



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

August 26, 2008



Time Description

9:05 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance
Introductions

Supervisor Pickard;

Approve and Present a Certificate of Recognition to the Chowchilla Mountain Women's Club for Services they Provided during the Oliver Fire

BOARD ACTION: (M)Pickard, (S)Fritz, the Certificate was approved and presented to Ella Jensen, President of the Chowchilla Mountain Women's Club, and ladies representing the Club/Ayes: Unanimous. Supervisor Pickard shared a letter that was received from the Colton Fire Department commending the Club and Fire Station 32 for the services they received and donating an electric pencil sharpener for the Station.

Chair Turpin;

Proclaim the Month of September 2008 as "National Alcohol and Drug Addiction Recovery Month" (Human Services Director)

BOARD ACTION: (M)Pickard, (S)Fritz, the Proclamation was approved and presented to Jim Rydingsword/Human Services Director, Gail Neal/Chief Probation Officer, and Inez Terra/Chair of the Alcohol and Drug Abuse Advisory Board/Ayes: Unanimous.

Supervisor Fritz;

Approve and Present Certificates of Recognition to Chaplains Frank Walker, Liz Sexton and Reverend Ron Sexton for their Recent "President's Volunteer Service Awards"

BOARD ACTION: (M)Fritz, (S)Aborn, the Certificates were approved and presented to Chaplains Walker, Sexton and Reverend Sexton/Ayes: Unanimous. Brian Muller, Sheriff, commended the Chaplains for their services.

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 10 and stated he feels the subdivision has been there for three years and he questioned why the map is just now being approved.

Louie Edwards referred to item 10 and stated he owns the Bluebonnet Estates Subdivision and he advised that the road was put in recently and that it has not been there for three years.

Supervisor Aborn pulled item 10 and 13. Supervisor Bibby pulled item 10. Supervisor Turpin pulled items 5 and 8. (Action was taken on item 5 later in the meeting.) (M)Bibby, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

Item 13 – Following discussion, (M)Aborn, (S)Bibby, item 13 was approved/Ayes: Unanimous. Supervisor Bibby asked that the contact number for the County be listed on the form for the property owners.

Item 8 – Following discussion with Dana Hertfelder/Public Works Director, (M)Pickard, (S)Fritz, item 8 was approved/Ayes: Unanimous.

Item 10 – Following discussion with Dana Hertfelder, (M)Aborn, (S)Bibby, item 10 was approved/Ayes: Unanimous.

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

Brian Muller, Sheriff, advised of an incident that occurred at the Middle School this morning that resulted in a lock-down of the school – a neighbor was using a shotgun to scare off woodpeckers.

Paul Chapman noted that it is against the law to shoot a woodpecker.

MaryAnn Huff, President of the Mariposa County Chamber of Commerce, advised that the Telegraph Fire Relief Fund is growing; and she invited everyone to the business mixer for TKO Travel/Kit O'Shell at River Rock Inn/Café.

Dick Hutchinson advised that the clothing center at Pioneer Village for the Telegraph Fire victims has been closed; and a rummage sale will be held with the leftovers and proceeds will be donated to the Relief Fund.

Board Information

Supervisor Bibby noted that the agricultural tourism presentation item is scheduled for 2:00 p.m. She thanked CHP for their assistance to the County and for responding to problems on Highway 140. She thanked the Sheriff for advising of the incident at the Middle School. She attended the First 5 meeting on Monday and they addressed space needs and the future location of the Catheys Valley Pre-School. She attended the mural dedication and Evening in the Park on Saturday at the Art Park and thanked Ron Willey, the Arts Council, Contractors Association and the artists that participated in the mural.

Supervisor Aborn presented a poster with photographs of an oak tree that fell on his property and information on an advisory from Yosemite National Park on oak tree failure; and he advised that his children will share the poster with their schools.

Supervisor Fritz advised that there was a report to the Sheriff's Office on unsafe shooting at the Happy Burger on Monday and that it was a car that backfired. She advised that she was unable to attend the mural dedication as her husband had surgery. She urged everyone to enjoy the Fair. She plans to attend the CSAC meeting in Sacramento on September 11th and will be unable to attend the community meeting for the Telegraph Fire.

Supervisor Aborn advised that there was a community meeting in Midpines last week and another one will be held on Thursday for the fire victims.

Supervisor Turpin advised that he attended the Water Agency Advisory Board meeting on Wednesday, and they will meet again on September 3rd. On Thursday he attended the Agricultural Advisory Committee meeting. As he travels across the canyon on Highway 49 North, he has noticed that the quail are filling their craws at the mines and there has been a logging truck hauling logs.

Chris Ebie, Auditor;

Presentation of 2006-2007 Audited Financial Statements

BOARD ACTION: Chris Ebie reviewed the Audited Financial Statements, and discussion was continued for the following hearing to be opened.

10:02 a.m. The public hearing relative to forming a Zone of Benefit for Granite Springs Estates was opened and continued until after the following items.

Discussion was held with Chris Ebie on the Audited Financial Statements. Rick Benson noted that Chris Ebie runs a very good operation and the Board members agreed. No action was necessary.

Consider Items Removed from the Consent Agenda

Item 5 – Following discussion with Chris Ebie, (M)Pickard, (S)Fritz, item 5 was approved/Ayes: Unanimous.

10:30 a.m. Recess

10:44 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, Applicants, and Schedule a Public Hearing on October 14, 2008, at 10:00 a.m. in the Board Chambers to Consider Provision of the Additional Types of Extended Services Proposed in the Zone of Benefit to be Established and a Determination of the Appropriate Charges for the Extended Services to be Provided (Continued from August 19, 2008)

BOARD ACTION: Dana Hertfelder presented the staff report; and he advised that this portion of the process did not need to be a public hearing but it was advertised as a hearing. He responded to questions from the Board relative to the allocation of the proposed fees to the parcels and the process for determining the fee structure; and clarification that the fees will be collected whether or not the parcels sell. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Pickard, (S)Fritz, Res. 08-418 was adopted for intent to form the Zone of Benefit and setting the public hearing as recommended/Ayes: Unanimous. The hearing was closed.

Supervisor Pickard;

Approve a Letter of Support for Mariposa County Resource Conservation District's Grant Application for the Integrated Regional Water Management Plan and Authorize the Board of Supervisors Chair to Sign the Letter

BOARD ACTION: Supervisor Pickard reviewed the request. Chair Turpin advised that the Water Agency Advisory Board approved supporting this request. Terry McLaughlin, Upper Merced River Watershed Council, gave a presentation on the request on behalf of the Mariposa County Resource Conservation District (RCD). Discussion was held.

Input from the public was provided by the following:

Michael Martin stated he is a toxicologist by training and worked for the Fish and Game Department; and he represents the Merced Fly Fishing Club as a Conservation Director, the Merced River Conservation Committee as a member and the Mariposa Fish and Game Club – he is the Game Committee Chair. He commented on the importance of water and its quality, quantity and planning; and he advised that they support this request.

Sandy Wright, San Joaquin Valley Resource Conservation and Development Area Council, advised that they support this; and she feels that the Plan will be a living document and can continue to be developed.

Ruth Sellers asked what the water testing on the Upper Merced River is for, what is being found, and what is being done about what is found. She asked what the funds are being spent on and what is being accomplished.

Paul Chapman stated he feels that we need a water management plan for the whole County, not just the Merced River.

Chair Turpin requested that as this project moves forward, that Len McKenzie of the RCD provide status reports with more information to the Board. (M)Pickard, (S)Bibby, Res. 08-419 was adopted approving the letter of support as requested/Ayes: Unanimous.

Terry McLaughlin, Education Coordinator, Upper Merced River Watershed Council;
Presentation to Outline the Merced River Center at Briceburg Project

BOARD ACTION: Terry McLaughlin gave a presentation on the Merced River Center at Briceburg project and advised of their plans for the Center. She invited the Board members to tour the Center next Wednesday at 12:30 p.m. Supervisor Turpin suggested that information on the Telegraph Fire be included. Discussion was held. No action was necessary.

Thomas P. Guarino, County Counsel;

Waive First Reading and Introduce Ordinance Amending Chapter 9.12 of the Mariposa County Code Entitled "Public Consumption of Alcoholic Beverages"

BOARD ACTION: Discussion was held with Thomas P. Guarino relative to the Ordinance. (M)Fritz, (S)Bibby, the first reading was waived and the Ordinance was introduced. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

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

Approve the Grant Agreement for the Use of Title III Funding from the Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) for the Continued Funding of the Mariposa Fire Safe Council from July 1, 2008, through June 30, 2011, in the Amount of \$159,048 and Authorize the Board of Supervisors Chair to Sign the Agreement

BOARD ACTION: Following discussion with Rick Benson, (M)Pickard, (S)Aborn, Res. 08-420 was adopted approving the agreement as recommended. Supervisor Bibby advised that she supports the Fire Safe Council program, but would prefer that the contract be on a year-to-year basis. 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 there is full restoration for access; and he advised that CalTrans has cut back on their planning meetings, but they are moving forward with the project. Supervisor Bibby asked about the status of scheduling CalTrans to give a status report to the Board. (M)Aborn, (S)Bibby, Res. 08-421 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 reimbursement is received. (M)Pickard, (S)Fritz, Res. 08-422 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 advised that there will be a kick-off meeting this Friday with representatives of the Governor's Office of Emergency Services with the affected departments involved in the fire recovery to start the formal process for reimbursement for both the Oliver and Telegraph Fires. He advised that he plans to put an item on the next agenda to make the September 11th community meeting a Board workshop so the Board members can attend. Supervisor Aborn asked that written comments be accepted from people who can't attend the meeting. Discussion was held relative to the internal decision to not publicize the names of the fire victims and relative to involvement of agencies/departments in the community meeting/workshop. (M)Bibby, (S)Aborn, Res. 08-423 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.

11:52 a.m. LOCAL TRANSPORTATION COMMISSION

(Chair – Commissioner Lyle Turpin, Vice-Chair – Commissioner Dianne Fritz)

A) Public Presentation – none.

B) Adopt a Resolution Authorizing the Executive Director to Execute the Application and Other Necessary Documents Pertaining to Federal Transit Administration (FTA) Section 5310 Elderly and Disabled Specialized Transit Funds for Federal Fiscal Year 2008 (Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Pickard, (S)Fritz, LTC Res. 08-13 was adopted approving the recommended action/Ayes: Unanimous.

11:58 a.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 Membership to Include Mariposa Public Utility District (MPUD) as a Non-voting Ex-Officio Member of the District and Direction to Staff Regarding Staffing of the Advisory Board (County Counsel)

AGENCY ACTION: Following discussion with Thomas P. Guarino, County Counsel, and Dana Hertfelder, (M)Pickard, (S)Turpin, Water Agency Res. 08-4 was adopted adding MPUD as an ex-officio member to the Water Agency Advisory Board as recommended; and direction was given to staff to work with the Personnel Director to bring back a recommendation for extra help for the Water Agency Advisory Board and the Water Agency, including a recommended budget for the extra help using Water Agency funds/Ayes: Unanimous.

12:10 noon Lunch

2:05 p.m. Chair Turpin and Supervisor Pickard;

Resolution and Tile Plaque Recognizing Karen Robb Upon her Retirement as Mariposa County Farm Advisor/County Director

BOARD ACTION: (M)Pickard, (S)Fritz, Res. 08-406 was adopted and presented to Karen Robb, along with a tile plaque/Ayes: Unanimous.

Supervisor Pickard;

Presentation by Ken Churches, Farm Advisor and County Director for Calaveras County, on how Calaveras County has Handled the Issue of Agricultural Tourism, Including the University of California Definition of Agricultural Tourism and its Opportunities and Challenges for Rural Counties; and Provide Direction to Staff

BOARD ACTION: Supervisor Pickard and Kris Schenk, Planning Director, provided input and introduced Ken Churches. Ken Churches gave a presentation on Calaveras County’s process and development and implementation of agricultural tourism policies. He advised of the different levels of permits they use and of the zonings and of the benefits of agricultural tourism. Discussion was held.

Input from the public was provided by the following:

Bart Brown asked if someone had a vineyard and wanted to add a tasting room, winery and events and overnight stays, how that would be managed in Calaveras County; and he asked about the minimum size for agricultural land. Ken Churches responded as to their processes.

Ken Pulvino, Greeley Hill rancher and agricultural tourism activist, asked for more information on the permitted uses and he referred to the zoning language for Calaveras County which includes a specific list of allowed uses and nuisance language. He referred to his efforts to have agricultural tourism uses on his property; and he asked how Calaveras would deal with land that is mostly used for agriculture, with a small portion being used for agricultural tourism and whether it would matter if the income is greater from the agricultural tourism use. Ken Churches responded and advised that the income would not matter.

Kris Casto asked if the process is going to be defined differently for uses on agricultural land versus non-agricultural land and for different sizes of parcels. Kris Schenk advised that would be issues to discuss in the process. Kris Casto stated she agrees with the benefits of agricultural tourism and with the need for a collaborative process; and of the need for everyone to be a good neighbor.

Discussion was held. Chair Turpin asked that the power point presentation be forwarded to the Planning Director.

3:17 p.m. Recess

3:33 p.m. Discussion was held relative to giving direction to staff on agricultural tourism. The Board concurred that staff should make available to it all of the information that Calaveras County has put together in reference to agricultural tourism and agri-nature tourism in the next couple of weeks. Supervisor Bibby asked that information be provided on the definitions of "Farm Stay" concerning kitchen uses, etc. Kris Schenk advised that they will try to put the materials on the website and follow this up with a workshop. Supervisor Pickard asked that Planning come back during the final budget hearing with a proposal on what staff time and costs would be needed to proceed with developing a policy. Discussion was held relative to establishing a coalition of stakeholders to help with this process. Supervisor Pickard thanked Planning and Karen Robb for arranging for this presentation.

3:40 p.m. CLOSED SESSION: Public Employee Appointment; Appointment of County Counsel (County Administrative Officer/Personnel/Risk Manager);
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: Mariposa County v. Bartlett Petroleum, Inc. (County Counsel); and
CLOSED SESSION: Liability Claims; Claimant Name: Kriss Miranda; Claim Number: G576272; Agency Claimed Against: California State Board of Equalization and all Counties in California (County Counsel)

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

5:09 p.m. Chair Turpin announced the following as a result of the closed session matters: direction was given to staff to open the recruitment for County Counsel; direction was given to County Counsel to set up interviews with outside counsel to initiate litigation against Bartlett Petroleum; and information was received on the claim by Miranda.

CONSENT AGENDA

- CA-1 Approve Changes to the Staffing of the Mental Health Services Act (MHSA) Children's System of Care Program. Changes include 1) The Addition of a Full-time Mental Health Clinician; 2) Addition of a Full Time Mental Health Assistant I; and 3) Addition of a Half-time Office Assistant II (Human Services Director); Res. 08-407
- CA-2 Approval of Summary of Proceedings of August 12, 2008, and Summary of Proceedings of August 19, 2008, Regular Meetings (Clerk of the Board)
- CA-3 Approve Letters of Appreciation to the Fire Companies and Agencies that Responded to the Oliver Fire (Supervisor Pickard)
- CA-4 Adopt a Resolution Adopting the Tax Rate for the Secured Property Tax Roll for the 2008-2009 Fiscal Year (Auditor); Res. 08-408
- CA-5 Approve an Agreement with Demsey Filliger & Associates to Conduct an Actuarial Study for Other Post Retirement Benefits (OPEB) and Authorize the Board of Supervisors Chair to Sign the agreement (Auditor); Res. 08-417
- CA-6 Approve an Agreement with John C. Fremont Healthcare District for Fiscal Year 2008-2009 for Routine Medical Screening for Juveniles Detained and Authorize the Board of Supervisors Chair to Sign the Agreement (Chief Probation Officer); Res. 08-409
- CA-7 Authorize the Fire Chief to Apply for Allocated Funds for the 2008 Homeland Security Grant Program on Behalf of County Health, Fire and Sheriff's Departments. Funds are to Enhance Capabilities in the Event of Disasters, Terrorist Attacks and other Emergencies and will Require no Local Match (Fire Chief); Res. 08-410

- CA-8 Approve Fourth Amendment to the Agreement with Golder Associates for Monitoring, Report Generation and Environmental Engineering Services for the Landfill and Related Waste Management Activities to Extend the Term until June 30, 2009, Increase the Agreement by \$63,000, and Authorize the Board of Supervisors Chair to Sign the Agreement (Public Works Director); Res. 08-415
- CA-9 Approve an Agreement with Cascade Software Systems, Inc. for Software Maintenance and Support for Fiscal Year 2008-2009 in the Amount of \$10,059 and Authorize the Public Works Director to Sign the Agreement (Public Works Director); Res. 08-411
- CA-10 Approve Bluebonnet Estates Subdivision Map, Application Number 2006-150; as Per Mariposa County Code Title 16.20.232 (Public Works Director); Res. 08-416
- CA-11 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Yosemite West Budget to Cover Costs for Snow Plowing, Road maintenance and Professional Services in the Sewer Division through June 30, 2008 (\$19,400) (Public Works Director); Res. 08-412
- CA-12 Approve Budget Action for Fiscal Year 2007-2008 Transferring Funds within the Facilities Maintenance Budget to Cover Reimbursable Roads Charges through June 30, 2008 (\$6,647) (Public Works Director); Res. 08-413
- CA-13 Approval of “Right of Entry Permit” for the Oliver/Telegraph Fires and Authorize the County Health Officer of his Designee to Sign (County Administrative Officer/Personnel/Risk Manager); Res. 08-414

5:10 p.m. Adjournment in memory of Bernard E. “Bernie” Comstock and Helen Kempster.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors