



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

October 4, 2011



Folder            Time            Description

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

Pledge of Allegiance led by the following 4-H members: Robbie Stark, Saylor Cramer, and Wyatt Harrison.

Chair Allen called for a moment of silence for our men and women fighting for our freedoms each and every day.

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 Stetson pulled item 104. Supervisor Cann asked for clarification of the number of meetings included in the amendment in item 107 – Kris Schenk/Planning Director, provided clarification. (M)Cann, (S)Stetson, the balance of the items was approved/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.  
  
Chair Allen noted that Supervisor Turpin is still recuperating.
- 2            **Chair Allen**  
Proclaim October 2-8, 2011, as “National 4-H Week” (Donna Wice, 4-H Coordinator)  
**BOARD ACTION:** (M)Bibby, (S)Cann, the Proclamation was approved and presented to Donna Wice, and the following 4-H members: Robbie Stark, Saylor Cramer, and Wyatt Harrison/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. Saylor Cramer provided input on her 4-H experiences.
- 3            **Chair Allen**  
Proclaim October 3, 2011, as “World Habitat Day” (Bob Pickard, Habitat for Humanity)  
**BOARD ACTION:** (M)Bibby, (S)Stetson, the Proclamation was approved and presented to Bob Pickard/President, Don Fox/Chair of the Cars for Homes Program, and Al Johnson/Chair of the Site Selection Committee/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. Bob Pickard provided input on the Habitat for Humanity and A Brush with Kindness programs; noted the completion of their first house; and he thanked everyone for their support.

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

Peter Rei, Interim Public Works Director, reported on the yard sale of furniture from the Human Service and Child Support Services; and he advised that he will discuss what to do with what was left over with the County Administrative Officer. He thanked his facility staff for this work; and Rick Benson concurred with his thanks.

Pete Judy, Chief Probation Officer, provided input on the status of implementation of AB 109 in the County – no one has been released to the County at this time; however, there are a couple of cases that are being reviewed for the future.

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

Eleanor Keuning provided input on the Courthouse tours she conducted on Saturday; noted the High School Grizzly Band is selling discount cards for local businesses as a fundraiser; asked how long a Supervisor could be excused from meetings; referred to the two million dollar grant to UC Merced to monitor the Sierra snowpack and expressed concern that there are communities that do not have potable water; expressed concern with HR 4646 – known as the transaction tax and Debt Free America Act, and she referred to a Fresno Bee story about banking fees; and she expressed concern with visibility on a blind corner on Leonard Road.

Lester Bridges, President and Interim Executive Director of the Mariposa County Chamber of Commerce, commented on Chamber activities and noted they had a booth at the Contractor's Home and Garden Show on Saturday; thanked the volunteers for continuing with the Courthouse and old jail tours; commented on statistics for the Visitor Centers and noted the Park Ranger will be in Mariposa through this weekend and commented on the benefits of their presence; and he commented on this being the last day that coffee is being served for the Board meetings. It was noted that the County will no longer provide the coffee for the public or the Board members for the meetings.

Board Information

Supervisor Stetson advised that he had a discussion on Monday with Ron Loya, Parks and Recreation Commissioner, relative to El Portal and Midpines issues and reviewing elements in the Parks Master Plan. He is planning to go to Yosemite West on Wednesday with the County Administrative Officer and the Public Works Director relative to several issues of concern, including roads. He plans to attend the El Portal Planning Advisory Committee meeting next Tuesday evening.

Supervisor Cann referred to Eleanor Keuning's concerns on legislation that is being introduced and noted that from his previous experience in Washington D.C., that of the 10,000 or so bills that are introduced, only about 100 pass. He referred to Lester Bridges' comments on tourism activity and noted that from people he talks to that our formula continues to work here and that our community is unique. On behalf of RCRC (Regional Council of Rural Counties) he met last Wednesday with the new State Secretary of the EPA and they discussed issues including cap and trade and AB32/global warming initiative. He noted the Tourism Bureau is continuing discussions with Amgen on arrangements for the tour next year. He attended the Natural Resources Summit hosted by Assemblywoman Olsen on Friday and forest issues were discussed. He attended the Contractor's Home and Garden show on Saturday. He plans to attend the merchant meeting on Thursday, and he noted that his wife is having knee surgery on Wednesday. He and Supervisor Bibby will meet with CalTrans on Thursday on sidewalk and crosswalk issues, etc.; and then they will meet with MPUD on the State fire marshal issues.

Supervisor Bibby referred to the final budget adjustments made last week where the General Fund picked up expenses for Human Services; and she asked that the department go to project codes for their budget and that they bring a report to the Board on the costs

of operations for the new facility. She attended the Calaveras-Mariposa Community Action Agency meeting on Monday relative to re-funding. She plans to attend the meeting on Thursday with CalTrans relative to ADA compliance; and the fire inspection meeting with Supervisor Cann; and the Mental Health Board meeting later that date – she noted they are still looking for members. She plans to attend the First 5 meeting on Monday, and she noted the video that is out of bear cubs in Yosemite. She referred to Eleanor Keuning’s comments on the grant to monitor the Sierra snowpack, and she noted that Roger Bales lives in Catheys Valley and will be working on the project and that the County will be interested in the report.

Supervisor Allen advised that he met with a constituent on a minor lot line adjustment relative to concerns on the fees including environmental impact, and Planning will be bringing an item on the fees to the Board for these minor types of projects. He was in Fish Camp over the weekend for a multi-year high school class reunion; and he noted that Fish Camp was busy and that the new UC Merced Chancellor and the President for the University system were in Fish Camp for a meeting. He attended the UC Merced welcoming on Monday for their new Chancellor; and advised that they plan to make this University the premiere research facility in the world. He plans to attend the fire station meeting on Wednesday, and the Planning Commission meeting on Friday relative to the Wawona Specific Plan.

4

**Administration**

Approve a Monthly Service Agreement with IQM2, Inc., for Board Agenda Management Software Services and Training at a Monthly Cost of \$1,035, and Authorize the Board of Supervisors Chair to Sign the Agreement; Authorize an Additional \$1,500 in Travel Expenses to IQM2 Representatives to Conduct In-House Training Sessions with County Staff; Approve Budget Action Transferring Funding from the Technical Services Budget to the Board of Supervisors to Allow for the Board Agenda Software Management Services (\$9,780)

**BOARD ACTION:** Rick Benson presented the request. Discussion was held and it was clarified that the contract amount is \$12,420. (M)Bibby, (S)Stetson, Res. 11-487 was adopted approving the recommended actions/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

5

**Administration**

Modify and Extend the County Hiring Moratorium through June 30, 2012

**BOARD ACTION:** Rick Benson initiated discussion relative to the request; and he advised that the Human Services Director may want to have his department included as well, but that he has not spoken with the Child Support Services Director. He also asked for direction on how requests to waive the moratorium should be placed on the agenda – consent agenda or timed. Discussion included including Human Services and Child Support Services in the hiring moratorium; County Administrative Officer’s review of requests for justification and funding, and performance for promotions before an item comes to the Board; and relative to reducing unemployment insurance benefits. (M)Bibby, (S)Stetson, Res. 11-488 was adopted modifying and extending the hiring moratorium as recommended, and with the inclusion of all County departments/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. Rick Benson advised that he will proceed with using his discretion on whether to calendar requests on the consent or timed agenda, and the Board concurred.

6

**Health**

Approve Agreement No. P880811PX0001 with Yosemite National Park for First Responder Emergency Medical Services in the El Portal Corridor, and Authorize the Board of Supervisors Chair to Sign the Agreement

**BOARD ACTION:** Discussion was held with Dr. Mosher, Health Officer, relative to the request and he noted the reduced costs. (M)Bibby, (S)Stetson, Res. 11-489 was adopted approving the agreement as recommended/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

**10:30 a.m.** Recess

**10:45 a.m.** The Board reconvened.

8 Consider Items Removed from the Consent Agenda  
Item 104 – (M)Stetson, (S)Cann, item 104 was approved/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

7 **Planning**  
Consider Language Initiating an Amendment to Title 2, Chapter 2.50 of the Mariposa County Code to Amend the Procedures for Planning Advisory Committees  
**BOARD ACTION:** Discussion was held with Kris Schenk. Steve Dahlem, County Counsel, provided clarification relative to the Maddy Act provisions.

Input from the public was provided by the following:

Eleanor Keuning, Historical Sites and Records Preservation Commission, noted there are members on the Commission that have missed several meetings and asked about bringing their membership up-to-date; and she stated she feels committees are important. She was advised to work with Planning on the membership issues as the Commission already has language to allow for the removal of members.

Discussion was held. (M)Stetson, (S)Bibby, Res. 11-491 was adopted initiating the amendment as recommended to allow for the removal of members on Planning Advisory Committees/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

9 **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:** Steve Dahlem withdrew this item.

9a **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;

10 **Administration**  
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard J. Benson; and

11 **Administration**  
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard J. Benson

**BOARD ACTION:** (M)Bibby, (S)Stetson, the closed sessions were approved to be held/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

12 **Administration**  
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of County Designated Representative: Richard J. Benson; and

13 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Richard J. Benson

**BOARD ACTION:** Supervisor Bibby excused herself from the meeting at 11:00 a.m. for action to hold these closed sessions and for the portion of the closed session on these matters due to a potential conflict of interest as she has a family member in the Sheriff's Department. (M)Stetson, (S)Cann, the closed sessions were approved to be held/Ayes: Stetson, Cann, Allen; Excused: Turpin, Bibby.

**11:50 a.m. Report from Closed Session:**

Chair Allen reported that information was received and direction was given for items 9a/anticipated litigation and 11/labor negotiations with MCMCO. He advised that items 10, 12 and 13 (labor negotiations with the other bargaining units) were not discussed.

**Consent Agenda**

- CA-101      **Clerk of the Board**  
Approval of Summary of Proceedings of September 27, 2011, Regular Meeting
- CA-102      **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-481
- CA-103      **Administration**  
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-482
- CA-104      **Administration**  
Reject Claim No. C11-9 Filed by Richard Long, dba Yosemite's Four Seasons Vacation Rentals, for \$62,860.91, and Authorize the Chair to Sign the Notice of Rejection; Res. 11-490
- CA-105      **Administration**  
Approve an Agreement with the Economic Development Corporation of Mariposa to Secure Consulting Services to be Provided by the Townsend Group, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-483
- CA-106      **Administration**  
Change the Allocation within the Human Services Department of One Full-Time Office Assistant II Position to a 50% Part-Time Position Effective October 1, 2011; Res. 11-484
- CA-107      **Planning**  
Approve Amendment No. 5 to Task Order No. 2 with Hauge Brueck Associates in the Amount of \$28,800 to Provide for the Recirculation and Completion of the Catheys Valley Community Plan (CVCP) and Supplemental EIR, and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-485
- CA-108      **Public Works**  
Approve Updating Membership with Appointments to the Mariposa County Solid Waste AB 939 Local Task Force to Include Peter Rei, Public Works Director, Greg Ollivier, Solid Waste Manager, and Stuart Katte, Solid Waste Contractor

CA-109

**Public Works**

Adopt a Resolution Authorizing Public Works (Solid Waste Division) to Apply for a Beverage Container Recycling Grant in the Amount of \$38,000.00; Res. 11-486

**11:52 a.m.** Adjournment in memory of Leona Burnside.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

October 11, 2011



Folder      Time      Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for our men and women fighting for 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:** Jim Wilson, Fire Chief, responded to a question from Supervisor Cann on item 108 and advised that a letter was received from Company 37 relative to the request. (M)Bibby, (S)Stetson, all items were approved/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

- 2      **Chair Allen**  
Proclaim October 9-15, 2011, as “Fire Prevention Week” (Jim Wilson-County Fire/Nancy B. Koerperich-CAL Fire)  
**BOARD ACTION:** (M)Bibby, (S)Stetson, the Proclamation was approved and presented to Jim Wilson/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. Chair Allen noted the importance of having reflective address signs for emergency response. Jim Wilson provided input on their fire safety programs and events, including the Fire Safety Scavenger Hunt in Coulterville on Saturday.

- 3      **Chair Allen**  
Proclaim the Month of October as “Domestic Violence Awareness Month” (Alison Tudor, Program Director-Mountain Crisis Center)  
**BOARD ACTION:** (M)Bibby, (S)Cann, the Proclamation was approved and presented to Alison Tudor/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

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

Jim Wilson provided a status report on the fire safety survey contest and urged everyone to continue promoting the survey to support the Fire Department’s efforts to be awarded funding. He provided information on the Fire Prevention Week activities,

including their annual appreciation picnic on Sunday to recognize the volunteers; advised that the Local Hazard Mitigation Plan is being sent to CalEMA today, then to Region 9 FEMA, and to the Board in December tentatively.

Doug Binnewies, Sheriff, advised that senior Deputy Jeff Totten is receiving the MADD DUI Enforcement recognition award in Fresno today. He advised of their marijuana interdiction program, held in conjunction with Merced County Sheriff's Department and with the cooperation of CHP, on Highway 140 and in the lower elevation of the County. Discussion was held.

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

Eleanor Keuning asked about the \$80 assessment on her property tax bill. Chair Allen advised that this was the assessment passed by the voters to pay for the new fire engines.

Lester Bridges, President and Interim Director of the Mariposa County Chamber of Commerce, commented on the visitor center statistics; advised they are getting ready to go to shorter hours for the winter; and noted that tours of the old jail were conducted over the weekend.

Dick Hutchinson referred to a transmission he heard on the scanner relative to an alert from a carbon monoxide detector, and he noted the need to push for their installation in all residences.

Eleanor Keuning referred to her previous concerns with sign issues and presented photographs; and she clarified that she is not talking about the American flag. She left a newspaper story on the New Melones Reservoir; and she expressed concern with the lack of signage notifying travelers that no gasoline is available in El Portal.

#### Board Information

Supervisor Bibby advised that she and Supervisor Cann met with CalTrans on ADA issues and review of improvements for vehicle and pedestrian safety and sidewalk issues in town on October 6th; and later with MPUD to address State Fire Marshal inspection issues and regulations. She attended the Farm Bureau dinner on Saturday; and the First 5 meeting on Monday – they are continuing to monitor their programs and funding. She will be unable to attend the lunch for the Turpin family on Saturday as she has a training to attend.

Supervisor Cann thanked Dick Hutchinson for mentioning the importance of installing carbon monoxide detectors and thanked the Fire Chief for making information available. He referred to Lester Bridges' comments relative to the room reservations starting to decline for the winter. He advised that he and Supervisor Bibby attended meetings on Thursday with CalTrans and relative to the State Fire Marshal inspection issues. He attended the Mariposa Business Merchant Association meeting on Thursday morning and he noted that the merchants had town decorated for the fall in the afternoon. He met with folks on Monday who are looking to volunteer their time with County projects, specifically District 4 projects. He plans to attend the lunch for Supervisor Turpin and his family on Saturday and the Fire Department activities in Coulterville.

Supervisor Stetson advised that he went to Yosemite West on Wednesday with the Public Works Director and the County Administrative Officer relative to roads and other issues; and he met with the Fire Chief and the Public Works Director on fire station issues. He plans to attend the El Portal Planning Advisory Committee meeting this evening and they will discuss the gasoline issue for the community with the closure of the station in El Portal. He plans to attend the Midpines Planning Advisory Committee meeting next Tuesday evening. He plans to meet with Midpines residents and the Sierra Nevada Conservancy on Wednesday on issues relative to Midpines.



Supervisor Allen advised that he met with Fish Camp residents relative to the fire station – Public Works will be doing drainage work around the building site. He attended the Emergency Medical Care Committee meeting on Thursday, and a representative of John C. Fremont Healthcare District provided input on their emergency patient increase over the previous year. He attended the Planning Commission meeting on Friday for the Wawona Specific Plan item. He attended the Farm Bureau dinner on Saturday. He plans to attend the CCP (Community Corrections Program) meeting on Friday. He noted there is a luncheon for the Turpin family on Saturday, and that Ponderosa Basin is holding a BBQ in the evening; and that the Criminal Justice and Mental Health Collaborative will be meeting on Monday evening at the Government Center. He noted that there is signage on Highway 140 just outside of town advising motorists that no gasoline is available in El Portal. He noted that the Zip Line posted pictures and they are getting ready to open to the public. The ground breaking ceremony for the Midpines Fire Station is scheduled for October 25<sup>th</sup> at 2:00 p.m.

- 4 **Fire Safe Council** (Megan Atkinson, Fire Safe Council Project Coordinator)  
Video Presentation and Update on Completed, Current and Future Projects  
**BOARD ACTION:** Megan Atkinson provided a report on projects, activities and funding, including educational activities, and advised that they are working on a fire safe rally for late 2012. The video presentation was not given.

**10:01 a.m.** Recess

**10:14 a.m.** The Board reconvened.

- 5 **Planning**  
Adopt a Resolution of Intention Initiating Amendment to the Mariposa County Zoning Ordinance Title 17 to Define and Regulate Medical Marijuana Dispensaries and Collective and Cooperative Medical Marijuana Cultivation  
**BOARD ACTION:** Kris Schenk, Planning Director, was present. Alvaro Arias, Associate Planner, presented the staff report. Supervisor Bibby stated she would like more information to be presented on limiting the number of marijuana plants for individual use; and she asked whether the Sheriff's Office has reviewed this item. Steve Dahlem, County Counsel, advised that this matter is for a resolution of intent dealing with dispensaries and cooperatives versus individual use. Staff responded to questions from the Board relative to the definition of "medical marijuana dispensary"; and relative to enforcement.

Input from the public was provided by the following:

Jenny Binning questioned whether any marijuana needs to be legal in this County. She is concerned about the residents in the Hornitos area and for the law enforcement with the marijuana garden and the resulting traffic and law enforcement impacts.

Danette Toso stated she is concerned about legalizing marijuana in the County and with the increased traffic. She referred to the pot farm on Bear Valley Road and feels it negatively impacts their property values; and she is concerned for the safety of her children.

Steve Cratch stated he lives next door to the pot farm and there are three people with medical marijuana cards growing marijuana there; and now people are coming in trying to steal the marijuana - he is concerned with this and with the odor problems.

Dick Wilkey stated the pot farm is close to their residence and he is concerned for the safety of his family and grandchildren.

Donna Wilkey agreed with the safety concerns, and stated she feels this is a countywide issue.

Doug Binnewies, Sheriff, stated he has reviewed this item and appreciates the work by the Planning staff, and he has spoken with County Counsel and feels that the recommended action is appropriate at this time.

Ruth Catalan stated she hopes that the County will hire a compliance officer if this is to be enforced. She feels that if we have control of the farms, that the illegal grows would stop. She asked if the next step would be to eliminate liquor stores, and she expressed concern with “control” and more illegal grows occurring.

Heath Brower stated he lives over the hill from the marijuana garden and is concerned with the increased traffic and trespassing problems. He is concerned with the safety of the children. He referred to the costs and overtime incurred by law enforcement, and he feels that those who are legally growing marijuana should be fiscally responsible for covering all costs.

Debbie Lester expressed concern with the increase in traffic, and stated she is against allowing medical marijuana dispensaries and cooperative grows in the County – she feels it leads to increased crime.

Chair Allen provided input relative to marijuana being a federal violation and he commented on the action taken last week by the Federal government in California. He commented on the crime that comes with dispensaries and cooperatives; and he noted that law enforcement handles enforcement. Discussion was held. Sheriff Binnewies responded to questions relative to problems with the dispensaries – he is opposed to having dispensaries in the County; and he noted the increased use of marijuana by the youth and resulting problems. County Counsel responded to a question from the Board and recommended that the definition of “medical marijuana dispensary” be amended to read “...to two or more of the following:...” Supervisor Bibby expressed concern with the physicians’ ability to dispense prescriptions for marijuana without the monitoring that is required for other prescriptions. Supervisor Stetson stated he does not have a problem with prohibiting the growing of marijuana in the County; but he is concerned about the ability to obtain medical marijuana for those who are entitled to it. Further discussion was held, including concerns with the lack of control of the product like there is for other prescriptions. Supervisor Bibby asked whether there is anything else needed to address land use issues.

(M)Cann, (S)Bibby, Res. 11-501 was adopted of intent to initiate amendments to the Zoning Ordinance to define and regulate medical marijuana dispensaries and collective and cooperative medical marijuana cultivation, with the language change in the definition of “medical marijuana dispensary” as recommended/Ayes: Bibby, Cann, Allen; Noes: Stetson; Excused: Turpin.

6

**Health**

Request for Variance from Statutory Setback Distance of 100 Feet Between Well and Septic Leachfield in APN 006-160-030, Lloyd Johnson

**BOARD ACTION:** Dr. Mosher presented the request. Dave Conway/Environmental Health, responded to questions relative to the surrounding property. Following discussion, (M)Stetson, (S)Cann, Res. 11-502 was adopted approving the request as recommended/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

7

Consider Items Removed from the Consent Agenda – none

8

**County Counsel**

CLOSED SESSION: Existing Litigation: Paulo Guinn v. County of Mariposa, et al., United States District Court, Eastern District Case No. 1:10-CV-0032-LJO-DLB;

9

**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;

10

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard J. Benson; and

11

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard J. Benson

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

12

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of County Designated Representative: Richard J. Benson; and

13

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Richard J. Benson

**BOARD ACTION:** Supervisor Bibby excused herself from the meeting at 11:09 a.m. for action to hold these closed sessions and for the portion of the closed session on these matters due to a potential conflict of interest as she has a family member that works at the Sheriff's Department. (M)Stetson, (S)Cann, the closed sessions were approved to be held/Ayes: Stetson, Cann, Allen; Excused: Turpin, Bibby. Chair Allen advised that the Board would reconvene in open session at 2:00 p.m. after the closed session items and lunch.

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

**12:29 p.m. Lunch**

**2:04 p.m. The Board Reconvened**

**Report from Closed Session:**

Chair Allen reported that information was received and direction was given for items 8/existing litigation-Guinn case, 9/anticipated litigation, and 10 and 11/labor negotiations with MCMCO and SEIU. He advised that items 12 and 13 (labor negotiations with the other bargaining units) were not discussed.

