



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

August 12, 2008



Time Description

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

Pledge of Allegiance
Introductions

Chair Turpin;

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

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

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

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

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

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

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

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

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

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

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fire, Telegraph Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the emergency be continued.

Input from the public was provided by the following:

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

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

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

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

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

BOARD ACTION: Input from the public was provided by the following:

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

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

Board Information

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

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

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

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

10:14 a.m. Recess

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

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

Input from the public was provided by the following:

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

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

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

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

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

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

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

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

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

Consider Items Removed from the Consent Agenda

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

11:45 a.m. Recess

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

Kris Schenk, Planning Director;

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

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

Supervisor Turpin;

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

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

Input from the public was provided by the following:

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

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

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

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

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

2:17 p.m. Chair Turpin;

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

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

Input from the public was provided by the following:

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

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

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

2:58 p.m. MARIPOSA COUNTY WATER AGENCY

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

A. Public Presentation – none.

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

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

Input from the public was provided by the following:

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

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

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

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

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

Input from the public was provided by the following:

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

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

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

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

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

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

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

BOARD ACTION: Following discussion, (M)Bibby, (S)Aborn, Res. 08-389 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to the Recent Fires, Oliver Fire (County Administrative Officer)

BOARD ACTION: Rick Benson recommended that the local emergency be continued until reimbursement is received. Supervisor Pickard advised that he is planning to schedule a certificate of recognition to the Chowchilla Mountain Women's Club and approval of letters of appreciation to the agencies that responded to the Oliver Fire on August 26th; and he offered to include those that assisted with the Telegraph Fire if the Board members involved in that incident want him to. Supervisor Bibby commented on the impact the dust and dirt from the fire had on the equipment and asked if that is included in the reimbursement request. (M)Pickard, (S)Aborn, Res. 08-390 was adopted finding the local emergency due to the Oliver Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

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

4:10 p.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9; Names of Cases to be Discussed: Merced Irrigation District's Merced River Hydroelectric Project; Project No. 2179 (County Counsel)

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

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

CONSENT AGENDA

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

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

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

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors