



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

August 19, 2008



Time Description

9:10 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Chair Turpin advised that the item to approve the specifications to purchase fire engines and water tenders will be considered at 2:00 p.m.; and that there will be a fire engine in the parking lot to look at during the lunch break.

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: Chair Turpin noted that items 8 and 9 were reversed in the packages from how they were placed on the agenda. He advised that item 4 is being continued to August 26th.

Input from the public was provided by the following:

Dick Hutchinson referred to item 5 and asked whether there is a conflict with the grant process and operation of this pre-school.

Supervisor Bibby pulled items 5 and 9. (M)Aborn, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Item 5 - Supervisor Bibby advised that she is a member of the First 5 Commission and explained that it is a separate non-profit entity from the County and that they also receive School Readiness funding; and she explained their funding and grant processes. (M)Bibby, (S)Aborn, item 5 was approved/Ayes: Unanimous.

Item 9 – Following discussion, (M)Bibby, (S)Aborn, item 9 was approved/Ayes: Unanimous.

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

Paul Hall, Chamber of Commerce, advised of activities that the Chamber has been involved with post-Telegraph Fire and fundraising efforts to assist the victims; and of the information website: www.telegraphfirefund.org.

Eric Inman advised that most of his acreage on Sherlock Road burned by the Telegraph Fire and he asked about rehabilitation to prevent soil erosion for the area disturbed by the fire lines. Chair Turpin suggested that he contact Fire Chief Jim Wilson and Kevin Smith/CAL FIRE.

Paul Chapman presented newspaper stories from Vashon, Washington.

Eleanor Keuning invited the Board members to the open house for the Pre-school Academy at Darrah – this is their second year.

Donna Brownell, Arts Council Director, invited everyone to the mural dedication on Saturday in conjunction with Mariposa Evening in the Arts Park.

Board Information

Supervisor Fritz advised that Wednesday is the first day of school and urged motorists to watch for the children.

Supervisor Pickard advised that he plans to attend the RCRC (Regional Council of Rural Counties) meeting on Wednesday and the Environmental Services Joint Powers Authority meeting on Thursday in Sacramento.

Supervisor Aborn expressed concern with the exportation of water with the draught situation in the State; and he questioned whether there is a permit process or an ordinance to monitor this. He noted that the designated parking spaces for buses in the Rest Area and parking lot by the China Station are being used by other vehicles. He noted that the CHP is ticketing the vehicles being left with "for sale" signs across the road from the Happy Burger. He advised of an issue in Yosemite West with campfires; and he would like to have Fire look into this and see if it can be restricted. He commented on the Mariposa County Unified School District Board meeting and the removal of Principal Rock Carlson from the High School and of the community's support for Mr. Carlson.

Supervisor Bibby thanked Eleanor Keuning for mentioning the second anniversary of the pre-school and she advised that this was one of the grants that were competitive for First 5 funds. She attended the public scoping meeting for MID's FERC re-licensing and she advised that information and documents are posted on MID's website (www.merced-relicensing.com). She advised that she missed the Habitat for Humanity fundraising event due to illness. She wished everyone a happy and safe school year.

Supervisor Turpin advised that he attended the Pedestrian/Equestrian Trails meeting in Don Pedro on Wednesday. On Thursday, he presented Ellen Fiske with the 91st birthday certificate on behalf of the Board. He attended the SWIFT meeting at Moccasin and advised of issues that were discussed. On Monday, there was a District II meeting in Greeley Hill to review the Telegraph Fire issues. On Monday, he attended the Lake Don Pedro Community Services District meeting. He advised that the Water Agency Advisory Board is meeting on Wednesday. There is a Red Cloud Library meeting and an Agricultural Advisory Committee meeting on Thursday.

Chris Ebie, Auditor;

Establish a Policy Authorizing the Mariposa County Resource Conservation District Mariposa County Resource Conservation District (MCRCD) to Temporarily Borrow Funds Under a Line of Credit
BOARD ACTION: Following discussion with Chris Ebie, (M)Pickard, (S)Fritz, Res. 08-399 was adopted approving the policy as recommended/Ayes: Unanimous.

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;

Approve an Amendment on the 0.4-mile Route of the Non-motorized Mariposa Creek Parkway and Authorize Staff to Research the Feasibility of an Alternate Ingress/Egress Access Area off of Jessie Street and Additional Grant Funding Opportunities

BOARD ACTION: Marilyn Lidyoff presented information on the requested amendment to eliminate the proposed access off of Coakley Circle and to research the feasibility of an alternative access off of Jessie Street. Discussion was held, including ADA accessibility concerns.

Input from the public was provided by the following:

Eleanor Keuning stated she supports the walkway project; but she is concerned with the parking at the Rest Area and for those with disabilities in accessing the project.

Paul Chapman stated he feels that access would be too steep from Jessie Street.

Discussion was held and it was clarified that the new access would be a separate grant project. (M)Fritz, (S)Aborn, Res. 08-400 was adopted approving the requested action/Ayes: Unanimous.

10:00 a.m. Dana Hertfelder, Public Works Director;

PUBLIC HEARING to Adopt a Resolution of Intention to Form a Zone of Benefit for Major Subdivision Application No. 2005-198, Granite Springs Estates; Filed by Thomas Phillips and Mark Haynes, Applicant

NOTE: Hearing will be Continued to Tuesday, August 26th at 10:00 a.m.

BOARD ACTION: The hearing was opened and Chair Turpin advised of the recommendation for a continuance and asked for input from the public. There was none. (M)Fritz, (S)Aborn, the hearing was continued to August 26, 2008, at 10:00 a.m./Ayes: Unanimous.

10:12 a.m. Recess

10:25 a.m. Jim Wilson, Fire Chief;

Request Clarification of a Compensation Process of the Board for the Following:

1. Clarify Mariposa County Fire Department (MCFD) Member Status as “Volunteer” while Acknowledging the IRS Notice of Determination that they are Employees for the Purpose of Payroll Taxes Only
2. Authorize Compensation to MCFD Members Based on the Hourly Rate of the Applicable Annual Agency Operating Plan Less 2.25 Percent to Replace the Employer’s Expenses
3. Authorize the Auditor to Compensate MCFD Members Pre-reimbursement or Post-reimbursement of Receiving Compensation from the Applicable Agency.
4. Instruct MCFD to Forward Annual Operating Plan Compensation Rates to County Auditor and the Personnel Office at the Beginning of Each Year
5. Instruct MCFD to Forward Copies of Billing Statements to County Auditor at the Time of Billing

BOARD ACTION: Discussion was held with Jim Wilson, Rick Benson and Chris Ebie relative to the compensation process for the volunteer fire fighters. Supervisor Bibby asked about the disbursement of revenues received for the vehicles; and she was advised that only the sedans have a depreciation account, otherwise the revenues go to the Fire budget. Discussion was held relative to the out-of-state volunteers and Jim Wilson advised that an item will be coming to the Board to address that matter separately.

Input from the public was provided by the following:

Ruth Catalan asked whether the County receives total reimbursement, and was advised that it does.

Paul Chapman asked if Chair Turpin will recuse himself from voting on this matter as he feels his son will benefit from this.

Further discussion was held. (M)Pickard, (S)Fritz, Res. 08-401 was adopted: 1) clarifying Mariposa County Fire Department (MCFD) member status as “volunteer” while acknowledging the IRS Notice of Determination that they are employees for the purpose of payroll taxes only; 2) authorizing compensation to MCFD members based on the hourly rate of the applicable Annual Agency Operating Plan less 2.25 Percent to replace the employer’s expenses; 3) authorizing the Auditor to compensate MCFD members pre-reimbursement of receiving compensation from the applicable agency; 4) instructing MCFD to forward Annual Operating Plan Compensation Rates to the County Auditor and the Personnel Office at the beginning of each year; and 5) instructing MCFD to forward copies of billing statements to the County Auditor at the time of billing. Supervisor Bibby stated she supports the post-reimbursement of receiving compensation from the applicable agency. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

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: Rick Benson recommended that the local emergency be continued until full access is restored. (M)Aborn, (S)Pickard, Res. 08-402 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 such time as full reimbursement is received from OES. (M)Aborn, (S)Bibby, Res. 08-403 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.

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 local emergency be continued. He advised that he is working with the Sheriff and a community re-cap meeting is tentatively scheduled for Thursday, September 11, 2008, at 6:30 p.m. in the Government Center.

Input from the public was provided by the following:

Ken Gosting, TIE Executive Director, advised that as an organization and as an individual they commend CHP Lt. Price for evaluating the turn around location on Highway 140 for when they need to have a road closure through the canyon. He thanked the Sheriff and County Administrative Officer for setting up the community meeting.

Dick Hutchinson advised of relief efforts for the people that suffered losses in the fire; and thanked the people that have helped and donated space.

Jim Wilson provided a status report on the Disaster Act relative to reimbursement efforts to the County for the emergency response expenses; and he advised of the on-site damage assessment status.

Ken Gosting advised that there was concurrence with CHP that there is a need and they will work with Cal Trans to improve the portable signage in the future.

(M)Fritz, (S)Pickard, Res. 08-404 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Receive Fiscal Year 2008-2009 Recommended Budget Documents for the County of Mariposa and Special Districts Under the Control of the Board of Supervisors, Receive Report by County Administrative Officer and Schedule Budget Hearings to Begin on September 16, 2008 (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Rick Benson gave a brief overview and commended the departments for their work and cooperation in the budget process; and he recognized Mary Hodson and the Auditor's Office for the work they do on the budget. He recommended that the budget hearing start on September 16th and advised that he has asked departments to not submit other agenda items for that Tuesday meeting. Discussion was held and he advised that the budget schedule will be available shortly. (M)Pickard, (S)Bibby, the Board accepted the report and scheduled the budget hearing to begin on Tuesday, September 16, 2008, at 9:00 a.m./Ayes: Unanimous.

11:37 a.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 Relative to a Workers' Compensation Case. Number of W/C Cases to be Discussed: 2 (County Administrative Officer/Personnel/Risk Manager); and

CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: Town of Atherton, et al. v. California High Speed Rail Authority, et al, Case No. 34-2008-8000022-CU-WM-GDS (County Counsel)

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

12:15 p.m. Lunch

2:04 p.m. The Board reconvened. Chair Turpin announced that direction was given to staff as a result of the closed session on the Workers' Compensation cases; and that information was received as a result of the closed session concerning the High Speed Rail Authority.

Dana Hertfelder, Public Works Director and Jim Wilson, Fire Chief; Approve the Specifications to Purchase Eleven New Fire Engines and Four Water Tenders; and Request Direction from the Board of Supervisors on When and How to Proceed with the Purchasing Process

BOARD ACTION: Joe Halencak/PWD-Fleet Superintendent, was present on behalf of Dana Hertfelder. Discussion was held with Jim Wilson relative to the specifications.

Input from the public was provided by the following:

Paul Chapman stated he feels that most of the County is not suitable for the recommended trucks; and he cautioned the Board to not spend the money because he feels the Proposition 218 process is being challenged.

Paul Smith stated he appreciates the Board members' service to the County and the community and he is pleased with the positive discussion on supporting the Fire Chief and Public Works' recommendation on the specifications. He urged the Board to support this and the volunteer fire fighters.

Jan Hamilton stated she agrees with Paul Smith and she urged the Board to support this.

Dennis Buck advised that the Chief has the Fire Department's support and they have done a lot of work on this. He urged the Board to move forward on this before the prices of the equipment increase; and he stated he feels that the people spoke with the ballot tabulation results on the Proposition 219 process.

Discussion was held relative to the purchasing and finance process. Joe Halencak provided input on the status of the FEMA bid for the engine that was purchased using grant funds, and relative to the timeframes for a bid process. (M)Pickard, (S)Fritz, Res. 08-405 was adopted approving the specifications for the fire engines and water tenders as recommended; directing staff to put the specifications out to bid for 30 days for eleven engines and four tenders; and further direction was given to staff to bring back a lease/purchase finance package for the equipment/Ayes: Unanimous.

CONSENT AGENDA

- CA-1 Authorize the Treasurer to Sign a Four Year Agreement with Smith & Newell, Certified Public Accountants to Audit the County Treasury's Investment Activities and to Insure Compliance with the County Investment Policy on an Annual Basis (Treasurer/County Clerk/Tax Collector); Res. 08-391
- CA-2 Authorize the Health Officer to Apply for Hazardous Materials Emergency Preparedness Planning Grant (\$12,000) (Health Officer); Res. 08-392
- CA-3 Approve Rental Agreement with 35-A District Agricultural Association to Participate in the Mariposa County Fair for a Breast Feeding Center and Authorize the Board of Supervisors Chair to Sign the Agreement (Health Officer); Res. 08-393
- CA-4 Approve Summary of Proceedings of August 12, 2008, Regular Meeting (Clerk of the Board); Continued to August 26th
- CA-5 Approve a Memorandum of Understanding (MOU) Authorizing the First 5 Commission of Mariposa County to Operate the Building Blocks Preschool in Greeley Hill and Authorize the Board of Supervisors Chair to Sign the MOU (Human Services Director); Res. 08-397
- CA-6 Approve Subcontracting the Mariposa County's Substance Abuse Prevention Programs to a Qualified Community Agency (Human Services Director); Res. 08-394
- CA-7 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Fire Budget Due to Various Line Items Having Expenses Greater than Anticipated (\$33,623) (Fire Chief); Res. 08-395
- CA-8 Approve Budget Action for Fiscal Year 2007-2007 Transferring Funding within the Indigent Defense Budget for End of the Year Expenses that were Greater Than Anticipated (\$2,208) (County Administrative Officer/Personnel/Risk Manager); Res. 08-396

CA-9 Approve Budget Action for Fiscal Year 2007-2008 Reducing General Contingency and Increasing Funding in the Law Library Fund for Book Expenditures (\$2,241) (4/5ths Vote Required) (County Administrative Officer/Personnel/Risk Manager); Res. 08-398

2:50 p.m. (M)Pickard, (S)Fritz, the Board adjourned in memory of Lt. Col. Hansel “Turk” Turley, Patricia Ann Brosius (Weaver), Elizabeth Tryer, Aticus William Weeks, and Eldon Boyd Drury/Ayes: Unanimous.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors