



MARIPOSA COUNTY

P.O. Box 784 Mariposa, CA 95338 (209) 966-3222
5100 Bullion Street
<http://www.mariposacounty.org/>



JANET BIBBY, CHAIR
LYLE TURPIN, VICE-CHAIR
LEE STETSON
KEVIN CANN
JIM ALLEN

DISTRICT III
DISTRICT II
DISTRICT I
DISTRICT IV
DISTRICT V

MINUTES

October 2, 2012

A. Call to Order and Roll Call

9:05 AM Meeting Called to Order at the Mariposa County Government Center

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:05 AM
Lyle Turpin	District II Supervisor	Present	9:05 AM
Janet Bibby	District III Supervisor	Present	9:05 AM
Kevin Cann	District IV Supervisor	Present	9:05 AM
Jim Allen	District V Supervisor	Present	9:05 AM

B. Pledge of Allegiance

Chair Bibby called for a moment of silence following the Pledge of Allegiance for our men and women serving in the military and for their families.

C. Introductions

Supervisor Allen introduced Richard Murdock, the new Executive Director for Mountain Valley Emergency Medical Services Agency.

D. Approval of Consent 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.

All items were approved.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

CA1. Health RES-2012-490

Approve a Grant Agreement with Mountain Valley Emergency Medical Services (EMS) Agency, to Accept Authority and Responsibility as the Local EMS Agency for Mariposa County for FY 2012-2013, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA2. Public Works RES-2012-491

Approve the Fourth Amendment with Golder Associates to Increase the Compensation by \$20,000 Bringing the Total Compensation Amount to \$83,307 to Provide Annual and Semi-Annual Waste Discharge Reports and Other Water Quality Related Testing, Analysis and Reporting, and Authorize the Board of Supervisors Chair to Sign the Amendment

CA3. Administration RES-2012-492

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA4. Administration RES-2012-493

Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road

E. Departmental Presentation

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

Peter Rei/Public Works Director provided a status report on the Mt. Bullion Cut-off Road construction project.

Officer Perez/CHP presented a press release on the robbery of the State Mining and Mineral Museum. Discussion was held, and it was noted that CHP has jurisdiction for all crimes that occur on California State property.

Doug Binnewies/Sheriff provided input on the robbery of the Museum and he noted the coordinated response with several agencies and that CHP is the lead agency. He advised of the success of the annual DEA prescription drug take-back day. He introduced Arthur, the canine with Deputy Brian Lunquist; and he advised that Zeus is the canine with Deputy Lance Ferguson in the North County - the canine program is grant funded.

F. Public Presentation

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

(Speakers Limited to Five Minutes)

Ron Iudice/Mining and Mineral Association advised that the Association is helping with the repairs to the damaged cases to be able to reopen the Mining and Mineral Museum.

Kathy McCorry/Executive Director of the Chamber of Commerce advised that they have fixed the glitch with the telephone service for the North County visitor center; provided input on the visitor statistics for September; advised that the Chamber has partnered with relocate.org; and she advised that the next meet and greet is scheduled for October 9th at the Sierra Tel Business Center and will catered by Sal's Mexican Restaurant.

Eleanor Keuning expressed concern with the inaccuracies in the billing for the SRA fees and she asked for clarification of the reference to petitions. Chair Bibby noted that citizens can check with the Assessor's office to make sure that the information for their tax bills is correct.

Keith Williams/Treasurer-Tax Collector-County Clerk provided input on the information the State used for the SRA fee bills; and he advised that his office is assisting the Assessor's office in helping citizens with inaccuracies in the billings. Supervisor Allen referred to his experience with trying to correct the SRA bills for family members; advised that he phoned the call center for staff support; and he expressed concern with the workload the billings is creating for the Assessor's office and the Environmental Health staff in trying to correct errors. Keith Williams noted that the property tax bills will be mailed out in a few days. Supervisor Cann referred to Assemblymember Olsen's efforts to repeal the SRA fee.

Nancy Koerperich/CalFire Unit Chief for Mariposa-Madera-Merced clarified that the SRA is not a CalFire induced fee or tax and she urged citizens to call the toll free number for assistance with billing problems and to submit a petition for redetermination. She also urged payment of the fee so that citizens do not suffer any penalties and to work through the process and to allow the refund to occur where there are errors. She advised that the fee for all of Mariposa is \$115 (\$150 less \$35). She referred to the issues with the bills for the mobile homes. The toll free number is: 1-888-310-6447 and the website is: www.firepreventionfee.org <<http://www.firepreventionfee.org>>. Discussion was held. Supervisor Turpin expressed concern with the information being provided to property owners surrounding by National Forest land.

G. Board Information

Supervisor Stetson advised that he attended the fire station meeting on Wednesday and plans to attend the next meeting on Thursday. The El Portal Town Planning Advisory Committee will meet next Tuesday evening.

Supervisor Cann recognized the Chamber of Commerce for their last meet and greet event at the Zipline Adventures; and he referred to the

visitation statistics and noted the transient occupancy tax revenues have remained stable. He advised that he took a representative group that is working on the crosswalk and ADA issues to a meeting with CalTrans in Stockton on Wednesday. He plans to set up an evening presentation for CalTrans to explain the study, and he is working with Public Works to schedule an afternoon presentation to the Board. He attended the IRWMP (Integrated Regional Water Management Plan) meeting on Thursday and they will give a presentation to the Board next Tuesday. He advised that the Tomato Festival and the Oktoberfest were held on Saturday, and he thanked Supervisor Allen for working on the permit issues for the Oktoberfest event. He commended Assemblymember Olsen for continuing to work on issues in our District even though her District boundaries are changing. He noted the Governor signed the legislation relative to the Ferguson Rockslide and for the retirees' health insurance. He plans to attend the Mariposa County Business Association meeting on Thursday. He noted the Contractors' Association Show is scheduled for this Saturday at the Fairgrounds, along with a flea market to benefit the Friends of the Fair. He plans to meet on Monday with Bob Gill/the new CalTrans Encroachment Permit Coordinator, and with the new Yosemite Conservancy Interim General Manager. Supervisor Bibby noted the importance of fixing the sidewalk at the Monarch Inn before Halloween.

Supervisor Turpin referred to the issues with the SRA fees in North County and of his discussion with Kevin Smith/CalFire.

Supervisor Allen advised that he attended the fire station meeting last week, and they reviewed the fire sprinkler systems for the stations, and another meeting will be held on Thursday. He attended the firefighter appreciation picnic and he thanked the volunteers. He plans to attend the EMCC (Emergency Medical Care Committee) meeting on Thursday. He provided a reminded of the flu shot schedule.

Supervisor Bibby asked that a CalFire map showing the SRA area be posted at the Government Center. Rick Benson/County Administrative Officer suggested that the petitions for redetermination be printed and made available at the Government Center and at the Library for the citizens, especially those who do not have internet access. Supervisor Allen noted the need to be cautious that the County is not giving out information on the SRA fees as this is a State issue. Discussion was held. There was no objection to posting the map and making the petitions available, with caution that information not be provided. It was also suggested that the link for the SRA fees could be posted on the County's website.

Supervisor Bibby advised that she attended the Mother Lode Job Training subcommittee meeting and that they are looking at visiting the idea of a services coordinator, and they are looking for volunteers from the County to participate on the Workforce Investment Board. She attended the firefighters appreciation picnic on September 30th and the Tomato Festival. She

participated in the subcommittee interviews for the Clerk to the Board position on October 1st, and will continue with that process on October 3rd; and she thanked all of the applicants for submitting applications. She plans to attend the Mental Health Governing Board meeting on October 4th, and she noted the annual Hornitos Flea Market is scheduled for October 7th. She plans to attend the First 5 meeting on October 8th. She noted there is a vacancy for a member on the Commission on Aging representing District 3.

10:42 a.m. Recess

10:54 a.m. Reconvened

H. Regular Agenda Items

1. Personnel/Risk Management RES-2012-494

Approve an Extra-Help Employment Agreement with Dr. Charles Mosher for Services as County Health Officer Effective October 1, 2012, and Authorize the Board of Supervisors Chair to Sign the Agreement

Rick Benson noted that a change in State law requires that these types of agreements be on the regular agenda versus the Consent Agenda.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

2. Personnel/Risk Management RES-2012-495

Approve a Reorganization of the Personnel Department; Approve the Job Description for the Human Resources/Risk Manager Position and Allocate This Position to the Personnel Budget, Set the Salary Range at \$57,480 - \$69,867, Designate the Position as Confidential; Authorize Recruitment of a Human Resources/Risk Manager Effective Immediately

Rick Benson presented the staff report and discussion was held. Supervisor Bibby suggested that the job description be clarified to reflect the requirement of a Bachelor's degree. Supervisor Cann referred to the "experience" section of the job description and asked for clarification of the definition of "administrative capacity." Discussion was held relative to the recommended salary range and the recommendation that the position report to the County Administrative Officer versus department head/at-will status. Rick Benson referred to his October 1, 2012, memo to the Board on the Human Resources reorganization. Supervisor Turpin expressed concern with moving labor negotiations to the new position without the benefit of knowing the history of negotiations; and discussion was held. Supervisor Allen noted that he asked Sandi Laird/Administrative Analyst-Administration to be present for this discussion,

and he advised that she could provide samples for the Board to review. He also advised of the suggestion for adding a paragraph of distinguishing characteristics. Sandi Laird provided input on her suggestions for changes, including making the position an at-will position reporting to the Board of Supervisors. Steve Dahlem/County Counsel reviewed the changes the Board discussed on the job description: deletion of "under the supervision of the County Administrative Officer" to reflect an at-will/department head position in the Definition and the Supervision Received and Exercised sections; adding a paragraph on distinguishing characteristics as suggested by Supervisor Allen; replace "Confers" with "Counsels" under Examples of Essentials Functions section for providing professional assistance to members of the County departments on human resources and risk management matters; deletion of "or administrative" under Minimum Qualifications Experience section; and to clarify that a Bachelor's degree is required under Education requirements. Sandi Laird suggested that language be added under the Supervision Received and Exercised section to reflect that the position receives administrative direction from the Board of Supervisors and that the position is appointed by and serves at the pleasure of the Board of Supervisors versus including the paragraph on distinguishing characteristics. The Board concurred with the changes as reviewed by County Counsel, including the suggested change by Sandi Laird.

Discussion was held relative to the salary for the position. Sandi Laird provided input relative to the recommended salary and comparisons with other positions such as the Deputy County Administrative Officer. The Board concurred with setting the salary at \$73,545 - equal to the top step of the Deputy County Administrative Officer and with deleting the designation of the position as Confidential.

Discussion was held relative to relocating the Human Resources function. Rick Benson stated he would like to relocate the function within another County facility and suggested Human Services if that can be coordinated. The Board concurred with the County Administrative Officer during further research and bringing a recommendation back to the Board.

Action was taken to approve the reorganization of the Personnel function as a separate department; approve the job description for the Human Resources/Risk Manager position as an at-will/department head position with the changes as agreed to; setting the salary at \$73,545; authorizing recruitment; and directing that the department be relocated. Supervisor Bibby asked that staff look at the existing job descriptions that are affected by this function to see if modifications need to be made; and it was noted that this could be a project for the new position.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

I. Items removed from Consent Agenda

none

J. Closed Session

3. **Administration (ID # 1820)**

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Health Officer

The closed session was held at 12:26 p.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

12:38 p.m. Report from Closed Session

Chair Bibby announced that information was received and direction was provided to staff.

K. Adjournment

The Board adjourned at 12:39 p.m. in memory of Paul Wesley Eagle and Art Turner.

Respectfully submitted,

MARGIE WILLIAMS

Clerk of the Board

JANET BIBBY

Chair, Board of Supervisors



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DISTRICT III
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DISTRICT V

MINUTES

October 9, 2012

A. Call to Order and Roll Call

9:04 AM Meeting Called to Order at the Mariposa County Government Center

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:04 AM
Lyle Turpin	District II Supervisor	Present	9:04 AM
Janet Bibby	District III Supervisor	Late	2:02 PM
Kevin Cann	District IV Supervisor	Present	9:04 AM
Jim Allen	District V Supervisor	Present	9:04 AM

B. Pledge of Allegiance

Vice-Chair Turpin advised that Supervisor Bibby is excused to arrive for the afternoon portion of the meeting. He provided a reminder for citizens to vote in the upcoming General Election. He called for a moment of silence following the Pledge of Allegiance to remember those that defend our freedom.

C. Introductions

None

D. Approval of Consent 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.

Supervisor Stetson pulled item 16/agreement with Provost and Pritchard Engineers for discussion and

input from the public.

The balance of the items was approved.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

CA1. Human Services/Social Services RES-2012-496

Approve a Grant Agreement with California Youth Connection to Provide Support Services to Child Welfare and Probation Foster Youth in an Amount Not to Exceed of \$5,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA2. Administration RES-2012-497

Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road

CA3. Administration RES-2012-498

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA4. Sheriff's Office RES-2012-499

Approve the Filling of the Jail Facility Manager Position, a Jail Sergeant Position, and Two Jail Officer Positions Effective Immediately

CA5. Community Services (ID # 1785)

Accept the Resignation of Ellie McQuarrie, District I Member, from the Commission on Aging

CA6. Community Services (ID # 1786)

Approve the Appointment of Lea Ann Nichols to the Commission on Aging as a Member at Large with a Term Expiring October 9, 2016; Approve the Appointment of Don Fox from Member at Large to the Vacant District I Seat on the Commission on Aging with a Term Expiring January 6, 2015

CA7. Community Services RES-2012-500

Approve Certificates of Compliance for the Veterans Affairs Subvention Program & Medi-Cal Cost Avoidance Program for Fiscal Year 2012-2013; and Authorize the Board of Supervisors Chair to Sign the Certificates of Compliance

CA8. Human Services RES-2012-501

Approve the First Amendment to the Lease Agreement with DesCor Mariposa, LLC for the Human Services Center, and Authorize the Board of Supervisors Chair to Sign the Amendment

CA9. Human Services/Social Services RES-2012-502

Approve the Allocation of an Additional Eligibility Worker I/II Position in the Social Services Budget; Authorize the Department to Recruit for and Fill the Position Effective Immediately; Approve Budget Actions Increasing Revenue and Appropriations in the Social Services Budget to Fund the Position and Transferring Funding Within the 2011 Realignment Fund (\$32,864). 4/5ths Vote Required

CA10. Personnel/Risk Management RES-2012-503

Approve Amendments to the Jail Facility Manager Job Description by Changing the Title to Jail Lieutenant and Revising Other Areas of the Job Description

CA11. Health RES-2012-504

Approve a Public Health Emergency Preparedness Centers for Disease Control and Prevention (CDC) Agreement for Fiscal Year 2012-2013 and Hospital Preparedness Program (HPP) Agreement with the State of California Department of Public Health (\$170,817), and Authorize the Board of Supervisors Chair to Sign Both Agreements, and Other Documents to Secure Funding as Delineated Within the Agreement

CA12. Administration/Economic Development RES-2012-505

Approve Budget Action Increasing Revenue and Appropriations in the Amount of \$35,000 in the USDA Grant 04-022 Fund to Launch Business Training (\$35,000) 4/5ths Vote Required

CA13. Child Support Services RES-2012-506

Approve the Two-Year Plan of Cooperation Between Mariposa County Department of Child Support Services and the California State Department of Child Support Services; Authorize the Director of Child Support Services to Sign the Plan of Cooperation.

CA14. Health RES-2012-507

Approve Budget Action Increasing Revenue and Appropriations to Fund a Secretary Position (\$47,314). 4/5ths Vote Required

CA15. Administration RES-2012-508

Approve an Agreement with the Mariposa County Chamber of Commerce to Operate the Visitors' Centers in the Amount of \$150,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

16. 1827 pulled from Consent

CA17. Administration RES-2012-509

Approve Second Agreement Extending the Period Within Which the Board is Required to Act On the Claim of John Anderson, and Authorize the Board of Supervisors Chair to Sign the Agreement

Items removed from Consent Agenda

Public Works RES-2012-510

Approve an Agreement with Provost and Pritchard Engineers for Evaluation of the Yosemite West Sewer System; Approve Task Order #1 (Evaluation of the Leachfield) and Task Order #2 (Reports and Plans Required by the Regional Water Quality Control Board); Authorize the Public Works Director to Sign the Agreement; Approve the Budget Action Transferring Funds Within the Yosemite West Budget to Cover the Agreement (\$32,500)

Supervisor Stetson advised that he is reviewing the funding issues that have been raised. Peter Rei/Public Works Director provided input on item 16, advising that Michael Taylor of Provost and Pritchard Engineers is present, advising of the status of the Notice of Violation from the Regional Water Quality Control Board (RWQCB) and recommending that the Board move forward with the contract due to the timeframes and conditions of the Notice, and that the issues that have been raised can be further reviewed.

Input from the public was provided by the following:

John Mock, Yosemite West resident and member of the Yosemite West Maintenance District Advisory Committee, referred to his letter to the Board and urged that Public Works be able to do what needs to be done to resolve the Notice and that they be provided the necessary resources. However, he asked that the issues for the District be reviewed and resolved as requested in his letter, including funding and the previous Writ Order from the Superior Court.

Discussion was held, including further review of the issues that were raised. Peter Rei advised of his request to the RWQCB to extend the dates for completion. Item 16 was approved.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

E. Minutes Approval

1. **Tuesday, September 18, 2012**
2. **Wednesday, September 19, 2012**
3. **Tuesday, September 25, 2012**

4. **Tuesday, October 02, 2012**

F. Presentations

5. **Fire (ID # 1699)**

Proclaim October 7-13, 2012, as "Fire Prevention Week"

Supervisor Cann presented the Proclamation to Jim Wilson/Fire Chief; Kevin Smith and Rich Drozen/CalFIRE. Rich Drozen provided input on the "2 ways out" message and a reminder to check smoke detectors. Jim Wilson advised of their coordinated efforts with CalFIRE on fire prevention; and he advised of their activities: they were at the Contractors Show on Saturday; on next Saturday they plan to be at the True Value Hardware with the education trailer, at 2:00 p.m. at Don Pedro for the dedication ceremony for the new fire station, and at the Ponderosa Basin Fire Station in the evening.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

6. **Board of Supervisors (ID # 1823)**

Proclaim October 2012, as "Domestic Violence Prevention Awareness Month" (Alison Tudor, Mountain Crisis Services)

Supervisor Allen presented the Proclamation to Alison Tudor; and she thanked the staff of Mountain Crisis Services for their work; and advised of their upcoming fundraising activities - sale of cookies and dinner at Savory's.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

7. **Board of Supervisors (ID # 1824)**

Proclaim November 9 - 11, 2012, as "Mariposa's Open House" and Trans Valley Football League "Super Bowl Weekend" Hosted by the Mariposa Business Community (Bob Kirchner)

Supervisor Stetson presented the Proclamation to Bob Kirchner, and he thanked all of the volunteers that are involved in making this event a success.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

8. **Farm Advisor (ID # 1797)**

Proclaim the Week of October 7-13, 2012, as "National 4-H Week"

Supervisor Allen presented the Proclamation to Donna Wice; and she advised that the 4-H Achievement Night/awards ceremony is scheduled for November 4th; noted that next year is the 100th anniversary of the California 4-H program; and she advised that they are looking for project leaders.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

G. Departmental Presentation

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

Jim Wilson advised that the annual Firefighters Appreciation Picnic was held on Sunday, and was attended by CalFIRE and US Forest Service firefighters. He advised of the recipients of the various awards, including two youth who completed their Eagle Scout projects.

H. Public Presentation

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

Eleanor Keuning expressed continued concerns with the SRA fees and the process for disputing errors.

Kathy McCorry/Executive Director of the Mariposa County Chamber of Commerce thanked the Board for the continued contract for running the visitor centers. She noted the increase in their contacts with visitors since 2007. She invited everyone to the meet and greet at SierraTel this evening, with food catered by Sals, and jazz music by Rich Severson. She noted the billboard at the Grizzly Gas Station is being repainted and the maps will be back up next week.

I. Board Information

Supervisor Allen referred to the SRA fees and noted that payment of the fees needs to be made, even if filing an appeal - he does not feel that the Assessor's Office should be telling people not to pay the fee. He expressed his concern with the impact the SRA fees have on the seniors, especially those that are receiving two bills in error. He attended the fire station meeting on Thursday, and the ribbon cutting is scheduled for Saturday for the new Don Pedro Fire Station. He attended the High School football game on Friday. He attended the Emergency Medical Care Committee meeting last week and discussion was held relative to rescue versus medivac helicopters. He attended the Contractors Home and Garden Show on Saturday, and thanked the Building Director and the Fire Chief for their attendance; and he noted that the Friends of the Fair held a flea market in conjunction with this Show. He plans to attend the Mountain Valley Emergency Medical Services Agency meeting in Modesto on Wednesday. He noted the Don Pedro Fire Station grand opening and the tri-tip dinner at the Ponderosa Basin Fire Station is scheduled for Saturday, and he plans to attend the Farm Bureau dinner.

Supervisor Stetson advised that he attended the fire station meeting on Thursday, and later he met with representatives of the Bear Creek Trail Committee. He plans to attend the El Portal Town Planning Advisory Committee meeting this evening. He plans to meet with the Human Services Director and the Chief Executive Officer for the Hospital on Wednesday on various issues. He plans to meet with the Bear Creek Trail Committee and with the Yosemite West Maintenance group in Wawona on Thursday. He noted the Midpines community group and the Bear Creek Trail Committee are planning a clean-up of the Midpines Park on Saturday. He plans to attend the dedication of the Don Pedro Fire Station on Saturday and the Midpines Town Planning Advisory Committee meeting on Tuesday evening.

Supervisor Cann referred to the earlier issue on Yosemite West and the one million transient occupancy tax information and commented on obtaining the figures for the actual TOT revenue - about \$488,000 for last year. He referred to the SRA fees and appeal process and noted that about 62,000 appeals were filed before all of the bills were out and that CalFIRE is just the messenger. He agrees that the Assessor's Office is not in a position to fix anything, they are innocent by-standers. He participated in the screening committee's interview of applicants for the Clerk to the Board position last Monday and Wednesday. He met with Planning staff and local business people on Wednesday relative to development projects in and around town. He attended the Mariposa County Business Association meeting on Thursday. He attended the Contractors Show on Saturday and feels it was a good idea to combine the event with the Friends of the Fair flea market. He met with the CalTrans Encroachment Permit Officer (Bob Gill) on Monday relative to various issues; and then Mr. Gill met with the owner of the Monarch Inn relative to the

sidewalk project. He has a meeting scheduled on Monday with the departments that deal with tracking and accounting of the TOT revenue.

Supervisor Turpin advised that he attended the presentation by the Tourism Bureau at the Hotel Jeffery on Wednesday. He expressed concern with the SRA fees and issues, and he mentioned the possibility of citizens being able to obtain a payment plan, and he expressed concern with the fees for fire prevention and the removal of the dozer from the Coulterville area. He plans to attend a meeting this afternoon with the Public Works Director, County Administrative Officer, and the Economic Development Coordinator relative to the Coulterville drainage project. He will check to see if the SWIFT meeting is still scheduled for Wednesday. The official opening of Don Pedro Station No. 24 is scheduled for Saturday. He referred to natural resources: the river is down to a trickle at Bagby; water level at Lake McClure is below fifty percent; he observed lots of quail this morning and the road runner has been spotted, along with turkeys and skunks; and he noted that he passed logging trucks this morning.

