



MARIPOSA COUNTY

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KEVIN CANN, CHAIR
MERLIN JONES, VICE-CHAIR
LEE STETSON
JANET BIBBY
JOHN CARRIER

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

January 7, 2014

A. Call to Order and Roll Call

9:02 AM The meeting was called to order at the Mariposa County Government Center.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Excused	
Merlin Jones	District II Supervisor	Present	9:02 AM
Janet Bibby	District III Supervisor	Present	9:02 AM
Kevin Cann	District IV Supervisor	Present	9:02 AM
John Carrier	District V Supervisor	Present	9:02 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Jones followed by a moment of silence for all of our Armed Forces across the world.

C. Introductions

None.

D. Selection of Chair and Vice-Chair

- Clerk of the Board of Supervisors RES-2014-2**
Selection of the Board of Supervisors Chair for 2014

No public comment.

Kevin Cann was selected as the Board Chair for 2014.

RESULT: ADOPTED [3 TO 0]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Janet Bibby, District III Supervisor
AYES: Merlin Jones, Janet Bibby, John Carrier
ABSTAIN: Kevin Cann
EXCUSED: Lee Stetson

2. **Clerk of the Board of Supervisors RES-2014-3**
Selection of the Board of Supervisors Vice-Chair for 2014

No public comment.
Merlin Jones was selected as the Board Vice-Chair for 2014.

RESULT: ADOPTED [4 TO 0]
MOVER: John Carrier, District V Supervisor
SECONDER: Janet Bibby, District III Supervisor
AYES: Merlin Jones, Janet Bibby, Kevin Cann, John Carrier
EXCUSED: Lee Stetson

E. Presentation of Gavel Plaque

1. **Clerk of the Board of Supervisors (ID # 3073)**
Presentation of the Gavel Plaque to Supervisor Stetson for Serving as the 2013 Board of Supervisors Chair (Board Chair)
RESULT: TABLED Next: 1/14/2014 9:00 AM

F. Approval of Consent Agenda (Items designated by "CA")

***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.*

Supervisor Cann discussed CA6, noting that he would prefer for the Clerk to take a visual roll and announce it. Supervisors Bibby and Jones noted no preference. Direction was given that, beginning with the January 14, 2014 meeting, the Clerk will take roll by observing those in attendance, announcing it for the record, and announcing whether or not there is a quorum.

Supervisor Jones required clarification of CA4 whether it would be appropriate, upon the appointment of the current Deputy Fire Chief to Interim Fire Chief, for the CAO to stand in as Interim Deputy Fire Chief. Rick Benson/County Administrative Officer responded that he believes he would be the default. Board discussion ensued regarding the matter. Steven W. Dahlem/County Counsel advised that there may be procedures in place and advised direction be given to staff to check into the matter. The Board concurred.

Chair Cann discussed CA7, noting that the procedure for Minutes approval will

change starting next week. He also thanked Les James for agreeing to serve on the Historic Sites and Records Commission (CA14.)

Regarding CA13, Supervisor Bibby discussed the increase in the total contract amount, as well as the timeline presented, and inquired as to the reason for the change. John Lawless/Interim Human Services Director responded by noting that: a draft System Improvement Plan (SIP) for Child Welfare Services is due by the end of January; the SIP Committee has made recommendations that are beyond what was originally proposed; this increase is to allow them to put those recommendations in place; the State will review the plan and may place other parameters on it as well. He also noted that they are not out of money but want to make sure that they have enough to complete the project should it end up requiring more; and anything not used would go back into Social Services. Supervisor Bibby inquired if the time will be tracked, and if the individual is still working within their original scope. Mr. Lawless responded affirmatively to both. Supervisor Bibby also requested confirmation that the entirety of requested funds is for SIP services, and not due to the employee working on something else. Mr. Lawless confirmed that understanding. Supervisor Carrier noted that the contractor is a retiree from another county and inquired if this contract violates any PERS rules. Mr. Lawless responded that he will need to research that question.

RESULT: ADOPTED [4 TO 0]

MOVER: Janet Bibby, District III Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Merlin Jones, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Lee Stetson

CA1. Administration RES-2014-4

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2014-5

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Administration RES-2014-6

Extend the Existing Hiring Moratorium through September 30, 2014

CA4. Administration RES-2014-7

Appoint Jim Middleton as Interim Fire Chief Effective January 1, 2014

CA5. Auditor (ID # 3164)

Submission of Auditor's 4th Quarter Review and Audit Report dated December 18, 2013

CA6. Clerk of the Board of Supervisors (ID # 3179)

Implementation of Procedural Change for Meeting Roll Call

CA7. Clerk of the Board of Supervisors (ID # 3180)

Implementation of Procedural Change for Approval of Minutes

CA8. County Counsel RES-2014-8

Authorize County Counsel to Retain Colantuono & Levin, PC, and Authorize the Board of Supervisors Chair to Sign a Legal Service Agreement with Colantuono & Levin, PC to Represent the County of Mariposa in the Case of William Davis, et al v. Mariposa County Board of Supervisors, et al.

CA9. Health RES-2014-9

Approve the Certification for Funding Under Health and Safety Code 123945 for the State-Mandated Children's Medical Services (CMS) Program and Authorize the County Health Officer to Sign the Certification of Funding

CA10. Health RES-2014-10

Approve an Amended Agreement with First 5 of Mariposa for the Health Department's Child Dental Health Program, and Authorize the Board of Supervisors Chair to Sign Agreement

CA11. Human Services RES-2014-11

Mariposa County Local Child Care Planning Council Membership Certification

CA12. Human Services RES-2014-12

Permission to Recruit and Fill an Eligibility Worker I/II Position

CA13. Human Services/Social Services RES-2014-13

Approve the First Amendment to an Agreement with Edna Terrell Increasing the Not-To-Exceed Amount by \$27,500 to Provide Consulting Services for Mariposa County Human Services, and Authorize the Board of Supervisors Chair to Sign the Amendment; Approve Budget Action Transferring Funds Within the Social Services Budget to Fund the Amendment (\$27,500)

CA14. Planning 2014-1

Appoint Les James as a Voting Member Representing the American Indian Community of Mariposa County on the Historic Sites & Records Preservation Commission

CA15. Public Works RES-2014-14

Accept the Oak Grove Road Project as Complete, and Authorize the Public Works Director to Record the Notice of Completion and Release the Retention

G. Board Recognitions

1. Board of Supervisors RES-2014-1

Resolution and Tile Plaque Recognizing Nadine Wight, Upon Her Retirement as Accounting Technician III (Board Chair)

Supervisor Bibby extended thanks and kudos to Ms. Wight for all of her service, enthusiasm, and work ethic.

Public comment opened.

Keith Williams/Mariposa County Treasurer-Tax Collector-County Clerk commended Ms. Wight for her extraordinary efforts to help the public catch up on delinquent taxes, and her high level of public service.

Public comment closed.

Supervisor Jones complimented Ms. Wight for all of her work in resolving default tax issues.

Chair Cann presented the Resolution and Tile Plaque to Ms. Wight.

RESULT: ADOPTED [4-0]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Merlin Jones, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Lee Stetson

Recess

9:26 AM Chair Cann recessed the meeting.

9:33 AM Chair Cann reconvened the meeting.

H. Minutes Approval

1. Tuesday, December 10, 2013

No public input.

Supervisor Bibby noted that the Minutes were correct but that she wished to clarify her comments located in the Board Information on agenda packet page 69. She referenced language that reads, "She also discussed that with the swapping of 'similar' land as permitted in the General Plan, one could have mining on AE land"; noted that the County's current policy allows land swaps; discussed that her concern is not only regarding mining on Ag Exclusive, but that if land was swapped from residential to AE then you have a piece of property that could have mining activities as well as other agriculture activities; and noted that the goal of a General Plan is that it lets everyone know what to expect. She concluded that her concerns regard residential as well as Ag Exclusive.

The Minutes of December 10, 2013, were approved as presented.

Jones (M); Bibby (S); Approved (4-0); Stetson excused.

2. Tuesday, December 17, 2013

The Minutes of December 17, 2013, were approved as presented.

Bibby (M); Carrier (S); Approved (4-0); Stetson excused.

I. Departmental Presentation

For Items within the Jurisdiction of the Board of Supervisors and not on Today's Agenda

None.

J. Public Comment on Non-Agenda Items

For Items within the Jurisdiction of the Board of Supervisors and not on Today's Agenda (Speakers Limited to Five Minutes)

Kathy McCorry/Executive Director of the Mariposa County Chamber of Commerce and Visitor Centers reported the visitor stats for December. She also advised that: the first Mariposa Kiosk will be going in this afternoon at Yosemite Gifts; the first Network at Night (revised Meet and Greet) will be tonight from 5:30

PM to 7:00 PM at the Miners Roadhouse; and the Chamber Board meeting will be Thursday at 5:30 PM here in the Chambers. She also advised that the Chamber Installation Dinner will be held on January 23rd, at which time they will present awards for the Businessman of the Year to Dave Gerken, Businesswoman of the Year to Marilyn Saunders, Business of the Year to Pizza Factory, Volunteers of the Year to Mariposa County Volunteer Fire Department, and Chamber Champion to Joy Schultz. She also noted that they will be hosting a Supply Party for local schools on February 20th, with the tentative location being the Masonic Lodge.

Wendy Brown noted that she is a member of Defend Rural America, and that they are still working on the Endangered Species Act and gathering more information; and reported that there are going to be two public meetings regarding the Yellow Legged Frog and Yosemite Toad, one tomorrow in Mono County and one in Fresno on the 13th. She also discussed her research that such designations will affect private property; and noted that February 24th is the extended comment period for the yellow billed cuckoo; noted that these designations are not going away; and urged development of a county resolution that would permanently protect against future designations.

Evie Wilson discussed the Centers for Biological Diversity Action Plan for 2014, noting that this plan calls for: more planned designations; expanded fight against global warming noting that she, personally, feels that climate change is normal and not due to human activities; reintroducing wolves and grizzlies throughout the west, including the Sierra Nevada; and promoting vegetarianism. She concluded by urging people to research Agenda 21 and the Wildlands Project by Dave Foreman.

1. Clerk of the Board of Supervisors (ID # 3198)

Handouts from the Public Comment on Non-Agenda Items Portion of the January 7, 2014 Meeting

RESULT: INFORMATION RECEIVED

K. Board Information

Supervisor Jones discussed the lack of precipitation and its effects, and advised that he will be attending the SWIFT meeting tomorrow and knows that the report is not going to be good. He thanked the community for their thoughts and prayers during a recent family emergency, with special thanks extended to Deputy Lance Ferguson. Supervisor Jones noted some of the past year's accomplishments including: hiring an HR Director; hiring a grant writer; no furloughs even with the Federal Government Shutdown; surviving the Carstens and Rim fires; and a reduction in the unfunded liability. He also thanked the office staff and department heads for their assistance throughout the year, and discussed: potential revenue generators; departments continuing to work together; cost control of projects; the MID litigation; and the need to pass on expenses for service districts in a timely fashion.

Supervisor Carrier advised the public to exercise care when disposing of their fireplace ashes as everything is so dry, and he reminded everyone to be very water conscious. He reported: attending the Grizzly Band performance on December 17th; his attendance at the Mountain Valley EMS Directors meeting on December 18th; participating in a December 19th meeting at the Airport regarding the transition of its management from KMPI to the County; attending the December 20th Planning Commission meeting; and being in Madera County on January 2nd to help their Human Resource Department with a project. Supervisor Carrier advised that he will

be attending: the Chamber Network meeting tonight if time allows; the Airport meeting Wednesday evening; the January 9th Yosemite Gateway Partners meeting in Yosemite; and the Historic Sites meeting on Monday, with a YARTS JPA meeting later that day in Merced. He also advised of the following upcoming community events: the Chamber of Commerce's Installation Dinner on January 23rd; the Lions Club Annual Crab feast on February 1st at the Fairgrounds; and the annual 4-H breakfast on February 2nd also to be located at the Fairgrounds. He also noted fielding some calls regarding the landfill being closed for the holiday and discussed that they will soon have available an operational calendar for 2014 which will note all closure dates.

Supervisor Bibby noted that Robert Moler, with Sacramento Fish and Wildlife, has explained that they can't have the public meetings in every jurisdiction due to resources, but that he has offered to attend a regular Board of Supervisors meeting; and advised that she will not be able to attend the meeting in Fresno due to scheduling conflicts. She offered to interface with Mr. Moler, if the Board is interested. She then discussed the Farm Services Administration, and the current effects of the drought. Supervisor Bibby advised that she will be participating in the Central Sierra Broadband Steering Committee meeting by phone tomorrow; attending the Mental Health Board Stakeholders meeting in this room on January 9th at Noon; and attending a First 5 committee meeting on Monday. She also noted that there are still vacancies on the Mental Health Governing Board and that they are looking for Community Action Representatives; and Mother Lode Job Training is desperately looking for a private sector representative in order to maintain the office.

Supervisor Cann reported driving to Oregon over the holidays and discussed the dry condition of the terrain. He also reported: fielding numerous calls regarding the Fire Chief hiring process; a December 19th meeting with a potential investor/developer regarding the Senior Assisted Living Facility concept; attending the ribbon cutting at the Mariposa Marketplace on December 19th; and meeting with the Chamber of Commerce Director. Supervisor Cann advised that he will be attending: a meeting on Wednesday with a group regarding a potential youth work and skills training program; and the Mariposa County Business Association meeting at 8:15 AM on Thursday at the Miner's Roadhouse, followed by the Gateway Partners meeting in Yosemite later that day. He also reported signing an electronic letter to Congress last night, requested by NACO with a short turnaround time, regarding the Payment In Lieu of Taxes (PILT) for Federal lands which has not yet been approved.

L. LOCAL TRANSPORTATION COMMISSION

(Chair - Commissioner Lee Stetson, Vice-Chair - Commissioner Merlin Jones)

Public Comment Period

*For Items within the Jurisdiction of the **Local Transportation Commission** and not on Today's Agenda (Speakers Limited to Five Minutes)*

None.

LTC Regular Agenda

1. Clerk of the Board of Supervisors LTC-2014-1

Selection of Local Transportation Commission Chair

Lee Stetson was selected as the Local Transportation Commission Chair for 2014.

RESULT: ADOPTED [4 TO 0]

MOVER: John Carrier, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Merlin Jones, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Lee Stetson

2. Clerk of the Board of Supervisors LTC-2014-2

Selection of Local Transportation Commission Vice-Chair

No public input.

Merlin Jones was selected as the Local Transportation Commission Vice-Chair for 2014.

RESULT: ADOPTED [4 TO 0]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Merlin Jones, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Lee Stetson

10:17 AM LTC Adjourned

M. WATER AGENCY BOARD

(Chair - Commissioner Cann, Vice-Chair - Commissioner Carrier)

Public Comment Period

*For Items within the Jurisdiction of the **Water Agency Board** and not on Today's Agenda
(Speakers Limited to Five Minutes)*

None.

Water Agency Regular Agenda

1. Clerk of the Board of Supervisors (ID # 3080)

Selection of Water Agency Board Chair

Kevin Cann was selected as the Water Agency Board Chair for 2014.

RESULT: ADOPTED [4 TO 0]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Merlin Jones, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Lee Stetson

2. Clerk of the Board of Supervisors (ID # 3081)

Selection of Water Agency Board Vice-Chair

No public input.

John Carrier was selected as the Water Agency Board Vice-Chair for 2014.

RESULT: ADOPTED [4 TO 0]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Merlin Jones, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Lee Stetson

10:19 AM Water Agency Board Adjourned

N. Reconvene as Board of Supervisors

O. Regular Agenda Items

1. Public Works (ID # 3127)

Discussion and Possible Direction Regarding Hiring an Outside Auditor to Address Yosemite West Financial History

Chair Cann announced that the Board has received one written communication and that copies are available for the public on the back table.

Peter Rei/Public Works Director made the staff presentation. CAO expounded on his research into such an audit; and noted that he spoke with Supervisor Stetson this morning who feels that this is not the best use for this money.

Supervisor Carrier required clarification regarding the funding of the audit, its scope, and whether it will include a review of past fees paid and whether they were sufficient to maintain a level of maintenance and service that would have been necessary to operate the plant at an acceptable range. CAO responded that the latter was not discussed with the potential reviewer, and that he was focusing on where the money came from, has gone, and whether it has been spent properly. Mr. Rei noted that the issues that continually surface are: what were loans; what were grants; and who owes what to whom. Supervisor Carrier noted that after researching the matter, he doesn't think any money was misappropriated; feels that nothing will satisfy everyone; thinks that there will always be doubt without an audit; and feels the issue needs to have an independent review in order to allow us to move beyond it.

Supervisor Bibby required clarification that Yosemite West residents know that the cost could be as high as \$15,000 and that it will come out of their repair monies. Mr. Rei noted that it was the consensus of the committee to undertake such an audit. Discussion ensued between Supervisor Bibby and Mr. Rei regarding the potential benefits of spending the money on an assessment of the current facilities. Mr. Rei noted that he is in favor of anything that gets us past the issue.

Supervisor Jones noted that he feels this needs to come to a conclusion; noted that he is in favor of this audit, but would not be in favor of another one down the line.

Supervisor Cann discussed that the bond language seriously confuses this issue; and expects that an audit will come back with the same conclusions, but wants to have finality with this issue one way or another.

Supervisor Carrier required clarification as to whether each house is metered. Mr. Rei responded affirmatively. Supervisor Carrier noted his agreement with undertaking an audit in order to grant finality to the issue.

Supervisor Bibby noted to the audience that they can let the Board know if they need more time. There was no response from the audience.

Chair Cann noted that since Supervisor Stetson is not here, common practice would

be to delay this a week but that he does not want to do that given the distance the residents must come to address the matter.

Public comment opened.

Barry Turner spoke in favor of the audit; provided handouts of documents to the Board and discussed same; noted that the audit is important to him; and discussed fears that the residents had 13 years ago regarding needing to fund repairs later.

Robert Kroon spoke in favor of the audit; discussed the wastewater treatment plant; noted that some people rent out two people per bedroom per house, and some put 20 or 30 in a house; and noted that if a comparison of water consumption to number of toilets is done, that it might be interesting to also compare against the number of bedrooms.

John Mock noted that at a previous meeting investigation was going to be made into the availability of grand jury budget money, and inquired about same; noted that he is concerned with the scope of the audit, feels that the real contention is the determination of the fund expenditures, about restrictions on those fund expenditures in relation to representations that were made by the County to the community at the time of the ballot measure, and whether the County's subsequent actions, and decisions by the Board of Supervisors, are in conformity and compliance with those representations. He noted that he feels that if an audit looks only at the fiscal questions, it will come up with the same answers but that the real matter is whether those fund expenditures were in compliance with any restrictions that were implicit in the ballot assessment. He also discussed language in the Engineer's Report, and noted that if the audit doesn't have the ability to make a determination regarding the propriety of fund expenditures, then the audit will never get down to the bottom of this question. He also noted and discussed other questions regarding the Reserve Capacity EDU, and the grant from the EPA to pay for repairs to the collection system.

Public comment closed.

Chair Cann inquired of CAO if a determination has been made regarding whether the Grand Jury money is available for the audit. CAO responded that it is not available. Chair Cann noted that any audit will focus on the fiscal aspect, but must also look at the constraints placed on the funds in order to determine their appropriateness.

CAO discussed that, based on his conversations with the potential reviewer, he feels the audit would include the appropriateness of the expenditures.

Supervisor Jones noted that an audit would be based on documentation, not on oral histories.

Supervisor Bibby remarked on the Minutes presented by Mr. Turner noting that, if it is being interpreted that those Minutes show forgiveness of any money, you never see direction provided in that fashion; rather, a formal action would subsequently have been taken. She also noted that no one can ever guarantee that anything will ever work forever; and noted that the Board relies on consultants and experts.

Chair Cann polled the Board as to their desire on the matter. Supervisors Jones, Carrier, and Cann noted favor for an audit. Supervisor Bibby required clarification that a formal contract would come back before the Board. Mr. Rei affirmed.

Supervisor Carrier suggested that once Public Works starts developing the scope of the review, that they share it with the subcommittee so that it can be vetted out before being brought back to the Board. Mr. Rei agreed.

RESULT: DIRECTION GIVEN

2. Administration RES-2014-15

Set the Board's Meeting Schedule for 2014

Rick Benson made the staff presentation, noting an unusual situation in November due to Election Day on the 4th, Veterans Day on the 11th, and Thanksgiving on the 27th.

He recommended no meeting the week of November 4th as Elections staff use the Chambers; and holding a meeting on Wednesday, November 12th. Supervisor Bibby required clarification regarding the use of the Chambers by Elections staff. The Board concurred with CAO's recommendation, and Chair Cann noted that the November 25th meeting directly preceding Thanksgiving can remain scheduled and the Board can make a decision in that regard when the date approaches. Mr. Benson then inquired about July 1st due to its proximity to the 4th of July. Discussion ensued, followed by concurrence by the Board with cancelling the July 1st meeting. CAO recommended cancellation of the December 23rd meeting due to its proximity to Christmas. Board discussion ensued and it was decided that the meeting of December 23rd should be cancelled. CAO requested Board direction regarding September 2nd because of its proximity to the Fair. Discussion ensued and the Board concurred with cancelling the September 2nd meeting.

No public input.

Action was taken to adopt the proposed Board calendar, with the meetings of July 1st, September 2nd, and December 23rd cancelled; and a meeting scheduled for Wednesday, November 12th.

RESULT: ADOPTED [4 TO 0]

MOVER: John Carrier, District V Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Merlin Jones, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Lee Stetson

Recess

11:16 AM Chair Cann recessed the meeting.

11:27 AM Chair Cann reconvened the meeting.

3. Clerk of the Board of Supervisors 2014-2

Select the Rural County Representatives of California (RCRC) Director and Alternate(s) for 2014

No public input.

Board discussion regarding the benefits of members maintaining the same positions.

Action was taken to name Kevin Cann as the RCRC Director for 2014.

Jones (M); Carrier (S); Approved 4-0; Stetson excused.

Board discussion regarding the first alternate.

Action was taken to name Lee Stetson as the first alternate.

Bibby (M); Jones (S); Approved 4-0; Stetson excused.

Action was taken to name the remaining Board members as alternates.

Bibby (M); Carrier (S); Approved 4-0; Stetson excused.

RESULT: ADOPTED [4 TO 0]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Merlin Jones, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Lee Stetson

4. Clerk of the Board of Supervisors 2014-3

Appointment of Board Members as Contact Area Liaisons

No public input.

The Board reappointed the following Contact Area Liaisons:

Yosemite Gateway Partners:

Supervisors Stetson and Carrier

High Speed Rail Authority:

Supervisor Stetson

Yosemite National Park Service issues:

Supervisors Stetson and Carrier

Ferguson Rockslide liaison:

Supervisors Stetson and Cann, with the County Administrative Officer as the lead contact person

RESULT: ADOPTED [4 TO 0]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Merlin Jones, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Lee Stetson

5. Clerk of the Board of Supervisors 2014-4

Review and Provide Direction Relative to Board Member Liaison Policy Areas, and Selection of Board Member Representation

Board discussion. There was no desire expressed to change contact areas, or the two member representation.

No public input.

Action was taken to reappoint the representatives as follows:

BOARD LIAISON - DEVELOPMENTAL SERVICES: SUPERVISORS STETSON and JONES

BOARD LIAISON - FISCAL & EDUCATIONAL SERVICES: SUPERVISORS BIBBY and CARRIER

BOARD LIAISON - GEN. GOVERNMENT: SUPERVISORS BIBBY and JONES

BOARD LIAISON - HEALTH AND HUMAN SERVICES: SUPERVISORS STETSON and BIBBY

BOARD LIAISON - JUSTICE SYSTEM SERVICES: SUPERVISORS STETSON and CARRIER

BOARD LIAISON - WATER and INFRASTRUCTURE: SUPERVISORS JONES and CANN

RESULT: ADOPTED [4 TO 0]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Merlin Jones, Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Lee Stetson

6. Clerk of the Board of Supervisors RES-2014-16

Selection of Board Member Representation on Agencies

No public input.

Chair Cann inquired if there are any suggested changes to the representation. Supervisor Bibby pointed out that the Board has already made designations for First 5 and Mental Health Governing Board.

Supervisor Jones noted that Supervisor Carrier has expressed an interest in Yosemite/Sequoia Resource Conservation, and Supervisor Jones is amenable to the substitution.

The Board decided on the following representation for 2014:

Area Agency on Aging/PSA 12

Representative - Supervisor Carrier

Alternate - Supervisor Stetson

California State Association of Counties (CSAC)

Director - Supervisor Carrier

Alternates - Supervisors Jones, Bibby, Cann, and Stetson

Central Sierra Connect (CSC) Policy and Technical Committees

Representative - Supervisor Bibby

Alternate - Supervisor Stetson

Staff - Rick Peresan, Technical Services Director

Central Sierra Economic Development District Committee (CSEDD)

Representative - Supervisor Cann

Alternate - Supervisor Jones

Citizen Member - Roger Biery

Alternate Citizen Member - Karen Smith

CSAC Excess Insurance Authority/(EIA) Liability Insurance

Representative - County Administrative Officer

Alternate - Deputy County Administrative Officer

Calaveras-Mariposa Community Action Agency

Representative - Supervisor Jones; Alternate - Supervisor Stetson

Representative - Supervisor Bibby; Alternate - Supervisor Cann

County Medical Services Program (CMSP)

Representative - Supervisor Carrier

Alternate - Supervisor Bibby

Foreign Trade Zone Advisory

Member - Supervisor Bibby

Job Connection Mariposa Governing Board (Mother Lode Job Training)

Representative - Supervisor Bibby

Alternate - Supervisor Stetson

Joint Powers Authority of the Central Sierra Economic Development District (CSEDD)

Representative - Supervisor Cann

Alternate - Supervisor Jones

Mountain Counties Air Basin

Representative - Supervisor Jones

Alternate - Supervisor Cann

Mountain Valley Emergency Medical Services Agency and Regional Advisory Board

Representative - Supervisor Carrier

Elected Alternate - Supervisor Bibby

Alternate/Chairman of EMCC

National Association of Counties (NACO)

Representative - Supervisor Cann

Alternates - Supervisors Bibby, Jones, Stetson and Carrier

Regional Council of Rural Counties (RCRC)

Representative - Supervisor Cann; First Alternate - Supervisor Stetson

Remaining Alternates - Supervisors Bibby, Carrier and Jones

RCRC - Environmental Services JPA's for Solid Waste

Representative - Supervisor Cann

Alternate - Public Works Director

San Joaquin Valley Rail Committee

Representatives - Supervisor Stetson; Alternate - Supervisor Carrier

San Joaquin Valley Regional Association of California Counties

Representative - Supervisor Carrier

Sierra Nevada Conservancy

Representative to the Sub-region for Mariposa - Supervisor Cann

Alternate - Supervisor Stetson

Yosemite Area Regional Transportation System (YARTS) JPA

Representative - Supervisor Stetson

Second Board Representative - Supervisor Carrier

Alternate - Candy O'Donel-Browne

Yosemite/Sequoia Resource Conservation and Development Area

Representative - Supervisor Carrier

Alternate - Supervisors Stetson, Jones, Bibby, Cann

RESULT: ADOPTED [4 TO 0]**MOVER:** Janet Bibby, District III Supervisor**SECONDER:** John Carrier, District V Supervisor**AYES:** Merlin Jones, Janet Bibby, Kevin Cann, John Carrier**EXCUSED:** Lee Stetson**P. Items removed from Consent Agenda**

None.

Q. 11:41 PM Recess for Lunch**R. 2:00 PM Reconvene****1. Building RES-2014-17****Approve an Increase in Extra-Help Hours From 999 hours to 1,130 Hours for the Office Assistant II Position to Provide Front Counter Assistance Until a Permanent Part-Time Development Services Technician (D.S.T.) is Hired**

The staff presentation was made by Mike Kinslow/Building Director, with Debra Willis/Senior Development Services Technician on hand to provide assistance.

The Board required clarification regarding the employee's current number of hours, the recruitment process, whether there is a current list on file, whether the County could authorize more than 1130 hours if necessary, and whether 1130 hours will be sufficient. Responses were provided by Ms. Willis, Mr. Kinslow, and Tessa Pritchard/Human Resources Director - Risk Manager.

No public input.

RESULT: ADOPTED [4 TO 0]**MOVER:** Merlin Jones, District II Supervisor**SECONDER:** Janet Bibby, District III Supervisor**AYES:** Merlin Jones, Janet Bibby, Kevin Cann, John Carrier**EXCUSED:** Lee Stetson**2. Building (ID # 3090)**

PUBLIC HEARING to Approve a New Fee Schedule Increasing Fees for the Building Department Effective March 11, 2014

The staff presentation was made by Mike Kinslow, with Debra Willis in attendance for assistance.

The Board sought clarification regarding the fee structure, and how fees are calculated. After discussion, the Board continued the matter to January 21, 2014 at 2:00 PM to allow the Building Department to better clarify the matter.

RESULT: CONTINUED Next: 1/21/2014 2:00 PM

S. Closed Session

Chair Cann announced the four Closed Session items.

Supervisor Carrier recused himself from S.1.

No public comment on any closed session item.

1. **Human Resources/Risk Management (ID # 3122)**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard Bolanos

This closed session item was held at 3:47 PM, and reported out at 5:38 PM.

RESULT: CLOSED SESSION HELD

2. **Human Resources/Risk Management (ID # 3125)**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard C. Bolanos

This closed session item was held at 3:31 PM, and reported out at 5:38 PM.

RESULT: CLOSED SESSION HELD

3. **Human Resources/Risk Management (ID # 3161)**

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B)(1)); Fire Chief/Emergency Planning Coordinator Recruitment

This closed session item was held at 3:53 PM, and reported out at 5:38 PM.

RESULT: CLOSED SESSION HELD

4. **County Counsel (ID # 3176)**

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation; William E. Davis, et al v. Board of Supervisors of County of Mariposa; Mariposa Superior Court Case No. 10429

This closed session item was held at 3:00 PM, and reported out at 5:38 PM.

RESULT: CLOSED SESSION HELD

T. Report Out

5:38 PM Chair Cann reported that Information was Received and Direction was Given in all four closed sessions.

U. Adjournment

5:39 PM The meeting was adjourned in memory of Cornelia Howard, William Brooks, Sr., Michael Axelrod, Robert Ashworth, and Shirley Foster.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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KEVIN CANN, CHAIR
MERLIN JONES, VICE-CHAIR
LEE STETSON
JANET BIBBY
JOHN CARRIER

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

January 14, 2014

A. Call to Order and Roll Call

9:02 AM Chair Cann called the meeting to order at the Mariposa County Government Center. The Clerk noted that there was a quorum with all Board members present.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:02 AM
Merlin Jones	District II Supervisor	Present	9:02 AM
Janet Bibby	District III Supervisor	Present	9:02 AM
Kevin Cann	District IV Supervisor	Present	9:02 AM
John Carrier	District V Supervisor	Present	9:02 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Bibby followed by a moment of silence for the men and women across the globe who are defending our freedom.

C. Introductions

None.

D. Presentation of Gavel Plaque

- Clerk of the Board of Supervisors (ID # 3073)**

Presentation of the Gavel Plaque to Supervisor Stetson for Serving as the 2013 Board of Supervisors Chair (Board Chair)

No Board or public input.

Chair Cann presented the gavel plaque to Supervisor Stetson.

RESULT: PRESENTATION MADE

E. Approval of Consent Agenda (Items designated by "CA")

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.*

Chair Cann announced that CA3 has been withdrawn from today's agenda.
Public comment opened.

Ruth Catalan requested elaboration on CA6, as to whether this amendment is because the original \$180,000 has already been spent and they want more, or whether it is an amendment to continue with the same law firm and, if so, requested the reason why extra money for legal fees needed to be spent.

Greg Kittelson required clarification of CA9, and what the term "overfill" means.
Public comment closed.

Chair Cann explained the meaning of "overfill."

Supervisor Stetson noted that he needs to abstain from the Minutes on CA5. Chair Cann pulled the Minutes for separate consideration.

Tessa Pritchard/Human Resources Director - Risk Manager responded to Ms. Catalan's question on CA6 noting that we have not yet spent all of the \$180,000 but are nearing that limit; and she discussed areas of law that this firm covers. Supervisor Cann inquired about the termination date on the contract. County Counsel remarked that the contract is not attached to the agenda item, but noted that his recollection is that it is a one year period that coincides with our fiscal year.

Supervisor Bibby required clarification regarding CA7 as to whether this is getting to the point where it should be considered as a full time position. County Counsel clarified that this is for outside counsel for those child welfare cases where he has a conflict, and that the need to increase compensation is due to a couple of appeals that were filed.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-19

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2014-20

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

3. Item 3178 Was Withdrawn

CA4. Board of Supervisors 2014-5

Approve Certificates of Recognition for the Mariposa County Chamber of Commerce's Selection of Marilyn Saunders as 2013 Businesswoman of the Year, Dave Gerken as 2013 Businessman of the Year, Pizza Factory as 2013 Business of the Year, and Volunteer of the Year (Chamber of Commerce)

CA5. Item Removed from the Consent Agenda and considered separately

CA6. Human Resources/Risk Management RES-2014-21

Approve the First Amendment to the Professional Services Agreement with Liebert Cassidy Whitmore to Amend the Not-To-Exceed Amount to \$180,000 and Authorize the Board of Supervisors Chair to Sign the Amendment

CA7. Human Services/Social Services RES-2014-22

Approve an Amendment to the Professional Services Agreement with John LaLonde to Provide Legal Services for Mariposa County Human Services, Increasing the Not to Exceed Amount by \$16,000, and Authorize the Board of Supervisors Chair to Sign the Amendment

CA8. Planning RES-2014-23

Adopt a Resolution of Intention to Initiate Amendments to Mariposa County Code Title 2: 1) Chapter 2.50 Mariposa County Planning Agency, to Amend Procedures for Planning Advisory Committees and to Remove References to the Building Department, 2) Chapter 2.39 Mariposa County Building Department, to Establish the Building Department and its Functions and Duties, and 3) Section 2.90.020 Membership (Historic Sites and Records Preservation Commission), to Make Member Removal Provisions Consistent

CA9. Sheriff's Office RES-2014-24

Approve the Overfill of a Sheriff's Deputy Position Effective February 1, 2014

CA10. Treasurer-Tax Collector-County Clerk RES-2014-25

Approve First Amendment to Agreement with Stradling Yocca Carlson & Rauth Increasing the Not to Exceed Amount to \$25,000 for Foreclosure Services Related to the Lake Don Pedro Sewer Bonds, and Authorize the Board of Supervisors Chair to Sign the Amendment

Considered separately**11. MINUTES of Tuesday, January 07, 2014**

No Board or public comments.

The Board took action to approve the Minutes as presented.

Bibby (M); Carrier (S); Approved (4-0): Stetson abstained.

F. Board Recognitions**1. Board of Supervisors RES-2014-18**

Adopt a Resolution Recognizing First 5 Mariposa and First 5 California on Celebrating their 15th Anniversary of Providing Children with Solid Foundations and Strong Futures (Jeane Hetland, Director)

Supervisor Bibby extended her congratulations to Jeane Hetland and First 5 Mariposa.

No public input.

Chair Cann presented the Resolution to Ms. Hetland. Ms. Hetland expounded on the First 5 program.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Recess

9:30 AM Chair Cann recessed the meeting for a brief break.

9:45 AM The Board reconvened. Chair Cann announced that the Board has an 11:30 AM closed session item.

G. Departmental Presentation

For Items within the Jurisdiction of the Board and not on Today's Agenda

Rich Drozen/CAL FIRE discussed the present fuel conditions noting an escaped debris burn yesterday, and commenting that the fuels are at May/June/July levels. He also gave a report on the fire currently burning on the back side of Ponderosa Basin. He also stressed that everyone needs to be very careful and noted that while there is no burn ban yet, it is being discussed. Supervisor Bibby and Chief Drozen discussed the issue. He also noted that the Coulterville dozer is back; and discussed some hires that are being funded by the SRA fees. He also discussed the SWIFT organization in response to a request by Supervisor Jones. Supervisor Bibby thanked CAL FIRE for taking the initiative to provide equipment and manpower. Supervisor Carrier discussed the Governor's proposed budget. Supervisor Jones also noted the senior wood program.

Peter Rei/Public Works Director announced that the wayfinding signs are going up today.

Doug Binnewies/Mariposa County Sheriff announced that his office recently released the 2013 Annual Stats and discussed same, noting how pleased he is with the figures especially given that they have been down ten positions from prior to the recession. He also reported that they currently have three new recruits enrolled in the police academy in Fresno; thanked the Board for their understanding of the conditions at the Sheriff's Office; and made the Board aware that Doris Vineyard, devoted SCOPE volunteer, passed away yesterday morning. Supervisor Jones discussed the dedication of the Sheriff's Deputies. Supervisor Bibby discussed Doris Vineyard and extended condolences to her family. She also voiced encouragement for the new recruits.

H. Public Comment on Non-Agenda Items

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Kathy McCorry/Executive Director of the Mariposa Chamber of Commerce advised that: they will be hosting a Wednesday meeting for Mariposa Butterfly Festival volunteers at 6:00 PM at the Miner's Roadhouse; she will be teaching a Social Media class next Tuesday at the Hotel Jeffery in Coulterville; the Chamber's Installation Dinner will be held next Thursday; and they have hired Damien Riley as the new Marketing and Communications Coordinator.

Wendy Brown/Chair of Yosemite for Everyone read a letter from Peter T. Haas regarding the River Plan for Yosemite National Park.

Mary Bass advised of a Supply Party for the schools on February 20th from 5:30 PM to 7:00 PM.

1. Clerk of the Board of Supervisors (ID # 3211)**Handouts from the Public Comment on Non-Agenda Items Portion of the January 14, 2014 Meeting****RESULT: INFORMATION RECEIVED****I. Board Information**

Supervisor Carrier reported attending: the Chamber of Commerce's Networking meeting last Tuesday night; a Wednesday evening Airport Advisory meeting; the Yosemite Gateway Partners meeting on the 9th; the Planning Commission meeting on Friday; and the Historic Sites and Preservation Committee meeting yesterday, followed by the YARTS meeting. He noted learning that: the Park will be celebrating the 150th Anniversary of their land grant on June 30th; the Merced River Plan should be out by the end of March; and the construction at the South Entrance should be completed sometime mid-May. Supervisor Carrier advised that he will be: attending a Courthouse meeting tomorrow with Public Works, the Court, and the CAO; attending a Fire Station meeting on the 16th; attending the continued closed session on Friday; attending the Fish Camp Fire Rescue meeting on Saturday; and following up on Friday with some citizen complaints. He also reported that HR 3588 recently passed but that fire hydrants were exempted from having to contain only lead free products. Supervisor Carrier also noted that: there is a vacancy in District V for the Juvenile Justice Prevention Commission; the Lion's Club Crab Feed will be held on February 1st at the Fairgrounds; the 4-H Breakfast Fundraiser is scheduled for February 2nd at the Fairgrounds; and the FFA Awards Dinner will be February 5th at the Merced Fairgrounds. He also noted that due to changes on the state level, the school district is putting together a strategic plan and is now accepting public input via their website.

Supervisor Bibby announced that: she is looking for a representative from District III for the Area 12 Commission on Agency; there are openings on the Mental Health Governing Board; the Community Action Agency is looking for someone to fill the Private Sector category; and the Mother Lode Job Training Workforce Investment Board is also looking for a Private Sector representative. Supervisor Bibby reported: attending the Central Sierra Connect meeting on January 8th, noting that a Planning Summit has been set for April 24th; judging contest entries for the Merced - Mariposa DAR Chapter; participating in a January 8th meeting with Personnel, CAO and Supervisor Jones; and attending the January 9th Mental Health Stakeholders meeting here at the Government Center noting that public input is still desired, and she discussed that comments/suggestions may be sent to her and she will get them to the commission. Supervisor Bibby advised that she will be attending: the Park and Rec Commission meeting on January 16th; a fire station status meeting on the 16th; a January 16th meeting with Terry Selk regarding tourism; and the Human Services Director interviews on the 17th, noting that Lori Ritter will be representing the Mental Health Governing Board. Supervisor Bibby also extended her congratulations to the volunteer recipients for the Mariposa Chamber of Commerce.

Supervisor Stetson reported attending the YARTS meeting in Merced with Supervisor Carrier. He also advised that he will be: meeting with Brian Fouch today; attending the El Portal Advisory Board meeting tonight; participating in interviews on Friday; and meeting with Dr. Mosher and Supervisor Bibby on Friday. He also announced that he will not be a candidate for an additional term.

Supervisor Jones thanked Kathy McCorry and Tara Schiff for providing classes in Coulterville. He also reported attending: the SWIFT meeting on January 8th and discussed potential effects of the drought; a meeting with Supervisor Bibby, the CAO, and the HR Director on the 8th; the January 8th Airport Advisory meeting with Supervisor Carrier, County Counsel, and Public Works noting that he thinks it is working much better now;

and the Lake Don Pedro Land Owners Association meeting on the 11th.

Supervisor Cann discussed two issues that the RCRC is dealing with: one regarding fairs, and one regarding an initiative later this year. As to the fair issue, he noted that the RCRC is putting together a proposal to potentially do a demonstration project with the 20 smallest, or at-risk, districts. He also discussed that Senate Constitutional Amendment 3 will be on the ballot and, if passed by the voters, will overturn the existing law that the State must fund any mandates it puts on the counties. Supervisor Cann reported attending: a Wednesday meeting regarding a Youth Work and Mentoring Program; the Mariposa County Business Association meeting last Thursday; and the Gateway Partners meeting last week, noting that they have scheduled a Sustainability Conference next December. He also reported attending the Fish and Wildlife Service Toads and Frogs meeting in Fresno yesterday, and reported that they said: there will be next to no changes in land management; that almost all of the designation is on Federal wilderness; that no land management impact will occur on private land; that they do recognize that the evidence points to the fact that it is the virus and climate change that is the biggest impact but that doesn't deter them; and that they admit that disease has been tracked as the major cause of other species decline but, that doesn't deter them. He also noted that the Economic Impact Analysis was released, but was disappointing as it only documented the economic impacts on the Federal land management agencies. Supervisor Cann advised that he will be attending: a meeting regarding cemetery issues tomorrow; an IRWMP project criteria review on Thursday; and the Human Services Director interviews on Friday. He also extended his congratulations to the High School audio-visual program for working with the Tourism Board to get funding for a digital camera which they are now using, in collaboration with the Chamber, on video advertising for businesses.

1. **Clerk of the Board of Supervisors (ID # 3212)**

Handouts from Supervisor Cann During Board Report

RESULT: INFORMATION RECEIVED

10:41 AM Chair Cann recessed the Board of Supervisors. The gavel was passed to Supervisor Stetson to convene the Local Transportation Commission.

J. LOCAL TRANSPORTATION COMMISSION

(Chair - Commissioner Lee Stetson, Vice-Chair - Commissioner Merlin Jones)

Public Comment Period

*For Items within the Jurisdiction of the **Local Transportation Commission** and not on Today's Agenda (Speakers Limited to Five Minutes)*

None.

LTC Regular Agenda

1. **Public Works LTC-2014-3**

Update the Social Service Transportation Advisory Council (SSTAC) Members by Re-Appointing Terri Peresan, Local Consolidated Transportation Service Agency for a Term Expiring September 24, 2016

Barbara Carrier made the staff presentation.

Supervisors Bibby and Cann extended thanks to Terri Peresan for all that she has done and continues to do.

No public input.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Janet Bibby, District III Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier

Adjourn LTC

10:44 AM Commissioner Stetson adjourned the Local Transportation Commission. The gavel was passed back to Supervisor Cann.

K. Reconvene as Board of Supervisors

10:44 AM Chair Cann recessed the Board to allow presentation set up.

10:53 AM The Board reconvened.

L. Regular Agenda Items

Chair Cann announced that given the time, and the need to go into closed session at 11:30 AM, the Board will most likely not be hearing L.2 until this afternoon at 2:00 PM.

1. Board of Supervisors (ID # 3168)

Presentation by the Mariposa County Grand Jury (Ron Iudice)

Ron Iudice/Foreman of the Mariposa County Grand Jury noted the Grand Jury members in the audience, and read some comments that were posted online. Grand Jury members J.R. Matchett and George Catlin also participated in the presentation. Mr. Matchett gave a PowerPoint presentation regarding an Employee Survey that was conducted, and Mr. Catlin discussed interviews of past and present employees and discussed their Findings, Recommendations and Conclusions.

No Board comment.

Public comment opened.

Sue Overstreet read a prepared statement discussing her surprise that the Grand Jury did not look into the finances of the Human Services Department.

Marvin Wells noted that he served on the Grand Jury in the past, and urged serious consideration by the Board of every Grand Jury report.

Ruth Catalan noted that she sits on the Mental Health Board and agrees wholeheartedly with the Grand Jury report. She also remarked that if the Board does not address this she will file complaints with the State Department of Health and Human Services and/or the Attorney General.

Jennifer Campbell noted that she has seen mental health services here decline drastically in the last few years, and remarked that it trickles down to the clients when the staff suffers.

Public comment closed.

Chair Cann thanked the Grand Jury for their professionalism, initiative, and reporting in this investigation.

RESULT: INFORMATION RECEIVED

M. Items removed from Consent Agenda

1. Administration/Economic Development (ID # 3178)

Approve the Community Development Block Grant Program Income Reuse Plan for the Revolving Loan Accounts, and Authorize the County Administrative Officer to Sign the Reuse Plan

RESULT: WITHDRAWN

N. Closed Session

Chair Cann invited public comment on the Closed Sessions. No public comment on any closed session.

Supervisor Carrier recused himself from N.1.

Supervisor Bibby noted that if anyone has comments regarding the Grand Jury Presentation that they may give them to the Clerk of the Board.

11:32 AM Chair Cann recessed the Board to closed session, noting that it will reconvene in open session at 2:00 PM and will hear item L.2 then.

1. Human Resources/Risk Management (ID # 3188)

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard Bolanos

Supervisor Carrier recused himself from this item.

This item was heard at 11:39 AM and reported out at 2:03 PM.

RESULT: CLOSED SESSION HELD

2. Human Resources/Risk Management (ID # 3189)

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard C. Bolanos

This item was not heard.

RESULT: CLOSED SESSION HELD

3. Human Resources/Risk Management (ID # 3197)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B)(1)); Fire Chief/Emergency Planning Coordinator Recruitment

This item was heard at 12:01 PM and reported out at 2:03 PM.

RESULT: CLOSED SESSION HELD

4. County Counsel (ID # 3193)

Closed Session Conference with Legal Counsel; Existing Litigation; Merced Irrigation District v. County of Mariposa; Tulare Superior Court Case No. 13-252209

This item was heard at 12:28 PM and reported out at 2:03 PM.

RESULT: CLOSED SESSION HELD

O. 2:00 PM Reconvene

Report Out

2:03 PM Chair Cann reported that No Action was Taken on Closed Session N.2; and Information was Received and Direction Given on Closed Session items N.1, N.3, and N.4.

1. Administration RES-2014-26

Approve Implementation of the Process to Affirm the County Service Area (CSA) #3 Assessment and Approve the Agreement with Harris & Associates in the Not to Exceed Amount of \$40,000 for Assessment Services, and Authorize the Board of Supervisors Chair to Sign the Agreement

Rick Benson/County Administrative Officer gave the staff report, noting that the attachments are out of order and Exhibit "A" on agenda packet page 125 should follow the Personal Services Agreement. He also discussed some costs that may be associated with the proposed action.

Board clarification was sought regarding: what Harris & Associates will be responsible for doing; whether the ballot will have a listing of the pros and cons; the source of funding for the public meetings; how the \$10,000 improvement level was determined last time; vacant land/non-vacant land; the defensibility of the \$80 level; whether the 218 law has a graduated level based on the value of the property; and the ramifications of returning the fire trucks, if necessary. Mr. Benson responded to all concerns noting: that the ballot will not show the pro and con arguments, but a flyer explaining the issue will be mailed with the ballot; that the only hard cost for the meetings will be for the noticing and that funding will need to come out of the CSA3 fund; the use of assessment records to determine improvement levels, and the limitations of same; and that a charge cannot be based on the property value but, rather, on the benefit being received. He also noted that the fire trucks are leased and that we have no contractual obligations regarding same, but that any monies already invested would be lost if they were returned; and that they could return some of the engines and, possibly, lower payments but that he would advise against it. Supervisor Bibby expressed her concern regarding future legal challenges and required assurances that this is following proper procedures. Mr. Benson responded that this is proper and defensible according to advice from legal counsel and the engineering firm. Discussion ensued between Supervisor Bibby and Mr. Benson regarding our assessment, and the types of things that the engineer will be analyzing. Discussion ensued between Supervisor Carrier and Mr. Benson clarifying what is being requested with this item.

Mr. Benson also noted that a tentative date of February 11th has been scheduled for a presentation by the engineer, subject to the completion of the report.

Public comment opened.

William Davis/Mariposa County Auditor spoke against the assessment remarking that he feels it is fundamentally unconstitutional as the body of Proposition 218 specifically refers to "fire" as a general service that may not be assessed, that it fails to distinguish between special and general benefit, and that it fails to assess on a proportional basis. He also: commented that it sounds like the County is going to pursue essentially the same process which is not going to change anything and that, consequently, the expenditure of funds for this purpose is a waste of money; remarked that he thinks a special tax or general tax is the acceptable way to generate this type of funding; expounded that a special tax would require a separate election and counting which could be done on a regular ballot at a general election, would not require an

engineer's report, and would meet all requirements of the California Constitution; clarified that he feels that a special assessment is not appropriate and therefore none of these expenditures are necessary; discussed that the underlying issue is not a matter of technicalities but, rather, violations of the California Constitution; and noted that he feels that the County could still pay for the fire trucks by passing a special tax. Supervisor Bibby inquired if Mr. Davis would dismiss the lawsuit if the matter was placed on the regular ballot for November in the general election or if a TOT increase was passed, and discussed her unease with whether the latter was legal as visitors are then paying for the majority of fire. Mr. Davis responded by elaborating on his understanding of the relevant California laws. Supervisor Bibby noted that the Board is trying to fix the issue and that they are being advised that this is the way to do it; and inquired what the County will need to do to get the lawsuit dismissed. Mr. Davis noted that he feels it is inappropriate to mention the lawsuit at this time, but noted that he will be happy if a replacement tax is put in place that meets the California Constitution.

Ken Melton noted that he agrees with Mr. Davis and his points; commended Supervisor Bibby for wanting to try to work this out; commented that he doesn't feel the County needs an Assessment Engineer, and expounded on same; remarked that he agrees with fire protection and with a tax to pay for it, noting that he would vote for it if it was done right; discussed his objection to an apparent disparity with certain mobile homes not being assessed; noted that future improvements are potentially problematic under an assessment as the future landowner was not allowed to vote; and concluded by requesting that no decision be made today.

Peter Rei noted that engineers are not all the same and agreed that the engineer putting his stamp on it will be taking legal liability; and he spoke in favor of the development of Proposition 218 policies and procedures.

Public comment closed.

CAO read language from the California Constitution. Supervisor Bibby required assurance that this would be proceeding under advice of legal experts. Mr. Benson affirmed that understanding.

Chair Cann reopened public comment.

An unnamed man urged reading the California Constitution regarding a "special benefit" noting that his understanding is that a special benefit must be above what is already received as a general benefit; and discussed that our property taxes already pay for fire protection, and this only gets us more trucks and firehouses and not more fire protection.

Public comment closed.

Supervisor Cann commented that there are many counties that do not provide fire service and don't have county fire departments; noted that if we charge a fee for it then, obviously, we need to provide it; but, if we don't charge a fee we could choose to not provide it as it isn't something that is inherent with property taxes that you get fire services.

Mr. Benson discussed special benefits versus general benefits; noted that the Board does not charge a fee for fire service but, rather, an assessment to provide for enhanced fire equipment that would not exist if that assessment was not approved by the property owners; and discussed the history and considerations when the Board originally pursued this assessment.

Chair Cann required clarification regarding today's action. Mr. Benson responded. Chair Cann required assurance that CAO will relay to the engineering firm that if we choose to go forward with it, we need to have clear and legally defensible answers to the kind of questions we've been dealing with today. Supervisors Bibby and Carrier agreed with the latter.

Supervisor Stetson discussed the benefits that have been achieved in Mariposa County so far from this fee.

Supervisor Jones required assurance that the Board will have the chance to amend

the report if needed. CAO responded affirmatively.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

P. Continue Meeting to January 17, 2014 at 9:00 AM

3:22 PM Chair Cann continued the meeting until Friday, January 17, 2014, at 9:00 AM in memory of Anna Smith, William Cooper, Ramona Nebel, Anthony Jimenez, Harry Booth, John Crockett, Cindy Bohna, and Doris Vineyard.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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KEVIN CANN, CHAIR
MERLIN JONES, VICE-CHAIR
LEE STETSON
JANET BIBBY
JOHN CARRIER

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

January 17, 2014

A. Call to Order and Roll Call

9:02 AM The continued meeting was called to order at the Mariposa County Government Center.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:02 AM
Merlin Jones	District II Supervisor	Present	9:02 AM
Janet Bibby	District III Supervisor	Present	9:02 AM
Kevin Cann	District IV Supervisor	Present	9:02 AM
John Carrier	District V Supervisor	Present	9:02 AM

Public Comment on Non-Agenda Items

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

None.

B. Closed Session

1. **Human Resources/Risk Management (ID # 3194)**

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B)(1)); Human Services Director

No Public comment.

This closed session was held at 9:03 AM and reported out at 1:28 PM.

RESULT: CLOSED SESSION HELD

C. Report Out

1:28 PM Chair Cann reported out after the closed session that Information was Received and Direction was Given.

D. Adjournment

1:28 PM Chair Cann adjourned the meeting.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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KEVIN CANN, CHAIR
MERLIN JONES, VICE-CHAIR
LEE STETSON
JANET BIBBY
JOHN CARRIER

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

January 21, 2014

A. Call to Order and Roll Call

9:03 AM The meeting was called to order at the Mariposa County Government Center. Chair Cann noted that there was a quorum, and all Supervisors were present.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	8:59 AM
Merlin Jones	District II Supervisor	Present	8:59 AM
Janet Bibby	District III Supervisor	Present	8:59 AM
Kevin Cann	District IV Supervisor	Present	8:59 AM
John Carrier	District V Supervisor	Present	8:59 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Stetson, followed by a moment of silence in recognition of our armed forces protecting us and our freedoms.

C. Introductions

None.

D. Approval of Consent Agenda (Items designated by "CA")

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.

No public input.

Supervisor Cann noted a clarification of the Minutes, and requested that language at page 6 which currently reads: "He also noted that the Economic Impact Analysis was released, but was disappointing as it only documented the economic impacts on them." Be changed to read: "He also noted that the Economic Impact Analysis was released, but was disappointing as it only documented the economic impacts on the Federal land management

agencies.”

Regarding CA6, Supervisor Carrier referred to Finding 5 of an October 21st monitoring report, and inquired if the State ever replied to our response to same; and inquired if the software in CA7 is the software that was discussed in our response letter to the State. John Lawless/Interim Human Services Director responded that there has been no reply from the State to date, and that he believes the software in CA7 is the software that was proposed.

Regarding CA6, Supervisor Bibby inquired if the changes were made to 2014 to address the issues that were noted as non-compliant in 2013. Mr. Lawless responded that he believes that those changes were made. Supervisor Bibby and Mr. Lawless discussed whether or not a repayment will be necessary.

Regarding CA10, Supervisor Bibby noted that her copy of the application gets cut off, and inquired if the applicant's qualifications have been verified. Peter Rei/Public Works Director responded affirmatively. Discussion ensued between Supervisor Cann and Mr. Rei regarding the qualifications of the other two applicants, and whether the Airport Advisory Board would interview all applicants. Supervisors Carrier and Jones discussed their observations of meetings that they have attended.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-27

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2014-28

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Board of Supervisors

Approve the Tuesday, January 14, 2014

CA4. Community Services 2014-6

Re-Appoint Terri Peresan, Community Services Director to Area 12 Agency on Aging (A12AA) Advisory Council with a Term Expiring February 7, 2015

CA5. Community Services RES-2014-29

Approve a Letter of Intent to Provide Services/Request for Proposal to Area 12 Agency on Aging (A12AA) for the Senior Nutrition Programs and Senior Transportation

CA6. Human Services RES-2014-30

Approve the 2014 Low Income Home Energy Assistance Program (LIHEAP) Agreement 14B-5022 with the California Department of Community Services and Development (CSD) in an Amount Not to Exceed \$144,251 to Provide Energy Assistance Payments and Weatherization Services, and Authorize the

Human Services Director to Sign the Agreement and All Subsequent Amendments After County Counsel Review

CA7. Human Services RES-2014-31

Approve a License Agreement with Central Coast Energy Services in the Amount of \$15,000 for ServTraq Energy Assistance Software, and Authorize the Board Chair to Sign the Agreement

CA8. Public Works RES-2014-32

Authorize the Public Works Department to Fill a Vacant Full-Time Maintenance Worker I/II Position in the Road Budget Effective Immediately

CA9. Public Works RES-2014-33

Decline the Option to Purchase Hangar Number 48 at the Mariposa/Yosemite Airport and Allow the Owner to Sell the Hangar to any Interested Party

CA10. Public Works 2014-7

Accept the Resignation of Tim Wennberg and Appoint Ronald McBride to the Airport Advisory Committee as an Alternate Member, with a Term Expiring on January 1, 2018

E. Board Recognitions

1. Board of Supervisors 2014-8

Approve a Certificate of Recognition to the National American Youth Soccer Organization in Celebrating Fifty Years, and the Mariposa American Youth Soccer Organization in Celebrating Twenty Years of Success

No public input.

Supervisors Bibby and Jones extended their compliments to the organization. Supervisor Cann recounted his experience volunteering as an assistant soccer coach.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Board of Supervisors 2014-9

Approve a Certificate of Recognition to Jess and Joyce McCoy and Family for Their Participation in the Success of the Mariposa American Youth Soccer Organization

Public comment opened.

Doug Binnewies/Mariposa County Sheriff thanked the Board for recognizing the McCoy family; discussed their positive influence for the AYSO program; and noted that they have helped to mold many of the youth of the community.

Anita Starchman Bryant noted that she is a parent of a child in the AYSO program; discussed that the focus of AYSA is on teamwork and learning to love the sport; and she extended her thanks to the entire McCoy family for their efforts and participation.

Laurie Binnewies noted that all four of her children have been through the AYSO program; noted that AYSO is a family activity; and discussed the participation of the entire McCoy family.

Public comment closed.

Chair Cann presented both certificates to the McCoy family.

Mr. McCoy thanked all of the parents; noted that AYSO is a volunteer organization; and discussed the youth development aspects of the program.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

9:32 AM Chair Cann recessed the meeting for a break.

9:39 AM The meeting was reconvened.

F. Departmental Presentation

For Items within the Jurisdiction of the Board and not on Today's Agenda

Becky Hagen/Lieutenant Commander, Mariposa Area California Highway Patrol updated the Board on a fatal collision on January 17, 2014. She reported that the fatality was the father-in-law of Officer Jesse Fouch, and that the children in the vehicle were his children. She extended thanks to Mariposa County Fire Department, MPUD, and the Mariposa Sheriff's Department for all that they did. Supervisor Bibby requested that Lt. Hagen extend the Board's condolences and prayers to Officer Fouch. Rick Benson/County Administrative Officer noted coming upon that accident shortly after it happened and discussed the importance of the car seats.

G. Public Comment on Non-Agenda Items

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Mary Bass/President Mariposa Chamber of Commerce advised that the Chamber's Installation Dinner is this Thursday night.

Greg Kittelson inquired if there were any updates regarding the Courthouse repairs. Peter Rei reported on a meeting last week with the Architects and State representatives, noting that the architects presented five different scenarios/alternatives and were given direction to come back with a revised plan that will be a hybrid of two of the plans. He noted that they will schedule a presentation for the Board once that report is finished, and anticipates that will happen within the two months. He also remarked that at that point, it will be ready for public review and comment. Supervisor Cann requested that Mr. Rei give regular, monthly updates during Departmental presentation to keep the Board informed. Mr. Rei agreed. CAO noted that Public Works has been holding off doing some of maintenance work pending this report; but, that they are now able to move forward with some of the repairs. Supervisor Bibby required clarification of any Health and Safety aspects. Mr. Rei responded that the report from the second structural engineer does not corroborate many of the safety issues raised by the first; and that they are comfortable that the building is safe, and construction will make it safer.

Marshall Long/local rancher thanked the County for building the firehouse on Old

Highway; discussed the current name; noted that the Buckeye District School House sat about 300 yards north of the fire house; and requested that the fire house be named to the Buckeye District Fire House, or Fire Station, with the engine company being called the Bridgeport Engine Company in order to honor the history of the area. Supervisor Bibby noted that the station has not yet been officially named.

9:54 AM Chair Cann noted that item I.3 has been withdrawn from today's agenda.

H. Board Information

Supervisor Stetson reported attending: the El Portal Advisory Board meeting last Tuesday; the Human Services Director interviews on Friday; and a meeting with Supervisor Bibby and Dr. Mosher on Friday. He also advised that he will be attending a meeting of the Friends of the Bear Creek at the Yosemite Bug tomorrow morning to discuss Midpines issues.

Supervisor Jones reported attending: a meeting with Tara Schiff in Coulterville on the 15; a meeting with the NRCS on the 16th, noting that acreage can be combined in order to qualify for the program; the Human Services Director interviews on the 17th; and a meeting with the Fire Department.

Supervisor Bibby reported: attending a fire station status meeting on the 16th, and discussed the naming of the structure; attending a meeting with Terri Selk from Tourism; touring the Bridgeport, aka Buckeye station, noting that she is a little worried about parking; attending a Parks and Recreation meeting, and complimented 4-H and Shannon Hanson for their presentations; attending the Human Services Director interviews on the 17th, and she extended her thanks to the applicants; and attending a Health Committee meeting, and she cautioned everyone to stay home if they are running a fever or feeling sick because there is a norovirus going around in addition to influenza. Supervisor Bibby advised that she will be attending: the FFA conference later this week; and a Mother Lode Job Training meeting in Sonora on Monday, where they are still looking for private sector representative to fill the vacancy for Mariposa on the Workforce Investment Board.

Supervisor Carrier reported attending: a courthouse meeting last Wednesday; the fire station meeting on Thursday; the Human Services Director interviews on Friday; a meeting with some citizens Friday afternoon; and a Fish Camp Fire Rescue meeting on Saturday, followed by a tour of the Fish Camp Fire Station. He also advised that he will be gone the rest of the week but announced that there will be: an IRWMP meeting on Wednesday; an EDC meeting on Thursday; and the Chamber Award dinner Thursday evening. Supervisor Carrier advised that he will be back on Saturday and will be attending: the Bootjack Volunteer Fire Breakfast; the Fish Camp Town Planning meeting; the Fish Camp Fire Rescue meeting; the Yosemite Alpine Community Service District meeting; and Casino Night at the Fairgrounds.

Supervisor Cann reported attending a variety of meetings last Wednesday, noting a meeting with the Tourism Director, and another with a representative of the Cemetery Committee. He also reported attending: the Central Sierra Economic Development District meeting in Sonora on Thursday; a Thursday meeting regarding the IRWMP project proposal selection criteria; and the Human Services Director interviews on the 17th. Supervisor Cann advised that he will be: attending a meeting later today regarding a potential internet TV startup in the Oakhurst/Mariposa area under the auspices of Sierratel; going to Sacramento to attend RCRC meetings tomorrow and Thursday; attending the Chamber Dinner; and the breakfast at Bootjack.

I. Regular Agenda Items

10:15 AM Chair Cann called for a brief recess to allow presentation setup.

10:19 AM Chair Cann reconvened the meeting.

1. Citizen Submittal (ID # 3217)

Yosemite-Mariposa Integrated Regional Water Management Plan Development Presentation (Glenn Franklin)

Glenn Franklin/President Mariposa County Resource Conservation District gave a PowerPoint project update regarding the Integrated Regional Water Management plan. He advised that they will be formalizing the project inclusion process as the monthly regional advisory meeting tomorrow; noted that a brochure that was mailed to county residents which brought the program to the attention of the members of the public; and discussed that a group of people came to the meeting with their concerns.

Supervisor Cann discussed the services and success of the Resource Conservation District.

Supervisor Bibby: required clarification regarding a past goals and objectives document; required clarification regarding the possibility of water meters; discussed the need to include agricultural operations people; and discussed the perception that all of Catheys Valley is contaminated with nitrates. Mr. Franklin responded that the first step is gathering information, and a lot of the information is from the County and from the Department of Water Resources. He also noted that water meters have never been discussed so he was unsure as to where that came from, but thought that it came out of the original stakeholders meetings were they noted that there would be no meters.

Discussion ensued between Supervisor Bibby and Mr. Franklin regarding the nitrates in Catheys Valley misperception. Supervisor Bibby expressed her worry, and noted that it doesn't address labs, mining, or exporting water. Mr. Franklin requested that Supervisor Bibby send her comments in to them for use in the process. Mr. Franklin assured that there will be no meters. He restated that they are merely collecting information so that they can identify what is needed; and he extended an invitation for farmers and ranchers to attend their meetings. Supervisor Bibby noted that she hopes that the group will look at water exporting, noting that most neighboring counties have implemented ordinances against it.

Supervisor Stetson commended Mr. Franklin for his input and leadership. He discussed the loss of water, in entire communities, due to fractured rock and subsequent drops in the water tables, and inquired regarding the potential 23 million dollars in grant funding. Mr. Franklin noted that grants are competitive, and discussed the ramifications of same.

Supervisor Jones also extended his thanks for Mr. Franklin's presentation.

Supervisor Carrier discussed sitting in on the meetings this past year and highly recommended that people attend them; discussed that the group is gathering historical information in order to compare against current information, with the goal of projecting into the future. He also discussed that one of the components will be voluntary well testing because there's no way to know the actual water quality without testing, and if we do have bad water in certain areas, then it needs to be known so that a plan to clean it up can be formulated and proposed. Supervisor Carrier also discussed the use of water meters by small water plants/companies, noting that small water plants may need them in order to be considered in other State plans.

Supervisor Bibby urged cautioned and balance in developing any plans. She also urged caution in accepting grants due to the strictures and obligations that are often applied to the funds; and noted that she thinks a good project would be to raise the

reservoir level. She also suggested sending the document to the Farm Bureau for their input.

Supervisor Cann thanked Mr. Franklin for the way he has focused the project to gathering the facts.

Supervisor Carrier thanked Pat Garcia for all of the work that she has done in coordinating all of the groups, and getting information out.

No public comment.

RESULT: INFORMATION RECEIVED

2. Human Resources/Risk Management (ID # 3095)

Approve the Amendments to the Class Specification of Administrative Assistant - District Attorney to Provide for a Flex Class of Administrative Assistant I / II- District Attorney; Apply the Current Annual Salary Range of \$38,989.60 - \$47,390.72 for the Administrative Assistant - District Attorney Classification to the Administrative Assistant I - District Attorney and Set the Annual Salary Range for Administrative Assistant II - District Attorney at \$42,888.56 - \$52,129.79; Assign the Flex Class of Administrative Assistant I/II- District Attorney to the Mariposa County Managerial Confidential Organization (MCMCO) Bargaining Unit; Approve the Reclassification of the Incumbent Administrative Assistant - District Attorney to an Administrative Assistant II - District Attorney Retroactive to July 1, 2013; Approve Budget Action Transferring Funding Within the District Attorney Budget to Accommodate the Reclassification (\$4,740); and Approve the Amendments to the Class Specification of Victim / Witness Services Supervisor

Tessa Pritchard/Human Resources Director - Risk Manager gave the staff presentation, noting that the critical point in this instance is that the administrative assistant is supervising someone in a higher class structure.

Rick Benson recommended that the Board not approve the action today as it will set a bad precedent within the county structure; because a reclassification should happen when duties evolve; and because the administrative assistant had nothing to do with the Victim Witness program. He recommended that the position should remain as is, noting that the department could pursue a reorganization.

Tom Cooke/District Attorney discussed: the functioning of the office; the evolution of the position; that he wanted a filter between his position and the Victim Witness Services Supervisor; that he feels strongly about this; and that perhaps reorganization is the way to proceed.

Supervisor Bibby noted that: the administrative assistant position was analyzed closely at the time of creation; the job description does state that it is "to act as office manager" so compensation for those duties has been visited; the previous Victim Witness Supervisor was being compensated for supervising the Victim Witness Advocate; and she feels they need to reorganize the department. She also requested that department heads not simply assign duties then request changes.

Supervisor Carrier discussed his concerns regarding a reorganization versus a reclassification; noted that an organization chart would have been useful; and that he would like to know how a reclassification would affect the organization; and discussed that there is to be a salary survey, noting that he wants to wait for that. He also inquired as to the funding for the position.

Ms. Pritchard responded that a reclassification seeks to correct something that has

occurred in the past, while a reorganization looks to the future.

Mr. Cooke responded that he currently has a substantial salary savings; that they just received a 3 year grant so the position is fully funded by the grant; and that he feels that the structure he is seeking is not unusual in an office and he doesn't see it as a concern.

Supervisor Carrier discussed the salary savings, noting that we need funds that will cover it into the future. Mr. Cooke discussed his rationale regarding the salary savings, and reiterated that he feels that it doesn't make sense to have the Victim Witness Supervisor reporting directly to him.

Supervisor Cann required clarification of the salary range of the Victim Witness Supervisor; remarked that it appears the employee's scope of performance has elevated through the years; and inquired if one of the attorneys could supervise.

Supervisor Stetson remarked that if a reorganization is the way to go, then an interim decision is a bad idea.

Supervisor Bibby required clarification as to whom the Victim Witness Services Supervisor will be supervising and why it needs to be changed. Mr. Cooke discussed the proposed hierarchy. Supervisor Bibby noted that she cannot approve this at this time.

Supervisor Jones discussed: the difference of opinions between Human Resources and the CAO; the salary study; and that a reorganization might be the way to go.

No public input.

CAO clarified that the salary survey will not be looking at job classifications.

Chair Cann called the question. No action was taken on the submitted item.

Supervisor Carrier made a substitute Motion directing the CAO, Human Resources and District Attorney to meet to review the positions, process, and the organization structure to, hopefully, answer these questions, and bring it back before the Board for consideration.

Carrier (M) Jones (S)

The substitute Motion passed unanimously.

RESULT: DIED FOR LACK OF MOTION

3. Public Works (ID # 3199)

Approve a Professional Services Agreement with the Aeroplex Aerolease Group to Study Options for Managing the Mariposa-Yosemite Airport in the Not to Exceed Amount of \$10,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

RESULT: WITHDRAWN

J. Items removed from Consent Agenda

None.

K. Closed Session

1. County Counsel (ID # 3225)

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (B) of Government Code Section 54956.9; Number of Cases to be Discussed: 1

This closed session was held at 12:12 PM and reported out at 2:02 PM.

RESULT: CLOSED SESSION HELD**2. Human Resources/Risk Management (ID # 3206)**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard Bolanos

Supervisor Carrier recused himself from this item.
This closed session was held at 12:04 PM and reported out at 2:02 PM.

