ORDINANCE 2020-1152

MEETING: April 21, 2020

TO: The Board of Supervisors

FROM: Miles Menetrey, District V Supervisor

RE: Rescind Ordinance No 1148

RECOMMENDED ACTION AND JUSTIFICATION:

Waive the Second Reading and Adopt an Ordinance rescinding Ordinance No. 1148 which Amended Chapter 2.60 of the Mariposa County Code changing the percentage amount used to determine annual compensation for the Board of Supervisors.

On January 7, 2020, the Board adopted Ordinance No. 1148, which amended Mariposa County Code Chapter 2.60 by changing the percentage rate used to calculate the annual compensation for the Board of Supervisors.

Following the adoption of Ordinance No. 1148, a Referendum Petition against Ordinance No. 1148 was circulated within the community and presented, under Elections Code 9144, to the Board of Supervisors on March 6, 2020, which was prior to the ordinance effective date of March 7, 2020.

The Mariposa County Treasurer - Tax Collector - County Clerk certified to the Board at its April 7, 2020, meeting that the petition met the threshold for the required number of valid signatures as required under Elections Code Section 9144.

In light of the above as well as the economic outlook caused by the current Covid-19 pandemic, the action requested today is to rescind Ordinance No. 1148.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

This ordinance was introduced on April 14, 2020.

Ordinance 1148, which this ordinance seeks to rescind, was introduced on December 10, 2019, and adopted on January 7, 2020.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

While the Board cannot make changes to this proposed ordinance at the second reading, it can choose to not adopt it in which case the issue would be submitted to
Ordinance 2020-1152

the voters.

ATTACHMENTS:
Ordinance Rescinding Ordinance 1148 (DOCX)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Miles Menetrey, District V Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
MARIPOSA COUNTY ORDINANCE NO. 1153

AN ORDINANCE RESCINDING ORDINANCE NO. 1148 WHICH CHANGED THE PERCENTAGE AMOUNT USED TO DETERMINE ANNUAL COMPENSATION FOR THE BOARD OF SUPERVISORS
(Not to be Codified)

WHEREAS, Ordinance No. 1148, which amended Mariposa County Code Chapter 2.60 by changing the percentage rate used to calculate the annual compensation for the Board of Supervisors, was adopted by the Board on January 7, 2020; and

WHEREAS, the effective date for Ordinance No. 1148 was sixty (60) days after adoption pursuant to California Government Code Section 25123.5 and Elections Code Section 9143; and

WHEREAS, a Referendum Petition against Ordinance No. 1148 was subsequently circulated within the community and presented, under Elections Code 9144, to the Board of Supervisors on March 6, 2020, which was prior to the ordinance effective date of March 7, 2020; and

WHEREAS, Elections Code Section 9144 provides in pertinent part that if a petition protesting the adoption of an ordinance is presented to the Board of Supervisors prior to the effective date of the ordinance, the ordinance shall be suspended and the Board shall reconsider the ordinance; and

WHEREAS, Elections Code Section 9145 provides that the Board may entirely repeal the ordinance against which a petition is filed or the Board shall submit the ordinance to the voters; and

WHEREAS, the Mariposa Treasurer – Tax Collector – County Clerk certified to the Board of Supervisors on April 7, 2020, that the petition met the threshold for the required number of valid signatures as required under Elections Code Section 9144.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does hereby ordain as follows:

SECTION I: Ordinance No. 1148, adopted by the Board of Supervisors on January 7, 2020, is hereby rescinded.

SECTION II: This Ordinance shall become effective sixty (60) days after final passage pursuant to California Government Code section 25123.5 and Elections Code section 9143

////////

////////
governing supervisorial salaries.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 21st day of April 2020 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES: NONE
ABSTAINED: NONE
EXCUSED: NONE

[Signature]
Kevin Cann, Chair
Mariposa County Board of Supervisors

ATTEST:

[Signature]
René LaRoche
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

[Signature]
Steven W. Dahlem
County Counsel
MARIPOSA COUNTY ORDINANCE NO. 1152

AN ORDINANCE RESCINDING ORDINANCE NO. 1148 WHICH CHANGED THE PERCENTAGE AMOUNT USED TO DETERMINE ANNUAL COMPENSATION FOR THE BOARD OF SUPervisors
(Not to be codified)

WHEREAS, Ordinance No. 1148, which amended Mariposa County Code Chapter 2.60 by changing the percentage rate used to calculate the annual compensation for the Board of Supervisors, was adopted by the Board on January 7, 2020; and

WHEREAS, the effective date for Ordinance No. 1148 was sixty (60) days after adoption pursuant to California Government Code Section 25123.3 and Elections Code Section 9143; and

WHEREAS, a Referendum Petition against Ordinance No. 1148 was subsequently circulated within the community and presented, under Elections Code 9144, to the Board of Supervisors on March 6, 2020, which was prior to the ordinance effective date of March 7, 2020; and

WHEREAS, Elections Code Section 9144 provides in pertinent part that if a petition protesting the adoption of an ordinance is presented to the Board of Supervisors prior to the effective date of the ordinance, the ordinance shall be suspended and the Board shall reconsider the ordinance; and

WHEREAS, Elections Code Section 9145 provides that the Board may entirely repeal the ordinance against which a petition is filed or the Board shall submit the ordinance to the voters; and

WHEREAS, the Mariposa Treasurer – Tax Collector – County Clerk certified to the Board of Supervisors on April 7, 2020, that the petition met the threshold for the required number of valid signatures as required under Elections Code Section 9144.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does hereby ordain as follows:

SECTION I: Ordinance No. 1148, adopted by the Board of Supervisors on January 7, 2020, is hereby rescinded.

SECTION II: This Ordinance shall become effective sixty (60) days after final passage pursuant to California Government Code section 25123.3 and Elections Code section 9143

\/
\/
\/
\/
\/
\/

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 21st day of April 2020 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES: NONE
ABSTAINED: NONE
EXCUSED: NONE

/S/ KEVIN CANN
Kevin Cann, Chair
Mariposa County Board of Supervisors

ATTEST:
/S/ RENE LA ROCHE
René LaRoche
Clerk of the Board of Supervisors

APPROVED AS TO FORM:
/S/ STEVEN W. DAHLEM
Steven W. Dahlem
County Counsel

4/30/2020
Repeal the Raise Proponents  
P.O. Box 670  
Mariposa, CA 95338

Mariposa County Board of Supervisors  
P.O. Box 784  
5100 Bullion Street  
Mariposa, CA 95338

Dear Mariposa County Board of Supervisors,

Whereas, we the proponents of the REPEAL THE RAISE, protest the adoption of ordinance number 1148, adopted by the Board of Supervisors on January 7, 2020, an ordinance amending Chapter 2.60 of the Mariposa County Code, and

Whereas, the California Election Code, Article 2. Referendum, § 9144 E.C. states, “If a petition protesting the adoption of an ordinance is presented to the board of supervisors prior to the effective date of the ordinance, the ordinance shall be suspended and the supervisors shall reconsider the ordinance, and

Whereas, the code further states, “The petition shall be signed by voters of the county equal in number to at least 10 percent of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election.” and

Whereas the number voters of the County of Mariposa equal in number to at least 10 percent of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election on November 6, 2018 is 823.

Therefore, the Mariposa County Board of Supervisors are hereby notified that a Referendum Against Ordinance #1148, is being, and has been, circulated. On this day, prior to the effective date of the ordinance, we present you with a petition, and show you many completed petitions containing more than 1486 signatures of the voters of Mariposa County, being 181% of the required number of signatures, and representing the overwhelming and undeniable WILL OF THE PEOPLE to repeal ordinance #1148. Now that we have presented these petitions to you, they will be passed into the confidential custody of the Elections Office for official validation.

Respectfully Submitted,

[Signature]

March 4, 2020
REFERENDUM AGAINST AN ORDINANCE PASSED BY THE BOARD OF SUPERVISORS

We, the undersigned, are duly registered and qualified voters of the County of Mariposa, California. We hereby protest the adoption of Ordinance Number 1148, adopted by the Board of Supervisors on January 7, 2020 and request that Ordinance Number 1148 be reconsidered and repealed by the Board of Supervisors or that it be submitted to a vote of the People of the County of Mariposa at the next regular county election or at a special election called for that purpose pursuant to Cal. Elec. Code section 9143. The full text of the Ordinance reads as follows:

AN ORDINANCE AMENDING CHAPTER 2.60 OF THE MARIPOSA COUNTY CODE

WHEREAS, the Board of Supervisors desires to amend Chapter 2.60 of the Mariposa County Code, and

WHEREAS, this amendment is to amend Board of Supervisor salaries to reflect their expanded responsibilities and to place them in the lowest tier of executive class pay.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Chapter 2.60 of the Mariposa County Code is hereby amended to read as follows:

2.60.10 Board of Supervisors' Annual Compensation Rate

A. On the effective date of this ordinance, the board of supervisors’ annual rate of compensation shall be adjusted to equal forty percent (40%) of the Mariposa County Superior Court Judge’s rate of pay in effect on July 1, 2019.

B. Each year thereafter, the board of supervisors’ annual rate of compensation shall be adjusted on July 1st, without further direction to the auditor. The annual rate of adjustment shall equal forty percent (40%) of the Mariposa County Superior Court Judge’s salary in effect on January 1st of the same year. (Ord. 798 Sec. 1 1991; Ord. 736 Sec. 1 1989).

SECTION II: This ordinance shall become effective sixty (60) days after final passage pursuant to California Government Code section 25123.5 and Elections Code section 9143 governing supervisorial salaries.

NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. YOU HAVE THE RIGHT TO SEE AN “OFFICIAL TOP FUNDERS” SHEET.

<table>
<thead>
<tr>
<th>All signers of this petition must be registered to vote in the County of Mariposa.</th>
<th>This column for official use only</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Print Your Name:</td>
<td>Residence Address ONLY:</td>
</tr>
<tr>
<td>Signature as Registered to Vote:</td>
<td>City</td>
</tr>
<tr>
<td>Zip</td>
<td></td>
</tr>
<tr>
<td>2. Print Your Name:</td>
<td>Residence Address ONLY:</td>
</tr>
<tr>
<td>Signature as Registered to Vote:</td>
<td>City</td>
</tr>
<tr>
<td>Zip</td>
<td></td>
</tr>
<tr>
<td>3. Print Your Name:</td>
<td>Residence Address ONLY:</td>
</tr>
<tr>
<td>Signature as Registered to Vote:</td>
<td>City</td>
</tr>
<tr>
<td>Zip</td>
<td></td>
</tr>
<tr>
<td>4. Print Your Name:</td>
<td>Residence Address ONLY:</td>
</tr>
<tr>
<td>Signature as Registered to Vote:</td>
<td>City</td>
</tr>
<tr>
<td>Zip</td>
<td></td>
</tr>
<tr>
<td>5. Print Your Name:</td>
<td>Residence Address ONLY:</td>
</tr>
<tr>
<td>Signature as Registered to Vote:</td>
<td>City</td>
</tr>
<tr>
<td>Zip</td>
<td></td>
</tr>
<tr>
<td>6. Print Your Name:</td>
<td>Residence Address ONLY:</td>
</tr>
<tr>
<td>Signature as Registered to Vote:</td>
<td>City</td>
</tr>
<tr>
<td>Zip</td>
<td></td>
</tr>
<tr>
<td>7. Print Your Name:</td>
<td>Residence Address ONLY:</td>
</tr>
<tr>
<td>Signature as Registered to Vote:</td>
<td>City</td>
</tr>
<tr>
<td>Zip</td>
<td></td>
</tr>
<tr>
<td>8. Print Your Name:</td>
<td>Residence Address ONLY:</td>
</tr>
</tbody>
</table>
REFERENDUM AGAINST AN ORDINANCE PASSED BY THE BOARD OF SUPERVISORS

c, the undersigned, are duly registered and qualified voters of the County of Mariposa, California. We hereby protest the adoption of Ordinance Number 1148, adopted by the Board of Supervisors on January 7, 2020 and request that Ordinance Number 1148 be reconsidered and repealed by the Board of Supervisors or that it be submitted to a vote of the People of the County of Mariposa at the next regular county election or at a special election called for that purpose pursuant to Cal. Elec. Code section 9145. The full text of the Ordinance reads as follows:

ORDINANCE AMENDING CHAPTER 2.60 OF THE MARIPOSA COUNTY CODE

HEREAS, the Board of Supervisors desires to amend Chapter 2.60 of the Mariposa County Code, and

HEREAS, this amendment is to amend Board of Supervisor salaries to reflect their expanded responsibilities and to place them in the lowest 10% of executive class pay.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, hereby ordains as follows:

SECTION I: Chapter 2.60 of the Mariposa County Code is hereby amended to read as follows:

60.10 Board of Supervisors’ Annual Compensation Rate

On the effective date of this ordinance, the board of supervisors’ annual rate of compensation shall be adjusted to equal forty percent (40%) of the Mariposa County Superior Court Judge’s rate of pay in effect on July 1, 2019. Each year thereafter, the board of supervisors’ annual rate of compensation shall be adjusted on July 1st, without further direction to the Editor. The annual rate of adjustment shall equal forty percent (40%) of the Mariposa County Superior Court Judge’s salary in effect on January 1st of the same year. (Ord. 798 Sec.1 1991; Ord.736 Sec.1 1989).

SECTION II: This ordinance shall become effective sixty (60) days after final passage pursuant to California Government Code section 123.5 and Elections Code section 9143 governing supervisorial salaries.

NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. YOU HAVE THE RIGHT TO SEE AN “OFFICIAL TOP FUNDERS” SHEET.

<table>
<thead>
<tr>
<th>All signers of this petition must be registered to vote in the County of Mariposa.</th>
<th>This column for official use only</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.</td>
<td>Print Your Name:</td>
</tr>
<tr>
<td></td>
<td>Signature as Registered to Vote:</td>
</tr>
<tr>
<td>10.</td>
<td>Print Your Name:</td>
</tr>
<tr>
<td></td>
<td>Signature as Registered to Vote:</td>
</tr>
<tr>
<td>11.</td>
<td>Print Your Name:</td>
</tr>
<tr>
<td></td>
<td>Signature as Registered to Vote:</td>
</tr>
<tr>
<td>12.</td>
<td>Print Your Name:</td>
</tr>
<tr>
<td></td>
<td>Signature as Registered to Vote:</td>
</tr>
<tr>
<td>13.</td>
<td>Print Your Name:</td>
</tr>
<tr>
<td></td>
<td>Signature as Registered to Vote:</td>
</tr>
<tr>
<td>14.</td>
<td>Print Your Name:</td>
</tr>
<tr>
<td></td>
<td>Signature as Registered to Vote:</td>
</tr>
</tbody>
</table>

DECLARATION OF CIRCULATOR: (To be handwritten by the circulator after above signatures have been obtained)

I, ______________________, am 18 years of age or older. I reside at the following address: ____________________________