10:28 a.m. Recessed

10:36 a.m. Reconvened

J. Regular Agenda Items

9. Board of Supervisors (ID # 1826)

PowerPoint Presentation on Integrated Regional Water Management (IRWM) in Mariposa County, and the Planning Grant Mariposa County Resource Conservation District (MCRCD) Received for This Purpose (Glenn Franklin, Mariposa RCD President)

Glenn Franklin advised that the Resource Conservation District annual tree and plant sale is scheduled for November 3rd. He gave a presentation on IRWM, its history, information on the planning grant they received, anticipated project areas, Department of Water Resources Statewide and state and region priorities, and he noted that this process may enable the County to obtain financial assistance with various projects. Discussion was held.

10. Administration RES-2012-511

Approve Budget Actions Transferring Funds Between the Unfunded Liability Designation, Tobacco Settlement, Community Service Area (CSA) #3, and the Don Pedro, Midpines, Fish Camp, and Bridgeport Fire Station Construction Funds (\$1,850,374) 4/5ths Vote Required

Rick Benson/County Administrative Officer presented the request, and discussion was held.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

11. **Administration RES-2012-512**

Approve a Resolution Adopting Balancing Adjustments to the Fiscal Year 2012-2013 Adopted Budget. 4/5ths Vote Required

Rick Benson reviewed the adjustments.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

K. Closed Session

Steve Dahlem/County Counsel requested that the closed session items for anticipated litigation and for the Human Resources/Risk Manager be continued to later in the afternoon for the full Board to be present.

1. **Administration (ID # 1849)**

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Health Officer

The closed session was held at 11:23 a.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

2. **Administration (ID # 1850)**

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Clerk of the Board

The closed session was held at 11:23 a.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

L. 12:15 PM - Lunch

M. 2:02 PM Reconvene

The Board reconvened with all members present.

Report from Closed Session

Vice-Chair Turpin announced that information was received and direction was given on the Closed Session items for the Health Officer and for the Clerk of the Board.

3. Planning (ID # 1829)

CONTINUED PUBLIC HEARING to Consider General Plan/Zoning Amendment No. 2012-126. the Proposed Code Amendments Would Add Additional Sign Criteria to the Mariposa County Zoning Ordinance and the Mariposa Town Plan, Specifically the Historic and Design Review Overlay Districts (HDRO and DRO), Supplementary Standards, Supplementary Use Standards, Neighborhood Commercial (CN-1) Zone, Scenic Highway Overlay (SHO) Zone, Development Standards, and Definitions. Code and Plan Changes Include Amending Regulations for Community Informational Signs Including a Specific Allowance for the Existing Sign on APN 013-182-003, Adding Provisions for Way Finding and Gateway Signs Throughout the County, Amending and Clarifying Regulations for Temporary Signs, Increasing Size Limitations for Businesses Which Fall Under the Definition of "Large Scale Development", Removing the Prohibition for Signs in the Front Yard Setback Area in Mariposa, Removing the Amortization Period Provisions for Non-Conforming Signs, Amending Circumstances When the County May Require a Non-Conforming Sign to be Removed, Clarifying Material Allowances in the HDRO, and Adding Necessary Definitions. the Board Will Consider the Planning Commission and Historic Sites and Records Preservation Commission's Recommendations and Take Public Testimony on the Proposed Amendments. at the Meeting, the Board of Supervisors May Give Direction to Staff For: 1) Final Changes to the Proposed Amendments and 2) the Final Hearing and Adoption Schedule. the County of Mariposa is the Project Proponent. (Public Hearing Continued from October 9, 2012)

Damon Golubics/Senior Planner presented the staff report, reviewed the

history, and he advised of recommended revisions by the Planning Commission and the Historic Sites and Records Preservation Commission.

Damon and Sarah Williams/Planning Director responded to questions from the Board: whether any written input from the public was received; as to the public attendance at the Planning Commission's meetings and the Commission's recommendation relative to including the sandwich board signs in temporary signs and the definition; referencing allowance of man-made materials that emulate natural materials throughout the document; providing for the allowance of sandwich board signs in the Scenic Highway Overlay; allowance of off-site signs; relative to adding language referencing appropriate permitting agencies (CalTrans and/or Public Works) for anything that overhangs in the right-of-way; external lighting and compliance with night sky lighting; processing requirements after this hearing; and as to the areas included in the Scenic Highway Overlay.

Staff reviewed the seven issues of concern identified by the Planning Commission at its September 7, 2012, meeting and discussion was held:

- 1) Uses (Signs) Allowed and Prohibited in a Setback Area - The Board concurred.
- 2) "Large Scale Business" Definition - The Board concurred with clarifying the process that the design review permit comes first.
- 3) Access Easements & Offsite Signage - The Board concurred.
- 4) Temporary Sign Size Limitations - The Board concurred with pulling sandwich board signs from the definition of temporary signs throughout the policy, and with establishing a limit of two sandwich board signs per business. Discussion was held relative to the variance process and off-site signs.
- 5) Quarterly Allowance for Temporary Signs/Intent - The Board concurred with removing the language relative to the ninety-day period and quarterly limitations.
- 6) Additional "Sign" Definition or Clarification - The Board concurred.
- 7) Dark Sky Lighting Standards - Sarah Williams advised that staff could further review the Dark Sky Lighting standards and bring back more information in the future. The Board concurred with removing the Dark Sky Lighting standards.

Staff reviewed the issues of concern identified by the Planning Commission at its September 21, 2012, meeting and discussion was held:

= Scenic Highway Overlay Standards - The Board concurred with deleting the sandwich board signs from the temporary sign definition throughout the document; and to revise the text to clearly allow sandwich board signs in the Scenic Highway Overlay with a maximum of two signs per business. The requirement remains that the sandwich board signs are to be brought in at night and they do not count toward the overall sign size regulations.

= Temporary Signs & Banners - The Board concurred with deleting “welcome banners.”

= Gateway Sign Lighting - The Board concurred with deleting reference to the external lighting and International Dark Sky Association approved fixture - this section is to be changed back to the original language.

= Environmental Review - Sarah Williams advised that there is no change to their recommendation based on the modifications the Board discussed.

Damon Golubics reviewed the changes the Board concurred with throughout the document. Steve Dahlem/County Counsel clarified that language should reflect “as appropriate” when discussing the CalTrans and Publics Works’ permits.

3:50 p.m. Recess for staff to consult with County Counsel on the processing from this point.

3:57 p.m. The Board reconvened.

Damon Golubics advised that staff does not feel that the modifications that have been agreed to are major, and he advised that they do not need to go back to the Planning Commission. County Counsel noted that the Board has considered the Planning Commission and Historic Sites and Records Preservation Commission’s recommended revisions and that there is no need to refer this matter back to the Commissions.

Staff responded to questions from the Board on the recommended action and process for the hearing and timeline for this project; and whether public input would be taken at the continued hearing. County Counsel suggested that the hearing be continued and that the public input portion not be closed today.

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

Marilyn Saunders stated she lives in the Mariposa town planning area and expressed concern with allowing two sandwich board signs per business as the definition of “business” was not considered today. She feels that “business site” or “location” should be used, noting that the Mariposa Marketplace has ten businesses in that location.

Ron Iudice stated there could be further clarification on the sandwich board signs by using the physical address. He noted that there are situations where a tenant leases out to several occupants. He feels there should be a limit of one sandwich board sign and that the Board could further

review this issue in a year. He referred to buildings that are on corners and suggested deleting "Commercial Neighborhood" and including everything.

Lew Richardson stated they would like to reinstall the informational sign at the Lake Don Pedro Community Services District (LDP CSD). They are concerned with the setback requirements and asked whether they could apply for a variance or modification to the policy.

Discussion was held relative to continuing the hearing. Further discussion was held relative to allowing one or two sandwich board signs; relative to the LDP CSD's request and being able to apply for a variance. Chair Bibby provided a reminder that public comment is not to be taken outside of the public portion of the hearing process. Sarah Williams clarified the format for the document for the continued hearing; and the Board concurred with using strike-through so that the changes can be identified.

(M)Allen, (S)Stetson, the public hearing was continued to October 16, 2012, at 9:00 a.m. or as soon thereafter as the matter can be heard/Ayes: Unanimous.

RESULT: DIRECTION GIVENNext: 10/16/2012 9:00 AM

Remaining Closed Session Items

4. County Counsel (ID # 1828)

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

The closed session was held at 4:21 p.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

5. Administration (ID # 1842)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Human Resources/Risk Manager

The closed session was held at 4:21 p.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

5:25 p.m. Report from Closed Session

Chair Bibby announced that information was received and direction was provided on the Closed Session items for the anticipated litigation and for the Human Resources/Risk Manager.

N. Adjournment

The Board adjourned at 5:29 p.m. in memory of Andrew Mirassou and Opal "Libby" Greene.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JANET BIBBY
Chair, Board of Supervisors



MARIPOSA COUNTY

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JANET BIBBY, CHAIR
LYLE TURPIN, VICE-CHAIR
LEE STETSON
KEVIN CANN
JIM ALLEN

DISTRICT III
DISTRICT II
DISTRICT I
DISTRICT IV
DISTRICT V

MINUTES

October 16, 2012

A. Call to Order and Roll Call

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

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:03 AM
Lyle Turpin	District II Supervisor	Present	9:03 AM
Janet Bibby	District III Supervisor	Present	9:03 AM
Kevin Cann	District IV Supervisor	Present	9:03 AM
Jim Allen	District V Supervisor	Present	9:03 AM

B. Pledge of Allegiance

Chair Bibby called for a moment of silence following the Pledge of Allegiance for our men and women serving in the military and for their families.

C. Introductions

none

D. Approval of Consent Agenda (Items designated by "CA")

Supervisor Bibby referred to item 4 and asked for more information and justification for the promotion of the Legal Secretary I to a II level. Steve Dahlem/County Counsel provided input on his work with the incumbent employee. Jim Rydingsword/Human Services Director suggested that this item be moved to October 23rd so that answers could be provided. Item 4 was pulled.

Supervisor Bibby referred to item 11 and expressed concern that the contract with Oliver, Thomas, Caeton, Pierce, Patty Investigations exceeded the one-year timeframe for CAO authorized contracts. Rick Benson/County Administrative Officer responded.

All items were approved, with the exception of item 4.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

CA1. Administration RES-2012-514

Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road

CA2. Administration RES-2012-515

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA3. Sheriff's Office RES-2012-516

Approve Fixed Asset Purchase of a New Convection Oven for the Mariposa County Adult Detention Facility; Approve Budget Action Transferring Funding Within the Jail Budget to Allow for the Purchase of the Oven (\$12,950)

4. 1822 pulled from Consent

CA5. Health RES-2012-517

Approve Children's Medical Services (CMS) Plan and Budget Justification for Fiscal Year 2012-2013 in the Amount of \$110,615 for California Children's Services (CCS), \$71,265 for Child Health and Disability Program (CHDP), and \$12,973 for the Health Care Program for Children in Foster Care (HCPCFC) and Authorize the Board of Supervisors Chair and County Health Officer to Sign the CHDP and CCS Children's Medical Services Certification Statements for Fiscal Year 2012-2013

CA6. Public Works RES-2012-518

Accept the Woodland Drive Project as Complete, and Authorize the Public Works Director to Record the Notice of Completion and Release the Retention

CA7. Fire RES-2012-519

Approve Parking the Fire Apparatus Outside the Bootjack Fire Station Overnight on October 27, 2012

CA8. Human Services/Behavioral Health & Recovery Services (ID # 1834)

Authorize the Removal of Catherine Lara from the Alcohol and Drug Abuse Advisory Board Effective October 16, 2012.

CA9. Public Works RES-2012-520

Approve the Second Amendment to the Professional Services Agreement with CH2MHill, Inc. for the Feasibility Study for the Darrah Road Bridge Widening Project Extending the Term of the Agreement to March 31, 2013; Authorize the Board of Supervisors Chair to Sign the Amendment

CA10. Administration RES-2012-521

Approve the Extended Participation Agreement in the California State Association of Counties (CSAC) Excess Insurance Authority (EIA) Medical Malpractice Program, and Authorize the County Administrative Officer to Sign the Agreement

CA11. Administration (ID # 1843)

Receive the List of Contracts Entered into the by County Administrative Officer (CAO) Pursuant to Ordinance 3.08 with Terms Commencing in June, September, and December 2011, and in April, May, July, August, September, and October 2012

CA12. Public Works RES-2012-522

Approve an Agreement with American Foam Experts for the Re-Roof of the County Jail in the Not-To-Exceed Amount of \$52,163; and Authorize the Public Works Director to Sign the Agreement

CA13. Public Works RES-2012-523

Approve Budget Action Increasing Revenue and Appropriations in the California Energy Efficiency Budget and Increasing the General Fund Contingency (\$23,800) 4/5ths Vote Required

CA14. Administration RES-2012-524

Approve the Juvenile Defense Attorney Services Agreement with the Mariposa County Superior Court, and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Reducing Revenue and Appropriations in the Indigent Defense Budget to Recognize the Amount of Reimbursement (\$572) 4/5ths Vote Required

CA15. Administration RES-2012-525

Approve the 2012 Tuolumne-Mariposa County Resource Advisory Committee (RAC) Title II Project Funding Recommendations

CA16. Auditor RES-2012-526

Adopt a Resolution Establishing the Tax Rate of 0.028879 (2.8879 Cents Per \$100 Assessed Valuation) for the Bass Lake Elementary School District Bond in the Bass Lake Elementary/Yosemite High School Tax Rate Areas of Mariposa County.

CA17. Auditor RES-2012-527

Adopt a Resolution Establishing the Tax Rate of 0.043157 (4.3157 Cents Per \$100 Assessed Valuation) for the Yosemite High School Bond in the Bass Lake Elementary/Yosemite High School Tax Rate Areas of Mariposa County.

E. Items removed from Consent Agenda

Human Services/Social Services RES-2012-536

Authorize the Promotion of a Legal Secretary I to Legal Secretary II Effective 11/3/2012 in the Social Services Budget in the Human Services Department

**RESULT: CONTINUED BY MOTION [UNANIMOUS] Next: 10/23/2012
9:00 AM**

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

F. Departmental Presentation

none

G. Public Presentation

none

H. Board Information

Supervisor Turpin advised that he attended the official opening of the Don Pedro Fire Station on Saturday; and he extended a special thanks to Jim Wilson and his wife for the refreshments; and appreciation to the Board members, County Administrative Officer, County Counsel, Public Works Director, and the volunteer firefighters from stations 24, 26, and 31 for attending. He noted that the new station will be used as a polling place for the elections. He also thanked Supervisor John Gray/Tuolumne County for sharing a few words, and Supervisor-elect Merlin Jones for attending. He referred to the issues with the SRA fees and expressed concern with the loss of the stand-by dozer in Coulterville. He attended the Northern Mariposa County History Center breakfast on Sunday. He noted that citizens should call 9-1-1 if there are pressing maintenance problems at County facilities so that the appropriate department can be contacted to address the issues. He expressed concern with the weight limit on the Bondurant Mine Road bridge in Greeley Hill - the new fire engines are over the weight limit, and he advised that they are working on this matter. He saw four logging trucks as he came in this morning.

Supervisor Allen advised that he attended the Mountain Valley Emergency Medical Services Agency meeting in Modesto on Wednesday - the Executive Director prepared a PowerPoint on the Agency for the new Board

members and the Agency gave direction relative to the AMR Ambulance Service in Modesto for services to Stanislaus County. He attended the Don Pedro Fire Station "hose cutting" ceremony and the Farm Bureau dinner on Saturday. He plans to attend the fire station meeting on Thursday, and he will meet with the Human Services Director and the Hospital Chief Executive Officer on health care reform later in the day. He referred to the discussion on issues with the SRA fees and advised of information in the Sonora newspaper from Janet Upton/CalFIRE that people in mobile/modular homes that receive two bills in error only need to pay one bill and submit an appeal for the second.

Kevin Smith/CalFIRE responded to Supervisor Allen's input relative to the SRA issues - he advised that Janet Upton is the Deputy Director of Communications for CalFIRE and he will check on the status of the procedure for people that receive two bills in error for their mobile/modular homes. He responded to Supervisor Turpin's concern with the loss of the stand-by dozer in Coulterville; and he advised of a recent change in the strategic placement of dozers and advised that another dozer was assigned to the County, but not to Coulterville as in the past. He advised of the status of staffing for the dozers and transports.

Supervisor Allen noted that it is his understanding that the State is working with individuals on payment plans for the SRA fees.

Supervisor Stetson advised that he attended the El Portal Town Planning Advisory Committee meeting last Tuesday evening. He met with Supervisor Bibby and the Human Services Director and the Hospital Chief Executive Officer on Wednesday on health care reform. He met with the Bear Creek Trail Committee on Thursday; and with the Public Works Director and Yosemite West Maintenance Committee in the afternoon in Wawona. He participated in the volunteer clean-up of Midpines on Saturday; and he attended the Don Pedro Fire Station dedication in the afternoon. He advised that the Midpines Planning Advisory Committee meeting for this evening has been cancelled.

Supervisor Cann referred to the SRA fees and a statement by the Governor that if Proposition 30 fails that he will make another cut to CalFIRE's budget. He noted that it was his wife's birthday on Saturday and he was unable to attend the Farm Bureau dinner. He attended the IRWM (Integrated Regional Water Management) Governance Committee meeting on Monday and discussion was held relative to consideration of submitting a request to the Department of Water Resources for funding for the Yosemite West water system. He met with Townsend/consultant on Monday relative to the possible expansion of the sewer/water system in the Mariposa town planning area; and he noted Townsend is looking forward to reviewing the engineer's study for the Courthouse. He met with the departments involved in tracking the TOT (transient occupancy tax) revenue on Monday; and he commended Emily Meriam/GIS specialist in Planning, for the quality of her

work product for this meeting. He plans to meet with Supervisor Allen and the Human Services Director and the Hospital Chief Executive Officer on Thursday relative to health care reform, and for discussion on the need in this community for a graduated care facility. He plans to attend the forum at the Senior Center on Thursday evening - candidates for the Hospital Board will have an opportunity to speak. He noted the Chamber of Commerce's car show is scheduled for Saturday and CASA has a benefit BBQ scheduled for Friday night.

Supervisor Bibby wished Mrs. Cann a very happy birthday. She advised that she attended a meeting with the Human Services Director and discussed medical and HMO provider issues on October 10th; and she noted a presentation will be scheduled for the Board. She attended a meeting on October 11th relative to odor issues at the landfill. She attended the Don Pedro Fire Station dedication and thanked everyone who participated. She attended the Farm Bureau dinner and thanked everyone who supported that event. She attended the Mother Lode Job Training Board meeting on Monday, and she noted they are still looking for members from the private sector for the Workforce Investment Act Board.

9:51 a.m. Recess

10:03 a.m. The Board reconvened

I. Regular Agenda Items

1. Planning (ID # 1829)

CONTINUED PUBLIC HEARING to Consider General Plan/Zoning Amendment No. 2012-126. the Proposed Code Amendments Would Add Additional Sign Criteria to the Mariposa County Zoning Ordinance and the Mariposa Town Plan, Specifically the Historic and Design Review Overlay Districts (HDRO and DRO), Supplementary Standards, Supplementary Use Standards, Neighborhood Commercial (CN-1) Zone, Scenic Highway Overlay (SHO) Zone, Development Standards, and Definitions. Code and Plan Changes Include Amending Regulations for Community Informational Signs Including a Specific Allowance for the Existing Sign on APN 013-182-003, Adding Provisions for Way Finding and Gateway Signs Throughout the County, Amending and Clarifying Regulations for Temporary Signs, Increasing Size Limitations for Businesses Which Fall Under the Definition of "Large Scale Development", Removing the Prohibition for Signs in the Front Yard Setback Area in Mariposa, Removing the Amortization Period Provisions for Non-Conforming Signs, Amending Circumstances When the County May Require a Non-Conforming Sign to be Removed, Clarifying Material Allowances in the HDRO, and Adding Necessary Definitions. the

Board Will Consider the Planning Commission and Historic Sites and Records Preservation Commission's Recommendations and Take Public Testimony on the Proposed Amendments. at the Meeting, the Board of Supervisors May Give Direction to Staff For: 1) Final Changes to the Proposed Amendments and 2) the Final Hearing and Adoption Schedule. the County of Mariposa is the Project Proponent. (Public Hearing Continued from October 9, 2012)

Sarah Williams/Planning Director was present. Damon Golubics/Senior Planner advised that this hearing was continued from October 9th for a final review of the proposed code amendments. Staff responded to questions from the Board relative to the process and timeline for holding another public hearing for final adoption; and relative to the external lighting and International Dark Sky Association standards.

Input from the public was provided by the following:

Eleanor Keuning asked about the discussion on October 9th, and she suggested that there be a section added to address seasonal signs for businesses such as rafting. She clarified that her previous concerns on the flag signs did not include the US flag, and that she is not opposed to sandwich board signs as they are to be removed at the close of business. She feels there should be a limit on the number of sandwich board signs for a building that houses multiple businesses. She finds the vinyl signs that advertise specific projects offensive, and cited the beer signs at Grizzly Gas as an example. She is still concerned with the sign at Red Fox that covers the international bus sign.

Sarah Williams responded to the input that was provided. Supervisor Cann clarified that businesses like the rafting companies will be able to use sandwich board signs. Staff responded to questions relative to the status of flag and banner signs; and relative to advertisement for new subdivisions.

Eleanor Keuning asked whether the little square advertisement sign in front of Yosemite-Tee's would be affected by the regulations - she feels that this is nice sign.

The public portion of the hearing was closed. (M)Cann, (S)Allen, the Board agreed with the proposed code amendments as revised on October 9, 2012, and further revised today with leaving text in the document that if external lighting is used for signs made of natural or modern materials which closely resemble nature materials, the lighting shall be shielded and directional and shall not shine light off-site; and further direction was given to staff to move toward final adoption by scheduling a public hearing on November 13, 2012, at 2:00 p.m./Ayes: Unanimous.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

2. Public Works RES-2012-513

Review and Approve a Style of Street Light and Support Pole for Coulterville (17 Poles/Lights) and Mariposa (4 Poles/Lights)

Discussion was held with Peter Rei/Public Works Director and Gary Taylor/Assistant Public Works Director on the available options. Supervisor Turpin asked Public Works to review the need for a longer arm for the light pole in Coulterville for the welcome sign; and he asked about being able to mount banners to the new poles.

(M)Turpin, (S)Cann, the Board approved the design with the pole with the arm and teardrop fixture for Coulterville. The motion was amended, agreeable with the maker and second, to include approval of this pole and light design for Mariposa/Ayes: Unanimous.

Peter Rei advised that they will work with PG&E to extend this pole and light design in future replacements.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

J. Closed Session

3. Administration (ID # 1855)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Health Officer

The closed session was held at 10:56 a.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

4. County Counsel (ID # 1857)

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

The closed session was held at 10:56 a.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

11:23 a.m. Report from Closed Session

Chair Bibby announced that information was received and direction was given on the closed session for the Health Officer and that this closed session was continued to Monday, October 22, 2012, at 9:00 a.m. (Note: later in the meeting it was announced that this closed session wasn't continued.) Chair Bibby announced that information was received on the closed session item relative to anticipated litigation.

K. 11:24 AM lunch

L. 12:47 PM The Board reconvened

1. Administration (ID # 1853)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Clerk of the Board

The closed session was held at 12:49 p.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

6:05 p.m. Report from Closed Session

Chair Bibby announced that the closed session for the Health Officer is not continued to October 22nd. Chair Bibby announced that the closed session for the Clerk of the Board is continued to Wednesday, October 17, 2012, at 10:00 a.m.