RESULT: CLOSED SESSION HELD**3. Human Resources/Risk Management (ID # 3207)**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard C. Bolanos

This closed session was held at 12:07 PM and reported out at 2:02 PM.

RESULT: CLOSED SESSION HELD**L. Lunch**

11:57 AM The Board recessed to closed session, followed by lunch.

M. 2:00 PM Reconvene***Report Out***

2:02 PM Chair Cann reported out that Information was Received and Direction was Given on closed session item K.1; and Information was Received on the other two items.

1. Building RES-2014-34

Continued Public Hearing to Approve a New Fee Schedule Increasing Fees for the Building Department Effective March 26, 2014 (Continued from January 7, 2014)

Mike Kinslow/Building Department Director made the staff presentation, with Debra Willis/Senior Development Services Technician providing assistance.

Supervisor Jones required clarification regarding: the increase in the number of permits; the increase in the cost to Agricultural Buildings; and a relative lack of change in anticipated mileage. Debra Willis responded to the first issue; Mr. Kinslow responded to the last two.

Supervisor Bibby required assurance that the Board has before them everything that is used by the Building Department to calculate fees, required clarification of the mobile home fee shown on packet page 302 as it is lower than a garage, and expressed concerns regarding potential fee disparities given that the resolution states that the

Board concurs with the calculations and how the fees were arrived at; inquired if there is a way to develop a base amount which can be added to as needed; and required assurance that any unforeseen problems that may arise will be brought back to the Board. Mr. Kinslow responded to all concerns.

Supervisor Carrier required clarification regarding the building valuation rate and whether any particular methodology was used. Ms. Willis and Mr. Kinslow responded.

CAO noted that these fees have to reflect the costs to provide the service.

Supervisor Jones discussed grading permits; noted that he compared our fees with surrounding counties; and commended Mr. Kinslow for keeping the fees low.

Public comment opened.

Ron Iudice spoke in favor of the new fees, and noted that Mr. Kinslow instills trust.

Public comment closed.

Supervisor Bibby required clarification regarding industrial plants. Mr. Kinslow responded noting that it would, basically, be a warehouse with an office.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. **Building RES-2014-35**

Authorize the Immediate Filling of an 80% Permanent Part-Time (PPT) Development Services Technician in the Building Department

Staff presentation by Mike Kinslow, with the assistance of Debra Willis.

Supervisor Cann required clarification of CAO that this position was previously approved by the Board subject to the adoption of the fee increase. CAO responded that the Board had earlier approved the recruitment. He also discussed that the Building Department is driven by demand and he is hoping that it really is supported by the increase in fees.

Supervisor Bibby required clarification that the department was working off of a DST list.

Supervisor Jones discussed the need for extra help if projected workload comes to pass.

No public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

N. Adjournment

2:35 PM Chair Cann adjourned the meeting in memory of John Hubbard, Jr.,

Margaret Brazelton, Ruth Jette, Jesse "Mac" McDaniel, Richard Prater, and Lil K. Redfield.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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KEVIN CANN, CHAIR
MERLIN JONES, VICE-CHAIR
LEE STETSON
JANET BIBBY
JOHN CARRIER

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

January 28, 2014

A. Call to Order and Roll Call

9:03 AM Chair Cann called the meeting to order at the Mariposa County Government Center. He noted that there was a quorum, and that all Supervisors were present.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:03 AM
Merlin Jones	District II Supervisor	Present	9:03 AM
Janet Bibby	District III Supervisor	Present	9:03 AM
Kevin Cann	District IV Supervisor	Present	9:03 AM
John Carrier	District V Supervisor	Present	9:03 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Carrier, followed by a moment of silence to remember those in uniform who protect us domestically and internationally.

C. Introductions

None.

D. Approval of Consent Agenda (Items designated by "CA")

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.*

Chair Cann noted the following correction to Supervisor Bibby's comments in item M.1 of the January 21, 2014 Minutes regarding the Building Department fees: "...required clarification of the mobile home fee shown on packet page 302 as it is higher than a garage" should read "...required clarification of the mobile home fee shown on packet page 302 as it is lower than a garage." Supervisor Bibby also clarified that her

reason for bringing up that point was that the disparity in fees appears to be promoting mobile homes over building construction, when the Board is actually trying to be extremely fair throughout the county and encourage all types of homes.

Supervisor Cann commented about the mobile home industry lobby in Sacramento.

Regarding CA3, Supervisor Jones commented on the benefits of the revolving loan account grants from the CDBG.

Regarding CA4, Supervisor Bibby required clarification as to what the proposed infrastructure would be, and as to any proposed projects. She also expressed concerns regarding the hold harmless clauses. Rick Benson/County Administrative Officer responded, noting that this is just an MOU to apply for a grant, and that any grant that is awarded will have to come back before the Board to approve. He also remarked that the infrastructure referred to would be water and sewer lines that would need to be made available for possible development on Highway 140 on the north side of town. Supervisor Bibby required further clarification as to the purpose of the development. Mr. Benson responded that ideas that have been talked about are a hotel, a convention center, or something similar. He also explained that there currently is no project being proposed, and that this grant is being pursued in order to get some outside money to help defray the cost of infrastructure expansion. Mr. Benson also noted that the grant application will be a joint collaboration, but that MPUD is going to have to do all of the construction which is why the clauses are written differently. Supervisor Bibby inquired as to who will be receiving and administering the grant. Tara Schiff/Community Development-Grant Coordinator responded that the County will be responsible for the administration of the grant, and MPUD will be responsible for the construction and maintenance of the infrastructure. Supervisor Bibby also inquired as to whether a clause could be added that states that the county is under no obligation to commit funds for the execution of projects under this agreement from sources other than the EDA Grant. Steven W. Dahlem/County Counsel responded affirmatively. He also noted that the administration of the grant is addressed in Paragraph 2; that Paragraph 4 indicates that MPUD is responsible for construction and maintenance; and that the lengths of the hold harmless clauses neither lessen, nor broaden, the indemnity. Supervisor Bibby reiterated her request to add the clause discussed earlier. Ms. Schiff affirmed. Discussion ensued between Supervisor Cann and Ms. Schiff relative to the grant percentage. Ms. Schiff noted that she went through the grant yesterday and we could, possibly, qualify for 100% based on our poverty and unemployment levels in Mariposa County. She also remarked that the proposed location is very general and not targeted yet. Supervisor Cann clarified that this is to open the door to MPUD for anything that might be available. Supervisor Carrier inquired as to whether they were looking at an application at this time. Ms. Schiff responded that the process is to have this MOU approved first, execute it once approved, and then complete the grant application. She also reiterated the possibility of a 100% grant and explained that they can't move ahead with a grant application without an agreement with MPUD. Supervisor Bibby inquired as to the types of projects that have been discussed. Ms. Schiff responded that they are looking at a possible conference center, an assisted living center or anything else that might come up but that it is vague as there is no developer committed to any specific project at this point. Supervisor Bibby inquired if there have been any discussions regarding the Field of Dreams or gymnasium. Ms. Schiff responded that there have not. Supervisor Cann clarified that the only eligible projects are the twenty or so on the SEDS (Social and Economic Development Strategies) Plan that the Board submitted to the Department of Commerce a couple of years ago. Supervisor Bibby noted that it would have been helpful to have the SEDS attached and encouraged that it be attached in the future. Supervisor Cann agreed with reviewing the SEDS as he believes there are some other infrastructure projects outside of the town on that plan.

Supervisor Jones discussed CA7 remarking that FFA is a great organization that

teaches work ethics and responsibility to our young people. Supervisor Cann remarked on CA8, noting that Heidi Bassett was selected by the Daughters of the American Revolution for the Good Citizen of the Year Award. Supervisor Bibby extended her compliments to Ms. Bassett and discussed the quality of the essays in that competition. Supervisor Bibby also remarked on CA7 discussing the complexity of the FFA projects, and the strictness of the competition.

Action was taken to approve the Consent Agenda as presented with the addition of wording to the MOU in CA4 to indicate that the County is not obliged to commit additional funds, and the correction to the Minutes as earlier noted.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-36

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2014-37

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Administration/Economic Development RES-2014-38

Approve the Community Development Block Grant (CDBG) Program Income Reuse Plan for the Revolving Loan Accounts, and Authorize the County Administrative Officer to Sign the Reuse Plan

CA4. Administration/Economic Development RES-2014-39

Approve a Memorandum of Understanding (MOU) Between the County of Mariposa and Mariposa Public Utilities District (MPUD) to Apply for an Economic Development Administration Infrastructure Grant, and Authorize the Board of Supervisors Chair to Sign the MOU

CA5. Board of Supervisors

Approve the Minutes of Friday, January 17, 2014

CA6. Board of Supervisors

Approve the Minutes of Tuesday, January 21, 2014

CA7. Board of Supervisors 2014-10

Approve Certificates of Recognition to the Mariposa County Students who Competed in the 2013-2014 Merced/Mariposa Section Future Farmers of America (FFA) Project Competition

CA8. Board of Supervisors 2014-11

Approve a Certificate of Recognition to Heidi Bassett for Being Selected by Mariposa County High School to Receive the Good Citizen of the Year Presented by the Merced River Chapter of the National Society Association Daughters of the American Revolution (NSDAR)

CA9. Human Services RES-2014-40

Approve Renewal Lease Agreement with Zoom Imaging Solutions, Inc. for Three Toshiba Copiers, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA10. Sheriff's Office RES-2014-41

Approve Sheriff's Office Staff Donating Accrued Vacation Time to the Sick Leave Account of a Mariposa County Sheriff's Deputy with a Sunset Date of March 15, 2014

E. Departmental Presentation

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

Peter Rei/ Public Works Director reported an accident in Lake Don Pedro. He provided a handout to the Board and reported that the operator who was working left a switch in the "on" position allowing water to run over the weekend which resulted in a breach. He also advised that it was reported to the State Water Board yesterday afternoon. Supervisor Jones inquired if the contamination got into Lake McClure. Mr. Rei responded that we won't know until tests return. Discussion ensued between Supervisors Jones and Bibby, and Mr. Rei regarding notification to MID and affected property owners. Supervisor Carrier inquired if there was an estimate of the amount that escaped. Mr. Rei responded that the level is down over 5 feet, which probably amounts to an excess of 100,000 gallons. Supervisor Bibby inquired if the Health Department had been notified. Mr. Rei responded that it was the Health Department who advised them to go to the Water Board. Supervisor Carrier advised that Mr. Rei may wish to revisit the procedures as the Water Board is probably going to ask how this can be prevented in the future. Mr. Rei responded that this was a matter of human error as there are procedures in place.

John Lawless/Interim Human Services Director notified the Board that they have received confirmation that they have won the Triage grant which will be for \$88,000 for the remainder of this year, and \$119,000 beginning next year. Supervisor Cann requested clarification of the scope of the work for that grant. Mr. Lawless responded that Human Services will be working in collaboration with the Sheriff's and Probation Departments to send workers to assess issues in the field to determine whether everyone in danger of a 5150 is truly in danger.

Rich Drozen/CAL FIRE Chief updated the Board on fire conditions due to the drought. He advised that burn bans are in effect in Mariposa and Tuolumne counties, and that CAL FIRE will be doing a news release shortly to make the public aware that typical things that cause fires in the summertime will be causing fires now and gave the example of a 106 acre fire in Fresno County over the weekend. He also noted that things may change if significant rain is received later this week. Supervisor Stetson thanked CAL FIRE for the enhanced coverage, and discussed fires in the Midpines area last week. Chief Drozen noted that old burn piles are re-igniting; and discussed that CAL FIRE is still requesting additions to staffing levels. Supervisors Jones and Bibby thanked Chief Drozen and all of CAL FIRE for the efforts. Chief Drozen extended his appreciation for the County fire fighters and the County Fire Safe Council. Supervisor Carrier thanked CAL FIRE for putting out the notice regarding disposal of

wood stove ashes.

Rick Benson advised that unless there is some objection, today will be the last time that the LAFCo agenda will appear as part of the Board of Supervisors agenda and, in the future, LAFCo will be separate. He also advised that: he has been working with the volunteers in the Fire Department to set up some public outreach meetings regarding the CSA3 fire assessment; they already have two meetings set up; they will be distributing a list to the media and will be sending out a notice to the property owners; and the first meeting will be February 8th at 1:00 PM at the Catheys Valley Fire Station. CAO also advised that Caltrans now has a revised Environmental Impact Report (EIR) for the Ferguson Slide, and that they have responded to everyone who commented on the EIR. He also noted that he distributed responses to all of the Board members; that Caltrans is interested in anything that the Board might see as red flags; invited any Board comment be directed to him; and noted that Caltrans is hoping to wrap up the EIR so that they can move onto the next step. Supervisor Bibby noted that she likes LAFCo appearing on the agenda as it is a reminder for the Board and for the public but that she will try it this new way.

F. Public Comment on Non-Agenda Items

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Mary Bass/Mariposa County Chamber of Commerce President thanked everyone who attended the Installation Dinner on Saturday night. She also issued an invitation to the School Supply party on February 20th, and noted needed items. Supervisor Cann recounted meeting someone while he was out-of-town who discussed having to use the map in downtown Mariposa and their appreciation for same.

Darrell Tucker apologized to Mr. Rei for a previous comment on plastic bags. He also noted that he appreciates what the Board is doing, and inquired if a response was ever received from Fish and Wildlife regarding the letters that were written about the Yellow legged frog/Yosemite toad issue.

G. Board Information

Supervisor Bibby reported attending the Mother Lode Job Training yesterday in Sonora, and advised that they are still looking for private sector individuals to serve on the Workforce Investment Board (WIB) which advises the governing board. She also discussed the drought and its effects on the fields and reservoirs; discussed the impacts on irrigation and agriculture; noted that livestock ponds are empty; and noted that the wildlife is coming closer to humans in order to find water. Supervisor Bibby reported transporting FFA students to a recent leadership training in Monterey, and she extended her compliments to them for their exemplary behavior. She also noted that norovirus and influenza are going around; encouraged people to get flu shots; and advised people to wash their hands and be cautious about going around others if running a fever in order to prevent contaminating other people.

Supervisor Carrier reported attending the following events on Saturday: the Bootjack Fire Pancake Breakfast; the Fish Camp Planning Advisory Meeting; the Fish Camp Fire Rescue meeting; and the Yosemite Alpine Community Service District. He also advised that there will be a School District meeting tonight from 6:00 PM – 8:00 PM at the High School Auditorium regarding the local control of state budgeted monies. Supervisor Carrier also advised that: the Lions Club Crab Feed will be on Saturday; the 4H pancake breakfast is on Sunday at the Fairgrounds; and the FFA awards dinner will be held on February 5th at 6:00 PM at the Merced Fairgrounds, and he discussed how impressive our kids are in those competitions. He also advised

that he is still looking for a Juvenile Justice Delinquency Prevention Commission member from his district.

Supervisor Stetson noted that he did not have a single meeting all week that was not conflicted or cancelled, but that he did have continuing conversations with many constituents on many issues. He advised that he will be attending a Friends of Bear Creek meeting tomorrow.

Supervisor Jones discussed the drought and noted that the ranchers are having to put out supplements already. He also noted that a lack of water will affect food production which will cause food prices to go up. Supervisor Jones reported attending: the Greeley Hill Community Club meeting on the 21st; the Solid Waste meeting on the 23rd; the EDC meeting; a meeting with some concerned citizens regarding the Airport on the 26th; a LAFCo workshop on the 27th; a meeting with the CSD manager, Public Works and the Fire Department on the 26th; and a Coulterville Beautification meeting last night. Supervisor Jones also commented on the revolving loans from the CDBG Grant noting that someone was able to put in a Senior Day Care Center in Coulterville with that funding.

Supervisor Cann reported that he heard from Townsend Public Affairs that the Federal Payment In Lieu of Taxes (PILT) is included in the current farm bill that will be voted on tomorrow by the House of Representatives. He also reported attending last week's RCRC meeting; discussed a proposal to cap use at the state level of capital gain funds at 6.5% with the remainder going into the rainy day fund and suggested that the Board might want to consider something similar as the County moves forward with various things, particularly the litigation with Merced Irrigation District; discussed the state's lack of PILT payments; noted his concern that more actions are coming out of the legislature which seem to favor the heavily urbanized areas over the rural areas; discussed the Williamson Act and other counties that have put moratoriums on new contracts; and noted that the governor is considering a state water bond for 2014 but no details are yet available about it. In response to Mr. Tucker's question during the Public Comment portion, Supervisor Cann advised that the Fish and Wildlife Service is having a hearing this Thursday in Sacramento on the yellow legged frog/Yosemite toad issue and that he, as RCRC's ex-President, has requested that RCRC have a strong presence at the hearing, and that they produce another base opposition document which all of the counties will be able to use if they want. He also advised that the renewed comment period on the matter is now open until March 11th; and that while they released their economic impact analysis, it only outlines the costs to landowning agencies and that those costs are outlined as being specifically for controlling actions on Federal lands such as fish stocking, water operations, grazing, and recreation. Supervisor Cann reported attending the Bootjack Fire Department breakfast on Saturday. He advised that he will be attending a meeting tomorrow with some constituents on General Plan issues tomorrow; that he will be holding a Town Hall meeting here at the Chambers at 6:00 PM on February 10th; and that he will be attending the Crab Feed on Saturday night.

H. LOCAL TRANSPORTATION COMMISSION

(Chair - Commissioner Lee Stetson, Vice-Chair - Commissioner Merlin Jones)

Public Comment Period

For Items within the Jurisdiction of the Local Transportation Commission and not on Today's Agenda (Speakers Limited to Five Minutes)

None.

LTC Regular Agenda

1. Planning LTC-2014-4

Authorize the Public Works Director to Execute Agreements with the California Department of Transportation for the "Town of Mariposa Transportation Center Feasibility Study - Phase I"

Peter Rei introduced Brian Foucht/Deputy Planning Director who gave the staff report. Mr. Foucht noted that he was highly optimistic regarding this application.

Commissioner Bibby required clarification regarding a cash match mentioned on packet page 79. Mr. Foucht noted that there is an error in the staff report; that it is an 11.47% cash match which is split between 9% of STIP funds and 2.47% for staff time.

Commissioner Bibby also noted a reference to the Bike and Pedestrian Plan on page 78, recounted previous concerns regarding privacy and safety for residents along the creek, and urged being conscious of those concerns when pursuing grants. Mr. Foucht responded that there will be a very robust public engagement process. Commissioner Bibby also discussed that the rights of individuals to enjoy their property should not be sacrificed by the majority. Mr. Foucht responded by discussing the public engagement process.

Commissioner Carrier required clarification as to who will administer the grant if it is received. Mr. Foucht responded that the grant will be administered by Public Works, with Planning Staff involved in the conduct of the activities. Mr. Rei responded that it makes sense for Public Works to administer the grant because his department is familiar with the Caltrans process, but that the departments will be collaborating. Commissioner Carrier inquired as to whether it is anticipated that they will need to hire a consultant. Mr. Foucht responded affirmatively.

Commissioner Bibby inquired as to what projects have thus far been discussed. Mr. Foucht noted that they are looking at parking facilities and transit oriented facilities that would be centrally located somewhere within the town of Mariposa. Commissioner Bibby required clarification regarding the term "transit center." Mr. Foucht responded.

Commissioner Cann discussed the advantageous timing of this grant application relative to the downtown parking district problems, and the ADA sidewalk and crosswalk improvements.

No public input.

Commissioner Stetson discussed clerical flaws in the Resolution.

Commissioner Cann moved to approve this action, with the clerical errors in the resolution being corrected and subject to County Counsel's approval.

Seconded by Commissioner Jones and passed unanimously.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Adjourn LTC

I. Reconvene as Board of Supervisors

Recess

10:44 AM Chair Cann recessed the Board for a brief break.

10:54 AM Chair Cann reconvened the Board.

J. Regular Agenda Items

1. Public Works RES-2014-42

Approve a Professional Services Agreement with the Aeroplex Group Partners LLC to Study Options for Managing the Mariposa-Yosemite Airport in the Not to Exceed Amount of \$12,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

Peter Rei made the staff report. He noted that the transition from KMPI to the County has proceeded smoothly and that they have made all necessary changes to the locks and computers, have learned the system for managing the fuel, and have all of the things working on a temporary basis. He also gave an overview of this issue noting the failed RFP, the meetings with the three interested parties, and the considerations that went into determining the proposed agreement as the best for the County. He also noted that Exhibit "A" to the proposed agreement enumerates four tasks but that upon further review, Mr. Rei noted that Task 1 is Fact Finding; Task 2 uses the information determined in Task 1 to develop realistic options for managing that airport; and that he purposely did not include Tasks 3 and 4 in this item as it is premature to try to suggest one or more options until Tasks 1 and 2 are accomplished. He also noted that there is an error, and an updated version which did not get attached in time to be included in the agenda packet; and he noted that under Task 1 in the "Fee" section it says: \$150 plus costs not to exceed \$5000, but that the not to exceed amount should say \$6000, with the same correction being repeated in the "Fee" section under Task 2. Mr. Rei also discussed that staff has been very impressed with the contractor's professionalism, experience and background in the aviation field.

Supervisor Jones required clarification of the timeline on Task 2, noting that it would take effect in June if signed by February. Supervisor Jones and Mr. Rei discussed the status of the terminal until then. Supervisor Jones noted his concern that the airport needs to be available to use in the event of wild fires. Mr. Rei discussed a proposal to investigate housing the Fire Department or other county departments there, and noted that there may be some concerns regarding the FAA grant language; but, that he has been told that the FAA is not as stringent as they have been in the past.

Supervisor Carrier noted that neither Task 1 nor Task 2 currently defines that the issue is that we lost the airport FBO who was paying the county, and that Tasks 3 and 4 look like the county would be paying them to manage the terminal. He also noted that he shared the idea regarding locating a county department at the terminal; noted that if the Fire Department administrative staff was located at the terminal it would address some of the safety and security issues and has linkage in case of summer fires; and noted that he would like hard reasons before discounting the idea. Mr. Rei responded that Supervisor Carrier's concern could be included in Task 2; noted that he shares the conclusion that if we ask the FAA, the likely answer will be no; and discussed that the tipping point may be in the way it is described. Mr. Rei also discussed the fact that, conversely, a fire presence is required at airports with runways that are four thousand feet long, or longer; and discussed a crash at the Columbia Airport yesterday, noting that CAL FIRE was the first responder as they have a base there. Discussion ensued between Supervisor Carrier and Rei regarding the potential benefits of such a relocation.

Supervisor Cann required confirmation of his understanding that if something was put at the airport that is not directly related to the functioning of the airport, it is potentially at risk of needing to be removed if an airport-related need arises. Mr. Rei affirmed that as a reasonable interpretation. Supervisor Cann also required clarification regarding the Special Aviation Fund. Mr. Rei responded that the Special Aviation Fund is where revenues from either the FAA or the State Aeronautics Division are placed, but that one of the goals of this effort will be to recommend consolidating the two budgets currently in place into one.

CAO recounted recent contact with a city whose City Manager's Office is located at an airport.

Supervisor Bibby noted that she likes the idea of having the Fire Department located at the airport as it would provide staff and services; and discussed that the argument could be made that services are being provided in exchange for space. She also reminded everyone that if locks are being changed then we need to have a key left with Sheriff's dispatch. Mr. Rei clarified that the keys to the terminal building have been changed, but that the keycards to the gate did not change; and that that it is his understanding that keys have already been provided to the Sheriff's Department, but that he will double check. Discussion ensued between Mr. Rei and Supervisor Bibby regarding the Airport Plan.

Supervisor Jones remarked that he likes the objectives of moving the Fire Department to the Airport as stated by Supervisor Carrier, but urged careful investigation as he doesn't want the FAA to be able to request their money back.

Supervisor Carrier required clarification as whether Aeroplex will be updating the Airport Master Plan as part of Task 1. Mr. Rei responded that the Master Plan is not that far out of date; noted that the Airport Advisory Commission (AAC) reviewed it during its meetings in 2011 and 2012; noted that he doesn't see anything urgent in their recommendations but that Aeroplex will certainly review it; and remarked that the Land Use Plan should be the next thing to be reviewed. Supervisor Carrier inquired as to whether the contractor will recommend corrective actions. Mr. Rei responded that his assumption is that the things they learn in Task 1 will be rolled into the business plan in Task 2.

Supervisor Bibby inquired as to whether we have to add another term to the contract concerning the issue of whether another county department can occupy the space at the airport. County Counsel responded that would be included under Task 1, Item 2 which deals with considering alternative options for short term FBO operations and staffing. Mr. Rei noted that he can advise the consultant that he is being requested to also consider that possibility.

Public comment opened.

Ruth Catalan noted that it appears that this contract will pay a consultant to recommend whether or not he should run the airport. She also inquired if this has been reviewed by the AAC.

Public comment closed.

Supervisor Bibby required clarification of whether the AAC reviewed the agreement. Mr. Rei noted that there have been discussions with them and that they saw the draft, but that no formal position was requested or given.

Supervisor Jones recounted his recollections noting that AAC members knew that this was going to take place. He also noted that it is his understanding that this contractor is not applying to run the FBO himself. Mr. Rei responded that he doubts that the contractor would ever seriously consider doing that as he's already operating two fairly large airports and a sizeable corporation. Mr. Rei noted that the likelihood is that a recommendation for an FBO, or multiple FBOs, is what will most likely come out of this. Supervisor Jones discussed the need for answers and a plan.

Supervisor Cann announced that County Counsel has confirmed his review for legal sufficiency.

Supervisor Bibby noted that it would be nice to get input on fuel operation and sales as well as the lease and rental agreements. Mr. Rei noted some options already discussed.

Supervisor Carrier noted that this information was shared with the AAC, but he does not know if they were aware of the actual cost. He also remarked that he does know that they want questions answered regarding how to make the airport more profitable, and what can be done to improve it.

Action was taken to approve the item as requested, with the not to exceed amount stated in the "Fee:" section of Tasks 1 and 2 being changed from \$5,000 to \$6,000.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

K. Items removed from Consent Agenda

None.

L. Closed Session

Public comment.

Ruth Catalan commented on L.4 and inquired as to why the Board was meeting regarding the Fire Chief/Emergency Planning Coordinator as she thought someone had been appointed to the position.

Public comment closed.

CAO responded that the Board made a selection, but that they have not yet made an appointment.

1. County Counsel (ID # 3215)

Closed Session Conference with Legal Counsel; Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (C) of Government Code Section 54956.9; Number of Cases: 1

This closed session was held at 11:55 AM and reported out at 12:01 PM.

RESULT: CLOSED SESSION HELD

2. Human Resources/Risk Management (ID # 3226)

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard Bolanos

RESULT: WITHDRAWN

3. Human Resources/Risk Management (ID # 3227)

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard C. Bolanos

RESULT: WITHDRAWN

4. **Human Resources/Risk Management (ID # 3234)**

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Fire Chief/Emergency Planning Coordinator

This closed session was held at 11:42 AM and reported out at 12:01 PM.

RESULT: CLOSED SESSION HELD

Report Out

12:01 PM Chair Cann reported out from closed session that Information was Received and Direction was Given on item L.1, and that items L.2 and L.3 were withdrawn. As to closed session item L.4, Chair Cann reported that the Board took unanimous action to appoint Leonard DeJoria as the Fire Chief/Emergency Planning Coordinator effective February 18, 2014. Stetson (M); Jones (S).

M. Adjournment

12:01 PM Chair Cann adjourned the Board of Supervisors meeting in memory of Jose Davis Lopez, Judy Trabucco, and Bob Shockley.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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KEVIN CANN, CHAIR
MERLIN JONES, VICE-CHAIR
LEE STETSON
JANET BIBBY
JOHN CARRIER

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

February 4, 2014

A. Call to Order and Roll Call

9:03 AM Chair Cann called the meeting to order at the Mariposa County Government Center, and noted that all Supervisors were present.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:02 AM
Merlin Jones	District II Supervisor	Present	9:02 AM
Janet Bibby	District III Supervisor	Present	9:02 AM
Kevin Cann	District IV Supervisor	Present	9:02 AM
John Carrier	District V Supervisor	Present	9:02 AM

B. Pledge of Allegiance

Supervisor Jones led the Pledge, followed by a moment of silence in honor of our men and women in uniform across the globe.

C. Introductions

None.

D. Approval of Consent Agenda (Items designated by "CA")

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.

No public input.

Chair Cann noted the following correction to the Minutes of January 28, 2014: all references to "FFA" in Item J.1, regarding the Aeroplex lease, should actually be "FAA."

Chair Cann also noted that CA6 requires a 4/5th vote.

Supervisor Jones remarked that the Board needs to strongly support CA3 as it will help to fund the FFA program which teaches our young people responsibility. Supervisor

Cann noted his appreciation that the school FFA Director was in attendance.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-43

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2014-44

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Board of Supervisors RES-2014-45

Adopt a Resolution Supporting the Agriculture Incentive Grant

CA4. Board of Supervisors

Approve the Minutes of Tuesday, January 28, 2014

CA5. Community Services 2014-12

Approve the Re-Appointment of Linda Pribyl to the Mariposa County Commission on Aging Representing District IV for a Term Expiring December 31, 2017

CA6. Fire RES-2014-46

Approve Budget Action Increasing Revenue and Appropriations in the Fire Budget to Account for the Emergency Management Planning Grant Funding (\$75,000) 4/5ths Vote Required

CA7. Technical Services RES-2014-47

Approve the SunGard Quote for Services for Consulting Services with the County's AS400 Computer System and Authorize the Chairman of the Board of Supervisors to Sign the Quote for Services Amending the Software License Agreement in the Amount of \$25,200

E. Departmental Presentation

For Items within the Jurisdiction of the Board and not on Today's Agenda

Peter Rei/Public Works Director updated the Board on last week's discharge from the Coulterville Wastewater Treatment Plant noting that: it occurred between January 23rd and 27th; the Water Board has visited and has calculated it to be 48,000 gallons, not the 200,000 gallons previously feared; all pertinent agencies and parties have been contacted; all necessary forms have been filled out; a number of tests were done but the results are not back yet; the general consensus from the State Water Board is that it is probably not as bad as it sounds; that Public Works is preparing the final letter to the Water Board; and M.I.D. is telling them that they have no significant concerns. Mr. Rei also thanked staff,

noting that they have been very responsive and done everything asked by any, and all, agencies. Supervisor Jones thanked Mr. Rei for the speed with which this has been addressed. Mr. Rei also provided an update regarding Yosemite West noting that: the flow meter is now installed and operational; the strainer, which was also to be replaced, is in its final design with construction slated to begin in the next couple of weeks; the air stripper has been installed and final calibration is occurring this week; the insulation for the clarifier has been ordered and should be here within two weeks; the draft leach field report from Provost and Pritchard is done and they are putting the final together and it is anticipated that it will be available within a couple of weeks; the engineer's reports, which will ultimately accompany the new zones of benefit for Yosemite West, should be available by late February or early March; once created, we will have to go through an engineer's report to eventually end up at a rate hearing; the SCADA system, which was damaged by lightning, has been repaired and is running well; and they are beginning on the operations and maintenance plan for Yosemite West Water and Sewer. Rick Benson/County Administrative Officer reported receiving the proposal from the individual who will be doing the review of the finances and the fiscal activities that took place at Yosemite West. Supervisor Stetson extended his thanks for the reports.

Officer Lewis/Mariposa Area California Highway Patrol reported on last week's fatal collision in the Grosjean area of Highway 140 between Stephen Wells and Beverly Slaght. Supervisor Cann inquired if there was any information on the fatal accident in Fish Camp. Officer Lewis noted that Fish Camp is covered by the Oakhurst area office.

F. Public Comment on Non-Agenda Items

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Marvin Wells inquired as to when the marijuana cultivation item will be scheduled, and whether public comment on the issue will be reopened. Chair Cann responded, noting that the previous item was not a hearing but, rather, a discussion to decide whether the County was going to move forward with an ordinance. Chair Cann also noted: that the Board gave direction to the pertinent departments to move forward with the ordinance; that there is no date scheduled yet; that the Planning Department is the contact for that issue; and that when it comes back it will be a full, new hearing and all public comment will be welcomed and received.

G. Board Information

Supervisor Jones expressed his thanks to all of the County employees for their dedication and work. He also reported attending: a meeting of the Northern Mariposa History Center on the 29th; the Greeley Hill Fundraiser Breakfast on the 2nd; a meeting with a citizen on the 3rd regarding compliance on various issues; and a Coulterville Beautification meeting on the 3rd. Supervisor Jones also announced that he will be hosting a Candidates Night sometime in March.

Supervisor Stetson reported attending: a meeting with the Friends of Bear Creek on Wednesday; a series of conversations and meetings with various people regarding a variety of issues; meetings with Public Works, and citizens of Mariposa concerned about the marijuana ordinance; and a gathering with Midpines residents at Ed Temple's home on Saturday evening. Supervisor Stetson advised that he will be attending the El Portal Planning Advisory Committee meeting next Tuesday, where a presentation will be made on the IRWMP process.

Supervisor Carrier reported attending: a meeting in Lushmeadows on Wednesday; the Wednesday evening School District meeting regarding the local control funding formula; a Friday meeting with Terri Selk, the Tourism Director; the Lions Club Crab Feed on Saturday; the 4H Breakfast Fundraiser on Sunday; and a meeting yesterday in Fish

Camp regarding some fire issues. Supervisor Carrier advised that he will be attending: a meeting with a citizen tomorrow; a meeting with Human Services and Supervisor Cann tomorrow; the FFA Award Dinner in Merced tomorrow night; the Area 12 Agency on Aging Board meeting on Thursday; the County EMS meeting Thursday afternoon, if he gets back into the area in time; either the Planning Commission meeting or a meeting at Fresno State on Friday; the Democratic Club meeting on Saturday; and the Republican Club meeting on Saturday evening. Supervisor Carrier also announced that he is still seeking someone to represent District V on the Juvenile Justice/Juvenile Delinquency Prevention Commission (JJ/JDPC) and requested interested parties to contact him.

Supervisor Bibby announced that she is also seeking a District III representative for the JJ/JDPC as well as the following: a private sector representative for Mother Lode Job Training to serve on the Workforce Investment Board; a District III Commission on Aging representative; a Mental Health Governing Board member; and a private sector representative for the Calaveras-Mariposa Community Action Agency who can provide input on low income needs in Mariposa. Supervisor Bibby also reported that she attended: the School District meeting, and discussed the district's online survey; and the IRWMP meeting last night in Hornitos, noting her concerns regarding inaccurate information being captured and later used by regulatory agencies. Supervisor Bibby advised that she will be attending: a Mariposa Caltrans Partnership Meeting in the Conference Room on the 5th; a Mental Health Governing Board meeting on the 6th; and the CSA meeting in Catheys Valley on February 8th. Supervisor Bibby complimented those who participated in the FFA competition. She also discussed the condition of the creek parkway, noting an abundance of trash and fire pits along the creek parkway starting at Stroming Road and running back to Idle Wheels.