14

**Planning**

PUBLIC HEARING to Consider General Plan/Specific Plan/Zoning Amendment No. 2011-43 and Amended Site Plan/Amended Conditions No. 2010-161. Action Includes Adopting a Resolution with Findings Adopting a Mitigated Negative Declaration and the Response to Comments Document for this Project; Approving General Plan/Specific Plan/Zoning Amendment No. 2011-43, Amending the Land Use and Zoning for a 5.02 Acre Portion of APN 010-410-013 in the Fish Camp Planning Area from Single Family Residential (5 Acre Minimum) to Resort Commercial; and Approving Amended Site Plan/Amended Application No. 2010-161 Amending the Site Plan and Amending and Adding Conditions for Conditional Use Permit No. 241. Action Includes Waiving the First Reading and Introducing an Ordinance Amending the Fish Camp Specific Plan/Zoning Map by Rezoning 5.02 Acres of Land (Portion of

APN 010-410-013) from the Single Family Residential 5 Acre Minimum Zone to the Resort Commercial Zone Pursuant to General Plan/Specific Plan/Zoning Amendment No. 2011-43. Delaware North Companies (DNC), Project Applicants. Project Site is Located at Intersection of State Highway 41 and Jackson Big Sandy Road in Fish Camp (Continued from September 20, 2011) (Deliberation Phase)

**BOARD ACTION:** Damon Golubics/Senior Planner, presented the staff report and advised that this is a continued hearing for final action to be taken. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed. Staff responded to a question from the Board and advised that the recommended actions implement what was agreed to at the hearing in September, and that there was a typographical correction made. (M)Stetson, (S)Cann, Res. 11-503 was adopted approving the recommended actions; and the first reading was waived and the Ordinance was introduced amending the Fish Camp Specific Plan/Zoning Map as recommended. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. The hearing was closed.

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### **Planning**

PUBLIC HEARING on the Following, Actions Include Adopting a Resolution Approving the Projects, Adopting Notices of Exemption, Waiving the First Reading and Introducing an Ordinance Amending Zoning Ordinance Text:

1. Code Amendment 2011-021: Amendment Title 16, Subdivisions, to Add Section 66434.2 of the California Subdivision Map Act Allowing for Additional Information to be Filed or Recorded Simultaneously with a Final or Parcel Map
2. Code Amendment 2011-022: Amendment to Title 16, Subdivisions, to Add Provisions for a Certificate of Correction Process Pursuant to Sections 66469 through 66472.1 of the California Subdivision Map Act Allowing for the Correction and Amendment of Maps
3. Code Amendment 2011-023: Amendment to Title 16, Subdivisions, to Add Section 66499.33 of the California Subdivision Map Act Allowing for Additional Enforcement Provisions Available to the County of Mariposa As it Pertains to Illegal Subdivision Matters
4. Code Amendment 2011-041: Amendments to Title 17, Zoning, Adding Additional Permitted and Conditional Uses to the Neighborhood Commercial Zone-1, (Indoor) (CN-1) Zoning District and Adding a Definition for “Animal Hospitals and Veterinary Services” to the Definitions Section of the Zoning Ordinance
5. Code Amendment 2010-168: Amendment to Title 17, Zoning, to Amend the Agriculture Exclusive (AE) Zone and the Supplementary Standards to Allow Bed and Breakfasts and Transient Rentals with an On-Site Manager as a Permitted Use in the AE Zone
6. General Plan/Zoning Amendment 2011-024: Amendments to the Mariposa Town Planning Area Specific Plan and Title 17, Zoning, Adding Additional Permitted Uses to the Multi-Family Residential (MFR) and General Commercial (GC) Zoning Districts and Adding Definitions For “Daycare” Type Uses, “Residential Care Facilities,” and “Fitness or Exercise Studio and Health Club” to the Zoning Ordinance
7. General Plan/Zoning Amendment 2011-025: Amendment to the Mariposa Town Planning Area Specific Plan and Title 17, Zoning, Adding an Additional Permitted Use to the Single Family Residential (9,000 Square Foot) Zone (SFR-9K) and Adding a Definition for “Wellness Center” to the Definitions Section of the Zoning Ordinance
8. General Plan/Zoning Amendment 2011-026: Amendments to Section 3 of the Mariposa Town Planning Area Specific Plan and to Title 17, Zoning, Adding “Fitness or Exercise Studio and Health Club” as Either a Permitted Use or Administrative Use to the Professional Office (PO) Zoning District

**BOARD ACTION:** Karen Peneschi/Assistant Planner, presented the staff report, reviewing each of the eight amendments; advised of a typographical correction to the

first amendment in the staff report to reflect Section 66434.2 of the California Subdivision Map Act; requested that a separate resolution be adopted for each of the amendments, that an ordinance be introduced for the Title 16 amendments, and that an ordinance be introduced for the Title 17 amendments – she read the title of each of the ordinances into the record. Sarah Williams, Deputy Planning Director, responded to a question from the Board relative to correspondence that was received previously relative to renting a building in the town planning area for a church and whether that issue has been resolved; and she advised that a written determination was issued that a church would be a similar use to the permitted uses in the General Commercial zone and that action on these amendments codify that and other written determinations. Supervisor Cann asked that staff respond to the issues raised in the letter from Rick Lobaugh after the public input is received. Staff responded to questions from the Board and advised that these amendments were reviewed by the Agricultural Advisory Committee and by the Planning Commission; and that a drive-in restaurant is different than a drive-thru restaurant.

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

Rick Lobaugh, Inter-County Title Company, referred to his letter and asked that the following issues be addressed: 1) clarification of filing additional information simultaneously with a map; 2) clarification of what is appropriate additional information; and 3) relative to the record title interest being affected. He presented a couple of map examples with open space easements for vernal pools and for Elderberry bushes. He stated he does not want to see the title reports become cluttered and noted that it is more costly to record additional documents. He responded to questions from the Board relative to adding notations versus attaching additional information to the maps. He noted that a map could be recorded with additional information or with a notation of an Elderberry bush or for a tree that is habited by an owl and protected, and the bush could die or the tree could fall down – he does not feel that it is appropriate to show these types of things on the map – he feels that these are the types of issues that are reviewed when a permit is applied for.

Ken Melton, following up on the input provided by Rick Lobaugh, stated he feels that it is unlawful for those things to be put on the map; and he noted that there is no follow-through if the vernal pool is filled or if the trees are removed. He requested that a workshop be held to further discuss these amendments before they are approved. He referred to Code Amendment No. 2011-021 and presented information on Section 66434.2 of the California Subdivision Map Act. He gave an example of recording information on water wells that would meet this code section. He noted that the language in the draft resolution is modified from the subject code section and he expressed concern that would allow departments to implement things that are not law. He feels that outside agencies are already included in the CEQA process and by the Government Code. He referred to an example of a property split with Fish and Game recommendations for protecting owl trees as a concern about incorporating outside agencies comments on a map, and stated global warming would be another example.

The public portion of the hearing was closed and the Board commenced with deliberations. Sarah Williams responded to the public input that was received – she referred to Rick Lobaugh's concerns and advised that she does not feel that the amendment changes what has been occurring; she agrees with addressing, perhaps on a case-by-case basis, the recommendations that come from agencies to be included on the maps and she feels that discussion needs to occur when reviewing the subdivisions. She feels the ability to add additional information is a part of the CEQA process; i.e., vernal pools or drainage that a development could have an impact on; and she advised of a recent change to using setbacks versus easements to address mitigations for significant impacts. She advised of discussions relative to coming up with a threshold of significant impacts. She referred to Ken Melton's concerns relative to the

modification of the language and advised that is what they have been doing procedurally. She responded to questions from the Board relative to “clouding parcels” when they are split versus when development is proposed; relative to the recommended actions and what is in affect today; and relative to the issues raised about the additional information. County Counsel responded to a question from the Board relative to clarifying section 66434.2 of the Subdivision Map Act. Further discussion was held. Supervisor Cann asked how owner affidavits would be dealt with to determine what is really needed; and Sarah Williams responded that staff could prepare a report on how they intend to process this for the Board. County Counsel responded to a question from the Board relative to combining actions on the amendments.

Sarah Williams advised of a change requested by the Interim Public Works Director on circle page 20 – section 16.37.020 Form and Contents to delete “registered civil engineer” and advised that a licensed land surveyor could prepare amendments to a map or certificates of correction. Based on a request from the public, the public portion of the hearing was reopened for input on this change only.

Ken Melton asked about commenting on the amendments. Chair Allen advised that the input is limited to the change to section 16.37.020.

The public portion of the hearing was closed.

Motion by Cann to approve amendment numbers 3 through 8 and to introduce ordinances for the amendments to Title 16 and to Title 17, died for lack of a second.

Motion by Bibby to approve amendment numbers 1 through 8, with the change in section 16.37.020 to delete “registered civil engineer” and with the deletion of “based on additional information from the County”; and to introduce ordinances for the amendments to Title 16 and to Title 17, died for lack of a second.

Staff responded to a question from the Board as to what could not be done that they are doing today if amendment numbers 1 and 2 are not approved. Sarah Williams responded and advised that they have a corrected map that is waiting for amendment number 2 to be adopted before it can be finalized.

(M)Cann, (S)Bibby, the following resolutions were adopted adopting Notices of Exemption and of intent to initiate amendments:

Res. 11-504 for Code Amendment No. 2011-022, with the modification to delete “registered civil engineer”;

Res. 11-505 for Code Amendment No. 2011-023;

Res. 11-506 for Code Amendment No. 2011-041;

Res. 11-507 for Code Amendment No. 2010-168;

Res. 11-508 for Code Amendment No. 2011-024;

Res. 11-509 for Code Amendment No. 2011-025; and

Res. 11-510 for Code Amendment No. 2011-026;

and the first reading was waived and an Ordinance was introduced amending the Zoning Ordinance text for the amendments to Title 16 (amendment numbers 2 and 3);

and the first reading was waived and an Ordinance was introduced amending the Zoning Ordinance text for the amendments to Title 17 (amendment numbers 4 through 8)/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

(M)Bibby, (S)Stetson, Res. 11-511 was adopted adopting a Notice of Exemption and of intent to initiate amendments to Code Amendment No. 2011-021; and the first reading was waived and an Ordinance was introduced amending the Zoning Ordinance text for the amendment to Title 16 (amendment number 1); with the condition that if there is a situation where an individual does not want something included on a map, it can be dealt with during the public hearing process before the Planning Commission or the Board of Supervisors. Staff responded to additional questions from the Board as to what would happen if initiation of this amendment is not approved today; and relative to the concerns that have been expressed. Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin. The hearing was closed.

## Consent Agenda

- CA-101      **Clerk of the Board**  
Approval of Summary of Proceedings of October 4, 2011, Regular Meeting
- CA-102      **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-492
- CA-103      **Administration**  
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-493
- CA-104      **Public Works**  
Reject all Bids for the Site Work for the Fish Camp Fire Station Project; Res. 11-494
- CA-105      **Public Works**  
Resolution Summarily Vacating a Portion of the Public Road and Utility Easements within Yosemite Park Way in the Yosemite West Subdivision; Res. 11-495
- CA-106      **Public Works**  
Approve the First Amendment to an Agreement Extending the Terms, with Howk Systems to Install and Supply Necessary Parts for the Yosemite West Maintenance District Water System, and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-496
- CA-107      **Human Services**  
Reappoint LuEllen Luker and Inez Terra to the Alcohol and Drug Abuse Advisory Board with Terms to Expire October 11, 2014
- CA-108      **Fire**  
Permit Company 37, Bootjack, to Park Fire Apparatus Outside of Station 37 Overnight on October 28, 2011; Res. 11-497
- CA-109      **Probation**  
Accept One-Time Grant Funding in the Amount of \$100,000 from the State of California for Costs Associated with AB 109 Planning, and Approve Budget Action Increasing Revenue and Appropriations in the Probation Department Budget (\$100,000) (4/5ths Vote Required); Res. 11-498
- CA-110      **Probation**  
Accept One-Time Grant Funding in the Amount of \$11,678 from the State of California for AB 109 Training Costs, and Approve Budget Action Increasing Revenue and Appropriations in the Probation Department Budget (\$11,678) (4/5ths Vote Required); Res. 11-499
- CA-111      **Probation**  
Approve an Agreement with Robert Montgomery, Sr. Consultant, to Conduct an Assessment of Issues and Opportunities Surrounding the Implementation of AB 109 and the Possibility to File Medi-Cal Claims as Part of a Community Diversion Program in an Amount Not to Exceed of \$11,331, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-500

**3:38 p.m.** Adjournment in memory of Elizabeth Garrison and Gayle M. Kelly.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN,  
Chair, Board of Supervisors





## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS October 18, 2011



Folder      Time      Description

**9:02 a.m.** Meeting Called to Order at the Mariposa County Government Center.  
Supervisor Turpin was welcomed back.

Pledge of Allegiance

Chair Allen called for a moment of silence for our men and women fighting for our freedoms; and for special prayer for Supervisor Turpin's continued recovery.

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:  
Ruth Catalan referred to item 105 and asked whether the bids should include all of the janitorial and supply services for the County.  
Lester Bridges referred to item 107 and advised that the Chamber appreciates the recognition of the local heroes.  
Chair Allen pulled item 101 for separate action. Supervisor Turpin requested that the names of the local heroes in item 107 be read into the record. Supervisor Bibby pulled item 106 for discussion. Supervisor Cann referred to item 105 and Rick Benson/County Administrative Officer advised that he will further review this item with the Interim Public Works Director – the item was continued to October 25, 2011. Chair Allen read the names of the local heroes in item 107 into the record. (M)Turpin, (S)Stetson, the balance of the items was approved/Ayes: Unanimous. (M)Bibby, (S)Stetson, item 101 was approved/Ayes: Stetson, Bibby, Cann, Allen; Abstained: Turpin.
- 2      **Chair Allen**  
Proclaim the Week of October 23<sup>rd</sup> through October 31<sup>st</sup>, 2011, as “Red Ribbon Week” (Sheriff)  
**BOARD ACTION:** (M)Bibby, (S)Cann, the Proclamation was approved and presented to Doug Binnewies, Sheriff/Ayes: Unanimous. Sheriff Binnewies provided input on the importance of encouraging individuals to abstain from substance use and noted the organizations that are involved; and he introduced Cinnamon Fleener/Interim Executive Director and Mariah Tate with Mariposa Safe Families, Inc. Mariah Tate also provided input.

Departmental Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda – none

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

Jeff Hentz, Executive Director of the Yosemite/Mariposa County Tourism Bureau, advised of discussions with the Tour of California/Amgen Race relative to their schedule and route for May 2012 – preliminarily they are hoping to stage a finish in Mariposa, have the route go through Coulterville and incorporate Yosemite in the route. Discussion was held.

Pete Judy, resident of District IV, urged attendance at the Rachel's Challenge event at the school this evening. Supervisor Cann commented on the recent soccer games with Pete Judy and Doug Binnewies' children.

Lester Bridges, President and Interim Executive Director for the Mariposa County Chamber of Commerce, welcomed Supervisor Turpin back; noted the Chambers' support for the Amgen Race; advised that the Chamber will be closed on Sundays beginning in November; noted they are trying to have the Park Rangers help during the holidays; advised that the visitor center numbers are up in October; invited everyone to the Heroes Dinner on Saturday; and he thanked the Board for its support of the Chamber.

Eleanor Keuning welcomed Supervisor Turpin back; noted the upcoming Chamber mixer; advised of discussion at the downtown merchants meeting relative to a chain hotel in town that is getting complaints; advised that the Mariposa Symphony is performing Saturday and hopes people can attend the Heroes Dinner and the Symphony's performance; and she commented on bullying issues and the need for young parents to be aware.

Lester Bridges referred to Eleanor Keuning's input and advised that they set the recognition for Dr. Smith at 6:00 p.m. for those who want to attend both functions.

#### Board Information

Supervisor Turpin stated he and his wife, Suzanne, thank everyone for their thoughts and prayers, and for the many cards following his accident. He noted that on his way to the meeting this morning that boats are still launching at Bagby and he passed two logging trucks. He commended Public Works for the road work/new surface on J132/John Muir Route from Highway 49 to the Tuolumne County line.

Supervisor Cann noted that he is happy to have Supervisor Turpin back. He attended the AB939/Solid Waste Task Force meeting on Wednesday, and he noted they are working to consolidate the various solid waste committees and are working on solid waste issues, and the Interim Public Works Director was named as Chair of the Task Force. He advised that notification was received on Thursday of the award of \$341,000 for the Safe Routes to Schools for sidewalks in town, and he thanked everyone involved in the grant application including Townsend. He noted that CalTrans is planning to do more sidewalk work on Highway 49 North. He attended the BBQ lunch for Supervisor Turpin and his family on Saturday and he toured the Hotel Jeffery. He attended the Fire Fighters Appreciation BBQ on Sunday. He noted the Friends of the Fairgrounds is meeting on Thursday, and he commented on the importance of the Fairgrounds for events including being considered for the Amgen Race route. He advised that he is looking forward to the Chamber's Heroes Dinner on Saturday.

Supervisor Stetson advised that he attended the El Portal Planning Advisory Committee meeting on Tuesday evening and discussion was held relative to the status of the closure of the gas station. He had a meeting with Ron Loya on Parks and Recreation issues for Midpines and El Portal and the status of the Parks Master Plan. He met with the Fire Safe Council and residents of Midpines on Wednesday on the possibility of applying for a Sierra Nevada Conservancy grant for a fuel reduction

project. He plans to attend the Midpines Planning Advisory Committee meeting this evening and the Interim Public Works Director will be there for discussion on the status of the fire station project.

Supervisor Bibby extended a special welcome back to Supervisor Turpin, and thanks to Suzanne and his family. She complimented the Mariposa FFA members for the Opening and Closing Ceremony team's performance in Gustine and for being well behaved. She attended the Fire Fighters picnic on Sunday and thanked those who put their lives on the line to protect others. She noted the Rachel's Challenge presentation at the High School this evening. She attended the Concealed Weapons Permit training on Saturday and thanked the trainers for providing this service. She advised of the Mother Lode Job Training meeting on Monday – discussion relative to funding and interviewing candidates for the Executive Director position. She noted there is a grant program that benefits museums and she forwarded the information to Ron Loya and Parks and Recreation, and that this may be of assistance with the Mining and Mineral Museum.

Supervisor Allen advised that he had a meeting on Monday at the Government Center with the attorney representing Fish Camp residents relative to flooding issues, etc.; and he thanked Public Works staff for providing documents on this issue. He attended the AB109/Community Corrections Program meeting on Friday and the Criminal Justice and Mental Health Collaborative meeting on Monday evening – he commended everyone that is involved in these programs. He met with a representative from Habitat for Humanity from Ventura doing a review of the local program and the Brush with Kindness program, and he noted the benefit of these programs to the County. He attended the event for Supervisor Turpin and his family on Saturday and he toured the Hotel Jeffery; then he attended the BBQ at the Ponderosa Basin Fire Station. He attended the Fire Appreciation picnic on Sunday, and he thanked the Chiefs and Chief Wilson's wife, along with all of the volunteers for all that they do and for a wonderful event. He stopped by the Concealed Weapons Permit class on Saturday and noted that the class was full. He plans to attend the Rachel's Challenge event tonight – he noted that he has seen the presentation before and he encouraged citizens to attend. He plans to attend the fire station meeting on Wednesday; the Fish Camp Town Planning Advisory Committee meeting on Saturday; and the Heroes Dinner on Saturday night.

Supervisor Cann commented on the AB109 committee's work and the collaborative efforts in Mariposa County.

- 7 Consider Items Removed from the Consent Agenda  
CA 106 – Jim Rydingsword/Human Services Director, responded to questions from Supervisor Bibby on this item. (M)Bibby, (S)Stetson, item 106 was approved/Ayes: Unanimous.

**9:57 a.m.** Board Convened as

**LOCAL TRANSPORTATION COMMISSION**

(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Lee Stetson)

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

4 **Public Works**

PUBLIC HEARING to Adopt the Final Short Range Transit Plan (SRTP)

**COMMISSION ACTION:** Barbara Carrier/PWD-Transportation Planner, presented the staff report and responded to questions from the Commissioners relative to YARTS ridership for workers; limitations on the use of the increase in funding; status of fare

box returns and TDA funding; and relative to service to the new Human Services facility. Commissioner Stetson noted that YARTS information is available; and he noted that they are reviewing being able to have tickets available at Rite Aide since it is next to the Park and Ride facility. Commissioner Cann commented on the importance of the transit system with the increase in Park visitation and traffic congestion.

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

Jim Rydingsword/Human Services Director, commended Barbara Carrier and the Social Services Transportation Committee for their work on the Plan and for including the new Human Services facility in the transit route.

The public portion of the hearing was closed and the Commission commenced with deliberations. (M)Cann, (S)Allen, LTC Res. 11-22 was adopted approving the Short Range Transit Plan. Commissioner Bibby noted the need to keep Public Works in the loop with the discussions on developing a visitor center at the Highway 140 intersection. Ayes: Unanimous. The hearing was closed.

**10:08 a.m.** Reconvened as  
**BOARD OF SUPERVISORS**

5

**Administration**

Deny Request to Promote an Engineering Technician II to an Engineering Technician III

**BOARD ACTION:** Rick Benson reviewed the Board's recent action with the hiring freeze and advised of his review of this request and recommendation for denial. He also advised of additional information that was received from SEIU on late Monday and noted that their representative was unable to be present. Discussion was held relative to the criteria for the Engineering Technician I, II and III and promotions; status of staffing in the Department; and whether a desk audit was performed. Peter Rei, Interim Public Works Director, provided input on the request and the work that is being performed by the Engineering Technician II. Supervisor Bibby requested that more information be provided in the future on these types of requests and that there be a review of whether subject employees are working out of class.

Input from the public was provided by the following:

Cheryl Jay presented information on her background with Public Works and the work she has been doing. She noted that a previous Public Works Director requested a promotion to the III level for her, but it was denied because she did not meet the five years in the II position. Discussion was held with Cheryl relative to the duties she performs and her understanding of the parameters for going from the II to the III level.

(M)Cann, (S)Bibby, Res. 11-515 was adopted approving the promotion request to an Engineering Technician III level. Supervisor Bibby stated she would like to see a desk audit for these types of requests versus this public discussion. Supervisor Allen stated he feels that Administration/Personnel needs to review the I, II, and III levels and develop promotional criteria beyond the years of service criteria with the Public Works Director, and the Board concurred. Ayes: Unanimous. Rick Benson commented on the Board's review of these items and noted that the issue of working out of class was never raised in the information he received; and he advised that he does not have staff time to do a desk audit for every request.

6

**Chair Allen**

Select the California State Association of Counties (CSAC) Director and Alternate (s) for 2012

**BOARD ACTION:** Supervisor Turpin initiated discussion relative to this matter and advised that he will not be able to attend the conference or their Ag and Natural

Resources Committee meetings at this time. Supervisor Cann advised that he is attending the conference for RCRC, and he noted the importance of the Ag and Natural Resources Committee's work to the County and advised that he will not be able to attend their Committee meetings. Supervisor Stetson stated he is willing to be the director and will seek information from Supervisors Turpin and Bibby on the agricultural issues that come up. (M)Bibby, (S)Turpin, Supervisor Stetson was selected as the Director with the remaining four Board members selected as alternates/Ayes: Unanimous. Discussion was held relative to attendance at the conference – Supervisor Stetson does not plan to attend since Supervisor Cann is attending and he can vote as an alternate for the County. Membership on the Ag and Natural Resources Committee will be addressed separately.

8

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard J. Benson;

10

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of County Designated Representative: Richard J. Benson; and

11

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Richard J. Benson

**BOARD ACTION:** Chair Allen advised that these items were withdrawn.

9

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard J. Benson

**BOARD ACTION:** (M)Bibby, (S)Stetson, this closed session was held at 11:11 a.m./Ayes: Unanimous. Chair Allen advised that the Board would reconvene in open session at 2:00 p.m. after the closed session item and lunch.

**11:32 a.m. Lunch**

**2:03 p.m. Reconvened**

**Report from Closed Session:**

Chair Allen advised that information was received on item 9/labor negotiations with MCMCO.

12

**Planning**

PUBLIC HEARING to Consider Zoning Amendment No. 2010-162. Action Includes Adopting a Resolution Approving Zoning Amendment No 2010-162 and Finding that the this Amendment is Exempt from Environmental Review; and Waiving the First Reading and Introducing an Ordinance Amending the Zoning Map by Rezoning Three Parcels Totaling 437 Acres Currently in the Mountain Preserve Zone (160 Acre Minimum) to the Agriculture Exclusive Zone (160 Acre Minimum.); Jerry Cox (Bison Creek Ranch), Project Applicant. The Property is Located at 6071 CYA Road/APNs 008-140-021, 008-140-022, and 008-140-023

**BOARD ACTION:** Kris Schenk/Planning Director and Sarah Williams/Deputy Planning Director, were present to respond to questions. Alvaro Arias/Associate Planner, presented the staff report and advised that the purpose of this hearing is only

for the zoning amendment; and he advised of a correction in the staff report on circle page 16 to change Mountain Transition to Mountain Preserve. He responded to questions from the Board relative to the allowed uses of the guest cabin; and relative to the date this property was brought into the Williamson Act and the timelines for the zoning amendment.

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

Anna McLean advised that Jerry Cox is a neighbor and that he has an easement across her property. She stated that he removed the asphalt road in 2001 without her authorization, and that an agreement was reached through the District Attorney's office on December 3, 2005, relative to restoration of her driveway. She advised that the terms of the agreement have not been met and expressed concern with the dust impacts to her health and with the lack of good access. She also noted that recently strangers stop at her house looking for the Cox residence for weddings and other events.

Mike McLean advised that there has been a serious dust issue since the asphalt was removed and that the neighbor did not have any right to remove it. He expressed concern about the use of the property for commercial purposes, weddings and pack mule trips, etc., and he referred to the website for the Bison Creek Ranch. He does not feel that they will abide by the new zoning and asked the Board to oppose it based on the past history. He noted that small buses are going up and down the road for the events; and that the buffalo have caused problems with the neighbors.

Walt McLean referred to his history with the property and advised that people come in late at night looking for the Ranch and that some of the guests come back asking for assistance with opening the gate to the Ranch. He urged the Board to oppose the zoning amendment as he does not feel that the property owner will abide by the regulations. He stated he feels that this needs an environmental review as a lot of road work is being done that he feels should be reviewed by Fish and Game, BLM, and other agencies due to potential harm to the environment in the area.

Mike McLean asked whether the Board could look at the website to see the activities being conducted by the Ranch as they do not feel that it meets the zoning.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to today's item and clarifying that it does not include the issues that were raised relative to violations or use permits or compliance with the Williamson Act contract; whether there is anyone following up on compliance issues; clarifying that this is the same request that was heard by the Planning Commission; requesting that anytime public testimony is received that raises code compliance issues that the concerns be forwarded to the appropriate parties to be dealt with; what the ramifications would be if the Board does not approve this zoning amendment and what the impact would be on the Williamson Act contract; relative to continuing the hearing for more information to be obtained on the questions that were raised; and relative to the policies/requirements to rezone the property at the time the Williamson Act contract was entered into in 1989. The hearing was continued to November 22, 2011, at 2 p.m. for staff to do further research on the issues that have been raised. Board members asked that staff bring back information on issues relative to the existing land uses; Williamson Act contract responsibilities and whether the contract can be cancelled and the ramifications. Steve Dahlem, County Counsel, clarified that the hearing is being continued with the direction given to staff, and the public portion of the hearing will remain open; and he admonished the Board not to take any information from the public or staff that is not on the record – any input needs to be on the record.

**Planning**

PUBLIC HEARING to Consider Zoning Amendment No. 2010-174. Action Includes Adopting a Resolution Approving Zoning Amendment No. 2010-174 and Finding that this Amendment is Exempt from Environmental Review; and Waiving the First Reading and Introducing an Ordinance Amending the Zoning Map by Rezoning One Parcel of 240 Acres Currently in the Mountain General Zone (40 Acre Minimum) and Mountain Home Zone (5 Acre Minimum) to the Agriculture Exclusive Zone (160 Acre Minimum.) Charles Michael and Mary Kathrine Copeland, Project Applicants. The Property is Located at 3456 Brooks Road/APN 014-380-021

**BOARD ACTION:** Alvaro Arias/Associate Planner, presented the staff report.

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

Mary “Kathy” Copeland/applicant, stated they have been trying to move this zoning amendment through as fast as possible so that they can comply with their Williamson Act contract; and she noted their uses are in compliance.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to a question from the Board clarifying that the land is being used for agriculture exclusive purposes. (M)Cann, (S)Turpin, Res. 11-516 was adopted approving Zoning Amendment No. 2010-174 as recommended; and the first reading was waived and an Ordinance was introduced amending the Zoning Map as recommended. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous. The hearing was closed.

**Consent Agenda**

CA-101

**Clerk of the Board**

Approval of Summary of Proceedings of October 11, 2011, Regular Meeting

CA-102

**Administration**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-512

CA-103

**Administration**

Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-513

CA-104

**Administration**

Informational Report of Liability Claims Rejected by the County Administrative Officer/Risk Manager for the Months of August and September, 2011

CA-105

**Public Works**

Authorize Public Works to Advertise for Bids for Uniform Rental, Laundry Service, and Related Janitorial Services and Supplies; Award the Agreement to the Lowest Responsible Bidder, and Authorize the Public Works Director to Sign the Agreement (Agreement Subject to County Counsel Review as to Form); Continued to October 25, 2011

CA-106

**Human Services**

Authorize the Human Services Department to Submit the Disaster CalFresh County Plan (Formerly Known as Food Stamps); Res. 11-514

CA-107

**Chair Allen**

Approve Certificates of Recognition for the Following “Local Heroes”: Debbie Cook, Tyson Wellcome, Rachel Friesen, Dr. Phillip Smith and the Mariposa County High School Grizzly Marching Band, Mountain Crisis Services, and Jordan Robertson

**3:01 p.m.** Adjournment in memory of Paul M. Streller, Betty Keller, and Stanford Hugo Stoffels.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors





# MARIPOSA COUNTY BOARD OF SUPERVISORS



## SUMMARY OF PROCEEDINGS October 25, 2011

<u>Folder</u>	<u>Time</u>	<u>Description</u>
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**9:04 a.m.** Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Chair Allen called for a moment of silence for our men and women fighting for our freedoms.

Introductions – Chair Allen introduced Sergeant Becky Hagen, California Highway Patrol, and a graduate of Mariposa County High School, and congratulated her on her promotion.

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| 1 |  | <p>Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)<br/> <b>NOTE:</b> 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<br/> <b>BOARD ACTION:</b> Input from the public was provided by the following:<br/> Ruth Catalan referred to item 111 stating she feels the uniforms item is still not explained. She also commented that she is not able to download the pdf files of our Board items.<br/> Eleanor Keuning referred to item 108 relative to the user fee schedule from Parks &amp; Recreation stating that the schedule is confusing and suggested adding “Mariposa County Parks and Recreation” Fee Schedule and a phone number. She raised questions relative to the meaning of non-profit use and multiple vendors, and relative to ball park lighting fees.<br/> Supervisor Turpin requested clarification on item 114. Supervisor Bibby responded to Eleanor Keuning advising that contact will be made with Parks and Recreation to clarify the fee schedule to a user friendly method. Steve Dahlem, County Counsel, responded to Supervisor Turpin’s question relative to language in the contract, advising that the agreement includes the standard language for an independent contractor and that the issue relates to not providing office space to the contractor. Steve Dahlem advised that he is comfortable with the language and would be happy to address it if someone had a complaint. Peter Rei, Interim Public Works Director, responded to Ruth Catalan’s comment advising that all of the janitorial and supply services for the County are in one contract. (M)Bibby, (S)Stetson, all items were approved/Ayes: Unanimous.</p> |
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**Chair Allen**

Resolution and Tile Plaque Recognizing Susie Gordo, Upon her Retirement from the Human Services Department (Human Services)

**BOARD ACTION:** (M)Bibby, (S)Cann, Res. 11-517 was adopted and presented to Susie Gordo, along with the tile plaque/Ayes: Unanimous.

Departmental Presentation: For Items within the Jurisdiction of the Board and not on Today's Agenda - None

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

Ruth Catalan, Ruth Sellers, and Marvin Wells donated coffee, and cups, and Ruth Catalan volunteered to come in and make the coffee each week.

Michael Martin presented the Board with an article from National Geographic relative to the Merced River and read from the article. He requested the Board to open up the dialog and read about the Ferguson slide road reconstruction so that the public and the Board can become informed as to the impacts of the Merced Irrigation District (MID) proposal to flood and destroy a portion of the Merced River's wild and scenic nature.

Brad Aborn presented a card to Supervisor Turpin and welcomed him back. He mentioned a story about when he first moved to Mariposa relative to a problem regarding property taxes and how Supervisor Turpin assisted him. He stated that he was disappointed on the item relative to dispensaries for marijuana and feels it was out of line to bring the Sheriff into this. He spoke of an overdose issue at his daughter's college and commented on the potential of one drug leading to another.

Lester Bridges, Chamber of Commerce Interim Executive Director, commented that Courthouse tours have been slow; they are gearing up for the Trans Valley Youth Football League Super Bowl and Open House; they had a successful Chamber Heroes dinner last Saturday night and appreciate the support of the Board of Supervisors, and advised that the mixer scheduled for tonight has been canceled.

Eleanor Keuning commented that there wasn't enough parking for the Symphony, the Black and White Ball, and Trans Valley Youth Football League Super Bowl and Open House the first weekend of November and feels there shouldn't be multiple events on the same night.

**Board Information**

Supervisor Bibby advised that Mother Lode Job Training (MLJT) hired Jeffrey Dickerson, Executive Director, who has eighteen years with work force investment activities, he will be coming to the (MLJT) Board due to a short fall in funds and will be looking for CDBG funds for Human Services to write a grant to assist with the short fall. She attended the School Board meeting where the Catheys Valley Charter School gave their presentation, and advised that the School Board will be voting on November 17<sup>th</sup> relative to Charter School. She congratulated Becky Hagen, CHP, and stated she is happy to see a Grizzly graduate come back home to make our community safer. She attended the Chamber Heroes dinner, and congratulated the recipients. She advised that Flu shots will be given today at the fairgrounds from 2 to 4 p.m., Oktoberfest is on October 30<sup>th</sup> at McCay Hall, and the volunteer fire department is holding a trunk-or-treat event at McCay Hall on Halloween, October 31<sup>st</sup>. She gave a special thank you to all businesses and houses for their participation on Halloween and asked that everyone stay safe.

Supervisor Stetson attended the Midpines Advisory Committee last Tuesday night with Peter Rei, Interim Public Works Director, who has done wonderful and stated that he enjoys working with him. He advised that he will be attending the first Merced River Plan presentation in El Portal at 5:00 p.m. tonight and the Midpines Fire Station ground breaking ceremony at 2:00 p.m. this afternoon.

Supervisor Cann attended the final meeting of the Mariposa Yosemite Forum last Wednesday, which had been held once a month since 1998, and advised that this forum spawned the Gateway Partners Association. Wednesday he attended the Tourism Bureau meeting with Lester Bridges, Interim Executive Director, where discussion was held relative to the Amgen Tour, and advised that the Park Service decided not to allow the Amgen Tour in the Park due to displacing tourists. He was told that Amgen anticipates announcing their final routes later today and has been told that they will come through Mariposa for the event in mid May, 2012. Thursday a meeting was held regarding watershed, and he mentioned a grant application process for approximately \$500,000 to move forward with the overall watershed planning for the County, and stated that he feels that we are very fortunate that there is good representation from across the community. He thanked Lester Bridges for his hard work relative to the Heroes dinner, and the great send off for the band. He had a meeting yesterday with two business potentials, one being an expansion of a current business and the other an olive oil business. Tomorrow he will meet with the Park Service and the local office building owners of the previous Human Services location to move the project forward.

Supervisor Turpin asked Supervisor Stetson about three brand new YARTS buses that were empty. Supervisor Stetson advised that YARTS has acquired three new buses, and they are currently being dressed and decaled, before their inaugural and will be brought into service shortly. Supervisor Turpin advised that there was a bass boat at the Bagby Bridge this morning which is a sign that there is enough water to launch boats. He spotted a load of cedar and a load of pine this morning and commented that the industry is having a hard time but they are surviving. Station 26 fire brigade is planning a tree lighting ceremony in Coulterville. He will be joining Dr. Mosher tomorrow for a ribbon cutting ceremony for a generator installation that will provide full time power for cooling center and warming center in Coulterville.

Supervisor Allen attended a fire station meeting last week, and advised that the Fish Camp ground breaking will not occur until next year, and that french drains have been installed to handle the snow that is coming. He advised that the Fish Camp Fire Station is required to be completed by September of 2012. He commented relative to the flu shots at the fairgrounds advising that Dr. Mosher is attempting to stream people into the building so they are not in the sun. Yosemite Zip Line Adventures is now open. He advised that Margie is not here today because she is on Grandma duty, and thanked Tracy for being here in her stead.

3

### **Planning**

Waive the Second Reading and Adopt an Ordinance Amending the Fish Camp Specific Plan/Zoning Map Pursuant to General Plan/Specific Plan/Zoning Amendment No. 2011-43. The Ordinance will Reclassify 5.02 Acres of Land (Portion of APN 010-410-013) from the Single Family Residential 5-Acre Minimum Zone to the Resort Commercial Zone; Delaware North Companies (DNC), Project Applicants

**BOARD ACTION:** Supervisor Bibby noted clerical changes. Supervisor Cann noted the arduous process. (M)Cann, (S)Bibby, Chair Allen read the title of the Ordinance into the record, motion was amended to include clerical adjustment, agreeable with the maker, the second reading was waived and Ordinance No. 1082 was adopted amending the Fish Camp Specific Plan/Zoning Map Pursuant to General Plan/Specific Plan/Zoning Amendment No. 2011-43/Ayes: Unanimous.

4

### **Administration**

Adopt a Resolution Accepting Membership in the Central Sierra Economic Development District (CSEDD); and Appoint a Representative and Alternate to Represent Mariposa County on the Central Sierra Economic Development District (CSEDD) Committee

**BOARD ACTION:** Rick Benson, County Administrative Officer (CAO), presented the staff report and commented relative to the Board's request to becoming a member of this

District. Rick Benson responded to Steve Dahlem, County Counsel, explaining that the CSEDD are changing their Joint Powers Agreement (JPA) and that we would be incorporated into their original document which was approved in 1976, he advised that County Counsel is reviewing this and does not feel this will be a problem, and that the controlling document is our resolution accepting membership into the CSEDD. Rick Benson advised that if the Board decides to approve this item a representative and an alternate will have to be appointed, and advised that the district meets once a month and rotates the location of the meeting. Discussion was held and the language “curtail” was amended to “streamlined” in the resolution. Further discussion was held relative to the necessity of this membership to enable Mariposa County to apply for Economic Development grants and the State and Federal components of Commerce and Economic Development’s strong recommendation to become a member of this regional group. Steven W. Dahlem, County Counsel, requested the Board’s direction to work with legal counsel on the JPA to indicate in the document that Mariposa agrees to comply with the terms of the JPA effective as of it’s membership date which is October of 2011, and stated he would follow up with legal counsel to clarify the pages to be included in the JPA. Marilyn Lidyoff, Economic Development Coordinator, advised that without CSEDD the large scaled projects are ineligible. Discussion was held relative to fees for the membership, a clause for withdrawal by any member, language within the agreement that indicates that the member agencies will not be liable for the debts of the JPA, and a comprehensive list of potential projects. (M)Cann, (S)Bibby, Res. 11-531 was adopted Accepting Membership in the Central Sierra Economic Development District (CSEDD)/Ayes: Unanimous. Direction was given to County Counsel to work with Supervisor Cann and legal counsel to amend the language in the JPA to reflect the date that Mariposa County will become a member. (M)Bibby, (S)Turpin, Supervisor Cann was appointed as the Mariposa County representative/Ayes: Unanimous. Discussion was held relative to the alternate attending the meetings with the appointed representative. (M)Turpin, (S)Bibby, Supervisor Stetson was appointed as alternate/Ayes: Unanimous.

5 Consider Items Removed from the Consent Agenda – None.

6 **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;

7 **Administration**

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

9 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard J. Benson

**BOARD ACTION:** (M)Bibby, (S)Cann, the Closed Sessions were held at 10:31 a.m./Ayes: Unanimous.

8 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard J. Benson;

10 **Administration**

- 11 **CLOSED SESSION:** Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of County Designated Representative: Richard J. Benson; and  
**Administration**  
**CLOSED SESSION:** Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Richard J. Benson.  
**BOARD ACTION:** Chair Allen advised that these items were withdrawn.

**11:27 a.m. Report from closed session:**

Chair Allen announced that direction was given to staff on items 6 and 7, and information was received on item 9 of the closed session items.

**11:28 Noon Lunch**

**2:00 p.m. CALENDAR – RECONVENED AT THE NEW MIDPINES FIRE STATION, LOCATION 6364 HIGHWAY 140, MARIPOSA**

- 12 **County Fire**  
 A) Ground Breaking Ceremony for the Construction of the New Midpines Fire Station;  
 No Folder  
**NOTE:** No County Business will be Conducted During the Ceremony  
 B) Adjourn Meeting
- 13 **3:30 p.m. LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting**  
**(See Separate Minutes)**

**Consent Agenda**

- CA-101 **Clerk of the Board**  
 Approval of Summary of Proceedings of October 18, 2011, Regular Meeting
- CA-102 **Administration**  
 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-518
- CA-103 **Administration**  
 Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-519
- CA-104 **Administration**  
 Approve the Juvenile Defense Attorney Service Agreement with Mariposa County Superior Court, and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Reducing Revenue and Appropriations to Recognize the Correct Amount of Reimbursement from Superior Court (\$2,259) (4/5ths Vote Required) ; Res. 11-520

- CA-105      **Agricultural Commissioner**  
 Approve Statewide Exotic Pest Detection Agreement No. 11-0170 for FY 2011/2012 with the California Department of Food and Agriculture (CDFA), and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-521
- CA-106      **Agricultural Commissioner**  
 Approve Agreements with Dan Wice and Custom Weed Control for Implementation of the Mariposa County Noxious Weed Work Plan, and Authorize the Board of Supervisors Chair to Sign the Agreements; Res. 11-522
- CA-107      **Fire**  
 Authorize the Fire Chief to Apply for and Receive the FY 2011-2012 Emergency Management Performance Grant from CalEMA; Res. 11-523
- CA-108      **Public Works**  
 Approve January 1, 2012, as the Effective Date for Implementation of the New Fee Schedule for the Parks and Recreation Division; Res. 11-524
- CA-109      **Public Works**  
 Accept the Triangle Road Project as Complete, and Authorize the Public Works Director to Record the Notice of Completion and Release the Retention; Res. 11-525
- CA-110      **Public Works**  
 Approve the Plans and Specifications for the Remodel of the Lower Courtroom at the County Courthouse to Accommodate Jury Trials, and Authorize the Public Works Director to Solicit Bids for the Project, Award the Agreement to the Lowest Responsible Bidder, and Sign the Agreement (Subject to Review and Approval as to Form by County Counsel) ; Res. 11-526
- CA-111      **Public Works**  
 Authorize Public Works to Advertise for Bids for Uniform Rental, Laundry Service, and Related Janitorial Services and Supplies; Award the Agreement to the Lowest Responsible Bidder, and Authorize the Public Works Director to Sign the Agreement (Agreement Subject to County Counsel Review as to Form) (Continued from October 18, 2011) ; Res. 11-527
- CA-112      **Sheriff**  
 Approve the Temporary Closure of the South Bound Lane on Jones Street and the North Bound Lane on Bullion Street and the Closure of 13<sup>th</sup> and 12<sup>th</sup> Streets Between Jones and Bullion Street to Create Safety Lanes During Halloween Trick or Treating Activity; Res. 11-528
- CA-113      **Chair Cann**  
 Ratify a Letter Supporting Proposed Legislation for the National Park Service (NPS) to Acquire Land in Mariposa County for a Visitors' Center for Yosemite National Park; Res. 11-529
- CA-114      **Public Works**  
 Approve an Agreement with Palmer Tractor for the Site Work for the Midpines Fire Station in the Not to Exceed Amount of \$229,679.87, and Authorize the Public Works Director to Sign the Agreement; Res. 11-530

**2:20 p.m.** Adjournment in memory of Herbert G. Reece, Jr. and Jeanette K. Prue.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

By: TRACY GAUTHIER  
Deputy Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

November 1, 2011



Folder \_\_\_\_\_ Time \_\_\_\_\_ Description \_\_\_\_\_

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

Pledge of Allegiance

Chair Allen called for a moment of silence for our men and women fighting for our freedoms.

Introductions

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)Cann, (S)Stetson, all items were approved. Discussion was held relative to the possibility of notices being sent to residents regarding closing their local Post Office, Supervisor Bibby asked that if this happens to please notify the Board of Supervisors so that a letter writing process can be initiated. Supervisor Bibby noted that the Hornitos Post Office Board agenda item will be on the November 8, 2011, agenda. Rick Benson, County Administrative Officer, responded to Supervisor Turpin in clarification of item 103, advising that the Townsend agreement is a specific project agreement for \$10,000 for the side walk project in which the County received grant funds. Ayes: Unanimous.

2 **Chair Allen**  
Proclaim the Month of November, 2011, as “National American Indian Heritage Month” (Connie Waldron and Andrea Summerlin, Merced River Chapter of the DAR; Toni Brochini, American Indian Council of Mariposa County)

**BOARD ACTION:**  
(M)Bibby, (S)Cann, the Proclamation was approved and presented to Andrea Summerlin. Supervisor Cann thanked Connie Waldron and Andrea Summerlin for bringing this item before the Board/Ayes: Unanimous.

Departmental Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda - none

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

Input from the public was provided by the following:



Jeff Gabe spoke regarding issues on the Merced River and presented Resolution No. 92-509 that was previously passed by the Board of Supervisors to support the Rail-To-Trail concept for the Merced River Corridor. He stated he would like to see some progress made on this resolution that was passed nineteen years ago. He brought up discussion relative to a section of trail that was dedicated between Railroad Flat and North Fork, the 80 mile trail system connecting the Central Valley with the National Park, commenting that very little progress has been made and in fact some ground has been lost due to the floods in 1997, roughly 1/3 of this 80 mile proposed multi use recreational trail lies within the jurisdiction of Merced Irrigation District (MID) and a group of individuals such as NGO's and resource agencies have been participating in the FERC process, attempting to revitalize this proposal and he feels that to date MID has not been receptive to suggestions and requests and commented that MID filed their draft relicense application in the early part of October starting the 90 day clock ticking, he asked that the Board of Supervisors encourage MID to expand their trail system.

Lester Bridges, Chamber of Commerce President, introduced Kathleen McCorry as the new Executive Director of the Chamber of Commerce and provided her back ground. Kathleen McCorry noted that she is excited to be back in Mariposa and she looks forward to serving the Board of Supervisors. Chair Allen and Supervisor Cann thanked Lester Bridges for all his hard work and accomplishments as the Chamber of Commerce Interim Executive Director. He informed the Board that the Merry Mountain Christmas Parade will be held on December 3<sup>rd</sup> at 6:00 p.m. and the event has expanded into a weekend festival.

Doug Binnewies, Sheriff, informed the Board of Supervisors that the residents on Bullion and Jones Streets pulled out the stops this year, and stated there were many people in attendance, and an even higher population of trick-or-treaters than last year or the year before. He advised the Board that Public Safety Officers are aware of the growing trick-or-treating population in the business district so they increased their volunteer forces and law enforcement officers who patrol and offer safety assistance in the downtown area.

Jeff Gabe noted that the County has taken some initial steps along the line of resurrecting the Merced River Trail concept in its own Bicycle and Pedestrian Trail Plan that was passed in June of this year; he encouraged the continuation of the concept and thanked the Board for the work completed.

#### Board Information

Supervisor Cann thanked Jeff Gabe for bringing the Rail-To-Trail concept back, and mentioned his work with Supervisor Reilly 10 years ago. He worked with the Integrated Regional Watershed Management Plan (IRWMP) group last week on a request for proposals for the Integrated Regional Watershed Management Plan. He went to Sutter Creek and Murphys to see how they deal with signs on Saturday and Sunday. Yesterday he attended the Townsend support organizational meeting and discussed the master list that the Economic Development Corporation put together a year ago, they will review and bring it back to this Board when the Grant Development Plan has made additional progress. He plans to attend the Mariposa Public Utility District (MPUD) Board meeting tonight. He is meeting with Congressman Jeff Denham's District Director tomorrow and invited other Board members to join them. He will be working with the Mariposa Business Association Group regarding redistricting and sign issues on Thursday. He will be meeting with Australian travel writers on Thursday evening. He will be attending the Black and White Ball Saturday evening. He will be attending a meeting with some of the owners of land in the Downtown Parking District on Monday and also with the new Solid Waste Manager and the Interim Public Works Director later that day.

Supervisor Turpin suggested the Recreation Department contact the Bureau of Land Management (BLM) regarding the trail system because the majority of the land is

BLM property. He noted that he saw a couple loads of logs this morning and stated that each load of logs probably employs at least 3 people. Coulterville had a "Trick or Trunk" and hay rides on Saturday. He attended a pot luck dinner in Greeley Hill for Bill and Sharon Tucker who are moving out of the area. He advised that the National Christmas Tree will be displayed at the Sonora Fair Grounds on Saturday after being cut from the Stanislaus National Forest.

Supervisor Stetson attended the Midpines Fire Station ground breaking ceremony last Tuesday and noted that he was delighted to have every Supervisor there, particularly Supervisor Turpin. He attended Yosemite National Park's Merced River Plan meeting in El Portal last Thursday and feels the presentation of the plan was brilliant; he urged the public to attend the meetings. He plans to meet with the Fire Chief, Public Works Department, and the Board of Supervisors Chair to discuss the Fire Station issues tomorrow. He also plans to attend the Black and White Ball Saturday evening. He will be attending the El Portal Community Planning Advisory Committee meeting next Tuesday.

Supervisor Bibby thanked the Sheriff, County Fire, CalFIRE, Mercy Ambulance and John C. Fremont Hospital for their prompt response after an unfortunate football game in which she and her family spent the evening at the emergency room with her father. She noted that there were also tourists camping in Yosemite that were at the hospital and how important the services are for tourists also. She thanked all the residents, businesses, and safety people for support during the Halloween Trick-or-Treating event. She advised that there will be a citizen group meeting at Mt. Bullion on Thursday, November 3<sup>rd</sup> at 7:00 p.m. The Hornitos Candle Lighting event is November 2<sup>nd</sup> with photographers from all over the world. She attended a meeting with Human Services regarding a re-use program that is taking money that was paid back in 1991 for a loan program and will be coming back to the Board soon.

Chair Allen attended a meeting with Planning and the Park Superintendent regarding the Wawona Specific Plan and advised that the Superintendent doesn't see any problems signing the plan and noted that it is coming back to the Board before the end of the year. He attended a pancake breakfast and yard sale on Saturday. He attended the Recycle event at the Arts Park. He and the Sheriff went to Coulterville where they had lunch at Hotel Jeffrey, then attended the pot luck in Greeley Hill for the Tuckers, and noted that the Tuckers were one of the original founders of the volunteer ambulance service in Coulterville before we had Mercy Ambulance. He plans to attend the Fire Station meeting on Wednesday, and the Commission on Aging meeting in Jackson on Thursday. He has been summoned to talk to the Grand Jury on Thursday afternoon. He will be attending a meeting at the High School for Student Loan Association Thursday evening.

Supervisor Cann recognized Ruth Catalan for making coffee for the public this morning, and thanked Connie Waldron and Andrea Summerlin for the Indian Proclamation goodie buckets with peanuts and other Indian memorabilia included.

Supervisor Bibby noted the thoughtfulness that goes into the gifts presented during proclamations.

Supervisor Turpin advised that Calaveras County has been approved for a courthouse bond.

3

### **Planning**

Waive the Second Reading and Adopt an Ordinance Amending the Zoning Map by Rezoning One Parcel of 240 Acres Currently in the Mountain General Zone (40 Acre Minimum) and Mountain Home Zone (5 Acre Minimum) to the Agriculture Exclusive Zone (160 Acre Minimum.) Charles Michael and Mary Kathrine Copeland, Project Applicants. The Property is Located at 3456 Brooks Road/APN 014-380-021

**BOARD ACTION:** Supervisor Turpin requested clarification relative to previous ordinance language, Alvaro Arias, Associate Planner, responded.

Input from public was provided by the following:

Ruth Catalan spoke of her concern that the proposal is taking land from 5 acre minimums which would produce tax income in homes and add to the population of this County versus turning it into Agricultural Exclusive and granting tax alleviation through the Williamson Act. She feels we are sending a message that new residents interested in property will have to purchase 160 acres of land. She stated that we don't receive subvention funds any more so this is coming down on the tax payers and feels we are lessening the opportunity to settle in Mariposa County.

Supervisor Cann responded to Ruth Catalan, agreeing that she is correct and advised that about a year and a half ago the Board approved a Williamson Act Contract on this parcel when the subvention was still allowed and part of that approval was requiring them to do this zoning change and noted that if this same type of project were to come before the Board now it would be a different discussion. This was approved some time ago and this is the clean up on it. (M)Bibby, (S)Turpin, the second reading was waived and Ordinance 1083 was adopted amending the zoning map by rezoning one parcel of 240 acres currently in the Mountain General Zone (40 acre minimum) and Mountain Home Zone (5 acre minimum) to the Agriculture Exclusive Zone (160 acre minimum.). Discussion was held relative to concerns that the applicants continue to meet the conditions of the contract, and to the County being fortunate to have these open spaces and even though we receive less revenue this is done with little cost to the County and could be viewed as a difficult situation. Supervisor Bibby asked that a copy of this discussion go to the Agricultural Advisory Committee so they are aware of the concerns. Chair Allen requested that the Agricultural Advisory Committee also be made aware of the concerns of misuse of the Williamson Act and enforcement/Ayes: Unanimous.

4

#### **Administration**

Approve the Inclusion of Mariposa County Property APN Nos. 012-142-026 and 012-142-027 (Regional Park) in the Mariposa Public Utility District (MPUD) Assessment Districts Nos. 94-1 and 89-1; Approve the Agreement for the Deferral of Payment of Certain Assessments and Authorize the Board of Supervisors Chair to Sign the Agreement; Authorize the County Administrative Officer to Sign the Assessment Ballots Approving the Assessment Contingent Upon the Approval of the Agreement for Deferral being Approved by Both Mariposa County and Mariposa Public Utility District (MPUD) **BOARD ACTION:** Rick Benson, County Administrative Officer, presented the staff report, and advised that he will be attending the MPUD meeting tonight, and providing the Board approves these items, he will ensure that the agreement is signed and in place tonight prior to his signing the ballots. Supervisor Bibby asked if this locks in the amounts within exhibit E of the Board item, and expressed concern that the full fifty two acres will never be completely developed. Rick Benson responded that nothing will happen until the County develops or sells the property based on the deferral agreement and the County will have the ability to negotiate with MPUD if and when the property is developed. Rick Benson described another proposal which would involve the Water Agency and some money that is owed to the Water Agency by MPUD and noted that his opinion is that there is a realistic proposal. He feels the County is holding up the process for MPUD and the First Baptist Church and it is recommended to move forward at this time. Supervisor Turpin requested clarification relative to what would occur if the County develops or sells a portion of the land. Rick Benson responded that with either option it would kick in the re-assessment. Further discussion was held regarding a formula and re-assessment review and future negotiations relative to a loan with the Water Agency that will affect this area, Rick Benson advised that this would go before the Water Agency and stated that they did negotiate with MPUD previously to no avail. Supervisor Turpin requested clarification relative to portions of Mariposa County being exempt. Rick Benson advised that he is not aware of the history and advised that when the district was initially set up it had to be shown that a user can benefit from the

Assessment District. Supervisor Turpin asked about the School District being exempt according to the chart in Exhibit E. Supervisor Cann requested information relative to interest for the amounts shown in Exhibit E. Rick Benson advised that he will watch for this and not sign the agreement if there is interest. Further discussion was held relative to the Interim Public Works Director reviewing and commenting on this item. Steve Dahlem, County Counsel, recommended the Board continue this item to 2 p.m. this afternoon to allow research for the answers prior to tonight's meeting at MPUD. Rick Benson responded that negotiations can be done to come up with the assessment fees based on how the property is used and for just the portion that is to be developed or sold.

Discussion was held relative to County Counsel reviewing the old documents. County Counsel recommended continuing the meeting to 2:00 p.m. to allow research for answers relative to the Interim Public Works Director reviewing the amounts to ensure they are valid and possibly explain the difference in the amounts, and relative to if interest will be incurred, prior to tonight's MPUD meeting. Rick Benson responded to Supervisor Stetson advising that in his experience in dealing with Assessment Districts, when a portion of a property in an Assessment District is to be developed the assessment fees are negotiated based on the portion of property and the use in the form of a re-assessment. Chair Allen requested Rick Benson obtain a definite answer to Supervisor Stetson's question. Supervisor Cann noted the application process that has already begun relative to the gymnasium.

Input from the public was provided by the following:

Ruth Sellers commented that she understood that at the time the First Baptist Church bought the property there was an agreement that the County would connect the water line to MPUD and it appears that the First Baptist Church gains everything and the only thing the County gained was fifty two acres of land. She asked why is the County obligated to pay to connect the line to the County property at this time and asked who has the obligation to connect to MPUD, the County or the Church.

Supervisor Bibby suggested that County Counsel take a look at the language relative to the line connection per Ruth Seller's question. Supervisor Cann stated that it is his understanding that the County will cover 100% of the cost of the annexation. Discussion was held relative to calling in an MPUD representative to address questions during the continuation of this item at 2:00 p.m. this afternoon. This item was continued to 2:00 p.m. to allow research for answers to the questions of the interest issue and the reassessment in case there is a partial development or sale.

Recess: 10:20 a.m.

Reconvene: 10:25 a.m.

5

## **Health**

Information Regarding State Water Board Proposed Policy on Sewage Disposal Systems and Possible Impact on Mariposa County

**BOARD ACTION:** Dr. Mosher spoke of the sewage system in Malibu, California. He provided the background of the advisory group and informed the Board that Dave Conway, Director, Environmental Health Division, joined the advisory group to represent the rural area. Dave Conway presented a PowerPoint presentation and advised that there are workshops being held in the State to obtain public comment and that they are accepting written comments until November 14<sup>th</sup>. He noted that he doesn't see any changes in engineering requirements. Dave Conway responded to questions from the Board relative to engineered systems in the tier 2 system, and stated that the Water Board is going through the CEQA process and with the water policy they are not allowed to address the concerns of the Environmental Impact Report (EIR), it is a modified EIR that has to identify potential problems, and advised that under the tier 2 program we will have our own program that will state how we site and design systems, the requirement for an engineered system is only under the tier 1 program. Dave Conway responded we would

be responsible for reviewing test results and submitting an analysis report to the Regional Board advising if the septic systems are influencing the ground water in a particular area. Dave Conway also responded relative to contaminated new wells and building permits stating this is an unknown as to what the State Water Board is going to do regarding approving the plans. Supervisor Bibby thanked Dave Conway for running such a tight ship and keeping Mariposa from experiencing the problems of other areas of concentrated growth. Dave Conway responded that the hope is they can present a plan that they buy off on that will not affect any existing lots. Supervisor Cann requested that the Health Department keep the Board informed. Dave Conway responded to questions from the Board advising that one plan would be used for all of Mariposa County, and that the proposed plan states that property doesn't qualify for the waiver and doesn't add additional burden to do more testing relative to tier 4 as a corrective action.

Input from the public was provided by the following:

Greg Kettleson asked who has the burden of finding out if the property can be sold. Supervisor Allen responded that potential owners should check before purchasing the property and realtors should provide the information prior to a sale.

Kris Schenk, Planning Director, responded to Supervisor Turpin advising that when a subdivision is approved it is ensured that the applicant can meet all of the requirements. Dave Conway responded that another Water Board meeting will be held, and based on comments provided the proposed policy may be adjusted prior to approval and will then become the law. Further discussion was held relative to possible fees. Additional discussion was held relative to preparing and submitting a letter of comment on proposed Onsite Wastewater Treatment Systems Policy to implement Assembly Bill (AB) 885. Rick Benson advised that an item will be prepared for next week's Board agenda.

6 Consider Items Removed from the Consent Agenda - None

7 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard J. Benson;

8 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard J. Benson;

9 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of County Designated Representative: Richard J. Benson; and

10 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Richard J. Benson

**BOARD ACTION:** Chair Allen advised that these items were withdrawn.

11 **Administration**

CLOSED SESSION: Public Employee Appointment; Public Works Director; and

12 **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)Cann, (S)Stetson, the closed sessions were approved to be held at 11:05 a.m./Ayes: Unanimous. Chair Allen advised that the Board would reconvene in open session at 2:00 p.m. after the closed session items and lunch.

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

**2:03 p.m. The Board Reconvened**

Chair Allen advised that the Board would reconvene in closed session after the continuation of Item 4.

Item 4 continued

Rick Benson referred to language within the agreement that states the assessments levied by the District upon recordation or an amended notice of assessment including property to, from, and after the date of this agreement shall accrue and be assessed without interest or penalty. Mark Rowney, MPUD General Manager, responded to questions from the Board advising that the agreement does address the re-evaluation based on uses. At the time the assessment was done the figures were calculated as what the land use zoning was and what the proposed project was at the time and that this would be reevaluated at the time the parcel is developed, it does state that it would be added to your assessments in case more was used then the assessed amount, it doesn't specifically state that it would be lowered. What has been done in the past is MPUD has just charged for the actual use. Mark Rowney suggested Steve Dahlem and MPUD's Counsel work on the requested added language of "or reduced or pay a portion of the amount for what is actually being developed." Steve Dahlem agreed to amend this language with MPUD's Counsel prior to the MPUD meeting tonight.

County Counsel referenced the agreement for purchase of real property between the First Baptist Church and the County advising that there is language included that the County is responsible for all fees to be paid to MPUD relative to the annexation application and additionally County shall pay for any and all required environmental work, and assessment engineering costs incurred, and each party shall pay its respective assessment costs. Steve Dahlem stated that it is his understanding that the total cost to date is approximately \$16,000 in which \$8,000 has been paid by deposit and that we have not been billed for the additional \$8,000. Mark Rowney advised that what MPUD is looking for at this time is the ballot. (M)Cann, (S)Stetson, Res. 11-535 was adopted approving the inclusion of Mariposa County property APN's 012-142-026, 012-142-027 in the Mariposa Public Utility District Assessment Districts No.'s 94-1 and 89-1, approving the Agreement for the deferral of payment for certain assessments, and authorizing the Board of Supervisors Chair to sign the agreement, subject to County Counsel and MPUD Counsel agreeing to insert language allowing the assessment to be reduced based on partial development or sale of parcel; and authorizing County Administrative Officer to sign the assessment ballots approving the assessment contingent upon the agreement of deferral being approved by both the Mariposa County Board of Supervisors and the MPUD Board/Ayes: Unanimous.

Reconvened in Closed Session: 2:19 p.m.

**5:03 p.m. Report from Closed Session:** The meeting was continued to Tuesday, November 2, 2011, at 10:00 a.m. for item 11/public employee appointment; Chair Allen advised that information was received and direction was given on item 12/anticipated litigation.

**Consent Agenda**

- CA-101      **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-532
- CA-102      **Administration**  
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-533
- CA-103      **Administration**  
Receive the List of Agreements Entered into by the County Administrative Officer (CAO) Pursuant to Ordinance 3.08 for the Months of June, July, August, September, October, and November 2011
- CA-104      **Supervisor Allen**  
Approve a Resolution Supporting Keeping the Fish Camp Post Office Open; Res. 11-534

**5:04 p.m.** Adjournment in memory of Donald Breton and Sam Saint.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

By: TRACY GAUTHIER  
Deputy Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

November 2, 2011

(Meeting Continued from November 1, 2011)



Folder                      Time                      Description

**10:00 a.m.** Continued meeting from November 1, 2011, was called to order at the Mariposa County Government Center with Supervisor Turpin excused. The Board convened in continued closed session for the following matter:

11

**Administration**

CLOSED SESSION: Public Employee Appointment; Public Works Director

**11:53 a.m.** Report from Closed Session

Chair Allen reported that information was received for closed session item 11/public employee appointment.

The meeting was adjourned at 11:54 a.m.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

By: TRACY GAUTHIER  
Deputy Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors





MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS

November 8, 2011

Folder Time Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for our men and women fighting for 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: Item 104 was withdrawn. The October 25, 2011, Summary of Proceedings was not ready for item 101 and will be rescheduled.

Input from the public was provided by the following:

Eleanor Keuning referred to item 109 and stated she does not see any results from this agreement.

Supervisors Cann and Bibby referred to item 106; and Jim Rydingsword/Human Services Director, responded to questions and advised that this is a replacement for an employee that retired and that no General Fund dollars are involved. Supervisor Turpin referred to item 110; and Greg Ollivier/PWD-Solid Waste and Recycling Manager, responded to questions relative to the item and the savings by purchasing a water trailer. (M)Cann, (S)Stetson, the balance of items was approved/Ayes: Unanimous.

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

Jim Rydingsword provided information on the free weatherization services that are available – it was clarified that income qualifications apply.

Peter Rei, Interim Public Works Director, provided input on the status of the SAFETEA-LU road projects and funding.

6

Planning

Waive the Second Reading and Adopt an Ordinance Amending Zoning Ordinance Text:

- 1. Code Amendment 2011-021: Amendment Title 16, Subdivisions, to Add Section 66434.2 of the California Subdivision Map Act Allowing for Additional Information to be Filed or Recorded Simultaneously with a Final or Parcel Map.

Code Amendment 2011-022: Amendment to Title 16, Subdivisions, to Add Provisions for a Certificate of Correction Process Pursuant to Sections 66469 Through 66472.1 of the California Subdivision Map Act Allowing for the Correction and Amendment of Maps.

Code Amendment 2011-023: Amendment to Title 16, Subdivisions, to Add Section 66499.33 of the California Subdivision Map Act Allowing for Additional Enforcement Provisions Available to the County of Mariposa As It Pertains to Illegal Subdivision Matters.

2. Code Amendment 2011-041: Amendments to Title 17, Zoning, Adding Additional Permitted and Conditional Uses to the Neighborhood Commercial Zone-1, (Indoor) (CN-1) Zoning District and Adding a Definition For “Animal Hospitals and Veterinary Services” to the Definitions Section of the Zoning Ordinance.

Code Amendment 2010-168: Amendment to Title 17, Zoning, to Amend the Agriculture Exclusive (AE) Zone and the Supplementary Standards to Allow Bed and Breakfasts and Transient Rentals with an On-Site Manager as a Permitted Use in the AE Zone.

General Plan/Zoning Amendment 2011-024: Amendments to the Mariposa Town Planning Area Specific Plan and Title 17, Zoning, Adding Additional Permitted Uses to the Multi-Family Residential (MFR) and General Commercial (GC) Zoning Districts and Adding Definitions For “Daycare” Type Uses, “Residential Care Facilities,” and “Fitness or Exercise Studio and Health Club” to the Zoning Ordinance.

General Plan/Zoning Amendment 2011-025: Amendment to the Mariposa Town Planning Area Specific Plan and Title 17, Zoning, Adding an Additional Permitted Use to the Single Family Residential (9,000 Square Foot) Zone (SFR-9K) and Adding a Definition for “Wellness Center” to the Definitions Section of the Zoning Ordinance.

General Plan/Zoning Amendment 2011-026: Amendments to Section 3 of the Mariposa Town Planning Area Specific Plan and to Title 17, Zoning, Adding “Fitness or Exercise Studio and Health Club” As Either a Permitted Use or Administrative Use to the Professional Office (PO) Zoning District.

**BOARD ACTION:** Chair Allen advised that this item was withdrawn and will be rescheduled.

10

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard J. Benson;

11

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard J. Benson;

12

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs’ Association (DSA); Name of County Designated Representative: Richard J. Benson;

13

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs’ Management Association (SMA); Name of County Designated Representative: Richard J. Benson; and

**County Counsel**

**CLOSED SESSION:** 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:** Chair Allen advised that these matters were withdrawn.

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

Lester Bridges, President of the Mariposa County Chamber of Commerce, provided input on visitor statistics; advised the TVYFL (Trans Valley Youth Football League) event over the weekend was successful; advised of the status of the Courthouse and old jail tours for the winter season; he announced that the next business mixer is scheduled for November 15<sup>th</sup> at Scott's Cleaning Service; and he thanked the Board for its continued support.

Marvin Wells commented on his support of our youth and he presented examples of shopping bags with messages designed by Woodland Elementary School students to discourage the use of drugs and alcohol for Red Ribbon Week – he commended law enforcement for their assistance with this project and asked that the Board Chair write a thank you letter to the students.

MaryAnn Huff, North County resident, commented on road and sidewalk projects; and she asked whether some of the 8.5 million dollar grant for road projects could be outsourced.

Eleanor Keuning stated she appreciates the comments made by Marvin Wells; but she expressed concern that when the High School students leave campus for lunch that they congregate in places where they can not be seen and they are smoking. She noted that the High School Grizzly Band left last night for New York City. She asked if anyone has read or has thoughts on the Agenda 21 package of information that she previously left with the Board. She expressed concern with a recent newspaper story that the public paid for meals for the Senate while they were working on the State budget.

Suzanne Turpin referred to the weatherization program information that was provided by the Human Services Director, and she suggested that information on the program be provided to the two newspapers in the North County.

Ruth Catalan noted that the clock in the Board Chambers needed to be changed to reflect the change in Daylight Savings Time.

**Board Information**

Supervisor Bibby referred to the Channel 26 news story on County Fire and the interview of the Catheys Valley Station/Station of the Year, and information that was provided relative to the need for a stove. She advised the Candle Lighting Ceremony was held in Hornitos on November 2<sup>nd</sup>; she attended the Mental Health Governing Board meeting on November 3<sup>rd</sup> and they are still looking for members to serve on the Commission. She attended a meeting with Dr. Mosher/Health Officer relative to First 5 and health issues and she attended the fire training meeting on Monday.

Supervisor Stetson advised that he attended the fire station meeting on Wednesday; attended the Hospital Foundation Black and White Ball on Saturday; and he attended the Parks and Recreation Commission meeting on Monday and discussion was held on updating the Master Plan. He plans to attend the El Portal Town Planning Advisory Committee meeting this evening; the Airport Advisory Committee meeting on Wednesday and the YARTS meeting in Merced on Monday.

Supervisor Cann commented on the Black and White Ball fundraiser and the importance of the Hospital, and the work on trying to establish a graduated care facility. He met with Congressman Denham's Chief of Staff, along with Supervisor Allen, on Wednesday. He interviewed applicants for the Public Works Director position on

Thursday; and then he met with six Australian travel writers. He met with the Solid Waste Manager and Public Works Director on Monday on potential partnerships. He met with some of the property owners of the Mariposa Parking District; attended a meeting on Monday on MID contract issues and with CalTrans staff on wayfinding signs. He plans to attend the Veterans Day ceremony at Mariposa Elementary School on Thursday, and he has other meetings in the afternoon.

Supervisor Turpin referred to the earlier input on the 8.5 million dollar grant for road projects and outsourcing of the construction work, and he noted that a determination still needs to be made on the engineering work. He noted that the State Department of Water Resources has increased the fee to \$150 for stock ponds. On his travel to physical therapy in Sonora on Monday, he saw loads of lumber leaving Sonora.

Supervisor Allen advised that he attended the fire station meeting, and he commented on the work on the fire station projects, including Fish Camp. He attended the Area 12 Agency on Aging Commission meeting on Thursday and advised of changes for the County to pay for the legal services versus the in-lieu contract and the payment schedule. Then he met with the Grand Jury members relative to the Board's budget; then the Student Loan Association meeting for loans for High School graduates. He plans to attend the Mountain Valley Emergency Medical Services Agency meeting on Wednesday and they will review their policies and procedures. He plans to attend the Veterans Day ceremony at the Mariposa Elementary School; and he noted that the High School Band left last night for New York City.

**9:47 a.m.** Board Convened as

**LOCAL TRANSPORTATION COMMISSION**

(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Lee Stetson)

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

3 **Public Works**

Approve an Agreement with Fehr & Peers Transportation Consultants to Prepare the Mariposa County Regional Transportation Plan (RTP) Update, and Authorize the LTC Chair to Sign the Agreement

**COMMISSION ACTION:** Discussion was held with Peter Rei/Public Works Director and Barbara Carrier/PWD-Administrative Analyst. (M)Allen, (S)Cann, LTC Res. 11-23 was adopted approving the agreement as recommended/Ayes: Unanimous.

4 **Public Works**

Accept the Resignation of Melanie Rose, as Potential Transit User with a Disability Member; Appoint Nancy Bell, as Social Service Provider for Seniors Member, and Re-Appoint Dick Whittington, as Local Consolidated Transportation Service Agency Member, for Terms Expiring November 8, 2014, to the Social Services Transportation Advisory Council

**COMMISSION ACTION:** Barbara Carrier advised of the requested action.

Input from the public was provided by the following:

Eleanor Keuning suggested that the Council have representation by a high school student.

Marvin Wells commended Dick Whittington for his service and supports his reappointment.

(M)Bibby, (S)Allen, the recommended action was approved/Ayes: Unanimous.

**9:58 a.m.** Reconvened as

## **BOARD OF SUPERVISORS**

5

### **Probation**

Approve the Community Corrections Local Plan as Recommended by the Community Corrections Partnership Pursuant to AB 109 Titled “2011 Realignment Legislation Addressing Public Safety”, and Approve Budget Action Appropriating Revenue and Appropriations to Implement the Program (\$165,626) (4/5<sup>th</sup> Vote Required)

**BOARD ACTION:** Pete Judy, Chief Probation Officer, reviewed the Plan; and discussion was held. (M)Bibby, (S)Cann, Res. 11-549 was adopted approving the recommended actions/Ayes: Unanimous.

**11:05 a.m.** Recess

**11:26 a.m.** The Board reconvened.

7

### **Administration**

Accept the Mariposa County Chamber of Commerce Proposals for Operation of the Mariposa and Coulterville Visitors’ Center’s, and Direct the County Administrative Officer to Prepare the Agreement Documents for Board Approval

**BOARD ACTION:** Rick Benson, County Administrative Officer, reviewed the proposals that were received for operation of the Coulterville Visitors’ Center and the recommendation. Supervisor Cann suggested that in the future there should be one-year contracts that have the ability to extend for multiple years, and discussion was held. Supervisor Allen referred to an incident with displaying brochures for B&Bs and he asked that the Chamber allow for the display of brochures for all of the businesses in the County.

Input from the public on the Coulterville Visitors’ Center was provided by the following:

Lester Bridges stated he would like to have options for longer terms in the contract; and he commented on the Coulterville Visitors’ Center operations and location options.

Ruth Sellers asked whether the Request for Proposals spell out the hours of operation; and she stated she would be inclined to give consideration to the Hotel Jeffery because of the potential to provide services for longer hours; and she noted that it could be advantageous to the History Center to provide the services – but she was surprised at the cost they submitted.

Eleanor Keuning stated she agrees with Ruth Sellers’ suggestion for the Hotel Jeffery; but she does not agree with the History Center as it is across the Highway.

MaryAnn Huff noted the Hotel is under new management and she expressed concern with staffing the Center with volunteers. She commented on the promotion of the John Muir Highway and their vision for the future and stated she does not want to lose the Visitors’ Center.

Ruth Catalan stated she has only one problem with the Chamber’s proposal and that is the location – she does not feel that the Visitors’ Center should be in the middle of two commercial businesses.

(M)Turpin, (S)Cann, Res. 11-550 was adopted accepting the Mariposa County Chamber of Commerce proposal for operation of the Coulterville Visitors’ Center and directing the County Administrative Officer to prepare the agreement documents for Board approval/Ayes: Unanimous.

Rick Benson reviewed the proposals that were received for operation of the Mariposa Visitors’ Center and the recommendation; and he provided input on options for a longer contract term. Supervisor Allen reiterated his previous concern that B&Bs that are not members of the Chamber be allowed to display their brochures at the

Chamber; and he expressed concern with the tour van that had been parked at the Chamber office with a banner. Supervisor Cann agreed with the concern on the van with the banner; and he commended the Chamber for the services and adjustments to their service levels this year. Discussion was held.

Input from the public on the Mariposa Visitors' Center was provided by the following:

Ruth Sellers noted the Tourism Bureau is operating with funds provided by the transient occupancy tax, and she questioned how the Tourism Bureau could use those funds to bid for the Visitors' Centers as they are funded through the General Fund.

Lester Bridges provided input on the increased level of service and hours the Chamber provided this past summer, including making reservations for the tourists and bringing the Park Rangers to the Mariposa Visitors' Center; and he addressed the concern relative to displaying the B&B brochures and clarified that anyone in the County can place their business information in the Visitors' Centers. He commented on his discussions with the Tourism Bureau Executive Director relative to operation of the Visitors' Centers and of efforts to work together.

(M)Stetson, (S)Cann, Res. 11-551 was adopted accepting the Mariposa County Chamber of Commerce proposal for operation of the Mariposa Visitors' Center and directing the County Administrative Officer to prepare the agreement documents for Board approval/Ayes: Unanimous.

8

**Health**

Approve a Letter to the State Water Board Regarding Draft Policy to Implement AB-885, and Authorize the Board of Supervisors Chair to Sign the Letter

**BOARD ACTION:** Chair Allen advised that this request is pursuant to the Board's previous discussion and direction. (M)Bibby, (S)Cann, Res. 11-552 was adopted approving the letter. Supervisor Cann noted that this is an on-going issue that needs to be monitored. Ayes: Unanimous.

9

Consider Items Removed from the Consent Agenda - none

**12:06 p.m. Lunch**

**2:03 p.m.** Reconvened

15

**Administration**

CLOSED SESSION: Public Employee Appointment; Public Works Director

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

**4:03 p.m. Report from Closed Session:**

Chair Allen reported that action was taken on folder 15 by unanimous vote to appoint Peter Rei as Public Works Director effective November 14, 2011.

**Consent Agenda**

CA-101

**Clerk of the Board**

Approval of Summary of Proceedings of October 25, 2011, Regular Meeting; to be rescheduled

- CA-102      **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-536
- CA-103      **Administration**  
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-537
- CA-104      **Administration**  
Recommend the Rejection of Claim No. C11-10 Filed by Richard Charles Hanna for an Undetermined Amount, and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection; item was withdrawn
- CA-105      **Administration**  
Approve the Third Amendment to an Agreement with Liebert Cassidy Whitmore to Amend the Termination Date to End when all Projects are Completed, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-538
- CA-106      **Administration**  
Waive the Hiring Moratorium to Allow the Human Services Department to Hire One Office Assistant II in the Social Services Budget; Res. 11-539
- CA-107      **Administration**  
Waive the Hiring Moratorium to Allow the District Attorney to Hire One Part-Time (50%) Victim Witness Services Advocate; Res. 11-540
- CA-108      **Human Services**  
Appoint Bryan Blew to the Alcohol and Drug Abuse Advisory Board for a Term to Expire on November 8, 2014
- CA-109      **Public Works**  
Approve an Agreement with Karen Dusek to Educate and Inform the Public of Recycling and Waste Reduction in the Not to Exceed Amount of \$24,200, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-541
- CA-110      **Public Works**  
Approve the Purchase of a Water Trailer for the Solid Waste and Recycling Center at a Cost of \$10,000, and Approve Budget Action Transferring Funds within the Solid Waste Budget for the Purchase of the Water Trailer (\$10,000); Res. 11-542
- CA-111      **Public Works**  
Approve an Amendment to a Transfer Station Hauling Agreement with Total Waste Systems, Inc. (TWS), to Extend the Termination Date to January 29, 2012, and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-543
- CA-112      **Probation**  
Authorize the Board of Supervisors Chair to Accept One-Time Grant Funding in the Amount of \$89,650 from the State of California for Continued Implementation of SB 678 Practices/Programs, and Approve Budget Action Increasing Revenue and Appropriations (4/5ths Vote Required); Res. 11-544
- CA-113      **Health**  
Approve Public Health Emergency Preparedness Centers for Disease Control Prevention (CDC) Agreement for FY 2011-2012 and Hospital Preparedness Program

(HPP) Agreement with the State of California Department of Public Health (\$310,726), and Authorize the Board of Supervisors Chair to Sign the Agreement and other Documents to Secure Funding as Delineated within the Agreement; Res. 11-545

- CA-114      **Auditor**  
Adopt a Resolution Establishing the Tax Rate of 0.026353 (2.6353 Cents per \$100.00 of Assessed Valuation) for the Bass Lake Joint Elementary School District Bond in the Bass Lake Elementary/Yosemite High School Tax Rate Areas of Mariposa County; Res. 11-546
- CA-115      **Auditor**  
Adopt a Resolution Establishing the Tax Rate of 0.026907 (2.6907 Cents per \$100.00 of Assessed Valuation) for the Yosemite High School Bond in the Bass Lake Elementary/Yosemite High School Tax Rate Areas of Mariposa County; Res. 11-547
- CA-116      **Auditor**  
Adopt a Resolution Establishing the Tax Rate of 1% of the Cash Value on the Secured Tax Roll for FY 2011-2012; Res. 11-548

**4:04 p.m.** Adjournment in memory of Tommy Kinard, Don Bronson, and Betty Tetzlaff.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors





## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

November 15, 2011



Folder      Time      Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for our men and women fighting for our freedoms.

Introductions – Chair Allen introduced Peter Rei – he was appointed by the Board as Public Works Director at the meeting of November 8<sup>th</sup>.

- 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 stated she is happy with the hiring of Peter Rei, and she asked whether the County has a policy of requiring employees to live in the County.

Supervisor Turpin referred to item 103 and asked about the status of the contract. Rick Benson/County Administrative Officer advised that the contract has been received. Supervisor Allen asked for assurance from the County Administrative Officer that the grant will be monitored to make sure that all of the terms and conditions are met. Rick Benson responded that his office will work with departments that are involved to make sure the terms of the agreement are being met. Discussion was held. Supervisor Cann suggested that monthly status meetings be held. (M)Stetson, (S)Turpin, all items were approved/Ayes: Unanimous.

Departmental Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda – none

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

Ruth Sellers commended the Board on its selection of Peter Rei as Public Works Director and commented that she would be reminding him of road maintenance issues in Mykleoaks.

Bob Kirchner, Coordinator of the TVYFL (Trans Valley Youth Football League), thanked everyone that was involved in making this a successful event; he reported on visitor statistics – approximately 13,000 people attended the event; and he advised that they are committed to holding the event here in 2012. Board members thanked Bob for his work on this event.

## Board Information

Supervisor Turpin advised that he passed three different PG&E construction crews doing pole work this morning and noted that their work is appreciated. He plans to attend the Red Cloud Library meeting in Coulterville on Wednesday. He commented on the construction traffic on J-59.

Supervisor Cann referred to input by Ruth Sellers and noted that the Public Works Director has already walked the roads in Mykleoaks. He advised that on Thursday he met with owners of the Stroming Road building and representatives of the Park Service relative to their plans to move to this facility. He is scheduled to speak to the Retirees Public Employees Association today at noon at the Senior Center. He will miss the Chamber's mixer this evening as he is leaving after the Board meeting for the RCRC (Regional Council of Rural Counties) meeting in Sacramento. He plans to attend the meeting for the reorganization of the Central Sierra Economic Development in Angels Camp on Friday.

Supervisor Stetson advised that he attended the El Portal Planning Advisory Committee meeting last Tuesday and discussion was held relative to the Merced River Plan. He attended the Airport Advisory Committee meeting on Wednesday with the Public Works Director. He attended the YARTS meeting on Monday and all three counties have agreed to go to a six-member membership, so Mariposa County will need to find another elected official to serve. He plans to attend the Midpines Planning Advisory this evening; and the fire station meeting on Wednesday.

Supervisor Bibby stated she will forward an application for the Juvenile Justice Commission. She plans to attend the Mother Lode Job Training meeting on Wednesday in Sonora and they will discuss funding issues. She noted that the public hearing before the School Board is scheduled for November 17<sup>th</sup> for the charter school in Catheys Valley. She advised that the November 18<sup>th</sup> meeting for the Calaveras-Mariposa Community Action Agency has been cancelled and the next meeting will be held on December 9<sup>th</sup>.

Supervisor Allen advised that he attended the Mountain Valley Emergency Medical Services Agency meeting in Copperopolis on Wednesday and they finished their reorganization and saved money. He attended the Rotary meeting on Thursday and gave a condensed version of the Community Corrections Partnership from what was given to the Board. He attended the Veterans Day ceremony at Mariposa Elementary School, and noted that it was a great event and commended the Elementary School Band and Susan Robinson/coordinator of event. He plans to attend the retired PERS lunch today; and the fire station meeting on Wednesday. He commended the High School Grizzly Band for marching in the Veterans Day parade in New York City, and he noted that they were on TV this morning and he wished them well on their travel home tonight.

Supervisor Cann commented on the importance of the Veterans Day ceremony at the Elementary School. He referred to Supervisor Stetson's input relative to the increase of members for YARTS and suggested that consideration may want to be given to elected officials other than the Board members for the second position.

2

## Administration

PUBLIC HEARING to Adopt a Resolution for the Mariposa County Business Assistance Program Guidelines and the Mariposa County Program Income ReUse Plan  
**BOARD ACTION:** Rick Benson and Marilyn Lidyoff/Business Development Coordinator, presented the staff report on the Business Assistance Program Guidelines. Steve Dahlem/County Counsel, responded to questions from the Board relative to the Loan Advisory Board and selection of members, and provided input on the Maddy Act requirements. Staff responded to questions from the Board relative to counting the number of employees for a business that starts as a partnership; whether administrative

costs are sufficient to cover the time involved by County staff in the program; as to who will be responsible for the reporting requirements and filing of the liens; relative to the loan process and terms and interest rates, including creation of new jobs versus retention and review of the loans and determinations for funding and who ends up with the property if the business fails; relative to consideration of including the Auditor on the Loan Advisory Board; and whether the Hospital could qualify for this program.

Marilyn Lidyoff continued with the staff report for the Income ReUse Plan. Staff responded to questions from the Board relative to covering costs for administration and environmental review and whether any General Fund dollars would be needed; relative to providing assistance to applicants in filling out the loan application – County Counsel clarified the definition of “contractor” as the “under writer” in the Plan; and relative to the loan requirements. Supervisor Bibby requested that the Board receive a copy of the reports that are submitted to the State.

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

Eleanor Keuning referred to the micro-enterprise loan program and asked how many of the loan recipients are still in business; and she asked about the eligibility requirements and qualifications for this program.

The public portion of the hearing was closed and the Board commenced with deliberations. Chair Allen suggested that Eleanor Keuning contact Marilyn Lidyoff with her questions on the micro-enterprise loan program as that is not a part of this agenda item. Staff responded to questions from the Board clarifying legal counsel’s review of the loan and covering the costs; and relative to the guidelines for this program being consistent with the guidelines at the time of the application for the grant funds. (M)Cann, (S)Turpin, Res. 11-562 was adopted approving the Business Assistance Program Guidelines and the Income ReUse Plan as recommended. Supervisor Bibby asked whether the motion includes a condition that no General Fund costs are involved. Discussion was held, and Supervisor Cann advised that this condition was not included in the motion. Ayes: Stetson, Turpin, Cann, Allen; Noes: Bibby. The hearing was closed.

3

### **Administration**

**PUBLIC HEARING** to Adopt a Resolution for the Mariposa County Housing Rehabilitation Program Guidelines

**BOARD ACTION:** Rick Benson and Marilyn Lidyoff presented the staff report. Jim Rydingsword/Human Services Director, was present to respond to questions. Staff responded to questions from the Board relative to the source of the funds for this program and the status of funds that were repaid from a loan program in the 1990’s and that information on the status of liens for the older program will be provided to the Board; relative to owner-occupied conversions to rentals and reporting and program requirements; relative to consideration of having the Auditor or a representative involved with the Loan Advisory Board – Jim Rydingsword suggested that a representative serve in an advisory role; relative to lien requirements; relative to duplication in the wording with the lead-based paint; relative to the demand for this program; and whether the County can demand that the funds be paid back if the dwelling is converted to a rental. The hearing was continued for a recess.

**10:34 a.m.** Recess

**10:45 a.m.** The Board reconvened.

Staff continued with responding to questions from the Board as to what would be involved in changing the language to demand that the loan be repaid immediately if a dwelling is converted to a rental and the option for the Board to make the decision at

the time a request is made; relative to income criteria; and relative to request that each applicant and the Board members receive a copy of the owner investor guidelines.

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

Greg Kittelson stated he feels the requests for conversion to a rental should be handled on a case-by-case basis based on his previous experience as a landlord dealing with fluctuations in the housing market – he does not feel that someone should be punished for trying to do better.

The public portion of the hearing was closed and the Board commenced with deliberations. (M)Turpin, (S)Stetson, Res. 11-563 was adopted approving the Housing rehabilitation Program Guidelines/Ayes: Unanimous. The hearing was closed.

4

**Administration**

Waive the First Reading and Introduce an Ordinance Amending County Code Chapter 1.16, Section 1.16.020 Supervisorial District One, Section 1.16.030 Supervisorial District Two, Section 1.16.040 Supervisorial District Three, Section 1.16.050 Supervisorial District Four, and Section 1.16.060 Supervisorial District Five, Pursuant to Resolution No. 11-412. The Ordinance Amends the Boundaries of the Supervisorial Districts Pursuant to Elections Code Section 21500 (Redistricting)

**BOARD ACTION:** Rick Benson reviewed the Ordinance and advised of a request to delete the references to the precincts as that will be responsibility of the Elections Officer along with preparation of the maps – so the precinct sections should not be a part of this Ordinance. He thanked everyone that was involved in the redistricting process; and he read the title of the Ordinance into the record. County Counsel responded to a question relative to the effective date of the new districts – 30 days after the Ordinance is adopted, with the exception of dealing with recalls or filling vacancies. (M)Bibby, (S)Stetson, the first reading was waived and the Ordinance was introduced amending Chapter 1.16, with the change to delete reference to the precincts. County Counsel clarified that the sections being stricken are: 1.16.021, 1.16.031, 1.16.041, 1.16.051, and 1.16.061. Ayes: Unanimous.

5

**County Counsel**

Discussion and Direction Regarding Pursuing Acquisition of Conditional Gift of Real Property in Catheys Valley to be Used as a Public Library and Request from Executor for Administrative Costs in the Amount of \$12,538.39

**BOARD ACTION:** Steve Dahlem reviewed the request and initiated discussion. Supervisor Bibby expressed concern with being able to meet the terms and conditions, and she commended the donor for the offer. Janet Chase-Williams/Librarian, commented on the status of funding for libraries and the requirements for construction and operation of a library. Discussion was held relative to long-term plans and options for interim library services in the Catheys Valley area. (M)Stetson, (S)Bibby, Res. 11-564 was adopted rejecting the offer at this time, with direction for a letter to be sent thanking the donor for the offer, and that any revisions of the conditions of the offer might be further considered by the County. Supervisor Cann noted that even if the conditions were removed that consideration needs to include location and being able to build and staff a library in the future. Ayes: Unanimous.

6

Consider Items Removed from the Consent Agenda – none

7

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard J. Benson;

8

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard J. Benson;

9 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of County Designated Representative: Richard J. Benson;

10 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Richard J. Benson; 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:** These closed sessions were withdrawn.

### **Consent Agenda**

CA-101

**Administration**

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-553

CA-102

**Administration**

Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-554

CA-103

**Administration**

Approve Grant Agreement No. 11-DRI-7555 with the State of California Department of Housing and Community Development (HCD) in the Amount of \$8.5MM Under the Disaster Recovery Initiative (DRI); and Authorize the County Administrative Officer or his Designee to Sign the Grant Agreement, Subsequent Amendments (Subject to Approval as to Form by County Counsel), Funds Request, and other Required Reporting Forms with the State of California; Res. 11-555

CA-104

**Administration**

Authorize the Public Works Director to Sign the Application for a Cal Trans Encroachment Permit in Support of Closing Highway 140, Between Jones and 3<sup>rd</sup> Street, on December 3, 2011, at 6:00 p.m. for the Merry Mountain Christmas Parade and Authorize the Board of Supervisors Chair to Sign the Letter of the Board's Support and Approval; Res. 11-556

CA-105

**Administration**

Approve a \$17,900 Salary Increase to the Director of Public Works Position Effective November 15, 2011; Res. 11-557

CA-106

**Administration**

Recommend the Rejection of Claim No. C11-10 Filed by Richard Charles Hanna for an Undetermined Amount and Authorize the Chair to Sign the Notice of Rejection; Res. 11-558

- CA-107      **Health**  
Authorize the Board of Supervisors Chair to Apply for Certified Unified Program Agency (CUPA) Reimbursement Funds and Sign Disbursement Worksheet for Rural CUPA Reimbursement Funds for FY 2011-2012, and Authorize the Health Officer to Submit and Sign Additional Documents to Secure Funding as Necessary. Authorize the Health Officer to Apply and Sign Documents for the Rural CUPA Funding for the Subsequent Four Fiscal Years if Amounts and Conditions Remain Substantially the Same; Res. 11-559
- CA-108      **Human Services**  
Accept the Resignation of John Stewart (County Employee, Member-at-Large) from the Mariposa County In-Home Support Services Advisory Committee, Effective November 15, 2011
- CA-109      **Human Services**  
Adopt the Mariposa County Housing Rehabilitation Program Single Family Temporary Relocation Plan Under the Direction of the Human Services Department; Res. 11-560
- CA-110      **Supervisor Bibby**  
Adopt a Resolution Supporting that the Hornitos Post Office Remain Open; Res. 11-561

**11:21 a.m.** Adjournment in memory of Dennis Almasy, Sr., Jean Dorothy Bates, Shirley Ann Mari, and Mary Madeline Gauthier.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

November 22, 2011



Folder      Time      Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for our men and women fighting for 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 Bibby referred to item 101/Summary of Proceedings for October 25<sup>th</sup> and asked that the minutes be clarified under Board Information to reflect that the Executive Director of the Mother Lode Job Training will be going to the Mother Lode Job Training Board relative to their budget shortfall. Supervisor Turpin referred to item 104 and asked for clarification of the total contract amount; and he was advised that the total is \$125,000. (M)Stetson, (S)Cann, all items were approved, with the clarification as requested to item 101/Ayes: Unanimous.

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

Terri Haworth/Community Services Director, provided information on the firewood program for seniors that meet income qualifications and on the Mari-Go transit program.

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

Glenn Franklin/President of the Resource Conservation District (RCD), provided a status report on the IRWMP (Integrated Regional Water Management Plan) – they have been successful in obtaining the Regional Acceptance grant; the next step in the process is to apply for the Planning Grant and they just sent out the requests for proposals; and then they will apply for the Implementation Grant. He thanked the Board for its partnership in this process. He advised that the “Welcome to the Foothills” pamphlets they printed with a grant from the Yosemite-Sequoia Resource Conservation and Development District have been distributed and a second edition is being printed with a grant that they received from the USDA. He announced that following the departure of Dawn Afman about a year ago, that NRCS has hired Robyn

Smith to fill this vacancy; and he commented on the programs that are provided. He advised that the RCD won a star award from the District for promoting resource conservation. Supervisor Cann commended the RCD for the work it does; and he clarified that the \$50,000 bridge loan has been paid back to the County.

Eleanor Keuning asked whether the Chamber of Commerce Executive Director (Kathy McCorry) has been introduced at a Board meeting, and was advised that she was. She referred to the item on the November 15<sup>th</sup> agenda to increase the salary for the new Public Works Director and asked whether consideration was given that there may be requests for salary increases from other department heads.

Kathy McCorry/Executive Director for the Mariposa County Chamber of Commerce, advised of their partnering with the Sheriff to hold a meeting for the businesses this evening at the Sheriff's Conference Room relative to crime. She advised that the Coulterville Visitors' Center has been redecorated in an old town flavor and encouraged everyone to stop by.

### Board Information

Supervisor Bibby advised that the State has released funds so the Mother Lode Job Training will not have a funding shortfall and they are creating an emergency fund for the future. She attended the Mariposa County Unified School District Board meeting on November 17<sup>th</sup> (the request for a charter school in Catheys Valley was on the agenda) and their next meeting will be held on December 15<sup>th</sup>. She advised that the Postal Service will be in Hornitos on December 8<sup>th</sup> to take input on their action to close that Post Office. She is planning to attend a meeting with the Human Services Director on November 28<sup>th</sup> relative to the Integrity Unit. She plans to attend the Mental Health Governing Board meeting on December 1<sup>st</sup>.

Supervisor Stetson advised that he attended the Midpines Planning Advisory Committee meeting last Tuesday evening and they discussed the fire station project. He attended the fire station meeting on Wednesday. He met with representatives of YARTS and with the Public Works Director on Saturday at the Midpines Park to review space for the bus turn-around. He plans to attend a meeting with the Human Services Director on Monday.

Supervisor Cann advised that he attended the RCRC (Regional Council of Rural Counties) Executive Committee meeting last week in Sacramento. He advised that RCRC gave two Patty Mattingly awards for demonstrating leadership: one was to Assemblyman Kevin Jeffries for his work on trying to repeal the SRA fire prevention fee; and the second to Senator Lois Wolk for her work to promote the Williamson Act program and on the municipal bankruptcy legislation. He noted that the Governor has introduced a new pension reform proposal; and that Patricia Megason, RCRC Vice President, was named as a top insider on Capital Hill. He advised that Congressman Denham has asked the Board to provide input on the Park's Merced River Plan; and he advised of request from the State Resources Committee staff for the County to get support by a written letter on the Highway/Ferguson slide from the Park Service. He noted that the Board Chambers are available this evening for the Chamber of Commerce/Sheriff meeting with the businesses if needed.

Supervisor Turpin wished everyone a Happy Thanksgiving. He advised that he attended the Red Cloud Library committee meeting on Wednesday, and there was a report of a road runner sighting. He advised that he had a discussion on the equestrian/pedestrian trails issues on Monday. He referred to the recent Range Magazine and noted there was a story on Tim Erickson and his work with the National Park Service and the US Forest Service; a reference to the National FFA Convention; and a comment that all jobs rely on mining or agriculture. He commented on the County's history with the Williamson Act program and noted its importance.

Supervisor Allen advised that he attended the fire station meeting last week, and he noted that the need for communication between all departments was stressed. He



noted that town was busy over the weekend. He met with Planning staff on Monday relative to different items, including status of Silver Tip Resort project, sign ordinance, and process for selecting roof colors and citing criteria. He wished everyone a safe and happy holiday.

2

**Fire Chief**

Approve the Formation of a Fire Marshal/Fire Inspection Program as Mandated by Section 103 and Section 105 of the California Fire Code and Direct the Fire Chief, in Conjunction with County Counsel and the County Administrative Officer to Draft any Resolutions, Ordinances and Fee Schedules Necessary to Implement the Program

**BOARD ACTION:** Jim Wilson reviewed the history of this matter and advised of meetings; and he advised that County Fire Battalion Chief Jim Monty helped draft the program and that he is present to help in responding to questions. Discussion was held relative to the proposal and the mandated requirements; and dealing with home-based businesses. Supervisor Allen asked Steve Dahlem/County Counsel about liability issues, and he advised that he will need to review.

Input from the public was provided by the following:

Ruth Sellers stated she does not support any additional fees given the current economic times.

Jim Dulcich stated that as a downtown business owner, he already pays an annual inspection fee to Environmental Health and he disagrees with having a second fee for the fire inspection. He noted that the businesses are struggling and he does not feel there should be more fees. He feels that once the program is established that there will be a push for it to pay for itself, perhaps with increased fees, and it will require more support and facilities.

Eleanor Keuning asked about the history of the fire marshal service in the County, and she noted that the fee the Kiwanis pay for the fireworks inspection is a large expense. She agrees with the previous speakers and does not support the fee. She referred to her previous experience when living in Tracy and the services that were provided by the Fire Department.

Mark Rowney, Mariposa Public Utility District (MPUD) General Manager, commented on the history of this program and services that have been provided, and he advised of his Board's discussion and concerns. He advised that the MPUD Board continued discussion of this program to their next meeting as they are still trying to get a better understanding.

Discussion was held. Supervisor Bibby asked that the question of being able to combine inspection services with Environmental Health be reviewed. She asked for clarification of the requirements of the program, and County Counsel advised that he will review. Chair Allen stated he would like to hear MPUD Board's thoughts and opinions, and he would like County Counsel to have an opportunity to review the requirement for this program to make sure that it is a "shall." The matter was continued to be rescheduled in January, 2012.

3

Consider Items Removed from the Consent Agenda – none

4

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard J. Benson;

5

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard J. Benson; and

8

**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)Stetson, these closed sessions were held/Ayes: Unanimous.

6 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of County Designated Representative: Richard J. Benson; and

7 **Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Richard J. Benson

**BOARD ACTION:** Supervisor Bibby excused herself from the meeting at 10:53 a.m. for action to hold these closed sessions and for the portion of the closed session on these matters due to a potential conflict of interest as she has a family member that is in SMA. (M)Turpin, (S)Stetson, the closed sessions were held/Ayes: Turpin, Stetson, Cann, Allen; Excused: Bibby. Chair Allen advised that the Board would reconvene in open session at 2:00 p.m. after the closed session items and lunch.

**12:22 p.m. Lunch**

**2:00 p.m. Reconvene**

**Report from Closed Session:**

Chair Allen advised that information was received and direction was given on items 4 and 5/labor negotiations with SEIU and MCMCO; discussion was not held on items 6 and 7/labor negotiations with DSA and SMA; and item 8/anticipated litigation was continued to after the following public hearings.

9 **Planning**

Continued PUBLIC HEARING to Consider Zoning Amendment No. 2010-162. Action Includes Adopting a Resolution Approving Zoning Amendment No 2010-162 and Finding that the this Amendment is Exempt from Environmental Review; and Waiving the First Reading and Introducing an Ordinance Amending the Zoning Map by Rezoning Three Parcels Totaling 437 Acres Currently in the Mountain Preserve Zone (160 Acre Minimum) to the Agriculture Exclusive Zone (160 Acre Minimum.); Jerry Cox (Bison Creek Ranch), Project Applicant. The Property is Located at 6071 CYA Road/APNs 008-140-021, 008-140-022, and 008-140-023 (Hearing Continued from 10-18-11)

**BOARD ACTION:** Kris Schenk/Planning Director, and Sarah Williams/Deputy Planning Director, were present for the hearing to respond to questions. Alvaro Arias/Associate Planner, presented the staff report and advised of staff's review of the issues that were raised at the October 18, 2011, hearing. Staff responded to questions from the Board relative to being able to rezone to Agriculture Exclusive if the applicant is not in compliance with the Land Conservation Act Contract; whether the applicant returned the recent questionnaire for said Contract and the process if questionnaires are not returned and whether previous reports were filed; date of purchase of the property; whether the Agricultural Advisory Committee revisited the site to determine if the land is viable for agricultural use; relative to the zone requirements; and relative to the County being able to file a Notice of Non-Renewal of the Contract and the process. County Counsel responded to a question from the Board relative to the County being able to follow the new policies for the questionnaires for this project.

The public portion of the hearing was reopened and there was no input. The public portion was closed and the Board commenced with deliberations. (M)Turpin, (S)Stetson, to acknowledge that the land has a Land Conservation Act Contract and to give direction to staff to pursue the most recent policies for noticing the land owner of the requirement to file the report/questionnaire; and to hold action on the rezone request in the interim. The motion was restated by County Counsel to table the request for the Zoning Amendment and to give direction to staff to pursue investigation of any violation of the Land Conservation Act Contract or its policies. The restated motion was agreeable with the maker and second. Further discussion was held. Ayes: Unanimous. The hearing was continued to January 24, 2012, at 2:00 p.m.

10

### **Planning**

**PUBLIC HEARING** to Consider Land Conservation Act Application No. 2011-079. Action Includes Adopting a Resolution Approving Land Conservation Act Application No. 2011-079 with Findings and Conditions, Approving Execution of Four New Land Conservation (Williamson) Act Contracts with Philomene Schultz for 761.07 Acres Located at 5256 and 5437 Indian Gulch Road in Catheys Valley; APNs 016-090-021, 016-090-024, 016-090-043, 016-090-049, and 016-090-089

**BOARD ACTION:** Kris Schenk and Sarah Williams were present for the hearing to respond to questions. Alvaro Arias presented the staff report and he advised that the parcels were previously under Land Conservation Act Contract, Notices of Non-Renewal were filed in 2006, and this request is to place the parcels back under contract. He advised that one of the parcels does not meet the minimum parcel size and the recommended action will require that it be managed with a contiguous parcel for the life of the Contract. Staff responded to questions from the Board relative to managing the smaller parcel with another parcel; current agricultural operation of the land; as to whether the Agricultural Advisory Committee made a recommendation of recovering the loss of the property tax revenue; relative to the cost for this application and the applicant's fee; timeframes and process for determining which parcel will be managed with the smaller parcel; and relative to reporting requirements when a Notice of Non-Renewal is filed. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Turpin, (S)Bibby, Res. 11- 571 was adopted approving Land Conservation Act Application No. 2011-079 with the recommended findings and conditions, and approving the execution of four new Land Conservation Act contracts as recommended. Supervisor Cann initiated discussion relative to the County not being able to recover the loss of property tax revenue when the Land Conservation Act Contracts are approved; and he stated he feels that the Board needs to have a discussion of whether to place a moratorium on additional applications. Ayes: Unanimous. The hearing was closed.

11

### **Planning**

**PUBLIC HEARING** to Consider General Plan/Zoning Amendment No. 2011-104, Lot Line Adjustment No. 2011-105, and Land Conservation Act Contract No. 2011-106. Action Includes Adopting a Resolution Approving the General Plan Amendment, Lot Line Adjustment, Land Conservation Act Contract Application and Approving the Creation of a New Agricultural Preserve and Approving Execution of a New Land Conservation (Williamson) Act Contract with Silver Valley Ranch, LLC.; Adopting a Notice of Exemption; and Waiving the First Reading and Introducing an Ordinance to Amend the Mariposa County Zoning Map Pursuant to General Plan/Zoning Amendment No. 2011-104. The Lot Line Adjustment Proposes to Adjust the Boundaries of Four Parcels. The Zoning Amendment Proposes to Amend the Zoning of Adjusted Parcel D from Mountain Home to Agriculture Exclusive. The General Plan Amendment Proposes to Amend the Land Use Classification on Adjusted Parcel D

from Residential to Agriculture/Working Landscape and on Adjusted Parcel C from Agriculture/ Working Landscape to Residential. Land Conservation Act Contract No. 2011-106 Proposes to Place Adjusted Parcel D into a Land Conservation Act Contract. Silver Valley Ranch, LLC., Project Applicant. Property located at 3909, 3885, and 3937 Silver Bar Road in the Mariposa Area also Known as APNs 017-110-089, 017-170-091, 017-170-099, and 017-170-075.

**BOARD ACTION:** Kris Schenk and Sarah Williams were present for the hearing to respond to questions. Alvaro Arias presented the staff report and advised of the recommended actions; and he read the title of the Ordinance into the record. Staff responded to questions from the Board clarifying that one Land Conservation Act Contract is being requested; relative to the current agricultural operation of the land and the use of the arena; and relative to no response being received from the Department of Conservation. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Bibby, (S)Cann, Res. 11-572 was adopted approving General Plan/Zoning Amendment No. 2011-104, Lot Line Adjustment No. 2011-105, Land Conservation Act Contract No. 2011-106, and adopting a Notice of Exemption, as recommended; and waiving the first reading and introducing an Ordinance amending the Mariposa County Zoning Map pursuant to General Plan/Zoning Amendment No. 2011-104 for Silver Valley Ranch, LLC. Supervisor Cann referred to his comments in the previous hearing about Land Conservation Act contracts. Ayes: Unanimous. The hearing was closed.

**2:52 p.m.** The Board reconvened in closed session for item 8/anticipated litigation.

**3:40 a.m. Report from Closed Session:**

Chair Allen reported that information was received and direction was given for item 8/anticipated litigation.

**Consent Agenda**

- CA-101      **Clerk of the Board**  
Approval of the Summary of Proceedings of October 25, 2011, Regular Meeting; and Approval of the Summary of Proceedings of November 8, 2011, Regular Meeting
  
- CA-102      **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-565
  
- CA-103      **Administration**  
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-566
  
- CA-104      **Administration**  
Approve a Contract for Services with the Mariposa County Chamber of Commerce for the Operation of the Mariposa County Visitors' Centers (Mariposa and Coulterville) in the Amount of \$125,000; and Authorize the Chairman of the Board of Supervisors to Sign the Contract; Res. 11-567
  
- CA-105      **County Clerk**  
Resolution Appointing William H. Bondshu as a Member to the Mariposa Public Utility District's Board of Directors; and Diane D. Bopp and Richard W. Ryon as

Members to the Yosemite Alpine Community Services District Board of Directors,  
Pursuant to Elections Code Section 10515(a); Res, 11-568

- CA-106      **Agricultural Commissioner**  
Approve the Pierce’s Disease Control Program/Glassy-winged Sharpshooter Contract No. 10-0336-1 Amendment for FY 2010-11 through 2011-12 with the California Department of Food and Agriculture and Authorize the Chairman of the Board of Supervisors to Sign the Amendment; Res. 11-569
- CA-107      **Public Works**  
Approve a Three-Year Professional Services Agreement with American Geological Services, Inc., for Continued Monitoring at the Mariposa-Yosemite Airport in the Not to Exceed Amount of \$7,740.00; and Authorize the Chairman of the Board of Supervisors to Sign the Agreement; Res. 11-570
- CA-108      **Human Services**  
Accept the Resignation of Bob Linneman from the Mental Health Board
- CA-109      **Human Services**  
Appoint Meghan Kehoe to the Mental Health Board for a Term to Expire on November 22, 2014
- CA-110      **Human Services**  
Reappoint Emma Levy to the Mental Health Board for a Term to Expire on November 22, 2014

**3:41 p.m.** Adjournment in memory of Dr. Clifford L. Walker and Allen “Shorty” Loyd.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS



### SUMMARY OF PROCEEDINGS December 6, 2011

Folder      Time      Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for our men and women fighting for our freedoms.

Introductions – none

9

#### **Administration**

Approve Budget Action Reducing General Contingency to Fund the Remodel for the Health Department Building (\$80,000) (4/5ths Vote Required)

**BOARD ACTION:** Chair Allen advised that this matter was withdrawn.

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:** Chair Allen advised that the effective date for item 123 is December 15<sup>th</sup> versus the 19<sup>th</sup>.

Input from the public was provided by the following:

Eleanor Keuning referred to item 108 and stated that as a member of the Historical Sites and Records Preservation Commission, they have an interest in historical documents. She referred to item 118 and questioned the costs and whether Board members attend the CSAC Conference.

Ruth Catalan referred to item 122 and stated she feels that either the hiring moratorium should be enforced, or it should be gotten rid of if requests are always going to be approved.

Supervisor Turpin stated he would like to comment on item 115. Supervisor Cann referred to the questions raised concerning the hiring moratorium and commented on the reasons for the Board’s action; and he advised that he will report on his attendance at the CSAC Conference under Board Information. Supervisor Bibby referred to item 108 and Steve Dahlem/County Counsel advised that none of the documents have any historical reference. Supervisor Bibby pulled item 122. Supervisor Stetson referred to item 101 and asked that the Summary of Proceedings for November 1, 2011, be clarified to reflect that he feels that the Park Service’s presentation of the Merced River Plan was brilliant. Supervisor Cann referred to the public input on item 108, and he noted that all of the types of documents are listed in the agenda item. Supervisor Turpin referred to item 115, and he thanked Public Works

staff for their work on this and other projects; and he noted the increased costs of asphalt. Jim Rydingsword/Human Services Director, responded to questions from Supervisor Bibby on item 122. (M)Stetson, (S)Turpin, all items were approved, with the correction noted for item 101 and the change of the effective date for item 123/Ayes: Unanimous.

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

Peter Rei/Public Works Director, advised that the AB 939 Task Force is meeting on Wednesday and will review the draft request for proposals for operation of the landfill; he reported on his attendance at the CSAC (California State Association of Counties) and County Engineers' Conference last week – he noted the importance of the issues that are covered and thanked the Board for allowing him to attend.

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

Eleanor Keuning expressed concern with the quality of the sound system in the Board Chambers; stated Madera County opted out of the State's fire assessments for rural counties; noted a civility caucus was established in Washington, D.C.; and advised of the High School Music Department's chorus event scheduled for Monday.

Kathy McCorry, Executive Director of the Mariposa County Chamber of Commerce, invited everyone to the mixer on December 13<sup>th</sup> at the Visitors' Center and she noted that Assemblywoman Olsen plans to make a special presentation to the High School Band for their performance in New York City.

Ruth Catalan referred to the Sierra Sun Times website and concerns relative to the costs of the Stroming building; and she asked why the facility is not being advertised for rent.

Board Information

Supervisor Turpin commented on the recent winds and power outages and he thanked everyone for getting the Community Club ready for emergency use, and he noted that it was not needed. He attended the Christmas tree lighting ceremony in Coulterville on Sunday, and he noted that the businesses were open and decorated, and he thanked everyone. Referring to the status of our natural resources, he noted that this fall has been fairly dry and we need rain; but he noted that logging has been able to continue. He plans to attend the Calaveras-Mariposa Community Action Agency meeting in Coulterville on Friday. He noted that the Greeley Hill sidewalk project is almost complete; and he commented on the need to watch the timing of projects with winter weather.

Supervisor Cann advised that he met with the owner of the Best Western on Wednesday relative to re-roof and sign replacement projects. He met with Planning and a developer and a title company representative on November 28<sup>th</sup> on issues regarding what Planning is requiring to be recorded on deeds and they were able to resolve the issues. He helped decorate the Art Park on Tuesday with the Chamber; and he commended the Chamber for the Merry Mountain Christmas Parade and thanked those who participated. He attended the CSAC Conference on Wednesday and Thursday, and he noted that the neighboring counties had four Supervisors, their Clerk, County Administrative Officer and Public Works Director attend the Conference. RCRC (Regional Council of Rural Counties) sent him; but he feels that the Board should send at least one Supervisor. A lot of issues were covered, including pension reform. He noted that CSAC is considering pursuing a voter initiative for AB 109/realignment and he commented on the importance of this matter and the potential costs.

Supervisor Stetson advised that he met with the Human Services Director on department issues. He attended the fire station meeting last Wednesday and plans to attend the meeting tomorrow. He met with Supervisor Cann and the County Administrative Officer last week relative to the Ferguson rockslide. He thanked Supervisor Cann for working with the National Park Service on the Foresta bridge project, and Ed Walls for continuing to support this project. He thanked Public Works for getting plow equipment to Foresta and Wawona.

Supervisor Bibby advised that she met with the Human Services Director on November 28<sup>th</sup> relative to departmental organization and the Program Integrity Unit. She attended the Mental Health Government Board meeting on December 1<sup>st</sup>, and noted that they still need members and that they working to collaborate on services with others, including Community Services. She plans to attend the Foreign Trade Zone meeting in Fresno on Wednesday; the MPUD meeting this evening relative to fire inspections; and the School Board meeting on Wednesday evening to discuss the Catheys Valley charter school. She noted the United States Postal Service will be at the Stagg Hall in Hornitos on December 8<sup>th</sup> to take comments on the proposal to close that Post Office; and she advised that she is willing to take comments from those who are unable to attend. She plans to attend the Calaveras-Mariposa Community Action Agency meeting on December 9<sup>th</sup> in Coulterville and they are looking at refunding. She plans to attend the First 5 meeting on December 12<sup>th</sup>, and she noted the recent suit against the State to stop their attempt to take Proposition 10 funding.

Supervisor Allen advised that he attended the same meetings last week as noted by the other Supervisors. He attended the Emergency Medical Care Committee meeting on Wednesday; and he thanked the first responders for their assistance with the wind related issues. He attended the Community Corrections Partnership meeting on Friday. He attended the Merry Mountain Christmas Parade on Saturday and noted that it was phenomenal, and noted the presence of the Grizzly Band and parents. He attended the crafts fair at the Fairgrounds over the weekend. He plans to attend the Area 12 Agency on Aging meeting in Sonora on Thursday. He commented on the CSAC conference and stated he feels they should be held in locations that are affordable. He noted that the Christmas tree in the Government Center lobby was donated by Donna and Darin Wass and thanked them and those who decorated.

**9:41 a.m.** Board Convened as

**LOCAL TRANSPORTATION COMMISSION**

(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Lee Stetson)

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

3 **Public Works**

Adopt the 2012 Regional Transportation Improvement Program (RTIP) and Direct Staff to Submit the RTIP to the California Transportation Commission (CTC) and California Department of Transportation (Caltrans)

**COMMISSION ACTION:** Discussion was held with Peter Rei and Barbara Carrier/PWD-Transportation Planner, relative to the request. Commissioner Bibby asked that a section of Ben Hur Road be reviewed for inclusion. Staff clarified that the RTIP could be amended in the future.

Input from the public was provided by the following:

Eleanor Keuning noted the importance of having maintained roads for alternate routes when the highways are closed, and she supports Ben Hur, Old Highway and Mt. Bullion Cutoff.



(M)Stetson, (S)Bibby, LTC Res. 11-24 was adopted approving the RTIP as recommended/Ayes: Unanimous.

4

**Public Works**

Adopt a Resolution Authorizing the Executive Director to Sign the Application and Other Necessary Documents Pertaining to Federal Transit Administration (FTA) Section 5311 Program (Operating Assistance) Funding for Fiscal Year 2011-2012  
**COMMISSION ACTION:** Following discussion with Barbara Carrier, (M)Allen, (S)Stetson, LTC Res. 11-25 was adopted approving the recommended action/Ayes: Unanimous.

**9:56 a.m.** Reconvened as  
**BOARD OF SUPERVISORS**

5

**Public Works**

Discussion and Possible Direction Regarding Amerigas' Offer of their "Family and Friends" Program to the County  
**BOARD ACTION:** Mike Pardi/PWD-Administrative Analyst, provided information on the offer by Amerigas. Discussion was held with Mike Pardi and Peter Rei. Board members expressed concern with the offer being made to County employees versus all residents; and asked about the procedures in other counties.

Input from the public was provided by the following:

Eleanor Keuning stated that as a member of the Salvation Army Committee, they receive a lot of requests for assistance with propane during the winter months; and she would like to see a company offer a reduced rate for those folks.

Pete Judy, speaking as a citizen, noted that the discount offer could be made without Board action.

Eric Baskind, with Pro Flame, expressed concern with the impacts on local companies with this program; and he noted that Amerigas is from Los Banos. He would like to be able to offer a program to the County.

Ruth Catalan stated she was the whistle blower with advising Pro Flame of this agenda item as she feels the local company should have input; and she noted her experience with Pro Flame over the last eleven years. She questioned why Amerigas is not here and whether they would put in a local office and hire locals. She feels that this is unfair competition.

No action was taken.

**10:16 a.m.** Recess

**10:30 a.m.** Reconvene

6

**Human Services**

Approve the Establishment of a Program Integrity Unit in the Social Services Budget Effective December 1, 2011, by the Following Actions: Allocate and Authorize the Recruitment of a Program Manager Position in the Social Services Budget; Authorize the Recruitments of an Eligibility Supervisor I, Eligibility Worker III, and Eligibility Worker I/II Position in the Social Services Budget; Transfer the Allocation of One Eligibility Worker I/II Position from the Mental Health Services Act Fund to the Social Services Budget; Unallocate a Fraud Investigator Position in the Human Services Administration Budget; Unfund an Allocated Social Worker Supervisor I Position in the Social Services Budget; Approve Budget Action Reducing Funding and Appropriations in the Human Services Administration Budget and Transferring Funds within the Social Services Budget to Implement the Above Actions (\$51,943)

**BOARD ACTION:** Discussion was held with Jim Rydingsword relative to the request and changes from the previous Fraud Investigator program. Supervisor Bibby asked that reports be given to the Board on case statistics and how the fraud unit is working.

Input from the public was provided by the following:

Susie Gordo, retired Fraud Investigator, provided input on her previous request for this unit; stated there is \$200,000 outstanding in collections because she did not have any staff assigned to this unit; and she feels the requested program is overkill.

(M)Cann, (S)Turpin, Res. 11-593 was adopted approving the requested actions. Supervisor Bibby commented on the need for the Fraud Investigator to be independent. Ayes: Unanimous.

7

**Planning**

Waive the Second Reading and Adopt an Ordinance Amending the Mariposa County Zoning Map Pursuant to General Plan/Zoning Amendment No. 2011-104. The Ordinance will Rezone Adjusted Parcel D from the Lot Line Adjustment No. 2011-105 (Portions of APNs 017-110-089, 017-170-091, 017-170-075, and 017-170-099) from the Mountain Home Zone to the Agriculture Exclusive Zone; Silver Valley Ranch, LLC., Project Applicant

**BOARD ACTION:** Chair Allen read the title of the Ordinance into the record.

Input from the public was provided by the following:

Ruth Catalan questioned the process of placing land in the Williamson Act Contract before the proper zoning is in place; and she stated she feels there should be a moratorium on Williamson Act contracts because of the loss of taxable income; and she feels that the contract requirements need to be enforced.

(M)Bibby, (S)Turpin, the second reading was waived and Ordinance No. 1084 was adopted amending the Zoning Map pursuant to General Plan/Zoning Amendment No. 2011-104 as recommended. Supervisor Cann responded to the public input and noted that this project followed all of the proper procedures; and he stated he feels that further consideration needs to be given to imposing a moratorium on new Williamson Act contracts, and he commented on enforcement. Ayes: Unanimous.

8

**Administration**

Waive the Second Reading and Adopt an Ordinance Amending Chapter 1.16 of the Mariposa County Code, Entitled “Supervisory Districts” to Amend the Supervisory District Boundaries

**BOARD ACTION:** Chair Allen read the title of the Ordinance into the record. Rick Benson/County Administrative Officer, provided input on the requested action. County Counsel responded to questions from the Board relative to the effective date of the boundary changes. Supervisor Stetson clarified that members appointed by Board members to committees that represent specific districts will remain in force until the new Supervisors terms of office begin.

Input from the public was provided by the following:

Marvin Wells asked when the maps with the new boundaries will be published and how people will know if there is a change in their district.

Chair Allen advised that the County Clerk is scheduling a presentation on December 20<sup>th</sup> relative to the interactive information that will be available on the web. Supervisor Cann commented on Emily Meriam’s GIS work on the changes. Discussion was held. (M)Bibby, (S)Stetson, the second reading was waived and Ordinance No. 1085 was adopted amending Chapter 1.16 of the County Code as recommended/Ayes: Unanimous.

10

Consider Items Removed from the Consent Agenda – none

- 11           **Administration**  
 CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee  
 Organization: Service Employees International Union Local 521 (SEIU); Name of  
 County Designated Representative: Richard J. Benson;
- 12           **Administration**  
 CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee  
 Organization: Mariposa County Managerial and Confidential Organization (MCMCO);  
 Name of County Designated Representative: Richard J. Benson;
- 13           **Administration**  
 CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee  
 Organization: Deputy Sheriffs' Association (DSA); Name of County Designated  
 Representative: Richard J. Benson; and
- 14           **Administration**  
 CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee  
 Organization: Sheriffs' Management Association (SMA); Name of County Designated  
 Representative: Richard J. Benson  
**BOARD ACTION:** These closed sessions were withdrawn.

**11:01 a.m. Recess and Lunch**

**2:01 p.m. Reconvened**

- 15           **Planning**  
 PUBLIC HEARING to Consider Zoning Amendment No. 2011-170, Action Includes  
 Adoption of a Resolution Approving the Zoning Amendment, Finding the Amendment  
 is Exempt from Environmental Review, and Waiving the First Reading and Introducing  
 an Ordinance Amending Title 17 Zoning. The Project Proposes to Define and Regulate  
 Medical Marijuana Dispensaries and Medical Marijuana Cultivation. Project Affects  
 all of Mariposa County. County of Mariposa, Project Proponent  
**BOARD ACTION:** Chair Allen asked County Counsel to respond to the letter that  
 was received from Anita Starchman Bryant, Starchman & Bryant Attorneys at Law,  
 this date. County Counsel advised that he discussed the letter with Planning and out of  
 caution Planning will recommend an amendment to the Ordinance and documents to  
 address the issues that were raised. Kris Schenk/Planning Director, was present.  
 Alvaro Arias/Associate Planner, presented the staff report; and he advised of their  
 recommendation to delete reference to Section 17.04.030.E from the Ordinance and the  
 Resolution and he noted that it will be up to the Board to direct that this Section be  
 brought back at a later date. He reviewed the history of the urgency Ordinance for the  
 moratorium, and he review the recommended amendments since adoption of the  
 Resolution of Intent. He read the title of the Ordinance into the record. Supervisor  
 Stetson asked County Counsel whether the Board could consider requiring a 4/5ths vote  
 to make sure that potential future consideration of prohibition of an activity is not  
 lightly considered. Supervisor Stetson reviewed his concerns with the recommended  
 action; stating he does not feel that this law is doing any particular good and he is  
 opposed to it; and that he supports the use of medical marijuana for the seriously ill  
 patients and does not feel that they should have to go out of the County to obtain the  
 medicinal marijuana. County Counsel responded to the question relative to requiring a  
 4/5ths vote and noted that the State law calls for a majority vote on these matters; and  
 for the Board to require 4/5ths vote would require a change in the State law. Staff  
 responded to a question from the Board relative to the noticing requirements and  
 Section 17.04.030.E not being included in the noticing that was done for this hearing.  
 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 clarifying the changes that are necessary to

delete Section 17.04.030.E in the resolution, Ordinance and Summary of Ordinance. (M)Cann, (S)Bibby, Res. 11-594 was adopted finding that the project is exempt from environmental review and approving Zoning Amendment No. 2011-170 with findings; waiving the first reading and introducing an Ordinance approving amendments to the Zoning Ordinance pursuant to Zoning Amendment No. 2011-170; with the amendment to the Resolution and the Ordinance to delete Section 17.04.030.E. Staff responded to questions from the Board as to what would be necessary for Section 17.04.030.E to come back to the Board. Supervisor Stetson questioned what would happen if a designated primary caregiver goes on vacation. Supervisor Allen expressed concern with this being the only drug that doctors prescribed that is not regulated like the other drugs; and he noted that there is an alternate drug there is dispensed through pharmacies. Supervisor Bibby asked that information be provided by the Sheriff at a future date relative to screening of plants, and that there be continued follow-up as the marijuana issues evolve. Supervisor Turpin asked about addressing the land use issues. Ayes: Turpin, Bibby, Cann, Allen; Noes: Stetson. The hearing was closed.

### **Consent Agenda**

- CA-101      **Clerk of the Board**  
Approval of the Summary of Proceedings of November 1, 2011, Regular Meeting; Approval of the Summary of Proceedings of November 2, 2011, Continued Meeting; Approval of the Summary of Proceedings of November 15, 2011, Regular Meeting; and Approval of the Summary of Proceedings of November 22, 2011, Regular Meeting; with a correction on the November 1<sup>st</sup> Summary of Proceedings
- CA-102      **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-573
- CA-103      **Administration**  
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-574
- CA-104      **Administration**  
Waive the Hiring Moratorium to Allow the Human Services Department to Fill One Account Clerk III Position in the Human Services Administration Budget; Res. 11-575
- CA-105      **Administration**  
Approve Budget Action Reducing Revenue and Appropriations in the Microenterprise Assistance Loan Program to Correct the Accounting of Loan Repayments (\$269,000), and Approve Budget Action Transferring Funds within the Microenterprise Assistance Grant Program to Correct Budgeting Error (\$269,000) (4/5ths Vote Required); Res. 11-576
- CA-106      **Administration**  
Approve Budget Action Increasing Revenue and Appropriations in the Microenterprise Assistance Grand Fund to Launch the Business Assistance Loan Program (\$500,000) (4/5ths Vote Required); Res. 11-577
- CA-107      **Administration**  
Authorize the County Administrative Officer (CAO) to Dispose of the County Office Furniture and Equipment Located in the Stroming Building, Mariposa, by First

Offering the items to Local Non-Profit Organizations and Churches, Before Disposal at the Landfill; Res. 11-578

- CA-108      **County Counsel**  
Adopt a Resolution Authorizing the County Counsel's Office to Implement an Orderly and Periodic Schedule of Destruction of Certain Records and Documents Currently in the Custody of the County Counsel; Res. 11-579
- CA-109      **Supervisor Stetson**  
Appoint Edward R. Temple to the Midpines Planning Advisory Committee for a Term Expiring February 28, 2013
- CA-110      **Supervisor Stetson**  
Authorize the Mariposa County Fire Safe Council to Apply for a Sierra Nevada Conservancy Proposition 84 Grant in the Amount of \$25,000 to Complete the Environmental Compliance Study for a Future Hazardous Fuels Reduction Project Located on County Owned Property in the Midpines Community; Res. 11-580
- CA-111      **District Attorney**  
Approve an Amendment to the July 1, 2008 to December 31, 2011 District Attorney's Vertical Prosecution Block Grant, Funded by the State of California Emergency Management Agency, Approve Budget Action Increasing Revenue and Appropriations in the Vertical Prosecution Grant Budget (\$9,369) (4/5ths Vote Required) Increasing Funds by \$9,369 for a Total of \$221,603; Res. 11-581
- CA-112      **Sheriff**  
Approve Agreement No. 12-LE-11051360-002 in the Amount of \$12,000 with the United States Department of Agriculture, Sierra and Stanislaus National Forest to Assist in Providing Law Enforcement Services on National Forest Lands, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-582
- CA-113      **Sheriff**  
Approve an Amended Agreement with Stanislaus County Sheriff's Office Coroner's Division to Provide Forensic Pathology Services for the Mariposa County Sheriff's Office, and Authorize the Board of Supervisors Chair to Sign the Amended Agreement; Res. 11-583
- CA-114      **Sheriff**  
Approve Amended Agreement with the City of Fresno as Required for Purchasing Authority Pertaining to the CalSIEC Central Planning Area Public Safety Inter-Operable Communications Grant (PSIC), and Authorize the Board of Supervisors Chair to Sign the Amended Agreement; Res. 11-584
- CA-115      **Public Works**  
Approve Change Order No. One in the Amount of \$54,188 for the Variation in Quantities for the Silver Bar Road Project (08-14/081) in Mariposa County, and Authorize the Public Works Director to Sign the Change Order; Res. 11-585
- CA-116      **Public Works**  
Approve Budget Action Transferring Funds within the Yosemite West Maintenance Budget to Cover the Cost of Emergency Repairs to the Snow Cat (\$25,500); Res. 11-586

- CA-117      **Public Works**  
 Approve Budget Action Decreasing Contingency to Cover an Extra Help Position for Snow Removal in the Wawona and Foresta Areas (\$10,000) (4/5ths Vote Required); Res. 11-587
- CA-118      **Public Works**  
 Approve Budget Action Transferring Funding from the Roads Fund to the Public Works Administration Budget to Cover the Cost of Software Maintenance by Cascade Software Systems for the CAMS Software, and to Cover the Cost of the Public Works Director's Attendance of CSAC Meetings (\$15,205) (4/5<sup>th</sup> Vote Required); Res. 11-588
- CA-119      **Human Services**  
 Reappoint Gwen Nitta to the Local Child Care Planning Council for a Term to Expire December 6, 2014, and Accept the Resignation of Andrea Rogerson from the Local Child Care Planning Council
- CA-120      **Human Services**  
 Accept the Change to the In Home Supportive Services (IHSS) Advisory Committee Bylaws, Article IV, Section 4, to read "Any Officer May be Re-Elected to the Same Office for Succeeding One Year Terms"; Res. 11-589
- CA-121      **Human Services**  
 Approve an Agreement with Mariposa Safe Families to Carry out the Activities of the Substance Abuse Prevention Program, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-590
- CA-122      **Human Services**  
 Approve Increase in the Allocation of a Alcohol and Drug Senior Specialist from 60% to 80% Permanent Part Time Employee Effective December 1, 2011, and Budget Action Transferring Funds in the Alcohol and Drug Budget for the Allocation Increase and Additional Training (\$10,000); Res. 11-591
- CA-123      **Community Services**  
 Waive the Hiring Moratorium to Allow for the Hiring of a Full-Time Transit System Bus Driver and Approve Overfilling the Full-Time Transit System Bus Driver Allocation Effective December 19, 2011, as the Incumbent Full time Transit Driver will be Retiring December 30, 2011; Res. 11-592, with a change in the effective date to December 15<sup>th</sup>

**2:34 p.m.** Adjournment in memory of Margaret J. Anders.

Respectfully submitted,

MARGIE WILLIAMS  
 Clerk of the Board

JIM ALLEN  
 Chair, Board of Supervisors



MARIPOSA COUNTY BOARD OF SUPERVISORS



SUMMARY OF PROCEEDINGS
December 13, 2011

Folder Time Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for our men and women fighting for 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: Bill Davis/Auditor referred to item 105 and asked that the contract contain a requirement for the Tourism Bureau to report how the funds are spent so that he can respond to inquiries from the public.

Rick Benson/County Administrative Officer, advised that item 109 is being withdrawn at the request of the Public Works Director. Supervisor Bibby asked that when this item comes back to the Board that it include the source of funding.

Supervisor Bibby pulled item 105. Supervisor Turpin pulled items 102 and 103. Supervisor Cann provided input on item 106 relative to the status of the fees and the potential for litigation, and he noted that RCRC is working on this issue and that information is available.

(M)Stetson, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Departmental Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda – none

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

Carol Johnson echoed Ruth Catalan’s request from the previous meeting for an update on the Stroming Road building that was formerly occupied by Human Services.

Marvin Wells stated he thinks the Patriots and Green Bay are going to the Super Bowl.

Board Information

Supervisor Bibby advised that she attended the Foreign Trade Zone meeting and the School Board meeting on December 7th – the School Board has scheduled a vote on the request for a charter school in Catheys Valley on December 15th. She attended the

public meeting on December 8<sup>th</sup> in Hornitos with representatives of the Postal Service relative to the proposal to close that Post Office. She attended the Calaveras-Mariposa Community Action Agency meeting on Friday and commented on the status of funding the programs. She attended the First 5 meeting on Monday and commented on the status of funding the programs and staff. She attended the Mt. Bullion Community meeting on Monday evening at the Government Center.

Supervisor Stetson advised that a family event took him out of the County for a couple of days. He attended the fire station meeting on Wednesday.

Supervisor Cann advised of the "Purple Heart" program that Shasta County implemented, and he noted that he plans to share this information with the local VFW. He advised that information on the following items from RCRC is available to the public: SRA (State Responsibility Areas) fire fees; AB 885/septic tank regulations; overview of the Governor's pension reform proposal; and a list of expected 2012 ballot initiatives. He advised that he plans to attend the IRWMP meeting on Wednesday with potential bidders and the EDC meeting at noon, and he agreed to meet with travel writers from India. He referred to the requests for a status report on the Stroming Road building; and he provided input on the ongoing negotiations with Yosemite Management and the GSA and the owner of the Stroming Road Building for the National Park Service to move administrative staff to the building. He advised that he received a call from Congressman Denham's Legislative Director that the Yosemite Lands Bill was introduced in the House today – this would allow for the purchase of approximately 18-acres in Mariposa for visitor services and administrative services for Yosemite.

Supervisor Turpin asked about the status of receiving an update from the Tourism Bureau. Rick Benson advised that the terms of agreement call for two reports a year and that a report was made in late July and the next report is scheduled for December 20<sup>th</sup>. Supervisor Turpin advised that he attended the Calaveras-Mariposa Community Action Agency meeting on Friday in Coulterville, and he thanked Supervisor Stetson for attending those meetings during his absence. He noted that he passed three logging trucks and the Mariposa County transit bus this morning. He plans to attend the Red Cloud Library meeting tomorrow. He noted that the Greeley Hill sidewalk project is almost complete – it just needs striping. He stated the *Modesto Bee* ran a story on the new Yosemite Ziplines and Adventure Ranch business in Mariposa, and he thanked all of the County departments that were involved in processing the application for this project. He advised that the Christmas in Coulterville event and activities is scheduled for Saturday.

Supervisor Allen advised that he attended the fire station meeting on Wednesday and they resolved communication issues. He attended the Area 12 Agency on Aging meeting in Sonora on Thursday and they reviewed the budget and discussion was held relative to seniors and services. He plans to attend the fire station meeting tomorrow and the Mountain Valley Emergency Medical Services Agency meeting on Friday. He asked everyone to exercise caution when driving given the recent accidents and the holiday season, and provided a reminder to have a designated driver if drinking. He thanked Supervisor Cann for his work on the Stroming Road building.

Rick Benson advised of word received on Monday through the County Administrative Officers' Association that the State has not met its revenue projections so the automatic triggers that were set up are being implemented and will have the following impacts on counties: increased costs for State juvenile commitments, reduction of hours for IHSS – however, there is a Court injunction; reduction of funding for law enforcement; and he noted that there is still a shortfall so there will be more cuts. Supervisor Allen noted that there are other cuts that will impact the citizens – cuts in child care and school transportation.



2

Consider Items Removed from the Consent Agenda

Item 102 – Supervisor Turpin asked for an update on the Ferguson landslide. Rick Benson advised that CalTrans is still in the process of receiving comments and trying to come up with a viable option to fix the slide and there are none at the moment. He advised that the option to go over the River would require special legislation because of the Wild and Scenic River Act. The option to build a rockshed using the road that was buried, but there is an endangered salamander on that side of the River and they are working to try and get legislation to allow this option. (M)Turpin, (S)Bibby, item 102 was approved/Ayes: Unanimous.

Item 103 – Supervisor Turpin asked about the status of the work on Ben Hur Road. Peter Rei/Public Works Director, advised that the plans and environmental process are complete; and they have sent in the request for funding, then they will go to bid – they hope to begin the project in the spring. Discussion was held. (M)Turpin, (S)Bibby, item 103 was approved/Ayes: Unanimous.

Item 105 – Supervisor Bibby initiated discussion relative to the request for an expenditure report. (M)Bibby, (S)Stetson, direction was given to add a condition to the contract that an expenditure report of the contractor’s activities will be filed with the Mariposa County Auditor. Further discussion was held as to what the report would contain. Bill Davis stated he would like to see a list of expenditures for the \$500,000. Supervisor Bibby amended the motion, agreeable with the second, to include that the report is for the County funded portion of the Tourism Bureau - \$500,000. Steve Dahlem/County Counsel provided input on the term of the contract and suggested that direction be given to the County Administrative Officer and County Counsel to negotiate a clause that is acceptable to the Tourism Bureau. The motion was further amended by the maker, agreeable with the second, to include direction for the County Administrative Officer and County Counsel to negotiate the clause as suggested. Rick Benson asked for clarification of the action, and he noted the history and privatization of the Tourism Bureau; and he expressed concern that restrictions should not be placed on where the Bureau could spend the funds it receives from the County. Further discussion was held. Bill Davis clarified that he is only looking for a list of expenditures that come from the County funds. Discussion was held relative to how many times a year the report should be provided. The motion was amended by the maker, agreeable with the second, to include direction that the report be annually for this year. Supervisor Bibby restated the motion as follows, agreeable with the second: Res. 11-602 was adopted approving the recommended action, with the inclusion of item 5 to Exhibit “A” under “2. Reporting” – that an expenditure report of the contractor’s activities on the \$500,000 County portion be filed with the County Auditor on an annual basis, with the specific language for this term to be worked out with the County Administrative Officer, County Counsel, and the Auditor/Ayes: Unanimous.

3

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard J. Benson;

4

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard J. Benson; and

7

**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: 2

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

5           **Administration**  
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of County Designated Representative: Richard J. Benson; and

6           **Administration**  
CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Richard J. Benson

**BOARD ACTION:** Supervisor Bibby excused herself from the meeting at 10:05 a.m. for action to hold these closed sessions and for the portion of the closed session on these matters due to a potential conflict of interest as she has a family member/husband that is in SMA. (M)Turpin, (S)Cann, the closed sessions were held/Ayes: Turpin, Stetson, Cann, Allen; Excused: Bibby.

**10:11 a.m.** The Board convened in closed session.

**12:26 p.m. Report from Closed Session:**

Chair Allen announced that information was received on item 3/labor negotiations with SEIU; information was received and direction was given on item 4/labor negotiations with MCMCO, item 5/labor negotiations with DSA, item 6/labor negotiations with SMA; and that information was received and direction was given on the two cases in item 7/anticipated litigation.

**Consent Agenda**

CA-101       **Clerk of the Board**  
Approval of the Summary of Proceedings of December 6, 2011, Regular Meeting

CA-102       **Administration**  
Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-600

CA-103       **Administration**  
Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-601

CA-104       **Administration**  
Rescind Resolution No. 11-538 which Approved the Third Amendment to a Professional Services Agreement with Liebert Cassidy Whitmore and Replace with a New Third Amendment which will Amend the Termination Date to End when all Projects are Completed as well as Amend Exhibit "A" of the Agreement which Reflects Increased Hourly Rates for the Services, and Authorize the Board of Supervisors Chair to Sign the Amendment; Res. 11-595

CA-105       **Administration**  
Approve an Agreement with Yosemite/Mariposa County Tourism Bureau in the Amount of \$500,000 to Provide Marketing Services for the County, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-602, with the inclusion of a requirement for the contractor to provide an expenditure report

- CA-106      **Administration**  
Ratify Letter by the Board of Supervisors Chair Transmitting Comments Regarding the Proposed State Responsibility Area (SRA) Fees to the California Board of Forestry and Fire Protection; Res. 11-596
- CA-107      **Sheriff**  
Approve an Agreement with Forensic Nurse Specialists of Central California, Inc. for Sexual Assault Examination Services, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-597
- CA-108      **Library**  
Approve an Agreement Extension of Shared Responsibilities for the Bassett Memorial Library at Wawona, and Authorize the Board of Supervisors Chair to Sign the Agreement; Res. 11-598
- CA-109      **Public Works**  
Approve an Agreement with Thor Matteson, Structural Engineer, to Conduct Phase 1 Initial Walk-Through Evaluation of the Courthouse in a Not to Exceed Amount of \$1,000; Authorize the Public Works Director to Approve Phase 2, Investigations Following Receipt of the Report for Phase 1 in a Not to Exceed Amount of \$6,000, and Authorize the Public Works Director to Sign the Agreement; Item was withdrawn
- CA-110      **Public Works**  
Approve Budget Action Transferring Funds within the Yosemite West Water District to Fund the Purchase and Installation of an Air Stripper to be Incorporated with Two Vertical Pumps Already Installed (\$24,727); Res. 11-599

**12:27 p.m.** Adjournment in memory of Markie Elizabeth Woolbert (Weaver) and Gary Adzima.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS December 20, 2011



Folder      Time      Description

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

Pledge of Allegiance

Chair Allen called for a moment of silence for our men and women fighting for our freedoms.

Introductions – Chair Allen introduced his wife LeeAnn and daughter Kristina.

- 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 Bibby pulled item 106 for separate action due to a potential conflict of interest as she has a remaining interest in property that shares a fence line with this project. Supervisor Allen pulled item 108. (M)Stetson, (S)Cann, the balance of the items was approved/Ayes: Unanimous. Supervisor Bibby was excused at 9:06 a.m. for the following action. (M)Stetson, (S)Cann, item 106 was approved/Ayes: Stetson, Turpin, Cann, Allen; Excused: Bibby. Supervisor Bibby returned at 9:07 a.m.

- 2      **Chair Allen**  
Resolution and Tile Plaque Recognizing Larry Roach, Upon his Retirement from the Community Services Department (Community Services)  
**BOARD ACTION:** (M)Bibby, (S)Stetson, Res. 11-603 was adopted and presented to Larry Roach, along with the tile plaque/Ayes: Unanimous. Terri Haworth/Community Services Director, commended Larry for his service and presented him with the clipboard that he used during his 25-years with the County.

**9:15 a.m.** Refreshment Break

**9:31 a.m.** The Board reconvened.

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

Peter Rei/Public Works Director, advised of the household hazardous waste collection event scheduled for January 6<sup>th</sup> in Lake Don Pedro.

Doug Binnewies/Sheriff, representing the public safety leaders and professionals in the County, thanked the Board for its support and wished everyone a Merry Christmas and Happy New Year.

Rick Benson/County Administrative Officer, advised that the Board of Forestry withdrew the emergency regulations for the SRA (State Responsibility Area) fees; and they will hold hearings throughout the State.

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

Eleanor Keuning stated she feels that information on the household hazardous waste collection event should be placed in the *Gazette*. She commented on the State's reduction of funding for school transportation; and she wished everyone a Merry Christmas and Happy New Year.

"Marvelous Elf" Marvin Wells, on behalf of Santa Claus, entertained everyone by referring to events and comments made by Board members and County officials during the past year. He presented the Board and staff with candy packages that his grandchildren, Maggie and George, helped put together. As a Korean War veteran he commented on the recent passing of North Korean leader Kim Jong-Il.

#### Board Information

Supervisor Turpin commented on the status of the Greeley Hill sidewalk project and asked if there are temperature requirements for the striping work – Peter Rei responded. Supervisor Turpin commented on the change in using sand on the roads and he cautioned everyone to watch the icy roads. He advised the Christmas in Coulterville events, including parade and the Mayor race, were held over the weekend. Debbie Cook was selected as Mayor and Brandon Morey as Vice-Mayor. He referred to a news article in the *Ag Alert* relative to the SRA issues. He wished everyone a spectacular holiday and Merry Christmas.

Supervisor Cann noted Debbie Cook's mayoral race and hard work. He stated he feels that we need to be vigilant with watching the SRA issues. He attended the Chamber of Commerce mixer last Tuesday, and noted Assemblywoman Olsen presented a State resolution to Dr. Smith and the High School Band; and he commended Dr. Smith for this work with the youth. He attended the IRWMP (Integrated Regional Water Management Program) meeting on Wednesday. He attended the EDC (Economic Development Corporation) meeting and they are working on the County's contribution to Central Sierra Economic Development. He plans to hold a District IV meeting on January 9<sup>th</sup> at the Government Center. He wished everyone a very Merry Christmas.

Supervisor Stetson noted that several of the recent community meetings that were scheduled have been canceled due to the holidays. He was unable to attend the fire station meeting on Wednesday, and the next meeting is scheduled for January 5<sup>th</sup>, but he plans to attend the CSAC meeting in Sacramento and vote on the realignment issue. He wished everyone happy holidays.

Supervisor Bibby urged everyone to continue sending letters relative to the SRA issue, and on the proposal to close the Hornitos Post Office. She extended a special thanks to staff, department heads and the Board for the services provided. She commented on the 49'ers game; thanked Marvin Wells and his grandchildren for the gift; and thanked Santa for stopping by the Patron's Club. She wished everyone happy holidays and a safe New Year.

Supervisor Allen commented on the football game on Sunday. He advised that he attended the fire station meeting on Wednesday and that the Building Director was invited and he thanked him for helping to clarify issues; the building design for three of the stations will be coming to the Board on January 10<sup>th</sup>; the tarp was replaced over the pad for the Fish Camp station; he commented on efforts to reduce costs for the water

system for the Bridgeport station; and he advised that an accounting on the projects will be made in January. He attended the MVEMSA (Mountain Valley Emergency Medical Services Agency) meeting on Friday. He attended the Deputy Sheriffs' Association Christmas party on Saturday and he thanked Sheriff Binnewies for his leadership. He noted that Debbie Cook went out of the Coulterville area to obtain support for the mayoral race. He thanked everyone for their service; thanked Marvin Wells and his grandchildren for the gift; and he wished everyone a Merry Christmas and a safe and happy New Year.

3

**Public Works**

Approve and Authorize the Auditor to Refund \$7,843.11 Equally Back to the Original Two Property Owners within the Dormant Coyote Court Zone of Benefit, Fund 264

**BOARD ACTION:** Barbara Carrier/PWD-Administrative Analyst, presented the request on behalf of Mark Dvorak/PWD. Rick Benson provided input on the recommendation to make this a dormant zone of benefit versus dissolving it. (M)Bibby, (S)Stetson, Res. 11-611 was adopted approving the request/Ayes: Unanimous.

4

**Planning**

Waive the Second Reading and Adopt an Ordinance Amending Title 17 Zoning. The Project Proposes to Define and Regulate Medical Marijuana Dispensaries and Medical Marijuana Cultivation

**BOARD ACTION:** Chair Allen read the title of the Ordinance into the record.

Input from the public was provided by the following:

Ruth Catalan asked why no one from Planning was present.

(M)Bibby, (S)Turpin, the second reading was waived and Ordinance No. 1086 was adopted/Ayes: Turpin, Bibby, Cann, Allen; Noes: Stetson.

5

**Administration**

Approve Purchase of Real Property for the Non-Motorized Mariposa Creek Parkway; and Authorize the County Administrative Officer to Sign all Documents to Complete the Transaction

**BOARD ACTION:** Discussion was held with Rick Benson and Marilyn Lidyoff/Business Development Coordinator relative to the request and the status of completing this phase of the Creek Parkway project. Supervisor Stetson asked for a map of the properties that are involved. Discussion was held relative to the route of the Parkway and possibly connecting to the new Human Services facilities and Idle Wheels in the future. (M)Cann, (S)Turpin, Res. 11-612 was adopted approving the request/Ayes: Unanimous.

**10:24 a.m.** Recess

**10:34 a.m.** The Board reconvened.

6

**Yosemite/Mariposa County Tourism Bureau**

To Provide an Update on Yosemite/Mariposa County Tourism

**BOARD ACTION:** Jeff Hentz/Executive Director of the Yosemite/Mariposa County Tourism Bureau, provided the update and discussion was held. Supervisor Turpin expressed concern with the accuracy of information provided by Google Maps. Supervisor Bibby initiated discussion relative to the County's exhibit booth at the State Fair and its value to tourism; and she suggested that Public Works be consulted on the condition of the roads for the bicycle routes that are promoted. Supervisor Turpin asked about the status of the TBID. Supervisor Allen noted the Board's previous

discussion of wanting an accounting the expenditure of the funds provided by the County, and Jeff Hentz advised that the information will be forthcoming.

**11:34 a.m. Lunch**

**3:01 p.m.** Reconvened

7

**Elections**

Provide a Board Presentation for Interactive Web Services to Help Voters Identify their New Supervisorial Districts and Precincts

**BOARD ACTION:** Keith Williams/County Clerk, gave the presentation with the assistance of Emily Meriam/Planning Technician; and discussion was held. Keith Williams provided information on his ideas for future changes, including on-line voter registration.

Input from the public was provided by the following:

Marvin Wells asked whether maps will be available, including information showing the changes. Keith Williams and Emily Meriam responded and indicated that the Option 4M map that was adopted could be placed back on the web and it shows the changes. Marvin Wells asked about the number of registered voters, and Emily Meriam responded.

Rick Peresan/Technical Services Director, commended Emily Meriam and staff for their work on the web services.

8

**Administration**

Approve a Reorganization of the Public Works Department: Allocate an Assistant Director of Public Works-Support Services to the Public Works Administration Budget Effective January 1, 2012, Revise the Job Specifications, Set the Salary Range at \$69,074 - \$83,961, and Assign the Position to Mariposa County Management and Confidential Organization (MCMCO); Unallocate the Administrative Analyst Position in the Transportation Planning Fund Effective January 1, 2012; Fund a Senior Civil Engineer Position in the Road Fund Effective February 1, 2012; Unallocate a Maintenance Worker III and a Maintenance Worker I/II Position in the Road Fund; Approve Revisions to the Assistant Director of Public Works – Operations and Plant Operator Technician Job Specifications; Authorize the Public Works Department to Fill Both of the Assistant Director Positions and Senior Civil Engineer Positions; Approve Budget Actions in the Public Works Administration, Transportation Planning, and the Road Fund to Fund the Reorganization and Account for the Previously Approved Public Works Director Salary Increase (4/5ths Vote Required)

**BOARD ACTION:** Rick Benson/County Administrative Officer, reviewed the requested reorganization; and discussion was held. Supervisor Bibby asked for clarification of the chain of command with the Assistant Directors and whether out-of-class compensation would be incurred if one or both Assistants were filling in behind the Director. Peter Rei advised that if he is going to be absent, he will make an assignment and advise the Board; it is not his intent that out-of-class pay would be involved – the Assistant Directors are to fill in behind him. (M)Cann, (S)Turpin, Res. 11-613 was adopted approving the requested actions for the reorganization/Ayes: Unanimous.

**3:45 p.m.** Recess

**3:53 p.m.** The Board reconvened

9

**Administration**

Approve Renovations to the County-owned Building Located at 5085 Bullion Street; Approve Budget Action Reducing General Contingency to Fund the Remodel for the Health Department Building (\$76,000) Transferring Funding to the “Capital Improvements Fund – Land, Buildings, Improvements” Line Item; Authorize the Technical Services Director to Sign an Agreement with Sierra Telephone to Replace the Wiring in the Building at a Cost of Approximately \$18,400; Authorize the Public Works Department to Move Forward with the Remodeling Work; and Provide Direction to Staff Regarding the Sewer Lateral Replacement and Parking Lot Overlay (4/5ths Vote Required)

**BOARD ACTION:** Rick Benson reviewed the request; and discussion was held. Steve Dahlem/County Counsel responded to questions from the Board and advised of his review of the current lease agreement. Rick Peresan/Technical Services Director responded to questions from the Board relative to the requested data connections and wiring. Peter Rei responded to questions from the Board relative to the requested renovations and payment of utilities. Dr. Mosher/Health Officer responded to questions from the Board relative to the status of their budget for rent at the current facilities (about \$42,000 a year will be saved by the move) and the status of repairs. Supervisor Allen stated he wants to know the full costs for the renovation up front; and he would like to see if costs from an electrician are less than the proposal from SierraTel. Discussion was held relative to janitorial services. Supervisor Turpin suggested that consideration be given to a “no cost change order bid” process.

Input from the public was provided by the following:

Bob Brown/District Attorney distributed email correspondence relative to his interest in this facility in May; and he expressed concern that with realignment there will be future growth in his department that his current facilities can’t accommodate. He asked for a review of the facilities for the Health Department and for his office.

Discussion was held relative to options and timeframes; and relative to the optional work of installing a new sewer lateral and overlaying the asphalt parking lot. Supervisor Cann noted the importance of considering future space needs for the District Attorney. (M)Cann, (S)Stetson, Res. 11-614 was adopted approving the requested actions, with the inclusion of the new sewer lateral, but not the overlay at this time. Further discussion was held, including consideration of including the overlay as an option in the bid process. Chair Allen clarified that with the inclusion of the sewer lateral, the total budget action is \$88,000. Ayes: Unanimous.

10

Consider Items Removed from the Consent Agenda

CA 108 – Supervisor Allen initiated discussion with Rick Peresan relative to the status of the Server Virtualization Budget, and he expressed concern with further reducing this budget versus appropriating funds from General Contingency for the battery backup. Rick Peresan advised that he obtained more information after this item was prepared and he revised the costs and budget transfer to \$5,333. (M)Cann, (S)Bibby, item 108 was approved/Ayes: Stetson, Turpin, Bibby, Cann; Noes: Allen.

11

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard J. Benson; and

12

**Administration**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard J. Benson

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



- 13           **Administration**  
 CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Deputy Sheriffs' Association (DSA); Name of County Designated Representative: Richard J. Benson; and
- 14           **Administration**  
 CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Sheriffs' Management Association (SMA); Name of County Designated Representative: Richard J. Benson  
**BOARD ACTION:** Supervisor Bibby excused herself from the meeting at 5:12 p.m. for action to hold these closed sessions and for the portion of the closed session on these matters due to a potential conflict of interest as she has a family member/husband that is in SMA. (M)Turpin, (S)Stetson, the closed sessions were held/Ayes: Turpin, Stetson, Cann, Allen; Excused: Bibby.

**5:14 p.m.** The Board convened in closed session.

**5:40 p.m. Report from Closed Session:**

Chair Allen announced that information was received on items 11/labor negotiations with SEIU and 12/labor negotiations with MCMCO; and information was received and direction given on items 13/labor negotiations with DSA and 14/labor negotiations with SMA.

**Consent Agenda**

- CA-101       **Clerk of the Board**  
 Approval of the Summary of Proceedings of December 13, 2011, Regular Meeting
- CA-102       **Administration**  
 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park; Res. 11-604
- CA-103       **Administration**  
 Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road; Res. 11-605
- CA-104       **Administration**  
 Waive the Hiring Moratorium to Allow the Public Works Department to Fill One Maintenance Worker I-Solid Waste Position Effective Immediately; Res. 11-606
- CA-105       **Supervisor Turpin**  
 Re-Appoint Gail Tyler, Alan Haigh and John Shimer to the Coulterville Cemetery Ad Hoc Committee with Terms Commencing on January 1, 2012 and Terminating on December 31, 2015
- CA-106       **Public Works**  
 Approve the Dunn Ranch Subdivision Map, Application Number 2007-189, Per Mariposa County Code, Title 16.20.232; Res. 11-610

- CA-107      **Public Works**  
Approve the Program Supplement Agreement No. 0173 with CalTrans for the Mt. Bullion Cutoff Project; and Authorize the Public Works Director to Sign the Agreement; Res. 11-607
- CA-108      **Technical Services**  
Approve Budget Action Transferring \$6,000 in the Technical Services Budget for the Government Center Phone Switch Battery Backup; and Authorize the Purchase of a New Unit to Replace the Current Failed Equipment; Res. 11-615, with revised amount of \$5,333
- CA-109      **Health**  
Approve the Standard Agreement for Immunization Assistance Program; Authorize the Health Officer to Sign the Contractor's Release and Dafur Contracting Act Forms; and Authorize the Chair of the Board of Supervisors to Sign the Agreement; Res. 11-608
- CA-110      **Administration**  
Adopt a Resolution Declaring the Board of Supervisors Intent to Consummate the Purchase of Real Property Located at 5356 Highway 49 North in Mariposa County (APN 013-010-016) because the Real Property is Suitable for the Operation of the County's Family Services Center; Res. 11-609

**5:41 p.m.** Adjournment in memory of Marc Cutter and Stephen Caballero.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JIM ALLEN  
Chair, Board of Supervisors