M. Recess and Continuance of Meeting

The Board recessed at 6:06 p.m. in memory of Egon Ruttimann, Evelyn Laverne Neville, Delbert Robert Leonard, William Crabbe, Jr., and Roger G. Stam; and continued the meeting to Wednesday, October 17, 2012, at 10:00 a.m. for the continued closed session for the Clerk of the Board.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JANET BIBBY
Chair, Board of Supervisors



MARIPOSA COUNTY

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JANET BIBBY, CHAIR
LYLE TURPIN, VICE-CHAIR
LEE STETSON
KEVIN CANN
JIM ALLEN

DISTRICT III
DISTRICT II
DISTRICT I
DISTRICT IV
DISTRICT V

MINUTES

October 17, 2012

A. Call to Order and Roll Call at 10:07 a.m.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	10:07 AM
Lyle Turpin	District II Supervisor	Present	10:07 AM
Janet Bibby	District III Supervisor	Present	10:07 AM
Kevin Cann	District IV Supervisor	Present	10:07 AM
Jim Allen	District V Supervisor	Present	10:07 AM

B. Meeting Continued from October 16, 2012

C. Continued Closed Session

1. Administration (ID # 1865)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Clerk of the Board

The continued closed session was held at 10:07 a.m.

10:17 a.m. Report from Closed Session

Chair Bibby announced that the Board reconvened in the closed session that was continued from October 16, 2012, for the Clerk of the Board, and took the following action: (M)Stetson, (S)Cann, Jill Ballinger was appointed as Clerk of the Board effective November 5, 2012, with the position to be in training with the incumbent Clerk of the Board until her retirement/Ayes: Stetson, Bibby, Cann, Allen; Noes: Turpin.

D. Adjournment

The Board adjourned at 10:17 a.m.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JANET BIBBY
Chair, Board of Supervisors



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JANET BIBBY, CHAIR
LYLE TURPIN, VICE-CHAIR
LEE STETSON
KEVIN CANN
JIM ALLEN

DISTRICT III
DISTRICT II
DISTRICT I
DISTRICT IV
DISTRICT V

MINUTES

October 23, 2012

A. Call to Order and Roll Call

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

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Excused	
Lyle Turpin	District II Supervisor	Present	9:02 AM
Janet Bibby	District III Supervisor	Present	9:02 AM
Kevin Cann	District IV Supervisor	Present	9:02 AM
Jim Allen	District V Supervisor	Present	9:02 AM

B. Pledge of Allegiance

Chair Bibby called for a moment of silence following the Pledge of Allegiance for our men and women serving in the military and for their families.

C. Introductions

Supervisor Cann introduced Liz Steller/District Services Manager for the Central Valley District of the State Department of Parks and Recreation. She advised that she was present on behalf of Jess Cooper/District Director and that they recognize the County as a partner with the State Mining and Mineral Museum. She commented on the status of State Parks and the Museum and advised of their concern with the recent robbery of the Museum and noted they are reviewing security upgrades. Discussion was held. Supervisor Cann asked that the Board be kept updated on the status of reopening the Museum.

D. Approval of Consent Agenda (Items designated by "CA")

Supervisor Bibby referred to item 6 and suggested that there be a three-month timeframe versus leaving the action open-ended for filling the potential vacancy. Pete Judy/Chief Probation Officer asked for clarification of the three-months - 90 days from the date the officer leaves and it was noted that a request for an extension could be submitted to the Board.

Supervisor Bibby pulled item 1.

The balance of the items was approved, including the suggested change to item 6 for a three-month timeframe.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Lyle Turpin, Janet Bibby, Kevin Cann, Jim Allen

EXCUSED: Lee Stetson

1. 1822 pulled from Consent

CA2. Agricultural Commissioner RES-2012-528

Approve the Statewide Exotic Pest Detection Trapping Agreement No. 12-0121 for Fiscal Year 2012/2013 with the California Department of Food and Agriculture (CDFA), and Authorize the Board of Supervisors Chair to Sign the Agreement

CA3. Public Works RES-2012-529

Authorize Public Works to Waive the Encroachment Permit Fee of \$140.00 for the Closure of Park Lane to Hold the Second Annual Coulterville Trunk or Treat Event Hosted by Main Street Merchants on Saturday, October 27, 2012 from 4:30 P.M. to 9:30 P.M.

CA4. Fire RES-2012-530

Accept the Volunteer Fire Assistance (VFA) Grant, Adopt a Resolution Approving Department of Forestry and Fire Protection Agreement # 7FG12106, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA5. Public Works RES-2012-531

Authorize the Public Works Department to Fill a Vacant Full-Time Maintenance Worker I/II Position in the Road Budget

CA6. Probation RES-2012-532

Authorize the Probation Department to Recruit and Fill a Deputy Probation Officer I/II Position in the Probation Department When the Position Becomes Vacant

CA7. Administration RES-2012-533

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA8. Administration RES-2012-534

Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road

CA9. Personnel/Risk Management RES-2012-535

Approve an Overfill for the Clerk of the Board Position Effective November 5, 2012

E. Items removed from Consent Agenda

A. Human Services/Social Services RES-2012-536

Authorize the Promotion of a Legal Secretary I to Legal Secretary II Effective 11/3/2012 in the Social Services Budget in the Human Services Department

Supervisor Bibby initiated discussion relative to item 1, asking for clarification of the process for these types of promotions. Jim Rydingsword/Human Services Director responded to the questions and he advised of the process for the flex series classifications and the Merit System regulations. He advised that the appropriate processes have been followed and that the employee meets the qualifications for the II level. Supervisor Bibby asked that Personnel review this and the other flex series positions in the County to make sure that the positions are recruited at the appropriate level, that work is not being done out of class, and to make sure that there is consistency throughout the County and with the Merit Systems process. Rick Benson/County Administrative Officer provided input on the issues that were raised.

Item 1 was approved.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lyle Turpin, Janet Bibby, Kevin Cann, Jim Allen

EXCUSED: Lee Stetson

F. Minutes Approval

1. **Tuesday, October 09, 2012**
2. **Tuesday, October 16, 2012**

3. **Wednesday, October 17, 2012**

G. Presentations

1. **Sheriff's Office (ID # 1794)**

Adopt a Resolution Proclaiming the Week of October 23 through October 31, 2012, as RED RIBBON WEEK

The Proclamation was presented to Doug Binnewies/Sheriff and Mariah Tate and Britany Sturm representing Mariposa Safe Families. They provided input on the Red Ribbon Week and the planned activities.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lyle Turpin, Janet Bibby, Kevin Cann, Jim Allen

EXCUSED: Lee Stetson

H. Departmental Presentation

Keith Williams/Treasurer-Tax Collector-County Clerk announced that the voter materials have been mailed and should have been received by the voters.

Peter Rei provided an update on the Courthouse - the Architectural Research Group/consultant will be meeting in a couple of weeks with the Court, the State and Public Works to discuss the history of the building to put together a proposal for structural repairs. He responded to questions from the Board and advised that the weatherization repairs have been completed for the winter. He advised that they are working to remove the law library books to reduce the weight on the upper story - once the building is repaired; it is the intent that many of the books will be moved back.

Kevin Smith/CalFIRE provided input on the SRA (State Responsibility Area) fees: 1) clarifying that people in mobile/modular homes who receive two bills for the same property should pay the bill for the habitable structure, and they should return the second bill with proof of payment (i.e., copy of check) along with a Notice of Redetermination; and 2) citizens that believe they have a habitable structure for which they didn't receive a bill should call the 1-888-310-6447 number and contact the Board of Equalization. Supervisor Cann expressed concern with the diversion of CalFIRE administration's normal fire prevention/planning workload efforts to work on the SRA issues.

I. Public Presentation

Eleanor Keuning asked about a dump truck from the Department of Interior that she observed in the Leonard Road area. She advised of parking

conflicts on Saturday with the Symphony Orchestra and the Bears Football game at Grizzly Stadium. She noted that she now supports the need for a visitor center with amenities such as a concert hall.

Kathy McCorry/Executive Director of the Chamber of Commerce provided input on recent visitor statistics, and she advised that last Saturday was the last day of the season for the Park Rangers helping at the Visitor Center. She announced that weather permitting the map will be reinstalled on the billboard at the Grizzly Gas Station and there will be a photo opportunity this afternoon. They still need to add the advertising. She invited everyone to the “meet and greet” at the Subway this evening. She commented on the successful car show event the Chamber sponsored over the weekend.

J. Board Information

Supervisor Allen noted that he met the elderly lady that Eleanor Keuning helps through the Friendly Visitor program at the Senior Activity Center. He attended the fire station meeting on Thursday and provided input on the status of the station projects. He plans to assist CalFIRE with interviews on Wednesday and Thursday. He plans to attend the Commission on Aging meeting on Wednesday at the Senior Activity Center.

Supervisor Cann referred to Eleanor Keuning’s comments on the conference and performing arts center and noted that they are still working on this project. He referred to Kathy McCorry’s input and stated he feels it is important for the Chamber and the Tourism Bureau to come forward and let the Board know what things they need. He congratulated the Chamber on the successful car show event. He advised that he attended the IRWMP (Integrated Regional Water Management Plan) meeting on Thursday and he has been attending their subcommittee meetings; and he noted the importance of this planning effort so that the County can be eligible for future grant funds for projects. He met with the Chief Executive Officer of the Hospital and the Human Services Director relative to managed health care and its future in California. Discussion was also held on the need for graduated care for seniors in the County. He stopped by the CASA BBQ on Friday night. He spent the weekend in Murphys and observed their signs and efforts to become a destination. He met with the group working on wayfinding signs on Monday; and they will meet with Public Works on developing the request for proposal for building and installing the signs. He advised that the Tourism Bureau - Business Improvement District is working on the process to renew their five-year plan. They will be holding an open house at the Best Western on November 1st, and an open house will also be held in Wawona area and in the North County. He noted that there is no regularly scheduled Board meeting for the next two weeks due to the fifth Tuesday and elections. The Arts Council will have a grand opening event on November 2nd. He plans to attend the YARTS Board meeting in Merced on November 5th on behalf of Supervisor Stetson.

Supervisor Turpin noted the excellent fall rain and the increase in the water levels. He advised of telephone calls he received on Monday on the SRA fees, and he noted the importance of paying the fees timely. He plans to meet with the Chief Executive Officer of the Hospital this afternoon, and later in the afternoon with the Grand Jury. He attended the Station 26 fire brigade planning meeting for their holiday events. He noted that Bob Brown/District Attorney was present earlier in the meeting, and he thanked him for his service to the County. He reminded everyone to vote on November 6th and noted the Giants are going to the World Series.

Supervisor Bibby noted that there is no regularly scheduled Board meeting for the next two weeks and urged citizens to vote. She advised that petitions are available on the web relative to the SRA fees and that the Farm Bureau website has sample letters for citizens to use; and she encouraged citizens to not miss the deadline for payment. She advised that recognition for Bob Brown has been scheduled for November 13th at 9:00 a.m.

K. Closed Session

1. County Counsel (ID # 1856)

Closed Session: Conference with Legal Counsel; Existing Litigation; Howard Jarvis Taxpayers Association, Et Al. V. California Department of Forestry and Fire Protection, California Board of Equalization

The closed session was held at 10:25 a.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Lyle Turpin, Janet Bibby, Kevin Cann, Jim Allen

EXCUSED: Lee Stetson

2. Administration (ID # 1868)

Continue the October 23, 2012, Meeting to November 2, 2012 at 9:00 for Closed Session for Health Officer Interview/S

Steve Dahlem/County Counsel suggested that the Board take action to continue the meeting for the closed session for the Health Officer interview(s) at this time. Action was taken and the closed session will be held on November 2nd.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lyle Turpin, Janet Bibby, Kevin Cann, Jim Allen

EXCUSED: Lee Stetson

10:50 a.m. Report from Closed Session

Chair Bibby announced that information was received as a result of the closed session on the existing litigation matter.

L. Continue Meeting to November 2, 2012 at 9:00 AM

10:51 a.m. The meeting was recessed in memory of Thomas Steven Hoffman and was continued to 9:00 a.m. on November 2, 2012, for the closed session to interview applicant(s) for the Health Officer position.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JANET BIBBY
Chair, Board of Supervisors



MARIPOSA COUNTY

P.O. Box 784 Mariposa, CA 95338 (209) 966-3222
5100 Bullion Street
<http://www.mariposacounty.org/>



JANET BIBBY, CHAIR
LYLE TURPIN, VICE-CHAIR
LEE STETSON
KEVIN CANN
JIM ALLEN

DISTRICT III
DISTRICT II
DISTRICT I
DISTRICT IV
DISTRICT V

MINUTES

November 2, 2012

Special Meeting

I. Call to Order at 8:30 AM

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Excused	
Lyle Turpin	District II Supervisor	Present	8:31 AM
Janet Bibby	District III Supervisor	Present	8:31 AM
Kevin Cann	District IV Supervisor	Present	8:31 AM
Jim Allen	District V Supervisor	Present	8:31 AM

Chair Bibby advised that Supervisor Stetson is excused; however, he plans to participate in the closed sessions by telephone call. She noted that the Board will convene in the continued regular session at 9:00 a.m. and at the conclusion of that meeting, the Board will reconvene in open session to announce the results of the closed sessions for both meetings.

II. Pledge of Allegiance

III. Introductions

None

IV. Public Presentation

None

V. Closed Session

1. Administration (ID # 1890)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Clerk of the Board

The closed session was held at 8:36 a.m., and the Board recessed at 9:02 a.m. for the continued regular meeting (continued from October 23rd).

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lyle Turpin, Janet Bibby, Kevin Cann, Jim Allen

EXCUSED: Lee Stetson

11:21 AM Report from Closed Session

Chair Bibby announced that direction was given to staff.

VI. Adjourn

The Board adjourned at 11:21 a.m.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JANET BIBBY
Chair, Board of Supervisors



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JANET BIBBY, CHAIR
LYLE TURPIN, VICE-CHAIR
LEE STETSON
KEVIN CANN
JIM ALLEN

DISTRICT III
DISTRICT II
DISTRICT I
DISTRICT IV
DISTRICT V

MINUTES

November 2, 2012

A. Call to Order and Roll Call at 9:05 AM

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Excused	
Lyle Turpin	District II Supervisor	Present	
Janet Bibby	District III Supervisor	Present	
Kevin Cann	District IV Supervisor	Present	
Jim Allen	District V Supervisor	Present	

B. (Meeting Continued from October 23, 2012)

Note: Due to technical difficulties, there is no audio of this meeting.

C. 9:05 AM Closed Session (Continued from October 23, 2012)

1. **Personnel/Risk Management (ID # 1867)**

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Health Officer Interview/S

The Board convened in the continued closed session (continued from October 23, 2012) at 9:05 a.m.

11:21 AM Report from Closed Session

Chair Bibby announced that Supervisor Stetson did not participate by telephone in this closed session; and she announced that direction was given to staff.

D. Adjournment

The Board adjourned at 11:21 a.m.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

JANET BIBBY
Chair, Board of Supervisors



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JANET BIBBY, CHAIR
LYLE TURPIN, VICE-CHAIR
LEE STETSON
KEVIN CANN
JIM ALLEN

DISTRICT III
DISTRICT II
DISTRICT I
DISTRICT IV
DISTRICT V

MINUTES

November 13, 2012

A. Call to Order and Roll Call

9:11 AM Meeting Called to Order at the Mariposa County Government Center

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:11 AM
Lyle Turpin	District II Supervisor	Present	9:11 AM
Janet Bibby	District III Supervisor	Present	9:11 AM
Kevin Cann	District IV Supervisor	Present	9:11 AM
Jim Allen	District V Supervisor	Present	9:11 AM

B. Pledge of Allegiance

Chair Bibby called for a moment of silence following the Pledge of Allegiance in honor of Veterans Day and veterans everywhere serving in our military past and present, and for their families.

C. Introductions

none

D. Approval of Consent 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.

Chair Bibby advised of a correction in the attachment for item 3/deletion of item 1 under Special Provisions; that the effective date for item 5 is November 13, 2012; corrections to Encroachment Permit Application in item 14 to reflect January 4, 2013, as the estimated completion date and that this is for a County agency; and a correction to item 19 to reflect an effective date of October 29, 2012.

Supervisor Cann pulled items 11, 15, and 16, for further discussion relative to processing the contracts in relation to the adoption of the final budget.

Supervisor Bibby pulled items 7, 11, 20, and 21.

The balance of the items was approved, with the noted corrections.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

CA1. Administration RES-2012-538

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2012-539

Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road

CA3. Sheriff's Office RES-2012-548

Approve an Agreement with Forensic Nurse Specialists of Central California, Inc. for Sexual Assault Examination Services for Mariposa County Sheriff's Office Investigations, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA4. Public Works RES-2012-540

Approve an Agreement with Thunder Ridge Company to Provide Snow Removal in Fish Camp in the Not-To-Exceed Amount of \$40,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA5. County Counsel RES-2012-549

Authorize County Counsel to Retain FAGALDE, ALBERTONI & FLORES LLP to Represent the County of Mariposa in a Quiet Title Action, and Authorize the Board of Supervisors Chair to Sign a Professional Service Agreement

CA6. Human Services/Social Services (ID # 1863)

Appoint Ronald Schmidt to the In-Home Supportive Services Advisory Committee

7. 1869 pulled from Consent

CA8. Sheriff's Office RES-2012-541

Approve Opening a Recruitment and Filling a Vacant Sheriff's Deputy Position Effective Immediately

CA9. Human Services RES-2012-542

Approve the 2012 Medi-Cal Privacy and Security Agreement with the Department of Health Care Services (DHCS), and Authorize the Human Services Director to Sign the Agreement

CA10. Public Works RES-2012-543

Approve an Agreement with Fire Suppression Technology's Inc. for the Installation of a Fire Suppression System for the Don Pedro Fire Station in the Not-To-Exceed Amount of \$46,000, and Authorize the Public Works Director to Sign the Agreement

11. 1873 pulled from Consent

CA12. Public Works RES-2012-544

Accept the Indian Peak Road, Main Street, and Colorado Road Projects as Complete, and Authorize the Public Works Director to Record the Notice of Completion and Release the Retention

CA13. Administration/Risk Management (ID # 1878)

Informational Report of Liability Claims Rejected by the County Administrative Officer/Risk Manager for the Months of September and October 2012

CA14. Administration RES-2012-545

Authorize the Public Works Director to Sign the Application for a Cal Trans Encroachment Permit in Support of Closing Highway 140, Between Jones and Third Street, on December 1, 2012, 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

15. 1881 pulled from Consent

16. 1882 pulled from Consent

CA17. Administration RES-2012-546

Declare Monday, December 24, 2012 a County Holiday

CA18. Administration RES-2012-547

Approve Settlement with Mr. John Anderson for Property Damage in the Amount of \$15,000 (Claim #C12-5)

CA19. County Counsel RES-2012-550

Approve an Agreement with WANGER JONES HELSLEY PC to Represent the County of Mariposa and the Named County Defendants in Case No. 10223 Filed by Richard C. Hanna in the Mariposa County Superior Court in the Not to Exceed Amount of \$25,000, and Authorize the Board of Supervisors to Sign the Agreement

20. 1919 pulled from Consent

21. 1896 pulled from Consent

CA22. Technical Services RES-2012-551

Authorize the Chair to Sign the Attached Sales Agreement with DLB Associates for the Purchase of the New As400

E. Minutes Approval

1. **Tuesday, October 23, 2012**

2. **Friday, November 02, 2012**

3. **Friday, November 02, 2012**

F. Presentations

1. **Board of Supervisors (ID # 1883)**

Proclaim November 2012, as "National American Indian Heritage Month" (Connie Waldron, California State Society Daughters of the American Revolution (CSSDAR) and American Indian Committee Chair, and Andrea Summerlin, (CSSDAR) and American Indian Committee Vice Chair)

The Proclamation was presented to Andrea Summerlin and Sandra Vasquez/Chair for the American Indian Council of Mariposa County and the Southern Sierra Miwuk Nation.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

2. **Board of Supervisors (ID # 1886)**

Proclaim the Month of November, 2012 as "National Hospice and Palliative Care Month" (Linda Pribyl, RN, Director of Patient Care Services John C. Fremont Home Health, Hospice and Private Duty Care)

The Proclamation was presented to Linda Pribyl and representatives of hospice and home health care. Supervisor Turpin expressed his personal gratitude to the home health care personnel that assisted him personally. Linda Pribyl noted that this is also National Home Health Care month, and that a "Light Up a Life" ceremony is scheduled for December 5th to honor loved ones who have passed.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

3. **Board of Supervisors RES-2012-537**

Resolution and Tile Plaque Recognizing Robert "Bob" Brown, Upon His Retirement as District Attorney (Chair Bibby)

Board members commended Bob Brown for his service to the County.

Input from the public was provided by the following:

Doug Binnewies/Sheriff commended Bob for his service and cooperation with his Department.

Kevin Smith on behalf of CalFIRE thanked Bob for his interaction with their agency.

Pete Judy/Chief Probation Officer commended Bob for his service.

Debbie Walton/Child Support Services Director noted that her department was a part of the District Attorney's Office at one time, and she thanked Bob for his continued assistance.

Dr. Mosher/Health Officer on behalf of the Health Department expressed appreciation for the District Attorney's Office support and for Bob's support in particular.

Marvin Wells commended Bob for his service and assistance during his terms on the Grand Jury and as a member of the Juvenile Justice and Prevention Commission.

Michael Keitz/Madera County District Attorney expressed his appreciation for the cooperative working relationship with Bob, and he noted that he is looking forward to working with Tom Cooke - the new District Attorney.

Tom Cooke commended Bob for his service.

Paul Zeek/Chief of Staff for Assemblymember Kristin Olsen presented Bob with a joint resolution from the California State Assembly and Senate, signed by Assemblymember Olsen and Senator Berryhill.

Kurtis Foster representing Congressman Denham presented the Bob with the Congressional Record commending him for his service.

Chair Bibby presented the Board's resolution and tile plaque to Bob.

Bob thanked his wife, Jo Ann, everyone for their attendance, the Board members, department heads, and his staff and attorneys at the District Attorney's Office.

Betty Oliver/DA-Administrative Assistant and the office staff presented Bob

with his retirement badge.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

G. Closed Session

1. Administration (ID # 1918)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Clerk of the Board

The closed session was held at 10:28 a.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

H. 10:14 a.m. Refreshment Break for Bob Brown

10:47 a.m. Report from Closed Session

Chair Bibby announced that action was taken by the Board by motion of Cann, seconded by Allen, to appoint Rene LaRoche as Clerk of the Board effective this date, with the position to be in training with the incumbent Clerk of the Board until her retirement, by unanimous vote. Chair Bibby welcomed and introduced Rene LaRoche.

I. Departmental Presentation

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

Peter Rei/Public Works Director advised that CalTrans will give presentations today on the crosswalks in town.

Terri Peresan/Community Services Director provided an update on the senior fire wood program, and she thanked CalFIRE, SCOPE and the volunteers for their assistance.

J. Public Presentation

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

Marvin Wells welcomed Rene LaRoche as Clerk of the Board; and noted that the retiring Clerk/Margie Williams and outgoing Supervisors Turpin and Allen will be missed. He advised that he has questions relative to

the sign ordinance item on the agenda for later today. Chair Bibby asked that he provide the questions to staff so that they could be answered during the noticed public hearing scheduled for this afternoon.

Kathy McCorry/Executive Director of the Chamber of Commerce and Visitor Centers reported on recent visitation statistics. She advised that their staff will attend the customer service training scheduled for Wednesday evening and she expressed her appreciation to the Business Development Coordinator for holding these training sessions. She noted that they will begin decorating the downtown area and the Art Park for Christmas on Thursday. An e-waste and recycling event is scheduled for Saturday.