Supervisor Cann remarked that the Commission on Aging also has at-large vacancies for Districts II and III, and he advised that interested people should contact Terri Peresan/Community Services Director. Supervisor Cann also reported attending a Wednesday meeting with Planning, Supervisor Bibby and some citizens regarding the mining operation out on Highway 49 North; remarked that language noting "permitted functions" means that it has to go through the process to obtain permits; discussed that all permits have been received by the company in question for the current work that is being conducted; and noted that if they decide to expand operations they will need to apply for additional permits. He also reported having discussions with some Calaveras County Supervisors on issues, and noted that the RCRC will be conducting a survey to see how the 34 member counties are dealing with the Williamson Act issues in view of the lack of State assistance; and he noted that CSAC is having a special meeting of their Ag and Natural Resources Committee and their Williamson Act Task Force on Thursday to discuss those issues. Supervisor Cann also reported attending a meeting yesterday with the Interim Fire Chief regarding strategic planning and matriculating the new chief. He also noted that Fish and Wildlife had a meeting last Thursday regarding the frog and toad issue, and he discussed same; discussed the RCRC's involvement; and noted his concern regarding the speed with which this issue is moving. Supervisor Cann also reported attending: the Daughters of the American Revolution Good Citizenship Tea in Merced on Saturday, noting that he presented the Good Citizen of the Year Award to Heidi Bassett; and the Lions Club Crab Feed Saturday evening. Supervisor Cann advised that he will be: meeting with Public Works and the Caltrans District Director on Thursday; meeting with Supervisor Carrier and Human Services regarding homeless services and outreach; attending the Lincoln Dinner on Saturday; and holding a District IV Town Hall meeting in this room from 6:00 PM to 8:00 PM on February 10th.

H. Regular Agenda Items

None.

I. Items removed from Consent Agenda

None.

J. Closed Session

Chair Cann announced that both closed session items have been withdrawn from today's meeting.

1. **Human Resources/Risk Management (ID # 3241)**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard Bolanos

RESULT: WITHDRAWN

2. **Human Resources/Risk Management (ID # 3242)**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union Local 521 (SEIU); Name of County Designated Representative: Richard C. Bolanos

RESULT: WITHDRAWN

K. 9:54 AM Recessed

L. 2:00 PM Reconvened

1. **Planning RES-2014-48**

CONTINUED PUBLIC HEARING to Consider Adoption of a Resolution Supplementing Resolution No. 11-464, a Board of Supervisors Resolution of Action on Appeal No. 2009-161 Regarding the Mount Gaines Mine; CA Mine ID# 91-22-0008; APNs 007-130-022 and 007-130-023; 7176 and 7180 Mount Gaines Road, Hornitos

2:03 PM Chair Cann reconvened the Public Hearing continued from December 17, 2013.

Sarah Williams/Planning Director made the staff report. She gave an overview of the actions to this date and reported that amendments were made to Findings 2 and 5 in response to the last minute public input that was received immediately prior to the last hearing on December 17, 2013. She also noted receipt of five additional communications since the agenda packet for this meeting was prepared; discussed the edits that were requested in those communications; and noted that those edits have been reviewed with outside counsel and that they are not being recommended here today. Ms. Williams explained that the original action was due to an incomplete application, and noted that the requested additional finding goes beyond the scope of what is before the Board today.

Supervisor Stetson required clarification as to whether any part of the language in Finding Number 2 gives the operator the right to conduct operations without review or approval by the Board of Supervisors. Ms. Williams responded that, should the Board take the action today, Planning would need to consider any new applications against all existing laws, regulations, and resolutions.

Chair Cann discussed opening public input. County Counsel recommended that the Board take a formal action to consider reopening public input since it had previously taken a formal action to officially close it.

Supervisor Bibby requested hard copies of the additional letters received. Ms. Williams provided same.

Supervisor Stetson commented that he thinks it is unfair to be presented with materials at the last minute.

Action was taken to reopen public input and also to incorporate the five written responses as part of the public record. The action passed 4-1; Stetson opposed. Bibby (M); Jones (S)

Public comment open.

Heather Bernikoff/Hornitos resident noted that she is concerned with the ambiguity of the words "resumption" or "resume." She also discussed the Webster's Dictionary definition of those words, and argued that it needs to be made very clear that no vested rights have been determined.

Linda Meyer/Mariposa Farm Bureau discussed the efforts that she had to undertake to get the letter in to the Board today. She remarked that the Farm Bureau is very concerned with private property rights; discussed that they just want the County to follow the rules that California already has in place; and she feels that this sets a precedent.

Jonathan R. Marz/Diepenbrock Elkin, attorney for Jack Bankhead, gave an overview of the actions to this date. He discussed that the parties have worked in good faith to craft the clarifications in the supplemental resolution; remarked that the revised supplemental resolution completely and competently addresses the issues raised by the objectors in December, 2013; noted that the supplemental resolution does not grant Mr. Bankhead additional rights that he does not already possess; discussed the motion to reopen public comment; discussed the new language requested; and requested the Board to adopt the revised supplemental resolution.

Public comment closed.

Discussion and Deliberation.

Supervisor Cann required clarification regarding the vested rights issue. Ms. Williams responded by discussing the scope of the original hearing issue; noted that this is merely to clarify the Resolution adopted at that time; and cautioned the Board of the need to keep within the scope of the actions that were originally requested and the proposal that was originally made. She also remarked that she understands, and recognizes, the public's concerns about mining, but noted that this is an authority issue.

Supervisor Stetson moved to adopt this supplemental resolution as requested. Seconded by Supervisor Jones.

Supervisor Bibby noted that she is not going to be able to support this today as she feels there is still ambiguous language which might create potential problems in the future.

Chair Cann commended everyone on their efforts to get to this point, and noted that our natural resources legal counsel feels that this clarification gives the County the control that it wants and requires.

Supervisor Stetson discussed that he recognizes that there is a natural sensitivity to mining operations, but that the Board's action today is simply the working out of a great many compromises.

Chair Cann called for the vote, and the Motion passed.

RESULT: ADOPTED [4 TO 1]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Lee Stetson, Merlin Jones, Kevin Cann, John Carrier

NAYS: Janet Bibby

M. Adjournment

2:33 PM Chair Cann adjourned the meeting in memory of Lowell Dexter, Isabel Castro, and Walker de Talleri.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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KEVIN CANN, CHAIR
MERLIN JONES, VICE-CHAIR
LEE STETSON
JANET BIBBY
JOHN CARRIER

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

February 11, 2014

A. Call to Order and Roll Call

9:04 AM Chair Cann called the meeting to order at the Mariposa County Government Center, noting that there was a quorum with all Supervisors present.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:04 AM
Merlin Jones	District II Supervisor	Present	9:04 AM
Janet Bibby	District III Supervisor	Present	9:04 AM
Kevin Cann	District IV Supervisor	Present	9:04 AM
John Carrier	District V Supervisor	Present	9:04 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Bibby, followed by a moment of silence in honor of our men and women in uniform both domestically and across the globe.

C. Introductions

None.

D. Approval of Consent Agenda (Items designated by "CA")

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.

Public comment opened.

Rick Benson/County Administrative Officer recommended the following corrections: in CA10, language on page 103 under the MINIMUM QUALIFICATIONS category of the job description for the Deputy CAO presently states "...work in a State or local government setting" should be changed to say "...work in a government setting"; and in CA22, the amount of \$121,450 on page 128 should actually read \$121,540.

Supervisor Cann announced a correction to his Board Report in the Minutes of February 4, 2014 noting that language currently reads: "...had a meeting last Thursday regarding the fish and toad issue," and should say the "frog and toad issue."

Public comment closed.

Supervisor Carrier pulled CA22 from the Consent Agenda for later discussion.

Regarding CA4, Supervisor Jones required clarification regarding the fees for the photographer and writer. Angela Heiss/Applicant responded that the fees account for prep time, publicity, posters, and other things in addition to the four hours of the event. She also noted that they need to borrow ipods from the Arts Council, and the condition for borrowing them is that they use certified teachers who have been trained in ipod photography.

Regarding CA5, Supervisor Carrier required clarification regarding the age and miles of the vehicles to which the winches will be attached, and whether or not the State has approved the installation. Frank Milazzo/Fish and Game Warden responded with the vehicle ages; remarked that the equipment will be removable for reuse on other vehicles; noted that they have not yet gotten approval from the State, but that similar purchases in other counties were approved; and noted that if, for some reason, the winches are disapproved the money will be returned. At Chair Cann's urging, Warden Milazzo introduced his supervisor, Lt. Troy Bruce. Supervisor Jones inquired why the State isn't paying for the winches; and as to how Cal OSHA can approve them lifting weights of these magnitudes. Lt. Bruce responded by noting that there is no money in the State budget; and that he cannot address the second question. Warden Milazzo discussed a recent injury of his due to lifting a deer carcass. Discussion ensued between Supervisor Jones and Warden Milazzo regarding the State's fiscal responsibilities. Supervisor Bibby noted for the public that these funds are associated with the fines collected.

Regarding CA6, Supervisor Carrier required clarification that all County guidelines and hiring procedures enumerated in Resolution 98-48 will be followed. Tessa Pritchard/Human Resources Director-Risk Manager noted that all parameters have been met. Chair Cann discussed that, given that there is now a Human Resources Department and Director, the Board should be able to expect that compliance with procedures has been fully certified by Human Resources before an item gets to this point, and he asked that instead of requiring clarification that it has been done each time such a request comes before the Board, that Ms. Pritchard let them know ahead of time when they do not. Ms. Pritchard affirmed. Supervisor Bibby required clarification that both promotions and reclassifications must complete a new job application, and that they are reviewed to see if they meet the minimum qualifications. Ms. Pritchard affirmed.

Regarding CA8, Supervisor Carrier noted that: listed within the plan are different positions and the percentages of work required, and that three of the positions are noted as having a change in job duties but that the changes are not defined; and he wants to make sure that those job duties still fit within the job descriptions, and that no one is working out of class performing those duties. Chair Cann requested Ms. Pritchard to follow up on that to certify that those duties are still within the position descriptions, and that this not move forward unless that is the case. Ms. Pritchard noted that there have been no requests for reclassifications in the Health Department, but that she will follow up with Dr. Mosher to make sure that they are still working within their classifications.

Regarding CA11, Supervisor Carrier required clarification regarding the monthly amount being paid as it is different than the quote. John Lawless/Interim Human Services Director responded by discussing the various amounts and noting that all of them are wrapped into one monthly payment of \$835. Mr. Lawless also noted: that this is through the Rural Telecom Grant; that they will fund it for three years; and once we get the grant they will be paid back for what has been paid on it.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-49

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2014-50

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Administration RES-2014-51

Approve Amendment 6 to Cooperative Agreement P12AC30157 with the National Park Service (NPS) Increasing the Financial Assistance Amount by \$117,000; and Authorize the Board of Supervisors Chair to Sign the Amendment

CA4. Administration RES-2014-52

Approve a Grant Agreement to Use Fish & Game Funding to Finance the "Explore Nature Along Bear Creek through a Lens and Pen" Event in the Amount of \$3,335, Sponsored by the Friends of Bear Creek Midpines a Subcommittee of the Upper Merced River Watershed Council; and Authorize the Board of Supervisors Chair to Sign the Grant Agreement

CA5. Administration RES-2014-53

Approve the Request for the Use of Funding in the Fish & Game Budget for the Local Office of the California Department of Fish & Wildlife to Purchase Heavy Duty Winch/Recovery Equipment (\$6,737) and to Purchase Three Infrared Covert Trail Cameras (\$2,101)

CA6. Auditor RES-2014-54

Authorize Filling an Accounting Technician I/II Position in the Auditor's Office Effective February 18, 2014 by Approving an Internal Promotion; and Authorize the Recruitment and Filling of Permanent Part-Time (70%) Account Clerk III Position in the Auditor's Budget Effective February 18, 2014

CA7. Board of Supervisors

Approve the Minutes of Tuesday, February 4, 2014

CA8. Health RES-2014-55

Approve Children's Medical Services (CMS) Plan and Budget Justification for Fiscal Year 2013-2014 in the Amount of \$128,484 for California Children's Services (CCS), \$71,488 for Child Health and Disability Program (CHDP), and \$15,597 for the Health Care Program for Children in Foster Care (HCPCFC) and

Authorize the Board of Supervisors Chair and County Health Officer to Sign the CHDP and CCS Children's Medical Services Certification Statements for Fiscal Year 2013-2014

CA9. Human Resources/Risk Management RES-2014-56

Approve the Class Specification of Staff Services Analyst I/II; Set the Annual Salary Range for the Staff Services Analyst I at \$36,337.60-\$44,169.75 and the Annual Salary Range for the Staff Services Analyst II at \$39,971.36-\$48,586.72; Assign the Classifications to the Service Employees International Union (SEIU) Bargaining Unit; and Approve Recruiting and Filling Two Full-Time Staff Services Analyst I/II Positions Effective Immediately

CA10. Human Resources/Risk Management RES-2014-57

Approve Amendments to the Classification Specification of Deputy County Administrative Officer

CA11. Human Services RES-2014-58

Approve a Three Year Agreement with Rural Health Telecom for the Provision of Discounted T1 Computer Connection for the Coulterville Office, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA12. Human Services/Behavioral Health & Recovery Services 2014-13

Appoint Clarence Tedrow to the Alcohol and Drug Abuse Advisory Board for a Term Expiring February 11, 2017

CA13. Planning 2014-14

Appoint Glenn Franklin as a Regular Voting Member, Representing the Mariposa County Resource Conservation District (RCD) and Re-Appoint Dennis Bunning, Representing the Mariposa County Farm Bureau to the Agricultural Advisory Committee with Terms Expiring February 28, 2016

CA14. Planning 2014-15

Re-Appoint James Eppler to the Catheys Valley Community Planning Advisory Committee for a Term Expiring February 28, 2016 (Supervisor Bibby)

CA15. Planning 2014-16

Re-Appoint Magnum Godfrey and Sara Zahn to the Coulterville Town Planning Advisory Council with Terms Expiring February 28, 2016 (Supervisor Jones)

CA16. Planning 2014-17

Re-Appoint Michael Ross to the El Portal Planning Advisory Committee with a Term Expiring February 28, 2016; Accept the Resignation of Sam Hays from the El Portal Planning Advisory Committee and Recognize Mr. Hays for His Service (Supervisor Stetson)

CA17. Planning 2014-18

Re-Appoint Greg Baxter, Richard Brady, Jeff Cerioni and Howard Davies to the Fish Camp Town Planning Advisory Council with Terms Expiring February 28, 2016 (Supervisor Carrier)

CA18. Planning 2014-19

Re-Appoint Ben Starr and Jesse Figueroa to the Greeley Hill Planning Advisory Committee with Terms Expiring February 28, 2016 (Supervisors Jones)

CA19. Planning 2014-20

Re-Appoint Tre Ford, Caroline McGrath, Candy O'Donel-Browne and Ed Temple to the Midpines Planning Advisory Committee with Terms Expiring February 28, 2016

CA20. Planning 2014-21

Re-Appoint Gale Banks, Paul DeSantis, Chuck Jones and Roger Soulanille to the Wawona Town Planning Advisory Committee with Terms Expiring February 28, 2016; Accept the Resignation of Larry Williams from the Wawona Town Planning Advisory Committee and Recognize Him for His Service (Supervisor Carrier)

CA21. Public Works 2014-22

Appoint Stacie Dayhoff to the Parks and Recreation Commission Representing District I with a Term Expiring May 21, 2017

CA22. Moved to the "Items removed from Consent Agenda" section

E. Board Recognitions

1. Board of Supervisors 2014-23

Proclaim the Month of February 2014 as "Teen Dating Violence Awareness and Prevention Month" (Alison Tudor - Program Director, Mountain Crisis Services)

No public comment.

Chair Cann presented the Proclamation to Alison Tudor/Mountain Crisis Services Program Director. Ms. Tudor thanked the Board for the Proclamation and discussed some of the work that Mountain Crisis Services is doing within the schools. Ms. Tudor then introduced Aaron Marcus/Program Specialist who discussed the "Expect Respect" program that will occur later this month.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

F. Departmental Presentation

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

None.

G. Public Comment on Non-Agenda Items

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Marvin Wells provided the Board with a handout regarding Future Farmers of America (FFA) noting that he doesn't feel that the Board has given the FFA enough recognition, and he discussed his handout. He also discussed an interaction with some enlisted men last week and urged everyone to show their appreciation when encountering those in the service.

1. Clerk of the Board of Supervisors (ID # 3297)

Handouts from the Public Comment on Non-Agenda Items Portion of the February 11, 2014 Meeting

RESULT: INFORMATION RECEIVED

H. Board Information

Supervisor Carrier reported attending: a Wednesday meeting with a citizen about an issue that turned out to be a property line dispute and not a County issue; a Wednesday meeting with a group of Caltrans officials regarding Mariposa County road projects over the next couple of years, noting that the surface repairs on the William Sell Bridge should be happening this summer, and that they should be starting to move some materials with the Ferguson Slide this summer, as well; a meeting on Wednesday afternoon with Human Services and Supervisor Cann regarding homeless issues; the Area 12 Agency on Aging Board meeting on Thursday, noting that Pauline White announced that she is retiring after 20 years with her last day of work being April 12th; the Democratic Club's breakfast Saturday morning; the Saturday afternoon CSA3 informational meeting in Catheys Valley; the Republican Dinner Saturday evening; the Historic Sites Meeting on Monday; a fundraiser dinner for daycare at Woodland School last night; and the District IV Town Hall meeting last night. He also reported working in the office all day Friday. Supervisor Carrier advised that he will be: meeting with representatives from the Fire Department and Public Works this afternoon regarding an issue with the sprinkler system at the Don Pedro Fire Station; attending a Courthouse meeting on Wednesday; attending the Airport Advisory Committee meeting Wednesday evening; participating in a CSAC Conference call Wednesday afternoon that will be discussing aspects of the Williamson Act, and current marijuana legislation; and attending a dinner at the Fairgrounds on Saturday.

Supervisor Bibby reported attending: the First 5 meeting on Monday, and discussed mini-grants that have been awarded as well as grants that are available; and the CSA meeting in Catheys Valley, and she complimented the CAO for doing a great job in presenting the facts. Supervisor Bibby advised that there may be a special meeting of Mental Health Services on Thursday as they had no quorum last week due to flu and other illnesses. Supervisor Bibby also noted that John Lawless and Angela Phillips have been providing outreach to the homeless by visiting the churches and The Road House Wellness Center, providing informational handouts regarding assistance, and helping them to seek assistance if they qualify. She also discussed that the Board recently adopted a resolution asking the Governor to retain the FFA Ag grant, and noted that there is a grassroots campaign requesting individuals to write letters to the Governor urging that the FFA Ag grant be kept in place, in addition to allowing local schools to make decisions as to where their funding goes. Supervisor Bibby also: announced that there will be a discussion on February 25th regarding whether there should be a moratorium on the Williamson Act; discussed elements of the General Plan regarding the preservation of open space in the community; and urged the community to come out and voice their concerns, one way or the other.

Supervisor Stetson reported: a week of constituent communications; dealing with Caltrans regarding airbrake issues in El Portal; learning of a Ferguson Slide issue in regard to expanding the Forest Service right-of-way which may delay the actual movement of rock this summer; and an issue regarding Postal Service parcel boxes in El Portal. Supervisor Stetson advised that he will be: attending the El Portal Advisory Board meeting tonight at 7:00 PM; attending the Midpines Advisory Board meeting tomorrow night at 6:00 PM; attending the Thursday evening performance of the "Almost, Maine" production at the Bug Hostel in Midpines; and traveling to San Francisco on Friday evening to present at the Spirit of Yosemite Festival sponsored by the John Muir Ecotourism Center, the Yosemite Conservancy, and the Yosemite-Mariposa County Tourism Bureau.

Supervisor Jones discussed the economic diversity of the county, noting that small manufacturing becomes difficult because of the housing and shipping here. He reported attending: a meeting on the 4th with the Sheriff, and a phone conference with Assemblymember Frank Bigelow's office and a Secret Service group regarding putting a plaque up in memory of three Secret Service agents who lost their lives; a meeting on the 7th with a person from the Mormon Church which is planning a reenactment journey of their trip out west; the Northern California History Center Gala on the 8th; the Sweetheart's Ball in Don Pedro on the 8th, and he thanked all of the volunteer firemen; the Coulterville breakfast on the 9th; a meeting with the owner of the Equestrian Events Center in Don Pedro Sunday afternoon, noting that their calendar is almost completely filled up for their first year of business; and the CSA3 meeting last night in Don Pedro with the CAO and Interim Fire Chief Middleton. Supervisor Jones also discussed his understanding that the School Board is thinking about floating a bond and he urged them to rethink it due to the economy. He also discussed that there are other ways to generate revenue, and noted that there are many empty school buildings that could be leased, rented or sold.

Supervisor Cann reported attending the Caltrans meeting last week, noting that the potential rock shed design for the Ferguson Slide will be like the one constructed south of Big Sur at Pitkin's Curve and Rain Rocks. He also discussed a Caltrans issue regarding the mileage posted on the highway signs, noting that the mileage stated on the Highway 140 signs are measured to Yosemite Valley, while those along Highway 41 are to the boundary. Supervisor Cann reported attending: a Wednesday meeting with Human Services to follow up on the homeless issue; the Thursday meeting of the Mariposa County Business Association; the Democratic meeting Saturday morning; and the Lincoln Dinner Saturday evening. He also discussed last night's District IV Town Hall meeting, noting his appreciation for the turnout; and discussed all of the work that Karen Smith did on the way finding signs project. Supervisor Cann advised: that he has a meeting with Solid Waste today.

I. Regular Agenda Items

1. Citizen Submittal (ID # 3270)

Presentation by Roger Biery, Economic Development Corporation (EDC) President, Providing an Update on the EDC's Effort to Recruit a Developer/Operator for the Mariposa Resort and Conference Center

Roger Biery/Economic Development Corporation President gave a PowerPoint presentation.

Supervisor Jones extended his thanks to Mr. Biery for the presentation.

Supervisor Bibby required clarification as to the sites that have been identified. Mr. Biery responded noting that it would be up to the developers as to whether they wanted to utilize those properties; and that this does not need to be limited to the town of Mariposa. Supervisor Bibby also clarified for the public that this is being done by the EDC, not the County of Mariposa. She also inquired as to county departments that have interfaced on

this issue. Mr. Biery responded noting that Planning and Economic Development have been consulted. Supervisor Bibby discussed the importance of keeping county staff apprised; and inquired as to what will be needed from the County as this goes forward. Mr. Biery responded that the consultant has told them it may be necessary to issue incentives to attract developers; that there is also the possibility that the County may want to have an active role in selecting the developer in which case it would be fair for the County to pay for the RFP; but, at present, there is no action that the County needs to take. Supervisor Bibby inquired if Caltrans has been consulted because of the intersection. Mr. Biery responded that it is too premature for such an action. Supervisor Bibby also required clarification regarding any targeted developers and asked if that information will be posted on the EDC website. Mr. Biery noted that it will not be on the website, but that Economic Development will have access to it.

Supervisor Carrier inquired as to the current occupancy rate countywide. Mr. Biery responded that he does not know because not all lodging owners release that data, and he discussed an industry study. Supervisor Carrier noted that his concern is with finding an operator. Mr. Biery responded that he shares that concern which is why they are focusing on a builder/operator. Supervisor Carrier also inquired regarding the cost to increase MPUD infrastructure. Mr. Biery responded that the estimate is 1.4 million dollars, and he discussed efforts to obtain grant funding for same. Mr. Biery noted that would only be necessary for one of the properties being contemplated as the other is already served by MPUD. Supervisor Carrier inquired as to whether environmental issues have been considered. Supervisor Cann remarked that full processes under the California Environmental Quality Act (CEQA) would need to be observed.

Supervisor Cann noted that these sites have been targeted mainly because they were zoned appropriately in 2006, and the concept was to locate these types of facilities in those locations because they can be served by water and sewer. He also discussed that hotels that have minimal LEEDS certification are using 30% of the water as opposed to comparable older, non-certified facilities; and he noted that he feels the whole conference/performing arts capabilities are the key to profitability. Supervisor Cann also noted that the grant potential could end up being the key that decides the viability of the project; and discussed the types of jobs that would be offered by such a facility and the possible numbers of people it would employ.

Supervisor Bibby inquired if MPUD has committed that they will be able to produce the water and services for these facilities. Mr. Biery responded that MPUD has noted no problem with one targeted parcel as the infrastructure is already in place; but that the second targeted parcel would require new infrastructure.

Supervisor Stetson noted that he shares some of the concerns, but wishes them success with it.

Public comment opened.

Jay McDonald inquired if the Park, and the Park Service, is interested and supportive given that they are about to come out with the Merced River Plan and that this project would imply additional tourist traffic and trips especially in the winter months.

Katee Owens discussed that she lived in Coarsegold during the construction of the Chukchansi Casino and noted that, prior to construction, they were told that there would be no problems with water and traffic, and that it would bring jobs. She noted that: they sucked the water out of subdivisions; traffic has increased on Highway 41; it didn't do a thing for tourism as the casino was shy of the town; and the jobs were all low-end jobs. She also noted that while she sees the benefit, it is important to make sure that we have the water; and she stressed the need to weigh the benefit against the potential problems. She also: inquired as to the exact locations being discussed, noting that placement is critical so that it does not ruin the town; noted that if it does get built, a transport to the town would be great; commented that it needs to not be isolated from the town; and remarked that the town is not helped if it is self-contained with its own shops and restaurants.

Candy O'Donel-Brown noted that the County supported the local bus system, and remarked that it could be used to help take people into Yosemite.

Les Marsden discussed the Arts as an economic engine, noting that data shows that investment in the arts enjoys massive returns. He also discussed that performing arts facilities tend to attract a more affluent clientele.

Public comment closed.

Supervisor Cann responded to Mr. McDonald noting that any increase in off season travel would be viewed favorably by NPS; noted that he thinks there will be relative caps on visitation at some point in the future; and discussed that lodgings tend to fill up in Yosemite Valley first, then radiate outward. Supervisor Cann also noted that he was told by MPUD's General Manager that MPUD has a legal responsibility to provide water to those parcels.

Mr. Biery discussed the strategy utilized in targeting parcels; remarked that the other parcel is located between the cemetery and Idle Wheels; and noted that casinos have different business models, and that this is being crafted to be a win-win situation for the county.

Supervisor Bibby urged that the EDC provide as much open information as possible. Mr. Biery responded that this is only the first step, and that there will be an enormous development process if it goes forward.

RESULT: INFORMATION RECEIVED

11:17 AM Chair Cann announced that he would like to switch agenda items 2 and 3 since the Board has to be in closed session at 11:30 AM, and the representative from Mountain Top Media is here.

2. Administration RES-2014-59

Approve Agreement with Mountain Top Media in the Not to Exceed Amount of \$24,000 to Replace the Sound System in the Board Chamber, and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Transferring Funding from the Government Center Debt Service Fund to the Board of Supervisors Budget for the Amount of the Agreement (\$24,000) 4/5ths Vote Required

Rick Benson gave the staff report. Rick Peresan/Technical Services Director discussed the quality of the audience sound, and discussed timeframes for work completion.

Supervisor Bibby inquired if there will be a warranty on the work. Jim Hobbs/Mountain Top Media noted that his standard warranty is two years, and that the County may extend that at any time.

Supervisor Jones required clarification of the funding source. Mr. Benson responded.

Rick Peresan noted that Mr. Hobbs is an expert in audio; and that there will be some cosmetic work that is not part of the contract, but that he has spoken to Public Works and it will be addressed as necessary.

No public comment.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

J. Closed Session

1. **Human Resources/Risk Management (ID # 3250)**

**CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Human Services Director
RESULT: CLOSED SESSION HELD**

2. **Human Resources/Risk Management (ID # 3290)**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard Bolanos

Supervisor Carrier recused himself from this closed session item.

RESULT: CLOSED SESSION HELD

Recess

11:25 AM Chair Cann recessed the Board to closed session, advising that it will reconvene at 2:00 PM in order to consider the remaining agenda items.

K. 2:00 PM Reconvene

Report Out

2:08 PM Chair Cann reported that Information was Received and Direction was Given on both closed session items.

1. **Human Resources/Risk Management RES-2014-60**

Approve an Agreement for Services with Bryce Consulting to Provide a Compensation Study in the Not-To-Exceed Amount of \$27,200, and Authorize the Board of Supervisors Chair to Sign the Agreement

Tessa Pritchard gave the staff report. She noted that she has received five proposals in response to the RFP; discussed the amounts of the bids, noting that Bryce Consulting was the low bidder; discussed the results of the reference check; commented that the Board previously approved \$25,000, but that the actual cost is higher than expected; and noted that there are sufficient funds in the Human Resources budget to absorb the additional cost.

Discussion ensued between Supervisor Bibby and Ms. Pritchard regarding the sufficiency of the number of hours in the quote, and the scope of this survey. Supervisor Bibby also discussed her concern that we need to be able to find the funds to implement the survey's findings.

Supervisor Jones required clarification as to the termination date. Ms. Pritchard responded noting that: she extended the date in an abundance of caution; it should take about four months to conduct the study and have a final product; and it should be available by the end of June.

No public input.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: John Carrier, District V Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Administration RES-2014-61

Approve Recruitment and Filling of the Deputy County Administrative Officer Position in the County Administration Office Effective Immediately; Approve the Overfill of the Position Effective March 1, 2014, through September 30, 2014; and Reduce the Incumbent in This Position to Permanent Part-Time (60%) Effective March 1, 2014

Rick Benson gave the staff report noting that: the Deputy County Administrative Officer will be retiring at the end of the next budget cycle; she has requested permanent part-time status through the end of September; he is requesting an overfill of the position so that the new person can get the training on budgets; and the fiscal impact for this budget year is approximately \$13,800.

Supervisor Bibby expressed her thanks and appreciation to the incumbent as she is hugely instrumental in day-to-day activities; remarked that an overfill is wise; and expressed her thanks that the Deputy will be here until September 30th.

Supervisor Stetson noted his agreement with Supervisor Bibby.

Supervisor Jones extended his congratulations, noting that he will miss her; and remarked that he wants to see this filled at Step I.

Mr. Benson noted that the Board will have a proper recognition prior to her retirement.

Supervisor Cann required clarification regarding when the budget process begins; and whether the position will be advertised. Mr. Benson responded.

Supervisor Bibby remarked that if it ends up being promotional from within the County, there may be no savings due to the need to hire at five percent over the applicant's present salary; and she reiterated that she thinks the overfill is prudent.

No public input.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Lee Stetson, District I Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier

L. Items removed from Consent Agenda

1. Public Works (ID # 3249)

Approve the Fourth Amendment to the Agreement with Analytical Environmental Services to Increase the Compensation in the Amount of \$1,275 to Prepare California Environmental Quality Act Documents for the Disaster Recover Initiative (DRI) Roads Project Bringing the Total Compensation to \$122,815; and Authorize the Public Works Director to Sign the Amendment

Chair Cann noted that there was no public comment on this earlier during the Consent Agenda.

Supervisor Carrier discussed the history of this issue with Peter Rei; expressed his dissatisfaction with the matter to date; and noted that he feels these services should be covered by what has already been paid to AES. Mr. Rei noted that he shares Supervisor Carrier's concerns; and discussed his observations from a meeting in Sacramento. Supervisor Carrier expounded on past contract amendments, noting that he thinks we have spent enough money. Discussion ensued between Supervisor Carrier and Mr. Rei regarding whether Public Works could do the CEQA work.

Rick Benson discussed past events; remarked that he thinks that it is too important to chance not getting the right environmental documents given the magnitude of this project and what it means to this County; and noted that it will be paid for from the grant funds.

Supervisor Jones noted his concerns over the escalating contract price and the performance that has been observed. He also remarked that, given past events, AES should be approached to see if they will absorb the amount. Mr. Rei required clarification of whether CEQA should be included for West Whitlock Road. Supervisor Jones noted that it is the job of a good company to foresee all issues like this. Mr. Rei remarked that it has been his experience that, in virtually all cases, CEQA and NEPA are performed together.

Supervisor Cann required clarification of the source of the funding. Tara Schiff/Community Development-Grant Coordinator responded that these are Federal funds. Supervisor Cann discussed the requirements of the Categorical Exemption as he understands them; noted that he is really worried about West Whitlock Road; and remarked that he is in agreement with Public Works contacting the contractor to express the Board's disappointment regarding their performance. Mr. Rei noted that there is no time frame that requires CEQA being done at this exact point in time. Discussion ensued between Supervisor Cann and Mr. Rei regarding representations made by AES, and the sufficiency of past services.

Supervisor Cann suggested that if timing is not critical, he would like Mr. Rei to discuss the issue with AES then report back to the Board.

The Board took action to continue the matter to February 25th, with direction given to Mr. Rei to have discussions with the President, Vice-President, or other properly empowered individual at AES, to see whether they can finish the CEQA on Whitlock Road and the other projects for what has been paid, with Mr. Rei reporting back to the Board.

Carrier (M); Jones (S); Passed Unanimously.

**RESULT: CONTINUED BY MOTION [UNANIMOUS] Next: 2/25/2014
9:00 AM**

MOVER: John Carrier, District V Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

M. Adjournment

2:52 PM Chair Cann adjourned the meeting in memory of Raul Gutierrez Corral, Shirley

Beyer Lewellen, Frank Barbeau, Norris Edmond Saunders, Charles Fleming, Jr., Don Cram, and Jane Pellock.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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KEVIN CANN, CHAIR
MERLIN JONES, VICE-CHAIR
LEE STETSON
JANET BIBBY
JOHN CARRIER

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

February 18, 2014

A. Call to Order and Roll Call

9:03 AM Chair Cann called the meeting to order at the Mariposa County Government Center. He also noted that all members are present.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:03 AM
Merlin Jones	District II Supervisor	Present	9:03 AM
Janet Bibby	District III Supervisor	Present	9:03 AM
Kevin Cann	District IV Supervisor	Present	9:03 AM
John Carrier	District V Supervisor	Present	9:03 AM

B. Pledge of Allegiance

Supervisor Stetson led the Pledge, followed by a moment of silence in honor of all of those in uniform whether stationed domestically or overseas.

C. Introductions

Chair Cann introduced Len DeJoria the new Fire Chief, and recognized Jim Middleton who acted as Interim Fire Chief. Chief DeJoria thanked the Board; discussed the positive reception that he has received from the community; and discussed his vision for the department. Board members welcomed Chief DeJoria and his wife, Dana. Supervisor Cann discussed the Board's support for the Chief. Chief DeJoria noted that Deputy Chief Middleton has done an outstanding job as the Interim Chief.

D. Approval of Consent Agenda (Items designated by "CA")

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.

No public input.

