unanticipated Revenue in the Centers for Disease Control and Prevention (CDC) Public Health Emergency Preparedness and Pandemic Influenza Grant Programs (\$101,922) (4/5ths Vote Required); Res. 10-235
- CA-111 **Health**
 Approve Certification for Funding Under Health and Safety Code 123945 for the State-Mandated Children’s Medical Services (CMS) Program and Authorize the Health Officer to Sign the Certification; Res. 10-236
- CA-112 **Planning**
 Approve Second Amendment to Professional Services Agreement with J.B. Anderson Land Use Planning to Amend the Housing Element; Increasing the Amount by \$4,904, Revising the Scope of Work and Revising the Time Line in Order to Adopt the Certified Housing Element for Mariposa County and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-240

13 **CONTINUE MEETING TO 9:00 a.m., WEDNESDAY, MAY 19, 2010, and 9:00 a.m., THURSDAY, MAY 20, 2010 for CLOSED SESSION for PUBLIC WORKS DIRECTOR INTERVIEWS**

BOARD ACTION: (M)Bibby, (S)Aborn, the closed sessions were approved to be held on May 19th and 20th/Ayes: Unanimous.

The Board recessed at 2:28 p.m. in memory of Mary Tanner and Janice Kelley; and the meeting was continued to Wednesday, May 19, 2010, at 8:45 a.m.

MAY 19, 2010

The Board reconvened at 8:45 a.m. on Wednesday, May 19, 2010 in continued meeting from May 18th for closed session for Public Works Director interviews; recessed for lunch at 11:45 a.m. and reconvened at 1:00 p.m. The Board reconvened in open session at 2:45 p.m.

Report from Closed Session

Chair Cann announced that direction was given to staff as a result of the closed session.

14 **Adjourn**

Chair Cann adjourned the meeting at 2:45 p.m.

Respectfully submitted,

MARGIE WILLIAMS
 Clerk of the Board

KEVIN CANN
 Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

May 25, 2010



Folder Time Description

9:00 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Chair Cann called for a moment of silence in honor of our troops spread across the world defending our freedoms.

Introductions - none

- 1 Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)
NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.
BOARD ACTION: Supervisor Turpin referred to item 114 and asked that Human Services come back and give the Board a briefing when the Plan is approved; and he pulled item 105. (M)Aborn, (S)Allen, the balance of the items was approved/Ayes: Unanimous.

- 2 Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)
Eleanor Keuning advised that members of the Historic Sites and Records Preservation Commission plan to attend a Historic Preservation Conference, Keeping Time III that is scheduled for June 18th in Sonora; and she presented information on the Conference and noted that interested citizens can attend. She advised that she received a question as to why the Commission did not make any comments on the proposed Subway, and advised that is not their role. She referred to recent Fresno Bee stories relative to water issues.
Lester Bridges, President of the Chamber of Commerce, invited everyone to the business mixer this evening at High Country Health Food and Café. He advised that he will begin his bicycle trip across American next month.

- 3 Board Information
Supervisor Bibby advised that she attended the Mother Lode Job Training meeting last week and this week; and she attended the Calaveras-Mariposa Community Action Agency meeting on Friday. She encouraged citizens with questions or concerns relative to the Catheys Valley Community Plan to access the County Planning website (www.mariposacounty.org/planning) or to contact Planning

directly to get factual information. She extended warmest wishes to everyone over Memorial Day weekend.

Supervisor Turpin advised that the water is up to about 79-percent at Bagby. He attended the Board meeting on Wednesday to interview applicants for the Public Works Director position; attended the Calaveras-Mariposa Community Action Agency meeting on Friday in Coulterville; attended the Coulterville and Greeley Hill Community Clubs events on Saturday; and he attended the Solid Waste Task Force meeting on Monday. He thanked the CDC crews that are overseen by CalFire for maintenance on the cemeteries.

Supervisor Allen advised that the Board served lunch at the Senior Activity Center on Tuesday; and he and Supervisor Bibby assisted with lunch service on Thursday for the FFA/western day. He attended the Board meeting on Wednesday to interview applicants for the Public Works Director position; attended the Rotary Wine and Art Show on Saturday; and he attended the Greeley Hill Community Club event on Saturday. He sent out the updated information on Sunday that was received from Planning on the Catheys Valley Community Plan. He plans to attend the Mariposa Pines-Jerseydale Fire Safe Council meeting on Wednesday. He advised that the Forest Service is holding a workshop on the Sierra National Forest Motorized Travel Management Plan on Thursday at the Government Center. He reminded everyone to vote the front and back of the absentee ballots. He advised of efforts to move old equipment and the tin stamp mill from the Sweet Water area to the History Center. He noted that other counties are dealing with pension reform and he feels that we need to address this issue.

Supervisor Aborn advised that the Midpines Planning Advisory Committee met last week and they are moving forward with ordering the playground equipment and they are working with YARTS to build a shelter. They are waiting for clear weather to conduct the speed study in El Portal. He advised the new fixed-base operator agreement for management and lease of the Airport will be coming to the Board. He reminded everyone of the availability of the Fire Safe Council/wood chipping program.

Supervisor Cann commented on the presentation by the Central Sierra Economic Development District this afternoon and potential economic development opportunities for the County. He attended the Rotary Fine Art and Wine Festival fundraiser on Saturday. On Monday he met with the new Building Director, and he met with representatives of the Sierra Nevada Conservancy relative to potential grant opportunities for planning efforts with AB32/global warming. He advised that he received a telephone call from Congressman Radanovich's office this morning and they are introducing a bill tomorrow that would authorize Yosemite National Park to buy land in and around Mariposa for administrative and visitor services. He attended the Solid Waste Task Force meeting on Monday. He plans to meet with the Bootjack Fire Station organization on Wednesday. He will represent the Board and the County on Saturday at the Memorial Day ceremony by laying a wreath.

9:27 a.m. Board Convened as
LOCAL TRANSPORTATION COMMISSION
(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Brad Aborn)

4 Public Presentation: For Items within the Jurisdiction of the Local Transportation Commission and not on Today's Agenda (Speakers Limited to Five Minutes) - none

5 **Public Works**
PUBLIC HEARING to take Testimony Regarding Potential Unmet Transportation Needs within Mariposa County

COMMISSION ACTION: Doug Wilson, Interim Public Works Director, presented the staff report. Doug and Barbara Carrier/PWD-Administrative Analyst/Transportation Planner, responded to questions from the Commission relative to the potential unmet need of coordinating transit services and what it would take to move forward with coordination, cost, and source of funding; whether request for proposals would be solicited; clarifying the addition of services in North County since the 2008 Coordinated Plan with the opening of the Clinic and offices for Human Services; and whether the criteria could be met to identify coordination of transit services as an unmet need.

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

Eleanor Keuning questioned whether students that live in outlying areas that would like to have transit services to town is an unmet need or an “wanted” need; as a member of the Salvation Army, she advised of discussion of people needing transit services to receive goods; she commented on possible consideration of coordinating school bus routes and transit routes; she asked for clarification of the costs of medical and regular transit services for seniors and whether medical transit service is available to Oakhurst; and she suggested that staff check to see how transit is handled in other rural counties.

Staff responded to a question from the Commission relative to getting information out to the general public on the transit services that are available.

The public portion of the hearing was closed and the Commission commenced with deliberations. Commissioner Allen responded to the public input and advised that information on the transit services could be obtained from the Community Services Department; and he advised of efforts to implement a volunteer transit program like what is done in Calaveras County. Staff responded to questions from the Commission relative to addressing funding for coordinating services during the final budget hearings; relative to the status of meeting the 10-percent fare box; and finding that the unmet need meets the requirements outlined in the flow chart. (M)Bibby, (S)Cann, LTC Res. 10-14 was adopted finding there is a new unmet transit need – coordination of transit services that is reasonable to meet/Ayes: Unanimous. The hearing was closed.

6

Public Works

Approve the Draft Transit Marketing Plan Update

COMMISSION ACTION: Discussion was held with Doug Wilson, Interim Public Works Director, relative to the Plan update; and he advised that Charles Clouse/TPG Consulting, Inc., was present to respond to questions.

Input from the public was provided by the following:

Eleanor Keuning stated she hopes this Plan is better that what occurred for marketing the landfill and recycling.

(M)Allen, (S)Aborn, LTC Res. 10-15 was adopted approving the draft Transit Marketing Plan update/Ayes: Unanimous.

10:00 a.m. Reconvened as
BOARD OF SUPERVISORS

7

Administration

PUBLIC HEARING to Approve Purchase of Real Property Located on Old Highway in Mariposa County (APN 017-390-015)

BOARD ACTION: Rick Benson presented the staff report; and he responded to questions from the Board relative to the status of funding that was set aside for this fire station.

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

Lester Bridges asked whether the Mormon Bar Fire Station would be eliminated with the construction of the new Station; and he asked where the property is located.

The public portion of the hearing was closed and the Board commenced with deliberation. Rick Benson responded relative to the location and advised that the Fire Chief is intending to keep the Mormon Bar Fire Station open as long as there are volunteers to man the Station. Supervisor Bibby extended special thanks to those who assisted with this. (M)Bibby, (S)Turpin, Res. 10-253 was adopted approving the purchase of the property and authorizing the County Administrative Officer to execute the purchase agreement and any other documentation necessary to purchase the property, subject to the approval of County Counsel; and authorization was given for the Auditor to draw a warrant for the purchase and escrow costs in the amount of \$84,934.36/Ayes: Unanimous. The hearing was closed.

10:10 a.m. Recess

12

10:24 a.m. The Board reconvened
Consider Items Removed from the Consent Agenda
Item 105 – Following discussion with Doug Wilson and Barbara Carrier, (M)Turpin, (S)Allen, item 105 was adopted/Ayes: Unanimous.

8

Grizzly Stadium Proposal by Grizzly Stadium Committee
BOARD ACTION: Richard Ballinger, High School Associated Study Body President, and Jarrett Miller, Athletic Commissioner, gave a presentation on the proposed stadium to be located on the lower athletic fields between the High School and the Elementary School; and they requested that the County contribute \$150,000. Discussion was held. Celeste Azevedo, High School Principal, advised that their first football game conflicts with the Fair this year so they need to be able to use the field. Bob Morse, School District Director of Maintenance Operations and Transportation, provided input on the joint powers agreement with the County for the fields. Supervisor Allen initiated discussion relative to potential funding sources. Supervisor Cann asked that a financial plan for the entire project be provided. Supervisor Bibby asked that the agreement be reviewed to determine whether any changes need to be made to accommodate this project; and she suggested that an estimate of the fencing costs or other portions of the project that would qualify for Proposition 40 funding be provided. Supervisor Aborn requested that a vertical plot map be provided showing ingress and egress. Celeste Azevedo provided input on their plans to have an academic component to the project by incorporating coursework in geometry and construction for the concession stand.