Marilyn Lidyoff/Business Development Coordinator provided input on the customer service presentation that is scheduled for Wednesday.

K. Board Information

Supervisor Stetson advised that he has been out of town recently on personal and family business, and he thanked Supervisor Cann and Candy O'Donel-Browne for attending the YARTS meeting, and Supervisor Allen for attending the fire station meeting in his absence. He advised that he participated by telephone in the closed session for the Clerk of the Board recruitment on November 2nd, and he congratulated Rene LaRoche on her appointment. He advised that the El Portal Town Planning Advisory Committee is meeting this evening. He plans to attend a meeting with the Public Works Director in the morning in Fresno with CalTrans relative to the Ferguson Slide, and to attend the Airport Advisory Committee meeting later on Wednesday. He plans to attend the fire station meeting on Thursday. The Midpines Advisory Committee meeting is scheduled for next Tuesday evening. He extended his congratulations to Supervisor-elect John Carrier.

Supervisor Cann extended his congratulations to Rene LaRoche, and to Supervisors-elect Merlin Jones and John Carrier; and he noted that Supervisors Turpin and Allen will be missed. He presented a signed Smokey the Bear photograph and package of materials to Marvin Wells for his granddaughter Maggie and her friends. He noted that the Economic Development Corporation at their meeting on October 24th and the Mariposa Business Association have expressed their appreciation for the trainings that the Business Development Coordinator received funding for and is making available. He attended a continuation meeting on October 25th on the wayfinding signs and the Tourism Bureau meeting. He noted that the Tourism Business Improvement District started their one-year process on November 1st of renewing their five-year organization. On October 29th he facilitated a graduated care facility discussion. He attended the Arts Council grand re-opening in their new facility - Gallery in the Trees at Chocolate Soup. He attended the Hospital Foundation's Black and White Ball on November 3rd. He attended the YARTS meeting and discussion was held relative to the new

transportation funding - Map 21. He met with contractors and Planning relative to home subdivision potential in the town of Mariposa and relative to the continuing Pizza Factory rebuild. He plans to attend the RCRC (Regional Council of Rural Counties) Executive Committee meeting on Wednesday; the Solid Waste Task Force meeting on Thursday; and he noted the e-waste and recycling collection event on Saturday.

Supervisor Turpin thanked the Chamber of Commerce for holding the e-waste and recycling collection event in Coulterville last year. He noted that monthly breakfasts that are held in North County - at the Community Hall in Greeley Hill and in Coulterville. He attended a meeting on Thursday with the County Administrative Officer, Supervisor-elect Jones, Tuolumne County Administrative Officer and Tuolumne County Supervisor Gray relative to the SWIFT program. He attended a meeting with seniors in Greeley Hill on November 8th where his wife gave a presentation on the "file of life" - a program that encourages the placement of medical information on the refrigerator door for emergency medical response. He participated in a discussion with Maggie Dowd/Stanslaus National Forest Supervisor relative to the Bondurant Road Bridge, and discussion was held relative to the storage of the reserve engine. Discussion was held with the Fire Chief relative to engine placement. He thanked Merced County Supervisor Kelsey and Merced County Road Commissioner Dana Hertfelder for their cooperation with working on Merced Falls Road to the County line. He noted he passed four loads of logs this morning. He plans to attend the Solid Waste Task Force meeting on Thursday. He also passed five County vehicles headed to North County to provide services - two from Facilities, one from Building, the County transit bus, and the Road Superintendent. He welcomed Rene LaRoche and those that have been elected.

Supervisor Allen congratulated Rene LaRoche on her appointment, and John Carrier as Supervisor-elect. He advised that he met with John Carrier on Monday. During the last two weeks he and Supervisor Bibby participated in an interview panel for CalFIRE promotions. He spoke at the Commission on Aging meeting relative to senior issues. He attended the High School game and gave a talk, along with the Sheriff, on Red Ribbon Week. He attended the Bootjack Volunteer pancake breakfast. He attended the fire station meeting. He attended the Board meeting on November 2nd for the interviews for the Health Officer, and he attended the reception for Tom Cooke/District Attorney in the afternoon. He helped at the Elections Office by answering telephones. He attended the Veterans Day program at the Mariposa Elementary School on Thursday, and he thanked Susan Robinson for organizing this event. He noted that the Mariposa High School Band played at the event and they left on Friday to play for the Veterans Day program in San Diego. He attended the open house at Manzanita Estates on Saturday. He met with Donn Harter and John Carrier on Monday relative to Fish Camp issues.

Supervisor Stetson thanked CalFIRE and everyone that assisted in clearing the Midpines Park.

Supervisor Bibby welcomed Supervisors-elect Jones and Carrier and Rene LaRoche as Clerk of the Board. She announced that recognition is scheduled for December 11, 2012, at 2:00 p.m. for Margie Williams on her retirement as Clerk of the Board. She thanked everyone who participated in the election, candidates and election personnel and those who assisted in the process. She plans to attend a meeting with CalTrans on the Ferguson Slide on Wednesday, and she is working to get a presentation before the Board. She plans to attend the Mother Lode Job Training meeting in Sonora on Thursday, and the Calaveras-Mariposa Community Action Agency meeting in Angels Camp on Friday. She extended her congratulations to the Mining and Mineral Exhibit on their reopening and expressed appreciation to those that made that happen.

L. 11:34 a.m. LOCAL TRANSPORTATION COMMISSION

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

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

1. Public Works (ID # 1898)

Authorize the 30-Day Public Review for the 2012 Draft Regional Transportation Plan (RTP) and Mitigated Negative Declaration and Initial Study.

Rich Ledbetter, Project Manager with Fehr & Peers presented an overview of the 2012 Regional Transportation Plan (RTP). Discussion was held with Mr. Ledbetter and Barbara Carrier/Assistant Director of Public Works. Supervisor Allen requested that the communities of Fish Camp and Wawona be added to the map on page 18 of the plan. Peter Rei provided input on the new transportation funding - Map 21.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

M. BOARD OF SUPERVISORS

11:59 am. Reconvened as the Board of Supervisors

N. Regular Agenda Items

1. Public Works (ID # 1893)

10 Year Highway Bridge Program Report

An informational update was provided by Peter Rei. No action was necessary.

2. Child Support Services RES-2012-552

Approve a Reorganization of the Child Support Services Department and Approve Budget Action Transferring Funding Within the Child Support Services Budget to Fund the Reorganization (\$16,500).

Discussion was held with Debbie Walton, Director of Child Support Services, relative to the request.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

3. Treasurer-Tax Collector-County Clerk(ID # 1895)

Approve a Reorganization of the Office of the Treasurer - Tax Collector - County Clerk Effective November 1, 2012 and Approve a Budget Action Transferring Funds Within the Treasurer/Tax Collector and Elections Budgets to Fund the Requested Reorganization (\$78,675)

Rick Benson/County Administrative Officer advised that this item was withdrawn at the request of Keith Williams, Treasurer/Tax Collector/County Clerk, and that it will be brought back at a later date.

RESULT: WITHDRAWN

4. Board of Supervisors (ID # 1887)

Select the California State Association of Counties (CSAC) Director and Alternate for 2013

Discussion was held, and action was taken to select Supervisor Stetson as Director with the remaining four Board members selected as alternates.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

5. Administration/Risk Management RES-2012-553

Approve a Side Letter of Agreement with the Deputy Sheriffs' Association to Extend the Current Memorandum of Understanding Until September 30, 2013, and Authorize the Board of Supervisors Chair to Sign the Side Letter of Agreement

Chair Bibby excused herself from the meeting at 12:14 p.m. for items 5 & 6 as she has a family member in Sheriff Management.

Rick Benson advised that items 5 and 6 go together and gave a brief history of the matters. He also advised that there were a couple of typos that would need to be addressed; and he further expressed his appreciation of the cooperation and teamwork with both bargaining units in this matter.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

6. Personnel/Risk Management RES-2012-554

Approve a Side Letter of Agreement with the Sheriffs' Management Association to Extend the Current Memorandum of Understanding Until September 30, 2013, and Authorize the Board of Supervisors Chair to Sign the Side Letter of Agreement

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

O. Items removed from Consent Agenda

A. Public Works RES-2012-555

Approve the First Amendment with Technicon Engineering Services to Provide Material Testing Services for East Whitlock Road, Increase the Compensation in the Amount of \$4,945.75, Bringing Total Compensation to \$14,813.75; Extend the Term of the Agreement to October 30, 2012; and Authorize the Public Works Director to Sign the Amendment

Chair Bibby resumed as Chair at 12:21 p.m.

Supervisor Bibby asked about extending the amendment date to December 1, 2012, since the approval date would be November 13, 2012. Peter Rei was in concurrence. This item was approved with the modification to extend the term of the agreement to Dec. 12, 2012, as well as the additional compensation approval.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

B. Administration RES-2012-556

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

Supervisor Cann initiated discussion relative to the EDC Townsend contract, Mariposa County Arts Council agreement, and the Yosemite/Mariposa County Tourism Bureau contract and the timeframes for processing these contracts so that the entities receive timely payment for their services. Supervisor Bibby expressed concern with the provision in the EDC Townsend contract that allows for reimbursement of entertainment expenses to third party vendors; and she stated she would like to see the EDC provide periodic reports as to the travel and meal expenses that are reimbursed. Discussion ensued including advice from County Counsel. Action was taken to approve the contract with the EDC with a modification to reflect that no Mariposa County funds should go for entertainment, and that the EDC will provide an accounting of any travel or meal reimbursements.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

C. Administration RES-2012-557

Approve an Agreement with the Mariposa County Arts Council for Performing Arts, Visual Arts, and Arts Resources and Education Services in the Amount of \$51,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

D. Administration RES-2012-558

Approve an Agreement for Services with the 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

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

E. Administration RES-2012-559

Authorize the Recruitment and Hiring of a 0.7 Permanent Part-Time Office Assistant I/II Position in the Administration Budget Effective Immediately

Chair Bibby questioned whether this position should remain a Permanent/Part-Time position given that Personnel/Risk Management would be moving to another building and she suggested that consideration be given to hiring extra help pending a reassessment of the position. She further proposed consideration of a recorded phone tree system for the office. Discussion ensued. The item was approved.

RESULT: ADOPTED [4 TO 1]

MOVER: Jim Allen, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

NAYS: Janet Bibby

F. Human Services RES-2012-560

Approve Landscaping and Window Washing Agreements with Partners in Grime Cleaning Company, and Authorize the Board of Supervisors Chair to Sign the Agreements

Supervisor Bibby expressed concern with the costs to maintain landscaping for the Human Services Building on Lemee Lane, feeling that the money might be better used to help fund services to residents; and she suggested that consideration be given to alternatives for performing the maintenance and landscaping options. Discussion ensued relative to further reviewing options in the future. Supervisor Bibby asked that the department head bring back ideas to reduce costs. The item was approved.

RESULT: ADOPTED [4 TO 1]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

NAYS: Janet Bibby

P. Closed Session

1. Administration (ID # 1923)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Health Officer

The closed session was held at 1:12 p.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

2. Administration (ID # 1894)

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) for In-Home Supportive Services (IHSS); Name of County Designated Representative: Mary Hodson

The closed session was held at 5:10 p.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

3. Administration (ID # 1901)

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

The closed session was held at 5:10 p.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

4. Administration (ID # 1902)

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

The closed session was held at 5:10 p.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

5. Administration (ID # 1903)

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

Supervisor Bibby excused herself from the meeting at 1:04 p.m. for action on this closed session and from the closed session on this matter due to a potential conflict of interest as she has a family member in SMA. This closed session was held at 5:10 p.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

6. Administration (ID # 1904)

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

Supervisor Bibby excused herself from the meeting at 1:04 p.m. for action on this closed session and from the closed session on this matter due to a potential conflict of interest as she has a family member in SMA. This closed session was held at 5:10 p.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

Q. 1:20 p.m. Lunch

R. 2:04 PM Reconvened

2:04 p.m. Report from Closed Session

Chair Bibby advised that information was received for the Closed Session on the Health Officer recruitment; and the remaining closed sessions were continued to later in the afternoon.

1. Planning RES-2012-561

PUBLIC HEARING to Consider Adoption of a Resolution with Findings, Approving General Plan Amendment No. 2012-098 to Clarify Policies for Processing Projects Submitted Pursuant to Goal 10-2, Policy 10-2A, and Implementation Measure 10-2A(4) of the Mariposa County General Plan for Transfers of Lands Within the Agriculture/Working Landscape Land Use Classification, and Directing Staff to File a Notice of Exemption for the Project. The County of Mariposa is the Project Proponent

Staff report was given by Sarah Williams/Planning Director. She presented an

overview and explained that this amendment to the countywide General Plan is needed to define a clear process for the transfers of Ag lands in the Agriculture/Working Land Use Classification when there is no net loss of Ag lands. She stated that, at present, the General Plan states criteria for lands to be included, and criteria for lands proposed to be removed, but does not address the issue of a transfer; an omission that became apparent when processing General Plan Amendment 2011-108 (the Dinnel Project to be heard later this day.) Ms. Williams further stated that, in developing this amendment, her Department referenced the Board of Supervisors discussions of October, 2006 regarding the goal policy and implementation measure. She concluded her presentation by pointing out that there is one correction needed in the proposed resolution; to change to past tense the third "Whereas" paragraph so that it reads:

"WHEREAS, the 'criteria for transfers of land' has not yet been approved by the Board of Supervisors as anticipated by this Implementation Measure; and"

Staff responded to questions from the Board relative to the draft resolution; the General Plan Amendment process for transfers and clarification of the criteria; whether additional written public comment was received; and clarification of "no net loss of Ag lands."

Public portion of the hearing was opened and input was provided from the following:

Anita Starchman Bryant/Starchman & Bryant Law Offices, stated that she attended all of the General Plan hearings concerning this provision, and that the provision does not use the term "equivalent" but, rather, discusses "resulting in no net loss" of like kind of agriculture land. Thus, the word "equivalent" was not incorporated in the General Plan. She continued that the intent of this provision was to allow for transfers so that there wouldn't be a loss of even one square inch of Ag lands, and to allow transfers within zones for those instances where it would make more sense to consolidate Ag lands next to Ag lands, and residential lands next to residential lands. She advised that the reason this was included was because it was pointed out by several supervisors that the criteria that would have to be met for removal of agricultural lands was impossible to meet; so this was an alternative for transferring of lands, not removing of lands. She continued that the criteria for removing lands, which is what is being clarified here, does not apply to transfers. She stated that this is an alternate route for transferring of lands, and not removing any Ag lands from Mariposa County. She stated that she thought the difference between removing Ag lands and transferring Ag lands was very clear when she applied for the application and was astounded to find that staff decided that they needed to provide this clarification. She concluded by stating that she is in support of the clarification and asks that it be passed. Supervisor Bibby commented on potential negative effects should the State of California ever repeal Proposition 13. Staff responded to questions from the

Board relative to showing the changes in the General Plan for each land use classification; and as to language needing correction in the resolution. Supervisor Stetson expressed his qualms with the terms “similar” and “equivalent.” Supervisor Cann stated that it is to be expected that a document as large as the General Plan would need correction over time. He also stated that he feels that allowing land swaps protects and avoids loss. He further stated that he felt it was prudent to have established criteria on this issue. Supervisor Turpin noted that the General Plan was established in 2006 and since that time there has not been an abuse problem concerning it.

Public portion of the hearing was closed and the Board commenced with deliberations.

Action was taken to adopt the Resolution as recommended, including the replacement of “has” with “had” in the third paragraph; and directing staff to file a Notice of Exemption for the project.

Supervisor Bibby advised that she was unable to make the finding requested under “Finding 1”: that this Amendment is in the general public’s best interest or will not have a significant adverse effect on the general public health, safety, peace, and welfare. She stated that she thinks this amendment could cause problems with demand for services, that Ag will be displaced into other communities and other townships, where historically they were not. She also advised that she was unable to make the finding requested under “Finding 2”: that this amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for County development and a short term basis for day-to-day decision making. She stated that she does not think that this amendment will improve the General Plan, and feels it will impact demand for services.

The hearing was closed.

RESULT: ADOPTED [4 TO 1]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

NAYS: Janet Bibby

2. Planning RES-2012-562

PUBLIC HEARING to Consider General Plan/Zoning Amendment No. 2012-126 Proposed Code Amendments Adding Additional Sign Criteria to the Mariposa County Zoning Ordinance and the Mariposa Town Plan, Specifically the Historic and Design Review Overlay Districts (HDRO and DRO), Supplementary Standards, Supplementary Use Standards, Neighborhood Commercial (CN-1) Zone, Scenic Highway Overlay (SHO) Zone, Development Standards, and Definitions. Code and Plan Changes Include Amending Regulations for Community Informational Signs

Including a Specific Allowance for the Existing Sign on APN 013-182-003, Adding Provisions for Way Finding and Gateway Signs Throughout the County, Amending and Clarifying Regulations for Temporary Signs, Increasing Size Limitations for Businesses Which Fall Under the Definition of “Large Scale Development”, Removing the Prohibition for Signs in the Front Yard Setback Area in Mariposa, Removing the Amortization Period Provisions for Non-Conforming Signs, Amending Circumstances When the County May Require a Non-Conforming Sign to be Removed, Clarifying Material Allowances in the HDRO, and Adding Necessary Definitions. Adopt a Resolution (TPA) with the Recommended Findings, Finding that the Project is Exempt from the California Environmental Quality Act, Directing Staff to File a Notice of Exemption for the Project, and Approving General Plan/Zoning Amendment No. 2012-126. (The Following Related Items Are No. 4 to Adopt a Resolution (Countywide); Item 3 (TPA) and Item 5 (Countywide) to Waive the First Reading and Introduce Ordinances Amending Chapters 17.65, 17.76, 17.108, 17.148 and 17.336 of the Mariposa County Code). the County of Mariposa is the Project Proponent

Chair Bibby announced that this public hearing addresses agenda items R.2, R.3, R.4 and R.5 having to do with the sign ordinance. She clarified that agenda items R.2 and R.3 have to do with the Town Planning Area (TPA) while R.4 and R.5 address countywide signs.

Staff report was presented by Damon Golubics/Senior Planner, with Sarah Williams in attendance. He advised that many public meetings and workshops have been held to insure ample public input. He provided a brief history and overview noting that the Board has also considered input from the Planning Commission and the Historic Sites and Records Preservation Commission. Mr. Golubics reviewed the thirteen points of changes. He also reviewed the recommended actions. He advised that earlier in the day, staff received written correspondence from Marvin Wells, and he addressed the issues posed there as follows:

- Umbrellas with logos on them such as for Corona Beer - this is addressed by proposed changes that expand upon the present sign code to clarify the definition of a sign.
- Lit State signs and the Fairgrounds sign - State signage is not part of the County Code update; business sign standards are different as the State is usually exempt from local rules.
- Restrictions on carnival lighting during the fair - The State is exempt from the local codes on this type of restriction or code. Sign lighting by others has been addressed in the revised Sign Code.
- Graffiti covered signs and time allotment to correct - Not addressed as Mariposa County does not have a problem with graffiti over signs.
- Size, placement, color, etc. of political signs - Addressed in the last update of the sign code; Section 17.108.190(G) of the County's Zoning Ordinance.
- Signs printed on vehicles and a-frame signs in pickups - Following review and

research, this was not addressed.

Chair Bibby verified that there were no other written comments that needed to be added to the record.

Public portion of the hearing was opened and input was provided from the following:

Jim Dulcich stated that, as a merchant, he employs between seven and nine people. He stated that merchants are already subject to many rules that cost them money, and the last thing they need is more. He stated that expenses need to be kept down for the merchants; and care must be exercised to not create new expenses for the County of Mariposa with increased bureaucracy.

Supervisor Cann stated that the Board undertook this project because of inequities that seemed to exist in the original 1991 policy. He stated that the existing policy was assessed, particularly from a business perspective, but that they also tried to consider all of the issues whether affecting residents, tourists or others. He stated that they modified a number of issues that were illogical, or not enforceable; and updated with things that weren't in existence in 1991. They also addressed way finding signs. He continued that he was pleased with the community input during the process, and clarified that the reason there are four separate items is to address issues in the Town Planning Area, as well as County wide.

Supervisor Turpin stated that he has always felt that we need to have respect for our local businesses, and nothing being done here will put a hardship on them. He further stated that for this to work it is going to need compliance. His concern is that there is not a huge fee to fix issues that are not in compliance.

Supervisor Allen commended Supervisors Bibby and Cann for spearheading this project, and stated that staff has done a great job.

Supervisor Stetson also commended all involved in the project, and stated that he felt that the clarity of the resulting document is such that it will prevent Supervisor Turpin's concerns.

Supervisor Cann agreed with Supervisor Turpin that large fees to appeal are detrimental. He feels that a proponent of a project shouldn't have to pay to appeal if it is found that something is wrong or not working.

Supervisor Bibby added her thanks to staff for their help and clarification. She stated that the existing sign ordinance was problematic as people were in violation of it, and problems ensued between businesses. She advised of clarification received from staff relative to the additional 32-square feet of advertising when utilizing internally lot and signs not made of natural materials.

Supervisor Turpin requested clarification of language on page 5 of 18, under "i." at the top of the page of the planning document concerning Free-standing and

monument signs. He wanted to know if that statement is in the Countywide plan as it would address a problem in Don Pedro. Staff responded that it appears to only be in the Town Planning Area. Sarah Williams stated that signs are allowed in the setback area in rural parts of the county.

Supervisor Turpin sought clarification of language on page 9 of 18, regarding way finding signs being a permitted use on all parcels. He asked if way finding signs could be placed miles away at intersections. Staff responded that the intent is that it could if it is to alert motorists. Staff further clarified that such placement would be permissible only for directional signs for generic service(s), and not off-site advertising for the specific business.

Supervisor Stetson sought clarification of information that appeared to be missing from item 4, of page 5 of 18 (packet page 521.) Staff advised that this pertains to other subsections of existing code not being addressed with this item; and that they were not included for brevity.

Marvin Wells asked if it was possible to craft the ordinance in such a way to alleviate the necessity of going through the public process again if changes became necessary in the future; and he asked if there are definitions of what construes a sign, and advertising.

Steve Dahlem/County Counsel answered that the Brown Act requires a public process, which includes public notice and an opportunity to participate, in order to amend the sign ordinance or any other ordinance. Sarah Williams answered in the affirmative to the second part of Mr. Wells' question, and read aloud the definition which was the last bullet item of staff's earlier presentation.

Supervisor Cann stated that there is also a clear definition of a temporary sign, sandwich board signs, public interest signs and wayfinding signs; but that there are jurisdictional issues with signs on vehicles. He noted that CHP was brought into this discussion.

Public portion of the hearing was closed and the Board commenced with deliberations.

Action was taken to adopt the resolution as recommended for the TPA, finding the project is exempt from the California Environmental Quality Act, and directing staff to file a Notice of Exemption for the project.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

3. **Planning (ID # 1913)**

Waive the First Reading and Introduce Ordinance (TPA) Amending Chapter 17.336 of the Mariposa County Code (Pursuant to General Plan/Zoning Amendment No. 2012-126)

The title of the Ordinance was read into the record with the staff report for the hearing.

RESULT: INTRODUCED [UNANIMOUS] Next: 11/27/2012 9:00 AM

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

4. Planning RES-2012-563

Adopt a Resolution (Countywide) with the Recommended Findings, Finding that the Project is Exempt from the California Environmental Quality Act, Directing Staff to File a Notice of Exemption for the Project, and Approving General Plan/Zoning Amendment No. 2012-126

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

5. Planning (ID # 1916)

Waive the First Reading and Introduce Ordinance (Countywide) Amending Chapters 17.65, 17.76, 17.108, and 17.148 of the Mariposa County Code (Pursuant to General Plan/Zoning Amendment No. 2012-126)

The title of the Ordinance was read into the record with the staff report for the hearing.

The hearing was closed.

RESULT: INTRODUCED [UNANIMOUS] Next: 11/27/2012 9:00 AM

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

3:26 p.m. Recess

3:34 p.m. Reconvened

6. Planning RES-2012-564

PUBLIC HEARING to Consider General Plan/Zoning Amendment No. 2011-108 and Land Division Application No. 2011-109. Action Includes Adopting a Resolution with Findings Adopting a Mitigated Negative Declaration for This Project; Approving General Plan/Zoning Amendment No. 2011-108, an Equal Acre Exchange of 34.69 Acres of Land Zoned Mountain Home with a Residential Land Use Classification, with Adjacent Land Zoned Agriculture Exclusive with an Agriculture/Working Landscape

Land Use Classification; and Approving Land Division Application No. 2011-109, the Division of 141.96 Acres into One Parcel of 34.69 and a Remainder of 107.27 Acres. Ron and Linda Dinnel, Project Applicants. Project Site is Located at 5556A Hornitos Road, Catheys Valley (The Following Item is to Waive the First Reading and Introduce an Ordinance Amending the Mariposa County Zoning Map by Rezoning 34.69-Acre Portions of APN 011-311-007 with One Portion Rezoned from Agriculture Exclusive to Mountain Home and the Other Rezoned from Mountain Home to Agriculture Exclusive Pursuant to General Plan/Zoning Amendment No. 2011-108)

Chairman Bibby recused herself as she has a remainder interest in a property that is within 500-feet of the subject property in this project. The gavel was passed to Vice-Chairman Turpin.

Staff presentation by Sarah Williams. She presented an overview of the project, and stated that it involves no net loss of Ag land and falls under the new criteria adopted earlier today. The project was reviewed by both the Agricultural Advisory Committee, and the Planning Commission with disparate results. Ms. Williams advised that written correspondence concerning this project was received this morning from Tony Toso; and one other letter late this afternoon from Sabra Abbate, opposing the project. Ms. Williams advised that she just received a copy of one additional email from Heather Bernikoff opposing the project - that email had been received by Supervisor Stetson during the lunch break.

4:49 p.m. Vice-Chair Turpin recessed for a few minutes to allow all Board members to review the Bernikoff email.

4:54 p.m. The Board reconvened and the hearing resumed.

Vice-Chairman Turpin asked for clarification of the need for a noxious weed policy; stated objections to language beginning "Biological survey..." at Page 10-37 in the report completed by Michael Ross, under Site Topography & Vegetation, specifically objecting to the wording that the land has been "significantly disturbed by grazing" and he feels this wording needs to be corrected. Ms. Williams replied that word "disturbed" has a negative connotation that was not meant; rather, the intent is that that "native vegetation has been altered by grazing."

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

Proponent:

Anita Starchman Bryant/Starchman and Bryant Law Office representing the applicants, Ron and Linda Dinnel, addressed Supervisor Turpin's concern stating that she thinks it is sufficient to state on the record that he does not agree with the statement since the biologist's testimony cannot be changed. She thanked staff for the work they expended to get to this point,

and she thanked the Agricultural Advisory Committee (AAC) and the Planning Commission. She gave a brief timeline of the project. She responded to Tony Toso's letter stating that throughout this process, she felt that the AAC ignored the opinion of the Proponent's expert. The Planning Commission took the time for an extensive hearing and found in favor of approval. She stated that the opponents are worried about precedent, but that the Dinnel's cannot be turned down on that basis; are doing nothing contrary to policy; and have presented sufficient evidence for approval. This application is for an equal swap of land and results in no net loss. She presented a slideshow of the two parcels in question noting relative similarities. Steve Dahlem/County Counsel noted the numbers in the slideshow correspond with the numbers referenced on the enlarged map that Attorney Starchman Bryant provided. She stated that not one square inch of Ag lands is being removed, and that this project does benefit Ag lands and meets the intent of the General Plan by consolidating Ag land. This places the Ag land away from residential development and those impacts; and it lessens the impacts of road development and impacts to the pond. She stated that the proponent's position will be supported by the opinion of Wain Johnson, the U.C. Farm Advisor for Mariposa County for 21 years. She requested approval of the project.

Wain Johnson/consultant for the Dinnels and retired Farm Advisor for Mariposa County spoke on behalf of the project. He acknowledged the Agricultural Advisory Committee for the time they spent. He summarized his background and experience in agriculture. He stated that he determined that the two parcels are similar after conducting an onsite survey, and after reviewing soil samples, topography, rock outcroppings, tree cover, slopes, water, etc. In his opinion, the two parcels are similar enough to be of equal value with similar grazing potential, with the parcel currently zoned as Mountain Home (MH) being able to graze more cattle because of the loss of acreage to the pond and road in the Agriculture Exclusive (AE) portion. He stated that due to concerns stated by the AAC relating to slopes, water, and potential farming use of AE parcel, a joint onsite visit was conducted at which the Committee conceded their surprise that the MH portion was less steep than appeared from the topography maps and, therefore, not problematic. Mr. Johnson stated that the AAC's concerns then turned to water availability. After several visits and tests, Mr. Johnson concluded that water is not an issue. Regarding the issue of farming, Mr. Johnson stated that there currently are no water rights for the proponents to use pond water for anything other than livestock and wildlife. He also stated that while there is no history of farming on the AE parcel, he consulted with Maxwell Norton, acting U.C. Farm Advisor, as to what crops the land might sustain. After a tour, and assessment of many variables, Mr. Norton concluded that there were too many negatives for it to be feasible to farm the AE parcel. Mr. Norton also noted that the AE land might sustain an irrigated pasture, but with fencing, etc.; making it, perhaps, more economical to purchase equivalent foliage. Mr. Johnson stated that he considered every other

concern of the AAC and, after analysis of each, determined that this is an equivalent land swap that would not be detrimental to the total parcel or the surrounding lands.

Opposition:

Dennis Bunning/Farm Bureau representative to the Agricultural Advisory Committee noted the scoring differences between the Planning Commission and the AAC and expounded on the differences relative to the scoring of ponds or roads; water availability; proximity of Ag Lands to other land contract parcels; agriculture related structures, fencing, roads, etc.; and structural and site improvements that are not related to agricultural production. He stated he feels that the land is better on the existing AE ground. He noted that they were not given any information on the existing well so they could not give consideration to that source of water in their scoring.

Supervisor Cann requested clarification from Mr. Bunning regarding potential loss of acreage should a road be built through; and whether it was better for Ag to situate like types of property adjacent to each other.

Dennis Bunning stated he does not feel that benefiting a subdivision is in the criteria for swapping Ag land.

Rebuttal:

Wain Johnson stated that when the AAC physically went on site they stated that there was no problem with the slopes, and addressed the irrigation potential. He further stated that well production was not tested and, therefore, unknown. He further stated that as a swap, only the subject parcels are to be considered and not the middle portion of land.

Supervisor Turpin asked Mr. Johnson if higher ground that gets more southern exposure might not produce more feed than lower ground. Mr. Johnson answered that it was dependent on the soil; and stated that the subject property happened to be northern exposure.

Don Starchman/Starchman Bryant Law Offices stated he feels that we are getting down to arguing about one-half of a cow with supplemental feed. He noted that the property could not go out the other side as there is no easement and the terrain does not allow access, and CalTrans is not allowing any more encroachment from Trower Road. He further stated that moving the development will cut down on the amount of roads, while making a safer situation for fire protection and emergency access. This will place the new subdivision adjacent to the existing subdivision. He noted the Dinnel's are running a small Ag operation and this will not impact agriculture in the County.

Anita Starchman Bryant rebutted the scoring; the water availability for Ag; and the issue of road access; and the issue of the integration of land.

Public portion was closed and the Board commenced with deliberations.

Supervisor Allen expressed his appreciation for all of the information and work

done in this matter. He also expressed appreciation that a local expert was brought in.

Supervisor Stetson also expressed his appreciation for all of the information supplied. He stated his support for having a mechanism for swapping agriculture lands, but does see the potential for problems to arise in the future with neighbors that adjoin the land uses that are swapped.

Action was taken to adopt the resolution as recommended for this project.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

7. Planning (ID # 1912)

Waive the First Reading and Introduce an Ordinance Amending the Mariposa County Zoning Map by Rezoning 34.69-Acre Portions of APN 011-311-007 with One Portion Rezoned from Agriculture Exclusive to Mountain Home and the Other Rezoned from Mountain Home to Agriculture Exclusive Pursuant to General Plan/Zoning Amendment No. 2011-108. Ron and Linda Dinnel, Project Applicants. Project Site is Located at 5556 a Hornitos Road, Catheys Valley

Vice-Chair Turpin read the title of the ordinance into the record.

The hearing was closed.

RESULT: INTRODUCED [UNANIMOUS] Next: 11/27/2012 9:00 AM

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

5:10 p.m. The Board convened in the continued Closed Sessions

5:37 p.m. Report from Closed Sessions

Chair Bibby announced that information was received and direction was provided on the closed sessions for labor negotiations with IHSS, MCMCO and SEIU.

Vice-Chair Turpin announced that the closed sessions for labor negotiations with DSA and SMA were not held.

S. 5:37 PM

1. Public Works (ID # 1892)

Presentation by Caltrans of Their Crosswalk Study from 4Th Street to 12Th Street Along Highway 49/140 in Mariposa

Supervisor Cann suggested, given the lateness of the hour, that the presentation begin and if anyone came for the 6:00 PM presentation that they could be easily briefed. He continued by providing a little background as to the Mariposa Rotary Club HERO Committee's attempt to address crosswalk danger for the last six years.

Duper Tong, Chief of Traffic Safety Branch for CalTrans District 10, started by acknowledging his staff, Larry Hernandez the lead investigator, and Public Information Officer Chief, Chantal Miller. Mr. Tong presented an overview of Caltrans' investigation, findings and recommendations regarding crosswalks in Mariposa for the area between the intersection at Highway 140 and Highway 49 South, and 12th Street. Mr. Tong stated that CalTrans is proposing brighter street lighting at the Highway 140/49 junction; a high visibility crosswalk at 4th Street; high visibility cross-walk and in-road lighting at 5th and 6th Streets; high visibility cross-walk at 7th Street; and street lighting and pedestrian hybrid beacon at 8th Street.

Chair Bibby reminded Mr. Tong that early on they had discussed the need to preserve the historic look of the town and that this solution would not fit community aesthetics.

Supervisor Cann expressed that 7th Street really needs to be considered for the in-road lighting and agreed with Chair Bibby regarding 8th Street.

Mr. Tong assured that this is just the conceptual phase.

Discussion ensued regarding possible alternatives to the 8th Street proposal.

Supervisor Cann interrupted the meeting to announce that the State Mining and Museum robbers had been caught.

Mr. Tong continued his presentation by proposing a high visibility crosswalk at 11th Street and street lighting; and the removal of the 12th Street crosswalk.

Discussion ensued regarding removal of the crosswalk at 12th Street; and regarding the proposed HAWK signal at 8th Street. Mr. Tong stated that new Federal guidelines were adopted in 2012 which will require HAWK signals.

Supervisor Allen questioned the driveway to/from the Pioneer Shopping Center at Highway 140/49 junction at the stop sign and the problem with the traffic. He stated that he thought there was going to be curbing put in place. Mr. Tong stated that it is an existing driveway.

Peter Rei/Public Works Director stated he had expressed concerns, similar to

those being voiced here, to CalTrans at an earlier meeting in Stockton. He further stated that he would probably advise the same for 12th Street.

Chair Bibby pointed out that CalTrans is responding to citizens' requests.

6:27 p.m. Chair Bibby recessed the meeting while CalTrans set up a video presentation.

6:35 p.m. The Board reconvened.

Mr. Tong ended his presentation with a video showing the operation of the HAWK pedestrian signal.

Public comment was opened and input was provided by the following.

Bill Funke commented that the project needs to remember the historic nature of the town. Mr. Funke also commented on the section of roadway between 4th and 5th Street and the need for a continuation of the sidewalk; and expressed concern with the safety of pedestrian traffic from the hotel to the downtown area and across to the Art Park.

Ron Iudice is opposed to removing the 12th Street crosswalk. He stated he lives in that neighborhood and knows that it is utilized. He is opposed to the HAWK signal; and feels that 7th Street should also have the in-road warning lights as is being proposed for 5th and 6th Streets.

Dan Ostler, Owner of Dabbles which is located on the corner of 8th Street, wondered if crossing guards might not be utilized, or if it is too late for a different solution. He also doesn't think it will work with the high school students as they are impatient at lunch and go where they want to go.

Mr. Tong responded to the input from the public.

Discussion ensued regarding crossing guard funding and administration; and whether it could be a volunteer activity.

Chair Bibby pointed out that the ultimate decision will belong to CalTrans, and she asked where citizens should submit comments.

Chantal Miller/CalTrans Public Information Officer Chief stated that comments can be sent to CalTrans, District 10 Public Information Office. Alternatively, emails can be sent to: public_affairs_district10@dot.ca.gov, or people can call the office directly at 209.948.7977 referencing "Mariposa sidewalks" and any of the Public Information Officers will be able to help.

Supervisor Cann feels that the Board needs to get a letter of their concerns to CalTrans as soon as possible and advised that he will draft a letter for the Board to consider. Chair Bibby asked that CalTrans forward public comments to the County; and Mr. Tong stated he can forward them to Peter Rei for distribution to the Board.

Discussion was initiated by Mr. Ostler regarding the possibility of using temporary signage that can be put out for the lunch hour only.

In response to Chair Bibby's question, Mr. Tong stated that traffic was also factored in the analysis.

T. Adjournment

The Board adjourned at 7:04 pm in memory of William "Bill" Loucks, Ted Hogan, Norton Dean Overton, Helen Bullis, Bob Fowler and Robert Louis Babcock.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

and
RENE LA ROCHE
Clerk of the Board

JANET BIBBY
Chair, Board of Supervisors



MARIPOSA COUNTY

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JANET BIBBY, CHAIR
LYLE TURPIN, VICE-CHAIR
LEE STETSON
KEVIN CANN
JIM ALLEN

DISTRICT III
DISTRICT II
DISTRICT I
DISTRICT IV
DISTRICT V

MINUTES

November 20, 2012

A. Call to Order and Roll Call

9:04 AM Meeting Called to Order at the Mariposa County Government Center

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:04 AM
Lyle Turpin	District II Supervisor	Present	9:04 AM
Janet Bibby	District III Supervisor	Present	9:04 AM
Kevin Cann	District IV Supervisor	Present	9:04 AM
Jim Allen	District V Supervisor	Present	9:04 AM

B. Pledge of Allegiance

Chair Bibby called for a moment of silence following the Pledge of Allegiance for our men and women serving in the military, and for their families.

C. Introductions

Chair Bibby introduced Lt. Mike Troxell/California Highway Patrol who gave an overview of the investigation of the recent robbery at the Mariposa Mining and Mineral Museum and the apprehension of the alleged robbers.

D. Approval of Consent 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.

Supervisor Bibby announced that there is a typo as to amount in item CA7

(Amendment to the Contract with Golden Valley) and that the correct amount is \$853.08.

Gary Taylor/Assistant Public Works Director responded to questions from Supervisor Cann on item 7 relative to the extension and additional compensation.

Supervisor Turpin referred to item 8, and he thanked Public Works for taking care of this project.

There was no public input.

All items were approved.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

CA1. Administration RES-2012-565

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2012-566

Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road

CA3. Human Services/Behavioral Health & Recovery Services (ID # 1876)

Appoint Kelsey A. Foraker to the Alcohol and Drug Abuse Advisory Board for a Term Expiring November 20, 2015

CA4. Board of Supervisors RES-2012-567

Approve a Memorandum of Understanding (MOU) with the Stanislaus National Forest (Forest Service) and the American Indian Council of Mariposa County for a Term of 10 Years for the Protection, Preservation, Environmental Enhancement, and Economic Development of the Area Known as Jordan Creek/Bower Cave Special Interest Area; Authorize the Board of Supervisors Chair to Sign the MOU

CA5. Human Services/Behavioral Health & Recovery Services (ID # 1920)

Reappoint James Tucker to the Alcohol and Drug Abuse Advisory Board for a Term Expiring November 20, 2015

CA6. Public Works (ID # 1921)

Accept the Resignation of Barbara Milazzo from the Solid Waste AB 939 Local Task Force and Appoint Vicki Bustos to the Solid Waste AB 939 Local Task Force Representing Mariposa Unified School District

CA7. Public Works RES-2012-568

Approve First Amendment with Golden Valley Engineering to Extend Date to December 31, 2012; Increase Compensation in the Amount of \$853.00, Bringing the Total Compensation to \$42,853.08, and Authorize the Public Works Director to Sign the Amendment

CA8. Public Works RES-2012-569

Accept the Coulterville Street Light Project as Complete, and Authorize the Public Works Director to Record the Notice of Completion and Release the Retention

CA9. Assessor-Recorder RES-2012-570

Promote an Appraiser I to Appraiser II in Flexible Appraiser I/II Classification Effective October 1, 2012

E. Departmental Presentation

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

Pete Judy/Chief Probation Officer shared with the Board that his staff had donated money to help provide Thanksgiving dinner for two local families.

F. Public Presentation

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

Marvin Wells asked that everyone remember what the holiday was about and extended his wishes to everyone for a Happy Thanksgiving.

David Taylor from Lake Don Pedro requested that the County provide a written response of its denial of their request to abandon a trail easement in Lake Don Pedro, and asked that certain terms be defined and explained. He provided a written letter of same. Chair Bibby suggested that the District Supervisor meet with the Public Works Department on this request; and she advised that the materials and audio of the Board meeting is available online.

Merlin Jones/District II Supervisor-Elect expressed his delight at seeing Lyle stand for the Pledge of Allegiance.

G. Board Information

Supervisor Turpin reported that he had attended a countywide Solid Waste Task Force meeting on Thursday and reported progress being made. He also met, later that day, with a Public Works representative and Steve Dahlem/County Counsel regarding Greeley Hill road issues. Friday, he spoke with Maggie Dowd of the Forest Service regarding a bridge issue on Bondurant Mine Road, as well as the matter of housing a fire engine. He

reported on attending a meeting on Monday regarding an encroachment fee issue. Supervisor Turpin wished everyone a Happy Thanksgiving.

Supervisor Allen stated that it was great to see Supervisor Turpin stand this morning. He reported that on Thursday he attended a meeting regarding the fire stations. He reported that there is a delay regarding the Fish Camp building, but that the Midpines station is on schedule. He further reported on the situation regarding the State Responsibility Area (SRA) fee and his experiences when calling the 800 number that the State has set up for it. He also reported that he had a meeting yesterday regarding Silver Tip with agents for its new owner, Far West Industries, and that they reported that they will soon be meeting with Fish Camp residents. Supervisor Allen extended to everyone his wishes for a Happy Thanksgiving.

Supervisor Stetson expressed his delight at seeing Supervisor Turpin stand. He reported on a meeting that he and Supervisor Bibby (via telephone) had with CalTrans in Fresno regarding the Ferguson rock slide. He stated that the two viable alternatives presented are a rock shed or a tunnel. He went on to acknowledge the efforts of the Board and CAO on this issue. He further stated that there should be one more review on the matter by the end of the year. He also reported that, on Wednesday night, he and Supervisor Allen met with the Agriculture Advisory Committee as well as representatives from the State and the Fire Department. He stated that he will be meeting on Monday with Planning and Public Works representatives, and Supervisor-Elect John Carrier.

Supervisor Cann expressed his joy at seeing Supervisor Turpin stand for the Pledge of Allegiance. He went on to report that he attended a Regional Counsel of Rural Counties (RCRC) meeting last week where it was generally thought that the SRA fee wouldn't stand. He also reported on statewide election results; and on a conversation last week with Bob Rucker, representative for Congressman Jeff Denham, who stated that the Congressman is committed to Mariposa County issues. Supervisor Cann also reported attending a Solid Waste Task Force meeting last Thursday and credited Greg Ollivier, the new Solid Waste/Recycling Manager, with his oversight and proactive stance regarding the facility and its issues. Supervisor Cann also thanked the Chamber of Commerce for holding the e-recycling event this last Saturday, and acknowledged the dedicated volunteers who worked despite the heavy rain. He also stated that they will schedule another such event in the near future.

Supervisor Bibby extended her congratulations to Supervisor Turpin for the progress he has made in his recovery. She went on to wish all County, State and Federal staff a Happy and Healthy Thanksgiving Day. She also reminded the public that if anyone knows a person in need to call any County office so that the proper agency can be alerted.

H. Regular Agenda Items

1. Fire (ID # 1891)

Board Review and Comment on the Final Draft Version of the Local Hazard Mitigation Plan (LHMP) Pursuant to Requirements of the Federal Emergency Management Agency (FEMA) Prior to Formal Adoption and Direction to Open a 30-Day Public Comment Period.

Supervisor Bibby clarified that this was an informational presentation not requiring a vote.

Staff presentation made by Jim Wilson/Fire Chief and Emergency Planning Coordinator, and Don Florence/Emergency Planner. Chief Wilson gave a brief history of the project and noted some changes that have been made in the text since the matter last came before the Board. He provided an edited copy of Table 4-3a for easier viewing. He ended his presentation requesting direction to open the thirty day public comment period.

Discussion ensued regarding typographical and other errors. Chief Wilson advised of the urgency of opening public comment because of time constraints under the Stafford Act. The Board directed that the typographical and other formatting issues be addressed; that the Planning Department be consulted regarding recent action that the Board took amending the General Plan to allow for transfers of agricultural land; and that all changes be incorporated into the Plan before opening for public comment.

I. Items removed from Consent Agenda

None.

J. Closed Session

1. Administration (ID # 1936)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Health Officer

The closed session was held at 10:31 a.m.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

10:53 AM Report from Closed Session

Chair Bibby announced that information was received, and direction was given to Staff.

K. 10:54 AM Recess and lunch

L. 2:01 PM Reconvene

1. Planning RES-2012-571

PUBLIC HEARING to Adopt a Resolution Finding that the Project is Exempt from Environmental Review, Approving Land Conservation Act Application No. 2012-125 with Findings, Approving the Creation of a New Agricultural Preserve and Approving Execution of a New Land Conservation (Williamson) Act Contract with MJ Oaks, LLC for a 250 Acre Parcel, Excluding a 2-3 Acre Area from the Contract. Located at an Unassigned Address on Lake McClure Road Near Lake McSwain; APN 007-070-007

Staff presentation provided by Sarah Williams/Planning Director, and Alvaro Arias/Associate Planner. They provided a power point overview of the application noting that the application has been reviewed by the Agriculture Advisory Committee and ended the presentation requesting acceptance of the application as all criteria had been met.

Staff responded to questions and clarification regarding the two to three acre section to be excluded; the requirements of the Williamson Act; and property tax adjustments for Williamson Act contracts.

Public Comment Portion was opened. There were no speakers for the Proponents.

Speaking as an Opponent was Karen Smith/Realtor, speaking as a citizen. She stated that she felt that Agriculture Exclusive (AE) lands are not always used for agriculture and thinks that the whole concept of the Williamson Act needs to be re-examined; and suggested a moratorium until subvention revenue is provided again.

There was no rebuttal as there was no speaker for the Proponent.

Steve Dahlem/County Counsel responded to questions from the Board from a legal perspective relative to processing requirements for Williamson Act Contracts.

Public Comment was closed and reopened: Karen Smith agreed that this project should go forward as applicants followed the procedures; and she asked the Board to address the future of considering Williamson Act contracts.

Public Portion Closed and Deliberation.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

M. Adjournment

2:53 PM: Chair Bibby adjourned the meeting in memory of Amanda Marrison, Jay Posey, Sam Spaulding and Arthur L. Mills.

Respectfully submitted,

RENE' LA ROCHE

Clerk of the Board

JANET BIBBY

Chair, Board of Supervisors



MARIPOSA COUNTY

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JANET BIBBY, CHAIR
LYLE TURPIN, VICE-CHAIR
LEE STETSON
KEVIN CANN
JIM ALLEN

DISTRICT III
DISTRICT II
DISTRICT I
DISTRICT IV
DISTRICT V

MINUTES

November 27, 2012

A. Call to Order and Roll Call

9:01 AM Meeting Called to Order at the Mariposa County Government Center

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:01 AM
Lyle Turpin	District II Supervisor	Present	9:01 AM
Janet Bibby	District III Supervisor	Present	9:01 AM
Kevin Cann	District IV Supervisor	Present	9:01 AM
Jim Allen	District V Supervisor	Present	9:01 AM

B. Pledge of Allegiance

Supervisor Allen led the Pledge of Allegiance; followed by a moment of silence for our men and women serving in the military and for their families.

C. Introductions

None.

D. Approval of Consent 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.

Chair Bibby stated that items 3, 7, and 10 require a 4/5th vote; that 8 would also require a 4/5th vote but that it has been withdrawn.

No public comment.

Supervisor Cann requested clarification regarding the roll of the lobbying firm mentioned in item 4. Rick Benson/County Administrative Officer responded.

Supervisor Stetson requested clarification on item 6, as to the sufficiency of the length of time monitoring the well. Dr. Charles Mosher/County Health Officer responded.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

CA1. Administration RES-2012-573

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2012-574

Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road

CA3. Fire RES-2012-575

Authorize the Fire Chief to Accept the 2012 Homeland Security Grant On Behalf of County Health, Fire and Sheriff Departments; Approve Budget Action Increasing Revenue and Appropriations in the Fire - Special Grants Budget to Reflect Grant Revenue and Expenditures (\$63,877) 4/5ths Vote Required

CA4. Administration RES-2012-576

Authorize the County Administrative Officer to Sign the Lobbying Firm Activity Authorization Form Authorizing Advocation, Inc. to Perform Lobbying Activities on Behalf of Mariposa County

CA5. Human Services/Behavioral Health & Recovery Services (ID # 1934)

Appoint Julia Crespi to the Mental Health Board for a Term Expiring on November 27, 2015

CA6. Health RES-2012-577

Approve a Modification to the Variance for Christian Gallery and Lucy Snyder to Locate a Well on Their Foresta Property, APN 006-160-035

CA7. Administration/Economic Development RES-2012-578

Approve Budget Action Increasing Revenue and Appropriations in the Economic Development Budget in the Amount of \$225 for Economic Development Professional Training 4/5ths Vote Required

8. 1926 pulled from Consent

CA9. Human Services/Behavioral Health & Recovery Services RES-2012-579

Approve an Agreement with the American Indian Council of Mariposa to Provide Mental Health Services Under the Substance Abuse and Mental Health Services Administration (SAMHSA) Grant in an Amount Not to Exceed \$84,352, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA10. Administration/Economic Development RES-2012-580

Approve Budget Action Transferring Funds from Economic Development to the Fire Department in the Amount of \$2,000 for Senior Wood Delivery Fuel Reimbursement; and to the Land, Building, and Improvement Fund in the Amount of \$2,500 for the Installation of Lights at the County Tennis Courts.
4/5ths Vote Required

CA11. Human Services/Behavioral Health & Recovery Services RES-2012-581

Approve an Agreement with Heritage Oaks Hospital to Provide Psychiatric Inpatient Services to Mariposa County Behavioral Health in an Amount Not to Exceed of \$18,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

E. Presentations

1. Health RES-2012-572

Adopt a Resolution Recognizing Environmental Health Specialists Dave Conway, Brian Hodge, Dawn Kerbow and Carolyn Coder, of the Mariposa County Health Department for Their Dedication to Maintaining the Health and Safety of the Residents of Mariposa

Supervisor Turpin commented that the recipients represent all of Mariposa County. Chair Bibby expressed her appreciation for the professionalism and work of the recipients. Dr. Mosher thanked the Board for recognizing the Environmental Health Specialists; explained the education and training that is required to become one; gave an example of their job; and gave a brief history of each. Supervisor Bibby thanked Dr. Mosher for his leadership.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

F. Departmental Presentation

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

None.

G. Public Presentation

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers

Limited to Five Minutes)

None.

H. Board Information

Supervisor Allen expressed his hope that everyone had a great Thanksgiving. He commented on how busy the town was last Saturday, which was Shop Local Day. He reported receiving a call last Wednesday regarding the road bank at the Highway 49 North/Ashworth Road intersection which is beginning to suffer substantial erosion. He has placed two telephone calls to CalTrans about it but has received no response. He also reported that he has left several messages regarding the CalFire fee but has received no response. He noted that he had received a call from Senator Berryhill's office expressing frustration because the State is not returning their calls either. He reported that next Thursday he will attend a fire station meeting. He reminded everyone of the Craft Fair at the Fairgrounds on Friday and Saturday, and the Christmas Parade to be held Saturday at 6:00 PM.

Supervisor Stetson expressed his hope that everyone had a nice Thanksgiving. He reported that he met with Supervisor-elect John Carrier last Wednesday to discuss issues. Yesterday he met with Planning and Public Works regarding a Midpines issue, and that today he is meeting in Bear Creek with some people regarding another issue in the Midpines area.

Supervisor Cann commended the Planning Director and her staff for their tremendous work output over the last few months. He reported that he will be going to the California State Association of Counties meeting for the rest of the week where he will be meeting primarily with the Rural Caucus. He reported that they will be strategizing on the best way for the rural counties to remain significant in the State legislature. He advised Supervisor Allen that the Regional Council of Rural Counties (RCRC) should be contacted on the CalFire fee issue, and that Townsend was best to deal with CalTrans. He also announced that the RCRC will be presenting the Patti Mattingly Award, for demonstrated leadership on rural issues, to Assemblymember Kristin Olsen on January 16, 2012 in Sacramento; and advised that Fiona Ma is the Assemblymember responsible for intervention regarding the proposed closing of County Fairs two years ago. He invited everyone to come to the Merry Mountain Christmas Parade at 6 PM this Saturday.

Supervisor Turpin reported receiving a call from an individual being billed twice for the CalFire fee who, when he called the State telephone number, was told that it is a CalFire issue. He went on to note that he had passed eight logging trucks which was gratifying to him as it showed that harvesting is going on which, in turn, means jobs. He expressed his hope that everyone had a fulfilling Thanksgiving Day. He also reported that he had a conversation with Maggie Dowd with the U.S. Forest Service about meeting with her and Supervisor-elect Merlin Jones regarding projects in the North County. He

congratulated Margie Williams as this is her last day as the Clerk to the Board and offered his thanks to her for her many years of professional service to Mariposa County.

Supervisor Bibby noted that the High School has closed its campus until next year so the crosswalk issue has been downsized until then. She stated that local CalFire representatives only have so much power and authority, and that comments here are being directed at the Sacramento level. She expressed her appreciation and thanks to Emergency Personnel who work through the holidays; who have seen a recent rise in transients, and the activation of neighborhood watches. She asked everyone to be attentive to what goes on around them and call in anything suspicious. She also expressed her special appreciation for Margie Williams, and noted that the Board will be honoring her on December 11th at 2:00 PM and invited everyone to attend.

I. Regular Agenda Items

1. Administration RES-2012-582

Approve a 5-Percent Salary Increase for the Clerk to the Board Position Effective November 1, 2012.

Rick Benson/County Administrative Officer presented an overview and clarified that the issue before the Board now was to revise the salary schedule for the Clerk to the Board position. Supervisor Bibby expressed her concern that the salary should have been increased to the highest salary step at the adoption of the new salary schedule (Resolution 12-440.) Questions and clarification regarding that issue ensued.

There was no public comment.

The motion was made by Supervisor Allen, with a second by Supervisor Turpin, that the Board approve the Motion to revise the salary schedule for the Clerk to the Board, increasing the monthly pay for that position to \$4,675.67 per month, retroactive to August 21, 2012. The Motion carried unanimously.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

2. Planning ORD-2012-1091

Waive the Second Reading and Adopt an Ordinance Amending the Mariposa County Zoning Map Pursuant to General Plan/Zoning Amendment No. 2011-108. the Ordinance Will Rezone 34.69-Acre Portions of APN 011-311-007 with One Portion Rezoned from Agriculture Exclusive to Mountain Home and the Other Rezoned from Mountain Home to Agriculture Exclusive Pursuant to General Plan/Zoning Amendment No.

2011-108. Ron and Linda Dinnel, Project Applicants. Project Site is Located at 5556 a Hornitos Road, Catheys Valley

9:40 AM - Chair Bibby excused herself as she has a remainder interest in a property within five hundred feet. The gavel was passed to Vice-Chairman Turpin, and Supervisor Bibby exited the room.

Staff presentation by Sarah Williams/Planning Director. She presented an overview of the project and its history.

No questions, but Supervisor Cann thanked the Planning Department for the speed at which they have been processing items.

Public Portion opened. No comments from the public. Public Portion closed.

No further questions from the Board. Supervisor Turpin thanked the Planning Department for their work in establishing guidelines for these types of transfers.

Action was taken to adopt the ordinance as recommended.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

EXCUSED: Janet Bibby

9:44 AM - Chair Bibby returned, and the gavel was passed back to her.

3. Treasurer-Tax Collector-County Clerk RES-2012-583

Approve a Reorganization of the Office of the Treasurer - Tax Collector - County Clerk Effective November 1, 2012, and Approve a Budget Action Transferring Funds Within the Treasurer/Tax Collector and Elections Budgets to Fund the Requested Reorganization (\$78,675)

Staff presentation by Keith Williams/Treasurer/Tax Collector/County Clerk. Discussion ensued relative to a handout with new calculations and whether the figures are reflective of current differences or differences at highest steps; whether the Personnel Department should be consulted regarding classification comparisons; and his Department's organization and structure. Supervisor Allen expressed his support of Mr. Williams and how he runs his Department. Supervisor Turpin sought clarification as to whether Mr. Williams had consulted with the newly-elected Supervisors, as well.

There was no public comment.

The Motion was made by Supervisor Allen, and seconded by Supervisor Cann, that the Board approve the resolution as requested. The Motion was carried by a unanimous vote.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

J. Items removed from Consent Agenda

This item was withdrawn at the request of the Human Services Department.

A. Human Services/Behavioral Health & Recovery Services (ID # 1926)

Approve an Agreement with the California State University Fresno Foundation through Its Social Welfare Evaluation Research and Training Center (SWERT) to Assist with the Development of the Mental Health Services Act (MHSA) Innovation Program in an Amount Not to Exceed \$42,000, and Authorize the Board of Supervisors Chair to Sign the Agreement, and Approve Budget Action Reducing the Contingency in the MHSA to Fund the Agreement (\$32,000.) 4/5ths Vote Required

RESULT: WITHDRAWN

K. Closed Session

1. Administration (ID # 1944)

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) for In-Home Supportive Services (IHSS); Name of County Designated Representative: Mary Hodson

This closed session was held at 11:01 AM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

2. County Counsel (ID # 1946)

CLOSED SESSION: Public Employee Position to be Filled [Government Code Section 54957(B)(1)]-Human Resources Director/Risk Manager

This closed session was held at 10:52 AM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

3. Administration (ID # 1968)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Health Officer

This closed session was held at 10:11 AM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

11:14 AM Report from Closed Session

Supervisor Bibby had a personal matter to attend to and was excused from the meeting at 10:48 AM, and the gavel was passed to Vice-Chair Turpin. He reported that information was received, and direction was given regarding the labor negotiations with IHSS, the Human Resources Director/Risk Manager position, and the Health Officer position.

L. Adjournment

11:15 AM - The meeting was adjourned in memory of Ethel Osburn and Roger Benn.

Respectfully submitted,

RENE LA ROCHE

Clerk of the Board

JANET BIBBY

Chair, Board of Supervisors



MARIPOSA COUNTY

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JANET BIBBY, CHAIR
LYLE TURPIN, VICE-CHAIR
LEE STETSON
KEVIN CANN
JIM ALLEN

DISTRICT III
DISTRICT II
DISTRICT I
DISTRICT IV
DISTRICT V

MINUTES

December 4, 2012

A. Call to Order and Roll Call

9:02 AM Meeting Called to Order at the Mariposa County Government Center

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:02 AM
Lyle Turpin	District II Supervisor	Present	9:02 AM
Janet Bibby	District III Supervisor	Present	9:02 AM
Kevin Cann	District IV Supervisor	Present	9:02 AM
Jim Allen	District V Supervisor	Present	9:02 AM

B. Pledge of Allegiance

Supervisor Stetson led the pledge; followed by a moment of silence for our men and women serving in the military during the holidays, and for their families.

C. Introductions

Supervisor Bibby introduced Rene' LaRoche, the new Clerk of the Board. She also announced that the Board would be honoring former Clerk, Margie Williams, next Tuesday at 2:00 PM.

D. Approval of Consent 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.

Chair Bibby announced that CA9 will require a 4/5th vote. She also advised that the Board had received a handout from the Department Head for item CA7, and that a copy of that handout was located in the public binder.

There was no public comment regarding any item.

Supervisor Turpin initiated discussion regarding CA3 and the issue of potential overtime. Greg Ollivier, Solid Waste/Recycling Manager responded. Peter Rei/Public Works Director responded to a question from Supervisor Bibby regarding how the situation will be monitored, and whether bargaining units had been consulted. Steve Dahlem/County Counsel confirmed consultation with bargaining units.

In response to Supervisor Turpin's question regarding CA9, Peter Rei responded that the shipping container was fully outfitted with electricity, windows, and doors; and met all building codes.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

CA1. Administration RES-2012-584

Resolution Continuing the Local Emergency Due to Damages Associated with the Rains in Late December 2010, Including Ben Hur Road

CA2. Administration RES-2012-585

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA3. Public Works RES-2012-586

Authorize the Solid Waste Division of the Public Works Department to Close the Landfill to the Public on Monday, December 17, 2012

CA4. Public Works RES-2012-587

Approve Closure of the Public Works Solid Waste Division Facility on the Monday Prior to Any County Holiday that Falls on a Tuesday or Wednesday

CA5. Agricultural Commissioner RES-2012-588

Approve the Contract for Services Agreements with Dan Wice and California Reforestation for Implementation of the Mariposa County Noxious Weed Program and Authorize the Board of Supervisors Chair to Sign the Agreements.

CA6. Human Services/Social Services RES-2012-589

Authorize the Human Services Department to Fill a Vacant Office Assistant II Position in the Social Services Budget Effective December 5, 2012

CA7. Treasurer-Tax Collector-County Clerk RES-2012-590

Adopt a Resolution Approving the Statement of Votes Cast as Certified to the Secretary of State on November 29, 2012.

CA8. Treasurer-Tax Collector-County Clerk RES-2012-591

Approve Appointment of Kimberly Allison, Eldon Henderson, and Joe Cardoso to the Mariposa County Unified School District Board of Trustees and Governing Board, Pursuant to Elections Code Section 10515 (A)

CA9. Public Works RES-2012-592

Approve Budget Action Transferring Funding Within the Yosemite West Fund and Reducing Revenue and Appropriations in the Yosemite West Utility Capital Fund (\$8,238); Approve the Purchase of a Storage Container. 4/5ths Vote Required

E. Approval of Minutes

1. **Tuesday, November 13, 2012**

F. Departmental Presentation

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

Marilyn Lidyoff/Business Development Coordinator thanked the Board for their support of her projects, and stated that she would miss everyone. She explained to the audience that she has taken a new position as Economic Development Coordinator for the City of Marina. Each Supervisor expressed their thanks and well-wishes.

G. Public Presentation

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

Marvin Wells, speaking on behalf of his grandchildren, thanked Supervisor Cann for the Smokey Bear memorabilia. He presented a card to Supervisor Cann from Mr. Wells' granddaughter; advised of the fire safe pledges that his granddaughter's class had taken; and that the Smokey Bear autograph was now hanging on a bulletin board at his granddaughter's school.

Merlin Jones/Supervisor-elect District II expressed his thanks to the Board for funding the California State Association of Counties (CSAC) New Supervisors Institute as he found it very educational; networked with other new supervisors; and heard how great this Board is to work with. He also expressed his appreciation for Marilyn Lidyoff and the role she has played to county businesses.

H. Board Information

Supervisor Stetson reported that he met with some Catheys Valley constituents yesterday about item N.2; and that he is leaving tomorrow morning for a two day session with the Sierra Nevada Conservancy in Marysville.

Supervisor Cann addressed Merlin Jones, and District V Supervisor-elect John Carrier, regarding the value of the CSAC training and networking. He reported that, at that same CSAC conference, he learned that the Howard Jarvis Association lawsuit regarding the SRA fee will be negated if the State legislature reconsiders it and passes it with a two-thirds majority; he reported that the Governing Board of Forestry will be meeting in Sacramento tomorrow and taking public testimony, and he can provide the meeting information to

anyone who might want it. He offered his congratulations to the Chamber of Commerce who held the Merry Mountain Christmas Parade despite the weather. He reported that yesterday he met with Supervisor Bibby and the Fire Chief regarding the Local Hazard Mitigation Plan (LHMP), and updated the Board on its progress. He further advised that he had a preliminary meeting with U.C. Merced staff to discuss increasing the role that Mariposa has in U.C. Merced growth. He also advised that there is to be an informational discussion next Wednesday, December 12th, at 1:30 PM at the Government Center, regarding the potential for graduated care facilities in Mariposa.

Supervisor Turpin reported hearing from a caller who mentioned that he had just received his SRA billing; it was unknown if there was a late fee. He also reported that the rain held off for a Christmas tree lighting celebration and bonfire in Coulterville behind Station 26. On Sunday he attended the annual Greeley Hill Community Breakfast Club Feast, and he congratulated all of the volunteers who made that happen. He commented on the effects of the recent rain on the Merced River; that he passed four different county vehicles this morning, and he appreciates all of their support to the North County. He also commended the Fire Safe Council for fuel reduction around the Community Hall. He wished everyone a Merry Christmas season, as well as safe holidays.

Supervisor Allen advised that he attended a Fire Station meeting last Thursday and that things are moving forward; the walls are mostly done and the roofs are going on. He reported on the office luncheon for Margie Williams that was held in Yosemite. He advised that he spent most of Friday dealing with the issue of the eroding bank at the Highway 49 S/Ashworth Road intersection, and thanked the Mariposa Gazette for their coverage of the event, and the effect it had, as he was finally able to speak with CalTrans representative, Dinah Bortner. He also reported that he has still not received a response regarding the SRA fee, and that he received a call from a constituent who has been double billed. Tomorrow he will be meeting with County Counsel, and representatives from the Building and Planning Departments regarding a Wawona issue. Thursday he will be attending an Area 12 Agency on Aging meeting in Sonora, and Friday he will be meeting with the new Tourism Director.

Supervisor Bibby reported meeting with CalFire, and advised Supervisor Allen that they wish to have a meeting with him. Regarding the Ashworth Road issue, she advised that she had spoken with Dinah Bortner who assured her that they were working on the situation; and expressed her appreciation to the Gazette for their coverage. She also reported that she is starting to receive calls regarding erosion around new pavement on Mount Bullion Cutoff, and that Public Works will be making an inspection later this date. She advised of a Foreign Trade teleconference that she will be participating in this Wednesday. She reported speaking to CalFire representatives Nancy Koeperich and Kevin Smith about the SRA fee; that she knew, from personal experience, that not everyone with a mobile home is being double-billed and that the error may have something to do with a final form not being filed with the Housing and Community Development (HCD); and encouraged people to investigate the possibility that a complete transfer never occurred. She also reported that, due to loss of revenue, the School District voted on November 15, 2012 to raise their fees; what the new fees are; and when they will become effective. She advised that when the LHMP comes out it will be referencing the June, 2011 General Plan, and will always seem to be running slightly behind. Planning is coordinating with Fire and changes will be covered in the 5 year updates. She added input regarding the graduated care facility discussion.

I. Regular Agenda Items

1. Planning ORD-2012-1092

Waive the Second Reading and Adopt an Ordinance Amending Chapters 17.65, 17.76, 17.108 and 17.148 of the Mariposa County Code Pursuant to Zoning Amendment No. 2012-126. the Ordinance Will Allow for Sandwich Board Signs in the Scenic Highway Overlay (SHO) District, Additional Sign Area for Businesses with Two (2) Frontages in the Neighborhood Commercial (CN-1) Zoning District, Additional Signage for Large Scale Businesses, Added Provisions for Wayfinding Signs, Removal of the Amortization Period for Non-Conforming Signs, Allowance for Gateways Signs, Expansion of the Allowance of Community Information Signs in Areas Without Adopted Town Plans and Expansion of Sign Definitions

Chair Bibby noted that this ordinance is to the Countywide Plan.

Staff presentation by Damon Golubics/Senior Planner.

There were no changes or questions by the Board.

No public comment.

Approved as requested.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

2. Planning ORD-2012-1093

Waive the Second Reading and Adopt an Ordinance Amending Chapter 17.336 of the Mariposa County Code Pursuant to Zoning Amendment No. 2012-126. the Ordinance Will Allow for Signs in the Front Yard Setback Area in Mariposa, Allow Signs to Project Over and into the Public Right of Way, Allow for the Use of Modern Materials that Closely Resemble Natural Materials, External Lighting that is Shielded and Directional, Additional Signage for Large Scale Businesses, Allowance for Sandwich Boards Signs, Limitations on the Amount and Type of Temporary Signs, Expansion of the Community Information Sign Regulations and Adding Provisions for Wayfinding Signs

Chair Bibby noted that this ordinance is for the Town Planning Area (TPA.)

Damon Golubics in attendance. No presentation or further information by Staff.

There were no changes or questions by the Board.

No public comment.

Approved as requested.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

J. Items removed from Consent Agenda

There were no items removed from the Consent Agenda.

K. Closed Session

1. County Counsel (ID # 1964)

CLOSED SESSION; Conference with Legal Counsel; Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (C) of Government Code Section 54956.9; Number of Cases: 1

This session was held at 10:06 AM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

2. Administration (ID # 1984)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Health Officer

This session was held at 10:13 AM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

3. County Counsel (ID # 1982)

CLOSED SESSION: Public Employee Position to be Filled [Government Code Section 54957(B)(1)]-Human Resources Director/Risk Manager

This session was held at 11:01 AM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

11:08 PM Report from Closed Session

Chair Bibby reported:

Concerning item K.1 regarding Conference with Legal Counsel, number of

cases: 1, a motion was made by Supervisor Turpin, seconded by Supervisor Allen, and carried unanimously to authorize County Counsel to proceed with potential litigation.

Information was received and direction was given concerning item K.2, the Health Officer Recruitment.

Information was received and direction was given concerning item K.3, the Human Resources Director/Risk Manager position.

L. 11:10 Recessed for Lunch

M. 2:00 PM LOCAL AGENCY FORMATION COMMISSION MEETING

(LAFCo) Meeting (See Separate Minutes)

1. Planning (ID # 1972)

LOCAL AGENCY FORMATION COMMISSION (LAFCo)

N. 2:18 PM Reconvened as Board of Supervisors

1. Planning RES-2012-593

Public Hearing to Consider Adoption of a Resolution with Findings, Certifying the Final Supplemental Environmental Impact Report (FSEIR), Approving the Mitigation Monitoring and Reporting Program (MMRP) and Approving the Catheys Valley Community Plan (December 2012 Version), General Plan Amendment No. 2008-063.

Staff presentation by Sarah Williams/Planning Director, with Dave Conway/Environmental Health Manager present to answer questions. Ms. Williams presented an overview of the project; a history of the Board's previous reviews; and a review of amendments that have been made in the past.

Board Questions:

Supervisor Stetson requested clarification regarding General Plan allowances relative to the subdivisions mentioned in her presentation; and the application of amendments to the CVCP in the future. Supervisor Turpin requested clarification regarding the overall density of the CVCP compared to the General Plan. Supervisor Cann requested clarification regarding wastewater treatment; and the limitations to developers relative to community systems. Supervisor Bibby requested clarification regarding the terms "new parcel" and "existing parcel" and when, during the course and lifetime of a parcel, those labels would be applied; and clarification regarding building density percentage; the applicability and potential consequences of ag land swapping; water development and use; responsibility for design and review; and Ag Committee protocols. Sarah Williams responded.

Supervisor Cann requested a comparison of the new State requirements to build a septic system compared to previous requirements. Supervisor Turpin requested clarification regarding the rules and regulations relative to subdivisions. Supervisor Stetson sought clarification as to areas in Catheys Valley that might not be acceptable for an engineered system. Supervisor Bibby requested clarification of when parcels become "existing" parcels. Dave Conway

responded.

The public portion of the hearing was opened.

Input was provided by the following:

Sharon Scarborough, with a question regarding water table testing relative to the current subdivision. Dave Conway responded. Chair Bibby instructed that all questions be asked first, so that Staff could answer them all at the same time. Further input provided by: Rick Uebner, who read from a prepared statement in opposition; Debra Salonen, with questions regarding lot subdivision, sewer systems, and increase in the plan size from original; Brad Aborn, spoke in opposition, commented regarding lot size, and posed a question regarding second homes; Steve Fortner, spoke in support, clarified the wastewater system; Fred Friedlund, spoke in opposition; Philomene Schultz, spoke in support; Sergio Fuentes, spoke in opposition, with questions regarding the Advisory Board's role relative to the Board and Planning Commission, effects of livestock/agriculture changes to Ag Exclusive land, and possible legal effects if changes are made to verbage; Debbie Lester, spoke in opposition; Tammy Guenthart requested clarification regarding new vs. existing parcels, and who would pay if a community water system failed; Rick Lobaugh, spoke in support, thanked the Board for the process; Heather Bernikoff, asked that the plan not include community water and sewage; Carol Hart, spoke in opposition; Gordon Bielanski/President of the Homeowner's Association, spoke in support; Mark Harris/Owner, Yosemite Falls Well Drilling, spoke in support; Brett Baumann, spoke in support, question regarding onsite sewage systems, thanked the Board and the Planning Department; Tim Miller/Miller Planning and Design, provided clarification as to criteria used in the CVCP, and consideration when planning parcels; Amanda Neal/Baker, Manock & Jensen Law Offices, representing the Fortners, spoke in support; Bob Stark, spoke in support; Anita Starchman Bryant/Starchman and Bryant Law Office, representing the Fortner Family Trust, spoke in support; Dave Raboy, commented on property values, is against community water and sewage; Don Starchman/Starchman and Bryant Law Offices, spoke in support; Steve Saunders, spoke in support.

4:54 PM Recessed for break

5:11 PM Reconvened

Staff responded to public questions and provided further clarification.

Staff responded to Board questions. Discussion ensued regarding options other than adopting the plan as presented; and what would constitute a "minor" change.

6:00 PM Recessed for break and to allow Staff time to research questions and confer.

6:16 PM Reconvened

Staff responded that the changes discussed were significant and would require revised documents; discussion ensued regarding turn-around time. Supervisor Cann expressed his reservations at attempting to prohibit a community water system, and expressed his support for the plan.

No further Board questions. No further information from Staff. No further public questions or comments.

The public portion of the hearing was closed.

Deliberation.

Supervisor Stetson stated that he is committed to not allowing the process of community planning to fail; Supervisor Bibby clarified that she has never been in favor of limiting development but, rather, having enough space so as not to create run-off problems.

Action was taken to adopt the resolution modified as follows, to correct clerical error:

Insert text on page 5-6 of the Plan (packet page 186,) to clarify that the Maximum building intensity for 2.5 acre land areas is 10% lot coverage, as is stated later in the document.

RESULT: ADOPTED [4 TO 1]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Lee Stetson, Lyle Turpin, Kevin Cann, Jim Allen

NAYS: Janet Bibby

2. Planning (ID # 1973)

Public Hearing to Consider General Plan/Zoning Amendment No. 2012-108. the Zoning Amendment Portion of the Application is to Add Timber Exclusive Zone (TEZ) Overlay to the 190.36 Acre Portion of a 230.36 Acre Parcel Currently Zoned Mountain Home. the General Plan Land Use for the Parcel is Agriculture/Working Landscape (A/WL) and the General Plan Amendment Portion of the Application is Required to Add the TEZ Zone to the List of Consistent Zoning Districts in the A/WL Land Use. in Accordance with Mariposa County Code Section 17.44.010.A.2, the Applicant Submitted a Timber Management Plan Which was Review and Approved by the Mariposa County Planning Commission for the Map Amendment. the Plan was Prepared by a Registered Professional Forester and Submitted to Verify that the Proposed TEZ Acreage Has a Minimum of Ten Thousand Board Feet Per Acre or Will Meet the Minimum Timber Stocking Standards of the State Within Five (5) Years. Direct Staff to Prepare a Notice of Exemption for the Project, Approve General Plan/Zoning Amendment No. 2012-108 by Adoption of a Resolution and Waive the First Reading of the Ordinance Approving the Zoning Map Amendment Adding the Timber Exclusive Zone to a 190.36 Acre Portion of a 230.36 Acre Parcel. Glen and Anita Pickren, Project Applicants. the Property Site is Located at 4667 Carstens Road in Midpines Also Known as APNs 009-140-008 & 009-140-009 (One Legal Parcel with Two APNs Split by a Taxation Boundary).

Staff presentation by Damon Golubics/Senior Planner, with Sarah Williams present to answer questions. Mr. Golubics presented an overview of the project, and pointed out clerical errors to be corrected.

Board Questions:

Supervisor Turpin thanked the applicant for the completeness of the application. Supervisor

Allen requested clarification of an email received regarding a potential easement. Mr. Golubics responded. Supervisor Bibby requested clarification as to the benefits of a timber exclusive overlay; a comparison with the requirements of the Williamson Act; and potential timber harvesting. Mr. Golubics and Ms. Williams responded. Supervisor Turpin clarified that this is not AE land, stated that this plan makes good sense; and requested confirmation that timber operations are under the purview of CalFire. Ms. Williams confirmed. Supervisor Bibby questioned whether it was permissible for an individual to apply for a change to countywide policy. Steve Dahlem/County Counsel responded. Supervisor Bibby also requested clarification as to whether this plan had gone before the Ag Committee; and how land swapping policy would apply in this case. Damon Golubics responded to the former; Sarah Williams responded to the latter. No additional questions by the Board.

The public portion of the hearing was opened.

Glen Pickren/Applicant spoke in favor, explaining that his main motivations for this action are fire safety, and bark beetle control. No other speakers.

No additional questions from the Board.

The public portion of the hearing was closed.

Deliberation

One motion was taken for both the Resolution and to Waive the First Reading of the Ordinance (two actions.)

Action was taken to adopt the resolution (12-593A), modified to correct the following clerical errors: **1)** First page of the Resolution (packet page 806,) fourth line: changing "...Mountain Home and the amend the..." to read: "...Mountain Home and to amend the..."; **2)** Second page of the Resolution (packet page 807,) third line: changing "...split by a taxation boundary together..." to read: "...split by a taxation boundary which together..."; **3)** Striking the word "slopes" from the last line of Finding 5, Resolution Exhibit 1 - Findings for Approval (page 811 of the packet,) and again in the last line of Finding 5, Resolution Exhibit B (page 818 of the packet,) to read: "The slopes do not provide..."

And Waive the First Reading of the Ordinance Approving the Zoning Map Amendment Adding the Timber Exclusive Zone to a 190.36 Acre Portion of a 230.36 Acre Parcel. Glen and Anita Pickren, Project Applicants. The Property Site is Located at 4667 Carstens Road in Midpines Also Known as APNS 009-140-008 & 009-140-009 (One Legal Parcel with Two APNS Split by a Taxation Boundary.)

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

O. Adjournment

7:11 PM - The meeting was adjourned in memory of Gary Howell, Ron Silva and Gordon Crisp.

Respectfully submitted,

RENE' LA ROCHE

Clerk of the Board

JANET BIBBY

Chair, Board of Supervisors



MARIPOSA COUNTY

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JANET BIBBY, CHAIR
LYLE TURPIN, VICE-CHAIR
LEE STETSON
KEVIN CANN
JIM ALLEN

DISTRICT III
DISTRICT II
DISTRICT I
DISTRICT IV
DISTRICT V

MINUTES

December 11, 2012

A. Call to Order and Roll Call

9:05 AM Meeting Called to Order at the Mariposa County Government Center

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:05 AM
Lyle Turpin	District II Supervisor	Present	9:05 AM
Janet Bibby	District III Supervisor	Present	9:05 AM
Kevin Cann	District IV Supervisor	Present	9:05 AM
Jim Allen	District V Supervisor	Present	9:05 AM

B. Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Cann and followed by a moment of silence for our men and women in the military, and for their families over the Christmas holidays.

C. Introductions

Supervisor Turpin introduced Allen Johnson, the new coordinator for the SWIFT project, and presented a brief overview of the program. Chair Bibby commented that CA8, on today's agenda, will make his substitution official.

D. Approval of Consent 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.

Supervisor Turpin had questions relative to the potential effect on funds by CA3

and CA11. Supervisor Cann required clarification regarding CA11 and the time of the contract extension, as well as the location of the work to be done. Supervisor Bibby requested clarification as to the timing of the Change Order. Peter Rei/Public Works Director responded.

Supervisor Stetson commended Gary Francisco for his service.

Rick Benson/County Administrative Officer noted that this week's Agenda did not contain a long standing item to continue the local emergency due to damages to Ben Hur. He explained that notification that the work is done has been received from Public Works, and there is no longer an emergency.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

CA1. Administration RES-2012-595

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Sheriff's Office RES-2012-596

Approve Budget Action Transferring Funds from the Sheriff's Budget to the Vehicle Replacement Fund for the Purchase of a Replacement Sheriff's Patrol Vehicle (\$8,978); Approve the Purchase of a Sheriff's Patrol Vehicle 4/5ths Vote Required

CA3. Public Works RES-2012-597

Approve Change Order No. One with W. Jaxon Baker Inc. in the Amount of \$157,198.55 Bringing Total Compensation to \$785,851.00 for the Reconstruction of Mt. Bullion Cut-Off Road; Extend the Contract by 85 Working Days; and Authorize the Public Works Director to Sign the Change Order

CA4. Administration RES-2012-598

Approve Budget Action Transferring Funding Within the Board of Supervisors Budget to Fund the Cost of Clerk of the Board Training (\$500).

CA5. Administration RES-2012-599

Adopt a Resolution and Approve a Property Tax Sharing Agreement with the Mariposa Public Utility District (MPUD) Regarding Mariposa County Local Formation Commission (LAFCo) Annexation Application 2009-141; Authorize the Chairman of the Board of Supervisors to Sign the Agreement.

CA6. Administration RES-2012-600

Authorize the County Administrative Officer to Approve Travel, Meal and Lodging Expenses for Candidates Interviewing for Department Head Positions and Approve Pending Mileage Claim

CA7. Human Services/Social Services RES-2012-601

Authorize the Human Services Department to Fill a Vacant Social Worker IV Position in the Social Services Budget Effective Immediately

CA8. Administration RES-2012-602

Professional Services Agreement with Allen Johnson Changing the Program Coordinator for the South West Interface (SWIFT) Project from Tom James Effective December 1, 2012; Authorize the Board of Supervisors Chair to Sign the Agreement

CA9. Planning (ID # 1980)

Accept the Resignation of Pamela Salisbury from the Fish Camp Planning Advisory Council, Recognize Both Pamela Salisbury and Tom McCann for Their Service. (Supervisor Allen)

CA10. Planning (ID # 1975)

Accept Gary Francisco's Resignation from the Planning Commission, Representing District 1 Effective January 1, 2013. (Supervisor Stetson)

CA11. Public Works RES-2012-603

Approve Change Order No. One with W. Jaxon Baker Inc. in the Amount of \$60,356.88 Bringing Total Compensation to \$417,207.02 for the Overlay Project on East Whitlock Road; Extend the Date of Completion to December 26, 2012; and Authorize the Public Works Director to Sign the Change Order

E. Presentations

1. Board of Supervisors (ID # 1967)

Approve Letters Recognizing Bryce William Good, Deven Richard Dearing, and William Brandon Collier for Obtaining the Rank of Eagle Scout

Supervisor Allen commended the recipients and thanked them for their service to the community. Supervisor Cann also commended and congratulated them, and stated that this accomplishment will serve them well through their lifetimes. Supervisor Turpin offered his congratulations to the recipients, as well as to their parents and grandparents for the energy and support that this achievement required. Supervisor Stetson also commended and congratulated the recipients and stated that their efforts are very much appreciated.

Chair Bibby made the presentation to Deven Dearing, the only recipient present. She commended him for his actions, extended her appreciation, read his letter of commendation, presented him with a County pin, and acknowledged his parents. She also read the letters for Bryce William Good, and William Brandon Collier.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

F. Minutes Approval

1. **Tuesday, November 20, 2012**
2. **Tuesday, November 27, 2012**

G. Departmental Presentation

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

Peter Rei reported on attending a Caltrans meeting in Sacramento regarding the Ferguson Slide. He stated that they are planning to publish in early February, and targeting construction for 2016. Supervisor Stetson, Supervisor Allen and Supervisor Cann commented on the time line for this project. Supervisor Turpin commented that extra materials might be used for the airport. Supervisor Bibby commented on potential causes for delay of construction. Peter Rei responded to each question/concern.

H. Public Presentation

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

None.

I. Board Information

Supervisor Cann presented to each Board member a tee-shirt with the new design that the Yosemite-Mariposa County Tourism Bureau is using to promote Mariposa County. He reported attending a Board Meeting of the Regional Council of Rural Counties (RCRC) last Wednesday in which the SRA fee was discussed; the number of bills introduced in the state legislature on its first day of the new session; the importance of the RCRC, and its efforts; the result of the State Board of Forestry Meeting relative to the SRA fee; and on a meeting with Matt Cate, the primary author of AB109, regarding the effect of the prison realignment program on counties. He advised that tomorrow he has two meetings: the first regarding the state of Assisted/Graduated Care Facilities in Mariposa County, and the interest this topic is raising; the second with Economic Development Corporation (EDC). He also reported to the Board that he is inviting James Nelson to next week's meeting regarding the efforts to save the Met Cinema in Oakhurst.

Supervisor Turpin stated that he is still hearing about SRA fee issues, and

that the State has no respect for those who cannot pay the fee. He pointed out that this is the first year that Cal Fire was not going to station a bulldozer on the Northside, and he felt that it was an example of more fees for less service. He reported passing three loaded logging trucks, and several truckloads of chips on his way to this morning's meeting which is indicative of the industry underway, and the jobs that creates. He invited everyone to attend Christmas in Coulterville this Saturday and, afterwards, to the dinner at the Community Club.

Supervisor Allen reported that, due to John Carrier's efforts in Sacramento, he received a call from a Cal Fire representative who corrected one SRA fee problem. He then reported on someone receiving a \$0 bill after their SRA Petition was rejected. He advised that he had a meeting last Wednesday with County Counsel, Planning and Building regarding an issue stemming back to 2008; that it has still not been resolved; and a subsequent call was made to the property owner. He reported attending an Area 12 Agency on Aging meeting last week in Sonora; that the agency is doing very well; and that they are doing an outstanding job for senior citizens. He also reported on his exit interview with Terry Selk, the Executive Director of the Yosemite/Mariposa County Tourism Bureau. He advised that he will be attending a Mountain Valley EMS Agency and Regional Advisory Board in Copperopolis tomorrow and that he was not sure he would make the 1:30 Courthouse meeting on the same day. He will be attending a Fire Station meeting Thursday morning where the topic will be the water supply to the Fish Camp Fire Station.

Supervisor Stetson reported that he attended a Sierra Nevada Conservancy meeting in Marysville last Wednesday and Thursday; a presentation by Izzy Martin regarding abandoned mines in California, and remaining mine pollution; and a presentation regarding biomass reduction facilities, which he feels the County should investigate. He advised that he met with Supervisor Bibby and Dr. Mosher yesterday; that he has a meeting tomorrow with some Midpines citizens; will be attending the meeting tomorrow regarding graduated care in Mariposa; an Airport Advisory Committee meeting; Thursday he will be in Wawona and, at some point in the future, intends to hold a meeting regarding Yosemite West. He further advised that he will be meeting on Friday with some people regarding Bear Creek; and will be participating in the interview process for the Human Resource/Risk Manager position on Monday.

Supervisor Bibby commented on the effects of AB109 and the need for people to express their views concerning it to their elected representatives in Sacramento. She also reported that she is trying to coordinate dates with CalTrans for them to make a presentation at a future Board meeting regarding the Ferguson Slide. She reported attending a Foreign Trade Zone Meeting in which the SRA fee and AB 109 were discussed; and stressed that people need to not skirt the system as it causes a greater strain on those who do pay their fees and follow rules. She reported having a meeting with the Health Committee

yesterday and that First 5 is looking at a limited amount of money to fund health nurses and dental programs to outlying schools. She commented that the Board needed to look at shifting funds in order to guarantee continued delivery of these services to outreach preschools. She commended the Ag Office in reference to the Pesticide Audit and brought up issues affecting cottage industries; and noted that Ag, Health, Planning, Building and Fire Departments might need to be involved in the future with such industries.

J. Regular Agenda Items

1. Human Services (ID # 1922)

Central California Alliance for Health - Managed Care Presentation by Alan McKay, Executive Director

Jim Rydingsword/Human Services Director provided background information on Medi-Cal managed care programs. He then introduced Allen McKay who provided a power point presentation regarding the Central California Alliance for Health.

Supervisor Allen questioned whether the Alliance would be referring patients to Merced, Madera and/or Fresno. Mr. McKay responded in the affirmative. Supervisor Stetson clarified that individuals would be able to deal with medical establishments outside of the Alliance. Mr. McKay responded that occasionally they would contract outside, but usually they would seek to bring that provider into the Alliance. Supervisor Turpin asked if the Alliance would have a contract with the providers in Tuolumne County; and what measures were in place to prevent financial burden to providers. Mr. McKay responded that the Alliance can offer contracts, but stressed that the provider needs to accept, as well. Supervisor Cann asked Mr. Rydingsword for clarification on the process and timeline. Mr. Rydingsword responded. Supervisor Stetson asked what would be the advantage to Mariposa County of joining the Alliance. Mr. McKay responded alignment with State policy in Medi-Cal expansion; and consolidation in legislative relations. Chairman Bibby requested clarification of when the Alliance might go outside of the contracted physicians; the firmness of the State's "go live" date; and whether the other 26 counties of the Alliance have to sign off on it. Mr. McKay and Mr. Rydingsword responded.

No Public Comments.

No Additional Board Questions.

2. Personnel/Risk Management RES-2012-604

Resolution Establishing Health Insurance Contributions for Current Retirees to be Effective February 1, 2013

Staff presentation by Rick Benson. He gave a brief overview of the Board's previous actions and directions in this matter; noted that a Resolution is required by PERS; and that, according to PERS rules, the changes will take effect the month after the month it is passed, making the effective date

February 1, 2013.

Supervisor Allen requested clarification that this would only apply to those who retire and take the County, rather than the State, option. Supervisor Bibby requested clarification of what happens if the premium is less than the "not to exceed" amount. Rick Benson responded.

There was no Public Comment.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

3. Administration (ID # 1985)

Approve Second Amendment to Contract for Services with the Mariposa Public Utilities District (MPUD) for Consultation Services Regarding the Merced Irrigation District (MID) Federal Energy Regulatory Commission (FERC) Re-Licensing and Related Water Issues by Extending the Term of the Agreement to December 31, 2013, and the Not to Exceed Amount to \$50,000; Authorize the Chairman of the Mariposa County Water Agency to Sign the Amendment

This item was withdrawn by Rick Benson.

RESULT: WITHDRAWN

K. Items removed from Consent Agenda

None.

L. Closed Session

1. Administration (ID # 2011)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Health Officer

This session was held at 11:02 AM.

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

11:34 AM - Report Out

Chair Bibby reported that information was received and direction was given as to the Health Officer recruitment.

M. 11:35 AM Lunch

N. 2:06 PM Reconvened

1. Board of Supervisors RES-2012-594

Resolution and Tile Plaque Recognizing Margie Williams, Upon Her Retirement as Clerk of the Board (Chair Bibby)

Board members, CAO and Steve Dahlem/County Counsel thanked and commended Margie Williams for her years of dedicated service to the County.

Input from the public was provided by the following:

Doug Balmain/former District II Supervisor commended Margie on her professionalism and efficiency.

Wayne Forsythe, High School Agriculture Instructor and F.F.A. Advisor commented on the support and involvement of Margie and her husband, Tom, with Future Farmers of America.

Doug Binnewies/Sheriff commended Margie for her service.

Brad Aborn/former District I Supervisor commented on Margie's knowledge and commended her for her service.

Florence Seeley commented on time spent working with Margie 24 years ago.

Art Baggett/former District I Supervisor recalled times working together.

Russell Marks/County Surveyor thanked Margie for her support of the youth, and commended her on her research abilities.

Bob Pickard/former District V Supervisor recounted meeting Margie and commended her on her extensive knowledge.

An audience member wished Margie "happy trails."

Leroy Radanovich/former District IV Supervisor recounted the story of Margie's hiring, and commended her on her excellent memory.

Eric Erickson/former District III Supervisor commended Margie on her memory.

Sally Punte/former District II Supervisor expressed her thanks for all Margie has done.

Rick Benson presented, from office staff, a special gift of a bench made by F.F.A. members.

Chair Bibby presented to Margie the Board's resolution and tile plaque; read the Congressional Record sent from Congressman Jeff Denham's office; read California Assembly Legislative Assembly Resolution #37 sent from Assemblymember Kristen Olsen's office; and presented the resolution from the California Clerks of the Board of Supervisors Association (CCBSA.)

Margie expressed her enjoyment in working with the staff, elected and

appointed department heads, the CAOs, the County Counsels, and the Board. She introduced her mother-in-law and her husband: Kathryn and Jack Knieriemen; her daughter, Michelle; and her husband, Tom.

Marvin Wells presented gifts to Margie from his grandchildren.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

O. Continue Meeting to December 17, 2012 at 2:00 PM

1. **County Counsel (ID # 2013)**

Continue the December 11, 2012 Meeting to December 17, 2012 at 2:00 PM for Closed Session for Human Resources Director/Risk Manager Interview/S

Meeting continued to December 17, 2012 at 2:00 PM.

P. 3:04 PM Recess

The Board recessed at 3:05 PM in memory of Rex Glen Fleming, Jr., and Mary D. Lewis; and the meeting was continued to December 17, 2012, at 2:00 PM.

Respectfully submitted,

RENE' LA ROCHE
Clerk of the Board

JANET BIBBY
Chair, Board of Supervisors



MARIPOSA COUNTY

P.O. Box 784 Mariposa, CA 95338 (209) 966-3222
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JANET BIBBY, CHAIR
LYLE TURPIN, VICE-CHAIR
LEE STETSON
KEVIN CANN
JIM ALLEN

DISTRICT III
DISTRICT II
DISTRICT I
DISTRICT IV
DISTRICT V

MINUTES

December 17, 2012

A. Call to Order and Roll Call at 2:00 PM

2:00 PM Meeting Called to Order at the Mariposa County Government Center

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	2:00 PM
Lyle Turpin	District II Supervisor	Present	2:00 PM
Janet Bibby	District III Supervisor	Present	2:00 PM
Kevin Cann	District IV Supervisor	Present	2:00 PM
Jim Allen	District V Supervisor	Present	2:00 PM

B. Meeting Continued from December 11, 2012

C. Continued Closed Session

1. County Counsel (ID # 2008)

CLOSED SESSION: Public Employee Position to be Filled [Government Code Section 54957(B)(1)]-Human Resources Director/Risk Manager

RESULT: HOLD CLOSED SESSION [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

5:18 PM Report Out

Chair Bibby reported that information was received and direction was given as to the Human Resources Director/Risk Manager Position.

D. Adjournment

The Board adjourned at 5:19 PM.

Respectfully submitted,

RENE' LA ROCHE
Clerk of the Board

JANET BIBBY
Chair, Board of Supervisors



MARIPOSA COUNTY

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JANET BIBBY, CHAIR
LYLE TURPIN, VICE-CHAIR
LEE STETSON
KEVIN CANN
JIM ALLEN

DISTRICT III
DISTRICT II
DISTRICT I
DISTRICT IV
DISTRICT V

MINUTES

December 18, 2012

A. Call to Order and Roll Call

9:01 AM Meeting Called to Order at the Mariposa County Government Center

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:01 AM
Lyle Turpin	District II Supervisor	Present	9:01 AM
Janet Bibby	District III Supervisor	Present	9:01 AM
Kevin Cann	District IV Supervisor	Present	9:01 AM
Jim Allen	District V Supervisor	Present	9:01 AM

B. Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Turpin, followed by a moment of silence for those lost, and for their families, in Newtown, Connecticut.

C. Introductions

None.

D. Approval of Consent 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.

Chair Bibby noted that items CA2 and CA9 require a 4/5th vote. No public comment on any item.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

CA1. Administration RES-2012-609

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Human Services/Behavioral Health & Recovery Services RES-2012-610

Approve the First Amendment to the Crestwood Behavior Health, Inc. Agreement to Provide Psychiatric Inpatient Services for Mariposa County Behavioral Health Increasing the Not to Exceed Amount by \$13,000, and Authorize the Board of Supervisors Chair to Sign the Amendment; Approve Budget Action Transferring Additional Funding from the Mental Health Realignment Fund to the Behavioral Health Budget to Cover the Increased Amount of the Agreement (\$13,000) 4/5ths Vote Required

CA3. Community Services RES-2012-611

Approve an Overfill of the 70% Permanent Part-Time (PPT) Kitchen Assistant Position in the Senior Nutrition Budget Effective December 18, 2012

CA4. Probation RES-2012-612

Adopt a Resolution to Participate in the Anti-Drug Abuse Enforcement Team Grant Program, Also Known as the Mariposa County Drug Task Force Team, Effective October 1, 2012 to September 30, 2013, and Authorizing the Chief Probation Officer to Sign the Grant Agreement with Board of State and Community Corrections (BSCC), Including Any Amendments, Modifications or Extensions, Subject to Approval as to Form by County Counsel; Accept the Grant Award in the Amount of \$87,539

CA5. Probation RES-2012-613

Authorize the Probation Department to Overfill a Senior Office Assistant Position Effective December 18, 2012

CA6. Human Services/Social Services RES-2012-614

Authorize the Human Services Department to Fill a Social Worker IV Position in the Social Services Budget Effective January 15, 2013

CA7. Administration RES-2012-615

Approve a 12-Month Memorandum of Understanding (MOU) with the California United Homecare Workers (CUHW) Union and the Mariposa County In-Home Supportive Services (IHSS) Public Authority (PA) and Authorize the Board of Supervisors Chair to Sign the MOU

CA8. Human Services/Behavioral Health & Recovery Services RES-2012-616

Approve Amendment A01 to the Existing Agreement (11-73023-000) with the State Department of Health Care Services Authorizing Mariposa County Behavioral Health to Provide Specialty Mental Health Services, and Authorize the Board of Supervisors Chair to Sign the Amendment

CA9. Human Services/Behavioral Health & Recovery Services RES-2012-617

Approve an Agreement with the California State University Fresno Foundation through Its Social Welfare Evaluation Research and Training Center (SWERT) to Assist with the Development of the Mental Health Services Act (MHSA) Innovation Program in an Amount Not to Exceed of \$42,000, and Authorize the Board of Supervisors Chair to Sign the Agreement, and Approve Budget Action Reducing the Contingency in the MHSA Fund to Fund the Agreement (\$32,000) 4/5ths Vote Required

CA10. Public Works RES-2012-618

Approve Change Order No. Two with W. Jaxon Baker Inc. in the Amount of \$80,913.25 Bringing Total Compensation to \$866,764.25 for the Reconstruction of Mt. Bullion Cut-Off Road; and Authorize the Public Works Director to Sign the Change Order

CA11. Public Works RES-2012-619

Approve Change Order No. One with Ranch Fence, Inc. Increasing the Not to Exceed Amount by \$950, Bringing the Total Compensation to \$3,918 to Provide Fence Attachment (Chain Link) for the Don Pedro Fire Station; and Authorize the Public Works Director to Sign the Change Order

E. Presentations

1. Board of Supervisors RES-2012-605

Adopt a Resolution Recognizing Jan Hamilton for Promoting Fire Prevention Awareness and Garnering Support in Starting the Mariposa County Fire Safe Council in 1998 (Supervisor Turpin)

Supervisor Turpin commended Jan Hamilton for her efforts, work, and leadership. Supervisor Allen commended her for the great amount of time she expended on the Fire Safe Council. Supervisor Stetson also commended her and thanked her for her many years of service to Mariposa County.

Public Comment: None.

Chair Bibby presented the Resolution to Jan who expressed her thanks to the Board, and for all of the help she received from others.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

2. Board of Supervisors RES-2012-606

Adopt a Resolution Recognizing Bud Puckett for His Contributions in Keeping Western Traditions Alive in Mariposa

Supervisor Allen commended Bud Puckett on his unwavering dedication to the community, and to Bud's wife; as well as his artistic abilities.

Public Comment:

Becky Crafts thanked the Board for acknowledging Mr. Puckett. Amy Gibson commented that she was representing the 4H Council and her grandfather, and thanked Mr. Puckett on behalf of 4H and FFA.

Chair Bibby presented the Resolution to Bud who expressed his thanks.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

9:24 AM Board Recessed

9:39 AM Board Reconvened

F. Minutes Approval

1. **Tuesday, December 04, 2012**
2. **Tuesday, December 11, 2012**

G. Departmental Presentation

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

Doug Binnewies/Mariposa County Sheriff thanked Supervisors Allen and Turpin for their service, and reported on the Kops for Kids toy distribution taking place tomorrow at 10 AM at the Mariposa County Fairgrounds, in conjunction with the coats program. Sheriff Binnewies commended Will and Megan Atkinson, the coordinators for the project; reported the number of families served last year; and stated that toy donations will be accepted until 10 AM tomorrow. Supervisors Cann and Allen commended Will and Megan for their efforts. Supervisor Bibby extended thanks to the entire Sheriff's Department and all who contribute.

Peter Rei/Public Works Director reported on the landfill being closed yesterday for the holiday.

Pete Judy/Probation Officer thanked Supervisors Allen and Turpin for their service; reported on a gift tree at the Prospector Brewing Company which will be providing Christmas gifts for local foster children; and thanked all of the

businesses for their support.

H. Public Presentation

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

Supervisor Cann introduced James Nelson who spoke on the efforts to save the Met Cinema. Mr. Nelson commented on the warm atmosphere of the Board meeting; gave a brief overview of the effort; stated they are about 2/3 of the way towards what they need; gave an overview of the various support/donation plans offered through their website at: www.savethemet.com; and advised of events planned for the future. Supervisor Cann asked about the outdated equipment. Supervisor Stetson asked for clarification of the effect on non-members; and about film distributors. Supervisor Bibby asked about the funds being collected should the project fail. Mr. Nelson responded to all questions.

Kathy McCorry/Executive Director of the Mariposa County Chamber of Commerce reported on the November statistics for the county visitor centers; on a Chamber Planning meeting last week; and that they have officially taken over the responsibilities for the Butterfly Festival. She further advised of another Planning meeting on Jan. 15th; of the January 26, 2013 Installation Dinner and Awards Banquet; and advised that the trolley will be running every weekend through New Year's Day, then will be refurbished. She wished everyone a Merry Christmas.

Marvin Wells extended his best wishes to Supervisors Allen and Turpin; commented on AB29 and his experiences in trying to appeal the SRA fees; and presented special treats made by his grandchildren to the Board members. Chair Bibby extended the Board's thanks.

I. Board Information

Supervisor Turpin reported on the interview yesterday for the Human Resources Director/Risk Manager; attending Station 26 Christmas dinner last night; and phone calls received regarding the SRA fee as it pertains to vacation homes, Don Pedro and a septic system, and driveway encroachments. He advised that he will be meeting tomorrow with Maggie Dowd, U.S. Forest Service District Ranger, and Public Works and wished everyone a prosperous New Year, and expressed his trust in the new Board.

Supervisor Allen reported on a Mountain Valley E.M.S. meeting in Copperopolis last Wednesday; and on his participation in the Human Resources Director/Risk Manager interviews yesterday. He commented on Supervisor Stetson's laptop; wished the Board the best in the future; and wished everyone a Merry Christmas and safe and prosperous New Year.

Supervisor Stetson reported on yesterday's Human Resources Director/Risk Manager interview. He advised that he will be attending a meeting with Supervisor Cann, and others, on Wednesday regarding the Assisted Care/Graduated Care Facility issue; an Airport Advisory Board meeting on Wednesday evening; a Yosemite West meeting on Thursday; and a Bear Creek Trail Committee meeting on Friday.

Supervisor Cann reported on an Economic Development Corporation meeting last Wednesday, and advised that they will have another meeting tomorrow at 2 PM here at the Government Center and all are welcome to attend. He reported on last week's meeting regarding the Assisted Care/Graduated

Care Facility; and noted that the next meeting will be on January 30, 2013 when they will have four separate presentations on facilities. He thanked Jim Rydingsword/Human Services Director for contacting the CEO of the National Agencies on Aging in Washington, DC who seems to be the expert on the subject. He reported on a meeting yesterday with Human Services/Mountain Crisis Services regarding the Poverty Reduction Program, and meeting with the Chief Probation Officer yesterday to tour the Probation facilities. He advised of a Regional Council of Rural Counties telephone conference tomorrow regarding the SRA fee issue; tomorrow's semi-annual review meeting of the Mariposa Parking District; and gave an overview of the parking district structure. He noted that he will need the CAO and Public Works Director to report on the last grant received from the CDBG; and expressed his thanks to Supervisors Allen and Turpin.

Supervisor Bibby reported that she has also been receiving phone calls regarding the CDBG. Pete Rei responded. Mr. Rei advised that he will get back to the Board when he receives a firm answer from the State. Supervisor Cann commented on the CDBG program.

Supervisor Bibby conveyed wishes of healing and support from Mariposa to Newtown, Connecticut. She wished Happy Holidays and a Happy New Year to all and, especially, to all County staff for their service and dedication. She reminded the community of the Just in Case Program, and urged citizens to contact any County Department if they suspect someone is in need, and assured that the situation will get routed to the appropriate agency. She reminded everyone to get a flu shot. She reported participating in yesterday's Human Resources Director/Risk Manager interviews, and noted that the next Board meeting will not be until January 8, 2013, and that the first item of the day will be the Swearing-In Ceremony. She expressed thanks to all personnel, Board members, and State agencies for their support of her as the Board Chair.

J. 10:28 AM Board convened as WATER AGENCY

(Chair - Commissioner Kevin Cann, Vice-Chair - Lyle Turpin)

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

1. Administration WA-2012-2

Approve Second Amendment to Contract for Services with the Mariposa Public Utilities District (MPUD) for Consultation Services Regarding the Merced Irrigation District (MID) Federal Energy Regulatory Commission (FERC) Re-Licensing and Related Water Issues by Extending the Term of the Agreement to December 31, 2013, and the Not to Exceed Amount to \$50,000; Authorize the Chairman of the Mariposa County Water Agency to Sign the Amendment

Rick Benson/County Administrative Officer presented a brief history and overview.

Commissioner Cann requested clarification as to the fee. Commissioner Bibby asked if both CAO and County Counsel are reviewing invoices. Commissioner Turpin asked for clarification regarding the amounts paid in the past, and what is being requested with this item. Commissioner Cann requested clarification regarding same; feels that we've received excellent consultation services; and pointed out that this amendment expires next year.

Rick Benson responded to all questions. Commissioner Bibby advised that she felt this is going to be a long and expensive process; commended Mark Rowney for the services provided. Commissioner Turpin stated he has no problem with the services provided, but has a little concern with setting that high a cap, and would like to reduce it by \$10,000.

No public comment.

Action was taken to adopt the item, amended to decrease the "not to exceed" amount from \$50,000 to \$40,000

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

K. 10:38 AM Reconvened as BOARD OF SUPERVISORS

L. Regular Agenda Items

1. Planning ORD-2012-1094

Waive the Second Reading and Adopt an Ordinance Approving the Zoning Map Amendment Adding the Timber Exclusive Zone to a 190.36 Acre Portion of a 230.36 Acre Parcel. Glen and Anita Pickren, Project Applicants. the Property Site is Located at 4667 Carstens Road in Midpines Also Known as APNs 009-140-008 & 009-140-009 (One Legal Parcel with Two APNs Split by a Taxation Boundary)

Staff presentation by Damon Golubics/Senior Planner, with Sarah Williams/Planning Director in attendance.

No Board questions. No public comments. Discussion.

Supervisor Cann thanked Staff and the Applicant, noting his appreciation of the Applicant's testimony at the last hearing.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

2. Health RES-2012-620

PUBLIC HEARING to Consider Adjustments to the Fee Structures and Service Charges of the Public Health Department

10:43 AM Board recessed to allow Staff to set up their presentation.

10:52 AM Board reconvened.

Staff presentation by Dr. Charles B. Mosher/Health Officer, with Dave Conway/Environmental Health Manager in attendance.

Questions/Comments by Board:

Supervisor Stetson stated that he is satisfied that fees should be adjusted. Supervisor Turpin requested clarification regarding underground storage tanks; and old wells and the permitting process. Dave Conway responded. Dr. Mosher

elaborated that wells are public health issues. Supervisor Cann feels the fees are logical. Supervisor Bibby noted that late fees will increase a fee.

Chair Bibby asked Staff if they had received any written communications regarding this item. Staff indicated that they had not.

Public Portion Opened.

No Comments. No questions or clarifications required by Board.

Public Portion Closed.

Deliberation.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

3. Personnel/Risk Management RES-2012-621

Authorize the Appointment of an 80% Permanent Part-Time County Health Officer Effective December 15, 2012, and Set the Permanent Part-Time Annual Salary at \$150,000 and the Full-Time Annual Salary at \$187,000

Staff presentation and overview by Rick Benson.

Chair Bibby advised that the amount of this item is shown on the agenda as \$187,000, but it is actually \$187,500. She noted that there was no budget action form on this item, and asked how that was going to be handled. Rick Benson responded.

No public comment.

Board Comment:

Thanks for Dr. Mosher's return were expressed by each Supervisor. Supervisor Cann commended Dr. Mosher for staying in the position, and for his commitment to the people of Mariposa County. He also commented on recruitment difficulties, and salary issues. Supervisor Bibby elaborated on recruitment problems/issues. Supervisor Stetson commended Dr. Mosher for his service, and for his work during the recruiting/negotiating process.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lyle Turpin, District II Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

4. County Counsel RES-2012-622

Reappoint County Counsel to a Four-Year Term Commencing January 1, 2013, and Adjust County Counsel's Salary to \$136,154 Effective January 1, 2013.

Chair Bibby clarified that the length of County Counsel's term is designated by statute.

Staff presentation by Steve Dahlem/County Counsel. He clarified that this is two items: re-appointment, and a requested salary increase. He also clarified revenue and expenses generated by his office which he feels will absorb the salary increase.

Supervisor Bibby noted that care needs to be taken to not double-count the revenue at mid-year.

Public Comment:

Merlin Jones/District II Supervisor-elect stated that he does feel that we're underpaying some of the department heads, but feels that if we start addressing the inequities it will cause budgetary problems next year as there are no new funding sources available. He stated that he supports County Counsel's request because he has shown a source for funding.

Supervisor Allen commended County Counsel for his work; for his work ethic and the time he puts in on the job; and stated his support for the increase.

Supervisor Stetson commented on Merlin Jones inequity statement; and on County Counsel's extra hours during the evenings and weekends.

CAO supports the appointment and commended County Counsel for his work, but asked the Board to not address salary adjustment relative to a single department head; that the matter was better addressed in the future; thought that the salary is unprecedented for Mariposa County; and commented on the effect on the County budget if applied among all department heads. He suggested that the Board direct him to do an evaluation of all department heads and salaries; recommends against the salary increase at this time.

Supervisor Bibby stated she felt uncomfortable taking this action with a new Board coming in; commended County Counsel for identifying a revenue source for the increase, and repeated her concern that the revenue not be double-counted in the future. She expounded on County Counsel's job responsibilities; stressed caution with this issue.

Supervisor Cann commented on the poor results in recruiting that the Board has recently experienced because of lower salaries; the impact on department head recruitments in the past; that he feels that the money has been well-spent; feels County Counsel has done an exceptional job; and supports it only if the three remaining board members commit to follow through and address all of the other department heads, as he feels we are below comparable counties.

Supervisor Turpin stated that he supports reappointment, but is cautious about the salary adjustment; and supports the CAO's recommendation.

Supervisor Bibby clarified that this cannot be undone, as it is a four year term. She pointed out the liability exposure that County Counsel saves the County.

No further discussion/comments.

Supervisor Turpin requested that the motion be split. The Motion maker, and Second refused; the Motion stood as made.

RESULT: ADOPTED [4 TO 1]

MOVER: Jim Allen, District V Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Janet Bibby, Kevin Cann, Jim Allen

NAYS: Lyle Turpin

M. Items removed from Consent Agenda

None.

N. 11:42 AM Recess for Lunch**O. 2:03 PM Reconvene****1. Board of Supervisors RES-2012-607****Presentation of Tile Plaque and Resolution to Supervisor Lyle Turpin for Eight Years of Outstanding Service to Mariposa County**

Supervisor Allen commended Supervisor Turpin for his representation of the Northside of the County, and wished him well. Supervisor Stetson commended him and thanked him for his service; Supervisor Cann expressed his admiration for his representation, and his observations; Rick Benson commented on his character; Steve Dahlem commented on him as an inspiration; noted that he was especially proud of the completion of a particular project in Coulterville; and wished Lyle and his wife, Suzanne, a healthy and happy retirement.

Public Comments

A member of the public commented on Lyle's integrity. Lester Bridges/Past President of the Mariposa County Chamber of Commerce commended Lyle on his personal integrity which served him well in his role as a supervisor; and thanked him for what he has done for the County. Debbie Cook/Honorary Mayor of Coulterville retold a story about attending a ceremony for Station 26; stated that he has been an inspiration; and thanked him for being there. Merlin Jones commented on having to fill Lyle's shoes; recounted meeting Lyle upon first moving to the area; and being taught patience by Lyle. Doug Balmain/former District II Supervisor thanked Lyle for his service. Les Marsden commended Lyle Turpin and thanked him for his service. Kim Fletcher/Deputy District Attorney congratulated Lyle and Suzanne for his service.

Chair Bibby read the Board's resolution; presented the tile plaque; and presented the Congressional Record from Congressman Jeff Denham's office.

Assemblymember Kristin Olsen presented an Assembly Resolution on behalf of herself, and Senator Tom Berryhill.

Supervisor Turpin thanked everyone for their kind words; introduced his wife, Suzanne; son, Scott; and son, Jason, and his wife, Carrie. He recounted moving to Coulterville, as well as a story about Suzanne. He thanked past and future Boards; stated he feels that the County is in good hands; thanked Kristen Olsen; thanked all who serve our County.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Jim Allen, District V Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

2. Board of Supervisors RES-2012-608**Presentation of Tile Plaque and Resolution to Supervisor Jim Allen for Four Years of Outstanding Service to Mariposa County**

Supervisor Stetson expressed his deep respect and commended Supervisor Allen for his service. Supervisor Cann commented on Jim's deep knowledge of issues; commended him for his devotion to the County; and his ethics and his commitment to the staff and residents of the County. Supervisor Turpin expressed his appreciation of all of Jim's support for the North County first as a

Sheriff, and now as a Supervisor; and the history that he has brought to the Board. Rick Benson commented on Jim's work ethic and devotion to the job and the County. County Counsel commented on his 40 year relationship with Jim; noted that he is a true Mariposa Grizzly; a committed public servant; an excellent family man; and wished him a happy and healthy retirement.

Public Comments:

Doug Binnewies recognized Jim and his wife, Lee Ann; as well as Lyle and his wife, Suzanne, for their commitments to the County. Pete Judy shared a story regarding his children and logging trucks, and commented that Jim is the poster child for Mariposa; and commends him for his dedication.

Lester Bridges recounted his history with Jim; expressed appreciation for integrity and honesty; commended him on his many years of service; and offered him a volunteer position with the Chamber. A member of the public commended Jim for his service and work and visibility to the North County. Dr. Mosher expressed appreciation for both Supervisors; both were good at coming up with questions that he couldn't anticipate; commended them both for their efforts. Debbie Cook/Honorary Mayor of Coulterville thanked him for his support. Les Marsden commented that he has been honored to have been asked to serve as the District V Planning Commissioner; commended Jim on his integrity, and for the job well done.

Kim Fletcher recounted first meeting Jim; her respect for his service, and thanked him for same. Merlin Jones commended Jim for his service and presence in District II; and commented on how Jim checks in with all of the departments once or twice a week.

Chair Bibby recounted her long acquaintance with Supervisor Allen; as well as his and his family's service to the community. She read the Board's resolution; presented the tile plaque; presented the Congressional Record from Congressman Jeff Denham's office.

Assemblymember Kristin Olsen recounted first meeting Jim; then presented an Assembly Resolution and Proclamation on behalf of herself, and Senator Tom Berryhill. She noted that Jim "bleeds Mariposa."

Supervisor Allen thanked everyone; introduced his daughter, Kristina; wife, Lee Ann; mother and step-father, Poo and George; mother-in-law, Mary Paige; and friends, Betty and Bud. He thanked Les Marsden for his service as Planning Commissioner; thanked and commended the staff of the County.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lyle Turpin, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Turpin, Bibby, Cann, Allen

P. Adjournment

3:13 PM Meeting adjourned in memory of Dennis L. Standlee, Chuck Schiff, Kevin Robinson, and David Stetson.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

JANET BIBBY
Chair, Board of Supervisors