Supervisor Carrier required clarification regarding CA8. Peter Rei/Public Works Director responded, noting: that this action is required each year per the Streets and Highway Code and it becomes the basis for how they get the distribution of gas taxes; the state laws; that the primary differences between county maintained roads and others is that we are not allowed to spend gas tax monies on roads that are not in this system; that not every road is in the system; and that anyone having questions regarding what is, or isn't, in the system may call his department. He also discussed different types of roads. Supervisor Bibby inquired as to why some have listings of the number of lanes and some don't, and as to whether there are any changes from last year. Mr. Rei responded that he did not know why the lane listing, and that there were no changes from last year.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-62

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2014-63

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Board of Supervisors

Approve the Minutes of Tuesday, February 11, 2014

CA4. Health RES-2014-64

Approve a Grant Funding Agreement with First 5 of Mariposa County for the Health Department's Children's Dental Health Program, and Authorize the County Health Officer to Sign the Grant Agreement

CA5. Human Services/Behavioral Health & Recovery Services RES-2014-65

Approve an Agreement with Mariposa Safe Families to Carry Out Substance Abuse Prevention Activities in an Amount Not to Exceed \$71,752, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA6. Human Services/Behavioral Health & Recovery Services RES-2014-66

Approve a Memorandum of Understanding (MOU) with Mariposa County Unified School District (MCUSD) to Coordinate the Activities of the Project SMILE Mentoring Program, and Authorize the Board of Supervisors Chair to Sign the MOU

CA7. Probation RES-2014-67

Authorize the Probation Department to Recruit and Fill a Vacant Full-Time Senior Office Assistant Position in the Probation Budget Effective Immediately

CA8. Public Works RES-2014-68

Adopt a Resolution Verifying the County-Maintained Road Mileage

CA9. Sheriff's Office RES-2014-69

Approve a Letter of Support to Assembly Member Frank Bigelow for a United States Secret Service Roadside Memorial Marker, and Authorize the Board of Supervisors Chair to Sign the Letter

CA10. Sheriff's Office RES-2014-70

Approve Agreement 12-LE-11051360-002 (Controlled Substance Annual Operating and Financial Plan) with the United States Department of Agriculture, Sierra and Stanislaus National Forests for Law Enforcement Services on National Forest Lands, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA11. Sheriff's Office RES-2014-71

Approve Agreement 12-LE-11051360-002 (2014 Forest Service Law Enforcement Patrol Agreement) with the United States Department of Agriculture, Sierra and Stanislaus National Forests for Law Enforcement Services on National Forest Lands, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA12. Treasurer-Tax Collector-County Clerk RES-2014-72

Authorize the Annual Authority of the Treasurer to Invest and Reinvest Funds of the County and Funds of the Other Depositors Pursuant to Government Code 27000.1 and 53607; Approve the Investment Policy and Guidelines for the County of Mariposa Pursuant to Government Code 53646(A) (1); and Authorize the Board of Supervisors Chair to Sign the Investment Policy and Guidelines

E. Board Recognitions

1. Administration/Economic Development 2014-24**Approve a Certificate of Recognition to Greg Kittelson for His Generous Donation of Stage Lights to the Mariposa County Parks and Recreation Amphitheater**

Supervisor Cann discussed Mr. Kittelson's interest, and involvement, in the county. Rick Benson/County Administrative Officer discussed Mr. Kittelson's generosity, noting that his unsolicited donation will be used by the community for many years to come. Tara Schiff/Community Development-Grant Coordinator extended her thanks to Mr. Kittelson for his generous donation of stage lights for the amphitheater.

No public input.

Supervisors Bibby, Carrier and Jones extended thanks to Mr. Kittelson for his donation and generosity.

Chair Cann presented the Certificate of Recognition to Mr. Kittelson.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Janet Bibby, District III Supervisor
SECONDER: Lee Stetson, District I Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier

Recess

9:26 AM Chair Cann called for a brief recess.

9:45 AM The Board reconvened.

F. Departmental Presentation

For Items within the Jurisdiction of the Board and not on Today's Agenda

Peter Rei recounted bringing an item to the Board last week regarding contract amendment number 4 with Analytical Environmental Systems (AES) to do the CEQA documents for both of the two portions of the Disaster Recovery Initiative Project; noted that the item was continued to February 25, 2014; and discussed Board direction for him to contact the company. He reported that he spoke with the AES Vice President, who agreed to get that work done under the existing scope. Mr. Rei also noted that, for that reason, he would like to withdraw the continued item. Supervisor Jones requested that Mr. Rei pass along to AES the Board's appreciation for their consideration.

Terri Peresan/Community Services Director notified the Board that the senior fire wood program for this year is done. She noted that they have depleted the available wood at the jail yard, and that North County still has a few rounds that they will be splitting. Supervisor Cann inquired of the amount of wood that was distributed. Ms. Peresan responded that she does not have the final number, but will report it to the Board when it is known. Supervisor Jones and Ms. Peresan discussed the availability of wood in District II this year and next year. Ms. Peresan and Supervisor Jones discussed the issue of moving the firewood to the access points.

Doug Binnewies/Mariposa County Sheriff recognized the loss of two California Highway Patrol officers out of the Fresno Office, who were involved in a fatal traffic accident yesterday. Supervisor Cann discussed the tragedy. Officer Lewis/California Highway Patrol thanked the Board and the public for their recognition and thoughts.

G. Public Comment on Non-Agenda Items

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Kathy McCorry/Chamber of Commerce Executive Director reported: on the amount of activity over this last weekend; and that they had a huge team of people in San Francisco promoting Yosemite, the John Muir Geotourism Center, and Mariposa County. Ms. McCorry also advised that: the Supply Party to help local teachers with their supply needs will be this Thursday at the Masonic Hall from 5:30 PM to 7:00 PM; the next Network at Night is scheduled for March 20th and will be sponsored by Sierra Wine Cellars, Mariposa Hotel, and Yosemite Airworks, with the Catnip Society being showcased; and a class to help your Business Grow will be held on March 27th. Supervisor Cann discussed preliminary T.O.T. numbers for January.

H. Board Information

Supervisor Jones discussed the drought, and the current price of hay. He also

reported attending: a meeting with Supervisor Cann, Peter Rei, and Greg Ollivier from Solid Waste on the 11th; the SWIFT meeting in Moccasin on the 12th, where they are working on upgrading the maps for the fire fighters; a February 12th meeting with Larry Vilott regarding a gateway sign for Highway 132; a meeting with Cathi Boze on the 12th, where they discussed the inability to recruit for open positions in that department at the current salaries; the Airport Advisory Board meeting on the 12th with Supervisor Carrier, Peter Rei and staff; a meeting with NRCS on the 13th; and a Coulterville Beautification meeting. Supervisor Jones also noted his hope that everyone remembered their loved ones on Valentine's Day.

Supervisor Stetson reported attending: the El Portal Advisory Board meeting on Tuesday; the Midpines Planning meeting Wednesday evening; and a Midpines Ad Hoc meeting at the Bug on Monday. He also reported that he was at the Academy of Sciences in San Francisco on Friday, Saturday, and Sunday, with the Spirit of Yosemite Festival. Supervisor Stetson discussed the sold out presentations of "Almost, Maine" at the Bug, and noted that it raised a lot of money for Mountain Crisis Center. Supervisor Stetson advised that he will be attending: a Thursday with meeting with Craig Litwin, a consultant on marijuana issues; and the meeting regarding the CSA fire issue at the Midpines Community Center next Tuesday at 6:00 PM.

Supervisor Bibby announced that: FFA dinner tickets are currently being sold; and the Hornitos Patrons Club Enchilada Dinner is March 1st at the Hornitos Stag Hall. Supervisor Bibby reported attending the regular Mental Health Governing Board meeting on the 14th. She also advised that she will be attending: a special Mental Health Governing Board meeting on the 19th, regarding the recruitment for a Mental Health Services Director; an internet research meeting on the 20th; an Arts Council Executive Director meeting on the 20th; and a February 20th meeting with Bridget Fithian from the Sierra Foothill Conservancy. Supervisor Bibby also noted that the Board will be discussing the Williamson Act on February 25th, and urged interested people to attend. She also extended prayers and thoughts to the families of the CHP officers who were lost, and extended condolences to their communities and families.

Supervisor Carrier reported: attending a Tuesday meeting with the Fire Department and Public Works regarding an issue with the fire sprinkler at the Lake Don Pedro Fire Station; attending the Airport Advisory Board meeting on Wednesday with Supervisor Jones; and participating in a CSAC conference call on Thursday, noting that the main topics discussed were marijuana, water and the Williamson Act. Supervisor Carrier advised that he will be attending: the CSA 3 meeting in Greeley Hill tonight at 7:00 PM; the Mountain Valley EMS Board meeting in Copperopolis on Wednesday; a fundraiser for the Christiansen Family Wednesday evening; the Thursday CSAC Board meeting in Sacramento and, hopefully, the Coulterville CSA3 meeting later that night; the Planning Commission meeting on Friday; and his grandson's birthday on Saturday. He also noted that he still has: a vacant position on the Juvenile Justice/Juvenile Delinquency Prevention Commission; and two vacancies on the Wawona Town Planning Advisory. Supervisor Carrier also discussed House Bill 2954, the Public Access and Lands Improvement Act, noting that part of that bill is the allowance of timber harvests on forest lands and BLM lands from the Rim Fire, and that it will soon be going before the Senate.

Supervisor Cann discussed an error in the agenda packet, noting an attachment for someone else on Greg Kittelson's Certificate of Recognition. Supervisor Cann reported attending the Solid Waste meeting with Supervisor Jones; and thanked those who participated in the Town Hall meeting last Monday night. He also advised that he will be attending the RCRC meetings in Sacramento tomorrow, noting that it appears that they are getting some serious traction on forest health issues and discussed efforts there.

I. Regular Agenda Items

1. Human Resources/Risk Management RES-2014-73

Approve a One-Year Memorandum of Understanding (MOU) with the Service Employees International Union, Local 521 Effective November 1, 2013; Authorize the Board of Supervisors Chair to Sign the MOU; and Authorize the Auditor to Increase Appropriations to Each Affected Budget Unit in Order to Implement Provisions of the MOU

Tessa Pritchard/Human Resources Director - Risk Manager gave the staff report, with Sandra Laird/Administrative Analyst in attendance.

Supervisor Bibby required clarification regarding the longevity payment, and the vacation buy-back. Ms. Pritchard responded that the longevity payment will be paid during the pay period of the anniversary date of an employee; and that vacation buy-backs will be submitted in November, and paid in their December check.

No public input.

Supervisor Jones thanked the employees for their patience. Supervisor Bibby extended her thanks and appreciation to all of the employees, and the bargaining unit as a whole; and discussed needing assistance on identifying the funds for these increases.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: John Carrier, District V Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier

J. Items removed from Consent Agenda

None.

K. Closed Session

1. Human Resources/Risk Management (ID # 3279)

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee: Mariposa County Managerial and Confidential Organization (MCMCO); Name of County Designated Representative: Richard Bolanos
RESULT: WITHDRAWN

2. County Counsel (ID # 3298)

CLOSED SESSION: Conference with Legal Counsel; Existing Litigation; William Davis, Et Al. V. Mariposa County Board of Supervisors, Et Al.; Mariposa Superior Court Case No. 10429

No public input.

RESULT: CLOSED SESSION HELD

Report Out

11:12 AM Chair Cann reported out from closed session that Information was Received and Direction was Given on closed session item K.2.

L. Adjournment

11:13 AM Chair Cann adjourned the meeting in memory of Gary Porter, Doris Boomer, Violet Wenzel and Christine Kirk.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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KEVIN CANN, CHAIR
MERLIN JONES, VICE-CHAIR
LEE STETSON
JANET BIBBY
JOHN CARRIER

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

February 25, 2014

A. Call to Order and Roll Call

9:07 AM Chair Cann called the meeting to order at the Mariposa County Government Center, noting that all members were present.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:01 AM
Merlin Jones	District II Supervisor	Present	9:01 AM
Janet Bibby	District III Supervisor	Present	9:02 AM
Kevin Cann	District IV Supervisor	Present	9:02 AM
John Carrier	District V Supervisor	Present	9:02 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Carrier, followed by a moment of silence in recognition of our men and women in uniform both domestically and across the globe.

9:09 AM Chair Cann announced that the Introductions will be made later in the meeting as representatives from Social Security are expected.

C. Approval of Consent Agenda (Items designated by "CA")

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.*

No public input.

Regarding CA5, Supervisor Jones required clarification regarding the benefits to the County. Supervisor Carrier responded, noting the organization's history and some of their projects.

Regarding CA11, Supervisor Jones thanked all advisory board members for their service.

Regarding CA12, Supervisor Jones required clarification as to whether two alternates are allowed. Peter Rei/Public Works Director responded that he was unaware of anything that would preclude two, and discussed the reasoning for naming Greg Ollivier as a second alternate. Supervisor Cann responded that it is not common, but is permissible.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-74

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2014-75

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Administration RES-2014-76

Approve Budget Action Transferring Funding Within the Fire Budget for Moving and Travel Expenses of the Newly Hired County Fire Chief (\$5,000); Authorize the Auditor to Reimburse the County Fire Chief Once Expenses Are Properly Documented

CA4. Board of Supervisors

Approve the Minutes of Tuesday, February 18, 2014

CA5. Board of Supervisors RES-2014-77

Approve Paying Membership Dues to the Yosemite Sequoia Resource Conservation & Development Council in the Amount of \$1,000

CA6. District Attorney RES-2014-78

Approve Flex Class Promotion of a Legal Secretary I to a Legal Secretary II Within the District Attorney Budget Effective February 1, 2014; Approve Budget Action Transferring Funding Within the District Attorney Budget to Accommodate the Promotion (\$725)

CA7. District Attorney RES-2014-79

Approve Flex Class Promotion of a Deputy District Attorney I to a Deputy District Attorney II Within the District Attorney Budget Effective February 1, 2014

CA8. Planning 2014-25

Re-Appoint Robert Mason to the Catheys Valley Community Planning Advisory Committee for Term Expiring February 28, 2016 (Supervisor Bibby)

CA9. Planning 2014-26

Re-Appoint Paul Amstutz to the El Portal Planning Advisory Committee with a Term Expiring February 28, 2016 and Accept the Resignation of C.C. Jackson (Supervisor Stetson)

CA10. Probation RES-2014-80

Approve the Immediate Recruitment of a Probation Corrections Officer Position and to Fill the Position No Earlier Than April 26, 2014

CA11. Public Works 2014-27

Accept the Resignation of Elvie Bullis; Re-Appoint Christopher Morey, John Shimer and Tina Craig; and Appoint Janelle Danel and Rick Cordeiro to the Coulterville Service Area No. One Advisory Board with Terms Expiring on February 25, 2017

CA12. Public Works RES-2014-81

Appoint Greg Ollivier as an Alternate to the Rural County Representatives of California (RCRC) Environmental Services Joint Powers Authority

CA13. Sheriff's Office RES-2014-82

Approve an Interim Rental Agreement with 35-A District Agricultural Association for Rental of a 10 X 20 Foot Space in the Manzanita Hall During the Mariposa County Fair, August 29 2014 through September 1, 2014; and Authorize the Chairman of the Board of Supervisors to Sign the Agreement

D. Departmental Presentation

For Items within the Jurisdiction of the Board and not on Today's Agenda

Cathi Boze/Agriculture Commissioner provided an Agricultural Damage Assessment form, and a handout regarding the USDA Service Centers, and discussed various disaster programs available to producers. Supervisor Cann inquired if Ms. Boze envisions a lot of competition for the funds, and if there are specific timelines that need to be noted. Ms. Boze responded that there should be enough as the one hundred million dollars for California is in addition to the four hundred million dollars in the farm bill; but, suggested the sooner the better, as it is retroactive to the Federal year 2011. Supervisor Bibby extended thanks and appreciation on behalf of all producers, and discussed Ms. Boze's efforts in this regard. Supervisor Jones inquired if the department's programs are different from the NRCS, and whether a person can apply under both programs. Ms. Boze responded affirmatively to both questions.

Peter Rei advised of upcoming Hazardous Waste collection events to occur on March 11th in Mariposa from 9:00 AM to 1:00 PM, and on April 4th at the Don Pedro Transfer Station from 9:00 AM to 1:00 PM; and he supplied a copy of an email from Greg Ollivier noting the particulars. Supervisor Cann inquired as to quantity limitations. Mr. Rei noted that he is unsure of the exact amounts and that Mr. Ollivier is the person to contact. Supervisor Stetson inquired as to the means of advertising the event; and whether this event includes electronic waste. Mr. Rei responded, noting that electronic waste is not included. Supervisor Jones advised of widely read publications in District II that might be utilized to publicize the events.

1. Clerk of the Board of Supervisors (ID # 3330)

Handouts from Departmental Presentation Portion of the February 25, 2014 Meeting

RESULT: INFORMATION RECEIVED**E. Introductions**

Chair Cann noted the arrival of the representatives from Social Security and introduced Tuan Nguyen, the Cal Central Area Director; Mayra Ramirez, Public Affairs Specialist Cal Central Area; René Rubalcava, Merced District Manager; and Shelly Parreira. Ms. Ramirez discussed this morning's rollout of the Video Service Delivery, a collaboration between Human Services and the Social Security Administration which will allow residents to interface with Social Security representatives without leaving Mariposa. She noted that the contact station opened as of today and will be open twice a week: on a walk-in basis from 9:00 AM to Noon on Tuesdays; and by appointment from 9:00 AM until Noon on Fridays. Ms. Ramirez discussed the technology being utilized, and noted that appointments can be made by calling the National number or by calling the local office. Mr. Rubalcava discussed the services that will be provided at the contact station and noted that, alternatively, residents may also call 800-772-1213 which operates from 7:00 AM to 7:00 PM, Monday through Friday. Mr. Nguyen extended thanks to John Lawless/Interim Human Services Director and Human Services staff. Supervisor Cann noted that it was also mentioned at the roll-out, that they will take walk-ins on Friday if they are not already booked with appointments. Supervisor Bibby extended her thanks for the effort to reach out to Mariposa residents who may not be able to make the trip to Merced.

F. Public Comment on Non-Agenda Items

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Mary Bass/Mariposa County Chamber of Commerce President reported that they are starting to see more visitor activity; discussed the success of the Teacher's Supply Party; and advised of an upcoming membership benefit training on March 27th, noting that there will be two classes offered.

1. Clerk of the Board of Supervisors (ID # 3331)**Handouts from the Public Comment on Non-Agenda Items Portion of the February 25, 2014 Meeting****RESULT: INFORMATION RECEIVED****G. Board Information**

Supervisor Stetson reported: having a meeting with Craig Litwin; and doing a survey for Midpines Planning at the Pioneer Market on Saturday, and at the Post Office on Monday. He advised that he will be going to the CSA 3 meeting in Midpines this evening.

Supervisor Bibby reported attending: the CSA 3 meeting in Mount Bullion; the Farm Bureau meeting; a meeting with Bridget Fithian on February 20th; a Renaissance Art Fair meeting with Supervisor Jones; and an Internet Research meeting on the 20th, noting that a group of individuals have inquired about WiFi downtown. She advised that she will be attending a meeting with John Lawless on the 26th. Supervisor Bibby also reminded everyone that the Hornitos Patrons Club Enchilada dinner is this Saturday, and she advised that take-out will also be available.

Supervisor Carrier reported attending: the CSA 3 meeting in Greeley Hill last Tuesday; the Mt. Valley EMS Board meeting on Wednesday; the Wednesday evening fundraiser for Mary Christiansen; the California State Association of Counties (CSAC) Board meeting on Thursday, noting that the topics included marijuana, water, and the

Williamson Act in addition to others; a meeting with the Fire Chief, the CAO, and Supervisor Jones on Friday; and the Monday CSA 3 meeting in Bootjack with Supervisor Cann and the CAO. He advised that he will be attending: the CSA 3 meeting tonight in Midpines; the Integrated Regional Water Management Plan (IRWMP) meeting on Wednesday; a meeting with John Lawless and Supervisor Cann on Thursday; a lunch meeting with Rick Farinelli, the District 3 Supervisor from Madera County; the CSA 3 meeting in Ponderosa Basin on Thursday evening; the Yosemite Alpine Community Service District meeting on Saturday; and the enchilada dinner on Saturday.

Supervisor Jones reported attending: the Greeley Hill CSA 3 meeting on the 18th, and he commended the new Fire Chief for attending that meeting on his first day of work; a meeting with Cara Goger/Mariposa County Arts Council Executive Director and Supervisor Bibby on the 20th regarding the Yosemite Renaissance; a meeting with Planning, Building, NRCS and the Ag Department on the 20th; the CSA 3 meeting in Coulterville on the 20th; and a meeting with the Fire Chief, Supervisor Carrier, and the CAO on the 21st. Supervisor Jones also reported reading the agenda packet on the 22nd, as well as dealing with phone calls regarding the Williamson Act and the marijuana issue.

Supervisor Cann reported attending: an Rural County Representatives of California (RCRC) Executive Committee meeting last Wednesday, noting that topics of that meeting included Fairs and the Williamson Act; a meeting with the new owner of the 49er Pub last Thursday; a meeting with Public Works and the Best Western General Manager regarding re-establishing the walkway up to the Park; a Thursday meeting with a former Supervisor who is a long-time Williamson Act contract holder; the Chamber Supply Party, noting the appreciation displayed by the teachers for the supplies; a Monday meeting with a developer looking to make application to build a subsidized Senior Living facility in Mariposa, stressing that this is still only at the discussion stage; the Bootjack CSA 3 meeting last night; and the Social Security roll-out at Human Services this morning. He also advised that he will be: attending the CSA 3 meeting in Midpines this evening; attending the IRWMP meeting tomorrow; attending the department update on Human Services with Supervisor Carrier and John Lawless on Thursday; participating in a lobbying prep call regarding Payment In Lieu of Taxes (PILT) and the Secure Rural Schools bills; and flying to Washington, DC, on Friday to attend the National Association of Counties (NACo) meetings on Saturday and Sunday; and lobbying on Capitol Hill on Monday, Tuesday, and Wednesday, noting that he will miss next week's meeting.

Announcement Pursuant to Government Code 54952.3

Chair Cann read the following announcement: "In accordance with Government Code 54952.3, it is hereby announced that the Mariposa County Board of Supervisors will be sitting either simultaneously, or serially, as the Local Transportation Commission/Water Agency Board and that they receive no additional compensation for same."

Change of agenda order

10:21 AM Chair Cann announced that the first item listed on the Local Transportation Commission (LTC) agenda is actually a Board of Supervisors item and will be moved from the LTC agenda and heard as the second regular Board agenda item.

H. LOCAL TRANSPORTATION COMMISSION

(Chair - Commissioner Lee Stetson, Vice-Chair - Commissioner Merlin Jones)

Public Comment Period

For Items within the Jurisdiction of the Local Transportation Commission and not on Today's Agenda (Speakers Limited to Five Minutes)

None.

LTC Regular Agenda

1. Public Works LTC-2014-5

Re-Appoint Kristen Fiester, Local Social Service Provider for Persons of Limited Means to the Social Service Transportation Advisory Council (SSTAC) for a Term Expiring February 25, 2016

Barbara Carrier/Assistant Public Works Director - Support Services gave the Staff report.

No Board or public comment.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

LTC Adjournment

10:07 AM Chair Stetson adjourned the Local Transportation Commission meeting.

Recessed

10:08 AM Chair Cann recessed the Board of Supervisors.

I. Reconvened

10:17 AM Chair Stetson reconvened the Board of Supervisors.

J. Regular Agenda Items

1. Auditor (ID # 3288)

Review of the County Audited Financial Statements and Audit Findings for Fiscal Year 2012/13

William Davis/Mariposa County Auditor gave the staff report; discussed the audit; and noted that the entire audit is also located on the County website. He also: discussed the reserve amount, noting that he anticipates that it will need to be increased within the next year, or two, in order to meet the five percent mark; discussed the three Findings; and noted that there was \$105,000 in the micro-enterprise loans that was not being accounted for, but that procedures have been modified to correct the oversight.

Supervisor Bibby discussed her concerns with the three Findings, and noted that she has also been concerned about the Home Loan program as there has never been a report on that; and she requested that the Department and CAO bring forward a presentation regarding the status of that program. She also noted that she doesn't remember the \$451,565 amount coming up at midyear; discussed same; noted that she would like the CAO and Auditor to get together with the Department Head to see how that is going to be paid back; and requested a report back on those old loans. She also discussed the 4%

reduction in personnel, noting that more progress is needed.

Supervisor Stetson commented that he, too, would like a presentation regarding the home loans. He also inquired as to whether Smith and Newell conducted an audit of Yosemite West. Mr. Davis responded that they did review it and found nothing to indicate that anything was done inappropriately, had been lost track of, or had been put in places where it was not supposed to go.

Rick Benson/CAO remarked that the Worker's Comp issue is the only Finding that the Board has direct control over; and noted that it is an important part of the budget process that we continue to fund those.

Supervisor Bibby inquired if the old Home Loan program was picked up by Smith and Newell; and discussed her concern that the shortfall may be tied to it. Mr. Davis responded that Smith and Newell have never indicated any issue with the old home loan program, but that they have not been specifically asked to review it. He also noted that this fund was well balanced at the end of 2012, and that the over-extraction happened during the last fiscal year. He remarked that Human Services was aware of the issue at mid-year, but were still investigating it; and that the \$451,000 amount will not be rolled forward, but will drive a shortfall into the General Fund if we cannot find another funding source. Supervisor Bibby requested that a report exploring how to fund that be made as soon as possible. Chair Cann requested the CAO to investigate the issue. Discussion ensued between CAO and the Auditor as to how much time is necessary to adequately investigate the issue and report back. Supervisor Bibby discussed her concerns and reiterated her request for the report as soon as possible. CAO noted that the mid-year budget report will be before the Board in two weeks, and that he should be able to incorporate this issue into that report. Chair Cann noted that the Board will expect that report back in two weeks.

Supervisor Carrier noted that Human Services should have alerted the CAO to the shortfall.

Public comment opened.

Greg Kittelson requested an elaboration of the five percent fund; and whether that fund is liquid, invested, or held otherwise.

Public comment closed.

Mr. Davis responded that the five percent reserve fund follows a governmental recommendation, and is considered to be liquid.

CAO remarked that he is unaware of the County ever tapping into that reserve as it is truly an emergency fund.

RESULT: INFORMATION RECEIVED

2. Public Works RES-2014-83

Approve a Contract for Services with S & S Electric for the Installation of Two Generators in the Not to Exceed Amount of \$156,500; and Authorize the Public Works Director to Sign the Agreement

Barbara Carrier made the staff report.

Supervisor Carrier noted that it states within the scope of the work, that the contractor will obtain all County permits, and suggested that they also check with Air Pollution Control on any appropriate stationery generator permits as that may be a hidden cost. Ms. Carrier responded that there are some funds available to cover any additional costs that may arise.

Supervisor Jones inquired why they chose diesel over propane. Ms. Carrier and Mr. Rei responded.

Supervisor Bibby inquired if policy will be implemented to regularly test the

generators. Mr. Rei and Ms. Carrier both responded affirmatively.

Public comment opened.

Armando Rios inquired how long the diesel fuel will be sitting, as it destabilizes over time.

Public comment closed.

Ms. Carrier noted that the diesel will be coming from their tank.

Supervisor Jones inquired about the price difference between diesel and propane, and the time the diesel fuel will be sitting. Mr. Rei and Ms. Carrier responded, noting that it was the Fleet Superintendent's recommendation to go with diesel.

Supervisors Cann and Carrier discussed that there will be fewer problems if they can pull directly from the tank. Mr. Rei noted that he would like to look into these issues with the Fleet Manager.

Supervisor Jones moved that the Board approve this item, subject to Public Works revisiting the issue of the cost of diesel versus propane. The motion was seconded by Supervisor Carrier, and passed unanimously.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

3. Human Resources/Risk Management (ID # 3295)

Deny the Reclassification of the Assessment Office Manager in the Assessor/Recorder Budget to a Deputy Recorder/Assessment Office Manager; Approve a Change to the Classification Title to Assessment/Recording Office Manager

RESULT: WITHDRAWN

4. Public Works (ID # 3249)

Approve the Fourth Amendment to the Agreement with Analytical Environmental Services to Increase the Compensation in the Amount of \$1,275 to Prepare California Environmental Quality Act Documents for the Disaster Recover Initiative (DRI) Roads Project Bringing the Total Compensation to \$122,815; and Authorize the Public Works Director to Sign the Amendment

Chair Cann noted that within 24 hours of being directed by the Board at the February 11, 2014, meeting to negotiate with Analytical Environmental Services, the Public Works Director got their agreement that they would complete the work for the amount already paid; consequently, this item is no longer needed.

RESULT: WITHDRAWN

K. Items removed from Consent Agenda

None.

L. Closed Session

1. Human Resources/Risk Management (ID # 3311)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B)(1)); Human Services Director

No public input.

RESULT: CLOSED SESSION HELD

M. Lunch

11:06 AM The Board recessed to Closed Session, followed by lunch.

N. 2:02 PM Board of Supervisor Meeting Reconvened

Report Out

2:02 PM Chair Cann reported out from Closed Session that Information was Received and Direction was Given on item L.1.

1. Planning RES-2014-84

Adopt a Resolution Establishing Restrictions (Moratorium) on the Acceptance, Processing and Approval of New or Amended Applications for Williamson Act (Land Conservation Act) Contracts Which Increase the Amount of Contracted Lands in Mariposa County

Chair Cann introduced the issue by recounting the history that brought this item before the Board.

The staff report was made by Sarah Williams/Planning Department Director, who gave a PowerPoint presentation. Steve Engfer/Associate Planner was also in attendance.

Supervisor Jones announced that he has land in three counties in the Williamson Act, but will have no financial gain no matter which way this matter goes.

Supervisor Bibby noted that she has a remainder interest in property. She also required clarification from Ms. Williams regarding land transfers, and historic patents. Ms. Williams responded.

Supervisor Stetson required clarification regarding language in the agenda item. Ms. Williams responded.

Supervisor Jones inquired if part of today's discussion will concern non-compliant parcels; and remarked that those who do not follow the rules should not be getting the tax breaks. Ms. Williams explained the requirements of biennial reporting, and the procedure of non-renewal; and noted that she will be bringing a report to the Board in March.

Supervisor Bibby noted that Merced Irrigation District and the County of Mariposa have lands under Williamson Act, and discussed the potential impacts of same. Ms. Williams responded.

Supervisor Carrier inquired if the General Plan would have to be revisited before making a change in the Williamson Act program. Ms. Williams responded that the resolution before the Board is to stop accepting new contracts for the next two years. Supervisor Carrier inquired about potential taxes. Ms. Williams responded, noting that we know how much we are collecting but not how much would be lost if land is put under contract; and she discussed the assessed land values of the properties. Supervisor Carrier inquired if a viable compromise could be to establish a set number of contracts per year.

Ms. Williams responded that additional time would be needed in order to allow staff to make a proper analysis. Supervisor Carrier remarked that he feels that the focus needs to be at the State level, as county's are facing revenue shortfalls because the State has failed to reimburse counties as promised; and he urged everyone to contact their State legislators.

Supervisor Bibby noted that a better source of immediate revenue might be to pursue illegal buildings; discussed General Plan language that utilizes and discusses the Williamson Act; and urged the Board to look at other options before considering the Williamson Act.

Supervisor Jones noted that he looks at the Williamson Act as an investment for the county; noted County funding to various organizations; and remarked that he thinks we get the best return from the Williamson Act.

Supervisor Cann required clarification that the Forest Preserve was not being considered with this item. Ms. Williams affirmed.

Supervisor Jones discussed the number of parcels in Timberland Production Zones (TPZ) and the number of parcels that are not paying any taxes; and noted that he still wants to look at TPZ.

Public Comment opened.

Marshall Long/LCA contractor spoke against a Williamson Act moratorium. He discussed the state of development in California during the 1960s when the Williamson Act was created; recounted an example from Mariposa County; discussed the implementation of Proposition 13; noted that the Williamson Act in Mariposa County was one of the most restrictive ones enacted because of the 20 year term; and discussed the effect of the Williamson Act on his ranch, and on Mariposa County.

Lyle Turpin/rancher and former District II Supervisor spoke against a Williamson Act moratorium. He thanked staff for the report; requested clarification regarding the amount of acreage required by the Williamson Act; thanked Supervisors Bibby and Stetson for their dedication to the General Plan in 2006; thanked the Board for keeping the County Trapper on staff, for supporting the FFA, and for declaring a drought; noted that this issue needs to be determined today; inquired if any Department Head has come to the Board with concerns about the Williamson Act; remarked that the growth of Mariposa County's budget is not due to Ag lands; noted that Williamson Act started in 1977, with subvention not beginning until 1999; and discussed the other counties noted in the presentation.

Bryant Gomes spoke against a Williamson Act moratorium. He reported discussing the issue with people in his district, noting that the majority want to keep the Williamson Act.

Glenn Franklin/Mariposa County Resource District President spoke against a Williamson Act moratorium. He discussed the benefits of the Williamson Act on the county.

Bridget Fithian/Sierra Foothill Conservancy (SFC) Conservation Director spoke against a Williamson Act moratorium. She noted that the Williamson Act aids in conservation efforts; discussed that the SFC usually remains neutral on these issues, and that this is only the second, formal public comment they have ever submitted; and noted that they feel that the fiscal impacts are relatively minimal compared to the benefits to the county.

Cathi Boze/Mariposa County Ag Commissioner spoke against a Williamson Act moratorium. She showed a video featuring Paul Harvey's "So God Made a Farmer"; discussed land conservation under the Williamson Act; discussed the General Plan; discussed the County's legislative platform; discussed the economic impacts of agriculture on Mariposa County; and handed out bumper stickers and lapel pins.

Joe Coho/speaking as a private citizen and as a Mount Bullion Town Planning Advisory Ad Hoc Committee member spoke against a Williamson Act moratorium. He discussed the uniqueness of the large rural, working landscape; and noted that anything that preserves the interest of tourists will impact our economy.

Linda Meyer/Cow-Calf Producer spoke against a Williamson Act moratorium. She noted that concerns are always focused on businesses, and discussed that Ag ventures are viable businesses; noted that Ag people don't want rubber stamping of any contract application; urged letting the Ag Advisory Committee work with Planning; and urged that the County seek other avenues for revenue.

Kris Casto spoke against a Williamson Act moratorium. She noted that the Williamson Act is the Land Conservation Act; discussed that she feels that the loss of the Williamson Act is a loss of agriculture, open space, water quality, water resources, history, and heritage for all residents of Mariposa County; discussed fluctuations in assessments on Ag lands; discussed non-renewals; noted that contracted land has many restrictions and, therefore, has less market value; and suggested that, if the Board is intent on taking an action, an alternative might be to put a cap on the total number of acres.

Mary Ann Visher/Hornitos resident spoke against a Williamson Act moratorium. She noted that ranchers pay full price on the residential portion of the Williamson Act; that they pay property taxes on the open space that is protected and cannot be developed during the 20 year term; discussed County provided services that are not impacted, in any way, by keeping the open space; discussed the reactions to the open spaces that visitors have; discussed the contributions to the community by Ag; urged lobbying the Governor and Sacramento; noted that the Mariposa Farm Bureau, 4-H, and FFA provide scholarships and other support to the students and the community; and concluded by reading a quote of Supervisor Stetson in Sunset Magazine.

Tony Toso/Ag Advisory Committee Member spoke against a Williamson Act moratorium. He noted that the Ag Advisory Committee analyzed the issue and found that the General Plan and Zoning Ordinances not only do not support a moratorium, but support denial of a moratorium; discussed their reasoning in coming to that determination; noted that a moratorium seems to subvert the due process of a landowner to be included under the Williamson Act which is supported by the General Plan; and discussed the difficulty of comparing the restrictions against tax revenues that cannot be quantified.

George Meyer/Hornitos resident spoke against a Williamson Act moratorium. He noted that his family has been paying taxes here for 135 years; noted that it appears that his livelihood is under attack; and expressed his upset with the Board.

Heather Bernikoff/Williamson Act contract holder spoke against a Williamson Act moratorium. She noted that you cannot look at the benefit of the Williamson Act just from the difference in the assessed values; noted that she and her husband picked Mariposa County because of the focus on agriculture; noted issues that must be considered; discussed that a rural nature is the goal for the 21st century; noted that we have to value and preserve our lands; and remarked that her property taxes are actually higher than her neighbors.

Jim Landis spoke against a Williamson Act moratorium, noting that he is neither a farmer nor a rancher.

Public comment closed.

Chair Cann extended thanks to the Planning Department for the excellent presentation, and to the community members for their participation.

Supervisor Jones discussed beef and produce coming from other countries; stressed the need to make it economically feasible for our Ag people to continue; discussed the contribution of Ag to the community; noted that he feels changing the way Mariposa County implements the Williamson Act would be detrimental to the area; discussed the misconception that farmers get rich; and urged no change to the Williamson Act.

Supervisor Bibby expressed her thanks and appreciation for everyone coming today as it represents a loss of wages for each of them; discussed the counties that have instituted a moratorium noting that they are examples of what not to do; discussed that to ensure self-sufficiency, counties need to maintain the Williamson Act; discussed that artists and others come here because Mariposa County does not look like the neighboring

counties that are on the list of those with moratoriums; noted that there is no going back once the land is converted; and noted that we are a "Right to Ag" county. She also moved to deny any moratorium on the Williamson Act, new or existing, and continue with the current Mariposa policy on Williamson Act which was updated in 2010. Supervisor Jones seconded.

Supervisor Stetson voiced his appreciation to Supervisor Cann for bringing the debate before the Board, noting that it is fiscally responsible to do so and has generated a useful discussion, as well as fundamental understanding of the General Plan; noted that the benefits of the Williamson Act have been evident, and future benefits seem to be obvious; discussed his agreement with the reasons espoused by all of the speakers; and noted his support for the motion on the floor.

Supervisor Jones extended his thanks to: the Planning Department staff for the presentation; the community members who came to the meeting; and the Board for bringing the discussion, so that everyone can have a voice in it.

Supervisor Carrier recounted his family's history buying and operating an avocado grove in Southern California; discussed the changes to water rights that forced Ag out of that area; noted that similar water issues are happening again in California; discussed alternative technologies as well as the time frames that would be necessary to develop them; and urged everyone to express their concerns to their legislators.

Chair Cann called for the vote, and the alternate motion passed unanimously.

ALTERNATE ACTION TAKEN:

The original, requested action died for a lack of motion, and an alternate action was proposed.

The Board took action to deny any moratorium on the Williamson Act, new or existing, and continue with the current Mariposa policy on Williamson Act which was updated in 2010.

RESULT: ALTERNATE MOTION CONSIDERED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

O. Adjournment

4:18 PM Chair Cann adjourned the meeting in memory of Timothy Graton.

Respectfully submitted,

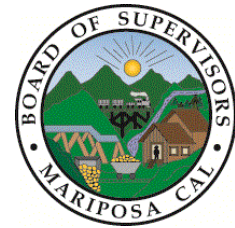
RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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KEVIN CANN, CHAIR
MERLIN JONES, VICE-CHAIR
LEE STETSON
JANET BIBBY
JOHN CARRIER

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

March 4, 2014

A. Call to Order and Roll Call

9:03 AM Vice-Chair Jones called the meeting to order in the Mariposa County Government Center, noting that all members were present with the exception of Supervisor Cann who is excused as he is on business for the County and Rural County Representatives of California (RCRC) in Washington, D.C.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:00 AM
Merlin Jones	District II Supervisor	Present	9:00 AM
Janet Bibby	District III Supervisor	Present	9:00 AM
Kevin Cann	District IV Supervisor	Excused	
John Carrier	District V Supervisor	Present	9:00 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Bibby, followed by a moment of silence for the men and women serving our country at home and abroad.

C. Introductions

None.

D. Approval of Consent Agenda (Items designated by "CA")

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.

No Board or public input.

RESULT: ADOPTED [4-0]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, John Carrier

EXCUSED: Kevin Cann

CA1. Administration RES-2014-85

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2014-86

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Board of Supervisors 2014-28

Approve a Certificate of Recognition to Pauline White as She Retires from Area 12 Agency on Aging (A12AA)

CA4. Board of Supervisors 2014-29

Approve a Certificate of Recognition to Ann Gehrig for Her Service on Area 12 Agency on Aging (A12AA) and as a Senator to the California Senior Legislature

CA5. Board of Supervisors

Approve the Minutes of Tuesday, February 25, 2014

CA6. Fire RES-2014-87

Approve Opening a Thirty-Day Public Comment Period on the Revised Local Hazard Mitigation Plan (LHMP)

CA7. Human Services RES-2014-88

Approve a Business Associate Agreement with the John C. Fremont Healthcare District for the Exchange of the Client Specific Information, and Authorize the Chairman of the Board of Supervisors to Sign the Agreement

CA8. Human Services/Behavioral Health & Recovery Services RES-2014-89

Approve an Agreement with the Counseling & Psychotherapy Center to Perform Court Ordered Services in an Amount Not to Exceed \$14,000, and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Reducing Contingency in the Wraparound Budget to Fund the Agreement (\$14,000) 4/5ths Vote Required

CA9. Public Works 2014-30

Re-Appoint Michael Martin to the Water Agency Advisory Board with a Term Expiring March 1, 2017

CA10. Sheriff's Office RES-2014-90

Approve Budget Action Transferring Funds from the Sheriff's Budget to the Vehicle Replacement Fund to Allow for the Replacement of Three Patrol Vehicles (\$5,401) 4/5ths Vote Required

CA11. **Sheriff's Office RES-2014-91**

Approve Legal Services Agreement with the Law Offices of Starchman and Bryant for Probate of Florence Joanne Brown, and Authorize the Public Administrator to Sign the Agreement

CA12. **Sheriff's Office RES-2014-92**

Approve the Filling of a Vacant Sheriff's Deputy Position Effective May 1, 2014

E. Board Recognitions

None.

F. Departmental Presentation

For Items within the Jurisdiction of the Board and not on Today's Agenda

Peter Rei/Public Works Director updated the Board on the Courthouse, noting that there is a conference call later this afternoon with the architect. He also advised of a meeting that was held a few weeks ago; discussed that they have some preliminary numbers; and he will be coming back to the Board with an item in the near future. Supervisor Bibby required clarification of the issue of certifying the building to qualify for loans. Supervisor Jones required clarification regarding the cost, and as to the safety of the building. Mr. Rei responded to all concerns.

G. Public Comment on Non-Agenda Items

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Wendy Brown thanked the Board on their unanimous "no" vote on a Williamson Act moratorium; advised of an upcoming University of California Grazing Ecology and Management Workshop, and encouraged everyone to attend; and discussed an upcoming presentation before the Board on March 18, 2014, by Steve Brink, Cal Forests, and provided a flyer for same.

Mary Bass/Chamber of Commerce President discussed the next Network at Night event in March, noting that the non-profit organization being sponsored for that evening will be the Catnip Society; advised of two free membership benefit classes on March 27th; noted that the Chamber will be hosting a District III Candidate's Night at McCay Hall on the 18th at 6:00 PM, and a District I Candidate's Night at 6:00 PM on the 25th in Midpines; and advised that they will be joining with the Sheriff in presenting a public safety meeting at 7:00 PM on the 27th here in the Chambers. Ms. Bass also reported attending a Chamber retreat this past weekend; and thanked the Chamber Board of Directors and staff.

Marvin Wells discussed the movie "Gold Star" and offered to reimburse the cost of the ticket for any Board member who sees it, and returns the stub to him. Mr. Wells also required clarification that March 11th is the date scheduled for the marijuana cultivation item, and that it will be an open, public hearing. Vice-Chair Jones affirmed both. Mr. Wells also inquired if the new sound system will be installed by then. Vice-Chair Jones responded that it will not.

Pete Judy/resident of District IV discussed the sale of newspapers today to benefit

Children's Hospital.

1. **Clerk of the Board of Supervisors (ID # 3351)**

Handouts from the Public Comment on Non-Agenda Items Portion of the March 4, 2014 Meeting

RESULT: INFORMATION RECEIVED

H. Board Information

Supervisor Carrier reported attending: the CSA3 meeting in Midpines last Tuesday night; the Integrated Regional Water Management Plan meeting on Wednesday, noting that they are at the point where they are accepting project proposals; a meeting with John Lawless and Supervisor Cann regarding Human Services on Thursday; an impromptu meet and greet at Cal Fire with the new Fire Chief on Thursday, noting that they have scheduled a formal meeting with Chief Koeperich on the 13th; the CSA3 meeting in Ponderosa Basin Thursday evening; two award ceremonies at Mariposa Elementary School with Supervisor Bibby on Friday where he participated in the awards presentation for the Read and Ride program sponsored by Sierratel, Mariposa County Fire, and the School District; and the Yosemite Alpine Community District meeting on Saturday. He also advised that he will be attending: a luncheon meeting tomorrow with Rick Farinelli, the District 3 Supervisor from Madera County which was rescheduled from last week; a meeting regarding the Merced River Plan in Yosemite on Thursday; the CS3 meeting on Thursday evening; and the Planning Commission meeting on Friday. Supervisor Carrier also read a letter of thanks from Sam and Kathlyn Hill, and extended his own thanks to the County crews and employees for all that they do.

Supervisor Bibby reminded everyone to buy their Kids Day newspaper today. She also reported attending: a meeting with the Fire Chief on the 26th, and encouraged people to be patient; a meeting with John Lawless regarding Human Services activities; the Read and Ride Program, and extended thanks to Tina Dearing, all of the other volunteers, and Sierratel; and the Hornitos Enchilada Feed, and complimented everyone for their involvement. Supervisor Bibby advised: that she will have a citizen meeting regarding renewed interest in a Catheys Valley library on the 5th; that she will be attending a Mental Health Governing Board meeting; of the Indian Gulch Run on the 8th, discussing the event details, noting that this is an indirect benefit of the open spaces provided by the Williamson Act, and noting that proceeds benefit the UC Merced Running Program.

Supervisor Stetson reported attending: the CSA3 meeting in Midpines on Tuesday, noting the clarity with which the presentation was made by the CAO, as well as the turnout of the members of Engine Company 21 in Midpines; and a meeting with the Friends of Bear Creek on Wednesday morning. He advised that he will be attending a California State Parks Conference in Yosemite tonight. He also noted that he had a number of other appointments over the next week, but won't be available due to urgent personal matters.

Supervisor Jones discussed the rain, noting the work of the road crews to keep the road and culverts clean. He also reported attending: a meeting with a forester on the 26th regarding a mastication program in Greeley Hill; a meeting with Ed Temple on the 27th regarding the Merced River cleanup project; a meeting with John Lawless for an update on Human Service programs; a meeting with Wendy Brown regarding putting on a Cowboy Poetry event in Mariposa; a meeting with the Building Department Head regarding department issues; a weekly update meeting with the Fire Chief; a meeting with some of the B & Bs, rental cottages, and hotels in District II to see how their year was last year; the Sierra Repertory Theatre Gala on March 1st; the Greeley Hill breakfast on March 2nd; and a March 3rd meeting in Coulterville to finish up that project. Supervisor Jones also stressed that people need to proceed with projects the right way, and that they need to be

sure to contact the right department, or departments, about it.

1. Clerk of the Board of Supervisors (ID # 3354)

Letter to Supervisor Carrier Regarding Road Crews

RESULT: INFORMATION RECEIVED

I. Regular Agenda Items

1. Administration RES-2014-93

Approve the Use of Funding in the Fish & Game Budget for a Barn Owl Box Project Sponsored by the Mariposa County Fish & Game Protective Association in the Amount of \$13,000

Rick Benson/County Administrative Officer made the staff report, noting that there is approximately \$13,000 available in the fund; that funding comes in slowly; and he recommended scaling down any grant to allow some funds for potential future requests.

Board discussion ensued regarding the item, and whether or not to continue the matter pending information from the applicant.

9:52 AM Carol Thomas/Applicant arrived at the meeting and was invited to discuss the item. She noted that she is amenable to reducing the requested amount by half which will fund the construction of 25 boxes. Supervisor Carrier required clarification regarding: whether locations have been identified; the ownership of the equipment; project monitoring and whether that data will be available to the public; notification to property owners to dissuade rodenticide use near the Barn Owl boxes; and whether there are any foreseeable environmental impacts. Ms. Thomas responded to all issues, noting that the equipment would be donated to the County 4-H program and kept at the Fairgrounds for future wood working projects. Supervisor Bibby required clarification of where the owl boxes will be housed; and whether 4-H has the room to store the equipment. Ms. Thomas responded that the barn owl boxes will be stored at the Fish and Game Clubhouse before they are distributed to the community; noted that they will map the box locations; and discussed monitoring of same. Supervisor Stetson inquired if Ms. Thomas will be in charge of the project. Ms. Thomas affirmed.

CAO noted that he has confirmed that Fish and Game is aware of the amount of the fund balance and supports the project, but would also appreciate scaling the funding down.

Supervisor Jones required clarification of the sales tax amount. Ms. Thomas responded.

Public comment opened.

Frank Milazzo/Fish and Game Warden noted that his department supports this project as it is a good long term project, but also recommended scaling back the funding because of the slow growth of the fund; and noted that there would be no endangered species affected, and no EIR needed.

Supervisor Bibby inquired if Ms. Thomas could provide an amended budget utilizing the reduced funding for County records. Supervisor Carrier required clarification regarding the expenses. Supervisor Stetson discussed other avenues for 4-H funding. Ms. Thomas responded to all concerns.

Wendy Brown noted that she thinks it is a great project; and inquired if the barn owls will get along with other owls. Ms. Thomas noted that this box only attracts the Mariposa County barn owls.

Public comment closed.

The Board took action to approve the request in the amount of \$6500, rather than the \$13,000 as requested.

RESULT: **ADOPTED AS AMENDED [4-0]**
MOVER: Lee Stetson, District I Supervisor
SECONDER: John Carrier, District V Supervisor
AYES: Lee Stetson, Merlin Jones, Janet Bibby, John Carrier
EXCUSED: Kevin Cann

J. Items removed from Consent Agenda

None.

K. Closed Session

1. **County Counsel (ID # 3313)**

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (B) of Government Code Section 54956.9; Number of Cases to be Discussed: 1

No public comment.

RESULT: CLOSED SESSION HELD

Report Out

10:23 AM Vice-Chair Jones reported out from the Closed Session that Information was Received.

L. Adjournment

10:23 AM Vice-Chair Jones adjourned the meeting in memory of Stephen Wells, Jr., Luis Cordero, Marcia Beard, and Connie Hull.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

MERLIN JONES
Vice-Chair, Board of Supervisors



MARIPOSA COUNTY

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KEVIN CANN, CHAIR
MERLIN JONES, VICE-CHAIR
LEE STETSON
JANET BIBBY
JOHN CARRIER

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

March 11, 2014

A. Call to Order and Roll Call

9:04 AM Chair Cann called the meeting to order at the Mariposa County Government Center, noting that there was a quorum with all members present.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	8:59 AM
Merlin Jones	District II Supervisor	Present	8:59 AM
Janet Bibby	District III Supervisor	Present	8:59 AM
Kevin Cann	District IV Supervisor	Present	8:59 AM
John Carrier	District V Supervisor	Present	8:59 AM

B. Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Jones, followed by a moment of silence for our men and women in uniform.

C. Introductions

None.

D. Approval of Consent Agenda (Items designated by "CA")

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.

Chair Cann noted that there were numerous items on the consent agenda requiring a 4/5th vote; announced a correction to the Minutes in CA3, noting that it currently reads that Carol Thomas/Applicant in item I.1 arrived at 10:52 AM and it should read that she arrived at 9:52 AM. He also noted that he will be abstaining from voting on the Minutes as he was not at that meeting.

No public input.

Supervisor Carrier pulled CA10 from the Consent Agenda as he will need to recuse himself from its consideration.

Supervisor Bibby noted that the budget action sheet for CA15 needs to be marked to reflect the 4/5th vote.

Regarding CA9, Supervisor Bibby inquired if there will be sufficient funds going forward, and inquired as to whether tasks were being performed timely. Peter Rei/Public Works Director responded. Supervisor Bibby discussed her concerns regarding the landfill.

Regarding CA12, Supervisor Bibby required clarification regarding the contract due date. Sarah Williams/Planning Director responded.

Regarding CA13, Supervisor Bibby required clarification regarding the funding for the item; and inquired if there was any input from the Auditor. Rick Benson/County Administrative Officer responded. Supervisor Jones required clarification regarding the design change. Peter Rei responded. Supervisor Jones also required clarification regarding the project budget. Mr. Rei and Mr. Benson responded.

Regarding CA14, Supervisor Jones required clarification regarding the funding. Mr. Rei responded.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-94

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2014-95

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Board of Supervisors

Approve the Minutes of Tuesday, March 4, 2014

The Minutes were approved with the correction noted above.

Stetson (M); Jones (S); Accepted (4-0); with Cann abstaining from voting on this item only.

CA4. Community Services RES-2014-96

Approve the Program Proposals for Services in Response to the Area 12 Agency on Aging's Request for Proposal for the Years 2014-2018 for Senior Transportation and Nutrition Programs, Authorizing the Board Chair to Sign the Proposals and Designate the Community Services Director as Service Provider and Designee

CA5. County Counsel RES-2014-97

Approve the First Amendment to Professional Services Agreement with Wanger, Jones, Helsley, PC and Authorize the Board of Supervisors Chair to Sign

Amendment to Provide Additional Compensation for Continued Legal Services in the Matter of Hanna V. Mariposa County, Et Al

CA6. District Attorney RES-2014-98

Approve Budget Action Increasing Revenue and Appropriations in the District Attorney's Vertical Prosecution Budget for the Victim Witness Services Domestic Violence Vertical Prosecution Program (Grant) Administered through the State of California Governor's Office of Emergency Services (CalOES) (\$215,488)
4/5ths Vote Required

CA7. Human Resources/Risk Management RES-2014-99

Recommend the Rejection of Claim No. C14-3 Filed by Maria D'Esposito for \$100,000.00 and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection

CA8. Human Resources/Risk Management RES-2014-100

Approve the Reclassification of a Staff Services Manager (\$3,681.01-\$4,474.34/Month) to an Administrative Analyst-Human Services (\$3,997.68-\$4,859.13/Month) in the Human Services Administration Budget Effective January 1, 2014; Approve Budget Action Transferring Funds Within the Human Services Administration and Alcohol & Drug Budgets to Accommodate the Reclassification (\$20,762) 4/5ths Vote Required

CA9. Human Resources/Risk Management RES-2014-101

Approve the Allocation of One Full-Time Equipment Operator-Solid Waste Classification in the Solid Waste & Recycling Budget Effective Immediately; Set the Monthly Salary at \$2,742.72-\$3,333.79; Assign the Classification to the Service Employees International Union (SEIU) Bargaining Unit; Approve Budget Action Reducing the Contingency in the Solid Waste & Recycling Budget to Accommodate the Full-Time Position (\$14,042); Authorize Recruiting and Filling the Position Effective Immediately; and Eliminate the Equipment Operator-Solid Waste Extra-Help Specialized Classification Designation and Associated Hourly Rate 4/5ths Vote Required

CA10. This item was considered separately from the Consent Agenda

CA11. Human Services RES-2014-102

Approve an Operational Agreement with Kene Me-Wu Family Healing Center, Inc. for Domestic Violence Referrals, and Authorize the Human Services Director to Sign the Agreement

CA12. Planning RES-2014-103

Approve a Contract for Professional Services with J.B. Anderson to Provide Technical Services and Assistance in the Preparation of the General Plan Housing Element Update 2014-2019; Authorize the Board of Supervisors Chair to Sign the Contract; and Approve Budget Action Transferring Funds Within the Planning Budget and Transferring Funding from the Housing Development

Budget to the Planning Budget to Accommodate the Cost of the Contract (\$10,000) 4/5ths Vote Required

CA13. Public Works RES-2014-104

Approve Change Order No. 1 for Hobbs Construction, Inc Increasing the Compensation by \$3,652 for a Total Not-To-Exceed Compensation of \$155,086.25 for the Midpines Fire Station and Extending the Term of the Contract to December 31, 2014; and Authorize the Public Works Director to Sign the Change Order; and Approve the Budget Action Transferring Funding from the County Service Area #3 Budget to the Midpines Fire Station Budget to Accommodate the Change Order (\$3,652) 4/5ths Vote Required

CA14. Public Works RES-2014-105

Approve the First Amendment to the Professional Services Agreement with Architectural Resources Group Inc Extending the Term of the Agreement to December 31, 2014, and Authorize the Board of Supervisors Chair to Sign the Amendment

CA15. Public Works RES-2014-106

Approve Budget Action Transferring Funding from the Liability Insurance Fund to the Water Agency Fund to Correct a Payment for Legal Services (\$7,828) 4/5ths Vote Required

CA16. Sheriff's Office RES-2014-107

Approve an Agreement with the State of California, Department of Forestry and Fire Protection for Communications Vault Rack Space for Repeater Radio Frequencies Located on Peno Blanco Peak, and Authorize the Board of Supervisors Chair to Sign the Agreement

Items considered separately

17. Human Resources/Risk Management RES-2014-108

Approve a One-Year Memorandum of Understanding (MOU) with the Mariposa County Managerial and Confidential Organization Effective November 1, 2013; Authorize the Board of Supervisors Chair to Sign the MOU; and Authorize the Auditor to Transfer Appropriations to Each Affected Budget Unit in Order to Implement Provisions of the MOU

9:26 AM Supervisor Carrier recused himself from the vote, and left the Chambers.

No public or Board comment.

9:24 AM Supervisor Carrier returned.

RESULT: ADOPTED [4 TO 0]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, Kevin Cann

RECUSED: John Carrier

E. Departmental Presentation

For Items within the Jurisdiction of the Board and not on Today's Agenda

Keith Williams updated the Board on election candidates noting that the filing period has closed for Superior Court Judge, Sheriff/Coroner/Public Administrator, Treasurer/Tax Collector/County Clerk, and Assessor; and that all are unopposed, with the exception of the Assessor's Office which has two candidates. He also advised that the filing period for the remaining offices closes tomorrow and that, currently, there are four candidates for District I, five candidates for District III, and one candidate for the Auditor position.

F. Public Comment on Non-Agenda Items

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Kathy McCorry/Mariposa Chamber Executive Director reported the Visitor's Center statistics for the month of February, noting that they will be open seven days a week in Mariposa beginning tomorrow. She also advised of: a Meet the Candidates Night for District III at McCay Hall on March 18th from 6:00 PM - 8:00 PM; the March 20th Network at Night in Historic Mariposa from 5:30 PM - 7:00 PM; a Meet the Candidates Night for District I at the Midpines Community Center on March 25th from 6:00 PM - 8:00 PM; Chamber sponsored business classes on March 27th in the VFW Hall from 12:00 PM - 1:00 PM, and again from 5:30 PM - 6:30 PM; and Community Safety Night in the Chambers on March 27th from 7:00 PM - 9:00 PM. Supervisor Bibby inquired if the candidate nights will be open for all candidates to make statements. Ms. McCorry affirmed.

Wendy Brown advised that the Mariposa County Farm Bureau is having their Rib Dinner at Stagg Hall in Hornitos on March 25th; and reported on the Meet and Greet for the Storytellers at Bett's Gold Coin last weekend. She also advised that she did use the RCRC letter on the Yellow-legged frog and Yosemite toad issue, noted that the deadline for the letter is today, and requested feedback.

Kevin Barry discussed the Yellow-legged frog and Yosemite toad issue, noting that today is the third deadline for public comment; discussed the scope of what is being requested by Fish and Wildlife, as well as issues that are considered "Legacy Issues"; and noted that Steve Brink will be making a presentation to the Board next week with some ideas of what can be implemented to improve forest health and fire safety.

Mary Bass/Chamber of Commerce President advised: that there is a meeting for Butterfly Festival volunteers at 6:00 PM this evening at the Miner's Inn; that there will be a ribbon cutting at Quarter Note today, with a Grand Opening on the 22nd from 11:00 AM - 6:00 PM; and that she has started a vacation rental owner's association and that they have a meeting Tuesday from 2:00 PM - 4:00 PM here at the Chambers.

1. Clerk of the Board of Supervisors (ID # 3373)

Handouts from the Public Comment on Non-Agenda Items Portion of the March 11, 2014 Meeting

RESULT: INFORMATION RECEIVED**G. Board Information**

Supervisor Carrier reported: attending a meeting in Lushmeadows on March 5th; meeting with Madera County Supervisor Farinelli on the 5th; attending the Thursday Mariposa County Business Association meeting; attending the Merced River Plan presentation in Yosemite Park on Thursday; attending the CSA 3 meeting on Thursday evening; studying the agenda on Friday; and having a phone conference with Craig Litwin regarding the medical marijuana issue which will be heard later today. He advised that he will: participate in an Integrated Regional Water Management Plan (IRWMP) webinar on Wednesday; be meeting with Nancy Koeperich/CAL FIRE Chief and Len DeJoria/Mariposa County Fire Chief on Thursday; try to attend the vacation rental owner's association meeting on Thursday; be attending the Community Corrections Partnership meeting on Friday; attend the Saturday pancake breakfast at the Ponderosa Basin Fire House; and attend the Lushmeadows Homeowners Association meeting on Saturday. He also discussed the frog and toad issue, noting that he is seeing some positive movement between the opposing sides of the issue.

Supervisor Bibby noted that she is hoping to get the report from the UC Cooperative Extension's presentation at a prior meeting into a comment letter on the frog and toad issue. She also noted that she missed the Community Action meeting due to illness; and reported that she attended the memorial for Luis Cordero on Sunday, and discussed his help to Catheys Valley residents.

Supervisor Stetson reported meeting with Craig Litwin yesterday. He also advised that he will be attending: the El Portal Advisory Group meeting tonight at 7:00 PM; the Midpines Planning Advisory Committee meeting tomorrow at 6:00 PM; the Wednesday IRWMP webinar; the Yosemite West District Advisory Committee meeting on Thursday at 11:00 AM at the Wawona Library; and the High School fundraiser at Savourys on Saturday.

Supervisor Jones announced that he will be hosting a Candidates Night at 6:30 PM on the 13th of this month for everyone running for county offices. He also reported: attending the History Center meeting in the North County on the 5th; attending the Solid Waste meeting on the 6th; participating in a phone conference with Craig Litwin on the 6th; attending the Lake Don Pedro Homeowners Association meeting on the 10th, noting that there may be a reduction on the Amador Plan there; that the Gateway Sign in the North County should be finished this week, or the beginning of next week; attending the John Muir Geotourism Center meeting, noting that the John Muir Festival will be at the end of May; attending a Historic Sites and Records Preservation Commission meeting on the 10th; and participating in a Calaveras Mariposa Community Action teleconference on the 10th, and advised that they are looking for at least one new member from Mariposa.

Supervisor Cann extended his thanks to Supervisor Jones for chairing last week's meeting. He also reported on his attendance at the National Association of Counties (NACo) Conference in Washington, D.C. last week. He reported that he was able to speak with the Chief Counsel for the Assistant Secretary for Fish, Wildlife and Parks on the frog and toad issue, and noted that the law is specific and says that, in listing a species, they will not consider the impacts on people; that there is a potential for that to come in at the end of the critical habitat listing, but that in August they passed a rule change allowing them to only assess the economic impacts on the Federal agencies on which the habitat exists. He also noted that public input remains important in order to bring a focus on concerns; discussed an issue with the sage grouse; discussed his letter endorsing the RCRC letter regarding broadening the economic analysis on the frog and toad issue; and complimented Wendy Brown on her efforts and research on the issue. Supervisor Cann also noted that the five western issues discussed at the NACo Conference were forest health, Federal Transportation Funding (MAP-21), Federal Payment In Lieu of Taxes (PILT),

endangered species, and the Secure Rural Schools and Community Self-Determination Act, and discussed same. He also reported spending time, while in Washington, D.C., with John Huntsman and discussed the Problem Solvers - No Labels Coalition. Supervisor Cann also reported on his attendance at the IRWMP meeting on February 26th with Supervisor Carrier, and advised of two upcoming groundwater meetings in Sacramento: an RCRC meeting on the 13th; and a CSAC meeting on the 20th.

H. Regular Agenda Items

10:09 AM Chair Cann recessed the meeting for a brief break.

10:22 AM Chair Cann reconvened the meeting.

1. Administration/Economic Development RES-2014-109

Approve Applying for an Economic Development Administration (EDA) Infrastructure Grant in Partnership with the Mariposa Public Utility District to Improve the Sewage and Water System for the Development of a Performing Arts/Conference Center/Resort Hotel; Authorize the County Administrative Officer to Sign the Grant Application

Rick Benson briefly discussed the item, and introduced Tara Schiff/Economic Development. Ms. Schiff gave the staff report stressing that this is just an application, and that infrastructure expansion is necessary before any kind of growth can occur in town.

Supervisor Cann required clarification regarding the amounts to be requested and matched. Supervisor Stetson inquired as to the reason why MPUD cannot apply for the grant. Supervisor Bibby expressed her concerns that the application, and record, need to be very clear that Mariposa County is not committing to pay any money in this endeavor, and will not be liable for any portion of the repairs. She also required clarification regarding: the other parcels that will be benefited, noting that they should be in the application; whether or not there would be any condemnations for right-of-way, eminent domain or other issues; any safeguard language, as discussed on packet page 821; what will happen if the property doesn't sell; and who will pay funds if someone pulls out. Ms. Schiff responded to all issues. Mr. Benson noted that if the grant is awarded, it will have to come back before the Board to be accepted and that all issues will need to be worked out prior to that time. Supervisor Bibby discussed her concerns regarding making such applications; required clarification of application language; and expounded on her desire that the application language be clarified. Mr. Benson responded, noting that the public improvements will be made by MPUD and that the grant doesn't involve anything on private property. Supervisor Carrier required clarification regarding: the cost of the project; the time frame for project completion; and whether inflation, over the time to completion, is built into the figures. Ms. Schiff responded. Mr. Benson noted that the budget was put together by MPUD, and discussed the contingencies that are built into that budget. Supervisor Carrier elaborated on his concern that this needs to be fully funded as the County will not be funding anything; suggested the possibility of a performance bond for Jerry Fisher; required clarification regarding the process from this point on; and inquired as to the amount of time the Board will have between grant award and execution. Ms. Schiff responded, noting that she thinks the time frame is ninety days. Supervisor Carrier required clarification regarding the processing capacity; discussed his concerns of expanding to the facility; and inquired if plant expansion should be added to the grant. Ms. Schiff and Supervisor Cann responded, noting conversations with Mark Rowney/General Manager at MPUD. Supervisor Cann discussed assurances given by Mr. Rowney in response to concerns. Discussion ensued between Supervisors Carrier and Cann regarding Mr. Fisher's match. Mr. Benson noted that Mark Rowney is not here today due to a medical issue. Supervisor Bibby required clarification as to where MPUD's

financial responsibility is discussed in the application; discussed that MPUD needs to be listed on the application; and noted that she would prefer that MPUD was the sole applicant, but will settle for it being added as a co-applicant. Mr. Benson noted that the MOU with MPUD identifies that Mariposa County will administer the grant. Supervisor Cann requested County Counsel's opinion regarding the MOU and the County's financial insulation. Steven W. Dahlem/County Counsel responded that he thinks that the language that was added to the MOU is sufficient. Supervisor Carrier inquired if MPUD could be listed as an applicant, in addition to Mariposa County. Ms. Schiff affirmed.

Supervisor Cann responded to concerns relative to this item that were raised in internet posts on the Sierra Sun Times; discussed issues of importance to the County, noting that they all require funds to accomplish; and discussed the reliance of the county on tourism, and the need to increase occupancy during shoulder season.

Public comment opened.

Greg Kittelson requested elaboration regarding job creation during project construction.

Darrell Tucker requested clarification of parcel location, and where the lines would be placed.

Ronika Johnson encouraged the Board to make sure all of the details are met before any grant is put forward.

Roger Biery/EDC President discussed the project and what is being requested, noting that the infrastructure improvements will not benefit just Jerry Fisher; and noted that the grant has been framed according to recommendations from the EDA representative.

Barry Brouillette discussed development potential, as well as EDA requirements that guard against unjust enrichment by Mr. Fisher.

Brad Aborn expressed concerns with what a major development would do to the character of Mariposa, as well as the effects on the existing lodgings in Mariposa and El Portal. He also noted that he would like to see something go in on Highway 49 North towards the Airport.

Marshall Long noted that Mariposa and Mariposa County has to grow, but that nothing can happen without an increase in the infrastructure; remarked that this is a much-needed investment in infrastructure; and noted that the type of project to go in is still open.

Public comment closed

Chair Cann responded to issues raised during public comment by noting that this would be an MPUD project, and that they do everything possible to use local contractors; that the parcel is located just east going out of town across from Williams Road; that he checked with the Planning Director, and the property in question is zoned as General Commercial; that MPUD right-of-way will be over Highway 140; that any project would require full preliminary conceptual review and comment by the public under the California Environmental Quality Act (CEQA) and National Environmental Protection Act (NEPA) processes; and that the General Plan has a design overlay and review process. He also discussed statistics regarding the number of families living beneath the poverty level in Mariposa County, noting that a project would be a job creator; and remarked that he does not believe there will be a lot of jobs imported for a project like this.

Board Deliberation

Supervisor Bibby inquired if changes can be made to the grant application to include MPUD as a co-applicant. Ms. Schiff responded that she thought so, but that she would have to check with David Martin, the EDA representative, to be sure. Supervisor Bibby noted that she cannot support this item without that addition and discussed possible application edits, as well as noting that she would prefer that MPUD also sign the application. Supervisor Bibby required clarification regarding MPUD capacity. Supervisor Cann responded that it was noted in the RFI discussion, that there is no capacity issue in

the relatively new lines out to the property on Highway 49 North owned by Rick Roesch; that there is no capacity to Fisher's parcel; and that what the MPUD General Manager has said is that he is at capacity with the lines that exist on that end of town and that he would like to improve them so this grant would also help that. Supervisor Bibby inquired if any Board member objected to listing MPUD as co-applicant in all areas. No objection was noted. Supervisors Bibby and Cann discussed additional clarifying language relative to the County and MPUD not committing any funding. Supervisor Cann noted that MPUD should be consulted before adding them to the language. Supervisor Bibby noted that, at a minimum, she would like the addition of language on page 832(c) (application item A.9.c) which notes that the County of Mariposa is not committing any non-EDA funding. Supervisor Jones discussed his past experiences with projects in other communities; discussed that a convention center would bring diversity that fits the county; that this would be a job creator; and that he firmly supports it. Supervisor Stetson stressed that there is no conference center, hotel or other planned project at this time; and that this is only to provide infrastructure so that potential projects can be considered in the future.

The Board took unanimous action to approve this item, with the application amended to include MPUD as a co-applicant on agenda packet pages 817, 820, 845, and anywhere else that it may be needed, as well as the addition of language to page 832(c) to the effect that the County of Mariposa is not committing any non-EDA funds.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Administration RES-2014-110

Receive and Review the Midyear Financial Status Report and Approve Budget Adjustments Increasing General Contingency by \$12,744 4/5ths
Vote Required

Rick Benson made the staff report, noting that expenses have followed budgeted amounts. He discussed the Special Adjustment to Human Services/Assistance Advance, recounting earlier information from the Auditor; noted that this could possibly cause a shortfall somewhere else; and noted that the Auditor may need to suggest funds come from the General Fund if it is later determined that any of these cannot come out of realignment funds. Mr. Benson also noted that the Surveying/Engineering revenues in Public Works is lagging behind expectations. He also noted that the recently negotiated raises have not yet been addressed, but will have to come from contingency.

Supervisor Bibby required clarification regarding an adjustment for the Fish Camp Fire Station. Mr. Benson responded. Supervisor Bibby required clarification regarding the Revenue and Recovery for Human Services. Mr. Benson noted that he does not have a report on how they are doing with those funds. Mary Hodson/Deputy County Administrative Officer responded that they are doing a good job of collecting those outstanding monies. Supervisor Bibby required clarification of when we will know if the programs will continue to make up the difference. Mr. Benson responded that he doesn't have a timetable but thinks it will be before the end of the year. Supervisor Bibby inquired about the fire vehicles listed on page 862, and required clarification that the reimbursement revenue will follow those vehicles for replacement. Mr. Benson affirmed. Supervisor Jones noted that he hopes that the Grand Jury gets back to operating within their normal budgeted amount; and inquired as to what the

labor costs will be. Mr. Benson responded. Supervisor Carrier discussed the Grand Jury and its request for additional funding, stressing that it needs to keep within its budget. Supervisor Carrier also discussed his concern with the amount of the adjustment for Human Services, noting that he would like some sort of report on it in the near future; and he discussed his preferred alternatives should they have a shortfall. He also required clarification regarding the Public Works budget. Peter Rei/Public Works Director responded, noting that they have been researching and comparing their fees with those of other counties. Supervisor Bibby discussed her concerns regarding raising fees. Supervisor Cann discussed the increase to the Grand Jury budget, and requested the CAO to determine how much of that increase needs to be recurring next year.

Public comment opened.

Ron Iudice/Grand Jury Foreman noted that there has been an extraordinary amount of work this year as they have had fourteen complaints that they have investigated.

Ruth Catalan noted her support for the Grand Jury and their expenses.

Public comment closed.

Supervisor Bibby required clarification regarding the Human Services discrepancy; and requested that it return to the Board as soon as it is available.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

I. Items removed from Consent Agenda

None.

J. Closed Session

1. Human Resources/Risk Management (ID # 3335)

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) for In-Home Supportive Services (IHSS); Name of County Designated Representative: Tessa Pritchard

No public input.

RESULT: CLOSED SESSION HELD

K. Lunch

12:24 PM Chair Cann recessed the Board to Closed Session, to be followed by lunch.

L. Reconvene

1. Planning (ID # 3334)

PUBLIC HEARING to Waive First Reading and Introduce an Ordinance Amending Mariposa County Code Title 8, Health & Safety, to Add Chapter

8.56 (Code Amendment No. 2013-157) Establishing Regulations for the Cultivation of Medical Marijuana.; and Find that the Action is Not Subject to the California Environmental Quality Act (CEQA) Pursuant to Sections 15060(C)(2), 15061(B)(3), and 15308

2:02 PM This being the time and place for the scheduled Public Hearing on this matter, Chair Cann opened the proceedings.

Staff Presentation

Sarah Williams introduced the item; noted that the primary reason Staff has brought this to consider is that there is a lack of regulation regarding medical marijuana grows in Mariposa County; discussed the proliferation of crimes relative to large marijuana grows; and noted that staff has worked with the District Attorney and County Counsel in order to craft the legalities of the ordinance. The staff report was made by Alvaro Arias/Senior Planner who provided a PowerPoint presentation.

Chair Cann explained the hearing process; requested the audience to withhold their applause or other reactions to public comment; requested a show of hands from people wishing to speak in order to gauge necessary time parameters; and noted that, given the number of speakers, input would be limited to three minutes.

Supervisor Stetson discussed his understanding, from the October meeting, that the ordinance was to entertain more than 12 plants in situations where more than one resident requires medical marijuana. Ms. Williams responded, noting that staff has been working with the District Attorney and Sheriff and that they did not support a larger number. Supervisor Stetson noted that he would like to see some kind of flexibility, or waiver, in the ordinance to allow for a larger amount of plants in those situations. Supervisor Jones required clarification as to whether the one thousand foot minimum distance from a school also applies to indoor grows. Mr. Arias responded that it does not.

Chair Cann announced that he would be opening public comment; requested speakers to line up at the door; noted that the proceedings are recorded and requested individuals to speak directly into the microphone; noted that comments should be directed to the Board; that any responses to questions posed will be answered at one time; and noted the time limitation of three minutes per speaker.

Public comment opened.

Thomas Cooke/Mariposa County District Attorney responded to Supervisor Stetson's concern regarding the reasoning behind the limitation on the number of plants; noted that medical marijuana is also available in dispensaries elsewhere; and remarked that the number of multiple 215 patients in one residence is probably limited.

Lester Rarey/county resident noted that if medical marijuana is limited, the illegal marijuana growing in the county will increase; remarked that 12 plants is not enough for people who do not have a green thumb; and suggested a limit of 50 plants.

John Hulbert/county resident noted that he lives on a one acre parcel owned by his son; that they both need medical marijuana; that his doctor prescribes 30 plants as he uses edibles to control chronic headaches; noted that the unintentional consequence is increasing the black market, and increasing demand for illegal drugs; and urged that a commission of experts and citizens be established to study the issue before any ordinance is enacted.

Unidentified man discussed his understanding of what is considered a lawful number of plants; discussed different ways to utilize marijuana; and remarked that it should be a doctor who determines the amount.

Jack Early remarked that he thinks regulation is fine, but that the plant count should be higher; noted that both he and his wife need medical marijuana and inquired if the ordinance would mean that she could not utilize hers; discussed the amount of plants that he and his wife have been prescribed, grow and used; and noted that half of his crop

is stolen every year.

Ken/medical marijuana user and grower discussed people in his household who use medicinal marijuana and the conditions that are being treated with it, and discussed why 12 plants is too few for his household; and urged the Board to reconsider the 12 plant limitation.

Harold Wildt/county resident remarked that he has been growing medical marijuana for six years; noted that his yard has a six foot fence; discussed that 30 plants last him to the next harvest; discussed having to discard 12 plants this year due to mold; and urged the Board to consider a higher number of plants.

Michael Day/Greeley Hill resident noted that his wife was diagnosed with breast cancer last year and recounted how they looked into medical marijuana, particularly consumables; noted that his major concern is what happens if a crop is lost; urged that no action be taken today; and requested that a committee of citizens and experts be created to investigate the issue and return with a recommendation.

Abraham Clemons noted that 12 plants is not enough; noted that he suffers from Post-Traumatic Stress Disorder (PTSD) from an attack; noted his medical history; discussed his quality of life under pharmaceuticals compared to medical marijuana; remarked that last year he lost 28 plants to mold, diseases and pests; and agrees that there should be an ordinance to protect the public.

Joe Malenfant noted that he has Stage IV lung cancer; noted that he uses a large quantity for his medicine; discussed his personal medical history and his experience with Rick Simpson oil; discussed that he uses medical cannabis as a pain reliever; noted that he cannot afford to grow indoors because of the cost of electricity; remarked that he does require more than 12 plants for his health conditions; noted that his prescription allows him up to 75 plants, but 25 is all he can handle; and urged that the Board not take away his medicine.

Jack Kirby discussed the Merced ordinance, noting that there's a higher concentration of people who live on one parcel here; remarked that the 12 plant limit is low, and noted that things can go wrong; remarked that there are more people who will suffer from this, than good that will be done; discussed that cancer patients, typically, cannot grow their own; and requested a citizen group look at the issue.

James Ryan/county resident noted that neither he nor his wife smoke or drink, but that he and his wife use edibles, tinctures and liniments; discussed their medical issues, noting that 12 plants apiece would barely get them through if they did not lose any plants in the growing season; and requested that this go to a citizen's committee to study before any further decision is made.

Diane/county resident noted that she does not use medical marijuana, but has two family members who do with one of them suffering from epilepsy; noted that they are not farmers and will have to go outside of the area where they will most likely end up shopping, which will take money away from local businesses; discussed the District Attorney's reliance on guidelines that were put in place in 2003 which predates the availability of many new strains; and urged that the Board put off making a decision at this time, in favor of setting up a commission to explore the issue.

Timarie noted that her family lives on a large parcel; that there are four people in her family who use medical marijuana and that 12 plants per parcel is not enough, especially with the wildlife; suggested that a 12 plant limit will cause more people to grow illegally; and noted that no one tells people how many cigarettes, or how much alcohol or sugar, they can consume.

Terry Walker/county resident noted that she is a medical cannabis consumer; discussed the health issues of the people in her growing club; noted that cultivating cannabis requires a special skill set that not everyone has, and that many people need others to make the products for them; discussed recent comments made by Gavin Newsome in support of the legalization of cannabis; remarked that human bodies have cannabinoid receptors; discussed other uses for cannabis; remarked that it used to be

required of farmers to grow hemp; discussed Michael J. Fox's use of medical marijuana to treat his Parkinson's Disease; noted that Dr. Sanjay Gupta now supports the legalization of medical cannabis; and commented that this conversation will not be necessary in a couple of years.

Doug Jensen/Assistant Principal at the High School noted that marijuana is not being used responsibly by students; and noted that when he investigates where they get it, the majority of the time it turns out to be coming from a home with a medical marijuana card.

Pat George/Lake Don Pedro resident expressed her sympathy with those who have a legitimate need for medical marijuana; remarked that the problem is that medical marijuana prescriptions are too easy to acquire; recounted two large grows of 100 plants, or more, in her subdivision being tended by caretakers called renters; discussed that in one case the caretakers were armed and fired out into the yard; noted that she feels the problem is going to get worse without help; and noted her support of an ordinance limiting the number of plants that can be grown per parcel.

Craig Litwin/former elected official/cannabis advocate remarked that any law needs to be strike a balance between the needs of the patients, the public, and law enforcement; suggested the consideration of a waiver for page 7 of the ordinance for instances when they are too close to a school; urged that a minimum number of plants needs to be determined based on the number of patients; requested that action be postponed; urged the creation of a citizen committee; and urged waiver provisions for special circumstances, and multiple people in the same household.

Kelly Clark/resident and medical marijuana user remarked that many people cannot attend meetings during the day; noted that he feels a citizens committee is a good suggestion; noted that he is concerned with limiting the amount of plants as there are, generally, multiple patients in a home; noted that illegal cartel grows have risen in response to attempts to limit grows in other counties; and urged putting off action in favor of the creation of a citizen committee.

Ruth Smith/Lake Don Pedro resident spoke in favor of the ordinance; recounted complaints from her neighbors of not being able to enjoy their property because of the smell; noted a home that was invaded for its marijuana; recounted an incident where a grower discharged a firearm towards a home and now the neighbors are afraid to go into their yard; discussed a conversation regarding a tree; discussed that the growers are just renting the land, and are living in shacks without proper facilities; and noted that she feels that, in her area, a lot of it isn't being grown for medical marijuana.

Briane Roberts/District I resident noted that she is a medical marijuana patient as is her family; noted that she doesn't feel that 12 plants is enough for a person; noted that she thinks the Mendocino amount of 25 plants is more reasonable; noted that the issue needs to be discussed with the children rather than attempting to hide it behind fences; and urged the Board to consider other options and expand the number of plants.

3:16 PM County Counsel left the meeting.

Jenny Gambel noted that she takes pharmaceuticals but would hate to have a Board decide how much medication she can take; noted that children are already getting and using prescription drugs; and noted that she would like people to have enough medication to treat their illnesses.

Jean Ann Pine noted that she came, initially, to support the ordinance but now has mixed emotions and supports a good portion of it, but has opened her mind to specific residents who need more than twelve; noted that she lives in District I, and discussed a huge grow in her neighborhood with at least 12 people in residence which resulted in robberies and other illegal activities; noted that those are the people this should target and not people who are sick; remarked that perhaps the issue should be explored more deeply; and noted that people should have the choice to take what they want.

Jim Robinson discussed his empathy for those who need medical marijuana; but noted that if you open the door too large, you open the door to people moving in just to

grow marijuana.

Unknown gentleman discussed Americans for Safe Access (ASA) group, noting that they have collected over 300 signatures. Chair Cann inquired as to the purpose of the petition. The speaker responded that the Petitions are against the 12 plant ordinance. He then left without providing the petitions.

Marvin Wells provided a copy of his letter to the editor dated March 11, 2016; discussed his past experiences in other communities; noted that the community suffers the consequence of any action; noted that this opens the door for employees to come to work under the influence if they have a doctor's prescription; and quoted previous comments from various supervisors.

Ruth Catalan remarked that she has a prescription for medical marijuana and hasn't used it yet, but may; discussed that prohibition didn't work; remarked that the issue is not kids being caught, as kids have been getting caught with alcohol and cigarettes for years; noted that she thinks it is wrong to single out one item as illegal; agrees that we should not have cartels up here; noted that she does not think that people should be prevented from growing their own medicine; and noted she thinks that saying that people will come to work under the influence is a specious argument as alcohol is legal and yet people are not showing up to work drunk.

Jeanetta Phillips noted that she sympathizes with the people who use medical marijuana for legitimate purposes; discussed that her concern is with the big cartels; discussed how easy it is to get a medical marijuana card; and stated that this ordinance is the best thing that we can do for our community at this time.

Bill Murry discussed his history as a victim of violent crime when he was stabbed, noting that he has been in a wheelchair since 1980; noted that he goes through about one pound of marijuana per month; discussed use by his family members, noting how many plants have been prescribed to his family and how many they actually grow; discussed that he keeps different strains of plants for different purposes; inquired as to how many children were caught last week with cigarettes, alcohol or other drugs; noted that fences don't stop anyone who is really intent; and urged either taking the matter off the agenda, or setting up a patient review board.

Rocky Shaver noted that he has a prescription for vicodin but doesn't use it; and noted that he doesn't own the property, but is allowed to grow by the property owner.

Carol Willis noted that she agrees with much that has already been said; discussed how perceptions about marijuana have changed in her lifetime; discussed her son's medical condition and the positive effects she has seen; remarked that people need to get educated; noted that she has an issue with the terminology being used and that it should be called "medical cannabis"; urged care in following other counties; and remarked that she feels there should be limits, but not so small an amount.

3:43 PM County Counsel rejoined the meeting.

Doug Binnewies/Mariposa County Sheriff-Coroner-Public Administrator noted that the Sheriff's Department has been very approachable on the use of medical marijuana; noted that the catalyst to the consideration of this ordinance is public safety and discussed that illegal marijuana has been directly tied to a majority of the serious crimes in Mariposa County in the last decade; noted that out of those numerous crimes in his white paper all, but one, were in relation to medicinal grows; urged that the number be kept conservative if the Board is interested in raising the number of plants; noted that he has been asking for scientific data as to quantity; discussed that California exports 60 percent of the marijuana to the rest of the country; noted that they are not trying to prevent legitimate users from growing and using marijuana; discussed the proliferation of cartels in the county; discussed the number of plants eradicated in 2010; discussed the closure of the High School campus, noting that the majority of marijuana in those instances came back from 215 grows; remarked he does not support a community group; and noted that the greater the number of plants, the greater the likelihood of criminal activity.

James Anthony/activist and lawyer remarked that 12 plants per patient is over restrictive and does not meet patient needs; discussed that a local citizens group is warranted; provided language for a waiver; discussed teen use; discussed the issue of vacant properties, noting that he would add a legal dwelling requirement; and remarked that the scale that creates disruption is usually 100 plants or more.

Wayne Kirby discussed the different yields for 12 plants grown in Merced versus Mariposa.

Unknown gentleman noted that this issue has brought a lot of crime, as well as people changing their perspectives in regards to medicine; noted that this is a new subject that will be with us for a long time; and suggested that alternatives be considered if these decisions are not going to be permanent.

Annette Allen/Mariposa resident noted that she has a large family and her own land; discussed medical issues of family members, noting that they will need more than 12 plants; discussed friends who recently passed away from cancer who used it; discussed the side effects of prescribed medications versus medical cannabis; and urged that 12 plants is too few.

Chair Cann, noting that there were no more first-time commenters, invited previous commenters who did not have enough time to return to the podium for an additional two minutes to finalize their comments.

Jack Kirby questioned the Sheriff's understanding that marijuana grows are the cause of much of the county's violent crime, noting that he thinks it is probably from methamphetamine; and he also urged care that the school setback does allow for indoor grows.

Craig Litwin noted that Lake County does not ban outdoor grows; and discussed some issues that he thinks need to be considered in this ordinance.

Marvin Wells discussed that the human brain continues to grow until age 27; noted that if marijuana cultivation is allowed it will eventually lead to death; and quoted from the Bible.

Kelly Clark remarked that there has never been a documented overdose; noted that he agrees that the children in school shouldn't be involved in it, but that is bad parenting; noted his agreement that it is the methamphetamine users who are behind the crime; noted that he has seven patients over the age of seventy who were sent home to die by hospice, and discussed their medical needs; remarked that the large aggregate grows are the problem; suggested that a minimum one year residency might be required; and noted that his main complaint is the 2:00 PM meeting time.

Unknown gentleman discussed that his prescription is for more than 12 plants.

Bill Murry noted that the County has plenty of laws and enforcement officers; discussed that there shouldn't be a problem if people are supposed to be there as a permanent resident; remarked that most of the damage from grows is from illegal grows, poisons and chemical fertilizers which most home growers do not want; noted that animals after the crops shouldn't be an issue as the County used to have a predation officer who caught and destroyed animals that attacked crops; discussed that many people noted multiple users in a household and that extra people are, sometimes, necessary to protect the crops; and urged more public input.

Carol Willis discussed that she feels the Board is sincere; and recounted her experiences with law enforcement.

Public comment closed

4:14 PM Chair Cann recessed the Board for a brief break.

4:28 PM The Board reconvened.

Board Deliberation

Supervisor Carrier inquired if there were any documented numbers of how many people would be affected by multiple card holders on one parcel. Mr. Arias responded.

Supervisor Carrier discussed the difficulty of quantifying the number of plants, as yield will be dependent on an individual's growing skill. Supervisor Jones requested clarification from Sheriff Binnewies as to any tests utilized to determine if someone is under the influence. Sheriff Binnewies responded, noting that the officers currently rely on subjective sobriety tests. Discussion ensued between Supervisor Jones and Sheriff Binnewies regarding the difficulty of prosecuting DUI for marijuana. Supervisor Cann required clarification of the options for someone who lives within five hundred feet of a school. Ms. Williams responded. Supervisor Cann inquired if waivers were considered. Sheriff Binnewies responded. Supervisor Cann also noted that he is struggling with the issue of multiple prescriptions in a household; and discussed potential options, i.e., up to the 24 plants, legal residents for the property, amount of time, etc., and inquired of the pros and cons. Sheriff Binnewies responded, noting that local law enforcement typically sees the worst where marijuana cultivation is concerned; and noted that with his experience, he has seen many plants that he thinks produce more than one pound per plant. He also noted that he has no understanding of edibles; that he is urging a minimalist approach; however, if the number is holding up the ordinance, he would urge passage of the ordinance using the lowest number of plants with which the Board is comfortable; noted that his statistics are correct; and noted that users of other substances are doing many of the crimes, but they are attracted to the marijuana. Supervisor Bibby required clarification from the Sheriff regarding the growing difficulty, and the largest grow he has seen. Sheriff Binnewies responded, noting that the gardens that he has seen seem to be prolific; and he noted a recent discovery of 17,500 plants on one parcel. Supervisor Bibby remarked that much of the testimony has been regarding medical marijuana, but that this started out as a land use ordinance. Sheriff Binnewies affirmed that understanding, noting that the difficulty is balancing the compassionate use act with other issues. Supervisor Bibby required clarification that an ordinance can be amended if it appears not to work. Ms. Williams affirmed. Supervisor Stetson noted that it does seem that this will be legalized down the road, and inquired if this will take care of the cartel problem. Sheriff Binnewies responded that he is not so sure that it will because there are many states where marijuana will remain illegal, and he discussed the amounts being exported from Mariposa County to other states. Supervisor Jones noted his difficulty with this issue, and that the issue will be moving quite fast in the near future; that there is no perfect ordinance no matter how carefully it is drafted; discussed his experiences as a farmer, noting that if a farmer's crop is not sufficient, he will learn to grow it better; feels there is crime revolving around marijuana; has concerns regarding the quality and potency of plants grown now; noted that he has a problem with two families on one location; and noted that he would not be against increasing the number of plants.

Supervisor Stetson applauded all of the citizen participants, as well as the Sheriff and the District Attorney in trying to acquire a tool to control the cartels, but he doesn't feel the ordinance as written will do this; noted that he is not alarmed about the drug, but is alarmed at the growing cartels; noted that there has been a lot of testimony that 12 plants is not enough for one person, let alone others; noted that there are other difficulties with the ordinance; and moved to approve the ordinance, amended to change the number of plants per parcel from 12 to 36. The motion died for lack of a second.

Supervisor Jones moved to adopt the ordinance as proposed, amended to limit the plants to 18 with the condition that they are relatives and medical marijuana card holders. County Counsel noted that the number of plants in the existing ordinance is per parcel and not patients. Supervisor Jones amended his motion to 18 plants per parcel limit maximum. Ms. Williams interjected that she does not recommend limiting the number of patients to relatives due to state law. Chair Cann clarified that the amendment is for 18 plants per parcel, no matter how many people have a prescription. The motion died for lack of a second.

Supervisor Carrier moved to approve the ordinance, amended to allow a maximum of 24 plants per parcel, when there are 2 or more card holders living legally on the same

parcel. Supervisor Jones seconded.

Supervisor Bibby reminded everyone that this is a land use issue, and discussed potential adverse scenarios. She encouraged the Board to start with 12 plants, noting that numerous counties started with 24 and scaled back.

Supervisor Cann confirmed with Ms. Williams that there is a mandatory fifty foot setback from adjacent parcels.

The Board discussed with Mr. Arias a pending State Supreme Court issue. Supervisor Cann discussed the changes in laws in Colorado. Supervisor Bibby noted that, as this goes forward, it will need to be monitored closely. Supervisor Jones required clarification as to who will be the enforcing officer. Ms. Williams responded. Supervisor Jones noted that if this passes, he would want very strict compliance. Supervisor Carrier required clarification regarding an exemption for two or more people living on the same parcel. Ms. Williams responded; discussed the example Waiver submitted by Attorney Anthony; and recommended modifying 8.56.050(A) to 24 plants if the number of people is 2 or more. Supervisor Carrier noted that he is compassionate of people who truly have a need, but he feels the law is being abused.

Supervisor Stetson noted that he would prefer 12 plants per person maximum, regardless of the number of people.

The Clerk of the Board read the ordinance title into the record. Ms. Williams added that her recommendation is that the Board also find that the action is not subject to the California Environmental Quality Act (CEQA). Mr. Arias clarified that this would also encompass the two corrections mentioned by staff. Chair Cann affirmed.

Chair Cann called for the vote.

The Board took action to approve the action as presented, incorporating the corrections noted by staff, and with the ordinance amended to allow a maximum of 24 plants per parcel when there are 2 or more card holders living legally on the same parcel.

RESULT: INTRODUCED [3 TO 2] Next: 3/25/2014 9:00 AM

MOVER: John Carrier, District V Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Merlin Jones, Kevin Cann, John Carrier

NAYS: Lee Stetson, Janet Bibby

M. Adjournment

5:19 PM Chair Cann adjourned the meeting in memory of Joseph Higuera.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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KEVIN CANN, CHAIR
MERLIN JONES, VICE-CHAIR
LEE STETSON
JANET BIBBY
JOHN CARRIER

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

March 18, 2014

A. Call to Order and Roll Call

9:04 AM Chair Cann called the meeting to order at the Mariposa County Government Center, and noted that all Board members are present.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:04 AM
Merlin Jones	District II Supervisor	Present	9:04 AM
Janet Bibby	District III Supervisor	Present	9:04 AM
Kevin Cann	District IV Supervisor	Present	9:04 AM
John Carrier	District V Supervisor	Present	9:04 AM

B. Pledge of Allegiance

Supervisor Stetson led the Pledge, followed by a moment of silence for our men and women in uniform both domestically and across the world.

C. Introductions

None.

Report Out from March 11, 2014 Meeting

Chair Cann reported out from the March 11, 2014 Closed Session noting that Information was Received and Direction was Given on item J.1.

D. Approval of Consent Agenda (Items designated by "CA")

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.

Chair Cann noted that CA8 has been withdrawn.

No public input.

Regarding CA3, Supervisor Bibby noted that one of the loans appears to be non-compliant and inquired as to the next steps and time frame for gaining compliance; noted that the other loan has missing documents and discussed potential sources to check for copies; required clarification of when these will be corrected; inquired whether we will need to send our corrective action plan to the State; and inquired as to when a report will return to the Board. Rick Benson/County Administrative Officer responded, noting that the plan is to get started on both of them immediately, and to research what we need to do with the State. Supervisor Bibby requested a status report be scheduled for next month; and discussed moving these to Economic Development and reporting on them annually. Chair Cann requested Cindy Larca's response on moving these from Human Services to Economic Development. Supervisor Bibby and Ms. Larca discussed the issue, efforts to locate the documents, whether the state knows about the issue, and normal departmental procedures. Ms. Larca remarked that she has no objection to moving these to Economic Development. Supervisor Jones inquired if the loans are normally reviewed every year to keep them in compliance. Ms. Larca affirmed, and discussed the terms of the loan. Supervisor Bibby discussed her interest in the issue, and noted that she would like the Board to provide direction to bring a report back on April 15th. The Board concurred with the request, as well as to receiving annual updates.

Regarding CA10, Supervisor Bibby inquired if all staff in this category meet the Minimum Qualifications (MQs), and as to whether this will impact any of the current inspectors. Mike Kinslow/Building Department Director responded, noting that they are creating two levels and this is for the Inspector II which will require greater qualifications; discussed the desired certifications; and noted that it does not impact anyone.

Regarding CA15, Supervisor Jones required assurance that AB109 funds will be used. Sarah Williams/Planning Department Director affirmed. Supervisor Bibby inquired if it has been verified that AB109 funds can be used for this. Doug Binnewies/Mariposa County Sheriff responded, noting that the CCP Executive Committee has analyzed the position and that it does qualify. Supervisor Bibby noted that a Code Compliance Tech will not know if a person is a parolee, and required clarification as to how the issue will be identified. Sheriff Binnewies responded, noting that the position will be working with the medicinal marijuana team at the Sheriff's office. Supervisor Bibby requested that the Board be apprised should they find that funds may not be used in this manner, or if the State changes the funding.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-112

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2014-113

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Administration 2014-31

Receive a Report Regarding the Housing Rehabilitation Loan Program

CA4. Assessor-Recorder RES-2014-114

Authorize Underfilling an Assessment-Recording Clerk III Position with an Assessment-Recording Clerk I/II for One Year Effective May 1, 2014, and Authorize the Hiring of an Assessment-Recording Clerk I/II Effective May 1, 2014; Authorize the Immediate Recruitment for an Appraiser I/II Position and the Filling of This Position Effective May 1, 2014

CA5. Board of Supervisors 2014-32

Approve a Certificate of Appreciation to Sierra Telephone for Their Participation in the Mariposa County Fire Department's Read & Ride Incentive Program (Supervisors Bibby and Carrier)

CA6. Building 2014-33

Appoint CJ Petretti for District I, Mark Becker for District II, Troy Guenthart for District III, Randy Brower for District IV, and Ray Jeske for District V to the Building Department Advisory and Appeals Board, for Terms that Commensurate with the Term of Each Supervisor

CA7. District Attorney RES-2014-115

Approve a Three Year Contract for Services with John C. Fremont Healthcare District (JCFHD) to Provide Blood Drawing Services, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA8. Item 8 was removed from the Consent Agenda

CA9. Health RES-2014-116

Authorize Health Officer to Apply for a Rural Underground Storage Tank (UST) Prevention Program Grant in the Amount of \$84,949 Over Two Fiscal Years and to Sign Agreement If Awarded; Authorize the Health Officer to Sign Application for Subsequent Fiscal Year, Other Amendments or Revisions as Needed, Subject to Approval as to Form by County Counsel

CA10. Human Resources/Risk Management RES-2014-117

Approve Amendments to the Building Inspector Classification

CA11. Human Services RES-2014-118

Approve Budget Action Transferring Funding Within the Mental Health Services Act (MHSA) Budget for the MHSA Stigma Reduction Event to Allow for Clerical Support (\$700)

CA12. Human Services 2014-34

Approve the Re-Appointment of Launa Gann to the Local Child Care Planning Council (LCCPC) for a Three Year Term Expiring April 2017

CA13. Human Services/Behavioral Health & Recovery Services 2014-35

Accept the Resignations of Virgil Campbell and Sterling Cramer from the Alcohol and Drug Abuse Advisory Board Effective March 18, 2014

CA14. Library RES-2014-119

Authorize the Immediate Recruitment and Filling No Earlier Than May 1, 2014, of Senior Library Assistant Position in the Library Budget

CA15. Planning RES-2014-120

Approve Increasing the Allocation of an 80% Permanent Part-Time (PPT) Code Compliance Technician Position in the Planning Budget to a Full-Time Position Effective April 1, 2014; Approve Amendments to the Code Compliance Technician Job Description; and Approve Budget Action Transferring Funds from the Community Corrections Budget to the Planning Budget to Accommodate the Increase in the Allocation (\$3,491) 4/5ths Vote Required

CA16. Public Works RES-2014-121

Adopt a Resolution Recognizing the 100Th Anniversary of the County Engineers Association of California

CA17. Public Works RES-2014-122

Approve a Professional Services Agreement with Quincy Engineering Inc. for Bridge Design Services for the Replacement of the Striped Rock Creek Bridge on Oak Grove Road (Bridge No. 40C9028) in the Not-To-Exceed Amount of \$182,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA18. Sheriff's Office RES-2014-123

Approve an Agreement with Trinity Services Group to Provide Dietary Services at the Mariposa County Adult Detention Facility, and Authorize the Board of the Supervisors Chair to Sign the Agreement

CA19. Treasurer-Tax Collector-County Clerk RES-2014-124

Approve an Agreement with the State of California for Help America Vote Act (HAVA) Grant Money to Fund Expenses Associated with the Statewide Voter Registration List (VoteCal); Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Increasing Revenue and Appropriations in the Elections Budget Appropriating the Grant Funds (\$19,403) 4/5ths Vote Required

E. Board Recognitions

1. Human Services 2014-36

Proclaim the Month of March, 2014 as "National Professional Social Worker Month"

No Board or public comment.

Chair Cann presented the Proclamation to John Lawless/Interim Human Services Director who discussed services provided by the Social Workers.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Lee Stetson, District I Supervisor
SECONDER: Janet Bibby, District III Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier

F. Departmental Presentation

For Items within the Jurisdiction of the Board and not on Today's Agenda

Len DeJoria/Fire Chief invited the Board to a live fire training burn this weekend; discussed what will be studied; noted that it will occur providing the permits and certifications are received this week; advised that it will take place at 3970 Live Oak; and noted that they won't set the first fire until about 10:00 AM.

Sheriff Binnewies advised that the Search and Rescue team is hosting their annual Fundraiser Dinner on April 5th. He also reported on two calls that the Sheriff's Department responded to yesterday; discussed the response efforts; and noted that a contributing factor to their success on one of the calls is the low river level due to the drought. Chair Cann announced that today is the Sheriff's birthday.

G. Public Comment on Non-Agenda Items

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Mary Bass/Chamber of Commerce President extended her thanks to all of the Social Workers; advised that there will be a Candidates Night at McCay Hall tonight at 6:00 PM; advised that the Chamber is starting a new event called Coffee with the Chamber which will be meeting at Donuts A-Go-Go at 8:00 AM on the last Tuesday of each month starting on March 25th; advised of a member benefit class on the 27th; advised of a Community Public Safety meeting here in the Chambers from 7:00 PM - 9:00 PM on the 27th; and advised of another Candidates Night next Tuesday in Midpines.

H. Board Information

Supervisor Jones commented on the Board meeting of the 11th, noting his appreciation for the Board member's efforts. He reported: attending the SWIFT meeting with Chief DeJoria in Moccasin on the 12th, and he discussed the upcoming fire season; attending the Candidates Night in Greeley Hill on the 13th; and writing articles for the Foothill Express and other newspapers on the 16th.

Supervisor Stetson reported attending: the El Portal Planning Advisory Board meeting on Tuesday; the Midpines Advisory Board meeting on Wednesday; and a meeting with Friends of Bear Creek representatives at the Yosemite Bug Hostel on Friday. He also noted that he was unable to attend the Yosemite West meeting on Thursday. Supervisor Stetson advised: that he will be attending a meeting with Supervisor Bibby and Youth Connection representatives on Friday; of a showing of a film entitled, "The Gathering of Spirit" here in the Chambers on Thursday; and a meeting with the Planning Department and Friends of Bear Creek representatives later today.

Supervisor Bibby wished the Sheriff a Happy Birthday; extended her thanks to our Social Workers, and discussed their work; complimented the Chamber for hosting the Candidates Nights; and complimented all of the candidates for running. Supervisor Bibby advised: that the Farm Bureau's Rib Dinner is this Saturday at Stagg Hall in Hornitos; that she will be attending a Mariposa Safe Families meeting on the 19th; that she will be

attending a meeting with California Youth Connection members and Supervisor Stetson on the 20th; that she will be attending a citizen group meeting in Mt. Bullion at 7:00 PM on the 20th; and that she will try to go to the live burn training, but that she will also be helping to set up for the Farm Bureau Dinner in the morning.

Supervisor Carrier reported attending: a Thursday meeting with Nancy Koeperich/CAL FIRE Unit Chief and Len DeJoria/County Fire Chief; the vacation rental owners association meeting on Thursday, noting concerns regarding the Caltrans mileage signs on Highway 140 and 41; the Community Corrections Partnership meeting on Friday; the Ponderosa Basin Fire Station breakfast on Saturday; a Saturday meeting with the Lushmeadows property owners; and a Monday meeting with various department heads, community stakeholders, and Supervisor Cann regarding homeless issues. Supervisor Carrier advised that he will be: attending the Candidates Night in Catheys Valley tonight, and he discussed his appreciation for the candidates; attending a courthouse meeting tomorrow in the morning; attending the Mariposa Safe Families meeting with Supervisor Bibby in the afternoon; participating in a webinar by the California Water Foundation on Thursday afternoon; and attending the Wawona Planning Advisory meeting on Friday. Supervisor Carrier advised that the Mariposa Fire Safe Council is having a rally on Saturday, May 31 from 11:00 AM - 3:00 PM, and that this week is the EPA's Fix a Leak week.

Supervisor Cann extended his thanks to the Chamber for holding the Candidates Nights. He reported: spending last Wednesday and Thursday dealing with the medical marijuana issue; meeting with the Chamber Director last Friday; following up with the Caltrans District Maintenance Manager on Friday regarding the crosswalks, and the differences in the way sign mileage is calculated for the signs on Highway 140 and 41; meeting with constituents regarding lighting at the YARTS stops; and attending the meeting yesterday regarding homeless issues. Supervisor Cann advised that he will be meeting with Public Works and Supervisor Jones tomorrow regarding ongoing budget issues, and that he will be traveling to Sacramento on Thursday to attend a Rural County Representatives of California (RCRC) meeting.

I. Recess Board of Supervisors

Announcement Pursuant to Government Code 54952.3

Chair Cann read the following announcement: "In accordance with Government Code 54952.3, it is hereby announced that the Mariposa County Board of Supervisors will be sitting either simultaneously, or serially, as the Mariposa County Public Finance Corporation and that they receive no additional compensation for same."

J. MARIPOSA COUNTY PUBLIC FINANCE CORPORATION

1. Administration (ID # 3348)

Mariposa County Public Finance Corporation Annual Meeting

Minutes

March 18, 2014

I. 10:12 AM The meeting was called to order by President Stetson. All Officers present.

II. Election of Officers

Officer Bibby nominated Officer Cann for President. Officer Jones seconded the nomination. There were no other nominations. President Stetson called for the vote, and Officer Cann was unanimously elected as President of the Mariposa County Public Finance Corporation.

Bibby (M), Jones (S), Ayes: Stetson, Jones, Bibby, Cann, Carrier

Officer Carrier nominated Officer Jones for Vice-President. Officer Bibby seconded the nomination. There were no other nominations. The vote was called, and Officer Jones was unanimously elected as Vice-President of the Mariposa County Public Finance Corporation.

Carrier (M); Bibby (S); Ayes: Stetson, Jones, Bibby, Cann, Carrier

10:13 AM The gavel was passed to President Cann.

III. Public Comment - None

IV. Approval of Minutes of March 20, 2012

President Cann noted that the Minutes could not be approved last year as there were only two officers present who had been at the meeting. He noted that he has been advised that current members may vote to approve the Minutes if they listened to the recording of that meeting. Officers Bibby and Carrier confirmed that they have listened to the recording. President Cann noted that there were four eligible voters. No public comment. The Minutes of March 20, 2012 were accepted as presented.

Stetson (M); Bibby (S); Passed 4-0; Jones abstained.

V. Approval of Minutes of February 26, 2013

No public comment. The Minutes of February 26, 2013 were accepted as presented.

Bibby (M); Stetson (S); Passed Unanimously.

VI. Report of Activities

Rick Benson/Administrative Officer for the County of Mariposa gave an overview of the Public Finance Corporation. He explained Certificates of Participation (COP), noting that this is the only debt owed by Mariposa County; reported the COP activity and balances; discussed the refinancing of the loan on the Government Center; and noted that they have been unable to refinance the solid waste composting facility. No Board or Public Comment. The Board approved the report as presented.

Bibby (M); Carrier (S); Passed Unanimously.

VII. Other Business - None

VIII. Adjourn

10:21 AM President Cann adjourned the meeting.

K. Reconvene as Board of Supervisors

10:21 AM Chair Cann recessed the meeting for a brief break.

10:37 AM Chair Cann reconvened the Board meeting.

L. Regular Agenda Items1. **Citizen Submittal (ID # 3276)****Presentation Regarding the Relationship Between Forests, Wildfire, and Water in Mariposa County (Steve Brink, Public Resources Vice President for California Forestry Association)**

Steve Brink/Vice President - Public Resources for California Forestry Association gave an overview of his background, followed by a PowerPoint presentation.

Public comment opened.

Unknown woman announced that the Forestry team from the High School just won First Place in Ukiah; noted that she has been trying to raise awareness of this for four years; and discussed the overgrowth of the forests.

Katee Owens requested clarification regarding what a bio-gasifier is; discussed the effects of the pine bark beetles in Utah; and discussed forest health.

Kevin Barry also requested clarification regarding the bio-gasifier; and inquired if a gasifier could be used in combination with the composting facility.

Rosemary Smallcombe advised that a group of concerned citizens have been meeting; advised that they have submitted an application to the Statewide Wood Energy Team, noting that there is a good likelihood that it will be approved; noted that they are looking to put together a field trip to the biomass facility in Merced; discussed the group's next efforts; and noted that they have been talking with Greg Ollivier regarding the synergy between the composting facility and a biomass facility.

Wendy Brown noted that Fire Grazers, Inc., which utilizes goats to clear land, is an option to clearing with heavy equipment and bulldozers.

Marshall Long discussed his family's efforts through the years to maintain fire breaks on their ranch; noted the benefits provided by fire breaks; and suggested that gasification for electricity allows people to be better stewards of the land and be carbon neutral.

Jean Denison/Greeley Hill property owner noted that she serves as a board member for the Yosemite Fire Safe Council; thanked the Board for the presentation; requested elaboration regarding the bio-gasification facility; requested clarification regarding development timetables given current regulations; and inquired if there are any bio-gasification facilities small enough for a private landowner to operate.

Steve Smallcombe explained the gasification process. Supervisor Bibby inquired if Mr. Smallcombe knows of any facilities that are small enough to use on private property, and whether it can be intermittent. Mr. Smallcombe responded.

Brad Aborn noted that years ago he flew a plane for CDF, and recounted an anecdote regarding turkey buzzards.

Barry Turner inquired if there would be a carbon footprint reduction which might qualify for funding.

Public comment closed.

Mr. Brink responded to the questions; suggested that anyone interested in the bio-

gasifier should speak with North Fork; and discussed the operation of a gasifier. Discussion ensued between Supervisor Cann and Mr. Brink regarding system cost, and the Merced operation.

RESULT: INFORMATION RECEIVED

2. Public Works (ID # 3360)

Waive First Reading and Introduce an Ordinance Amending Chapter 10.08.020-Stopping, Parking Prohibited on Trabucco Street

Peter Rei/Public Works Director gave the staff report.

Board clarification was sought regarding notice to property owners, alternative places to park, whether 1st Street will ever be utilized, maximum traffic count that would push the roads over the standard, the current parking situation, the County's liability should they choose not to follow 4290 standards and emergency vehicles cannot pass, the number of homes impacted, and the Planning Commission action.

Public comment opened.

Elaine Halcrow/resident at the corner of Mariposa and Trabucco Street discussed that she has spoken with residents across the street who noted they did not receive any notice; discussed that she does not believe that residents have received proper notice; noted that it will be difficult to have guests if the no parking ordinance is passed; discussed barrels that delineate property lines, noting that County land is roughly where the barrels are located; and suggested that the Board consider a waiver for residents. Supervisor Cann inquired about the approximate distance from the boundary to the pavement. Ms. Halcrow responded, noting that it was five or six feet.

Patti Reed reported that people have been parking in front of her house since 1962; and noted that if they take any land away it will impact the value of her property.

Elaine Halcrow discussed the time that will be needed to enforce a no parking zone up there; and suggested that another alternative is for the development to not occur.

Public comment closed.

Board Deliberation.

Clarification was sought by the Board regarding the notices that were sent out, whether the location of the property lines is known, and whether they have been surveyed. Mr. Rei responded to all concerns.

Supervisor Bibby noted that she would like to table this item for one week. Mr. Rei noted that the subdivision has been approved.

Supervisor Cann recounted his understanding of the development plan.

Supervisor Jones noted that he would like to table the item, or require the forty foot easement with the development. Mr. Rei advised of the need to confer with Planning and County Counsel.

Chair Cann noted the requests to table the item, and sought Board concurrence. Supervisor Bibby expressed her concerns; requested the item be continued; and requested that Public Works verify ownership and try to work it out with the property owners.

Steven W. Dahlem/County Counsel suggested that if the Board is going to table the item, that it not be continued to a date and time certain; but, instead, that direction be given to bring the issue back after consultation with the stakeholders, as well as after all appropriate notices are given.

Supervisor Bibby discussed her Health and Safety concerns. Mr. Rei responded.

The Board concurred with tabling the item, and following County Counsel's recommendations.

RESULT: TABLED

3. Administration (ID # 3368)

Approve an Agreement with Vavrinek, Trine, Day & Co. in the Not to Exceed Amount of \$16,200 to Conduct a Review of Yosemite West Financial Transactions and Authorize the Chairman of the Board of Supervisors to Sign the Agreement

Rick Benson/County Administrative Officer presented the staff report, noted the receipt of a letter over the weekend, and recommended that the matter be continued so that he can address its issues with the contractor.

Supervisor Stetson discussed the recent communications to the Board, and noted his agreement with refining the Scope of Services. Chair Cann also expressed his agreement, and noted that this review is being done to satisfy the concerns of the maintenance committee. Board discussion ensued regarding changing the scope, and that it may change the price of the services. Peter Rei/Public Works Director remarked that the situation has been challenging for both parties; and noted that he encourages any action that will resolve the issue of what happened in the past, and along the path of deciding what to do about the problems. Supervisor Carrier noted his agreement with Mr. Rei; and discussed his hope that everyone will accept the results of the report so that repairs can be undertaken.

Public comment opened.

Barry Turner thanked the Board for the consideration of the community's concerns; and remarked that this is going down the right path.

John Mock noted that the letter he sent was at the direction of the Yosemite West Advisory Committee; discussed the letter from Derek Cole, and encouraged that his recommendations also be included in the scope of services; remarked that there is no single fix, and discussed various options; discussed the collaboration between Yosemite West, Public Works and the rest of the County; and remarked that he thinks that this is just a question of verbiage.

Robert Kroon discussed the three letters to the Board, noting that they covered everything; discussed past representations that the money was to be forgiven; discussed the scope of services clause, and expressed his reservations regarding term number 5 regarding documentation being supplied by the County; remarked that the scope should go before the maintenance advisory board when it is rewritten; and noted that he thinks the engineer's report and the Grand Jury's report should be included in the contract so that the contractor is fully advised of issues and concerns.

Public comment closed.

CAO noted that the County will provide whatever documentation that it has, but noted his concern with language that seems to suggest that the County will provide documents that it doesn't have. He also remarked that they will need to supply any documents that they possess, and which the County does not, for inclusion. CAO also stressed that this is a financial review and not an audit, as a complete audit would be much more expensive.

Public comment reopened.

Richard Long noted that they have the documents; remarked that the County was given the roads; noted that the issue here is more involved than just today's item; and noted that he just wants answers.

John Mock noted that he thinks this is an important process question; and requested that the CAO provide a list of the documents that was given to the financial consultant so that they can compare them against what they have.

Barry Turner requested clarification that any documentation that he forwards to the CAO will be provided to the financial analyst. Chair Cann responded that either procedure is acceptable; that we can provide them with a list of the documents that we have provided to the analyst, or that they can supply their documentation to us to be forwarded to the

contractor; and we are providing direction to the contractor to meet with them.

Public comment closed.

Chair Cann noted that the Board has given direction; and remarked that the draft is going to be provided to the advisory group chairman, who will circulate it among their members. Mr. Rei noted that he will communicate with Chairman Mock to get this before the advisory board members as soon as possible.

RESULT: CONTINUED

1:18 PM Chair Cann recessed the meeting for lunch, and announced that it would reconvene at 2:45 pm.

2:47 PM Chair Cann reconvened the Board meeting.

4. Public Works (ID # 3320)

Discussion and Direction Regarding Funding for a Contract with Advanced Reliability Technologies for Preparation of a Spill Prevention Plan at the Coulterville Wastewater Treatment Plant 4/5ths Vote Required

Peter Rei gave the staff presentation, noting that a spill prevention plan has not been required in the past, but now is as a result of the spill at Coulterville; discussed the scope of the agreement; noted there is only a little over two thousand dollars available; and noted that the Coulterville balance is now zero.

Board clarification was sought regarding the implementation of new fees, any delinquent accounts, whether Coulterville's Zone of Benefit (ZOB) can be undertaken first, the spill prevention plan, whether everything can be priced out at once, and Water Quality Board due dates. Barbara Carrier/Public Works Assistant Director - Support Services responded from the audience, noting that accounts are fairly current. Mr. Rei responded to all other concerns, noting that this was due this week; that Public Works requested an extension two weeks ago; that another letter can be written to ask for another extension; and that we have responded to everything. Supervisor Cann noted that it is essential to respond to them immediately, and to act quickly to meet their needs; and remarked that this should be ordered tomorrow. The Board required further clarification regarding the spill plan and the importance of moving forward with it, the impact of Yosemite West issues on this one, the time table for a Coulterville fee increase, that any money from the General Fund should be clearly delineated as a loan, and whether Public Works engineering staff can be used instead of contracting out. Mr. Rei responded to all issues, noting that they will address the staff issues with the next budget.

Chair Cann noted we can use the General Fund, or perhaps the Water Agency, but that a loan from the General Fund is the most immediate.

Discussion ensued between Supervisor Bibby and Mr. Rei regarding whether the County can do the fee increases in house. Mr. Rei noted that he doesn't feel confident doing it with the staff that he has, and would prefer using someone who does this all the time. Supervisor Bibby noted that her other concern is that the water agency money is already committed. Mr. Rei responded, noting that there is already a water agency loan to Coulterville and that is still six years away from being paid off; but that he is concerned with accruing penalties, as they will add up quickly. Supervisor Stetson remarked that this plan needs to be done quickly while any kind of fee increase will take some time, and he requested options from the CAO. Rick Benson responded it is either coming from the Water Agency of the General Fund; but if it comes from the General Fund, a special loan fund has to be established. Supervisor Stetson inquired as to the time frame. Mr. Benson responded that the Board can only give direction today. Supervisor Cann expressed his concerns. Mr. Rei offered that he has the ability to authorize contracts up to \$15,000 but, in this instance, he doesn't know how he will pay for it. Supervisor Cann noted that his

thought is that Mr. Rei will secure a contract tomorrow, and then come back to the Board for funding. Supervisor Jones expressed his agreement. Mr. Rei noted that he has a contract on his desk, but it will be several weeks before we get any kind of invoice. County Counsel noted that he feels that is an appropriate procedure.

Rick Benson remarked that this compounds problems for next fiscal year; noted that next year's budget could be very difficult; noted that the only alternatives are the Water Agency or the General Fund; but would recommend taking it from the Water Agency Fund as it might be repaid before it is needed for other things. Supervisor Cann remarked that he has no problem with the Water Agency as the funding source. Supervisor Jones inquired as to the term, and payback structure of the loan. Mr. Benson responded, noting that if the Board finds that the reimbursement of a revolving loan causes a hardship to the property owners, the Board could forgive it with a 4/5th vote.

Discussion ensued between Supervisor Carrier and Mr. Rei regarding whether the funds can come out of Public Works' operating budget. Supervisor Carrier discussed the need to have realistic rates that are fully paying for the services that are received. Mr. Rei discussed staffing issues. Supervisor Cann discussed the need for adequate rates; and discussed the various state Water Agency Board plans that are required and the reason it is best to hire an expert. Supervisor Bibby discussed rates, and required clarification regarding the loan. Mr. Rei responded to all issues.

Supervisor Jones discussed his outreach efforts in the district; and inquired if the lighting district can loan the money. CAO responded that he will have to research the issue.

Supervisor Bibby inquired if there are special provisions that allow for rate increases. Mr. Rei responded, noting that they can start working on it tomorrow, but it will need an engineer's report. Supervisor Bibby required clarification that the report can be paid for out of the rate increase, and urged doing that. CAO and Mr. Rei advised of the election process. Discussion ensued between the Board members.

Mr. Rei noted that in Coulterville they are applying for three IRWMP grants; and discussed same. Supervisor Cann discussed the IRWMP process, noting that money was always available but that we never went after any of it.

Supervisor Bibby inquired of the legalities of raising the rates; and noted that she has no confidence that a loan will be repaid. CAO responded.

Supervisor Cann noted that the item before the Board is to give direction regarding a funding source; and noted that he believes that the Board should give direction to Public Works to proceed. County Counsel responded that he believes the source of funding should also be identified today. Supervisor Stetson required clarification of what needs to be determined today. County Counsel responded that the Board can identify two potential sources, but that they will need to do so today; and he noted that his research shows that loans do not need to go before the Water Agency Advisory Committee. Supervisor Cann noted that he feels it would be appropriate to call a meeting of that advisory committee to have that discussion.

CAO suggested that they provide direction to the Public Works Director to enter into the contract immediately; and that the preferred funding source is going to be the Water Agency, followed by the General Fund if the Water Agency is not approved; and that any funding needs to be clearly framed as a loan.

Discussion ensued between Supervisor Cann and Mr. Rei relative to Community Service Agencies (CSAs.)

Chair Cann called the question.

Supervisor Jones made a motion. Supervisor Stetson seconded the motion, and required clarification regarding the Water Agency and Water Agency Advisory Committee. Supervisor Cann responded.

Chair Cann suspended consideration of the motion to open public comment.

No public comment.

Supervisor Carrier required clarification that the item that will be coming back to

the Board will outline the terms of the loan as he is interested in the payback period. Supervisor Cann responded. County Counsel expounded on his concern that the County will be obligated to pay once the contract is signed, but that any funding will require a 4/5th vote. Discussion ensued between Supervisor Cann and County Counsel regarding the General Fund being the default source of funding should a 4/5th vote not be attainable. Supervisor Stetson inquired if the Water Agency requires a 4/5th vote. County Counsel affirmed.

Supervisor Bibby discussed with Mr. Rei the need for involvement of the Coulterville community. Supervisor Jones noted that the advisory board is aware that these issues will be coming, but that the public has not yet been advised.

Supervisor Bibby required clarification regarding a "not-to-exceed" amount. Discussion ensued regarding same, with Mr. Rei noting that \$15,000 would be a comfortable amount. Supervisor Jones amended his motion to include that amount. Supervisor Stetson, the second, agreed to the amendment.

The Board took action to provide direction to the Public Works Director to sign this contract now, with a not-to-exceed amount of \$15,000; with additional direction given to Staff to identify preferred funding, with the Water Agency being the preferred first source and the General Fund the second choice, and that funds will be a loan, regardless of the source determined. Jones (M); Stetson (S); Passed Unanimously.

RESULT: DIRECTION GIVEN

5. Administration RES-2014-111

Adopt Assessment Ballot Procedures for Proposition 218 Elections

The staff report was given by Rick Benson, who made special note of the requirement that ballots be signed to be valid.

Supervisor Bibby recounted comments from an individual who expressed frustration over a pending lawsuit, and felt that the Board is not doing enough. County Counsel responded that the County has made settlement offers in the case, but they have not been fruitful. He also noted that the lines of communication are still open.

Supervisor Carrier inquired, off mic, if language can be added to paragraph number 7 that references the proper code section. Mr. Benson affirmed. Supervisor Bibby concurred with the request.

No public comment.

The action was approved as presented, with the addition of the language referencing the appropriate code in paragraph number 7.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

6. Human Resources/Risk Management RES-2014-125

Deny the Reclassification of the Assessment Office Manager in the Assessor/Recorder Budget to a Deputy Recorder/Assessment Office Manager; Approve a Change to the Classification Title to Assessment/Recording Office Manager

Tessa Pritchard/Human Resource Director - Risk Manager gave the staff report, with

Sandra Laird/Administrative Analyst in attendance.

No Board questions. Chair Cann asked if the Department Head would like to make any statements.

Becky Crafts/Assessor-Recorder noted the following corrections: she did not request this, but submitted her budget for an equity adjustment; and the previous equity adjustment was in 2010. Ms. Crafts discussed the desk audit; noted her comparisons with County Clerk/Treasurer/Tax Collector staff; discussed morale; and requested that the position be brought current, with the job description updated.

Supervisor Cann required clarification regarding the issue of the accuracy of the job description. Ms. Pritchard responded. Ms. Laird discussed her analysis of the job, and her conclusions. Supervisor Carrier requested clarification of the salary ranges listed in the materials supplied by the Assessor; inquired about the salary survey currently being undertaken; and inquired if anything has changed from the 2010 equity adjustment. Ms. Pritchard responded to all concerns. Supervisor Bibby discussed the job description; required clarification of some of the duties listed; and inquired regarding language regarding cross-training Stagg, Coroner's Office and Funeral staff. Ms. Laird noted that she did not realize that the position trains other than office staff. Ms. Crafts responded that when they went to EDRS (Electronic Death Register System) they had to train others as well as staff. Supervisor Cann required clarification regarding the training issue. Ms. Crafts responded. Supervisor Bibby required clarification regarding self-created inequities. Ms. Pritchard responded. Supervisor Bibby inquired as to why this was not equivalent. Ms. Laird responded, and discussed the shifting of responsibilities that has occurred within the Assessor/Recorder office through the years. Ms. Crafts discussed education requirements for the position; and noted that while she does have an Assistant Assessor, the Office Manager acts on her behalf at the Recorder's Association meetings and workshops. Supervisor Jones inquired if training other departments was taken into consideration; and inquired if it could be justified a little higher. Ms. Laird responded to the first inquiry, and Ms. Pritchard responded to the second. Ms. Crafts noted that the same verbiage is on the other two job descriptions, and that it is a generic catch-all; noted that in other counties the position is called a Deputy Recorder because they have the requirements and responsibilities; and referred to the salary study. Supervisor Carrier required clarification of the supervisory positions in the office. Ms. Crafts responded. Supervisor Cann required clarification of the equity adjustment in 2010, and any changes since. Ms. Crafts responded, discussing the truncation back to 1980; referred to the letter from Rick Peresan regarding the Manager's technical abilities; and noted that her office works so closely with that of the County Clerk/Treasurer/Tax Collector that salary inequities become a morale issue. Ms. Crafts noted that this person is not a union member. CAO advised following the recommendation of Human Resources, as it is dangerous to do equity adjustments in piecemeal fashion. Ms. Crafts responded that this is not setting a precedent. Ms. Pritchard noted that she is recommending waiting for the compensation study as it will provide an unbiased review of salaries.

No public input.

Supervisor Bibby noted that she has had limited contact with the Assistant Assessor as it is always the Office Manager or Ms. Crafts who responds; noted that she thought it was a direct position which matched the County Clerk/Treasurer/Tax Collector's office; and discussed a reorganization. Ms. Pritchard noted that the Class and Comp Study should be available at the end of May.

RESULT: ADOPTED [4 TO 0]

MOVER: Lee Stetson, District I Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Lee Stetson, Janet Bibby, Kevin Cann, John Carrier

ABSTAIN: Merlin Jones

M. Items removed from Consent Agenda

1. Fire (ID # 3353)

Approve a One Year Lease Agreement Renewal with Robert E. Bondshu for Fire Department Office Space, and Authorize the Board of Supervisors Chair to Sign the Agreement

RESULT: WITHDRAWN

N. Closed Session

1. Human Resources/Risk Management (ID # 3352)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B)(1)); Human Services Director

No public comment.

This Closed Session was held at 5:23 PM and reported out at 5:33 PM.

RESULT: CLOSED SESSION HELD

Report Out

5:33 PM Chair Cann reported out from Closed Session that the Board took action to appoint Chevon Kothari as the Human Services Director, effective April 7th, 2014. Stetson (M); Jones (S); Passed Unanimously.

The Board members extended their thanks to John Lawless for his work and efforts while acting as Interim Director.

O. Adjournment

5:37 PM Chair Cann adjourned the meeting in memory of Wilfrid Essex, Jr., Mike Sly, Joshua Schweitzer, and Jesse King.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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KEVIN CANN, CHAIR
MERLIN JONES, VICE-CHAIR
LEE STETSON
JANET BIBBY
JOHN CARRIER

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

March 25, 2014

A. Call to Order and Roll Call

9:03 AM Chair Cann called the meeting to order at the Mariposa County Government Center, noting that there was a quorum with a full Board.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:00 AM
Merlin Jones	District II Supervisor	Present	9:00 AM
Janet Bibby	District III Supervisor	Present	9:00 AM
Kevin Cann	District IV Supervisor	Present	9:00 AM
John Carrier	District V Supervisor	Present	9:00 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Carrier, followed by a moment of silence for the men and women in uniform, as well as for the victims of the landslide in Snohomish County, Washington.

C. Introductions

None.

D. Approval of Consent Agenda (Items designated by "CA")

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.*

No public input.

The Minutes of March 11, 2014, were approved with the following correction to Supervisor Bibby's report during Board Information: "Community Corrections" should read "Community Action Agency."

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Lee Stetson, District I Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-126

Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park

CA2. Administration RES-2014-127

Resolution Continuing the Local Emergency Due to the Wild Land Fire Known as the Rim Fire

CA3. Board of Supervisors

Approve the Minutes of Tuesday, March 11, 2014

CA4. Administration RES-2014-128

Approve Budget Action Reducing General Fund Contingency and Increasing the Indigent Defense Budget to Account for Greater Than Anticipated Conflict Counsel Expenses (\$20,000) 4/5ths Vote Required

CA5. Community Services 2014-37

Appoint Ms. Dale Silverman to Area 12 Agency on Aging (A12AA) Advisory Council with a Term Expiring March 25, 2017

CA6. Planning 2014-38

Receive the Williamson Act (LCA) 2011-2012 Biennial Review Final Report

CA7. Health RES-2014-129

Authorize Health Officer to Apply for Certified Unified Program Agency (CUPA) Forum Environmental Trust Fund for a Grant in the Amount of \$4,178.31 and Authorize the Health Officer to Sign the Agreement

E. Departmental Presentation

For Items within the Jurisdiction of the Board and not on Today's Agenda

None.

F. Public Comment on Non-Agenda Items

For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to Five Minutes)

Greg Kittelson commented on the new Social Security video appointment system at Human Services, noting that he was in and out in less than thirty minutes and that it works great.

Mary Bass/Chamber of Commerce President reported on this morning's first "Coffee with the Chamber" event at Donuts A-Go-Go. She also advised of: a ribbon cutting at Donuts A-Go-Go at 1:00 PM today; a Meet the Candidates Night at the Midpines

Community Center from 6:00 PM - 8:00 PM tonight; a Wednesday tour of local B and Bs by new Chamber staff; a Thursday morning merchants meeting at the Miner's; the Member's Benefit Training on March 27th; the Public Safety Meeting here in the Chambers from 7:00 PM - 9:00 PM on Thursday night; the Chamber Board of Directors meeting on April 3rd; a Sidewalk Sale in Coulterville on April 5th; and the Butterfly Festival the first weekend in May, with the Taste of Mariposa being held the Friday night before.

1. **Clerk of the Board of Supervisors (ID # 3448)**

Handouts from the Public Comment on Non-Agenda Items Portion of the March 25, 2014 Meeting

RESULT: INFORMATION RECEIVED

G. Board Information

Supervisor Jones reported attending: a meeting regarding the Butterfly Festival auction on the 19th; a meeting with Supervisor Cann and Public Works on the 19th; a March 20th lunch meeting with Sally Punte/former District II supervisor and Rosemary Smallcombe; the Friends of the Fair meeting on the 20th; the evening meeting of the Don Pedro Trailblazers on the 20th; and the installation of the Highway 132 Gateway Sign on the 21st.

Supervisor Stetson reported attending: a Tuesday meeting of the Ad Hoc Midpines group; a meeting with Dr. Mosher and Supervisor Bibby on Wednesday; a Thursday meeting with Supervisor Bibby and Youth Connection representatives; and the showing of "Gathering of Spirit" Thursday evening. Supervisor Stetson advised that he will be attending: the Candidates Night tonight in Midpines; and the IRWMP meeting tomorrow at 9:30 AM.

Supervisor Bibby reported attending: a Health Committee meeting with Supervisor Stetson and Dr. Mosher; the meeting with the California Youth Connection representatives; the Candidates Night for District III, and she extended kudos to all of the candidates for their participation; a meeting with Safe Families regarding a Creek Parkway cleanup which they will be bringing before the Board; a meeting with a private citizen group regarding creating a formal Mt. Bullion community advisory committee; the Farm Bureau rib dinner this last Saturday; the confined space training on Saturday put on by the Fire Department, and she extended her thanks and appreciation to all of County fire. Supervisor Bibby advised that she will be speaking before the Boy Scouts on Wednesday.

Supervisor Carrier reported attending: the Candidates Night in Catheys Valley last Tuesday; a Courthouse meeting on Wednesday, noting that there is a follow up meeting April 6th to see if the State might be able to help with some of the maintenance costs; the Mariposa Safe Families meeting with Supervisor Bibby on the 6th; and the Friday meeting of the Wawona Area Planning Committee with Sarah Williams/Planning Director. Supervisor Carrier advised that he will be attending: the Midpines Candidates Night tonight; the IRWMP meeting on Wednesday; the Thursday evening meeting at the High School regarding the Local Control Funding Formula; the Economic Development Corporation (EDC) meeting at the Library at Noon on Thursday; the Community Public Safety Meeting on Thursday evening in the Chambers; and a Friday meeting with Kathy McCorry at the Chamber of Commerce.

Supervisor Cann noted that there has been a small interest in business construction in town; discussed that people working with banks need accurate square footage costs; and noted that the County's recent costs on the fire stations and the Human Services building are proving invaluable to those needs. He also discussed the town Parking District, noting that they are looking at setting up a CSA in order to expand. Supervisor Cann reported: that he has been working on necessary modifications to the Sign Ordinance relative to rural Off Site signs; and that he attended a meeting with Public

Works and Supervisor Jones. He also noted that he will not be able to go to the IRWMP meeting tomorrow, and remarked that another supervisor might want to go in his place. Supervisor Cann advised that he will be attending: the Rural County Representatives of California (RCRC) meeting in Sacramento; the Thursday EDC meeting at the Library, and extended an invitation to the public to attend as they will be discussing the Request For Information that was put out for potential conference and hotel facility additions in Mariposa; and the Candidates Night in Midpines this evening. He also discussed a major State hearing on the Williamson Act being held today, remarking that he believes people can go online to review the hearing; and complimented the Fire Chief for the continued training.

H. Regular Agenda Items

1. Board of Supervisors RES-2014-130

Approve a Business/Community Partnership Agreement for the Mariposa County Unified School District's California Career Pathways Trust (CCPT) Grant and Authorize the Board of Supervisors Chair to Sign the Agreement (Supervisors Carrier and Bibby)

Supervisors Bibby and Carrier gave the staff report. Supervisor Bibby introduced Celeste Azevedo/Mariposa County High School Principal who gave additional background information. Supervisor Cann inquired of the grant maximum. Ms. Azevedo responded.

Public Comment Opened.

Mary Bass congratulated and thanked Ms. Azevedo for her efforts in this regard, and discussed her excitement regarding this grant and the opportunities it may present.

Terri Selk/Yosemite-Mariposa County Tourism Bureau Executive Director applauded Ms. Azevedo and the School District for their recognition of training for a Hospitality career.

Kris Casto discussed her recent positive interaction with the High School Audio Visual class, noting her support of this item.

Marshall Long discussed the skills he learned in High School; discussed the need for the basic trades; and noted his support of this item.

Pete Judy/Chief Probation Officer recounted his experiences in High School in San Diego, noting that it was his job working as a janitor through the school that exposed him to the Court system and his current career; and discussed the importance of exposure to various fields.

Public Comment Closed.

Board discussion ensued regarding the need for additional training and skills for our youth. Supervisor Cann noted, to Ms. Azevedo, that the Tourism Bureau and the County share a consultant who is a grant specialist who might be utilized in this regard.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

9:54 AM Chair Cann recessed the meeting for a brief break.

10:05 AM Chair Cann reconvened the meeting.

2. Board of Supervisors (ID # 3304)**Presentation by Cara Goger, Executive Director of the Mariposa County Arts Council, Providing an Update on the Arts Council's Established and New Programs and Their Impacts on the Community (Supervisor Jones)**

Cara Goger/Executive Director of the Mariposa County Arts Council gave a PowerPoint presentation regarding the various Arts Council programs.

Supervisor Bibby extended her thanks to the Arts Council for the presentation, and discussed the growth of the program since its inception. Supervisor Jones discussed the ways this is a good investment for our community. Supervisor Stetson expressed his support for the Arts Council. Supervisor Carrier expressed his thanks to Ms. Goger, noting that the Arts Council touches seniors as well as the youth. Supervisor Stetson acknowledged Marilyn Rudzik for her support. Supervisor Cann noted his appreciation for the overview, noting that many people are unaware of the full scope of services that the Arts Council provides.

Public Comment Opened.

Penny Otwell discussed her experiences working with the Arts Council; expressed her thanks to the Arts Council; and noted that there is only one paid full-time person, and one part-time person on staff.

Vicky Thomas remarked that she had no idea how many things the Arts Council did, and noted her thanks for the Board's support.

Christina Thorpe discussed her history with the Arts Council; noted that many occupations are impacted by art; and discussed the local art community.

Mary Bass/Chamber of Commerce President discussed the importance of the Arts Council and the events it sponsors.

Public Comment Closed.**RESULT: INFORMATION RECEIVED**

10:39 AM Chair Cann recessed the Board for a break.

10:46 AM Chair Cann reconvened the meeting.

3. Planning 2014-ORD-1104**Waive the Second Reading and Adopt an Ordinance Amending Mariposa County Code Title 8, Health & Safety, to Add Chapter 8.56 Establishing Regulations for the Cultivation of Medical Marijuana; Find the Action is Not Subject to the California Environmental Quality Act (CEQA) Pursuant to Sections 15060(C)(2), 15061(B)(3), and 15308 of the CEQA Guidelines**

Sarah Williams/Planning Department Director gave the staff report, with Alvaro Arias/Senior Planner in attendance.

Chair Cann inquired as to any new correspondence that has been received. Ms. Williams responded, noting a communication received today from James Ryan. Mr. Arias noted an earlier, anonymous correspondence. Chair Cann required clarification of how anonymous correspondence is treated. Ms. Williams responded, noting that it is part of the public record.

Chair Cann discussed the ordinance process, noting that if the Board approves the item today the ordinance will become local law and will go into effect in thirty days.

Public Comment Opened.

Greg Kittelson requested clarification regarding rental properties.

Craig Litwin/Advocate thanked the Board and staff for their efforts; suggested that the ordinance be amended to change the sensitive use setback to 600 feet which will be commensurate with state law; discussed his concerns regarding patients who live within the setback area, remarking that if access is not given to those people they will avail themselves of the black market; suggested the addition of the following additional language on page 6, after parcel: "or, who are residents of Mariposa County"; and remarked that the Board might want to revisit the dispensary concept if it is not going to allow residents within the sensitive use area to grow their own. Mr. Litwin also inquired as to whom will be the enforcing officer.

Marvin Wells inquired if there are any provisions that will allow the ordinance to be rescinded or amended by future Boards.

Public Comment Closed.

Ms. Williams responded to the issues of rental properties, the enforcing officer, and the recommendation to use the state's sensitive use distance. Chair Cann responded to Mr. Wells regarding the ability to amend or rescind the ordinance.

Supervisor Jones required a clarification regarding hearing fees and whether it will be brought back before the Board. Supervisors Cann and Bibby required clarification regarding the waivers. Ms. Williams responded to all concerns.

The Clerk of the Board read the action, and ordinance number and title into the record after the Motion and Second.

Supervisor Stetson remarked that he thinks the ordinance discourages access, and discussed his concerns with the ordinance. Supervisor Bibby remarked that she thinks the number of allowed plants is too high, and discussed her views on the issue.

RESULT: ADOPTED [3 TO 2]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Merlin Jones, Kevin Cann, John Carrier

NAYS: Lee Stetson, Janet Bibby

I. Items removed from Consent Agenda

None.

J. Lunch

11:07 AM Chair Cann recessed the meeting for lunch.

K. 2:00 PM Reconvene

1. Administration RES-2014-131

Adopt a Resolution of Intention to Adopt a Fire Suppression Assessment Within County Service Area (CSA) #3 and Approve the Engineers Report; Schedule a Hearing on This Matter for May 13, 2014, at 2 P.M.

Rick Benson/County Administrative Officer gave the staff report. Mr. Benson noted that, contrary to his earlier understanding, the County will not be mailing out the report but will be making it available via the internet and other means. Mr. Benson introduced Dennis Klingelhofer from Harris & Associates who provided an overview of the Assessment Engineer's Report, and the issues that were considered in the preparation of the report. He

also discussed the balloting process, noting that incoming ballots will be held by the Clerk of the Board until after the public hearing.

The Board required clarification regarding: when the balloting closes; whether the County will have to contribute any additional funds; how the \$10,000 assessment threshold was identified, its sufficiency, and the need to monitor property values; and Mr. Klingelhofer's experience with these types of Community Service Areas (CSAs.) Mr. Klingelhofer responded to all concerns, noting that they believe that the fire suppression costs are far greater than the total revenues of the assessment.

Mr. Benson discussed the resolution beginning on agenda packet page 82. He noted: that it sets the date for the hearing for May 13, 2014, at 2:00 PM; noted that it is important that the public knows that date is firm; and noted that the Board cannot adopt the Assessment District if there is a majority protest. Supervisor Cann inquired if the law requiring ballot signatures has been referenced anywhere. Mr. Benson noted appropriate language on the Flyer that will be accompanying the ballots.

Public Comment Opened.

Brad Aborn noted his support of the passage of this item, and discussed the enhanced protection that the new engines provide to the structures and volunteers.

Keith Williams inquired if the fire trucks will need to be used exclusively for local structures, or whether they can be used for strike teams elsewhere, as well.

Public Comment Closed.

Mr. Klingelhofer responded that it is permissible for the engines to respond to mutual aid assignments. Len DeJoria/Fire Chief noted that the County is reimbursed at a rate that is designated in the CFA contract for any equipment that is sent out. Mr. Benson noted that the issue of sending the engines out on other non-structure fires was part of what was considered in the Engineer's Report, and is part of the non-special benefit related to structure fires. Supervisor Cann remarked that even if they are sent out because of a wildfire, they are usually assigned to structure protection. Chief DeJoria affirmed.

Mr. Benson noted that a public informational meeting on this issue has been scheduled for April 10th at 6:30 PM in the Chambers.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

L. Adjournment

2:41 PM Chair Cann adjourned the meeting in memory of Norman Nichols, Clifford Smith, Carolyn Price, John Lilley, Sr., Skila Lewis-Cothran.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors