



MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROCEEDINGS

September 23, 2008



Time Description

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

Pledge of Allegiance

Introductions

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 advised that the minutes for item 1 have been scheduled for approval on October 7th. Supervisor Aborn pulled item 6. (M)Fritz, (S)Aborn, the balance of the items was approved/Ayes: Unanimous.

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

Ruth Catalan provided input on her recent experience and commended the Community Services Department for the medical transportation services they provide.

MaryAnn Huff, President of the Mariposa County Chamber of Commerce, invited everyone to the mega mixer being held at the Fire Safe Council this evening with the neighboring agencies participating.

Connie Waldron thanked the Board for the letter of support that was approved with Consent Agenda item 10. She expressed concern with the County's fiscal matters and recommended that there be a hiring freeze; that when someone leaves County service, that the money be paid against the County's debt; and she stated she would like to see detailed fiscal information on the debt on the website.

Board Information

Supervisor Bibby advised that the Hornitos Flea Market is scheduled for October 5th and is a fundraiser for the Hornitos Patron's Club. She thanked TDS for giving the presentation today. She extended her compliments to the School District for coordinating with First 5 for pre-school facilities at Catheys Valley Elementary School.

Supervisor Aborn commented on the fire mop-up and coordination with CAL FIRE. He advised that he and Gary Francisco/Planning Commissioner attended a meeting that was held in El Portal. The Incline Road washout is being addressed. He noted that there is a dog dropping problem on Incline and Foresta Roads.

Supervisor Pickard advised that he attended the annual RCRC Conference this week; and he plans to attend the Fish Camp Town Planning Area Advisory Committee meeting in Fish Camp on Saturday.

Supervisor Turpin advised that he attended the graduation ceremony for the Academy on Friday at Delta College, and he advised that they have new deputies in the North County: Deputy Clark and Deputy Howard. He plans to attend the Agricultural Advisory Committee meeting on Thursday.

Jim Rydingsword, Human Services Director;

Approve a Public Notice Requesting Lease Proposals for Office Space and Approve Release of Letters of Interest.

BOARD ACTION: Discussion was held with Jim Rydingsword relative to the proposal and projected cost savings. (M)Fritz, (S)Pickard, Res. 08-454 was adopted approving the recommended action. Supervisor Bibby asked that the job descriptions be reviewed for the positions that are projected to be consolidated to make sure the duties can be absorbed by the remaining staff; and that the projected liability insurance and utility expenses are reviewed to see how they compare with existing costs. Ayes: Unanimous.

Jim Wilson, Fire Chief;

Division Chief Munn, CalFire to Present a Closeout and Summary Report from Telegraph Fire State Emergency Assessment Team (SEAT)

BOARD ACTION: John Munn, CAL FIRE Division Chief, reviewed the draft SEAT report findings and recommendations; and he advised that they hope to have a final report in a couple of weeks. Discussion was held relative to the recommendations, oversight and environmental review. Supervisor Bibby asked that BLM be invited to come and discuss the recommendations, especially pertaining to Burma Grade.

Input from the public was provided by the following:

Ken Gosting asked County Counsel about the Government Code requirement that copies of documents be made available to the public when they are made available to the Board; and he requested that copies be made available.

Discussion was held with Jim Wilson relative to the status of the draft report; and he advised that BLM has a final document that has been posted to the web. Thomas P. Guarino, County Counsel, responded to Mr. Gosting relative to the requirement for the document to be made available to the public. Rick Benson, County Administrative Officer, advised that the document is available at the front counter.

Paul Chapman provided input on the Brown Act and requirement for documents to be made public.

Chair Turpin thanked Mr. Munn for the presentation. Supervisor Bibby requested that BLM be scheduled to give a presentation to the Board.

10:00 a.m. Supervisor Bibby;

PowerPoint Presentation by Liz Cerveney of TDS Titled Review of Capital Investment Projects and New Service Offerings

BOARD ACTION: Supervisor Bibby introduced Liz Cerveney and Heath Brower, TDS Local Field Service Technician. The Board recessed at 10:02 a.m. for the PowerPoint presentation to be set up; and the Board reconvened at 10:17 a.m. Liz Cerveney gave the presentation, reviewing capital investment projects, new service offerings, and contributions to the community; and she commended Heath Brower for his work. The presentation was continued for the following hearing to be opened.

10:30 a.m. The public hearing to approve the request from Total Waste Systems, Inc. for a Consumer Price Index Increase was opened and continued until after the following.

Liz Cerveney continued with her presentation. Discussion was held, and no action was necessary.

10:42 a.m. Dana Hertfelder, Public Works Director;

A) PUBLIC HEARING to Approve Request from Total Waste Systems, Inc. for a Consumer Price Index Increase (CPI) of 4.0 % to be Effective November 1, 2008 for the Mariposa Franchise Area

BOARD ACTION: Dana Hertfelder presented the staff report; and he responded to questions from the Board relative to this request for an increase and how it compares to rate increases in other areas; and whether there has been a trash dumping impact with the last rate increase.

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

Stuart Katte, Total Waste Systems, Inc., advised that the CPI is used by all consumers.

Eleanor Keuning stated she feels that there has been an increase in people using dumpsters; and she addressed recycling issues.

Paul Chapman stated he owns property in Madera and their trash disposal fees are less than Mariposa's.

The public portion of the hearing was closed and the Board commenced with deliberations. Supervisor Bibby asked if Total Waste Systems, Inc., would go back and compare their rates with other providers in rural areas. Staff responded to a question from the Board and clarified that this does not raise the rates at the landfill. (M)Aborn, (S)Pickard, Res. 08-455 was adopted approving the request for the CPI increase/Ayes: Aborn, Turpin, Bibby, Pickard; Noes: Fritz. The hearing was closed.

B) Approval to Change the Number of Members on the Airport Advisory Committee from Nine back to Seven Members

BOARD ACTION: Discussion was held with Dana Hertfelder relative to the request, quorum issues, and relative to the status of membership. Supervisor Aborn stated he would prefer to see the number of members decreased to five members. County Counsel provided input on the Committee's makeup and structure. Supervisor Bibby expressed concern with eliminating any non-pilot positions. Dana Hertfelder recommended that the vacant position and the position held by the late Turk Turley be eliminated if the members are reduced to seven. County Counsel advised that if the number of members is reduced that there is still a quorum requirement for five members to be present; and he recommended that a resolution be brought back to amend the quorum requirements and to reduce the positions.

Input from the public was provided by the following:

Ruth Catalan suggested that the quorum requirement be changed to one-half of the committee membership, plus one. She agreed with Supervisor Bibby about changing the wording so that members of the general public are not involved in aviation.

Paul Chapman stated he feels that two additional pilot positions were added when the committee increased to nine members. He questioned the future of the Airport and the advertisement of the vacancies.

Dick Hutchinson suggested that consideration be given to an option of having seven members and two alternate members – one representing the pilots and one from the general public.

Ruth Sellers commented on the issues of subsidizing the Airport and stated she feels it is important to have members on the committee that are objective. She questioned the sales price of the fuel; and she suggested the option of the membership being one-half pilots and one-half representing the general public.

Further discussion was held. Dana Hertfelder advised that they adjust the fuel price with the delivery of each load of fuel; and he suggested that the seven members be comprised of the following: 3 aviation members, 2 members who reside in the area, and 2 public members. (M)Aborn, (S)Fritz, Res. 08-456 was adopted changing the number of members from nine to seven, with the vacant position and the position held by the late Turk Turley to be eliminated. The motion was amended by the second, agreeable with the maker, to include direction for a revision of the by-laws to be brought back to change the quorum requirement to be a simple majority. County Counsel clarified that this action would bring the committee back to its original constitution of seven members, two of which are public members. Ayes: Aborn, Turpin, Fritz, Pickard; Noes: Bibby.

Consider Items Removed from the Consent Agenda

Item 6 – Supervisor Aborn initiated discussion with Keith Williams, County Clerk, relative to this process. (M)Aborn, (S)Bibby, item 6 was approved/Ayes: Unanimous.

11:47 a.m. Recess

11:58 a.m. Supervisor Pickard;

PowerPoint Presentation by Sean Rankin of Terra Firma Customs Regarding Fire Safe Council Activities

BOARD ACTION: Supervisor Pickard introduced Sean Rankin, and he advised that he is the recipient of Fire Safe Council grants for the chipping program in the County. He noted that Jan Hamilton and Smiley Tierney, Board members of the Fire Safe Council, were also present. Sean Rankin gave a PowerPoint presentation on the chipping projects and showing what people can do to keep their property fire safe. Discussion was held, and Sean was thanked for the presentation.

12:20 p.m. Lunch

1:42 p.m. The Board reconvened with Supervisor Aborn arriving at 1:56 p.m.

LOCAL TRANSPORTATION COMMISSION

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

A) Public Presentation – none.

B) Approve the Transportation Planning Overall Work Program (OWP) for Fiscal Year 2008-2009 and Authorize the Executive Director to Submit the OWP and Sign the Necessary Agreement (Public Works Director)

COMMISSION ACTION: Following discussion with Dana Hertfelder, (M)Bibby, (S)Fritz, LTC Res. 08-14 was adopted approving the OWP/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

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 advised that Kome Ajise and Julie Dunning, CalTrans are planning to make a presentation to the Board on October 14th relative to the status of the permanent fix; and he recommended that the local emergency be continued. Supervisor Bibby advised of an email she received from Kome Ajise advising that they are doing everything possible to move this process forward. (M)Fritz, (S)Bibby, Res. 08-458 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: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

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. (M)Pickard, (S)Bibby, Res. 08-459 was adopted finding the local emergency due to the Oliver Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

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, and he referred to the SEAT report that was given this morning and the on-going activities. Supervisor Bibby reiterated her previous request that BLM be asked to come and give a report to the Board on addressing the Burma Grade issues and the issues raised in the SEAT report. (M)Fritz, (S)Bibby, Res. 08-460 was adopted finding the local emergency due to the Telegraph Fire continues to exist, and continuing the local emergency based on the findings/Ayes: Turpin, Bibby, Fritz, Pickard; Excused: Aborn.

Review and Approval of the Pre-application Document (PAD) for the Merced Irrigation District's Merced River Hydroelectric Project Relicensing (County Administrative Officer/Personnel/Risk Manager)

BOARD ACTION: Chair Turpin advised that Mark Rowney is compiling information for a response and he has contacted MID relative to the timeframes for responding; and this matter is being continued to October 7th. Chair Turpin asked the County Administrative Officer to work with Mark Rowney to separate the Water Agency and Board of Supervisors issues.

1:56 p.m. Supervisor Aborn was present.

MARIPOSA COUNTY WATER AGENCY

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

A. Public Presentation

Paul Chapman provided input relative to his review of diaries and the fish that Mr. Martin discussed – he feels it was carp and not salmon that was in the Merced River. He advised that there is an archeological/historical survey that was conducted when Exchequer was built and that survey would contain information.

Jeff Gabe, Merced River Conservation Committee, commented on the input concerning information previously provided by Mr. Martin.

B. Review and Approval of the Pre-application Document (PAD) for the Merced Irrigation District's Merced River Hydroelectric Project Relicensing (County Administrative Officer/Personnel/Risk Manager)

AGENCY ACTION: Rick Benson advised of his discussion with Mark Rowney relative to gathering information for the Agency to review; and that he confirmed with MID that submitting a response after the meeting of October 7th is within their timeframes. The matter was continued to October 7th.

Review of the Board's Meeting Schedule for the Rest of the Calendar Year and Possible Action to Cancel and/or Reschedule Meetings (Board Clerk)

BOARD ACTION: Chair Turpin initiated discussion relative to the schedule. County Counsel advised of a legal brief that was presented on the draft Yosemite West Special Plan last week, and he advised that the Board needs to consider whether he should be present for the workshop or to continue the workshop until after November 1st to have consistency with counsel for this matter. Rick Benson advised that he will work with the Planning Director to bring back an item for the October 7th agenda to consider canceling the October 18th workshop. (M)Aborn, (S)Bibby, Res. 08-461 was adopted canceling the November 12th meeting (November 11th is a holiday in observance of Veterans Day) and setting the Board meeting for Monday, November 10th; canceling the November 25th meeting due to the Thanksgiving holiday; and canceling the December 23rd meeting due to the Christmas holiday/Ayes: Unanimous.

2:13 p.m. Thomas P. Guarino, County Counsel;

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: County of Mariposa v. Bartlett Petroleum;

CLOSED SESSION: Public Employee Appointment; Building Department Director Appointment (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: County of Mariposa v. Wayne and Dorothy Scholkowsky; Case No. 8890 (County Counsel)

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

4:58 p.m. Chair Turpin asked County Counsel to report on the Bartlett Petroleum matter; and County Counsel advised that the Board took action to authorize County Counsel to negotiate to retain the

services of Meyers/Nave for this matter by unanimous vote. Char Turpin advised that the Board took action to offer the position of Building Department Director to Fred Lustenberger contingent on satisfactory completion of the pre-employment physical. The Clerk of the Board advised that this action was taken by a vote of four ayes, and Supervisor Aborn abstained. Chair Turpin advised that direction was given to staff for the Scholkowfsky case.

CONSENT AGENDA

- CA-1 Approval of Summary of Proceedings of September 11, 2008, Continued Meeting (Clerk of the Board); Continued to October 7th
- CA-2 Approve the Second Amendment to an Agreement with Daniel W. Rowley, Esq. by Amending the Not to Exceed Amount to \$20,000 and Authorize the Board of Supervisors Chair to Sign the Amendment (County Administrative Officer/Personnel/Risk Manager); Res. 08-446
- CA-3 Adopt a Resolution Establishing the Tax Rate on the Bass Lake Joint Elementary School District Bond for the Secured Property Tax Roll of 2008-2009 (Auditor); Res. 08-447
- CA-4 Adopt a Resolution Establishing the Tax Rate on the Yosemite High School Bond for the Secured Property Tax Roll of 2008-2009 (Auditor); Res. 08-448
- CA-5 Adopt a Resolution Designating the Method by Which the Appropriation Limits will be Calculated for the Fiscal Year 2007-2008 (Auditor); Res. 08-449
- CA-6 Adopt a Resolution Approving Exhibit A – Amendment 2008, which Constitutes the Revised Mariposa County Conflict of Interest Code (County Clerk/Treasurer/Tax Collector/Elections); Res. 08-457
- CA-7 Adopt a Resolution Consolidating Mariposa County Unified School District Election, Lake Don Pedro Community Service District and for the Wawona Precinct only (of which Wawona-Fish Camp Area are a Part of the Following School Districts) Bass Lake School District Elections with the November 3, 2008 General Election, Pursuant to EC 10401; Directing County Clerk to Canvass Returns of Said Election Pursuant to EC 10411 and 15301; Directing County Clerk to Bill the Mariposa County Unified School District, Madera County Office of Education, and Lake Don Pedro Community Service District in Full for Cost of Services Performed in the Conduct of the Portion of the Election Relating to Each of their Respective Districts (County Clerk/Treasurer/Tax Collector/Elections); Res. 08-450
- CA-8 Approve a Professional Service Agreement with John B. Anderson Land Use Planning to Provide Supplemental Staff Planning Services for the Silver Tip Resort Project and Authorize the Board of Supervisors Chair to Sign the Agreement (Costs to be Paid by Silver Tip) (Planning Director); Res. 08-451
- CA-9 Approve Certificate of Recognition and Congratulations to Clifford “Smitty” Smith on Celebrating his 90th Birthday (Supervisor Bibby)
- CA-10 Approve a Letter of Support to the Federal Prevailing Rate Advisory Committee (FPRAC) for Wage Area Petition for Yosemite Wage Grade Employees that Would Move the Area of Survey from Fresno to Stockton and Authorize the Board of Supervisors Chair to Sign the Letter (Supervisor Aborn); Res. 08-452

CA-11 Approve a Resolution Adopting the Fiscal Year 2008-2009 Final Budget as Reviewed and Amended, and Authorize Certain Actions to Implement the Budget (County Administrative Officer/Personnel/Risk Manager); Res. 08-453

5:01 p.m. Adjournment in memory of Clifford E. Wass, Marguerite Campbell, and Cary Lynn Simms.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

LYLE TURPIN
Chair, Board of Supervisors