RESOLUTION - ACTION REQUESTED 2012-271

MEETING: May 22, 2012

TO: The Board of Supervisors

FROM: Rick Benson, County Administrative Officer

RE: Adopt Resolution for Funding from USDA for Technical Assistance

RECOMMENDATION AND JUSTIFICATION: Adopt a Resolution for funding from the USDA for Technical Assistance.

BACKGROUND AND HISTORY OF BOARD ACTIONS: Following a fire that occurred on May 11, 2012, ravaging one block in the downtown business district of Mariposa that consumed business structures and its contents, the United States Department of Agriculture (USDA) contacted the County of Mariposa offering technical assistance to affected businesses along with other Mariposa County businesses. Technical assistance will include but not be limited to development of market research, legal and compliance, financial management, marketing strategies and competitive analysis, human resources and employee relations, credit, and preparation of a loan application. While USDA does not have funding for loans, the Office of Economic Development has in place both Microenterprise and Business Assistance loans. Eligible Microenterprise loan applicants can apply up to $50,000 with a fixed interest rate up to 3 percent; and, eligible Business Assistance applicants can apply up to $250,000 with a fixed interest rate up to 5 percent subject to a job component requirement. In addition, it is anticipated that loans will also be available from the Small Business Administration. The most notable component of Technical Assistance is that businesses will receive comprehensive training on completing the loan application and required documents.

Typically, the Office of Economic Development prepares a grant application along with a resolution and submits the document to the Board of Supervisors for approval prior to submission to the funding agency. However, due to the closure of the grant application process, the USDA has reopened the process only to Mariposa County with the stipulation that the County's Office of Economic Development submit a complete grant application package in three working days. With that said, staff is requesting adoption of a resolution for funding for technical assistance, which is required to be inserted into the application upon submission to them. Following submittal of the complete application to USDA, staff will return to the Board of Supervisors providing a copy of the full application.
Resolution - Action Requested 2012-271

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

FISCAL IMPACT:
Requesting $50,000 for technical assistance; however, funding is subject to approval and availability of funds.

CAO RECOMMENDATION

RESULT: ADOPTED AS AMENDED [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Lee Stetson, District I Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

JANET BIBBY, CHAIR
LYLE TURPIN, VICE-CHAIR
LEE STETSON
KEVIN CANN
JIM ALLEN

DISTRICT I
DISTRICT II
DISTRICT III
DISTRICT IV
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: RICHARD J. BENSON, CAO
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Administration/Economic Development RES-2012-271
Adopt a Resolution for Funding from the United States Department of Agriculture (USDA) for Technical Assistance

RES. 12-271

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on May 22, 2012

ACTION AND VOTE:

Administration/Economic Development RES-2012-271
Adopt a Resolution for Funding from the United States Department of Agriculture (USDA) for Technical Assistance
Discussion was held with Rick Benson relative to this matter. County Counsel recommended that the action be to authorize the Mariposa County Office of Economic Development to apply for funding from the USDA, and that the formal resolution be subject to clerical corrections by the County Administrative Officer and County Counsel. (M)Cann, (S)Stetson, Res. 12-271 was adopted approving the recommended action as stated by County Counsel/Ayes: Unanimous.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor
SECONDER: Lee Stetson, District I Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen

Cc: Marilyn Lidyooff, Business Development Coordinator

File
MARIPOSA COUNTY RESOLUTION NO. 12-\textsuperscript{271}

ADOPT A RESOLUTION AUTHORIZING THE MARIPOSA COUNTY OFFICE OF ECONOMIC DEVELOPMENT TO APPLY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) FOR TECHNICAL ASSISTANCE

WHEREAS, on May 11, 2012, a fire ravaged one block in the downtown business district of Mariposa;

WHEREAS, the United States Department of Agriculture (USDA) may have up to $50,000 available for Technical Assistance, upon adoption of a resolution by the Mariposa County Board of Supervisors. Technical Assistance includes but is not limited to development of market research, legal and compliance, financial management, marketing strategies and competitive analysis, human resources and employee relations, credit and preparation of a loan application;

WHEREAS, the Mariposa County Office of Economic Development will complete a full application to USDA carry out technical assistance training to businesses affected by the fire along with other County-wide businesses in need of such services;

NOW, THEREFORE BE IT RESOLVED, that the Mariposa County Board of Supervisors, a political subdivision of the State of California, does hereby authorize the Mariposa County Office of Economic Development to apply for Technical Assistance and submit a subsequent full grant application to USDA.

PASSED AND ADOPTED this 22nd day of May, 2012, by the following vote:

AYES: STETSON, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSTAINED: NONE
EXCUSED: NONE

Janet Bibby, Chair

ATTEST: 

Margie Williams, Clerk of the Board

APPROVED AS TO FORM:

Steven W. Dahlem, County Counsel
GOVERNMENT CODE

Any alleged Brown Act violation in public utility district's alleged "private meetings" to decide whether to hold tax sale of real property of one of the members of district's board of directors did not invalidate district's resolution approving the tax sale, where the board member was not prejudiced in any way by the alleged violation; in light of the long history of the assessment dispute and litigation, both parties were well aware of the other side's position and arguments. Gabriso v. Oroso Public Utilities Dist. (App. 5 Dist. 2010) 107 Cal. Rptr. 3d 36, 182 Cal.App. 4th 652, review denied. Municipal Corporations 92

Review
Kaye v. Board of Trustees of San Diego County Public Law Library (App. 4 Dist. 2000) 101 Cal. Rptr. 3d 460, 179 Cal.App. 4th 45, rehearing denied, review denied.

§ 54954. Time and place of regular meetings; special meetings; emergencies

Notes of Decisions

4. Facility inspections
A majority of the members of a city council may attend a tour of the extraterritorial water-district facilities if the tour is held as a noticed and public meeting of the council for the purpose of inspecting the facilities and the topics raised and discussed at the meeting are limited to items directly related to the facilities being inspected. Op. Atty. Gen. 10-762 (August 26, 2011), 2011 WL 3863022.

§ 54954.2. Agenda; posting; action on other matters; posting on Internet Web site

(a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally shall not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 201 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the

Additions or changes indicated by underline; deletions by asterisks. **
need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article 1 of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency’s Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.


Historical and Statutory Notes

2011 Legislation

For legislative findings and declarations, severability, and cost reimbursement provisions, and letter of intent relating to Stats.2011, c. 692 (A.B.1344), see Historical and Statutory Notes under Elections Code § 9256.

Research References

CA Jur. 3d Schools § 149, Meetings.
CA Jur. 3d Zoning and Other Land Controls § 374, New Fees and Increases.

Forms

West’s California Code Forms, Government § 54954.5 Form 1, Closed Session Item Descriptions.

Treatises and Practice Aids

9 Witkin Cal. Proc. 5th Administrative Proceedings § 26, (S 26) in General.

Notes of Decisions

3. Posting period
Weekend hours may be counted as part of the 72-hour period for the posting of an agenda prior to the regular meeting of the legislative body of a local agency. 78 Op.Atty.Gen. 327, November 14, 1966.

§ 54954.6. New or increased taxes or assessments; public meetings and public hearings; joint notice requirements

(a) Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which

Additions or changes indicated by underline; deletions by asterisks * * *
MEETING: May 22, 2012
TO: The Board of Supervisors
FROM: Rick Benson, County Administrative Officer
RE: Waive Rules Requiring 72 Hours Agenda Noticing - USDA Funding

RECOMMENDATION AND JUSTIFICATION:
Waive the rules requiring 72 hours agenda noticing to consider a request to adopt a resolution for funding from the United States Department of Agriculture (USDA) for technical assistance and subsequent full grant application to the USDA, finding that this is a matter of urgency and the matter was not known about at the time the agenda for May 22, 2012, was prepared.

Following the May 11, 2012, 5th Street fire that destroyed several business structures and their contents, the USDA contacted the County and offered assistance, with the stipulation that the County’s Office of Economic Development submit a complete grant application package in three working days.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has responded favorably to emergency requests in the past.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
The technical assistance would not be available to the businesses.

CAO RECOMMENDATION

RESULT: ADOPTED AS AMENDED [UNANIMOUS]
MOVER: Lee Stetson, District I Supervisor
SECONDER: Jim Allen, District V Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: RICHARD J. BENSON, CAO

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Waive the Rules Requiring 72 Hours Agenda Noticing to Consider a Request to Adopt a Resolution for Funding from the United States Department of Agriculture (USDA) for Technical Assistance and Subsequent Full Grant Application to the USDA

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on May 22, 2012

ACTION AND VOTE:

Administration (ID # 1429)
Waive the Rules Requiring 72 Hours Agenda Noticing to Consider a Request to Adopt a Resolution for Funding from the United States Department of Agriculture (USDA) for Technical Assistance and Subsequent Full Grant Application to the USDA

Rick Benson presented the request to add the USDA funding for technical assistance for the businesses destroyed in the 5th Street fire to the agenda, advising that this matter was not known about at the time the agenda was prepared and action is necessary prior to the next meeting. County Counsel provided input on the allowance in the Brown Act for this special action based on finding that the matter came to attention after the agenda was posted, requires immediate action, and that a 4/5ths vote is required.

Input from the public was provided by the following:
Eleanor Keuning stated she supports adding this item to the agenda.

(M)Stetson, (S)Allen, the Board finds, that under the Government Code, this matter came to attention after the posting of the agenda and there is a need for immediate action, and the matter was added to the agenda/Ayes: Unanimous.

Chair Bibby advised that this matter will be considered later in the meeting.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor
SECONDER: Jim Allen, District V Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen

Cc: Marilyn Lidyoff, Business Development Coordinatior
    Bill Davis, Auditor
    File