Input from the public was provided by the following:

Dick Hutchinson suggested that there be a display of the project to inform the public of the proposal.

Further discussion was held. Motion by Turpin to direct staff to bring back information on the status of the Proposition 40 projects and funding, was withdrawn for direction to be given. Rick Benson advised that he will ask the Deputy County Administrative Officer to work with Public Works to bring the Proposition 40 information back to the Board on June 1st; and he will work with the proponent on obtaining a complete financial package and the legalities that need to be met – the Board concurred with this direction.

11:00 a.m. Recess

9

11:11 a.m. Jeffrey Hentz, Executive Director, Yosemite/Mariposa County Tourism Bureau (11:00 a.m. Estimated Time)

PowerPoint Presentation on Marketing Update and Tourism Bureau Activities (No Folder)

BOARD ACTION: Jeff Hentz gave a presentation on their marketing efforts and activities, including the state of the industry, California lodging revenues, and the County and Yosemite’s revenues. He advised of the California Travel and Tourism Destination Leadership Award they received for best regional initiative.

Input from the public was provided by the following:

Kevin Shelton, Yosemite Management Group, thanked the Board for its support of the Tourism Bureau, and extended a special thanks to Jeff Hentz and staff for their efforts, especially for increasing the off-season business.

Board members thanked Jeff Hentz and the Tourism Bureau for their promotion of the County.

10

Probation

Accept Funding in the Amount of \$286,232 from the California Emergency Management Agency (Cal-EMA) for the Anti-Drug Abuse Enforcement Team Recovery Act Program (ADA Recovery Grant) and Allocate a Full Time Deputy Probation Officer I/II Position Effective July 1, 2010 for the Duration of the Grant

BOARD ACTION: Anita Hopman, Assistant Chief Probation Officer, was present on behalf of Gail Neal, Chief Probation Officer; and she advised that they will be amending the grant to \$308,000 as some counties are not using all of their funds.

Input from the public was provided by the following:

Ruth Catalan asked what was included in the grant; and Chair Cann responded.

Following discussion, (M)Bibby, (S)Aborn, Res. 10-255 was adopted accepting the funding in the amount of \$286,232, and such additional amount as provided by Cal-EMA; and approving the allocation of the full time deputy probation officer position for the duration of the grant as recommended/Ayes: Unanimous.

11

Board of Supervisors

Discussion and Possible Action to Cancel the Regularly Scheduled Meeting for July 6, 2010

BOARD ACTION: Following discussion, (M)Allen, (S)Turpin, Res. 10-256 was adopted canceling the meeting/Ayes: Unanimous.

12:09 p.m. Lunch

2:06 p.m. Reconvened

16

Planning

PUBLIC HEARING to Amend Site Plan Application No. 2009-124 to Allow Modifications

to the Approved Site Plan and Architecture, and Clarifications of Certain Conditions of Approval for the Silver Tip Resort Village Project; Planned Development No. 99-1 and Conditional Use Permit No. 267. The Silver Tip Resort Village Project was Approved by the Board of Supervisors in December 2003. The Silver Tip Resort Village Project Consists of 47.3 Acres and is Located at the Intersection of State Highway 41 and Fish Camp Lane in the Fish Camp Town Planning Area. The Site Includes Assessor’s Parcel Numbers: 010-550-035, 010-550-054, 010-550-056 and 010-550-057. Applicants: PacificUS Real Estate Group. (Hearing Continued from April 20, 2010)

NOTE: Applicant is Requesting a Further Continuance. Staff Recommends that the Board Open and Continue the Public Hearing to a Date and Time Certain

BOARD ACTION: Kris Schenk advised of the request that was received from the applicant to continue the hearing. Chair Cann opened the public portion of the hearing to receive input on the request for continuance. No input was received, and the public portion was closed. (M)Bibby, (S)Allen, the hearing was continued to September 21, 2010, at 2:00 p.m./Ayes: Unanimous.

17

Planning

Waive the Second Reading and Adopt an Ordinance Amending the Zoning Ordinance Text. The Project Proposes to Amend County Code to Add a Definition of a Political Sign and Align the Zoning Ordinance with State Law as it Relates to Political Signs. The Proposed Amendment is to Section 17.65.010.E.4.d, 17.108.190, and 17.148.010 of the Zoning Ordinance. Mariposa County, Project Proponent

BOARD ACTION: Chair Cann read the title of the Ordinance into the record. Kris Schenk advised that no additional comments have been received since the first reading. (M)Turpin, (S)Aborn, the second reading was waived and Ordinance 1070 was adopted amending the zoning text for political signs/Ayes: Unanimous.

18

Administration

Presentation by Larry Busby, Executive Director, of the Central Sierra Economic Development District (CSEDD) and Central Sierra Planning Council Regarding Programs, Including Section 8 Housing Voucher Program

BOARD ACTION: Larry Busby advised of the history of the CSEDD and the Planning Council; programs they operate, including economic development projects; the cities and counties that are members; and he advised that the State asked them to take over the administration of the County's Section 8 Assistance Program – this occurred on April 1st. His Board wants Mariposa County to be a part of their agencies. Discussion was held. Chair Cann asked Marilyn Lidyoff/Economic Development Coordinator, to obtain information on their meetings so that representatives of the Board could attend and obtain a better understanding of the CSEDD and Council.

Input from the public was provided by the following:

Carol Johnson, speaking as an individual and not as President of the Economic Development Corporation, feels that if the EDC should proceed with an CEDD, it would be better to join the CSEDD and work together. However, the EDC has not taken a position on this, and they are willing to work with the County.

13

Administration

CLOSED SESSION: Public Employee Employment: Public Works Director;

14

Administration

CLOSED SESSION: Public Employee Employment: Community Services Director; and

15

County Counsel

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

BOARD ACTION: (M)Turpin, (S)Allen, the closed sessions were held at 2:52 p.m./Ayes: Unanimous.

4:37 p.m. Report from Closed Session

Chair Cann advised that information was received as a result of the public employment items for Public Works Director and Community Services Director

(items 13 and 14); and that information was received and direction given on the anticipated litigation matter (item 15).

Consent Agenda

- CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of May 18 and 19, 2010, Regular and Continued Meetings
- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-241
- CA-103 **Public Works**
Approve Budget Action Increasing Revenue and Appropriations to Recognize Congestion Relief/Proposition 42 Funding for Road Maintenance Projects (\$218,637) (4/5ths Vote Required); Res. 10-242
- CA-104 **Public Works**
Approve Plans and Specification for Asphalt Rubber Chip Seal Treatment for Yaqui Gulch (3.22m), Meadow Lane (2.5m), Clouds Rest (1.01m), El Capitan (0.42m), and Granite Springs (3.2m), Utilizing Proposition 1B Funding and Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder and Authorize the Public Works Director to Sign the Agreement; Res. 10-243
- CA-105 **Public Works**
Adopt a Resolution Authorizing the Public Works Director to Sign the Program Agreement in the Amount of \$45,000 of Congestion Mitigation/Air Quality funds Authorized by Caltrans for the Retrofit of the County Low Bed and Purchase of a Thermal Regenerator and Pulse Cleaner; Res. 10-254
- CA-106 **County Counsel**
Approve the Annual Mariposa County Pioneer Wagon Train Event and the Pioneer Wagon Train Appreciation Dinner as County Activities; Approve Agreements with Macready Ranch, Inc. for Five Years, the 35-A District Agricultural Association; Approve an Operating Plan and Special Use Permit with the Sierra National Forest (Proposed Agreement for Ten Consecutive Years Beginning 2010) and Authorize the Board of Supervisors Chair to Sign the Agreements and Special Use Permit; Res. 10-244
- CA-107 **County Counsel**
Approve an Agreement for a Small Claims Legal Advisor for FY 2010/2011 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-245
- CA-108 **Building**
Approve Second Amendment to Agreement with NAFFA International, Inc., to Allow for Additional, Unforeseen Plan Checks to be Done and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-246
- CA-109 **Probation**
Accept Funding in the Amount of \$50,726 from the California Emergency Management Agency (Cal-EMA) for the Evidence Based Probation Supervision Recovery Act Program (EBPS); Res. 10-247

- CA-110 **Human Services**
Approve an Agreement with U. C. Davis for Specialized Training Services for Human Services Department Staff for FY 2010/2011 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-248
- CA-111 **Human Services**
Approve a Lease Agreement with James Bardini for Facilities Located at 5174 and 5172 Highway 49 North and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-249
- CA-112 **Human Services**
Approve the Multi-year Negotiated Net Amount (NNA) Agreement with State Department of Alcohol and Drug Programs for FY 2010/2011 through 2012/2013 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-250
- CA-113 **Human Services**
Approve an Amendment to an Agreement with Chevon Kothari to Provide Grant Research, Development and Application Increasing the Agreement by \$200 for an Amount Not to Exceed \$30,200, and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-251
- CA-114 **Human Services/Probation**
Review, Approve and Authorize the Board of Supervisors Chair to Sign the State-mandated Self Improvement Plan; Authorize the Human Services Department to Submit the Plan to the State and Make Minor Changes to the Document as May be Requested by the State in their Final Review; Res. 10-252
- 19 **Adjourn**
Chair Cann adjourned the meeting at 4:38 p.m. in memory of George Greenamyler, Arthur Gustafson, and Nancy Willey.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

June 1, 2010



Folder Time Description

9:03 a.m. Meeting Called to Order at the Mariposa County Government Center; and Chair Cann reminded everyone of the upcoming Primary Election.

Pledge of Allegiance

Chair Cann called for a moment of silence in memory of our departed fallen veterans for defending our country for our freedoms, and in honor of our armed services.

Introductions - none

- 1 Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)
NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.
BOARD ACTION: Supervisor Turpin pulled items 117 and 119. Supervisor Allen commented on item 112, suggesting deletion of reference to providing meals for staff and visitors. Brian Muller, Sheriff, advised that the language changes in the form contract for item 112 are agreeable with the contractor. (M)Aborn, (S)Bibby, the balance of the items was approved, including the language changes in the contract for item 112/Ayes: Unanimous.

- 2 **Chair Cann**
Proclaim the Month of June, 2010 as “Eligibility Worker Month” (Launa Gann and Anne Liddell-Catching/Eligibility Worker Supervisors, Human Services Department)
BOARD ACTION: Input from the public was provided by the following:
Eleanor Keuning asked how the services that are available are made known to the public.
(M)Bibby, (S)Aborn, the Proclamation was approved and presented to Launa Gann and Anne Liddell-Catching and the Eligibility Workers/Ayes: Unanimous.

- 3 Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)
Eleanor Keuning expressed appreciation for the transit brochure for the County; and she asked questions about the proposed Grizzly Stadium project.
Lester Bridges, Chamber of Commerce President, advised of the business mixer scheduled for next Tuesday at Manzanita Estates; and he advised that he will be leaving on Friday for his bicycle ride across America.
Brian Muller, Sheriff, recognized the agencies and groups and citizens that assisted in a search and rescue incident on Saturday for a seven-year old autistic

child; and he thanked the Fresno Sheriff's Department for assistance in guarding an inmate that attempted suicide on Saturday.

Chair Cann noted that there is a website for the Grizzly Stadium project with information; and he advised that there will be a review for compliance before proceeding with the project.

4

Board Information

Supervisor Bibby advised that she attended the Mother Lode Job Training meeting on Wednesday; the Health Committee meeting on Friday with Supervisor Allen and Dr. Mosher; and the Memorial Day parade and ceremony on Saturday, and she extended a special prayer and appreciation to the Luke Hopper family. She advised that the Administration/Board of Supervisors main office telephone recording is being corrected. She advised that the Kids First Dinner is Saturday. She attended the Calaveras-Mariposa Community Action Agency meeting and has an interview relative to possible changes in organization. She attended the Sheriffs' Region V event.

Supervisor Turpin referred to Memorial Day and noted the strength of our nation depends on our military. He thanked the CDC crews for cleaning the Coulterville cemetery and Public Works for overseeing this project. He advised of an addition to the Turpin clan with the arrival of James Paul. He met with the Coulterville Community Club and with Dr. Mosher. He commented on the water level at Bagby and on noxious weed abatement. He plans to attend the CSAC (California State Associations of Counties) meeting in Sacramento on Wednesday and Thursday; and he advised their Agriculture and Natural Resources Committee meeting will include discussions on Williamson Act and future water issues. He advised of the ribbon cutting for the designation of Highway 132 as the John Muir Highway on Saturday. He advised that the replica of the Vietnam Memorial Wall will be in Greeley Hill on June 10th, and that the Wagon Train event is that weekend.

Supervisor Allen advised that he attended the Mariposa Pines/Jerseydale Fire meeting on Wednesday and they are still working on the property acquisition. He advised that the Forest Service gave a presentation on the Motorized Travel Management Plan on Thursday, and they plan to make a formal presentation to the Board. He plans to attend the California Statewide Summit on Juvenile Law and Beyond the Bench conference this week. He noted the Kids First dinner is scheduled for Saturday. He provided a reminder that next Tuesday is the Primary Election and he encouraged citizens to vote both sides of the ballot. He referred to the recent search and rescue event and commented on the value of the Code Red/reverse 9-1-1 system.

Supervisor Aborn referred to the search and rescue event and the value of the 9-1-1 notification system. He advised that he attended a picnic in Yosemite West on Saturday and there was a lot of traffic in Yosemite. He advised that if voters have not received their absentee ballots, they should contact the County Clerk's office. He referred to water issues; and he advised that the traffic speed study will be conducted in El Portal.

Supervisor Cann advised he attended the Economic Development Corporation meeting and a meeting and tour at the Bootjack Fire Station on Wednesday; met with Dr. Mosher relative to challenges from the State in providing services on Thursday; and he met with the Fire Chief on operations in general and issues in the Department on Friday. He spoke and presented a wreath on behalf of the Board and the County at the VFW Memorial Day Ceremony on Saturday. He plans to attend a follow-up meeting to the Sierra Institute study workshop on Wednesday.

5

Human Services

PUBLIC HEARING Regarding the Mental Health Services Act (HMSA) (Proposition 63) – Innovation (INN) Plan; Approve the Submission the MHSA – INN Plan in the Amount of \$146,800 Requesting \$110,100 in Additional Funds; Authorize the Human Services Director to Sign the Agreement and any Subsequent Amendments with the State Department of Mental Health (DMH) with Regards to the INN Plan; and Authorize the Human Services Director to Implement the Activities within the MHSA – INN Plan upon DMH Approval

BOARD ACTION: Chevon Kothari, consultant, presented the staff report. Chevon and Pat Kuhlman, Human Services Department, responded to questions from the Board as to whether this program could help with the challenges of serving the veterans in the North County; relative to timelines for the funding and the program; and relative to the possibility of funding being available in the future. 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. Staff responded to a question from the Board relative to authorizing the Human Services Director to sign the documents. (M)Bibby, (S)Turpin, Res. 10-281 was adopted approving the recommended actions for the MHSA-INN Plan/Ayes: Unanimous. The hearing was closed.

- 12 Consider Items Removed from the Consent Agenda
Item 119 – Discussion was held with Chris Ebie/Auditor relative to this matter. (M)Turpin, (S)Allen, item 119 was approved/Ayes: Unanimous.

10:06 a.m. Board Convened as
LOCAL TRANSPORTATION COMMISSION
(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Brad Aborn)

- 6 Public Presentation: For Items within the Jurisdiction of the Local Transportation Commission and not on Today’s Agenda (Speakers Limited to Five Minutes) - none

- 7 **Public Works**
Remove Debbie Smith, Social Service Provider for the Disabled, from the Social Service Transportation Advisory Council (SSTAC); Appoint Laurel Crose, Social Service Provider for the Disabled, and Melanie Rose, Potential Transit User with a Disability, to the SSTAC for Terms Expiring June 1, 2013; and Accept the Resignation of Kurt Silva, Additional Member, from the SSTAC
COMMISSION ACTION: Following discussion, (M)Cann, (S)Bibby, the Board approved the recommended actions/Ayes: Unanimous.

10:10 a.m. Reconvened as
BOARD OF SUPERVISORS

- 8 **Public Works**
Approve Covenant to Fund Annual Contribution in Lieu of Assessment between Yosemite West Associates and the County of Mariposa for APN 006-150-006; and Authorize the Board of Supervisors Chair to Sign the Agreement
BOARD ACTION: Following discussion, (M)Bibby, (S)Aborn, Res. 10-283 was adopted approving the Covenant/Ayes: Unanimous.

- 9 **Administration**
Approve the Airport Management and Lease Agreement with KMPI Airport and Rent a Car, Inc., as a Fixed Base Operator (FBO) for the Mariposa/Yosemite Airport; and Authorize the Chairman of the Board of Supervisors to Sign the Agreement

BOARD ACTION: Supervisor Allen was excused at 10:14 a.m. for this item due to a potential conflict of interest as he has a business relationship with Rick Roesch/KMPI Airport and Rent a Car, Inc. Rick Benson reviewed the history of this matter and advised that they worked with outside counsel on the agreement. Supervisor Cann suggested that the 60-day termination notice be extended to six-months to allow the County time to replace the service if that becomes necessary. Supervisor Aborn advised that he has questions on the contract and that he submitted a letter requesting information on this matter. Discussion was held.

Input from the public was provided by the following:

Steve Stuhmer, Turlock Air, advised that he was a proponent in the request for proposal process and that he has reviewed the agreement that is before the Board today. He advised that he is not here to challenge the process or the Board's decision. He referred to his letter he submitted this morning stating his willingness to enter into an agreement with the County and compensate the County in the amount of \$100,000 a year.

Bob McHugh advised that the group of volunteers that has been helping at the Airport in the interim of having a FBO is getting weary; and he asked that the contract be implemented as soon as possible. He questioned how anyone could afford to pay \$100,000 a year at this stage and survive.

Supervisor Aborn reviewed his questions throughout the contract and his letter to the County Administrative Officer; and Rick Benson and Steve Dahlem responded. Discussion was held. Further discussion was continued to after the recess and the following matters.

11:10 a.m. Recess

11:27 a.m. The Board reconvened with all members present.

10

Administration

Receive a Report on Proposition 40 Grant Expenditures; Discussion and Possible Direction to Staff Regarding Future Proposition 40 Grant Projects

BOARD ACTION: Discussion was held with Rick Benson. Mary Hodson/Deputy County Administrative Officer and Shannon Hansen/Parks and Recreation Manager, were present and provided input. Supervisor Cann noted that budget and project information still needs to be obtained from the Grizzly Stadium Committee before the Board commits funds; and he suggested that the Parks and Recreation Manager draft amended language to the lease agreement with the School District to accommodate the stadium, if necessary to move forward. Rick Benson is checking with the Committee on the need for a financial plan. Further discussion was held. Supervisor Turpin noted the need to plan for re-lining the Coulterville pool and he asked for more information on the status of potential funding sources.

11:45 a.m. Convened as

MARIPOSA COUNTY PUBLIC FINANCING CORPORATION

(President-Supervisor Aborn)

Administration

11

Mariposa County Public Financing Corporation Annual Meeting

I. Call to Order (Supervisor Aborn)

II. Election of Officers

(M)Turpin, (S)Bibby, Supervisor Cann was selected as President and Supervisor Allen was selected as Vice-President/Ayes: Unanimous.

III. Public Presentation: For Items within the Jurisdiction of the Public Finance Corporation and not on Today's Agenda (Speakers Limited to Five Minutes) –

- none
- IV. Approval of Minutes (2/24/09)
 (M)Aborn, (S)Allen, the minutes were approved/Ayes: Unanimous.
- V. Report of Activities
 Rick Benson reviewed the status of the Certificates of Participation for the projects for FY 2008-09; and he noted that these are the only items on the books as County “debt” and that the debt ratio of the County is extremely low.
 Input from the public was provided by the following:
 Lester Bridges asked whether the Solid Waste Composting Facility will still be useable in 2043 when the debt is paid off.
 (M)Allen, (S)Aborn, the report was accepted as presented/Ayes: Unanimous.
- VI. Other Business – none
- VII. Adjourn
 President Cann adjourned the meeting at 11:56 a.m.

Reconvened as
BOARD OF SUPERVISORS

- 12 Consider Items Removed from the Consent Agenda
 Item 117 – Discussion was held and minor revisions were made relative to the reference for the location of the parcels and on the map. (M)Turpin, (S)Aborn, item 117 was approved/Ayes: Unanimous.

12:03 p.m. Supervisor Allen was excused from the meeting for continued discussion on the Airport Management and Lease Agreement with KMPI Airport and Rent a Car, Inc., as a FBO for the Airport; and from the remainder of the meeting due to another appointment. Supervisor Aborn continued with his questions concerning the contract; and Rick Benson and Steve Dahlem responded. The Board concurred with including in the agreement the requirement for an annual report with the first report due in six months. Jesse Figueroa, representing KMPI, agreed with the report requirement. Discussion was held relative to verifying the capacity of the fuel tank.
 (M)Turpin, (S)Bibby, Res. 10-284 was adopted approving the agreement with a change from 60 days to six months termination notice and with annual report requirements – the first report to be given in six months; and with direction for the capacity of the fuel tank to be verified and corrected if necessary. Further discussion was held. Ayes: Aborn, Turpin, Bibby, Cann; Excused: Allen.

- 13 **Administration**
 CLOSED SESSION: Public Employee Employment: Public Works Director;
- 14 **Administration**
 CLOSED SESSION: Public Employee Employment: Community Services Director;
- 15 **County Counsel**
 CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: Phillip Brooks v. County of Mariposa, et al., Case No. 1:10 CV-00800-AWI-SKO; and
- 16 **County Counsel**
 CLOSED SESSION
 Conference with Legal Counsel: Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Number of Cases to be Discussed: 1
BOARD ACTION: (M)Turpin, (S)Bibby, the closed sessions are to be held at 2:00 p.m./Ayes: Aborn, Turpin, Bibby, Cann; Excused: Allen.

12:55 p.m. Lunch

2:08 p.m. The Board convened in closed session.

3:05 p.m. Report from Closed Session

Chair Cann announced that direction was given to staff as a result of item 13/Public Works Director; information was received as a result of item 14/Community Services Director; information was received as a result of item 15/Brooks litigation; and information was received as a result of item 16/anticipated litigation.

Supervisor Aborn stated for the record that although he voted in favor of the FBO agreement for the Airport, he would like to change his vote to “no.” (The Board’s procedures do not allow for a Board member to change their vote after another action is taken.)

Consent Agenda

- CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of May 25, 2010, Regular Meeting
- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-257
- CA-103 **Administration**
Approve First Amendment to Agreement for Services with the Chamber of Commerce for Operation of the Visitors’ Centers Amending the Payment Schedule and Authorize the Board of Supervisors Chair to Sign the Amendment; Approve Budget Action Reducing General Contingency to Fund the Change in Payment Schedule (\$6,540) (4/5th Vote Required); Res. 10-258
- CA-104 **Public Works**
Approve a Program Agreement with CalTrans for the Cole Road Project (HPLUL 5940) (057)) and Authorize the Public Works Director to Sign the Agreement; Res. 10-259
- CA-105 **Public Works**
Adopt a Resolution Authorizing the Public Works Director to Sign the Program Agreement in the Amount of \$108,000 of Congestion Mitigation/Air Quality Funds Authorized by CalTrans for the Retrofit of Two Patch Trucks, One Water Truck, and One Dump Truck; Res. 10-260
- CA-106 **Public Works**
Approve Accepting the Highest Reasonable Bid for the Sale of the 1985 Caterpillar 826C Previously Purchased by the Mariposa County Department of Public Works for the Mariposa County Landfill; Res. 10-261
- CA-107 **Public Works**
Adopt a Resolution Amending Language in Resolution 09-479 for the Airport Advisory Committee, to Select a New Chairman and Vice-Chairman at the First Meeting of the Calendar Year and to Limit Unexcused Absences; Res. 10-262
- CA-108 **Sheriff**

Approve Budget Action Increasing Revenue and Appropriations in the Jail Budget to Cover Longevity Pay (\$2,000) (4/5th Vote Required); Res. 10-263

- CA-109 **Sheriff**
Approve Budget Action Transferring Funds within the Sheriff Department Budget to Cover Unanticipated Increase in Demand for Court Security Services During FY 2009/2010 (\$10,000); Res. 10-264
- CA-110 **Sheriff**
Approve Budget Action Transferring Funds within the Sheriff Department Budget to Cover Unanticipated “Peace Officers Standards and Training” (POST) Certificate Pay (\$11,000); Res. 10-265
- CA-111 **Sheriff**
Approve Budget Action Transferring Funds within the Jail Budget to Cover Unanticipated Overtime Costs (\$6,000); Res. 10-266
- CA-112 **Sheriff**
Approve an Agreement with Aramark Corporation to Provide Dietary Services to the Mariposa County Adult Detention Facility and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-267, with language changes
- CA-113 **Sheriff**
Approve an Agreement with Merced Mobile Communications for Radio Equipment Maintenance and Repair Services and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-268
- CA-114 **County Fire**
Authorize the Fire Chief to Apply for Allocated Funds for the 2010 Homeland Security Grant Program on Behalf of County Health, Fire, and Sheriff Department; Approve and Authorize the Board of Supervisors Chair to Sign the Resolution. Funds are to Enhance Capabilities in the Event of Disasters, Terrorist Attacks and other Emergencies and will Require no Local Match; Res. 10-269
- CA-115 **Agriculture**
Approve Statewide Exotic Pest Detection Agreement No. 10-0193 for FY 2010/2011 with the California Department of Food and Agriculture (CDFA) and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-270
- CA-116 **County Counsel**
Approve an Agreement with Allen, Fagalde, Albertoni & Flores LLP to Represent the County of Mariposa and the Named County Defendants in Civil Action No. 1:10-CV-AWI-SKO filed by Phillip Brooks in the United States District Court for the Eastern District of California and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-271
- CA-117 **LAKE DON PEDRO COUNTY SERVICE AREA 1M**
County Counsel
Award Bid to Lease Real Property in Lake Don Pedro County Service Area 1M for Grazing to Robert L. Cree and Authorize the Board of Supervisors Chair to Sign a Five-year Lease Agreement; LDP CSA 1-M Res. 10-3, with minor revisions
- CA-118 **County Counsel**

Approve an Amendment to Agreement with Meyers, Nave, Riback, Silver & Wilson for Representation in the Bartlett Petroleum Site Methyl Tertiary Butyl Ether (MTBE) Contamination Matter for an Amount not to Exceed \$50,000 and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-272

- CA-119 **Auditor**
Approve Budget Action Reducing General Contingency to Cover the Interest Penalty in Accordance with Government Code 68085(i) as a Result of the Court Revenue Audit (\$25,670) (4/5ths Vote Required); Res. 10-282
- CA-120 **Human Services**
Approve an Agreement with Chevon Kothari to Provide Grant Research, Development and Application for FY 2010-2011 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-273
- CA-121 **Human Services**
Approve Second Amendment to Agreement with New Leaf Counseling Service to Provide Residential Alcohol and Drug Treatment for Women and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-274
- CA-122 **Human Services**
Authorize the Human Services Department to Submit an Application for Continued Funding for FY 2010-2011 between the Mariposa County Friday Night Live Partnership and the California Friday Night Live Partnership for Compliance with the “No Child Left Behind Act”, Title IV-21st Century Schools and all Applicable Regulations and Federal Guidelines, and Authorize the Human Services Director to Sign the Application; Res. 10-275
- CA-123 **Human Services**
Approve the FY 2009-2010 V.2 Amended Negotiated Net Amount (NNA) and Drug Medical-Cal (DMC) Agreement with the Department of Alcohol and Drug Programs and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-276
- CA-124 **Health**
Approve Grant Agreement with Certified Unified Program Agency (CUPA) Forum in the Amount of \$46,072 to Assist Activities in the Health Department, Including Half the Cost of a Purchase of a Vehicle, Cost of Reference Materials, and Cost of Participation in the File Archive Project to Convert Files to Electronic Format, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-277
- CA-125 **Health**
Approve an Agreement with Decade for Data Maintenance Software for the Health Department and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-278
- CA-126 **Community Services**
Approve Budget Action Decreasing Transit Contingency Funds to Cover Salary Costs Inadvertently Overlooked in the Original Budget (\$1,700) (4/5th Vote Required); Res. 10-279
- CA-127 **Community Services**
Approve the Increase of Suggested Donation of \$3.00 to \$4.00 for Congregate Meals, Restaurant Meals and Home Delivered Meals beginning FY 2010-2011, due to the

Rising Cost Associated with Providing the Senior Meal Programs, Fuel Increase for Delivery of Food and Supplies, Rent, Utilities, Salaries, Etc.; Res. 10-280

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Adjourn

Chair Cann adjourned the meeting

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

June 15, 2010



Folder Time Description

9:01 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Chair Cann called for a moment of silence in memory of the families affected by the flash floods in Arkansas, and he noted that flash floods have also occurred in Oklahoma City; and in memory of the local families involved in the traffic accident over the weekend.

Introductions – Chair Cann introduced Christine Cox/CalTrans Environmental Office Chief for District 10, and advised that she will provide an update on the Ferguson Rockslide later in the meeting.

- 1 **Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)**
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: Rick Benson withdrew item 107 and the matter was rescheduled for June 22nd, along with item 8. (M)Turpin, (S)Allen, the balance of the items was approved. Supervisor Bibby clarified that item 106 includes direction that the work will be reviewed and coordinated through Public Works. Ayes: Unanimous.
- 8 **Planning**
Approve Road Name Application No. 2010-59, Approving the Proposed Road Name “Frank Wilson Road” for the Subject Easement
BOARD ACTION: Item was continued to June 22nd.
- 2 **Chair Cann**
Resolution and Tile Plaque Recognizing Gail Sgambellone, upon her Retirement as Sheriff’s Administrative Assistant, Mariposa County Sheriff’s Department (Sheriff)
BOARD ACTION: Board members commended Gail for her service to the County. (M)Allen, (S)Bibby, Res. 10-285 was adopted and presented to Gail Sgambellone, along with the tile plaque/Ayes: Unanimous. Brian Muller, Sheriff-Coroner, thanked Gail for her service to the Department.
- 9:19 a.m.** Recess
- 3 **9:26 a.m.** The Board reconvened.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Eleanor Keuning commented on the accidents that have occurred on Highway 49 South recently; and she suggested that with the recent stop sign that signage be placed at the Highway 49 South and Highway 140 intersection to not block the intersection.

Dick Hutchinson referred to the Telegraph Fire and reminded everyone of the need to have fire clearances; and he presented a statement: "cast your vote for Mariposa's future and not for your reelection." Supervisor Turpin noted that CalFire is the responsible agency for the fire clearances and can be contacted with any concerns.

Marvin Wells asked the Board to support the Fire Safe Council with efforts to create fuel breaks; asked if there will be bike/pedestrian path access to the new YARTS bus stop.

Peter Schimmelfennig, Chamber of Commerce Executive Director, advised that the hotel and bed and breakfast rooms are full and the Visitor Center numbers are up in town; invited everyone to the John C. Fremont Hospital mixer on June 22nd; advised of the status of the stage construction at the Coulterville Park; and he thanked Gail Sgambellone for her assistance with the Chamber's ABC licenses for events.

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Board Information

Supervisor Bibby advised that applications for the Community Services Director position are being reviewed. She was unable to attend the Wagon Train event as she was attending the girls youth softball game in Lemoore. She attended the First 5 meeting on June 14th. She commended the election staff and volunteers at the polling places for their work with the Primary Election.

Supervisor Turpin advised that he attended the CSAC (California State Association of Counties) semi-annual meeting and the Agriculture and Natural Resources Committee meeting on June 2 and 3rd in Sacramento; the John Muir route designation ribbon cutting on June 5th; the future fire station planning meeting and a meeting with Rick Breeze on possible restructure of the Calaveras-Mariposa County Community Action Agency on June 7th; helped with the elections on June 8th; attended the Wagon Train dinner on June 11th and Supervisor Allen was also in attendance; and he visited the replica of the Vietnam Memorial Wall in Greeley Hill and attended the Cowboy Poetry dinner on June 12th.

Supervisor Allen attended the Beyond the Bench Conference; the Kids First dinner on June 5th and Supervisor Bibby was also in attendance; he met with Dr. Mosher relative to the organization of the Health Department; he attended a public meeting with members of the Stanislaus County Board of Supervisors and representatives from the Mountain Valley Emergency Medical Services Agency (MV-EMSA) on June 14th; he plans to attend the Regional MV-EMSA meeting in Jackson; he is reviewing the applications for the Community Services Director; and he thanked everyone involved in the Primary Elections. He plans to attend the Merced River Plan meeting; the Wawona Area Property Owners Association meeting on Saturday; and the Area 12 Agency on Aging meeting in Jackson on Monday. He extended his condolences to Jill Craig on the loss of her daughter; and extended prayers for Wade Easler and Jerrod Leonard who were injured as a result of a traffic accident on Saturday; and he noted that Mike Butler was injured in a hang gliding accident.

Supervisor Aborn commended the Fire Safe Council for the outstanding job they do; advised that the speed issues in El Portal are being addressed; there is not Advisory Committee meeting in El Portal this month; the Midpines Planning Advisory Committee is meeting on Thursday; and he thanked the election workers and noted that they are finishing the ballot count.

Supervisor Cann expressed condolences to the Craig family and to the other families and friends of the injured in the auto accident. He advised that he met with the Mariposa-Yosemite Forum last week and they are looking for a person from Mariposa

to be on the Yosemite Gateway Partners; he attended an exploratory committee meeting with CEDDS; he is working with County Counsel and the Park Service to re-establish the MOU for reimbursement for the Foresta Bridge reconstruction; and he attended a meeting with members of the Bootjack Fire Station. He thanked the people that brought the replica of the Vietnam Memorial Wall to Greeley Hill. He plans to attend the RCRC (Regional Council of Rural Counties) meeting in Alturas (Modoc County) on Thursday. He commented on the status of TOT (transient occupancy tax) revenue, and he thanked the Chamber and the Tourism Bureau for their work.

10:01 a.m. Board Convened as
LOCAL TRANSPORTATION COMMISSION
(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Brad Aborn)

5 Public Presentation: For Items within the Jurisdiction of the Local Transportation Commission and not on Today’s Agenda (Speakers Limited to Five Minutes) – none

6 **Public Works**

PUBLIC HEARING Regarding Fare Increase for Transit Services Provided in Mariposa County by Mari-Go MediTrans

COMMISSION ACTION: Barbara Carrier, Administrative Analyst/Transportation Planner, presented the staff report; and she advised of a concern received from the Community Services Director relative to the recommendation to lower the in-town fare from \$10 to \$5. She responded to questions from the Commission relative to getting notice of the fare increase out to the public; and keeping track of the issues with the ten percent fare box return. Mary Williams, Community Services Director, responded to a question from the Commission relative to the difference between in-town and local service. Commissioner Turpin clarified that the fares are for one-way. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Commission commenced with deliberations. (M)Allen, (S)Aborn, LTC Res. 10-16 was adopted approving the fare increases as recommended, effective July 1, 2010. Staff responded to a question from the Commission relative to future review of the fares. Ayes: Unanimous. The hearing was closed.

10:10 a.m. Reconvened as
BOARD OF SUPERVISORS

7 **Human Services**

PUBLIC HEARING Regarding the Submission of a \$400,000 Community Development Block Grant (CDBG) Application for 2010/2011 to Fund Rehabilitation and Americans with Disabilities Act (ADA) Access to a Historic Community Facility; and Adopt a Resolution Approving a \$400,000 2010/2011 Application Requesting Funding from the State Department of Housing; and Authorize the Human Services Director to Sign the Agreement and any Amendments if the Grant is Funded

BOARD ACTION: Chair Cann commented on the funding and the Rural Media/6th Street Cinema’s project; and he advised of his discussion with the State Historic Preservation Commission concerning the processing of the grant application - they are requesting that the Chair be authorized to sign the application along with the Human Services Director if this is approved. Janet Gass, HSD/Contract Administrator, presented the staff report. Laura Phillips, Executive Director for the Rural Media Arts and Education Project, and Tony Radanovich/Rural Media Arts and Education Project, provided input on the project which will enable full ADA access for the building. Chair Cann noted that no County general funds are involved in this. Staff responded to questions from the Board relative to future maintenance; interaction with the County on this project; and whether these grant funds will be available in the future.

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

Ruth Sellers stated she feels the 6th Street Cinema is a good thing; but is concerned with the financial condition of the State and questioned why Human Services is involved in this; and she questioned the legal definition of a “community facility.”

The public portion of the hearing was closed and the Board commenced with deliberations. Chair Cann responded to the questions raised by Ruth Sellers. Supervisors Aborn and Bibby asked about the selection process for this project and whether there are other projects that would qualify. (M)Allen, (S)Turpin, Res. 10-302 was adopted approving the grant application as requested, with the addition of authorizing the Chair to sign. Supervisor Bibby asked that the Board be kept informed of the status of the application. Tony Radanovich clarified that they are a non-profit organization and not a private enterprise; and he provided input on the requirements for applying for these funds and the process. Ayes: Turpin, Bibby, Cann, Allen; Noes: Aborn. The hearing was closed.

10:35 a.m. Recess

9 **10:44 a.m.** **Ross Chittenden, Caltrans District 10 Director** (11:00 a.m. Estimated Time)

Update on Ferguson Rockslide (No Folder)

BOARD ACTION: Christine Cox, CalTrans Environmental Office Chief – District 10, presented a status report; and she advised that they are proposing to hold public hearings on August 25th in Mariposa and on August 26th in El Portal and will have the environmental document available for review prior to the hearings. They hope to be able to begin construction in the summer of 2013 and complete the project in the summer of 2016. Discussion was held, and she advised that an agency meeting is scheduled for July 1st – Chair Cann requested that information be provided to the Clerk of the Board on this meeting.

10 **Administration**

Approve a Reorganization in the Health Department by Establishing and Allocating one Nursing Manager Position with a Salary of \$7,000/Month at Top Step; Establish and Allocate one Environmental Health Manager Position with a Salary of \$6,025/Month at Top Step with both of these Positions being Assigned to the Mariposa County Managerial and Confidential Organization (MCMCO); Increase the Stipend for a Registered Environmental Health Specialist (REHS) to \$150/Month; Credit the Transitioning State Employees with 40 Hours of Sick Leave and set the Accrual of Vacation at the Maximum Rate; Transition the Current State Employees Affected by this Action to County Employee Positions. All of the Actions will be Effective July 1, 2010

BOARD ACTION: Rick Benson initiated discussion relative to the reorganization in the Health Department and his recommendations. He advised of his discussions with the Health Officer and disagreements with the job titles, assignment of bargaining units, and salaries for the positions.

Dr. Mosher, Health Officer, presented his recommendations for the reorganization, and reviewed a compromised position, and he advised that over \$100,000 would be saved each year by not renewing the contract with the State.

Discussion was held. Supervisor Bibby asked that information be brought back on the salary figures, including the stipend.

12:14 p.m. Recess

12:31 p.m. The Board reconvened and continued with discussion on the Health Department reorganization and the salary information presented by Rick Benson. Board members expressed their thoughts on the nursing and environmental health manager positions; and it was clarified that this is a unique situation and is not precedent setting. Steve Dahlem, County Counsel, provided input on the polling of the Board members and advised that a motion still needs to be made.

(M)Allen, (S)Aborn, Res. 10-303 (note: this resolution number is being used for all of the actions taken this date concerning the Health Department reorganization) was adopted assigning the position for the senior supervising REHS position to MCMCO, and finding that this position will supervise the REHS positions. Chris Ebie, Auditor, provided input on the difference in benefits between the MCMCO and SEIU bargaining units. Ayes: Aborn, Cann, Allen; Noes: Turpin, Bibby.

The Board concurred with the nursing and environmental health manager positions being assigned to MCMCO.

Given the action taken, the Board clarified that the REHS positions will not receive any additional monthly stipend.

The motion by Aborn that the top salary step for the nursing manager position be \$7,291 died for lack of a second. Further discussion was held, and Dr. Mosher clarified that this is a new position and recruitment needs to occur as the current State employee is retiring. (M)Aborn, (S)Allen, the top step salary for the nursing manager position was set at \$7,291/Ayes: Aborn, Turpin, Cann, Allen; Noes: Bibby.

Discussion was held relative to the supervising REHS position. Sandi Laird/Administrative Analyst-Personnel advised that because this position is assigned to MCMCO, there has to be a ten percent salary spread according to the MOU. Accordingly, Rick Benson recommended a ten percent spread between the REHS positions and the supervising position; and between the supervising position and the manager position.

This matter was continued to 2:30 p.m. – after the LAFCo meeting.

13

Administration

CLOSED SESSION: Public Employee Employment: Public Works Director

BOARD ACTION: (M)Turpin, (S)Aborn, this closed session was held at 1:26 p.m./Ayes: Unanimous.

Report from Closed Session

1:29 p.m. The Board reconvened in open session. Chair Cann advised that the Board took action in closed session to offer the position of Public Works Director to Allen Toschi contingent on passing the physical examination. Allen Toschi stated he is looking forward to working here.

1:32 p.m. Lunch

2:53 p.m. The Board reconvened and continued with discussion on the Health Department reorganization. County Counsel corrected the record relative to the statement that was made earlier concerning the requirement for a ten percent salary spread between employees and a supervisor; and he advised that this is an objective of the MOU and is not a requirement. Rick Benson presented salary calculations and options for a five, seven and one-half, and ten percent spread. Dr. Mosher provided input relative to comparisons with his salary survey of other counties; and he again advised that his recommendation takes into consideration future planning for the department.

(M)Allen, (S)Turpin, the Board set the top step salary for the senior supervising REHS position at \$5859.48 (which is ten percent above the REHS positions) and the top step salary for the environmental health manager position at \$6445.43 (which is ten

percent above the senior supervising REHS position). Chair Cann clarified that the ten percent is being used to calculate these salaries, but is not the rule. Ayes: Aborn, Turpin, Cann, Allen; Noes: Bibby.

Rick Benson advised that the job titles for the positions and the job descriptions will come back to the Board for approval; and they will try to schedule this for the next meeting. Discussion was held relative to the transition timeframes and the contract termination. Dr. Mosher advised of the urgent need to recruit for the nursing manager position.

11

Administration

Approve Budget Action Transferring Funding from the Tobacco Settlement Fund to the Interfund Transfers Budget for Payment to the Internal Revenue Service (IRS) for Unpaid Social Security and Medicare (FICA) Taxes from Calendar Years 2007 through 2009, and January 2010 through March 2010 (\$385,000) (4/5ths Vote Required)

BOARD ACTION: Rick Benson initiated discussion relative to this matter and advised of review by an outside tax attorney. Chris Ebie, Auditor, responded to questions and provided input; and he recommended that the deferred compensation be separated from the health benefits in future employee benefit negotiations.

Input from the public was provided by the following:

Ruth Catalan expressed concern that many more people are not present for discussion concerning this matter; and she asked several questions: whether the employees will be charged their portion of this benefit; whether the IRS was consulted; statute of limitations; whether the payment will be considered as income for the employees; relative to impacts on Social Security benefits; she would like to see more checks and balances; questioned the impact payment will have on the budget; and she referred to her letter on the Sierra Sun Times website.

Dick Hutchinson referred to a personal situation he encountered with his military pay and employees being responsible.

Chair Cann and Chris Ebie responded to the questions that were raised; and he asked that the Auditor, County Administrative Officer, and County Counsel review and advise the Board on being able to recoup the employees' share of the taxes.

Ruth Catalan asked how much was spent on outside attorney fees and staff time, and status of a contract for the attorney's services. Rick Benson responded that he has authority to enter into contracts that are less than \$10,000.

(M)Aborn, (S)Bibby, Res. 10-304 was adopted approving the recommendations, including payment from the Tobacco Settlement Fund. Discussion was held relative to the recommendation that repayment to the Tobacco Settlement Fund will be included in the FY 2010-11 recommended budget. Ayes: Unanimous.

12

Consider Items Removed from the Consent Agenda - none

14

Administration

CLOSED SESSION: Public Employee Employment: Community Services Director; and

15

County Counsel

CLOSED SESSION

Conference with Legal Counsel: Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Number of Cases to be Discussed: 1

BOARD ACTION: (M)Bibby, (S)Aborn, the closed sessions were held at 4:06 p.m./Ayes: Unanimous.

4:21 p.m. Report from Closed Session

Chair Cann announced that information was received as a result of the two closed session matters – items 14 and 15.

Consent Agenda

- CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of June 1, 2010, Regular Meeting
- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-286
- CA-103 **Administration**
Adopt a Resolution Approving the FY 2009/2010 Adjusted Budget as Mariposa County's Preliminary Recommended Budget Which will Serve as the Operating Budget Until the Adoption of the FY 2010/2011 Final Budget in September 2010; Res. 10-287
- CA-104 **Public Works**
Approve Budget Action Transferring Funds within the Facilities Budget to Cover Out of Class Pay for Temporary Acting Manager (\$6,789); Res. 10-288
- CA-105 **Public Works**
Approve Plans and Specifications for Cole Road Reconstruction, Project 06-21 (109), and Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder and Sign the Agreement, Contingent on Funding Approval from the SAFETEA-LU Federal Funding Program; Res. 10-289
- CA-106 **Public Works**
Authorize the Renovation of the Greeley Hill Community Club Hall; all Work to be Performed by Volunteers; Res. 10-290, with direction that the work be reviewed and coordinated through Public Works
- CA-107 **Planning**
Approve Road Name Application No. 2010-58, Approving the Proposed Road Name "Leme Lane" for the Subject Easement; item was withdrawn to be rescheduled for June 22, 2010
- CA-108 **Supervisor Turpin**
Re-appoint Jesse Figueroa to the Greeley Hill Planning Advisory Committee for a Term Expiring February 28, 2012
- CA-109 **Human Services**
Approve Budget Action Transferring Funds within the Employment and Community Services Budget to Cover Extra-help, Overtime and Out of Class Pay (\$27,459); Res. 10-291
- CA-110 **Human Services**
Approve an Agreement with Alameda County for Crisis Support Phone Services and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-292

- CA-111 **Human Services**
 Approve Increasing the Allocation and Funding of a Mental Health Assistant II from 50% to 100%; Decrease the Funding of a Mental Health Assistant I from 100% to 50% and Allow the Department to fill the Position as 50% while Retaining the 100% Allocation; Approve Budget Action Transferring Funds within the Behavioral Health Services Act Fund to Cover the Cost (\$1,388); Res. 10-293, effective July 1, 2010
- CA-112 **Human Services**
 Approve the 2010 Community Services Block Grant (CSBG) Agreement 10F-4075 with the State Department of Community Services and Development (CSD) on behalf of the Calaveras-Mariposa Community Action Agency (CMCAA) in the Amount of \$15,000 and Authorize the Human Services Director to Sign the Agreement; Upon Approval of the CMCAA Governing Board, Authorize the Human Services Director to Sign Subsequent Amendments with the CSD up to the Amount Allocated to the Calaveras-Mariposa Community Action Agency; Approve Professional Services Agreement with Mr. Rick Breeze-Martin for Assist CMCAA with Future Administration for the Agency and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-294
- CA-113 **Human Services**
 Approve an Agreement with Mother Lode Job Training (MLJT) to Provide Assessment Services for Individuals in the CalWORKs Program that Totals \$40,000 for FY 2010/2011 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-295
- CA-114 **Human Services**
 Approve an Amendment to an Agreement with Mother Lode Job Training to Provide Assessment Services for Individuals in the Cal WORKs Program and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-296
- CA-115 **Human Services**
 Approve an Agreement with Mother Lode Job Training/Job Connection Mariposa in the Amount of \$12,365 for Summer Youth Employment Training Services for the Summer of 2010 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-297
- CA-116 **District Attorney**
 Approve a Lease Agreement with Marc and Tracy Lingenfelter for Property Located at 4975 9th Street for the District Attorney's Office, Victim/Witness Program and District Attorney Vertical Prosecution Program for FY 2010/2011, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-298
- CA-117 **District Attorney**
 Approve a Lease Agreement with Marc and Tracy Lingenfelter for Property Located at 5080 Jones Street for the District Attorney's Office, Interview Center for Child Forensic Interview Center and Victim/Witness Court Waiting Area, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-299
- CA-118 **District Attorney**
 Approve Budget Action Transferring Funds within the District Attorney's Victim/Witness Program Budget to Balance the Year End Budget (\$547); Res. 10-300

- CA-119 **District Attorney**
Approve Budget Action Transferring Funds within the District Attorney’s Vertical Prosecution Block Grant Budget to Balance the Year End Budget (\$2,669); Res. 10-301
- CA-120 **Supervisor Bibby**
Approve a Certificate of Recognition to Sierra Telephone for their Donation of Books to the Mariposa Middle School, Mariposa Elementary School, and the Mariposa Library Summer Reading Program
- CA-121 **Supervisor Bibby**
Approve a Certificate of Appreciation to Sierra Telephone for their Donation and Participation in the Mariposa County Fire Reading Incentive Program
- 16 **Adjourn**
Chair Cann adjourned the meeting at 4:22 p.m. in memory of Janace L. Kelley, John Craven Bennett, and Theresa D. Streller.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors

- 17 **2:00 p.m. LOCAL AGENCY FORMATION (LAFCo) TO CONVENE**
(See Separate Minutes)



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

June 22, 2010

DRAFT – PENDING BOARD APPROVAL

Folder _____ Time _____ Description _____

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

Pledge of Allegiance

Chair Cann called for a moment of silence in honor of our troops spread across our globe protecting our freedom.

Introductions – Chair Cann introduced Allen Toschi, the new Public Works Director.

- 1 Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)

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:

Eleanor Keuning referred to item 110 and expressed concern with the trees that were cut down in the 49’er shopping center area.

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advised of recent telephone outages and interruptions with TDS and reminded everyone to continue to file complaints so that the issues can be forwarded and resolved. She advised of concerns she has received relative to the new stop sign at Highway 49 South and 140, and noted those are being forwarded to CalTrans. She advised of CalTrans' proposal to extend the sidewalk on Highway 140 by Rite-Aid to Burger King.

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5 Grizzly Stadium Proposal by Grizzly Stadium Committee and Request for Consideration of Funding

BOARD ACTION: Dan Tucker, Chair of the Grizzly Stadium Committee, addressed issues that have been raised relative to parking and noise impacts with the project; and he reviewed the phases of the project and cost estimates.

Discussion was held. Steve Dahlem, County Counsel, provided input relative to this project being on School District property – the County has a ten-year lease agreement with the School District which not need to be revised at this point; however, any approval of County funding for the project should be contingent on environmental determination compliance and the School District is the lead. Shannon Hansen, Parks and Recreation Manager, provided input relative to the application process for using Proposition 40 funds for this project, and she advised that the State is reviewing the lease agreement. Discussion was held. Supervisor Turpin expressed concern with existing Park projects that need to be done and with the current budget status. Supervisor Aborn expressed concern with the term of the lease and ownership of the property; and he reiterated a previous request for a plot map to be provided. Supervisor Cann advised that a site map has been forwarded to Planning and he will ask that each Board member receive a copy. County Counsel noted that a lease

agreement has been in place for decades with the School District. It was clarified that the request for funding today is for \$76,134 for phase 1, with a total request of \$150,000; and that there is approximately \$47,000 unallocated in Proposition 40 funds.

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Mark Stephens referred to the requested use of the Proposition 40 funds and commented on the impact this project will have. He referred to his visit to Missouri and noted that each small town has a sports complex.

Bill Verley stated he feels that the local business people and the community support this project; and he would like to see this project become a reality.

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Lloyd Hobby commented on the longevity of the use of the field that is proposed for the stadium project and the cooperation between the County and the School District since 1961. He does not see the property being a problem and he commented on the support of the small businesses and the community. He agrees

that we need something; and that a fence is necessary for management; and he asked the Board to support the funding request.

Bob Kelly, teacher and football coach, thanked Dan Tucker and everyone for their support, along with other members of the Committee; and he thanked the athletes. He feels this project will help to stop the declining enrollment and can be used by all sports throughout the year.

Discussion was held relative to the parking issues, historic use of the field, location and other benefits, and potential funding sources. (M)Turpin, (S)Bibby, direction was given to allocate the remaining Proposition 40 funds, about \$47,000, for this project; for staff to help find the balance of about \$29,000 and to bring back an item on July 13th; with the understanding that the allocation of any funding is subject to the appropriate environmental compliance be completed by MCUSD and the State's approval of the use of the Proposition 40 funds for this project. Supervisor Turpin noted that he will be asking the Board to consider projects at budget time for the Parks – mostly small items. Ayes: Unanimous.

10:28 a.m. Recess

4 **10:45 a.m. Auditor**

Presentation of 2008-2009 Audited Financial Statements

BOARD ACTION: Chris Ebie, Auditor, reviewed the following Audited Financial Statements: Single Audit, Local Transportation Commission, Transit, Financial Statement Together with Independent Audit Report; and he presented graphs showing changes in the last few years. He advised of potential changes in the PERS retirement costs and of increases in the health insurance premiums. Discussion was held.

6 **Planning**

Approve Road Name Application No. 2010-59, Approving the Proposed Road Name “Frank Wilson Road” for the Subject Easement (Continued from June 15, 2010); and

7 **Planning**

Approve Road Name Application No. 2010-58, Approving the Proposed Road Name “Leme Lane” for the Subject Easement (Continued from June 15, 2010)

BOARD ACTION: Discussion was held with Kris Schenk and Eileen Collins/Planning, and they advised of a correction in the spelling of Lemee Lane.

Input from the public was provided by the following:

Witt Hawkins stated he agrees with Tony Brochini's recommendation for these road names.

(M)Aborn, (S)Allen, Res. 10-320 was adopted approving “Frank Wilson Road” and Res. 10-321 was adopted approving “Lemee Lane”/Ayes: Unanimous.

7a **Administration**

Authorize Designating two Current State Contracted Employees within the County Health Department as County Employees and Placing them on the County Payroll Effective July 1, 2010, Prior to Final Approval of Job Descriptions

BOARD ACTION: Rick Benson initiated discussion and he recommended that the Board adopt the State job descriptions for these positions in the interim of adoption of County job descriptions. (M)Bibby, (S)Aborn, Res. 10-322 was adopted approving the recommended actions, including the adoption of the current State job descriptions for these positions, effective July 1, 2010/Ayes: Unanimous.

7b **Health**

Approve and Authorize the Health Officer to Sign an Extension of the Agreement with California Department of Public Health for Personnel, Similar to the FY 2009/2010 Agreement, Except with a 30 Day Termination Clause Favorable to the County

BOARD ACTION: Rick Benson advised that this item is not necessary as the Board took action on the previous item; and this item was withdrawn from the agenda.

8 Consider Items Removed from the Consent Agenda - none

12:04 p.m. Lunch

1:00 p.m. The Board reconvened at the new Human Services facility located at 5336 Highway 49 North, Mariposa for the ground breaking ceremony for the construction of the new Human Services facility. No County Business was conducted during the ceremony.

3:03 p.m. The Board reconvened at the Board of Supervisors Chambers located at 5100 Bullion Street

10

Planning

PUBLIC HEARING to Consider General Plan Amendment No. 2010-035, an Amendment to the 2009-2014 Housing Element of the Mariposa County General Plan. The Amendment Proposes Changes to the Adopted Housing Element in Response to Final Comments from the State Department of Housing and Community Development (HCD). Recommended Action Includes Adopting a Resolution Approving the Amendment to the 2009-2014 Housing Element of the Mariposa County General Plan, with Findings

BOARD ACTION: Kris Schenk and Mark Niskanen, Senior Planner with J. B. Anderson Land Use Planning, presented the staff report; and responded to questions from the Board relative to clarifying the third comment from HCD concerning addressing the needs of extremely low-income families. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed. (M)Bibby, (S)Allen, Res. 10-323 was adopted approving General Plan Amendment No. 2010-035, with findings as recommended/Ayes: Unanimous. The hearing was closed.

11

Planning

PUBLIC HEARING to Consider General Plan Amendment No. 2010-041, an Amendment to Table 5-1: Planning Areas and Area Plan Status of the General Plan. This Amendment will Change the Area Plan Status for the El Portal Town Planning Area from "Pending for Completion in Short Term" to "Pending for Completion in the Intermediate Term." Mariposa County, Proponent

BOARD ACTION: Kris Schenk and Alvaro Arias/Planning presented the staff report. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed. (M)Aborn, (S)Allen, Res. 10-324 was adopted approving General Plan Amendment No. 2010-041, with findings as recommended, including finding that the project is exempt from environmental review/Ayes: Unanimous. The hearing was closed.

A brief discussion was held with Kris Schenk relative to scheduling a workshop and public hearing on agritourism. Board members asked that the workshop and hearing be scheduled for 6:00 p.m.

9

County Counsel

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Number of Cases to be Discussed: 2

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

3:19 p.m. Recess

3:37 p.m. The Board convened in closed session.

4:10 p.m. **Report from Closed Session**

Chair Cann announced that direction was given to staff on two cases as a result of the closed session.

Consent Agenda

- CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of June 15, 2010, Regular Meeting

- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-305

- CA-103 **Administration**
Approve the Third Amendment to Legal Services Agreement Replacing David A. Smothers with Thomas K. Cooke for the First and Second Level Cases, and Replacing Thomas K. Cooke with Michael Fagalde for Third Level Conflict Cases to Provide Public Defender Services for the County and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-306

- CA-104 **Administration**
Approve Budget Action Reducing General Fund Contingency to Fund the Agreement for Legal Services Regarding the Airport Fixed Base Operator Agreement (\$8,000) (4/5ths Vote Required); Res. 10-307

- CA-105 **Administration**
Approve an Extra-Help Agreement with Mary Williams for Services to the Community Service Department and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-308

- CA-106 **Public Works**
Approve Plans and Specifications for the Ben Hur Road Overlay of 2.38 Miles from P.M. 25.93 to P.M. 28.31, Project No. 06-21 (08), and Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder and Sign the Agreement; Res. 10-309

- CA-107 **Public Works**
Approve the Plans and Specifications for the Midpines Park Proposition 40 Project No. 06-13, and Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder and Sign the Agreement; withdrawn to be rescheduled

- CA-108 **Human Services**
Approve an Amendment to an Agreement with Merced County Department of Mental Health for Residential Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-310

- CA-109 **Human Services**
 Approve an Agreement with Infant/Child Enrichment Services (ICES) for Child Care Services for Parents Transitioning from Welfare to Work for a Total of \$83,321 for FY 2010/2011 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-311
- CA-110 **Human Services**
 Approve a Fifth Amendment to Lease Agreement with Klump Properties for the Social Services Building Located at 5186 Highway 49 North and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-312
- CA-111 **Human Services**
 Approve Budget Action Adjusting Revenue and Appropriations within the Social Services Budget to Correct Original Budget Estimation (\$149,321) **(4/5ths Vote Required)**; Approve Budget Action Increasing Revenue and Appropriations within the Social Services Budget to Correct Original Budget Estimation (\$252,350) **(4/5ths Vote Required)**; Approve Budget Action Transferring Funds within the Assistance Advance Fund to Meet Program Needs (\$219,000); Approve Budget Action Transferring Funds within the Energy Grant Fund to Correct Original Budget Estimation (\$98,730); Approve Budget Action Transferring Funds within the Community Program Community Action Agency Fund to Meet Program Needs (\$9,892); Res. 10-313
- CA-112 **District Attorney**
 Adopt a Resolution Approving the 2010/2011 District Attorney's Office Victim/Witness Program Grant, Funded through the State of California Emergency Management Agency (CalEMA), in the Amount of \$90,115; Res. 10-314
- CA-113 **Agricultural Commissioner**
 Approve Agreement No. 10-PA-11051650-072 with Stanislaus National Forest for the Eradication of Yellow Starthistle and other Noxious Weeds in the Merced River Canyon Project and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Receiving Unanticipated Revenue of \$5,445 for FY 2009/2010 (4/5ths Vote Required); Res. 10-315
- CA-114 **Agricultural Commissioner**
 Approve Agreements with Dan Wice and Custom Weed Control for Implementation of the Participating Agreement No. 10-PA-11051650-072 with Stanislaus National Forest for the Eradication of Yellow Starthistle and other Noxious Weeds in the Merced River Canyon Project and Authorize the Board of Supervisors Chair to Sign the Agreements; Res. 10-316
- CA-115 **Community Services**
 Approve a Memorandum of Understanding (MOU) with Tuolumne Adult Day Health Care (ADHC) Center Delineating Responsibilities of each Agency, and Authorize the Board of Supervisors Chair to Sign the MOU; Res. 10-317
- CA-116 **Community Services**
 Approve an Agreement with Coulter Café for a Restaurant Meal Program to Provide Senior Citizens on the North Side of the County with Hot Meals and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-318

CA-117

Administration

Approve the Public Health Nursing Manager Job Description, Allocate One Full-time Position to the Health Department, set the Monthly Salary at \$5998-\$7291, and Assign the Classification to the MCMCO Bargaining Unit Effective Immediately; Res. 10-319

12

Adjourn

Chair Cann adjourned the meeting at 4:11 p.m. in memory of Lila Jean Crocker, Marion T. Gwinn, and Rebeka “Becky” Marion-Marie Craig.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

June 22, 2010



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Eleanor Keuning asked if there will be a public hearing at some point for this project; and Chair Cann advised that it would depend on the type of compliance that is required. She referred to a friend’s comments relative to parking issues at the Fairgrounds for graduation ceremonies. She stated she would like to see more information on the parking spaces and their proximity to this facility. She is not opposed to this project, just has concerns.

Lloyd Hobby commented on the longevity of the use of the field that is proposed for the stadium project and the cooperation between the County and the School District since 1961. He does not see the property being a problem and he commented on the support of the small businesses and the community. He agrees that we need something; and that a fence is necessary for management; and he asked the Board to support the funding request.

Bob Kelly, teacher and football coach, thanked Dan Tucker and everyone for their support, along with other members of the Committee; and he thanked the athletes. He feels this project will help to stop the declining enrollment and can be used by all sports throughout the year.

Discussion was held relative to the parking issues, historic use of the field, location and other benefits, and potential funding sources. (M)Turpin, (S)Bibby, direction was given to allocate the remaining Proposition 40 funds, about \$47,000, for this project; for staff to help find the balance of about \$29,000 and to bring back an item on July 13th; with the understanding that the allocation of any funding is subject to the appropriate environmental compliance be completed by MCUSD and the State's approval of the use of the Proposition 40 funds for this project. Supervisor Turpin noted that he will be asking the Board to consider projects at budget time for the Parks – mostly small items. Ayes: Unanimous.

10:28 a.m. Recess

4

10:45 a.m. Auditor

Presentation of 2008-2009 Audited Financial Statements

BOARD ACTION: Chris Ebie, Auditor, reviewed the following Audited Financial Statements: Single Audit, Local Transportation Commission, Transit, Financial Statement Together with Independent Audit Report; and he presented graphs showing changes in the last few years. He advised of potential changes in the PERS retirement costs and of increases in the health insurance premiums. Discussion was held.

6

Planning

Approve Road Name Application No. 2010-59, Approving the Proposed Road Name “Frank Wilson Road” for the Subject Easement (Continued from June 15, 2010); and

7

Planning

Approve Road Name Application No. 2010-58, Approving the Proposed Road Name “Leme Lane” for the Subject Easement (Continued from June 15, 2010)

BOARD ACTION: Discussion was held with Kris Schenk and Eileen Collins/Planning, and they advised of a correction in the spelling of Lemee Lane.

Input from the public was provided by the following:

Witt Hawkins stated he agrees with Tony Brochini's recommendation for these road names.

(M)Aborn, (S)Allen, Res. 10-320 was adopted approving “Frank Wilson Road” and Res. 10-321 was adopted approving “Lemee Lane”/Ayes: Unanimous.

7a

Administration

Authorize Designating two Current State Contracted Employees within the County Health Department as County Employees and Placing them on the County Payroll Effective July 1, 2010, Prior to Final Approval of Job Descriptions

BOARD ACTION: Rick Benson initiated discussion and he recommended that the Board adopt the State job descriptions for these positions in the interim of adoption of County job descriptions. (M)Bibby, (S)Aborn, Res. 10-322 was adopted approving the recommended actions, including the adoption of the current State job descriptions for these positions, effective July 1, 2010/Ayes: Unanimous.

7b

Health

Approve and Authorize the Health Officer to Sign an Extension of the Agreement with California Department of Public Health for Personnel, Similar to the FY 2009/2010 Agreement, Except with a 30 Day Termination Clause Favorable to the County

BOARD ACTION: Rick Benson advised that this item is not necessary as the Board took action on the previous item; and this item was withdrawn from the agenda.

8 Consider Items Removed from the Consent Agenda - none

12:04 p.m. Lunch

1:00 p.m. The Board reconvened at the new Human Services facility located at 5336 Highway 49 North, Mariposa for the ground breaking ceremony for the construction of the new Human Services facility. No County Business was conducted during the ceremony.

3:03 p.m. The Board reconvened at the Board of Supervisors Chambers located at 5100 Bullion Street

10

Planning

PUBLIC HEARING to Consider General Plan Amendment No. 2010-035, an Amendment to the 2009-2014 Housing Element of the Mariposa County General Plan. The Amendment Proposes Changes to the Adopted Housing Element in Response to Final Comments from the State Department of Housing and Community Development (HCD). Recommended Action Includes Adopting a Resolution Approving the Amendment to the 2009-2014 Housing Element of the Mariposa County General Plan, with Findings

BOARD ACTION: Kris Schenk and Mark Niskanen, Senior Planner with J. B. Anderson Land Use Planning, presented the staff report; and responded to questions from the Board relative to clarifying the third comment from HCD concerning addressing the needs of extremely low-income families. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed. (M)Bibby, (S)Allen, Res. 10-323 was adopted approving General Plan Amendment No. 2010-035, with findings as recommended/Ayes: Unanimous. The hearing was closed.

11

Planning

PUBLIC HEARING to Consider General Plan Amendment No. 2010-041, an Amendment to Table 5-1: Planning Areas and Area Plan Status of the General Plan. This Amendment will Change the Area Plan Status for the El Portal Town Planning Area from “Pending for Completion in Short Term” to “Pending for Completion in the Intermediate Term.” Mariposa County, Proponent

BOARD ACTION: Kris Schenk and Alvaro Arias/Planning presented the staff report. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed. (M)Aborn, (S)Allen, Res. 10-324 was adopted approving General Plan Amendment No. 2010-041, with findings as recommended, including finding that the project is exempt from environmental review/Ayes: Unanimous. The hearing was closed.

A brief discussion was held with Kris Schenk relative to scheduling a workshop and public hearing on agritourism. Board members asked that the workshop and hearing be scheduled for 6:00 p.m.

9

County Counsel

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Number of Cases to be Discussed: 2

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

3:19 p.m. Recess

3:37 p.m. The Board convened in closed session.

4:10 p.m. Report from Closed Session

Chair Cann announced that direction was given to staff on two cases as a result of the closed session.

Consent Agenda

- CA-101 **Clerk of the Board**
Approval of Summary of Proceedings of June 15, 2010, Regular Meeting
- CA-102 **Administration**
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 10-305
- CA-103 **Administration**
Approve the Third Amendment to Legal Services Agreement Replacing David A. Smothers with Thomas K. Cooke for the First and Second Level Cases, and Replacing Thomas K. Cooke with Michael Fagalde for Third Level Conflict Cases to Provide Public Defender Services for the County and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-306
- CA-104 **Administration**
Approve Budget Action Reducing General Fund Contingency to Fund the Agreement for Legal Services Regarding the Airport Fixed Base Operator Agreement (\$8,000) (4/5ths Vote Required); Res. 10-307
- CA-105 **Administration**
Approve an Extra-Help Agreement with Mary Williams for Services to the Community Service Department and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-308
- CA-106 **Public Works**
Approve Plans and Specifications for the Ben Hur Road Overlay of 2.38 Miles from P.M. 25.93 to P.M. 28.31, Project No. 06-21 (08), and Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder and Sign the Agreement; Res. 10-309
- CA-107 **Public Works**
Approve the Plans and Specifications for the Midpines Park Proposition 40 Project No. 06-13, and Authorize the Public Works Director to Award the Agreement to the Lowest Responsible Bidder and Sign the Agreement; withdrawn to be rescheduled
- CA-108 **Human Services**
Approve an Amendment to an Agreement with Merced County Department of Mental Health for Residential Inpatient Services and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-310
- CA-109 **Human Services**

Approve an Agreement with Infant/Child Enrichment Services (ICES) for Child Care Services for Parents Transitioning from Welfare to Work for a Total of \$83,321 for FY 2010/2011 and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-311

- CA-110 **Human Services**
Approve a Fifth Amendment to Lease Agreement with Klump Properties for the Social Services Building Located at 5186 Highway 49 North and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 10-312
- CA-111 **Human Services**
Approve Budget Action Adjusting Revenue and Appropriations within the Social Services Budget to Correct Original Budget Estimation (\$149,321) **(4/5ths Vote Required)**; Approve Budget Action Increasing Revenue and Appropriations within the Social Services Budget to Correct Original Budget Estimation (\$252,350) **(4/5ths Vote Required)**; Approve Budget Action Transferring Funds within the Assistance Advance Fund to Meet Program Needs (\$219,000); Approve Budget Action Transferring Funds within the Energy Grant Fund to Correct Original Budget Estimation (\$98,730); Approve Budget Action Transferring Funds within the Community Program Community Action Agency Fund to Meet Program Needs (\$9,892); Res. 10-313
- CA-112 **District Attorney**
Adopt a Resolution Approving the 2010/2011 District Attorney's Office Victim/Witness Program Grant, Funded through the State of California Emergency Management Agency (CalEMA), in the Amount of \$90,115; Res. 10-314
- CA-113 **Agricultural Commissioner**
Approve Agreement No. 10-PA-11051650-072 with Stanislaus National Forest for the Eradication of Yellow Starthistle and other Noxious Weeds in the Merced River Canyon Project and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Receiving Unanticipated Revenue of \$5,445 for FY 2009/2010 (4/5ths Vote Required); Res. 10-315
- CA-114 **Agricultural Commissioner**
Approve Agreements with Dan Wice and Custom Weed Control for Implementation of the Participating Agreement No. 10-PA-11051650-072 with Stanislaus National Forest for the Eradication of Yellow Starthistle and other Noxious Weeds in the Merced River Canyon Project and Authorize the Board of Supervisors Chair to Sign the Agreements; Res. 10-316
- CA-115 **Community Services**
Approve a Memorandum of Understanding (MOU) with Tuolumne Adult Day Health Care (ADHC) Center Delineating Responsibilities of each Agency, and Authorize the Board of Supervisors Chair to Sign the MOU; Res. 10-317
- CA-116 **Community Services**
Approve an Agreement with Coulter Café for a Restaurant Meal Program to Provide Senior Citizens on the North Side of the County with Hot Meals and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 10-318
- CA-117 **Administration**

Approve the Public Health Nursing Manager Job Description, Allocate One Full-time Position to the Health Department, set the Monthly Salary at \$5998-\$7291, and Assign the Classification to the MCMCO Bargaining Unit Effective Immediately; Res. 10-319

12

Adjourn

Chair Cann adjourned the meeting at 4:11 p.m. in memory of Lila Jean Crocker, Marion T. Gwinn, and Rebeka “Becky” Marion-Marie Craig.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors