



# MARIPOSA COUNTY

P.O. Box 784 Mariposa, CA 95338 (209) 966-3222  
5100 Bullion Street  
<http://www.mariposacounty.org/>



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

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

April 2, 2013

### A. Call to Order and Roll Call

**9:02 AM** Meeting Called to Order at the Mariposa County Government Center

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

Chairman Stetson was excused. Vice-Chair Cann presided over the meeting.

### B. Pledge of Allegiance

The Pledge was led by Supervisor Bibby, followed by a moment of silence in honor of our armed forces wherever they may be located.

### C. Introductions

Chair Cann introduced Congressman Tom McClintock.

Chair Cann introduced Tessa Pritchard, the new Human Resource Manager, and her husband Matt.

### 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 pulled CA1 for separate vote to allow Supervisor Jones to recuse himself

due to a conflict of interest.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

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

**EXCUSED:** Lee Stetson

1. Item Pulled from Consent

CA2. **Human Resources/Risk Management RES-2013-102**

Authorize the Implementation of a Junior Docent Program at the County-Owned Cathey's Valley Historical Schoolhouse Effective April 1, 2013

CA3. **Administration RES-2013-103**

Approve Budget Action Transferring Funds from the Community Corrections Fund to the Vehicle Replacement Fund to Allow for the Purchase of a Replacement Probation Vehicle (\$8,000). 4/5ths Vote Required

CA4. **Administration RES-2013-104**

Designate the Mariposa Butterfly Festival to be a County Sponsored Event, Approve the Activities Associated with the Festival, Approve Closure of Areas During the Festival (See Attached), Approve the Use of the County Transit Bus, Approve a Letter to Caltrans Regarding Traffic Detours, and Authorize the Board of Supervisors Chair to Sign the Letter

CA5. **Sheriff's Office RES-2013-105**

Approve the Recruitment and Filling of a Vacant Sheriff's Deputy Position Effective Immediately

CA6. **Public Works 2013-36**

Appoint Kevin Darcy to the Airport Advisory Committee (AAC) with a Term Expiring on January 2, 2017

CA7. **Planning 2013-37**

Appoint Diane Archibald as the Alternate Member Representing the Butterfly Garden Club on the Historic Sites & Records Preservation Commission

CA8. **Administration RES-2013-106**

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

## **E. Presentations**

1. **Board of Supervisors (ID # 2271)**

**Proclaim the Month of April 2013 as "Child Abuse Prevention Month" (Cinnamon Fleener, Mariposa Safe Families)**

No Board Comments. No Public Comments.

Bibby (M), Jones (S); Passed unanimously; Stetson was excused.

Cinnamon Fleener/Mariposa Safe Families was presented with the Proclamation, and support staff was present in the audience.

## **F. Minutes Approval**

### **1. Tuesday, March 26, 2013**

No Public Comments.

Supervisor Bibby clarified her discussion on Page 34 "Discussion ensued between Supervisor Bibby and Mr. Williams regarding lodgings erroneously charging TOT on cleaning costs," advising that the conversation was more about consistency and that the lodging charges be the same, if the TOT Ordinance says should include all costs associated with the room then all TOT's should be including all costs.

Bibby (M); Jones (S); Passed unanimously; Stetson was excused.

## **G. Departmental Presentation**

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

Jim Rydingsword/Human Services Director advised that his department researched and discovered that in some small communities Social Security is offering video services. They had a conference call with the Merced office and the office in Baltimore and advised that they will be able to add video services for Social Security appointment at the Human Services Center and more than likely at no cost. He will be meeting with the manager of the Merced office next week on this, and advised that according to Human Services IT staff they currently have what is needed to offer this service.

## **H. Public Presentation**

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

Marvin Wells commended the Mariposa Safe Families for their Child Abuse Prevention program and expressed concern relative to future water resources and questioned if at a later date someone could address future planning for safeguard measures.

Kathy McCorry, Executive Director/Chamber of Commerce, provided an update on the March Tourism/Visitors Bureau numbers noting that visitation was up 38% in Mariposa and 17% in Coulterville. She advised that they now track "No Reservation" numbers and in March there were 202 visitors without reservation that they were able to place in hotels locally. She provided trending sheets to the Board including tracking since 2007. She noted that volunteer help would be appreciated on weekends to help with the increased visitors. She reported that she will be attending the Town Hall meeting tonight, the Chamber of Commerce Board of Directors meeting is Thursday at 5:30 PM at the VFW Hall, and Friday the film crew will be here for the first time to prepare for relocate.org and they will be back on May 20th to film again throughout the County.

## **I. Board Information**

Supervisor Merlin Jones reported on: Tuesday March 26th met regarding the TOT tax; Thursday meeting on Solid Waste with Supervisor Cann and clarified that the rumors of the modules being full in 2 or 3 years is just a rumor and that there is approximately 16 years before they are full; the Economic Development Corporation meeting will include discussion of the TOT tax; Friday meeting with Kris Casto, Ed Johnson of Foothills Mediation Center, and Supervisor Carrier regarding a volunteer community mediation organization; also that day met with Rick Peresan, Supervisor Bibby, and TJ Trout regarding broadband internet service in the County and noted this will encourage businesses to come to Mariposa and create more jobs; later that day met with Kathy McCorry, regarding the TOT tax; he thanked Kathy and her staff for their hard work and advised that he would support providing more help to clean the restrooms at the Visitor's Center; Saturday met with Debbie Cook regarding the John Muir Geo-tourism Center and a Frisbee golf course; he visited a historical building that has had some problems and recommended citizens taking the time to get the proper permits for their projects; he visited downtown Coulterville and was happy to advise that there are only two vacant businesses at this time; he attended the Methodist Church dinner Saturday evening; Sunday had Easter Brunch with a large group of people and noted that the true meaning of Easter not be forgotten; Sunday evening had dinner with the owners of the Blackberry Inn and was approached regarding the TOT tax; he thanked the Tourism Bureau for taking a group from Coulterville to Buck Meadows; and he thanked Public Works for assisting a gentleman with the placement of a sign on his road after ten years of working on this issue.

Supervisor John Carrier reported on: Wednesday meeting with the Yosemite Mariposa Regional Water Advisory Council; Thursday attended CSAC training class on County and State funding; Friday met with Supervisor Jones, Kris Casto, and Ed Johnson of Foothills Mediation Center, a volunteer group that provides mediation free of charge; meeting with Kathy McCorry later that day; will be attending the Town Hall meeting tonight presented by Tom McClintock; Wednesday he and Supervisor Cann will be sitting in on a conference call relative to the Merced Wild and Scenic River Plan; Wednesday the Chamber of Commerce Board of Directors meeting; Thursday the County Emergency Medical Service Committee meeting; Saturday a dedication marking Elliot's Corner as a Stage Stop on the way to Yosemite in the 1800's; and he noted recognition to the lodging industry in Mariposa County and Yosemite National Park.

Supervisor Janet Bibby concurred with Supervisor Carrier on recognition of the lodging industry; she reported on: the California State Controller's website has a manual available for public viewing; advised there is a Community Action Agency subcommittee meeting today at 3:00, which has funded programs such as CASA and Mariposa Parks and Recreation day camp tuition; she extended her thanks to Andrea Summerlin, Connie Waldron, and Yosemite National Park for their recognition of women; congratulated Kim Tucker, Yosemite National Park employee, for her receipt of an achievement award for all her services; participated in a conference call with CSAC regarding the Guiding Principles; met with Kathy McCorry; is meeting with Rick Peresan and public members regarding broadband; and encouraged everyone to attend the Town Hall meeting tonight.

Supervisor Kevin Cann reported on: Public Works meeting regarding finalizing the way finding contracts; met with Kathy McCorry; attended the Tourism Board meeting regarding TOT tax, and again recommended that the County make the Tourism Board partners or at least make a point to

communicate with them; he noted a grant request that was being submitted by Townsend Group regarding the parking and traffic management in Mariposa and noted that the Tourism Bureau feels the Townsend Group is of such value that they have bought the other half of the contract with the consultants; met with the travel representatives from the United Kingdom, the agency that the Tourism Bureau has hired to influence the travel agencies in England; Thursday meeting with the Sheriff on budget and staffing issues; Solid Waste meeting Thursday and extended his thanks to Greg Ollivier, Solid Waste Manager; Friday met with Executive Director of the Stanislaus County Housing Authority regarding an assisted care facility in Mariposa County; will meet with the Historic Sites and Records Preservation Commission relative to the crosswalk program; he advised that he received a letter from Caltrans relative to their crosswalk study and advised that they have realized Mariposa County needs additional crosswalk controls and were committed to finding the funding; he advised that Stockton has been legally cleared to file bankruptcy; he responded to Marvin Wells' concerns regarding water and planning for the future; he announced that Yosemite National Park has the hanta virus under control and has opened fifty hard side cabin replacements with another forty-one opening by May 15th.

## **J. Items removed from Consent Agenda**

### **A. Public Works RES-2013-107**

#### **Approve the Subdivision Map for the Ponderosa Estates, Application Number 2008-151, Per Mariposa County Code, Title 16.20.232**

Supervisor Jones recused himself from this item due to a conflict of interest. Supervisor Cann noted maps were delivered yesterday and that the Public Works Director and County Surveyor have certified the maps as being in compliance. Supervisor Bibby asked for confirmation that all conditions are met. Barbara Carrier confirmed yes.

No public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** John Carrier, District V Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Janet Bibby, Kevin Cann, John Carrier

**EXCUSED:** Lee Stetson, Merlin Jones

## **K. LOCAL TRANSPORTATION COMMISSION**

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

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

None.

### **1. Public Works LTC-2013-5**

**Approve the Application and Necessary Documents Pertaining to the Federal Transit Administration (FTA) Section 5311 Program (Operating Assistance) Funds for Federal Fiscal Year 2012-2013, and Authorize the Executive Director to Sign the Application**

Staff presentation was made by Barbara Carrier/Assistant Director - Support Services.

No Public Comment.

No Board Comment

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

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

**EXCUSED:** Lee Stetson

## **L. BOARD OF SUPERVISORS**

Reconvened as the Board of Supervisors.

## **M. 10:00 AM**

### **1. Human Services (ID # 2247)**

#### **Presentation on Mariposa County Medi-Cal Managed Care Organizations - Anthem Blue Cross and California Health and Wellness**

Staff presentation was made by Jim Rydingsword/Human Services Director, and he provided a handout to the Board. Mr. Rydingsword introduced Dan Shydler/Anthem Blue Cross. Mr. Shydler provided an overview of the handout.

Supervisor Bibby noted that some of these programs are currently being provided. Mr. Shydler responded that they would prefer to partner or set up a sub-contract with existing programs. Supervisor Bibby requested additional details on transportation services as noted on page 15 of the presentation, and asked if there are mileage limits. Mr. Shydler responded. Supervisor Carrier asked if eventually all of Mariposa would be covered by the telemedicine. Mr. Shydler responded with the options. Supervisor Cann questioned how this type of care would be funded. Mr. Shydler responded relative to the State level expenses and beneficiaries for Medi-cal and how managed care would work. Supervisor Bibby asked if eventually Anthem regular health policies would be seen throughout rural Counties as a standard. Mr. Shydler responded.

Mr. Rydingsword introduced Patti Darnly/California Health & Wellness. Ms. Darnly distributed a handout and presented an overview. Ms. Darnly noted that they also partner with existing programs. Ms. Darnly advised that they are committed to making this transaction as smooth as possible and thanked the Board for their time.

Supervisors Bibby asked for clarification on the committees that Ms. Darnly mentioned. Ms. Darnly responded that they are a combination of physician and citizen members. Supervisor Cann requested clarification on what the role of the Human Services Department and the Board of Supervisors would be. Mr. Rydingsword responded. Mr. Rydingsword asked Ms. Darnly if their headquarters is going to be in Sacramento. Ms. Darnly responded that they are looking into options.

Mr. Rydingsword introduced Linda Cantu / Health Care Options and advised that this is the company that will provide a staff person in his department to help people choose their plan. Ms. Cantu provided a handout

and presented an overview of the handout and their program.

Supervisor Bibby requested clarification regarding changing providers. Ms. Cantu responded and also addressed changing health plans.

Supervisor Carrier requested clarification regarding the provider list and Mariposa County being limited on the amount of physicians available. Ms. Cantu deferred to the health planners. Mr. Shydler responded relative to time and distance standards approved by the State. Ms. Darnly responded relative to State requirements.

Mr. Rydingsword advised that an item will come back to the Board as they work out MOU's and agreements and that staff recently began working on a webpage that will provide links to obtain information.

Public Comment:

Sally Uribe asked if the local providers will be able to accept members from both plans.

Ruth Shane thanked the Board for their support of AB 900 and the attempts to override AB 97 from 2011 and commented that the cuts in AB 97 were drastic. She feels this is the second freight train coming down the road after the first being AB 97. She also commented that reimbursements are a key to the Health Care District. She feels this will be a disaster and make it difficult for providers to survive. She commented that one factor not discussed was the wellness of the patient population that is going to be served by these prospective providers and expressed concern relative to the increased number of patients and decreased reimbursements for providers.

Mike McCreary expressed concern relative to what Medi-cal Managed Care is going to mean for he, his wife and the community. He mentioned that a few weeks back him and Mr. Hill / John C. Fremont CEO, came to the Board and expressed concern relative to the cuts. He also expressed concern about the level of bureaucracy with the forms, the language, and accessing the care. He brought up a potential scenario of a provider such as John C. Fremont Health Care District going out of business and asked how care would then be provided to the community. He noted that here we are talking about expanding capacity and expanding access to care to a large number of people at a time when the capacity is under enormous financial pressure. He feels that as a community we will need to do some real planning to keep our services.

Katrina Anderson asked for clarification relative to case management and how this will work in our County to manage the patients, and asked if services are going to be referred out of town due to lower costs, and are the residents that are applying for these programs going to be informed that they may have to leave the County to obtain specialty care when we already have that here.

Ms. Cantu responded yes to Ms. Uribe's question.

Ms. Darnly responded relative to the scenario of a provider going out of business or in the case of death of a provider.

Mr. Shydler responded to case load management questions and advised that the State monitors time and distance relative to the total cost of care and cost base reimbursement.

Public Comment Closed.

Mr. Rydingsword noted that he has been encouraged by the cooperation of the plans and health care options, the involvement of the community, and the discussions that have occurred with John C. Fremont Health Care District and feels that as this moves forward it is important to stay involved and engaged. He responded to a question of Supervisor Cann advising that this will impact 2600

people in the County and in October they will start pre-enrollment for health care reform in California, and that there are decisions that remain to be made relative to the health care reform.

## **11:21 AM Recess**

## **11:32 AM Reconvene**

### **N. Regular Agenda Items**

#### **1. Public Works (ID # 2255)**

**Approve the Second Amendment to the Professional Services Agreement with Karen Dusek Increasing the Amount by \$10,000 Bringing Total Compensation to \$34,200; and Authorize the Board of Supervisors Chair to Sign the Second Amendment**

This item was withdrawn due to discrepancies identified by the Board.

**RESULT: WITHDRAWN**

#### **2. Public Works RES-2013-108**

**Approve Change Order No. 4 with W. Jaxon Baker for the Reconstruction of Mt. Bullion Cut-Off Road, Phase I, Reducing the Amount Due to the Contractor by \$15,297.75, and Reducing the Total Compensation to \$1,018,346.43; Extend the Date of Completion to April 15, 2013; and Authorize the Public Works Director to Sign the Change Order**

Staff presentation was made by Gary Taylor / Assistant Director of Public Works - Public Works, and he noted that the amount due to the contractor is being reduced by \$15,297.75. He responded to Supervisor Bibby's question stating that this is phase I only.

No Public Comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

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

**EXCUSED:** Lee Stetson

#### **3. Public Works RES-2013-109**

**Approve Change Order No. 2 with W. Jaxon Baker in the Not-To-Exceed Amount of \$15,400.83, Bringing Total Compensation to \$443,607.85 for the Overlay Project on E. Whitlock Road; Authorize the Public Works Director to Sign the Change Order; Approve the Budget Action Transferring Funding from the Engineering/Surveying Budget to the Capital Improvement - County Road Projects Fund (\$11,868) 4/5ths Vote Required**

Staff presentation was made by Gary Taylor, and he noted that this is the project in which the asphalt was bad and the contractor replaced the asphalt at

their own expense.

Rick Benson / CAO, asked for clarification relative to midyear budget and adjusting funds from contingency to cover the shortfall for Engineer salaries. Barbara Carrier responded. Supervisor Jones asked for clarification relative to the salary savings. Mr. Benson and Ms. Carrier responded.

No public Comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

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

**EXCUSED:** Lee Stetson

**4. Administration RES-2013-110**

**Approve the Response of the Board of Supervisors to the 2012-13 Mariposa County Grand Jury Midterm Report on the Yosemite West Waste Water Treatment Facility**

Staff presentation was made by Rick Benson and he provided a handout addressing all findings including finding 9 and 10 which were not included in the attachment added to MinuteTraq.

Supervisor Cann asked if it is common to receive a midterm Grand Jury report. Mr. Benson responded that it is not common.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

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

**EXCUSED:** Lee Stetson

**O. 11:54 AM Lunch**

**P. 2:01 PM Reconvene**

**1. Administration (ID # 2289)**

**Report Regarding County Service Area #3**

Staff presentation was made by Rick Benson.

Public Comment:

Dennis Buck thanked Mr. Benson for his presentation and noted the horrendous shape of the fire stations in regards to engines and water tenders prior to this process. He is in favor of leaving this alone and noted the risk of ISO ratings if the engines were returned and feels people may lose their homes if this happens.

Carol Williams / First Responder with Lushmeadows/Jerseydale Fire Station and a homeowner, feels the County already spends a lot of money on consultants and special reports and this issue was very simple and handled well with a basic engineers report. She is in favor of taking no further action.

Ken Melton requested clarification on assessment fees being assessed on

new construction. Expressed concern that this issue was not done proportionately and provided the following example: if you have two structures / two homes then you would have two assessments. He feels this is a flat fee and proportionate. He stated that even though he hasn't done his homework he believes the process was not done right and that people are benefiting but not paying the fees, especially mobile home owners.

Anthony Meisner thanked the Board for the Fire Station that includes a meeting room, a bathroom and the new engine in Fish Camp and feels this is a righteous use of the assessment fees.

Bill Davis / Auditor, noted that he brought this issue to the Board's attention and as such feels he has fulfilled his obligation to his oath to support the California Constitution. He researched and found numerous court cases that have thrown out assessments for failure to have proportionality and a distinction between general benefit and special benefit calculated in their engineers report. He also noted that he found no court cases where the proportionality and the distinction was not done and it was allowed to stand by the courts and feels that there are numerous court cases that would dispute this presentation today.

David Norman from the Bridgeport area, noted that he was against this to begin with because he didn't feel it was fair to the citizens of the County who are paying for this with other citizens benefiting and not paying the fees. He feels he has not been protected, and doesn't feel this meets the constitution relative to proportionality and should to be further investigated.

Ron Setterberg / fire fighter, feels the main issue is safety for not only the fire fighters but for the citizens of the community, and stated the old engines were not safe.

Tom Hull / fire fighter, agreed with Mr. Setterberg's concerns and provided an example of a serious mishap that could have been fatal with one of the older engines and stated the old engines were not safe.

Mr. Benson responded to the following concerns and questions: if a new structure is built valuing over \$10,000 in improvements it should be added to the assessment. Also he has been made aware of three properties that have improvements of more than \$10,000 but do not have structures and he has removed them administratively, and advised that if a property has been assessed with the fee but does not have a structure his office should be contacted and it will be investigated and they will not be charged. Regarding mobile homes: they fall into two different categories with some mobile homes licensed through the State of California and we do not have a way to capture those. This is for real property that can be added to the assessment and if a mobile home is showing up on real property they are charged the assessment fee.

Supervisor Bibby asked for clarification on how many mobile homes don't pay the fee. Mr. Benson responded that they don't show up on the tax bills so there is no way of knowing. Supervisor Bibby asked if Mr. Benson has received any other challenges of the CSA. Mr. Benson responded no and that it has been relatively quiet other than occasional questions regarding the new SRA fire fee which he refers to the Tax Collector or Assessor's office. Mr. Benson noted that the reason approximately 60 % of homeowners agreed to this was that they were informed, there were several public meetings, and the process was driven by the people in the room today, especially the volunteer fire fighters that went out and talked to the public and answered questions and made this assessment happen.

Supervisor Jones requested clarification relative to the replacement funds being touched. Mr. Benson responded. Supervisor Jones noted that he contacted an engineer and asked if three engineers did a new report what are the chances that they would all three come up with the same results and the answer was slim to none.

Supervisor Bibby thanked everyone for coming in today and asked for clarification on the process of a formal challenge. Mr. Benson responded. Supervisor Bibby commented that she hopes the community will continue to show support for this issue.

Supervisor Cann noted that he believes the Auditor was 100% correct to bring this issue to the Board's attention and that the engineer's assessment was potentially insufficient and noted the qualifications of the firm that provided the assessment for the County. He also noted possible options in the event a formal challenge is submitted. Discussion was held between Mr. Benson and Supervisor Cann regarding the replacement fund and the Bridgeport fire station.

Supervisor Jones invited the public to come to him with any questions any time.

Supervisor Carrier noted that he is typically a process person but in this case looking out for what is good for the County is important because if we lost these engines we would lose the fire department and as a Supervisor and a citizen he can't allow that to happen. He believes that the process of reaffirming the engineer's assessment would probably cause us to lose the engines due to lack of payment and Mariposa County would lose their credit. He thanked all involved for our public safety program.

Supervisor Cann concluded that he has a lot more confidence in the end product than he did at the beginning when we were just looking at an engineer's report, and feels reviewing this has been a healthy process. He acknowledged the volunteer fire department for what they have done for this County.

## **Q. Adjournment**

The meeting was adjourned at 3:08 PM in memory of John Paul Fraser.

Respectfully submitted,

TRACY GAUTHIER  
Deputy Clerk of the Board

KEVIN CANN  
Vice-Chair, Board of Supervisors



# MARIPOSA COUNTY

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**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
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**DISTRICT V**

## MINUTES

April 9, 2013

### A. Call to Order and Roll Call

**9:02 AM** Meeting Called to Order at the Mariposa County Government Center.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Excused	
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
Merlin Jones	District II Supervisor	Present	9:02 AM

Chairman Stetson was excused. Vice-Chair Cann presided over the meeting.

### B. Pledge of Allegiance

The Pledge was led by Supervisor Jones followed by a moment of silence in honor of our troops, and all those who carry a sidearm in protecting us, wherever they may be.

### 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.

Vice-Chair Cann corrected a clerical error in CA13, noting that Ellie Duste should have been listed in that item's Recommendation and Justification. He also noted that the expiration dates for all of the appointees will be April 9, 2016.

Public Comment Opened.

Marvin Wells requested clarification on CA9, as the white fog lines have not yet been added to Whitlock Road.

Public Comment Closed.

Peter Rei/Public Works Director responded to Mr. Wells' question about Whitlock Road stating that he could not be sure, but thought that his staff is probably preparing to do the painting rather than pay the contractor. Mr. Rei also advised that he would check into it.

Supervisor Jones required clarification as to the reason for the increase requested in CA17. Greg Ollivier/Solid Waste and Recycling Manager responded that the increase is due to an extension of the contract term.

Supervisor Bibby required clarification regarding CA3, as to whether an equal amount of road has been abandoned. Mr. Rei responded. Discussion ensued between Supervisor Bibby and Mr. Rei relative to the original December 17, 2002 agenda item, road funds, maintenance done, and cost estimate. Supervisor Cann clarified that the section in question measures approximately 450 feet. Noting that a member of the public wished to speak on CA3, Vice-Chair Cann queried the Board to see if there was any objection to allowing his input at this time. There was none. Public Comment was re-opened.

Don McCalla noted that he was the President of the Road Association in 2002 and provided a history of the 2002 action.

Public Comment was closed.

Supervisor Bibby required clarification from Mr. Rei that maintenance of the road would be limited to grading. Mr. Rei responded that his understanding is that they are not talking about paving, but that he is going on information from the Public Works Road Superintendent. Supervisor Carrier commented that he thought the original intent of the County maintenance was to allow plows to clear snow to the fire station, and to make sure that the road is passable for the fire engines.

Supervisor Bibby required clarification that CA14 would use no general fund dollars for the duration of the position. Jim Rydingsword/Human Services Director responded affirmatively.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

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

**EXCUSED:** Lee Stetson

CA1. **Administration RES-2013-112**

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

CA2. **Agricultural Commissioner RES-2013-113**

Approve Cooperative Service Agreement No. 13-73-06-0260-RA - the Annual Work and Financial Plan for Fiscal Year 2013/2014 with the United States Department of Agriculture/Animal and Plant Health Inspection Service/Wildlife Services (USDA/APHIS/WS), and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA3. Public Works RES-2013-114**

Approve Adding a 0.09 Mile Section of Monte Vista Lane to the County Maintained Road System

**CA4. Human Services/Social Services RES-2013-115**

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

**CA5. Human Services/Behavioral Health & Recovery Services RES-2013-116**

Approve Submission of the "12/13 Mental Health Services Act (MHSA) Plan Update" to the Department of Health Care Services (DHCS); Authorize the Human Services Director to Sign the Certification and Any Subsequent Amendments with DHCS with Regard to the MHSA Plan; and Authorize the Human Services Director to Implement the Activities Within the "12/13 MHSA Plan Update" Upon DHCS Approval

**CA6. Human Services RES-2013-117**

Approve Recruitment and Hiring of an Office Technician II in Human Services Administration Effective Immediately; Approve the Overfill for This Position Effective June 1, 2013; Approve Budget Action Transferring Funds Within the Human Services Administration Department to Cover the Overfill of This Position (\$5,795)

**CA7. Board of Supervisors 2013-38**

Appoint Steven D. Wright as the District V Representative and Re-Appoint Robert Keller as a Member-At-Large to the Water Agency Advisory Board for Three Year Terms Expiring on April 9, 2016

**CA8. Human Services/Social Services RES-2013-118**

Approve Revisions to the In-Home Supportive Services Advisory Committee By-Laws

**CA9. Public Works RES-2013-119**

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

**CA10. Board of Supervisors 2013-39**

Approve a Certificate of Recognition for Joyce Kinion on Celebrating Her 80Th Birthday

**CA11. Health RES-2013-120**

Increase Petty Cash Maximum at Health Department to \$250 to Allow Staff to Make Change for People Paying Revised Health Department Fees

**CA12. Sheriff's Office RES-2013-121**

Approve Agreement 12-LE-11051360-002 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

**CA13. Board of Supervisors 2013-40**

Re-Appoint Ellie Duste as the District II Representative, Walt (Sonny) Palmer as the District III Representative, Brenda Ostrom as the District IV Representative, and Keri Ortiz as a Member-At-Large to the Water Agency Advisory Board for Three Year Terms Expiring on April 9, 2016

**CA14. Human Services/Social Services RES-2013-122**

Authorize the Human Services Department to Recruit for and Fill a Vacant Eligibility Worker I/II Position in the Social Services Budget Effective Immediately

**CA15. Health RES-2013-123**

Authorize the Health Officer to Hire an Extra Help Accountant II at the Step 5 Hourly Rate (\$23.95) Effective Immediately

**CA16. Victim Witness RES-2013-124**

Approve the 2013-2014 District Attorney's Office Domestic Violence Vertical Prosecution Grant Application Administered through the State of California Emergency Management Agency, and Authorize the District Attorney to Sign and Submit the Grant Application

**CA17. Public Works RES-2013-125**

Approve the Second Amendment to the Professional Services Agreement with Karen Dusek Increasing the Number of Hours and the Compensation Amount by \$10,000 Bringing Total Compensation to \$34,200; and Authorize the Board of Supervisors Chair to Sign the Second Amendment

## **E. Presentations**

**1. Board of Supervisors (ID # 2270)**

**Proclaim the Month of April 2013 as "Alcohol Awareness Month" (Friday Night Live Kids, and Mariah Tate and Britany Sturm, Friday Night Live Prevention Specialists)**

Action was taken to approve the Proclamation.

Bibby (M); Jones (S); Passed unanimously by those present, with Stetson excused.

Vice-Chair Cann presented the Proclamation to Mariah Tate and Britany Sturm.

Ms. Tate and Ms. Sturm explained the mission of Friday Night Live, and

discussed some future events.

**2. Planning RES-2013-111**

**Approve a Resolution Recognizing Eleanor Keuning Posthumously for Her Service to the Community**

Supervisor Carrier recounted meeting Eleanor, the encouragement that she gave him during the election, and the lasting impression that she made. Supervisor Bibby commented on Eleanor's tremendous commitment to various community organizations. Supervisor Jones recounted meeting Eleanor at the Board meetings when he was campaigning, and noted that she always had advice for him. Supervisor Cann commented on Eleanor's extensive involvement in the community; and recounted some stories.

Public Comment Opened.

Ruth Sellers thanked Carol Suggs for bringing this item to the Board; and noted that we need more people like Eleanor.

Pete Judy/Chief Probation Officer recounted working with Eleanor; noted her involvement in many organizations; and thanked her family.

Public Comment Closed.

Vice-Chair Cann presented the Resolution to Eleanor's husband, Ken Keuning. Mr. Keuning commented on Eleanor's involvement in, and love of, the community.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** John Carrier, District V Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

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

**EXCUSED:** Lee Stetson

**9:42 AM Recessed**

**9:55 AM Reconvened**

**F. Departmental Presentation**

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

Peter Rei reported that the Certificates of Occupancy for both the Midpines and Fish Camp Fire Stations have been received; that they were received before the deadline, meeting the grant conditions; and that they should be on next week's agenda to approve. Supervisor Jones congratulated Mr. Rei on the completions. Discussion ensued between Supervisor Bibby and Mr. Rei regarding invoices, and when the total costs will be available.

**G. Public Presentation**

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 County Chamber of Commerce updated the Board on last week's filming by relocate.org; reported that the Chamber has a new conference room and invited the Board to visit it;

and advised of a ribbon cutting at Dabble's tomorrow, and another in Coulterville at 12:45 PM on April 20, 2013 at the John Muir Geotourism Center.

## **H. Board Information**

Supervisor Jones reported that on April 2nd he attended: a meeting with Supervisor Bibby and Jim Rydingsword; a meeting with Terry Selk regarding the gateway signs on Highway 132 and the TOT; and Congressman McClintock's evening town hall meeting. Supervisor Jones further reported on: a meeting on April 3rd with Public Works, the contractor, and the engineer about some problems with the Red Cloud Library; an April 4th meeting with MPUD regarding fire marshall concerns; some telephone calls received on April 5th; and his attendance at the Greeley Hill Community Club Breakfast in the morning of April 7th, followed by a visit to the Blackberry Inn in Buck Meadows later that same day.

Supervisor Carrier reported on his attendance at the town hall meeting with Tom McClintock on Tuesday. Supervisor Carrier also reported that on April 3rd he gave a short talk to the Chowchilla Mountain Women's Club; later attended the County Medical Services meeting; and attended the Chamber of Commerce that same evening. He also reported attending the Planning Commission meeting on Friday; attending the dedication at Elliott's Corner on Chowchilla Mountain Road on Saturday; and touring the Pizza Factory with the Historic Sites Committee this week. Supervisor Carrier advised that tomorrow he will: attend a Courthouse meeting in the morning; attend an Open House at the Sierra Quest Academy tomorrow afternoon; and be traveling to Sacramento to attend the last series of the CSAC training for new Supervisors. He further advised that on Friday he will be at the Tenaya Lodge in the afternoon to listen to the Park presentation on the Mariposa Grove Plan; and will be attending the Wawona Home Owner's Association meeting at 9 AM on Saturday, followed by a Wawona School fundraiser. Supervisor Carrier also informed the Board that the main Library, as well as the Red Cloud Library in Coulterville, now hosts Cooperating Collections, a web based informational system for grants and grant writing. He also informed the Board of upcoming performances by the Mariposa Symphony Orchestra on April 27th at the High School at 7:00 PM, and on April 28th at 2:00 PM at the Ahwahnee Hotel. He noted that the show at the Ahwahnee Hotel is free.

Supervisor Bibby thanked the public for welcoming Congressman McClintock. She reported: attending a meeting of the Community Action Agency, noting that they took action to recommend funding for Safe Families; on speaking with Dave Martin of the Forest Service who assured that they will continue with their office hours, which will be starting in May; and that she missed the First 5 meeting yesterday, but that she will be doing a report out once she gets the Minutes of that meeting. Supervisor Bibby advised that she will be attending: the fire station meeting on April 11th; and a meeting of Mother Lode Job Training in Sonora on April 15th. She also invited everyone to join the Board for Tuesday's ribbon cutting ceremony at the Midpines Fire Station; and reminded everyone that time is running out for fire clearance, and recommended everyone go beyond the minimum distance for their own protection.

Supervisor Cann commented that it was nice to see so many people at Congressman McClintock's town hall meeting, and noted that there was a nice cross-section of the County represented there. He reported that he spent most of Wednesday and Thursday compiling comments from that meeting into the

draft letter on the agenda today. Supervisor Cann reported on his attendance at the Historic Sites Committee meeting with Supervisor Carrier; and that, yesterday, a successful bidder was selected to construct the wayfinding signs, with the first signs going up at 4th, 5th and 6th Streets. Supervisor Cann advised that he will be attending: the Sierra Quest Academy Open House tomorrow; the Savoury's Restaurant 10th Anniversary reception tomorrow evening; and the Gateway Partners meeting in Yosemite Valley on Thursday. He further advised of the following meetings: on Monday with the Friends of the Fair to discuss permanent signs in the community; with the Farm Advisor on Monday; and with the Board of Directors of the Rural County Representatives of California (RCRC) in Mariposa next Wednesday and Thursday.

## **I. Regular Agenda Items**

**10:20 AM** County Counsel was excused from the meeting to appear in Court.

### **1. Public Works RES-2013-126**

#### **Receive a Presentation on the 2012 Update to Statewide Streets and Roads Needs Assessment and Adopt a Resolution Supporting Increased State Funding to Address the Statewide Funding Road Improvement Shortfall**

Staff presentation by Peter Rei. Mr. Rei noted that this update is made every two years, and elaborated on the legislative history behind the updates; statewide road rankings; county road rankings; and the deterioration of roads in California since 2006. He advised that he hasn't received the actual numbers for 2012, yet, but that we should be receiving those in the next few weeks. Mr. Rei summarized the findings in his report.

Supervisor Bibby noted information regarding other counties; advice given to past Boards; and inquired what needs to be done to address the problem. Mr. Rei responded. Discussion ensued between Supervisor Bibby and Mr. Rei regarding strategies and options.

Supervisor Carrier required clarification of the amount of money that was noted in 2009 as being needed. Mr. Rei responded. Discussion ensued between Supervisor Carrier and Mr. Rei regarding the amount of money needed annually to bring up the quality of County roads; whether a letter to the State legislature would be advisable; statewide efforts and proposals in this regard; and the feasibility of assorted options.

Supervisor Bibby requested clarification of whether the County has the option of whether or not to conduct another study, as people might wonder why the money was not being used on the roads. Mr. Rei responded that the source of the funding determines how it may be used; the planning dollars that come to the Local Transportation Commission cannot be used to maintain roads, but can be used to fund a study.

Supervisor Jones inquired whether there has been any indication that the State might try to do something similar to the SRA fee. Mr. Rei responded that he has not yet heard of any such assessment. Discussion between Supervisor Jones and Mr. Rei regarding potential funding; and whether a potential raise in TOT could be used to fund roads.

Discussion ensued between Supervisor Cann and Mr. Rei regarding funding to other counties; anticipated changes in legislative funding programs; and proposals in Congress regarding logging.

Supervisor Bibby commented on changes that happened when logging was

eliminated; and felt that it would be beneficial if they brought it back.

Public Comment Opened.

Greg Kittelson wondered if Mr. Rei could comment on future technologies, and if he has checked into things like self-healing asphalt and grants.

Darrell Tucker wondered if the CSA3 fire tax was supposed to be used for maintaining the roads to and from fire stations. He also stated that his concern is that the roads that they are paving were in fairly decent shape. Mr. Tucker noted that he lives on West Whitlock Road and it was supposed to get paved, but now finds that it will not; and feels that it needs to be paved badly. He noted that the dust coming off of the road is atrocious; reported that he and his wife are physically damaged by that dust; and wondered if chip seal could be used for it. Mr. Tucker stated that he feels that we need to quit focusing on roads that already have pavement, and start focusing on the roads that are popular now.

Public Comment Closed.

Mr. Rei responded to all questions and concerns, noting that the West Whitlock Road project is still in the process of getting documentation to meet the Federal parameters; the issue is archaeological; however, the grant expires next year, so the only construction period is this year. Rick Benson/County Administrative Officer responded that roads were never part of the CSA3 fee and, consequently, is not available to use for roads.

Mr. Rei responded to the chip seal question, as well as the emerging technologies question.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** John Carrier, District V Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

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

**EXCUSED:** Lee Stetson

**11:13 AM** County Counsel rejoined the meeting

## **2. Board of Supervisors (ID # 2319)**

### **Review and Discuss a Board Authorized Letter Regarding the Merced River Draft Plan**

Presentation by Supervisor Cann.

Supervisor Jones commented on the stock trails for riding, and would like to have those mentioned in the letter; and liked the part regarding the American River and would like to see that remain in the letter.

Supervisor Carrier commented that he thinks the letter is good, but would like to see the pools and tennis courts around the hotels included; would like to see the Sugar Pine Bridge remain; and would like the letter to point out some of the positives in the plan like the proposed traffic designs to separate pedestrians from vehicles, adding parking spaces, moving some of the maintenance tasks and buildings away from the heart of the valley, keeping the golf course and horse stables in Wawona, restoring meadow and habitat, replacing tent cabins with hard-sided cabins, and replacement of employee housing with units made to higher standards.

Supervisor Cann noted the numbers of parking spaces, and cabins. He stated his agreement with the traffic redesign, and restoration; and feels they deserve credit on the tremendous amount of outreach.

Supervisor Bibby concurs that the positives should be included in the letter and recommends getting the list from Supervisor Carrier and incorporating it in the letter; and suggested some deletions.

Supervisor Cann suggested she give the CAO her suggested changes to incorporate in the letter, and he will give the CAO the language regarding the positive aspects of the plan.

Public Comment Opened.

Wendy Brown-Barry and Kevin Barry/founding members of the "Yosemite for Everyone Foundation." Spoke in support of recreational alternatives. Ms. Brown-Barry commented on the Sugar Pine Bridge; she agreed with Supervisor Bibby on the multi-use of trails and the dust, and doesn't feel that we should bring up any negative associated with it. She also discussed the Wild and Scenic Rivers Act, and would like to see the river re-designated as Recreational. She also discussed Footnote 5 and her research regarding it; discussed that, according to Tony Coelho, the Act was originally passed to prevent hydro-electric dams; and noted ways in which Tom McClintock is willing to help. She also noted that they requested a ninety day extension, since most of the people they have contacted in the community have no idea of what is going on in Yosemite; and noted that she was advised by Marily Reese, the Executive Director of the National Forest Association, that the public may comment right up to the time the decision is made. Mr. Barry noted that many parking spaces were lost in the 1997 flood which may be a partial reason for the congestion; and he suggested that statistics regarding changes in parking are based on the lesser, post-1997 numbers. They urged that the Board incorporate these revisions in the letter.

Darrell Tucker recounted his family history; stated that he feels that this will ruin our tourist experience; and recounted the story of an acquaintance who comes annually to Yosemite just for the ice skating. He also commented that getting the packers out will destroy the economy; that it is a job opportunity for locals; that it will devastate the high camps; that we can't let this happen; that we can't lose our public grounds; and that we need to leave our river ways and parks alone.

Public Comment Closed.

Supervisor Cann summarized the Board's positions; information; discussed legislative options; and requested any further direction for the CAO.

Supervisor Bibby inquired if there were any objections to anything that has been discussed.

Supervisor Jones noted his agreement with all changes; and noted his agreement with Mr. Tucker that backpackers and packers can co-mingle.

Supervisor Bibby noted that health and safety was not factored into the study, and that the Park is safer if packers are allowed; that any plan needs to address accommodating access for everyone regardless of their fitness and ability levels; and requested clarification of whether all changes/additions should be submitted to CAO.

Supervisor Cann affirmed; and noted that the letter needs to be focused on the River Plan. He also commented on the intention of the Wild and Scenic River Plan, and that every future action will have to be filtered through the Ninth Circuit ruling; and noted that they will be giving final approval to the letter next week.

### 3. **Administration (ID # 2320)**

**Approve the Proposed Budget Development Guidelines for Fiscal Year 2013-2014**

Staff presentation by Rick Benson/County Administrative Officer. He pointed out that the Board is not putting a budget together today.

Supervisor Bibby noted that the reason Counties look at parks and libraries is because usually that, and personnel funding, is their only discretionary spending. She concurs with having the unmet needs statement, and having the Goals, Objectives and Accomplishments; and feels the Goals and Accomplishments statement is valuable information for the public. She worries about furloughs, as employees already took a reduction with the medical increase; doesn't know how we can say we're going to do that until we're actually faced with the whiteboard; her understanding is that we're not implementing any furloughs and that these are just guidelines to work with; she concurs with not submitting any additional employee position requests; concurs that the 5% step down plan is a good process; cannot agree with no reduction in the Tourism Bureau contribution, as she feels it needs to be considered with everything else as they only have so many discretionary programs; thinks we have to do the fire truck replacement costs, and that we can't defer that; and urged caution in deferring maintenance on emergency vehicles because of potential health and safety impacts.

Supervisor Jones agreed with Supervisor Bibby on the Goals, Objectives and Accomplishments; commented on potential budget challenges; and noted that he feels that the Tourism Bureau and Chamber are investments and will stick firm on those.

Supervisor Carrier agrees with the Goals, Objectives and Accomplishments; and the unmet needs list. He requested clarification of the definition of discretionary dollars; and whether the Tourism Bureau is a discretionary expense. CAO responded that discretionary funds are those that the Board is not required to provide; and affirmed that the funding to the Tourism Bureau is a discretionary expense. Supervisor Carrier requested a history of the Tourism Bureau. CAO provided a brief historical overview of the Tourism Bureau; and discussed the direction of past Boards regarding same. Supervisor Carrier stated that he feels it is unfair to exempt the Tourism Bureau, and that it should be considered with everything else in order to be fair to the process.

Supervisor Cann noted that the Goals, Objectives and Accomplishments needs to be enhanced with the work plan for the future coming year, since there shouldn't be a change between Department Head reviews and budget review; and he agrees with Supervisor Carrier that being clear on work plans is important. He commented on the Tourism Bureau's privatization; feels the reason that we have not had to make significant staff cuts is due to money generated from the tourism industry; commented on past TOT collections; and feels that it would be faulty logic to cut the funding to the Tourism Bureau.

Board discussion ensued regarding Recommendation Number 4, and the Tourism Bureau; and whether this item should be continued until next week. CAO clarified that he is just seeking general guidelines for his use in preparing a budget.

Discussion ensued between the Board members and CAO regarding what can be adopted today. CAO noted that he can bring just Recommendation Number 4 back in the future for discussion by the full Board. Further Board discussion ensued regarding same.

Supervisor Cann urged continued support of the Tourism Bureau; and

reminded the Board that an issue that has never been explored is the \$300,000 per year Williamson Act subsidies that are no longer being supplanted by the State.

Public Comment Opened.

Doug Binnewies/Mariposa County Sheriff noted his concern regarding Item Number 1, regarding no General Fund increase. He stated that because of AB109 and the California Law Enforcement Realignment, local law enforcement agencies have been tasked with additional duties; and noted that he is specifically speaking of the jail facility, which is currently full. Sheriff Binnewies noted: that his concern is with inmate medical costs; his current line item cost; and that this amount will probably be increasing because of the type of inmate that they will be seeing for the next few years. He also stated that he feels that they will probably have to increase that budget amount for the next fiscal year; noted that there are other funding avenues that are being pursued; and understands the need to build ceilings, but noted that this item may be very difficult for the Sheriff's Department. The Sheriff further noted that he feels any furloughs or layoffs in regards to Mariposa County Public Safety would be disastrous for the comfortable environment that we all enjoy; and that a 5% cut to Mariposa County Public Safety would equate to personnel.

Peter Rei noted that his concern is with the Goals, Objectives and Accomplishments. He inquired as to how much detail will be required as some things can be very brief, while other things can't.

Kathy McCorry noted that she does feel that the Chamber is a partner and, in that spirit, will take back to her Board a request for Goals, Objectives and Accomplishments; that she will request that they create an Unmet Needs list; that they should also plan for a 5% reduction; and feels that they should come back to the County with the same things required of the departments.

Public Comment Closed.

CAO restated his understanding that there is agreement with Goals, Objectives and Accomplishments; and the unmet needs list; but requested a vote on the Recommended Guidelines.

Vice-Chair Cann noted that there is consensus with Recommended Budget Guidelines Numbers 1, 2 and 3; and no vote needed on those. Vice-Chair Cann also responded to the public comments.

CAO clarified that in past years the County had an unfunded liability fund as a safety valve; but noted that it was necessary to tap into it for the fire stations and other items; consequently, they don't have that as an option anymore.

Supervisor Bibby noted that the Sheriff can't control inmate medical costs, or the indigent defense costs, so if they cut that too much they may end up needing to tap into General Contingencies during the year. She also noted that if we can get back guidelines from the department heads, it will help with the budgeting process; and noted that the CAO can put together samples of the Goals, Objectives and Accomplishments for departments to follow.

Supervisor Carrier requested clarification as to which Recommended Items the Vice-Chair was noting as being agreed upon. Vice-Chair Cann responded items 1 through 3.

## **J. Items removed from Consent Agenda**

None.

**K. Adjournment**

The meeting was adjourned at 1:11 PM in memory of Marlene Lemelin, Betty Bryant and Virginia Claffey.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

KEVIN CANN  
Vice-Chair, Board of Supervisors



# MARIPOSA COUNTY

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

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

April 16, 2013

### A. Call to Order and Roll Call

**9:02 AM** The Meeting was called to Order at the Mariposa County Government Center by Lee Stetson, Chair.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I 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
Merlin Jones	District II Supervisor	Present	9:02 AM

### B. Pledge of Allegiance

The Pledge was led by Supervisor Cann followed by a moment of silence for the victims of the Boston Marathon.

### 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 comments.

Supervisor Jones moved to accept the Consent agenda as presented, followed by Supervisor Cann seconding.

Supervisor Stetson then noted that he would like to pull CA12. Supervisor Jones amended his Motion to approve all items of the Consent Agenda, except for item CA12. Supervisor Cann agreed to the amended Motion.

The amended Motion, approving items CA1 through CA11, CA13, and CA14, passed unanimously. (Supervisor Stetson would later note that he had pulled the wrong item, and action was taken later in the meeting to reconsider CA11.)

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**CA1. Administration RES-2013-127**

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

**CA2. Human Services/Social Services RES-2013-128**

Approve the Second Amendment to an Agreement with Edna Terrell Increasing the Not-To-Exceed Amount by \$10,000 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 (\$10,000)

**CA3. Human Services/Social Services RES-2013-129**

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 \$6,000, and Authorize the Board of Supervisors Chair to Sign the Amendment

**CA4. Fire RES-2013-130**

Authorize Bootjack Volunteer Fire Company to Park Fire Apparatus Outside of Fire Station 37 on April 26, 27, 2013

**CA5. Public Works RES-2013-131**

Accept the Midpines Fire Station as Complete and Authorize the Public Works Director to Record the Notice of Completion and Release the Retention

**CA6. Public Works RES-2013-132**

Accept the Fish Camp Fire Station as Complete and Authorize the Public Works Director to Record the Notice of Completion and Release the Retention

**CA7. Planning RES-2013-133**

Approve the First Amendment to an Agreement with Scanning Service Corp for Scanning Planning Department Files, and Authorize the Board of Supervisors Chair to Sign the Amendment

**CA8. Planning RES-2013-134**

Approve Budget Action Transferring Funding Within the Planning Budget to Increase Training and Seminars (\$500)

**CA9. Human Services/Fiscal RES-2013-135**

Authorize the Human Services Department to Recruit for and Fill a Vacant Account Clerk III Position in the Human Services Administration Division Effective May 1, 2013

**CA10. Board of Supervisors RES-2013-136**

Approve the Nomination of Terry Selk to the Yosemite Area Regional Transportation System (YARTS) Authority Advisory Committee (AAC)

11. CA11 was reconsidered later in the meeting

12. CA12 pulled from Consent

**CA13. Board of Supervisors RES-2013-139**

Approve a Letter Supporting AB 350 (Bigelow & Wickowski) - Forest Fire Prevention Act, and Authorize the Board of Supervisors Chair to Sign the Letter

**CA14. Administration RES-2013-140**

Approve Budget Action Transferring Funding Within the Human Resources/Risk Management Budget to Fund the Human Resources/Risk Manager Position through the Remainder of This Fiscal Year (\$21,778)

## **E. Presentations**

Supervisor Bibby commented on the Hands-On Heroes Recognition, congratulating the recipients and thanking them for their service to the children of the County.

**1. Community Services 2013-41**

**Proclaim April 21-27, 2013, as "National Volunteer Week"**

No Public Comment.

Supervisors Bibby, Cann and Jones commented on the great number of volunteers in the community, and thanked them all for their extensive efforts.

Chair Stetson presented the Proclamation to Terri Peresan/Community Services Director.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**2. Human Services 2013-42**

**Approve and Present Certificates of Recognition to Angela Burke, Volunteer – Greeley Hill Preschool and Marie Pretzer, Preschool Owner/Teacher - Kid Korral Preschool in Recognition of Their Nomination**

**as “Hands on Heroes of Mariposa County” as Recommended by Mariposa County First 5 Commission (Jeane Hetland, First 5 Director)**

No public comment.

Supervisor Jones noted his acquaintance with Angela Burke and commented that, without her, the charter school in Greeley Hill probably wouldn't exist.

Chair Stetson read Angela Burke's Certificate of Appreciation, and introduced Jeane Hetland/Executive Director of First 5 who presented the Certificate. Ms. Hetland introduced Shirley Serrato, who commented on Angela's dedication to the Greeley Hill Preschool. Ms. Burke extended her thanks for the award.

Chair Stetson read Marie Pretzer's Certificate of Appreciation. Jeane Hetland introduced Dr. Charles Mosher/Health Officer, who commented on the First 5 Commission's dental program, its importance, and Marie's support of the program with the children for whom she cares. Ms. Pretzer extended her thanks for the award.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

## **9:23 AM Recessed**

## **9:44 AM Reconvened**

Supervisor Stetson noted that he had pulled the wrong item from the Consent Section; that he had actually meant to pull CA11, and not CA12; and wondered as to the procedure to correct same.

Steven W. Dahlem/County Counsel clarified that under the Board's Rules of Procedure, Resolution 90-231, the Board can reconsider the item at any time prior to the adjournment of this meeting; that it will take a majority vote to reconsider the item; and then the item will need to be considered with a separate vote.

Supervisor Stetson inquired if the Board would be willing to reconsider item CA11 as a pulled item to be discussed later.

Action was taken to reconsider item CA11, which has already been approved by the Board.

Cann (M); Carrier (S); Passed unanimously.

Chair Stetson requested clarification as to when CA12 should be considered.

County Counsel advised that the Board should finish with item CA11 now, since action was just taken to allow for its reconsideration.

Supervisor Bibby inquired if Chair Stetson wanted to consider it now, and offer the public an opportunity to speak on it. Chair Stetson answered

affirmatively. The Board proceeded on to item CA11:

**Board of Supervisors RES-2013-137**

**Approve a Letter Providing Comments on the Merced River Draft Plan and Authorize the Board of Supervisors Chair to Sign the Letter**

No public comment at this time.

Discussion between Supervisors Bibby and Stetson regarding the changes Supervisor Stetson would like to make. Supervisor Stetson noted that the changes he would like would require a lengthy discussion; that he has a number of concerns; that he is unwilling to sign the letter as presented; that he understands the rest of the Board has already commented on the letter and has approved of it; and that he does not want to abuse the Board of their ability to send the letter, but would like to send his own by Thursday of this week.

Supervisor Cann questioned County Counsel regarding the procedure if Chair Stetson doesn't want to sign the letter. County Counsel responded that the Board can take action to direct the Vice-Chair to sign the letter. Supervisor Stetson noted his agreement with that scenario.

Public comment opened.

Wendy Brown-Barry commented that she liked the revised letter and feels that it should be sent; commented that her group is working to re-designate the river through Yosemite Valley as recreational; referred to the American River going through Sacramento; noted that she feels the Wild and Scenic Rivers Act is not a good fit for Yosemite Valley; and takes issue with that portion of the letter that proposes to designate a minimum width for the river, as they are working to have it un-designated.

Public comment closed.

Supervisor Cann responded to Ms. Brown-Barry explaining previous Court actions that have influenced the letter.

No Board comment.

Supervisor Jones moved that this item be approved, amended to allow for the Vice-Chair to sign the letter. Supervisor Carrier seconded the Motion. Supervisor Bibby noted, for the record, that this includes the understanding that this is recognizing the wishes of Supervisor Stetson to be able to submit his own letter.

**RESULT: ADOPTED AS AMENDED [4 TO 0]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

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

**ABSTAIN:** Lee Stetson

## **F. Items removed from Consent Agenda**

### **A. Administration RES-2013-141**

**Approve the Response of the Board of Supervisors to the Midterm Report of the 2012-2013 Mariposa County Grand Jury and Direct the County Administrative Officer to Transmit the Response to the Presiding Judge of the Mariposa County Superior Court**

Supervisor Stetson noted that there was no problem with this item; that he

had erroneously pulled it; and if the rest of Board was willing, he would entertain a Motion to approve it.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

## **G. Minutes Approval**

### **1. Tuesday, April 02, 2013**

No Public Comments. No Comments or Corrections by the Board.

Jones (M), Bibby (S); Minutes of April 2, 2013 were accepted as presented 4-0; with Stetson abstaining as he was not present at that meeting.

### **2. Tuesday, April 09, 2013**

No Public Comments. No Comments or Corrections by the Board.

Jones (M), Bibby (S); Minutes of April 9, 2013 were accepted as presented 4-0; with Stetson abstaining as he was not present at that meeting.

## **H. Departmental Presentation**

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

Jim Wilson/Fire Chief-Emergency Planning Coordinator welcomed Chair Stetson back. He also noted that he had passed out programs for the Midpines Fire Station ribbon cutting this afternoon at 2:00 PM; and invited the community to attend the event.

Peter Rei/Public Works Director announced that the Mariposa Air Fare will be held at the Mariposa Airport on Saturday, April 27th; handed out flyers for the event; and noted that some of the highlights include: a pancake breakfast from 8:00 AM to 11:00 AM that morning; free airplane rides for anyone between the ages of 8 and 18; vintage automobiles; and vendors and booths.

Terri Peresan thanked the Board for the Proclamation, and invited the Board, Admin, and any Department Heads to the Senior Center next week for a day of service.

## **I. Public Presentation**

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

Wendy Brown-Barry noted that April 21st through 27th is Cowboy Poetry Week; commented that she volunteers at the Library; and discussed a historical poem that she has written about the Fremont Adobe.

Marvin Wells discussed Emil Kapaun (spelling of last name was corrected by the clerk) who, he reported, was a 35 year old soldier who was lost in Korea; and he encouraged the Board to do further research about him. Mr. Wells inquired as to the well-being of Supervisor Cann's daughter, and whether she had run in the Boston Marathon. He also commented on the number of volunteers who were in attendance for the presentation of the National Volunteer Week Proclamation.

Kathy McCorry/Executive Director of the Mariposa Chamber of Commerce reminded everyone of the ribbon cutting at the John Muir Geotourism Center in Coulterville this Saturday at 1:00 PM. She reported that she and Bob Kirchner, the Past-President of the Mariposa Chamber of Commerce, were invited to the multi-media class at the High School yesterday, and that the students will be working on their own movie for Mariposa. Ms. McCorry also announced that the Chamber will be running the trolley from West America Bank to the Air Show on April 27th; she noted that there is a link on the Chamber website to the Merced River Plan public comment form; and noted that the free business training classes are still going on and encouraged everyone to sign up.

## **J. Board Information**

Supervisor Carrier reported that he: attended a Wednesday meeting with a resident in Ponderosa Basin regarding a complaint; attended the ribbon cutting at Dabbles; attended the Sierra Quest Open House; attended the Airport Meeting; went up to Sacramento for the last CSAC training on Thursday; received an email from Pete Judy/Chief Probation Officer stating that Mariposa County may be receiving additional funding for AB109 realignment; attended the National Park Service presentation on Mariposa Grove on Friday; attended a Saturday meeting of the Wawona Property Owners Association Meeting, as well as the fundraiser for the Wawona School; attended an Area 12 Agency on Aging meeting Monday in Sonora. Supervisor Carrier advised that he will be: attending the ribbon cutting for the Midpines Fire Station later today; attending the Midpines Planning meeting later this evening; meeting with the Lushmeadows Coffee Club tomorrow morning; meeting with the Farm Advisor; attending the RCRC meeting in Yosemite National Park on Thursday; possibly attending a School Board meeting Thursday evening at 5:30 PM; attending the Planning Commission meeting on Friday; and attending the Fish Camp Town Advisory Meeting, and Fish Camp Fire Rescue meetings on Saturday. Supervisor Carrier also noted that he and Terry Selk/Executive Director of the Yosemite-Mariposa County Tourism Bureau will be putting on a Town Hall meeting regarding tourism and the TOT, from Noon to 1:00 PM on April 24th at the Tenaya Lodge, noting that the meeting is geared towards District V but is open to anyone. Supervisor Carrier also noted another Town Hall meeting on April 23rd being put on by Dianne Feinstein and Barbara Boxer in Fresno to discuss potential cuts to Medi-Cal and Social Security. That meeting will be held at 544 Olive Avenue, Fresno, from 10:00 AM to Noon.

Supervisor Jones noted that his thoughts go out to everyone in Massachusetts, and the contestants in the Boston Marathon. He reported that he: had a meeting on Tuesday afternoon with some constituents regarding permitting and complying with County Codes; and attended a SWIFT meeting on Wednesday, where Don Florence gave a talk about fire insurance problems in this County. Supervisor Jones stated that he feels that people need to be aware that when they buy a home, insurance companies will insure upon application, but then can decline after inspection; so, be aware of cleaning around your home as this may be a problem that gets larger in the future. Supervisor Jones also noted receiving the email regarding AB109 from Pete Judy, and commented that he thinks the presentation to Dianne Cummings made the difference. He further reported attending the CSAC training; thanked the previous Board for funding it; and noted they have had three sessions, and it was well worth it. Supervisor Jones also noted that Monday, April 15th, was tax day; and advised that he will be attending the Midpines Fire Station Ribbon Cutting at 2:00 PM today; followed by a 4:00 PM meeting of the Calaveras

Mariposa Community Action Agency; and a 6:00 PM Question and Answer meeting at the Greeley Hill Community Club.

Supervisor Bibby welcomed Chairman Stetson back; extended her prayers and thoughts to those in Boston; wished the new Code Compliance Officer welcome; extended her best to all of the volunteers, and noted that she will have to miss the program at the Senior Center next week, as she will be at the State FFA Conference; noted that the Civil War Re-enactment is the 20th through the 21st; and welcomed the rain. Supervisor Bibby reported that she attended a fire station meeting last week. She further advised that she will be: attending a meeting of the Community Action Agency this afternoon; meeting with Dr. Fadzayi Mashiri, the Farm Advisor, on Thursday; meeting on Thursday with Darrell Slocum/President and Managing Director for Marketing of Central Sierra Connect regarding Broadband; attending a meeting of the Social Services Transportation Advisory Council on the 18th; participating in a telephone conference on the 18th with TDS regarding broadband followed, later that day, by a Citizen Meeting at Mt. Bullion for updates on broadband and telecommunications, as well as the Mt. Bullion Cutoff.

Supervisor Cann thanked everyone for their concern for his daughter yesterday, and commented on the day's events. He also formally welcomed Chair Stetson back. In regards to the AB109 email, Supervisor Cann inquired of Mr. Judy if that was the County's share of the one million dollars; Mr. Judy nodded affirmatively from the audience. Supervisor Cann advised that he: spent considerable amounts of time last week on MRP issues and Gateway Partners; attended a Gateway Partners Meeting last Thursday; went to the multi-church Open Arms Shelter on Sunday night where he spent some time, and commented that we owe a debt of gratitude to the people who are running that; met with the Chairman of the Friends Of the Fair yesterday, and will try to set up a meeting with the State Secretary of Agriculture to discuss options; met with the Farm Advisor yesterday and is pleased that she is trying to find ways for the UC system to help, and to determine what role they might play in the economic generators in the area; and had a meeting yesterday with the Human Services Director and his Assistant regarding an item that will be heard later today. Supervisor Cann advised that: he will be at RCRC meetings Wednesday and Thursday, where one of the issues being discussed will be funding, since the Federal Government has requested 5% back from the Secure Rural Schools monies that they awarded last year; the new Postmaster will be installed in Yosemite at 2:30 PM in front of the Yosemite Post Office; he is hoping to attend the John Muir Geotourism Center ribbon cutting, and a Habitat for Humanity Dinner at the Lutheran Church from 5:00PM - 8:00 PM that same evening. Supervisor Cann noted that there has been significant progress made on AB97, which is the cutting of a 40% stipend for places like the Ewing Wing, and that they are trying to repeal the law and how it applies. He also noted that there is a temporary moratorium against collecting the SRA fee; that there is a credible bill to repeal and replace the SRA fee; and that the position is that the fee is inequitably applied as it is only being charged to rural areas.

Supervisor Stetson thanked the community for their concerns and well-wishes; stated that he is delighted to be back; and thanked the Board for their efforts in his absence. He gave specific thanks to Supervisor Cann for acting as Chair, and to Supervisor Carrier for picking up a lot of the work in Midpines and Yosemite West. Supervisor Stetson advised that he will be attending: the Midpines Fire Station dedication at 2:00 PM today; a later meeting with YARTS and Caltrans regarding a potentially better situation for the buses in Midpines; the Advisory Board Meeting tonight at 7:00 PM at the Bug Hostel; the RCRC

meeting on Thursday; and the 2:30 PM installation of John Reynolds as the Postmaster. Supervisor Stetson noted that Planning advised the Board yesterday that a Code Enforcement Officer has been hired.

## **K. Regular Agenda Items**

### **1. Human Services/Behavioral Health & Recovery Services RES-2013-142**

#### **Approve Submission of the “Grants to Expand Substance Abuse Treatment Capacity in Adult, Juvenile and Family Drug Courts” (RFA No. TI-13-005) in the Not to Exceed Amount of \$1.625 Million (\$325,000 Per Year for Up to 5 Years) to the Department of Health Services- Substance Abuse and Mental Health Services Administration; and Authorize the Human Services Director to Sign the Grant Application**

Staff presentation by James Rydingsword/Human Services Director, with Chevon Kothari in attendance to answer questions.

Mr. Rydingsword pointed out that this item notes that it is not to exceed 1.625 million dollars, however, as they completed the grant they found their budget is actually 1.8 million dollars; and that this is all Federal funds with no local match required. Mr. Rydingsword also noted that Ms. Kothari wrote the Grant in the last two weeks; that it is one of the strongest grants he has ever seen; and the due date is this Friday. Ms. Kothari introduced Pam Hawkins, Bryan Blew and Virgil Campbell; gave an overview of the Drug Court Program; noted that it serves about 40 people per year; discussed barriers that they see including poverty, transportation, geography, and limited access to treatment options. Ms. Kothari discussed the potential expansion of services should this grant be awarded.

Mr. Rydingsword noted that because this is a five year grant it gives us the ability to demonstrate that we can be successful, which puts us in a position to be able to seek other funding for sustainability of such an effort. He also noted that addiction is a disease which affects the community.

Board Comment:

Chair Stetson thanked Ms. Kothari for her efforts on behalf of the County, as well as for the clarity of her presentation.

Supervisor Bibby inquired as to how the success of the program will be evaluated. Ms. Kothari responded; explained the Drug Court process, and that consents will need to be signed upon enrollment; discussed incentives; and noted that they will be looking at many issues including: sobriety over the course of time; recidivism; life changes that they make; and cost benefit analysis, etc. Supervisor Bibby required clarification regarding funding. Mr. Rydingsword responded. Supervisor Bibby also inquired as to whether all parties could absorb a 5% cut if it became necessary. Pete Judy responded that he feels that they have taken great care to not add any general fund dollars.

Supervisor Cann applauded the vision and enthusiasm of Staff and community partners, and recognized that expertise and abilities also need to be paired, as they have been here; and wished them luck with the project.

Supervisor Jones commended Ms. Kothari on her presentation, and Mr. Rydingsword on his work; and commented on the problems that distance and geography cause.

Public Comment: None.

Supervisor Bibby seconded the Motion, but required clarification as to whether the \$1.625 million, or the \$1.8 million, is what is being approved today. Mr. Rydingsword responded that they are actually applying for 1.18 million dollars. Supervisor Bibby inquired if we could ask for the amendment to reflect that amount. Chair Stetson responded affirmatively. Supervisor Cann amended his Motion to so state; and Supervisor Bibby, as the Second, agreed to the amendment.

**RESULT: ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**2. Public Works RES-2013-143**

**Approve a Contract for Services with Hobbs Construction Inc in the Not-To Exceed Amount of \$151,435 for the Installation of a Fire Rated Pump and Generator for the Midpines Fire Station; and Authorize the Public Works Director to Sign the Contract; Approve Budget Action Transferring Funds from the Community Service Area (CSA) #3 Fund to the Midpines Fire Station Fund to Accommodate the Contract (\$100,000). 4/5ths Vote Required**

Peter Rei/Public Works Director gave the staff presentation noting that sprinklers are required on Page 9 of the Grant regardless of whether the stations are staffed. Mr. Rei also noted that the requested funds will procure a fire rated pump and an additional generator to power the pump; and that the need for sprinklers caused a lot of changes to the process.

Board comment:

Supervisor Jones commented on past discussions regarding the fire station; that he hopes that everyone learns from this; that we need to be sure to read the fine print before we accept Grants; and that he reluctantly supports this item.

Supervisor Bibby noted how difficult this process has been; and that they asked all of the right questions and relied on feedback from the departments, as well as the understanding of the grant process, only to have the rules changed that the Board relies upon. She also reminded everyone that even if they had passed up on the Grant they still would have had to replace those fire stations.

Supervisor Cann noted that he is a huge Grant supporter as we can multiply our effectiveness through Grants, but that we have a responsibility to make sure that we uncover all of the little surprises which might, sometimes, mean hiring outside experts.

Supervisor Carrier commented that Grants can be good or bad, and urged departments to look at the fine print in the future; but feels that, at the end of the day, it is a benefit to the community.

Public Comment Opened.

Greg Kittelson inquired as to how this will affect the Bridgeport station. Mr. Rei responded that it will not, as it was not one of the fire stations included in the FEMA Grant. Rick Benson/County Administrative Officer elaborated.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**3. Public Works RES-2013-144**

**Approve a Professional Services Agreement with Architectural Resources Group, Inc to Provide Historic Evaluation and Rehabilitation for the Mariposa County Courthouse in the Not-To-Exceed Amount of \$79,750; and Authorize the Board of Supervisors Chair to Sign the Agreement**

Staff presentation by Peter Rei.

Board Comments:

Supervisor Bibby required clarification as to which fund this was coming from, whether the Judge's approval is needed, and whether it is within the budget. Mr. Rei responded.

Public Comments: None

Supervisor Bibby moved to approve the item as presented. Supervisor Cann seconded with the comment that he is glad that this firm is interested as they saved tens of millions of dollars on the stabilization of The Ahwahnee and he has high expectations for their output.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**4. Public Works RES-2013-145**

**Approve Change Order No. 4 with Lee-Way Construction in the Not-To-Exceed Amount of \$21,865 for Total Compensation of \$807,968.40 for Construction of the Steel Building for the Midpines Fire Station; and Authorize the Public Works Director to Sign the Change Order**

Peter Rei presented the Staff report noting that prior change orders brought the amount above the ten percent that he is authorized to approve; that Change Orders Numbers 1, 2, and 3 are included so that the Board can see the prior actions; but, that the Board is only authorizing Change Order No. 4 today.

Board Comment:

Discussion between Supervisor Jones and Mr. Rei regarding the sprinklers.

Supervisor Carrier recommended caution in future Grants.

Public Comment: None.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**5. Public Works RES-2013-146**

**Approve Budget Action Transferring Funds Within the Water Agency Fund to Fund Legal Services through the Remainder of the Fiscal Year (\$40,000)**

Peter Rei gave the staff presentation.

Board comment:

Supervisor Carrier inquired if the Water Agency Board has to approve this item. Rick Benson responded that they do not, as the Board of Supervisors controls the budget for the Water Agency, while the Advisory Board reports to the Board regarding grants and loans. Supervisor Cann requested clarification on the point. CAO responded.

Supervisor Bibby noted that, in the past, the Board has heard from the Water Advisory Agency that there is no point in having them make determinations if the Board circumvents them. She further noted that what the Board has done in the past is to either get their approval first, or make sure to notify them afterwards. CAO clarified his understanding of past actions. Supervisor Bibby inquired if the Water Advisory Agency knows that this \$40,000 is being encumbered.

County Counsel noted that this item is implementing, from a budgetary standpoint, a contract that was already recommended by the Water Agency Advisory Board; that this is an ongoing obligation previously recommended by the Water Agency Advisory Board.

Supervisor Bibby commented that it may be beneficial, as an informational item, to let the Water Agency Advisory Board know of this action at their next meeting; and that the \$40,000 appropriated today is consistent with their recommendation for the contract.

Supervisor Cann clarified that he understands that this is a continuation of a previous action, but that his concern is whether this Board needs to be convened as the Water Agency. CAO responded that Staff carefully considered the matter but felt that this is the correct procedure since this is merely a budgetary action.

Supervisor Cann noted that, if this was not a continuing issue that was previously approved and with a cap on it, he would ask for a meeting of the Water Agency; that he is relying on assurances that it is legal; but, in the future, he would like to convene as the Water Agency Board before taking Water Agency actions.

Public Comment: None.

Supervisor Jones moved that the item be approved as presented.

Supervisor Bibby seconded the motion, with the understanding that this meets all legal requirements, that the Water Agency Advisory Board will be informed of the action, and will be further informed that the Board of Supervisors is relying on advice that, because this item is for continued funding which is within the budget, they do not have to convene as the Water Agency.

Supervisor Jones, as the motion maker, noted his agreement with that change.

**RESULT: ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**6. Administration RES-2013-147**

**Authorize the Building Director to Conduct Fire Inspections on Behalf of the Mariposa Public Utility District (MPUD) Effective Immediately**

Rick Benson gave the staff presentation, with Mike Kinslow/Building Department Director, and Mark Rowney/MPUD on hand to answer questions. Mr. Benson assured the Board that there would be no cost to the County, which will actually be collecting a small amount for processing.

Board comment:

Supervisor Bibby requested assurance from Mr. Kinslow that he is in agreement with undertaking these additional duties. Mr. Kinslow responded affirmatively, noting that he thinks the change will actually free up some time for him, as he won't have to go back and forth with the CAL FIRE inspector.

Supervisor Bibby requested assurance from Mr. Rowney that the County can stop doing the inspections if it doesn't work, or becomes too time intensive. Mr. Rowney responded that he thinks so, and that it would just go back to CAL FIRE.

CAO noted that this item authorizes only a 90 day period, and that any agreement that he brings back to the Board will have a provision for Mariposa County to end the agreement with reasonable notice.

Mr. Kinslow assured that this won't take away from his main responsibilities. He also noted that the County has overall responsibility for the results of the fire inspection, and this way it assures that we have more local control over it.

Supervisor Bibby noted Mr. Rowney's letter and requested clarification as to what is not consistent. Mr. Rowney explained that the previous State Fire Marshall had written a memorandum about using building officials, and she was in disagreement. However, he feels that Mr. Kinslow's qualifications meet all of the required Health and Safety Code requirements. Discussion ensued between Mr. Rowney and Supervisor Bibby regarding Ernie Paez. Supervisor Bibby requested something in writing to clarify that issue. She also requested a clause in the agreement to indicate that the County can get out of it if needed.

Supervisor Jones commented that he thinks this is a win-win situation for everyone; that there would be no extra cost to the County; is a good example of people working together; will make our builders a lot happier; and he supports it fully.

Supervisor Cann thanked Mr. Kinslow and Mr. Rowney for the efforts they have expended in this regard; feels this is a tremendous service to our business owners, building owners, and contractors.

Supervisor Bibby noted that she thinks it is important that the public be made aware that we cannot charge to make a profit, only to cover costs; and that Mr. Kinslow will have to enforce the rules, whether they are from the State Fire Marshall, or from the County, and there can be no deals for not complying with the rules.

Public Comment: None.

Supervisor Bibby moved that the Board approve this; that we get verification from MPUD regarding the State Fire Marshall before it comes back for a final agreement; and that there be a clause in that final agreement that will allow the County to terminate should it not work for the Building Department.

Supervisor Jones seconded with a comment thanking Mr. Kinslow and everyone for their hard work in this matter.

**RESULT: ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

### ***11:45 AM Recessed***

### ***11:54 AM Reconvened***

#### **7. Administration 2013-43**

##### **Discussion and Direction Regarding Department Head Evaluation Process**

Rick Benson made the staff presentation.

The Board members discussed their individual preferences regarding the format of the reviews, what should be included in the reviews, when/whether the CAO should be involved, and available dates. Input was provided, as needed, by the CAO and County Counsel.

Public Comments: None.

Supervisor Cann moved that the Board conduct Department Head Evaluations; that the CAO be available for that entire time; but, that the CAO's participation in each review will be up to the discretion of the Board.

Supervisor Jones requested clarification as to whether County Counsel was to be excluded from that.

Chair Stetson responded that as the Motion stands, County Counsel could be excluded if the Board so determines at the time of the evaluation. Supervisor Cann concurred.

Supervisor Jones seconded. The Motion passed 5-0.

Discussion ensued between the Board members and the CAO regarding potential dates for the reviews. Direction was given to schedule the Department Head Reviews on May 8th, May 9th, and May 20th.

#### **8. Board of Supervisors RES-2013-148**

##### **Accept the Mariposa County Economic Development Corporation's (EDC) Offer to Host a "Charting the Course to Prosperity" Local Elected Officials Leadership Workshop for the Board of Supervisors and to Select an Additional Five Participants to Attend the Workshop**

Supervisor Cann presented the item, with Roger Biery/Economic Development Commission assisting. Mr. Biery noted that he feels the timing is right for this item.

Board Comment:

Supervisor Jones noted that he is looking forward to participating.

Supervisor Cann inquired as to the participation of the EDC in the event; feels that Roger should be there in an interactive capacity; thinks the Planning Director and/or the Deputy Planning Director should be there; and that Kathy McCorry should be included, as well.

Supervisor Carrier required clarification as to the cost. Mr. Biery responded, noting that the entire cost will be borne by the EDC.

Supervisor Carrier wondered if there is a Brown Act issue that would prevent all five Supervisors from attending. County Counsel responded that there is not, as it is educational.

Supervisor Bibby noted that there are costs mentioned on agenda packet page 199, and required clarification regarding same. Mr. Biery restated that there would be no cost to the County; that the EDC is already picking up the tab; and the Supervisors would be invited to attend,

Supervisor Bibby inquired as to possible dates. Mr. Biery responded that it would most likely be in June.

Discussion was held regarding potential cost and dates to hold the event. Supervisor Bibby recommended that Planning be included to make sure that any programs developed are in compliance with the General Plan.

Discussion ensued regarding possible attendees.

Public Comment: None.

Supervisor Cann moved that the item be approved as requested, with the following suggested attendees: Roger Biery, Karen Smith, Sarah Williams/Planning Director and/or Bryan Foucht/Assistant Planning Director, CAO, the new Business Development Coordinator, Kathy McCorry, and Terry Selk.

Supervisor Bibby recommended Lester Bridges as an attendee.

Supervisor Cann amended his Motion to include Mr. Bridges.

Supervisor Jones seconded the Motion and its amendment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**9. Board of Supervisors RES-2013-149**

**Adopt a Resolution Approving the Revised and Restated Central Sierra Economic Development District (CSEDD) Joint Powers Agreement (JPA) and Authorize the Board of Supervisors Chair to Sign the Agreement**

Supervisor Cann presented the item noting that this went before the County Counsels back in November, and all advised changes have been made.

Board Discussion:

Discussion ensued between Supervisors Bibby and Cann regarding potential costs, and various clauses. Supervisor Bibby inquired as to what county will be providing legal services. County Counsel responded that it will be Tuolumne County.

Supervisor Cann elaborated on the issue of cost.

Discussion ensued between Supervisors Bibby and Cann regarding operational costs, and the responsible county.

Discussion ensued between Supervisors Carrier and Cann regarding the

quorum and voting. Supervisor Carrier requested clarification regarding the 50% grant match.

Public Comment:

Roger Biery clarified that they thought the match could be made in-kind with volunteer hours; but then found that they couldn't. He also noted that the major change to the by-laws is the removal of the requirement of a 100% vote and passage rate. He also noted that the County can walk away from this organization at any time they choose.

Supervisor Bibby inquired of Mr. Biery as to whether the CSEDD is driven by the Brown Act. Mr. Biery responded affirmatively. County Counsel noted that it is a legislative body.

Public Comment Closed.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

10. **Board of Supervisors RES-2013-150**

**Approve a Proportional Share of the Grant Match Requirement for the Central Sierra Economic Development District (CSEDD); and Approve Budget Action Transferring Funding Within the Economic Development Budget to Fund the Grant Match (\$3,026)**

Supervisor Cann presented the item, with Roger Biery on hand to assist.

Supervisor Bibby inquired as to how this is different from the previous plan that was presented, and requested clarification as to whether Mariposa County can withdraw, if necessary. Discussion ensued between Supervisor Bibby and Mr. Biery regarding same.

Public Comment:

Roger Biery noted that there is a typographic error under the "**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION**" section of the agenda item, and that it should read "Do not approve the proportional share of the grant cash match."

Supervisor Cann moved that the item be approved as requested, with the correction as noted by Mr. Biery.

Seconded by Supervisor Jones.

**RESULT: ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Bibby, Cann, Carrier, Jones

**L. 1:11 PM Lunch**

**M. 2:00 PM Reconvene**

1. **Fire (ID # 2307)**

**Midpines Fire Station Ribbon Cutting Ceremony - April 16, 2013 at 2:00 PM**

The Board attended the Ribbon Cutting. No business was conducted.

**N. Adjournment**

The meeting was recessed at 1:11 PM in memory of Earl J. Miller, Frank Tift, and Theda McCauley Horton; and adjourned after the Midpines Fire Station ribbon cutting ceremony.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



# MARIPOSA COUNTY

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

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

April 23, 2013

### A. Call to Order and Roll Call

9:01 AM Meeting Called to Order at the Mariposa County Government Center.

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	Excused	
Kevin Cann	District IV Supervisor	Present	9:01 AM
John Carrier	District V Supervisor	Present	9:01 AM

### B. Pledge of Allegiance

The Pledge was led by Supervisor Carrier, followed by a moment of silence for the victims and first responders in Boston, as well as those in West, Texas.

### 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 Stetson advised that CA6 requires a 4/5th vote.

Public Comments: None.

Supervisor Cann noted his understanding regarding what was being bid upon in CA7. CAO responded.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** John Carrier, District V Supervisor

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

**EXCUSED:** Janet Bibby

**CA1. Administration RES-2013-151**

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

**CA2. Agricultural Commissioner RES-2013-152**

Approve the Participating Agreement No. 10-PA-11051650-072, Modification 2, with the Stanislaus National Forest for the Eradication of Yellow Starthistle and Other Noxious Weeds in the Merced River Canyon Project and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA3. Sheriff's Office RES-2013-153**

Approve Lease Agreement Between William Freeman and the County of Mariposa for the Property Located at 5012 Fairgrounds Drive, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA4. Community Services RES-2013-154**

Approve the Agreement with the Coulter Café to Provide Services for the Area 12 Agency on Aging (A12AA) Title III C-1 Restaurant Program Operating in North County Mariposa for Fiscal Year 2013-14, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA5. Public Works RES-2013-155**

Approve an Agreement with Cascade Software Systems, Inc. in the Not-To-Exceed Amount of \$11,746.01 for Maintenance and Support for Fiscal Year 2013-2014 and Authorize the Public Works Director to Sign the Agreement

**CA6. Administration RES-2013-156**

Approve Budget Action Reducing General Contingency to Pay for the California Medical Services Program (CMSP) 2012-13 County Participation Fee (\$5,649) 4/5ths Vote Required

**CA7. Administration RES-2013-157**

Authorize Issuing a Request for Proposals (RFP) for the Sale and Removal of Items on the Garber House Site at 5101 Bullion Street, Mariposa

**CA8. Human Resources/Risk Management RES-2013-158**

Approve Amendments to the Assistant Planner Job Description and Authorize the Recruitment and Filling of the Position Effective Immediately

**CA9. Treasurer-Tax Collector-County Clerk RES-2013-159**

Approve the Flex Class Promotion of an Elections Clerk I to an Election Clerk II in the County Clerk Budget Effective May 1, 2013

**CA10. Administration 2013-44**

Receive the List of Contracts Entered into by the County Administrative Officer (CAO) Pursuant to Ordinance 3.08 with Terms Commencing in July, October, November, and December 2012, and January, February, May, and August 2013.

**CA11. Agricultural Commissioner RES-2013-160**

Approve the Contract for Services Agreements with Dan Wice and California Reforestation for Continued Implementation of the Participating Agreement No. 10-PA-11051650-072, Modification 2, with the Stanislaus National Forest for the Eradication of Yellow Starthistle and Other Noxious Weeds in the Merced River Canyon Project and Authorize the Board of Supervisors Chair to Sign the Agreements

**CA12. Planning 2013-45**

Reappoint Janet Bibby as a Local Agency Formation Commission (LAFCo) Commissioner and Kevin Cann as Alternate LAFCo Commissioner; Appoint Merlin Jones and Lee Stetson as LAFCo Commissioners; Approve a Certificate of Appreciation to Ed Mee for His Dedicated Service as a LAFCo Commissioner

## **E. Presentations**

**1. Public Works 2013-46**

**Approve and Present Certificates of Recognition to "Earth Day" Essay Contest Winners**

No Public Comment.

Supervisor Cann thanked all of the people in attendance for this presentation, as well as all of the children who participated in the contest. He noted that their efforts make everyone think about how we want to leave Mariposa, this country, and the world.

Presentation by Greg Ollivier/Solid Waste Recycling Manager.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

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

**EXCUSED:** Janet Bibby

**2. Victim Witness 2013-47**

**Proclaim the Week of April 21 - 27, 2013, as "Mariposa County Crime Victims' Rights Week" (District Attorney/Victim Witness)**

No Public Comment.

Supervisor Jones noted that all too often the criminals are remembered and the victims are forgotten, but that we always need to remember the victims.

Supervisor Cann recognized and thanked the District Attorney's Office for establishing the Victim Witness support staff; thanked them for bringing these items before the Board; and noted that the Board supports their efforts.

Chair Stetson read the Proclamation, and presented it to Meghan Kehoe/Victim Witness Services Supervisor. Ms. Kehoe invited everyone to the first annual Tree Ceremony in the Government Center Courtyard this Friday at 1:30 PM.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

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

**EXCUSED:** Janet Bibby

**3. Board of Supervisors 2013-48**

**Proclaim the Month of April 2013 as "Sexual Assault Awareness Month" and April 24, 2013, as "Denim Day" (Alison Tudor, Mountain Crisis Services)**

No public comment.

Supervisor Jones commented that he hadn't realized what this was about until he read the article; that he grew up in the Western industry where everyone wore denims, so was totally shocked by the underlying reason; and he was glad it was brought to his attention.

Chair Stetson presented the Proclamation to Aaron Marcus/Project Respect Program Coordinator as Alison Tudor was unavailable to attend.

Mr. Marcus thanked the Board, and noted that there is a lot of work to do as far as prevention is concerned. He noted that whether it is Steubenville, Ohio or here in Mariposa County, there are men who think that sexual assault is okay and he encouraged everyone to have a conversation with someone tomorrow to make sure that we are communicating that acts of sexual violence in any way, in any form, and against anyone are unacceptable. Mr. Marcus noted that he had Denim Day stickers that he would be leaving at the front counter.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

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

**EXCUSED:** Janet Bibby

## **F. Minutes Approval**

**1. Tuesday, April 16, 2013**

No Public or Board Comments.

The Minutes were accepted as presented by a vote of 4-0.

Cann (M); Carrier (S); Bibby excused.

## **G. Departmental Presentation**

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

Terri Peresan/Community Services Director advised that the fire wood program for seniors is now officially closed. She thanked: the Mount Bullion Camp and its crew for their help; Diane Brubaker in the North County who distributed approximately twenty-eight cords of fire wood; Shirley Phillips also from the North County who donated a significant amount of wood; Mariposa County Fire for their help; Harve Dearing, Tina Dearing, Kevin Kehely, and Richard Shelton for their volunteerism; and PG & E for the grant. Ms. Peresan noted that approximately 53 cords of wood were delivered and disbursed. She also reminded everyone that this is National Volunteer Week.

Doug Binnewies/Mariposa County Sheriff noted that the third annual fund raiser dinner for the Sheriff's Search and Rescue will be held on Saturday, May 4th at the Fairgrounds. Tickets can be purchased at the Sheriff's Office, or from any Search and Rescue member.

## **H. Public Presentation**

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

Boy Scout Kahleb Kelsey handed out a newspaper clipping regarding his Eagle Scout project which is a living history of Mariposa Veterans, and gave an overview of same. He presented copies of the histories to: Janet Chase-Williams/Librarian; Scott Cummings/Commander, American Legion Post 567; and Jon Turner/Commander, Mariposa VFW Post 6042. Ms. Chase-Williams thanked Scout Kelsey for his work, noting that this will be an ongoing project and that the Library will be happy to accept further additions to it. Commanders Cummings and Turner also thanked Scout Kelsey. Chair Stetson noted that Scout Kelsey could not have picked a more worthy, or more meaningful, project.

Mark Carpenter addressed the Board regarding the allocation of funding to the Tourism Board and the Chamber of Commerce. He noted the funding that the Tourism Board receives each year, and requested that they be open and accountable to the town and events, as well as be transparent in their dealings as they have not released their meeting notes since May of 2012. Mr. Carpenter commented on: his involvement in the procurement of PA systems for past Butterfly Days Festivals; the lack of funds budgeted for same; the cost of three billboards that are advertising Butterfly Days; the costs and budgets of the Chamber of Commerce; his efforts seeking information from the Tourism Board; and the annual budget of the Tourism Bureau. Mr. Carpenter also recounted what he was told when we went directly to the Tourism Board during the time when it was between directors. He stated that this Chamber is very active, and he feels that there needs to be a more equitable distribution of funds.

Eric Moeller representing Fremont Gold Mining introduced himself to the Board. He noted that his company just purchased a property on March 1st that begins just south of the Merced River and runs all the way to Bear Valley. He also noted that the mine lies in District III and that he has already met with Supervisor Bibby. Mr. Moeller advised that the project is just beginning, that there are currently no major plans, but that they think there is an opportunity there. He also advised that this isn't going to progress unless we all have a conversation; and that this has to be a project that is going to work for the investors as well as for the County, and the citizens of Mariposa. In response to an inquiry by Supervisor Cann, Mr. Moeller noted that he is the primary contact for the organization, provided business cards for the Board, and advised

that people may contact him directly if they have any questions. Mr. Moeller advised that they will have an office but are in the process of revamping and upgrading the building that is located at the site and have been working with Planning and Building to that end. Mr. Moeller also noted that they have already brought a 21,000 water tank to the site for fire suppression. Supervisor Cann encouraged Mr. Moeller to contact the front office and set up appointments with all of the supervisors.

Terry Selk/Executive Director Yosemite-Mariposa County Tourism Bureau responded to Mr. Carpenter's concerns. He noted that the billboard on Highway 140 is managed and operated by the Chamber of Commerce and that, occasionally, the Tourism Bureau will invest in a banner to promote a specific event and which is installed on the bottom of that billboard. He clarified that they also rent space on two billboards on Highway 41, noting the costs to rent the spaces, and to switch out graphics. Mr. Selk thanked Mr. Carpenter for reminding him about the Minutes, noting that he had realized the oversight a few weeks ago. Mr. Selk advised that the Tourism Bureau's Board meets every two months; that all of their meetings are public meetings; that they do abide by the Brown Act, and post the agenda at proper locations to inform the public so that they may attend, if they wish; and is happy to share the budget, and all of the Minutes of their meetings to anyone who is interested as they are public documents. Mr. Selk noted that he could not speak to what was done before August 1, 2012 when he became the Director, but clarified how the Tourism Bureau currently responds to, and promotes, local events. He also noted that the Tourism Bureau has taken the effort to reach out beyond the community to engage with Corporate Partners. Mr. Selk clarified that his focus is Mariposa County, of which Yosemite is an important part; and that they make every effort to reach out to the North County, the South County, and all parts of the County to help events wherever they can.

Mark Carpenter noted that when he called, Terry Selk was very open to him; spent a lot of time talking with him; and was exceptionally open to what he had to say. Mr. Carpenter further clarified that, in no way, did his statement speak out against Mr. Selk, personally.

Kathy McCorry/Executive Director of the Mariposa County Chamber of Commerce thanked the community for their recent support of the Chamber's efforts; pointed out that the Chamber has a good working relationship with the Tourism Bureau, particularly with Terry Selk; and that they look forward to continuing to strengthen those ties. Ms. McCorry advised of a new Butterfly Days participant: approximately 100 motorcycle trikers who will be coming in from Madera on Friday, May 3, and stopping by the Arts Park.

Mary Bass/President Mariposa County Chamber of Commerce thanked Kathy McCorry, Mark Carpenter, and Terry Selk for their efforts on behalf of Mariposa. Ms. Bass noted differences that she has seen between Terry Selk, and the previous Director of the Tourism Bureau in promoting Mariposa.

## **I. Board Information**

Supervisor Carrier reported that he: attended the Midpines Fire Station dedication on Tuesday; attended a Tuesday afternoon meeting regarding a possible turnout for the YARTS bus; attended the Midpines Planning meeting Tuesday evening; met with some people in Lushmeadows on Wednesday; met with the Farm Advisor on Wednesday; attended the RCRC meeting in Yosemite on Thursday; attended the Planning Commission meeting on Friday; attended the Fish Camp Planning Advisory Meeting on Saturday, followed by a Fish

Camp Rescue Meeting; attended the funeral for Vern Neufeld; and attended the fire station meeting yesterday. Supervisor Carrier advised that he will be: serving lunch at the Senior Center today; attending a meeting of the Yosemite Mariposa Regional Water Advisory Council tomorrow; attending a Town Hall meeting at the Tenaya Lodge between Noon and 1 PM tomorrow; attending a meeting of the Mountain Valley Emergency Medical Services on Thursday; attending the Mariposa Elementary School awards Friday morning, and the Victim Witness Tree Ceremony Friday afternoon; attending the Bootjack Volunteer Firefighter Breakfast Saturday morning, and the Future Farmers of America Dinner Saturday evening; and attending the performance of the Mariposa Symphony Orchestra at The Ahwahnee Hotel in Yosemite on Sunday. Supervisor Carrier also reminded the public of the Mariposa Airport Fly-In on April 27th; the Search and Rescue Dinner on May 4th; and the Annual Jubilee for Kids First on May 18th.

Supervisor Jones commented on the logging trucks and flowers coming over from Coulterville this morning. He also commended Diane Brubaker and Shirley Phillips on their efforts for the wood program. Supervisor Jones reported that he attended: the Midpines Fire Station dedication on April 16th; a meeting on the 16th with Jim Rydingsword, Supervisor Bibby, and some applicants to finish awarding grant money; the Greeley Hill Community Club annual meeting on the evening of April 16th where he was surprised to be honored; a meeting of the Finance Budget Committee for the Northern Mariposa County History Center on April 17th, noting that they have been running in the black since January; the RCRC meeting in Yosemite on April 18th, noting that he thoroughly enjoyed the meeting and networking with the lobbyists. Supervisor Jones commented on the gift bags that had been put together for the RCRC meeting, and thanked Terry Selk for them; and commended Supervisor Cann for his efforts organizing and hosting the event. Supervisor Jones jokingly thanked the CAO for figuring out how to come up with additional budget monies by becoming a supervisor, thus, reducing his pay. Supervisor Jones further reported that he attended: a meeting with Jim Rydingsword and Lee Stetson on April 19th regarding the extra help item on the agenda today (J.1); and the ribbon cutting for the John Muir Geotourism Center on April 20th, and advised that Supervisor Stetson will be performing at the Center on June 7th. Supervisor Jones thanked: Chief Wilson for his efforts in getting the bulldozer back in Coulterville; Peter Rei for his response to a telephone call yesterday regarding ditches in Buck Meadows; and the Marketing Committee, Terri Selk, Kathy McCorry, the Chamber of Commerce, and the Visitor's Center for the new billboard sign that they are talking about erecting on Highway 132.

Rick Benson/County Administrative Officer clarified Supervisor Jones' jest, noting that he was erroneously given a name tag that indicated that he was a member of the Mariposa County Board of Supervisors, rather than the County Administrative Officer.

Supervisor Cann thanked everyone who contacted him last week inquiring about his daughter in Boston. He reported that he attended: a meeting last Wednesday with Bruce Sanders, a retail business consultant, who has been hired through the Small Business Association Grant to put on a training here on May 6th; the RCRC meeting last Wednesday and Thursday, and thanked the Tourism Bureau for the packets, also noting his appreciation that Supervisors Jones and Carrier attended. Supervisor Cann further reported that Napa County was brought in to the RCRC, and noted to Supervisor Jones that the lobbyists from RCRC are "legislative advocates." Supervisor Cann also reported that he: attended the Habitat for Humanity dinner on Saturday night; had a

meeting yesterday with the Public Works Director regarding the downtown Mariposa Parking District; and had a telephone conversation yesterday with a lady who stated that she represents ten Mariposa residents who have relatives in an assisted care facility out of the area, and that all would move their relatives to Mariposa if there was such a facility locally. Supervisor Cann advised that he will be going to the Senior Center today.

Supervisor Stetson reported that he: attended the Midpines Fire Station dedication last Tuesday, then met afterwards with Public Works, Caltrans, Dick Whittington of YARTS, and County staff regarding a possible improvement to the YARTS service in the Midpines area; met Tuesday evening with the Midpines Advisory Board on planning issues; attended the installation of John Reynolds as the Postmaster of Yosemite Valley on Thursday afternoon; met Friday afternoon with Jim Rydingsword and Supervisor Jones regarding an item on today's agenda; met with Bear Creek representatives on Monday to get progress updates; met with the Midpines Ad Hoc Committee Monday morning; and attended the Fire Station Committee meeting regarding the Bridgeport fire station. Supervisor Stetson advised that he will be attending the Town Hall meeting at the Tenaya Lodge on Wednesday.

## **J. Regular Agenda Items**

### **1. Human Resources/Risk Management RES-2013-161**

**Approve the Extra-Help On-Call Social Worker III Job Description, Assign it as an Extra-Help Specialized Classification, and Set the Hourly Rate at \$19.2170 (First Step of the Social Worker III Classification); Approve Incentive Pay of \$2.50 Per Hour and \$100 Per Work Week for the Extra-Help On-Call Social Worker III and Extra-Help On-Call Social Worker IV While On-Call and \$25 Per Day for the Secondary Extra-Help On-Call Social Worker III When Called Out Effective Immediately**

Staff presentation given by Steven Dahlem/County Counsel, with James Rydingsword/Human Services Director in attendance to answer questions. Mr. Dahlem reported that this item has been initiated by the Human Services Department, and gave a brief history of the On-Call Social Worker IV Extra-Help Specialized classification and the difficulties recruiting for that position. He indicated an error in the third paragraph of the Recommendation on the cover sheet, noting that the phrase "in addition to the \$350 stipend" is not the case with the Social Worker III position, but rather the Social Worker IV position.

Mr. Rydingsword noted that they are working closely with the graduate schools of Social Work at Fresno State and Stanislaus State who have received their flyer and their information; and he elaborated on recruitment efforts. Mr. Rydingsword also clarified that they are seeking to get rid of the \$350 per month stipend for both the Social Worker III and Social Worker IV positions and, instead, pay \$100 per week as a stipend for the person in the primary position, \$2.50 per hour to stand by, and then paying at their regular pay rate when they are called out.

Supervisor Stetson required clarification regarding the \$100 per week stipend. Mr. Rydingsword responded.

No public comment.

Board Comment:

Supervisor Jones commented on the physical toll on the social workers

who are called out on off-hours, and then have to work their normal days and hours; Mr. Rydingsword recounted an instance illustrating the point.

Supervisor Stetson clarified that, after a quick reading, he is content with the \$100 per week stipend.

Supervisor Jones moved that this item be accepted as presented.

County Counsel recommended that the Motion include the clarification that it does not include the \$350 stipend. Supervisor Jones, as the mover, agreed.

Second by Supervisor Cann.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

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

**EXCUSED:** Janet Bibby

**2. Administration RES-2013-162**

**Public Hearing and Adoption of a Resolution Declaring the Results of the Majority Protest Proceedings and Renewing the Mariposa County Tourism Business Improvement District**

Staff presentation made by Rick Benson who noted that this is the Public Hearing to renew the Business Improvement District (BID); that the Public Meeting was held a few weeks ago; that the process began with the Petition to Renew; and that this will renew the BID with the same 1% assessment rate that presently exists. Mr. Benson advised that there was a revision to pages 6 and 8 of the draft Plan to allow the County to be reimbursed for its collection costs. He also noted that Verna Sulpizio from Civitas Advisors was in attendance and inquired if she had anything to add. Ms. Sulpizio indicated from the audience that she did not.

No public comment.

Supervisor Jones requested clarification as to whether the collection fee for the County will adequately cover expenses. Keith Williams/Treasurer-Tax Collector-County Clerk responded affirmatively from the audience.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

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

**EXCUSED:** Janet Bibby

**K. Items removed from Consent Agenda**

None.

**L. 10:37 AM Recessed**

**M. 2:00 PM Reconvened as LAFCo**

1. **Planning (ID # 2351)**

**LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting  
(See Separate Agenda)**

See separate Minutes.

**N. 2:14 PM Reconvened as Board of Supervisors**

1. **Planning RES-2013-163**

**PUBLIC HEARING to Adopt a Resolution Approving Land Conservation Act Contract Modification No. 2012-173, Which is a Modification of Contract No. 60; Finding that the Project is Exempt from the Provisions of the California Environmental Quality Act; Lyle and Suzanne Turpin, Applicants; Richard Seaman, Agent. Project Parcels Are Located at 3919 Highway 132 in Coulterville and Are Also Known as APNs 001-200-008, 001-130-005, and 001-130-008. Action is Based Upon the Planning Commission's Recommendation and County Resolution No. 10-150 Implementing the Williamson Act, and State Law**

Staff report made by Alvaro Arias/Associate Planner, with Sarah Williams/Planning Director in attendance.

No public or Board comments.

Lyle Turpin/applicant commented that the process has been smooth and moved along well; that there is no cost to the County taxpayers, all of this work has been paid for; and he thanked the Board.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

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

**EXCUSED:** Janet Bibby

2. **Planning RES-2013-164**

**PUBLIC HEARING to Adopt a Resolution Approving Lot Line Adjustment No. 2013-017 and Land Conservation Act Contract Modification No. 2013-018; Finding that the Project is Exempt from the Provisions of the California Environmental Quality Act; Norah Corbett, Trustee and Rebecca Morse, Trustee, Applicants; Bob DeWitt, Civil Engineer, Agent. the Parcels Involved in the Lot Line Adjustment Application Include APN 017-190-009 and 018-280-005. the Land Conservation Contract Modification Involves Only APN 017-190-009. Action is Based Upon the Planning Commission's Recommendation and County Resolution No. 10-150 Implementing the Williamson Act, and State Law. Parcels Are Located at 4227 and 4135 Oak Grove School Road in Mariposa.**

Staff presentation made by Alvaro Arias, with Sarah Williams in attendance.

No public or Board comments.

Bob DeWitt speaking on behalf of the applicant noted that after commissioning a survey of their boundary, it was discovered that extensive improvements belonging to the Hendricks were on the wrong side of the lot line, so this adjustment is being requested to remedy that situation. He commended Mr. Arias on his staff report.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

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

**EXCUSED:** Janet Bibby

## **O. Adjournment**

The meeting was adjourned at 2:30 PM in memory of Vern Neufeld.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



# MARIPOSA COUNTY

P.O. Box 784 Mariposa, CA 95338 (209) 966-3222  
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**LEE STETSON, CHAIR**  
**KEVIN CANN, VICE-CHAIR**  
**MERLIN JONES**  
**JANET BIBBY**  
**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

May 7, 2013

### A. Call to Order and Roll Call

**9:03 AM** The meeting was called to order at the Mariposa County Government Center.

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 Bibby followed by a moment of silence for our men and women in the military.

### C. Introductions

Supervisor Cann introduced Dr. Bruce Sanders, and Lorinda Forrest; and thanked Dr. Sanders for the recent training that he conducted on Retail Profitability.

Dr. Sanders expounded on the Seminar, and Needs Assessment that he conducted yesterday.

### 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.

Rick Benson/County Administrative Officer requested that item CA5 be pulled from the Consent Agenda as it was erroneously included in the Consent section.

Supervisor Bibby asked that CA3 be addressed separately from the rest of the Consent section as she will need to excuse herself from that matter.

No public comment on any item.

Supervisor Cann commended Human Services on their item regarding the Social Security Administration, noting that the video teleconferencing is pro-active outreach. Supervisor Cann also commended the Sheriff's Department, the Probation Office, the District Attorney's Office, the Public Defender's Office, the Superior Court, the School District, and Mariposa Safe Families for partnering together for the Youth Education Grant.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**CA1. Administration RES-2013-165**

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

**CA2. Human Services/Social Services RES-2013-166**

Approve an Agreement Between Mariposa County Human Services and the Social Security Administration and Authorize the Board of Supervisors Chair to Sign the Agreement

3. CA3 was removed from the Consent Agenda

**CA4. Human Services/Social Services RES-2013-167**

Authorize the Human Services Department to Fill a Vacant Social Worker IV Position in the Social Services Budget Effective Immediately

5. CA5 was moved to the "Items removed from Consent Agenda" section

**CA6. Sheriff's Office RES-2013-168**

Authorize the Sheriff to Pursue a Grant from the California Office of Traffic Safety in an Amount Up to \$5,000 to Provide Driving Under the Influence (DUI) Hazard Awareness Education to High School Youth

**CA7. Human Resources/Risk Management RES-2013-169**

Approve a Professional Services Agreement with Liebert Cassidy Whitmore for Legal Services in the Amount of \$100,000 and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA8. Planning RES-2013-170**

Authorize the Filling of the Senior Planner Position by Promoting the Current Associate Planner and Authorize Recruitment and Filling of the Vacated Associate Planner Position Effective Immediately

## **CA3 Considered Separately**

### **9. Planning RES-2013-171**

#### **Approve Road Name Application No. 2013-069, Approving the Proposed Road Name "Shooting Star Road" for the Subject Easement**

**9:14 AM** Supervisor Bibby noted that she has a remainder interest in an inheritance property that is in close proximity, excused herself from this item, and left the Chambers.

The Board proceeded to consider item CA3.

No public or Board comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

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

**EXCUSED:** Janet Bibby

**9:15 AM** Supervisor Bibby rejoined the meeting.

## **E. Minutes Approval**

### **1. Tuesday, April 23, 2013**

No public or Board comment.

Action was taken to accept the Minutes of April 23, 2013 as presented. Jones (M); Cann (S); Passed 4-0; Bibby Abstained.

## **F. Presentations**

### **1. Human Services 2013-49**

#### **Proclaim May 7, 2013 as "Child Care Provider Appreciation Day" (Amber Chambers, Mariposa Local Child Care Planning Council Coordinator)**

No public or Board comment.

Chair Stetson presented the Proclamation to Amber Chambers. Ms. Chambers thanked the Board for the recognition and asked the public to thank their child care providers.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

### **2. Community Services 2013-50**

#### **Proclaim the Month of May, 2013, as Older Americans Month**

No public or Board comment.

Chair Stetson presented the Proclamation to Terri Peresan/Community Services Director.

Ms. Peresan accepted the Proclamation and thanked the Board.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**3. Board of Supervisors 2013-51**

**Proclaim the Month of May 2013 as "National Military Appreciation Month" (Connie Waldron, Merced River Chapter of National Society Daughters of the American Revolution; Chuck Kendall, VFW (Post 6042) and Scott Cummings, American Legion Commander (Post 567))**

No public comment.

Supervisor Bibby moved that the item be accepted as presented, and extended her thanks and appreciation for all the community awareness that is done. Supervisor Jones seconded the motion with thanks to our Military.

Supervisor Cann added that we need to focus on our returning service men and women every day.

Chair Stetson presented the Proclamation to: Connie Waldron, Merced River Chapter of National Society Daughters of the American Revolution, and Ladies Auxiliary VFW; Chuck Kendall, VFW Post 6042 Commander; and Scott Cummings, American Legion Post 567 Commander. The recipients extended their thanks to the Board.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

## **G. Departmental Presentation**

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

Terri Peresan/Community Services Director advised the Board of the following upcoming events: the Senior Health Fair and Expo at the Fairgrounds on May 10th from 10:00 AM - 2:00 PM; a healthy cooking demonstration, in conjunction with the Health and Wellness Committee, next Tuesday, May 14th at the Senior Activity Center from 5:30 PM - 7:30 PM; the Seniors to Senior Prom May 15th from 11:00 AM-1:00 PM; and the annual FFA barbecue at the Senior Center on May 16th.

Doug Binnewies/Mariposa County Sheriff thanked: everyone who supported the Third Annual Search and Rescue Dinner; the Mariposa Lion's Club for the food preparation; George Radanovich for his participation as a guest speaker; and Les Marsden and Janet Bibby for assisting with the raffle. Sheriff Binnewies reported that the next day, Search and Rescue was dispatched to the Jerseydale area for a missing hiker. Sheriff Binnewies noted that the hiker was located on Monday at about Noon by Search and Rescue, with assistance from California Highway Patrol Rescue Helicopter H40; and that a Deputy SAR member had to rappel from the helicopter into the Devil's Gulch Area and hoist out the hiker and his dog. Discussion ensued between the Sheriff and Supervisors Cann and Stetson relative to hiker fatalities, and the

Vernal Falls missing hiker.

## **H. Public Presentation**

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

Pete Judy speaking as a District IV resident thanked the Board, and Parks and Rec, for their ongoing support of youth softball and baseball leagues; and feels that sports are important to the community.

Kathy McCorry/Executive Director of the Mariposa Chamber of Commerce gave updates on the April, and year-to-date, visitor numbers; and passed out a handout regarding same. She also noted the numbers of visitors who were placed in lodgings through the Chamber. She thanked: Supervisors Carrier and Jones for attending The Taste of Mariposa event Friday night; and Supervisors Cann and Jones for allowing themselves to be auctioned off. Ms. McCorry also: thanked Assemblyman Frank Bigelow, noting that he was the auctioneer for evening; reported that they released approximately 1800 butterflies over the weekend; and noted a special non-denominational music activity on Sunday. Supervisors Cann and Jones thanked Ms. McCorry and the Chamber of Commerce for their work and efforts.

Marvin Wells thanked Supervisor Cann for his comments regarding National Military Appreciation Month, noting his own military service during the Korean Conflict.

1. **Clerk of the Board of Supervisors (ID # 2422)**

### **Handouts from the Public Presentation Portion of the May 7, 2013 Meeting**

## **I. Board Information**

Supervisor Bibby congratulated the Butterfly Days organizers and participants, and thanked Public Works staff and Emergency personnel for their contributions to the event. She commented on the Search and Rescue Dinner, as well as the important work done by Search and Rescue, and SCOPE; and thanked the Lions Club, the donors, the guest speakers, the attendees, and the Sheriff for his support. Supervisor Bibby reported that she attended: the Broadband 101 presentation by Central Sierra Connect on April 29th; the Mental Health Governing Board on May 2nd; a fire station meeting on May 2nd; and the Read and Ride presentation at Woodland Elementary School on May 3rd. Supervisor Bibby advised that she will be attending: the FFA Banquet tonight; and the First Five meeting next Monday.

Supervisor Cann reported that he: attended the first Law Day Festival at the Court in Yosemite Valley last Wednesday, and was thrilled by the effect on the children; attended the Mariposa County Business Association meeting on Thursday; helped a local business owner with an issue regarding replacing an awning; met with a Water Agency Advisory Board Rep regarding MID and the Water Agency; met yesterday with Solid Waste staff, the Public Works Director and National Park Service representatives regarding recyclables from the Park. Supervisor Cann advised: that he will be attending Department Head Reviews this week; of a meeting with some Real Estate people and the Sheriff on Friday regarding some recent land purchase issues; that he will be attending the Stockton Creek Preserve Dedication on Saturday; that the "Not Another Mudder" race is Saturday.

Supervisor Jones reported on the logging trucks, flowers, and turkeys on the way over from Coulterville. He also reported on: serving lunch at the Senior Center on April 23rd; attending the Coulterville Town Hall Meeting on April 23rd; meeting with Don Florence regarding the Local Hazard Mitigation Plan; meeting with Cara Goger from the Arts Council on April 26th, noting that they are working to get District II more involved in the art programs; meeting with the Farm Advisor, noting that he will be introducing her to some cattlemen in District II; attending the "Love Coulterville" event on April 27th; attending a meeting of the Northern Mariposa History Center, noting that they are now running in the black; attending the Methodist Church Dinner that same night; his attendance at the Butterfly Festival on May 3rd; attending the Greeley Hill Breakfast on Sunday; a meeting of the Northside Pet Connection on Monday; and a Northside Ambulance Association meeting last night.

Supervisor Carrier commended the Sheriff for his time and efforts behind the scenes fostering the volunteers of Search and Rescue, the Posse, and SCOPE. He also reported on: the Tourism Town Hall Meeting at the Tenaya Lodge with Terry Selk on April 27th; a Mountain Valley EMS Conference Call on April 28th; attending the MES Read and Ride Program on Friday, extending his thanks to SierraTel for donating the books for the kids to read; attending the Bootjack Volunteer Fire Fighter's Breakfast on Saturday; attending the FFA Dinner that evening; a Tuesday meeting with a citizen in District III regarding Economic Development within Mariposa; an Area Agency on Aging/PSA12 Meeting on Thursday; a fire station meeting; his participation in the Woodland School Read and Ride Program on May 3rd; attending the Taste of Mariposa; and on a meeting yesterday with Greg Ollivier and Peter Rei regarding landfill issues. Supervisor Carrier advised that he will be: participating in Department Head Reviews this week; attending an Airport Meeting Wednesday evening; and attending a Community Corrections Partnership meeting on Friday.

Supervisor Stetson reported on attending: the Town Hall meeting at the Tenaya Lodge; the Law Day in Yosemite National Park; and a Thursday meeting regarding the Bear Creek Project. Supervisor Stetson also advised that he will be: participating in Department Head evaluations for the next two days; and attending the dedication at Stockton Creek on Saturday.

Supervisor Cann announced that the Pizza Factory officially reopens to the public next Saturday May 11th, on the one year anniversary of the fire. He also noted the work and cooperation that have taken place between the designers, the owner, the contractor, and the County departments to facilitate the rebuild.

## **J. Regular Agenda Items**

### **1. Public Works RES-2013-172**

#### **Approve the Second Amendment with Analytical Environmental Services (AES) for Environmental Assessment of the Disaster Recover Initiative (DRI) Roads by Extending the Term of the Agreement to December 31, 2013; and Authorize the Public Works Director to Sign the Amendment**

Staff presentation by Peter Rei/Public Works Director, with Gary Taylor/Assistant Director of Public Works-Public Works in attendance.

Supervisor Bibby required clarification regarding the compensation. Mr. Rei responded.

Supervisor Jones required clarification regarding the extension date. Mr. Rei elaborated on the history of this item. Discussion ensued between

Supervisor Jones and Mr. Rei regarding road projects.

Supervisor Cann and Mr. Rei discussed time frames and CDBG issues.

Discussion ensued between Supervisor Bibby and Mr. Rei regarding overall completion of the grant, and accessibility of funds for the second portion of the grant. CAO clarified regarding available funds.

Discussion ensued between Supervisor Carrier and Mr. Rei regarding time frames to contact Sacramento should an extension be necessary, and alternatives if the company doesn't follow through.

No public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**2. Public Works 2013-52**

**Update on the Status of Design for the Bridgeport Fire Station and Provide Staff Direction as Concerns a Modification of the Original Design for a Metal Building to Now be a Wood Framed Building Based on the Same Footprint as the Recently Constructed Don Pedro Fire Station**

Peter Rei gave the staff presentation, with Gary Taylor in attendance.

Supervisor Bibby discussed the history of the project; noted that the community needs fire protection in that area; and feels that these stations will pay off in the years to come.

Supervisor Jones inquired if we will have to pay for a new design. Mr. Rei responded. Discussion ensued between Supervisor Jones and Mr. Rei regarding design differences and costs.

No public comment.

Supervisor Bibby requested verification, for the record, that there is no requirement for this station to have sprinklers.

Supervisor Cann noted the change from a metal to a wood structure, and required clarification as to whether any fire fighters would be staying overnight. Mr. Rei responded that his understanding was that they would not; and noted that the building code does not require sprinklers in such instances. Further discussion between Supervisor Cann and Mr. Rei relative to what would be required to add sprinklers in the future, if desired.

No further public comment.

Action was taken to provide the following direction: that staff proceed with the alternative design, which is a wood structure; and bring an item back to next week's meeting to amend the contract with Golden Valley so that the project can proceed.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**3. Public Works RES-2013-173**

**Approve a Professional Services Agreement with CHM2 HILL for Preliminary Design Services for the Replacement of the Darrah Road Bridge in the Not-To-Exceed Amount of \$27,899; and Authorize the Board of Supervisors Chair to Sign the Agreement; Approve Budget Action Increasing Revenue and Appropriations in the Engineer/Surveyor Budget to Accommodate the Agreement (\$27,900) 4/5ths Vote Required**

Staff presentation by Peter Rei, with Gary Taylor in attendance.

Supervisor Bibby inquired as to whether this project would require any land acquisition or condemnation. Mr. Rei and Mr. Taylor responded.

Discussion ensued between Supervisor Bibby and Mr. Rei relative to funding.

Chair Stetson noted that this item requires a 4/5th vote.

No public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

## **K. Items removed from Consent Agenda**

### **A. Treasurer-Tax Collector-County Clerk RES-2013-174**

**Adopt a Resolution Authorizing the Treasurer - Tax Collector to Proceed with Foreclosure on the Delinquent Bonds in the County of Mariposa Assessment District No. 05-1 (Known as the Lake Don Pedro Sewer Bonds)**

Staff presentation made by Keith Williams/Treasurer - Tax Collector - County Clerk.

Supervisor Bibby required clarification as to whether the County has the responsibility for the foreclosure costs regardless of whether a property sells or not. Mr. Williams responded affirmatively. Discussion ensued between Supervisor Bibby and Mr. Williams regarding the process, liens, costs in these matters, property values, time frames, the foreclosure process, and the County's position among other creditors and lenders.

Supervisor Cann required clarification as to the bond holders. CAO responded.

CAO and Mr. Williams discussed potential foreclosure scenarios and the associated fees.

Supervisor Bibby requested clarification of the effect of outstanding balances for water and other services. Peter Rei responded.

Supervisor Jones noted comments that he has received from people in his district. He inquired as to when Mr. Williams will bring up the next group of properties for foreclosure. Mr. Williams responded.

Supervisor Stetson required clarification on the process, if the property does not sell. Mr. Williams responded.

Supervisor Bibby required clarification as to the assumption of the remaining bond liability. Mr. Williams responded.

Supervisor Carrier inquired as to how many parcels had structures. Mr.

Williams responded that none did.

No public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

## **L. Closed Session**

### **1. County Counsel (ID # 2355)**

**Closed Session Conference with Legal Counsel; Existing Litigation; Sprint Telephony PCS, L.P. Et Al V. State Board of Equalization, Et Al.**

No public comment.

This Closed Session was held at 11:17 AM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

## **M. 11:09 AM Recessed for Lunch**

## **N. 2:00 PM Reconvene**

### ***Report Out***

**2:00 PM** Chair Stetson reported out that Information was Received on closed session item L.1.

### **1. Planning (ID # 2395)**

**Public Hearing to Adopt a Resolution Denying Appeal 2013-028, an Appeal of the Planning Directors Determination to Rescind the 2009 Authorization of Multiple Building Permits, Ken Baker and Patricia Oakander, Appellants (NOTE: Staff Recommends that This Hearing be Continued to June 25, 2013 at 2:15 PM)**

Steven W. Dahlem/County Counsel noted that this was the time set for the appeal of the Planning Director's determination to rescind the 2009 authorization of multiple building permits; appellants are Ken Baker and Patricia Oakander, and the property owner of record at this time is Alfonse Castaldi. Mr. Dahlem noted that Alfonse Castaldi recently filed bankruptcy and, as a result, an automatic stay is imposed. Mr. Dahlem recommended that the Board continue this matter until June 25, 2013 at 2:15 PM based on the bankruptcy filing.

Supervisor Cann inquired about the bankruptcy filing. Mr. Dahlem responded.

Supervisor Bibby inquired if there was any objection by the appellants to

the continuance. Mr. Dahlem replied that there was not.

No public comment.

Action was taken to continue this hearing to June 25, 2013 at 2:15 PM.

Cann (M); Carrier (S); Passed unanimously.

## **O. Continue Meeting to May 8, and May 9, 2013 at 8:30 AM**

### **1. Administration (ID # 2375)**

**Continue the May 7, 2013, Meeting to Wednesday/May 8, 2013, at 8:30 A.M. and to Thursday/May 9, 2013, at 8:30 A.M. for Department Head Performance Evaluations**

No public comment.

Action was taken to go into Closed Session to complete Public Employee Performance Evaluations, with the evaluations for the Building Director, County Administrative Officer, County Librarian, County Fire Chief, and Human Resources/Risk Manager being held on May 8, 2013 beginning at 8:30 AM; and with the evaluations for the Community Services Director, Technical Services Director, County Health Officer, and Public Works Director being held on May 9, 2013 beginning at 8:30 AM.

Cann (M); Carrier (S); Passed unanimously.

## **P. Meeting Recessed**

The meeting was recessed at 2:06 PM in memory of Leroy Chapline, Thomas DeLaMare, Betty Walker, and Dianna Ryals, and will reconvene tomorrow, May 8, 2013 at 8:30 AM.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



# MARIPOSA COUNTY

P.O. Box 784 Mariposa, CA 95338 (209) 966-3222  
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<http://www.mariposacounty.org/>



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

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

May 8, 2013

### A. Reconvened (Continued from May 7, 2013)

8:35 AM Meeting Reconvened in Closed Session.

*Note: There is no audio for this meeting as the Board met in Closed Session.*

### B. Closed Session

1. **Administration (ID # 2376)**

**CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Building Director**

This closed session was held at 8:52 AM.

2. **Administration (ID # 2378)**

**CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Administrative Officer**

This closed session was held at 10:05 AM.

3. **Administration (ID # 2377)**

**CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Librarian**

This closed session was held at 11:28 AM.

**12:12 PM Recessed for Lunch.**

**1:33 PM Reconvened.**

4. **Administration (ID # 2380)**

**CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Fire Chief**

This closed session was held at 1:37 PM.

5. **Administration (ID # 2379)**

**CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Human Resources/Risk Manager**

This closed session was held at 2:35 PM.

The Report Out will be made on May 9, 2013 following the last closed session item.

**C. Meeting Continued**

3:40 PM The meeting was continued to May 9, 2013 beginning at 8:30 AM.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



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**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

May 9, 2013

### Meeting Reconvened (Continued from May 8, 2013)

**8:42 AM** Meeting reconvened in closed session with all Supervisors present.

#### A. Closed Session

1. **Administration (ID # 2382)**

**CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Community Services Director**

This closed session was held at 8:42 AM.

2. **Administration (ID # 2383)**

**CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Technical Services Director**

This closed session was held at 10:04 AM.

3. **Administration (ID # 2384)**

**CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Health Officer**

This closed session was held at 11:18 AM.

**11:58 AM** Recessed for Lunch.

**1:30 PM** Reconvened.

4. **Administration (ID # 2385)**

**CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Public Works Director**

This closed session was held at 1:30 PM.

### Report Out

**3:24 PM** Chair Stetson reported out that "Information was Received" on each of the Closed Session items on May 8th, 2013; and "Information was Received" on each of the Closed Session items today.

**B. Adjourn**

The meeting was adjourned at 3:24 PM.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



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

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

May 14, 2013

### A. Call to Order and Roll Call

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	9:01 AM
Kevin Cann	District IV Supervisor	Present	9:01 AM
John Carrier	District V Supervisor	Present	9:01 AM

### B. Pledge of Allegiance

The Pledge was led by Supervisor Jones, followed by a moment of silence for our service people.

### C. Introductions

Sarah Williams/Planning Director introduced Josh Soares the new Code Compliance Technician. The Board welcomed Mr. Soares.

Peter Rei/Public Works Director introduced Janet Gass, and Kirsten Keyser, student intern.

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

Chair Stetson announced a correction to CA5, noting that the narrative says seven (7) computers, when it is actually eleven (11) computers as shown in the attachment.

No public comment on any item.

Discussion between Supervisor Bibby and Peter Rei/Public Works Director regarding the liability of the Wagon Rides being proposed in CA4. Supervisor Carrier inquired as to whether we would be issuing a permit and, if so, any conditions on that permit to possibly mitigate nuisances like odors, flies, manure, etc. Mr. Rei responded.

Supervisor Cann welcomed Ms. Davila and her business, and noted that this request does contain a provision for the capture of manure. Ms. Davila, who was sitting in the audience, displayed a manure capture bag. Supervisor Bibby noted that many of these concerns are already covered through Environmental Health and Animal Control, and that Ms. Davila will be required to comply with all County Rules and Regulations. County Counsel clarified that the action before the Board is for the approval and encroachment permit, and is not a County sponsored event. Supervisor Jones welcomed Ms. Davila. Discussion ensued between Mr. Rei and Supervisor Bibby regarding the encroachment permit. Supervisor Bibby encouraged Mr. Rei to include language stating that they must comply with all additional permits. Supervisor Cann required clarification as to which agency will be issuing an encroachment permit. Mr. Rei responded.

Supervisor Cann moved to approve the Consent Agenda, noting that CA5 is for eleven (11) computers.

Supervisor Bibby inquired as to whether the Motion includes the direction that the individual in CA4 will obtain any applicable additional permits. Supervisor Cann inquired of Mr. Rei as to whether Ms. Davila has to meet all of our normal codes with the encroachment permit. Mr. Rei responded affirmatively. Supervisor Cann stated that he felt such direction was implied. Chair Stetson concurred.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**CA1. Sheriff's Office RES-2013-175**

Approve Budget Actions Transferring Funds Within the Jail Budget to Cover Overtime and Shift Deferral (\$10,000); and Transferring Funds Within the Sheriff Budget to Cover Sheriff Overtime (\$45,000)

**CA2. Public Works RES-2013-176**

Adopt a Resolution Verifying the County-Maintained Road Mileage

**CA3. Health RES-2013-177**

Approve an Agreement with Certified Unified Program Agency (CUPA) Forum Environmental Trust Fund for a Grant in the Amount of \$10,600 and Authorize the Health Officer to Sign the Agreement

**CA4. Public Works RES-2013-178**

Authorize Mariposa Stage Line, (Owner Myia Davila) to Provide Horse-Drawn Wagon Rides in the Town of Mariposa

**CA5. District Attorney RES-2013-179**

Approve Budget Action Transferring Funding Within the District Attorney Budget for the Purchase of Seven Computers and Software (\$11,000)

**CA6. Planning RES-2013-180**

Approve Budget Action Transferring Funding Within the Planning and Building Budgets for the Purchase of Two Scanners and Computer Equipment to Enable the on Going Scanning of Current Planning and Building Files (\$7,000)

**CA7. Public Works RES-2013-181**

Void the Professional Services Agreement with Architectural Resources Group, Inc (ARG) that Board of Supervisors Adopted on April 16, 2013 and Approve the Modified Professional Services Agreement with Architectural Resources Group, Inc (ARG) to Provide a Structural Evaluation, a Historic Evaluation and the Development of a Rehabilitation Strategy for the Mariposa County Courthouse, in the Not-To-Exceed Amount of \$79,750; and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA8. Planning RES-2013-182**

Authorize the Transfer of Building Department Vehicle BD 10 to the Planning Department

**CA9. Treasurer-Tax Collector-County Clerk RES-2013-183**

Approve the Sale of 5-Year Tax Defaulted Parcels at the Annual Auction Scheduled for August 16, 2013.

**CA10. Administration RES-2013-184**

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

## **E. Minutes Approval**

**1. Tuesday, May 07, 2013**

No public comment.

Supervisor Cann corrected his narrative in the Board Information section noting that "Solid Works staff" should be corrected to "Solid Waste staff."

Action was taken to accept the Minutes of May 7, 2013 with that correction.

Jones (M); Bibby (S); Passed 5-0.

**2. Wednesday, May 08, 2013**

No public or Board comment.

Action was taken to accept the Minutes of May 8, 2013 as presented.

Cann (M); Jones (S); Passed 5-0.

## **F. Departmental Presentation**

None.

## **G. Public Presentation**

None.

## H. Board Information

Supervisor Carrier reported that he attended Department Head reviews last week, and a CCP meeting on Friday. He also advised that he will be: attending the ribbon cutting ceremony this afternoon at the tennis courts; going to Fish Camp tomorrow; attending the Wawona Planning Advisory Meeting on Saturday; and acting as a cupcake Judge at the town Park at 4:00 PM on Friday.

Supervisor Jones reported that he: helped serve lunch at the Senior Center on May 7th; participated in Department Head Reviews; attended a meeting of the Lake Don Pedro Owners Association on the 11th, noting that they pay three fire assessment fees; and went to the Coulterville breakfast on Mother's Day. He also advised that he will be attending a Question and Answer session in Lake Don Pedro on May 14th. Supervisor Jones also related that a Sheriff's Deputy stopped to check on him while he was parked on the side of the road, and he thanked the Sheriff's Department.

Supervisor Bibby advised that she will be: attending a Mother Lode Job Training, and a Joint Workforce Investment Board (WIB) meeting in Sonora on May 16th; participating in the Read and Ride Program on May 17th at the Catheys Valley Charter School; and that she will be attending a May 17th Health Committee Meeting. She also announced that there is a low interest loan program regarding agriculture available, and she has the background information for anyone who is interested. Supervisor Bibby also congratulated Janet Gass on her new position with Public Works.

Supervisor Cann reported that he: attended the pre-opening of the Pizza Factory last Thursday, where he presented Ron Willey with the Certificate of Occupancy; participated in the Stockton Creek Preserve dedication on Saturday; has been working with other businesses regarding what it will take to become part of the Parking District; and met yesterday with a person who moved here from Sonoma County, and was involved with a Youth Program while there. He also advised that he will be: participating in this afternoon's tennis court light dedication; attending an Executive Committee meeting of the Rural County Representatives of California (RCRC) tomorrow in Sacramento, noting that their major lobbying push is regarding Secure Rural Schools; attending a Tourism Board meeting Thursday at 1:00 PM in this room; and meeting with Supervisor Stetson, and Mariposa Playhouse representatives at 4:00 PM on Thursday. He also advised that the Relay for Life and the Kids First Dinner is this next weekend.

Supervisor Stetson reported that he attended: Department Head evaluations last week; and the Stockton Creek Preserve dedication. He also advised that he will be: attending a meeting of the El Portal Advisory Committee tonight; attending a Friends of Bear Creek meeting on Thursday; and meeting with Supervisor Cann, and a representative from the Mariposa Playhouse Thursday afternoon.

## I. Regular Agenda Items

1. **Public Works**      **RES-2013-185**

**Approve the Third Amendment with Keith and Associates for the Design of the Fish Camp Fire Station Extending the Term of the Agreement to December 31, 2013; Increasing the Compensation in an Amount Not-To-Exceed \$2,750, Bringing the Total Compensation to \$62,050; and Authorize the Public Works Director to Sign the Amendment**

Staff presentation made by Peter Rei.

Supervisor Bibby required clarification as to whether this will comply with all of the terms and conditions of the grant. Supervisor Carrier inquired if Durham Construction has been notified in writing; and whether the contract will need to be modified. Mr. Rei responded to all concerns.

No public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**2. Public Works RES-2013-186**

**Approve a Professional Services Agreement with Golden Valley Engineering to Design a Wood Frame Building for the Bridgeport Fire Station in the Amount of Not-To-Exceed \$25,000; and Authorize the Chair of the Board to Sign the Agreement**

Staff presentation made by Peter Rei.

Supervisor Bibby requested that Mr. Rei clarify any potential issues with Building, Planning, Environmental Health, Fire, as well as his own Department. Mr. Rei responded.

Supervisor Cann inquired as to what effect the change to a wood building will have on maintenance, and maintenance costs, over a 5 or 10 year period. Mr. Rei responded that he doesn't anticipate any meaningful difference in maintenance. Jim Wilson/Fire Chief-Emergency Planning Coordinator responded that he also doesn't anticipate any difference in long term maintenance. Chief Wilson also reported that the grant is closed out; all the money is drawn on it; they approved all of the documents for all three stations; and the County is now completely clear of FEMA on the grant money.

Supervisor Bibby required clarification that this structure will comply with all the requirements associated with a fire station. Mr. Rei and Chief Wilson responded affirmatively.

Supervisor Jones commented on the re-use of the building plans, and suggested that we keep such a tactic in mind for future projects.

No public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**3. Public Works RES-2013-187**

**Approve a Contract for Services with Walt Bannon Drilling, Inc. in the Not-To-Exceed Amount of \$30,000 for Drilling a New Well at Catheys Valley Park; and Authorize the Public Works Director to Sign the Contract**

Staff presentation made by Peter Rei.

Supervisor Bibby required clarification regarding a discrepancy between language handwritten on the estimate referring to a 2 horsepower pump, and the printed text which states a 3/4 horsepower pump. Mr. Rei responded. Discussion ensued between Supervisor Bibby and Mr. Rei regarding the difference in the horsepower, the cost of the more powerful pump, and whether that cost is included in the estimate. Mr. Rei clarified that the estimate is for a 3 horsepower pump. Supervisor Bibby and Mr. Rei discussed the amperage required for the more powerful pump, the location where this well will be drilled, and coordinating with Caroline Korn as she conducts tours of the historic school.

Supervisor Carrier stated that he would like to see the estimate revised to show the correct horsepower. He also inquired as to any planned alternatives in the event that water was not hit by 200 feet. Mr. Rei responded. Supervisor Carrier also required clarification on the staff time being shown and whether Public Works will be trying to get that money back. Mr. Rei responded that he is not; that he is just trying to show the full project cost.

Supervisor Jones discussed the bidding process with Mr. Rei, and wondered if we could figure out how to encourage more bidders in the future.

Noting differences between the well driller's estimate and the Project Budget, Supervisor Bibby required clarification regarding the cost. Mr. Rei responded and explained the bidding process, as well as his understanding of State law regarding negotiation of contracts.

No public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**J. Items removed from Consent Agenda**

None.

**K. Continue Meeting to May 20, 2013, at 8:30 AM**

1. **Administration (ID # 2467)**

**Continue the May 14, 2013, Meeting to Monday/May 20, 2013, at 8:30 A.M. for Department Head Performance Evaluations**

Supervisor Cann moved that the Board go into Closed Session to complete Public Employee Performance Evaluations for County Counsel, Child Support Services Director, Human Services Director, Agricultural Commissioner, and Planning Director at 8:30 AM on May 20th, 2013.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**L. 10:04 AM Lunch Recess**

**M. 2:00 PM Reconvene**

1. **Public Works (ID # 2363)**

**Ribbon Cutting Ceremony for the Newly Installed Lights at the Mariposa County Tennis Courts on Tuesday, May 14, 2012, at 2:00 PM**

The Board attended the Ribbon Cutting. No business was conducted.

**N. Recess**

The meeting was recessed at 2:31 PM in memory of Gracie Kidder and Robert Lobaugh, and will reconvene in Closed Session on May 20, 2013 at 8:30 AM.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



# MARIPOSA COUNTY

P.O. Box 784 Mariposa, CA 95338 (209) 966-3222  
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**LEE STETSON, CHAIR**  
**KEVIN CANN, VICE-CHAIR**  
**MERLIN JONES**  
**JANET BIBBY**  
**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

May 20, 2013

### **A. Meeting Continued from May 14, 2013**

**8:40 AM** Meeting reconvened in closed session with all Supervisors present.

### **B. Closed Session**

1. **Administration (ID # 2386)**

**CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Counsel**

This closed session was held at 8:45 AM.

**9:57 AM** Supervisor Bibby was excused from the meeting.

2. **Administration (ID # 2387)**

**CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Child Support Services Director**

This closed session was held at 10:00 AM.

3. **Administration (ID # 2388)**

**CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Human Services Director**

This closed session was held at 11:14 AM.

**11:52 AM** Supervisor Bibby rejoined the meeting.

**12:00 PM** Recessed for Lunch.

**1:30 PM** Reconvened.

4. **Administration (ID # 2389)**

**CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Agricultural Commissioner**

This closed session was held at 1:37 PM.

5. **Administration (ID # 2390)**

**CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Planning Director**

This closed session was held at 2:47 PM.

The report out on today's closed sessions will be announced at the May 21, 2013 meeting.

**C. Adjourn**

The meeting was adjourned at 3:40 PM.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



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**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

May 21, 2013

### A. Call to Order and Roll Call

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

### Report from Closed Session:

Chair Stetson announced that Information was Received as a result of the closed sessions held on May 20, 2013 for department head performance evaluations.

### B. Pledge of Allegiance

The Pledge was led by Supervisor Cann, followed by a moment of silence for the Nation's first responders and, particularly, those in Oklahoma.

### C. Introductions

Supervisor Cann introduced Ivan Krisanov, an Open World Leadership delegate from the Russian Federation. Mr. Krisanov thanked the Board for allowing the delegation to speak; noted that they were from the Ivanovo region, and gave an overview of that area; extended gratitude to the Open World Program; and thanked the Mariposa Rotary for hosting them. Mr. Krisanov introduced the other members of his delegation who each spoke briefly giving a synopsis of their personal backgrounds. They were: Andrey Vasenev; Danila Bedyayev; Aleksandra Kolesnikova; Anna Malysheva; and Lana Devyanina, the Open World program facilitator. Mr. Krisanov presented a book on Ivanovo to the Board, as well as some pens. Supervisor Jones welcomed the visitors and

recounted a personal story. Supervisor Cann also thanked the group.

Supervisor Cann welcomed Ruth Catalan back.

Supervisor Stetson welcomed the delegation, and Ms. Catalan.

1. **Clerk of the Board of Supervisors (ID # 2512)**

**Handout from the "Introductions" Portion of the May 21, 2013**

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

Chair Stetson noted that item CA13 requires a 4/5th vote.

No public comment.

Supervisor Cann commented on items CA2, CA5 and CA7; stated that he feels these are lax in stating reasons to justify the positions; noted that he has already answered his questions regarding same; and requested the department heads to add a few more sentences addressing that justification in future items.

Supervisor Bibby noted she has concerns regarding CA2, CA3, CA4 and CA5, but felt that they could be addressed at this time. She requested clarification of language in the background information of CA2 that states: "Per current policy, the Board of Supervisors must approve the filling of vacant positions," noting that the language appears to give the Board no latitude in filling the position. Mr. Rydingsword responded that the language reflects the fact that the Board has asked to review positions before filling. Supervisor Bibby requested that language be clarified in the future. Supervisor Bibby also inquired if this was consistent with the Corrective Action Plan; and whether there was any anticipated impact on any departmental budget. Regarding CA3, Supervisor Bibby inquired as to whether the employee's evaluation has been done and is up-to-date; and whether this is consistent with the Corrective Action Plan. Regarding CA4, Supervisor Bibby inquired as to whether the employee's evaluation has been done and is up-to-date; and whether there are sufficient funds within the budget so that this does not trigger any individual division shortfalls. Regarding CA5, Supervisor Bibby noted the same "Board must approve" language; and required assurance that there would be no negative impact within the Department. Mr. Rydingsword responded to all concerns; noting that, based upon Board direction, he will go back today and give new instructions to staff.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

CA1. **Administration RES-2013-189**

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

CA2. **Human Services/Social Services RES-2013-190**

Authorize the Human Services Department to Recruit for the Position of Social Worker III Effective Immediately and Fill the Vacancy in the Social Services Budget Effective August 1, 2013

**CA3. Human Services/Social Services RES-2013-191**

Approve the Promotion of an Eligibility Worker I to Eligibility Worker II Effective June 4, 2013

**CA4. Human Services/Social Services RES-2013-192**

Approve the Promotion of an Eligibility Worker I to Eligibility Worker II Effective June 13, 2013

**CA5. Human Services/Social Services RES-2013-193**

Authorize the Human Services Department to Recruit for the Position of Social Worker I/II Effective Immediately and Fill the Vacancy in the Social Services Budget Effective June 1, 2013

**CA6. Victim Witness RES-2013-194**

Approve a Lease Agreement with Marc and Tracy Lingenfelter for Victim/Witness Services Office and Child Abuse Forensic Interview Room Located at 5080 Jones Street, Mariposa, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA7. Public Works RES-2013-195**

Authorize the Public Works Department to Recruit for and Fill a Vacant Commercial Truck Driver/Equipment Mechanic Position in the Fleet Division Effective Immediately

**CA8. Fire RES-2013-196**

Authorize the Fire Department to Retain Vehicle FD-11 in Place of Vehicle FD-7 as a Reserve Staff Vehicle

**CA9. Sheriff's Office RES-2013-197**

Approve an Agreement with the United States Drug Enforcement Administration for Reimbursement for Marijuana / Drug Investigations, and Authorize the Sheriff to Sign the Agreement

**CA10. Board of Supervisors 2013-53**

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)

**CA11. Administration RES-2013-198**

Approve a Two-Year Legal Services Agreement for Indigent Defense Legal Services with Gary Collings, Michael Fagalde, and Neal Douglass, in an Annual Amount of \$337,933; and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA12. Victim Witness RES-2013-199**

Approve Grant Award Modification of Victim Witness Grant Reallocating Funding and Ratify the District Attorney Signing the Grant Modification; Approve Budget Action Transferring Funding Within the Victim Witness Budget to Reflect the Grant Modification (\$6,457)

**CA13. Victim Witness RES-2013-200**

Approve Modification to the Vertical Prosecution Block Grant Revising the Grant Award and Ratify the District Attorney Signing the Modification; Approve Budget Action Increasing Revenue and Appropriations in the Vertical Prosecution Budget Based on the Modified Grant Award (\$10,000) 4/5ths Vote Required

**CA14. Board of Supervisors 2013-54**

Accept the Resignation of Supervisor Merlin Jones from the Sierra Nevada Conservancy; Appoint Supervisor Kevin Cann as Representative and Supervisor Lee Stetson as Alternate to the Sierra Nevada Conservancy

**CA15. Public Works 2013-55**

Re-Appoint Mary Ann Visher, and Ronald Loya to the Parks and Recreation Commission for Terms Expiring May 21, 2017

## **E. Minutes Approval**

**1. Thursday, May 09, 2013**

No public or Board comment.

The Minutes were accepted as presented.

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

**2. Tuesday, May 14, 2013**

No public or Board comment.

The Minutes were accepted as presented.

Cann (M); Bibby (S); Passed Unanimously.

## **F. Presentations**

**1. Health RES-2013-188**

**Adopt a Resolution Recognizing the Week of May 20 - 26, 2013 as "Emergency Medical Services Week" and Recognizing Personnel for Outstanding Professional Performance During the Previous Year**

No public comment.

Supervisor Bibby extended her thanks and appreciation to all Emergency Medical Services personnel, as well as to the department heads.

Chair Stetson presented the resolution to Dr. Charles Mosher/County Health Officer. Dr. Mosher thanked the Board on behalf of the Emergency Medical Services team; gave a brief history of the Emergency Medical Services programs; and commented on the EMS system currently in place.

Dr. Mosher and Chair Stetson presented the awards.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

## **9:44 AM Recess**

## **10:00 AM Reconvene**

**10:01 AM** Chair Stetson invited Dr. Mosher back to the podium for an addendum to the previous item. Dr. Mosher introduced Patrick Murphy, the Field Liaison for Mountain-Valley Emergency Medical Services Agency.

Patrick Murphy noted his appreciation for being able to work here.

## **G. Departmental Presentation**

None.

## **H. Public Presentation**

MaryAnn Huff reported on the John Muir Geotourism Center ribbon cutting last month; and on a visit of 120 fifth graders who participated in the Muir Experience.

Debbie Cook/Executive Director of the John Muir Geotourism Center thanked the Board for their recognition of the EMS personnel. She also advised of an upcoming performance of "The Tramp and the Roughrider," a historical performance by Lee Stetson and Alan Sutterfield, at Granite Dell Gardens in Coulterville on Friday, June 7th at 5:30 PM. She further advised that the Muir Festival will be held on June 8th from 10:00 AM to 5:00 PM.

David Taylor/resident of Lake Don Pedro thanked the representatives who attended the town hall meeting there on May 14th. Mr. Taylor also advised that he has yet to hear anything from anyone regarding questions posed to the Board at the November 20, 2012 meeting regarding the County's interpretation of "use at your own risk," how that affects minors, and some other issues. He also related a conversation with a supervisor in February, and stated that he doesn't feel this issue has been adequately addressed.

Kathy McCorry/Executive Director of the Mariposa County Chamber of Commerce thanked Supervisor Carrier for the time he spent touring Fish Camp establishments last week with her and Bob Kirchner. She also thanked Barbara Carrier/Assistant Director of Public Works - Support Services for her assistance in finding old invoices for an out of print walking guide, and for her assistance in securing the funds to order more. Ms. McCorry also reported: that the relocate.org film crew is in the area today; that there will be a training session with Visit California personnel from 8:30 AM - 9:30 AM this Thursday; that they have been averaging about 200 visitors per day; and that the Park Rangers will be there this Friday.

## **I. Board Information**

Supervisor Bibby extended her thanks to all of the Veterans and their families, and reminded everyone of the Veteran's Day ceremony and Parade on Monday, May, 27th. She reported that she: attended a Mother Lode Job Training Governing Board meeting on May 16th, and a joint meeting of the Workforce Investment Board, noting that they are still seeking interested private sector members for the latter; participated in the Read and Ride Program at the Sierra Foothill Charter School with Supervisor Carrier, Sheriff Binnewies, and Chief Wilson on May 17th; and attended a Health Committee meeting on May 17th. Supervisor Bibby advised that she will be attending a meeting of the Mental Health Governing Board on May 22nd. Supervisor Bibby also extended her prayers and support to all those impacted by the recent storms.

Supervisor Carrier reported that he: attended the ribbon cutting at the tennis courts last Tuesday; toured Fish Camp establishments with Chamber of Commerce representatives on May 15th, followed by a meeting regarding the White Chief Lodge; attended, on Thursday, a Hazard Mitigation Planning meeting, with a Tourism meeting later that same day; attended the Catheys Valley Read and Ride Program awards on Friday; attended a town planning meeting in Wawona on Saturday, and the Kids First Dinner that same evening; and participated in department head reviews on Monday. He also extended his thanks to the people in the EMS and public safety sectors for all of their work. Supervisor Carrier advised that he will be: attending a Midpines Planning Meeting tonight; attending a Yosemite Mariposa Regional Water Advisory Council meeting tomorrow, and a meeting with Public Works and County Counsel later in the day; attending a meeting of the EDC in the Library at Noon on Thursday; attending the ribbon cutting ceremony for the Road House on Friday; and participating in the Memorial Day Ceremony on Monday.

Supervisor Jones thanked Debbie Cook for the great job on the John Muir Geotourism Center. He also discussed the decreasing bee population and its effect on the food chain. Supervisor Jones reported that he: attended the ribbon cutting ceremony for the tennis court lights last Tuesday, and thanked PG and E for their contribution; attended a meeting, later that night, at Lake Don Pedro and thanked Sheriff Binnewies, Chief Wilson, John Gray of Tuolumne County, and the Highway Patrol for their participation; and visited an illegal mining site, and cautioned the public that the County will not tolerate such activity. Supervisor Jones also reminded the public that there is a Sign Ordinance in Mariposa County, and advised that the Planning Department should be consulted before putting signs up. Supervisor Jones reported that he: had dinner at the new 1850 Restaurant on May 16th, and wished the proprietors luck with the endeavor; and participated in department head reviews. Supervisor Jones advised that he has a meeting at Noon today with someone regarding a project in District 2; and will be attending a Q and A at the Greeley Hill Community Club tonight.

Supervisor Cann commented on the new tennis court lights and the County's relationship with PG and E. Supervisor Cann reported that he: attended an Executive Committee meeting of the RCRC last Wednesday, noting some of the issues discussed there; met with representatives of Nature Bridge

(formerly known as The Yosemite Institute) on Thursday, noting that he was asked to let the local businesses and local contractor's associations know that they are going to be doing 37 million dollars worth of work, in 6 phases, on Henness Ridge in Yosemite West, and that preference will be given to local contractors in the bidding process; attended the Tourism Bureau Board of Directors meeting on Thursday; and met with Supervisor Stetson and Mariposa Playhouse representatives regarding issues concerning coordination with other community events. He also noted that the Relay for Life was held on Saturday; and that the Kids First Dinner and Auction was successful. Supervisor Cann also reported on participating in the department head evaluations yesterday; and advised that he will be traveling tonight to Flagstaff to attend the National Association of Counties meeting, as an RCRC representative.

Supervisor Stetson reported that he: attended the El Portal Advisory Board meeting last Tuesday; attended the Friends of Bear Creek meeting on Thursday morning, meeting with Supervisor Cann and Mariposa Playhouse representatives later the same day; met with Dr. Mosher and Supervisor Bibby on Friday; and participated in department head evaluations yesterday. Supervisor Stetson advised that he will be attending a Midpines Advisory Board meeting tonight; and will be meeting with Mike Kinslow and Supervisor Jones on Wednesday.

## **J. Regular Agenda Items**

### **1. Planning (ID # 2421)**

#### **Discussion and Direction to Staff Regarding Request from the John Muir Geotourism Center (JMGC) to Waive Planning Department Minor Design Review Application Fees in the Amount of \$235**

**10:40 AM** Supervisor Stetson recused himself from this item, passed the gavel to Vice-Chair Cann, and left the Chambers.

Staff report by Sarah Williams/Planning Director.

Discussion ensued between the Board and Ms. Williams regarding fee waivers, policies concerning same, the need for standards for applicants and staff to use if such a policy were pursued; and the number of waiver requests that have been received.

Steven W. Dahlem/County Counsel clarified that the Board can take no action today as this matter has been agendized for discussion and direction only.

Public comment opened.

Debbie Cook related the history of this fee waiver application; noting that she feels this qualifies under the Health and Safety requirement as it gets children out and exercising; and requested the Board allow this fee waiver.

Ruth Catalan suggested that, since the Board can't act today, the organization pay the fee and return to the Board later for a refund.

Ronika Johnson commented that this will set a precedent, and suggested that a base fee for non-profits be considered if fee waivers are allowed.

Public comment closed.

Discussion ensued between Board members relative to the fee schedule, the precedent a waiver would set, the Geotourism Center, County finances, and non-profits in the County.

Supervisor Jones volunteered to personally pay the fee for the Geotourism Center.

Vice-Chair Cann noted that the Board's consensus is to not pursue any kind of blanket waiver of fees for non-profits.

Supervisor Bibby suggested that the fees need to be revisited if staff is not spending an amount of time commensurate with the amount being charged.

**11:10 AM** Supervisor Stetson returned to the Chambers, and the gavel was passed back to him.

**2. Public Works (ID # 2433)**

**Discussion and Direction Regarding Repairs to the Damaged Stairway from the Best Western Motel to the Mariposa Park**

Staff presentation given by Peter Rei/Public Works Director.

Discussion ensued between the Board, Mr. Rei, County Counsel, Rick Benson/County Administrative Officer, Barbara Carrier, and Bill McKinley regarding the location of a new stairway, current liability, property lines, historical anecdotes relative to the stairway, source of funds, effectiveness of current attempts to blockade the stairway, possible repair, present ownership of the stairway, the community importance and use of the stairway, how the cost estimate was determined, project bidding, securing access, the Creek Parkway circulation, and potential options.

Mr. Rei recommended that the present structure be removed.

CAO noted that there is money in the General Contingencies fund that could be utilized for such demolition.

Supervisor Cann noted that he feels that the County would be well-advised to remove the present structure as soon as possible; and agrees the Board should entertain a contingency request.

Supervisor Bibby noted that Departments routinely utilize available funds to provide a service and then receive reimbursement from contingency funds after a Board item gets approved. Mr. Rei noted that he will check into how much money is available at this time.

Supervisor Cann inquired if the CAO has funds available. CAO responded that he wasn't sure.

Mr. Rei noted that it will take a week or more to bring something back, and feels that there is time to investigate available funds. Mr. Rei acknowledged that the Board's direction is that the stairway needs to get fixed.

Chair Stetson inquired if Mr. Rei had sufficient direction. Mr. Rei replied affirmatively.

Public comment opened.

Greg Kittelson commented that he thinks the faster demolition of the old stairway happens, the better.

Public comment closed.

**3. Public Works (ID # 2356)****Approve the Cost-Sharing Agreement with Caltrans for Highway Lighting and Adopt a Resolution Authorizing the Public Works Director to Sign the Agreement and Future Amendments**

Staff presentation was made by Peter Rei.

Discussion ensued between the Board and Mr. Rei regarding the terms of the contract, the history of these two intersections, construction costs, and the precedent this would set.

CAO noted Caltrans' normal operating procedures.

Chair Stetson stated his understanding that no one on the Board wants to entertain this agreement. The Board concurred.

No public comment.

Supervisor Carrier moved that the County not sign the contract.

Seconded by Supervisor Jones, and passed unanimously.

**K. Items removed from Consent Agenda**

None.

**11:57 AM** Supervisor Cann announced that he will be absent from the 2:00 PM item.

**L. 11:57 AM Lunch****M. 2:00 PM Reconvened****1. Planning RES-2013-201****Consider Public Comments and Adopt a Resolution Accepting the 2013 General Plan Annual Report, Directing that the 2013 Annual Report be Filed with the State Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD), and Establishing the 2013 Schedule of General Plan Amendments. Action is Based on Planning Commission's Recommendation and State Law.**

Staff presentation by Larry Enrico/Senior Planner, with Sarah Williams/Planning Director in attendance.

Supervisor Bibby required clarification regarding the date stated for the firehouses, and whether Yosemite West should be listed under short-term. Mr. Enrico responded.

Referencing Resolution Number 2012-098, Supervisor Bibby noted for the record that she feels that excepting out all of the criteria for inclusion and exemption of lands is a dangerous situation for the County.

Supervisor Jones required clarification regarding Don Pedro; and commented on the portion of text stating: "recent elections have brought significant change," noting that they can work with the current boards. Ms.

Williams responded, and discussed in-house staff compared to consultant staff.

Discussion ensued between Supervisors Stetson and Bibby, and Ms. Williams regarding the Yosemite West Plan. Supervisor Stetson noted language at page 115 which states that the Yosemite West Plan is pending for completion in the short term, and requested clarification of its current status. Ms. Williams replied that this is their to-do list.

General discussion ensued relative to the order of prioritization.

Discussion ensued between Supervisors Bibby and Stetson, and Ms. Williams regarding the Yosemite West Plan.

No public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

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

**EXCUSED:** Kevin Cann

## **N. Adjournment**

The meeting was adjourned at 2:23 PM in memory of Earl Tettleton and Scotty Kludt.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



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**LEE STETSON, CHAIR**  
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**JANET BIBBY**  
**JOHN CARRIER**

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

May 28, 2013

### A. Meeting Called to Order and Roll Call

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 in observance of Memorial Day.

### C. Introductions

None.

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

Chair Stetson announced that CA10 has been withdrawn.

No public comment.

Supervisor Cann noted that several consent items were for committee appointments, and inquired if there is a policy in place that requires review of applications by the committees. Steven W. Dahlem/County Counsel responded. Rick Benson/County Administrative Officer responded that he was in attendance at the Airport Advisory Board, and noted that they were very active in their selection process. Supervisor Bibby noted her experiences with the Mental Health Board; and encouraged the Board to act on the appointment being requested in CA3 as the Mental Health Board is in danger, due to a lack of members, of not being able to conduct business. Discussion ensued between Supervisors Bibby and Cann regarding appointment classifications, and which classification this appointment would fill.

Regarding CA12, Supervisor Carrier noted that he has no issue with substituting experience for education, but would like it clarified as follows: "Four years of qualifying experience performing duties of essential functions as described in this class specification may be substituted for the college education." Supervisor Bibby concurred with Supervisor Carrier. Chair Stetson confirmed with the Board that the item was acceptable with that change.

Regarding CA9, Supervisor Bibby required clarification of whether the funding for this position is available at the highest range and step. CAO noted that he has to double check, but believes that it is there at the highest step. Supervisor Bibby requested verification, and the item was pulled from the Consent section to be heard later in this meeting.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**CA1. Board of Supervisors RES-2013-202**

Adopt a Resolution Recognizing the Mariposa County Master Gardeners on Celebrating Their 10Th Anniversary of the Mariposa Creek Parkway Garden and for Their Outstanding Contributions to Mariposa County

**CA2. Administration RES-2013-203**

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

**CA3. Human Services 2013-56**

Appoint Ronika Johnson to the Mental Health Board for a Term Expiring on May 28, 2016

**CA4. Public Works RES-2013-204**

Approve the Program Supplement Agreement with the State of California Department of Transportation for the Oak Grove Road Over Striped Rock Creek Bridge Project, and Authorize the Public Works Director to Sign the Agreement

**CA5. Public Works RES-2013-205**

Approve the Program Supplement Agreement with the State of California Department of Transportation for the Dogtown Road Over Maxwell Creek Bridge Project, and Authorize the Public Works Director to Sign the Agreement

**CA6. Public Works 2013-57**

Re-Appoint Marty Allen, Jenny Binning, Alan Berg, David Radanovich and Ron Loya to the Mariposa Town Cemetery Ad Hoc Committee; All Terms Will Expire on December 31, 2016

**CA7. Agricultural Commissioner RES-2013-206**

Approve the County Petroleum Products Program Cooperative Agreement Number 13-0047-SA for Fiscal Year 2013-14 with the California Department of

Food and Agriculture (CDFA), and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA8. Agricultural Commissioner RES-2013-207**

Approve the Five Year Cooperative Service Agreement No. 13-73-06-0260-RA with the United States Department of Agriculture/Animal and Plant Health Inspection Service/Wildlife Services (USDA/APHIS/WS), and Authorize the Board of Supervisors Chair to Sign the Agreement

9. CA9 was Pulled from Consent

10. CA10 was WITHDRAWN

**CA11. Public Works 2013-58**

Appoint Diana Moreno-Inman to the Airport Advisory Committee (AAC) with a Term Expiring January 2, 2017

**CA12. Human Resources/Risk Management RES-2013-208**

Approve an Amendment to the Assistant Planner Job Description by Adding a Substitution Clause to the Minimum Qualifications

## **E. Minutes Approval**

**1. Monday, May 20, 2013**

No public or Board comment.

The Minutes were accepted as presented.

Bibby (M); Cann (S); Passed Unanimously.

## **F. Presentations**

**1. Citizen Submittal (ID # 2424)**

**Presentation by Alliance for Community Transformations (Chevon Kothari)**

Presentation by Chevon Kothari/Executive Director of Mountain Crisis Services who gave an overview of the history, operation, and restructuring of Mountain Crisis Services, which is now known as Alliance for Community Transformations. Ms. Kothari introduced the following program directors who provided overviews of their programs: Alison Tudor/Program Director at Mountain Crisis Services; Tyson Wellcome/Program Director at Ethos Youth Program; and Bryan Blew/Program Director of the Center for Opportunity, Re-entry, and Education (CORE) and the Mariposa Heritage House.

Chair Stetson thanked all of the presenters.

Supervisor Cann thanked the representatives for the services they provide to the community, and inquired as to how many people are served by the programs. Ms. Kothari stated that the Mountain Crisis program serves 200-250 victims per year in Mariposa County, and an additional 1300 in Merced County. She also stated that Heritage House serves 150-200 people per year and, to date, the CORE program has fully served 37 people, with another 20-40 people being served with drop-in services.

Supervisor Bibby commented on the program's divisions working together, while maintaining enough separation to protect privacy and confidentiality; inquired as to any feedback received; inquired as to how good cause reports and

restraining orders are handled if the client is receiving services from two different divisions; required clarification of medication compliance under the CORE program; and inquired as to which programs allow children onsite. Ms. Kothari responded.

Supervisors Carrier and Jones thanked the program directors.

Supervisor Bibby thanked Ms. Kothari for recognizing and maintaining the integrity of Mountain Crisis Services by protecting confidentiality.

Public comment opened.

James Rydingsword/Human Services Director provided some background; noted that this program is a prime candidate for the CSAC Challenge Award, and that they will be bringing a nomination for the Board's endorsement on June 18th; and thanked all of the Alliance members.

Public comment closed.

## **G. Departmental Presentation**

None.

## **H. Public Presentation**

Cathi Boze/Catheys Valley resident thanked the Board and Public Works for the cleanup at the Catheys Valley cemetery; and noted that it would be very good to get the puncture vines and the goatheads out before they are spread by cemetery visitors.

Marvin Wells commented on Emil Kapaun, noting that he discussed him at the April 16th meeting, and handed out a historical overview. He also commented on the soldiers who have lost their lives noting that, to him, Memorial Day is every day. Mr. Wells also asked the Board if they could gather information regarding how many county citizens have served in the armed forces, how many of those have sacrificed their lives, and how many county citizens are currently in the military. Mr. Wells also noted that he is pleased to see Ruth Catalan back; that Tyson Wellcome also serves on the Juvenile Justice Delinquency and Prevention Commission; and that he would like a response to a list of questions that he sent to each Board member on May 9th regarding the 2013-2014 budget.

### **1. Clerk of the Board of Supervisors (ID # 2530)**

#### **Handouts from Public Presentation Portion of the May 28, 2013 Meeting**

## **I. Board Information**

Supervisor Cann reported that he attended the National Association of Counties Western Interstate Region Conference last Wednesday, Thursday and Friday; elaborated on some of the issues discussed there; and noted BLM grazing and fire statistics. He also advised that he will be attending the California State Association of Counties (CSAC) meeting this week, and discussed some of the workshop topics there.

Supervisor Carrier reported that he attended: the PERS retirement luncheon at the Senior Center last Tuesday; the coffee club meeting in Lushmeadows on Wednesday; a meeting of the Yosemite - Mariposa Regional Water Advisory Council on Wednesday; a Wednesday meeting with County Counsel and Public Works regarding Aurora Road issues; a fire station meeting

on Thursday; an Economic Development Corporation meeting on Thursday; an AAUW meeting on Thursday; a meeting with Rick Peresan/Technical Services Director regarding I.T. issues on Friday; a ribbon cutting ceremony at The Miner's Roadhouse on Friday; and the Memorial Day service on Monday, where he presented a wreath on behalf of the Board. Supervisor Carrier advised that: he may, possibly, attend an Open House at the Visitor's Center Auditorium in Yosemite on Wednesday; he will be attending the CSAC meeting in Sacramento on Thursday; he will be attending the Grizzlies Fire Dinner on Friday; and Woodland School will be holding their end-of-the-year barbeque on Friday.

Supervisor Jones commented that he hoped everyone took the time to reflect on what Memorial Day really represents. Supervisor Jones reported that he attended: a meeting with Senator McClintock's aide on May 21st; a men's breakfast Q & A in Greeley Hill on May 22nd; a May 22nd meeting with Mr. Harmon from The Townsend Group regarding grants for District II; a meeting with Supervisor Stetson and the Building Department on May 23rd regarding that department; an EDC meeting on May 23rd; a May 23rd meeting with Kathy McCorry regarding a Gateway sign on Hwy 132; and a fund raiser for the Gold Rush Charter School later that same day. Supervisor Jones thanked Public Works, and Parks and Rec, for cleaning up the cemetery in Coulterville. He also noted that he received a letter on May 9th, and stated that he is not ignoring it, has read it all, and will address it later on.

Supervisor Bibby extended: thanks to County Counsel and Jim Rydingsword for their participation during a meeting with the Chair of the Mental Health Governing Board; congratulations to the Mariposa High School Varsity Baseball team for their valiant fight in the Division Section Finals; special congratulations to Wayne Forsythe, and Laura Lynn La Notte-Hays on their upcoming retirements from the School District. Supervisor Bibby also: noted that Mother Lode Job Training is still seeking applicants from the private sector to serve on the WIB; noted that more members are needed for the Mental Health Governing Board; thanked Supervisor Cann for sharing the BLM statistics from the conference; and extended special thanks to all emergency personnel, as we seem to have more emergencies during the summer.

Supervisor Stetson reported that he met with: the Midpines Advisory Committee last Tuesday; and Mike Kinslow/Building Department Director and Supervisor Jones. Supervisor Stetson also noted that he missed the ribbon cutting at the Roadhouse, but commented on the amount of business observed when he went there for dinner that night.

CAO congratulated Supervisor Cann on his daughter's graduation from college this past weekend.

## **J. Regular Agenda Items**

### **1. Human Services RES-2013-209**

#### **Presentation by the Social Services Administration and Approve an Agreement Between Mariposa County Human Services and the Social Security Administration, and Authorize the Human Services Director to Sign the Agreement**

James Rydingsword introduced the following representatives from the Social Security Administration: Pam Shofstall/District Manager of the Fresno Office; Amanda Bowen/District Manager Merced DO; Lori Waidley/Assistant District Manager Merced DO; Tuan Nguyen/Area Director, Cal Central Area

Director's Office; and Shelly Parreira/Public Affairs Officer. Ms. Parreira gave a power point presentation on the Video Service Delivery (VSD) partnership which is the subject of this item's agreement.

Supervisor Bibby inquired as to where, in the Human Services building, the VSD interface would be located. Mr. Rydingsword responded. He also noted that this is happening due to a suggestion from a staff member; and is not costing any money. Supervisor Bibby required clarification of agreement language pertaining to staff providing "limited assistance to the public." Mr. Rydingsword and Ms. Shofstall responded.

No public comment.

Ms. Shofstall thanked Mr. Rydingsword for his efforts in this regard, noting that he has opened their eyes to a new use for this technology.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**2. County Counsel RES-2013-210**

**Approve the Administrative Match Agreement Between Mariposa County and Area 12 Agency on Aging in the Amount of \$31,068 for Fiscal Year 2013-2014, and Authorize the Board of Supervisors Chair to Sign the Agreement**

Steven W. Dahlem/County Counsel made the staff presentation.

No Board or public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**3. Administration RES-2013-211**

**Approval of Location for Human Resources**

Rick Benson/County Administrative Officer made the staff presentation; noting that the text of the item refers to the "Human Resources Division," when it is the "Human Resources Department."

Discussion ensued between the Board regarding the plans, entrances, proposed features, and when the building will be ready. Mr. Benson, and Tessa Pritchard/Human Resources - Risk Management Director responded.

Supervisor Cann required clarification regarding the cost of the door; and commented on the safety issue with only one entrance, as well as his discomfort with the security issue that such a single entrance represents. Mr. Benson and Ms. Pritchard responded.

Supervisor Bibby discussed the formation of this department and its needs, and requested clarification of the second alternative and its costs. Mr. Benson responded.

Supervisor Carrier would like to see a second door for safety and security; and suggested that, to enhance security, the separation between the reception area and the office should be a full wall with a counter and, possibly, a window,

as well as a full door.

Supervisor Cann noted that the cost estimates for the two options seem to jump disproportionately.

Supervisor Jones noted that he would like to see the second door, and would like to proceed with this as fast as possible.

Public comment opened.

Ruth Catalan/speaking against this item inquired as to why this money is being spent for three employees, and whether there is any other space available. Chair Stetson responded.

Public comment closed.

**11:01 AM** Chair Stetson suspended discussion on this item in order to attend to a time sensitive Closed Session.

*Clerk's Note: Discussion on this item was resumed at 12:13 PM after Closed Session. The remaining narrative is located after the Report Out.*

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

## **K. 11:00 AM Closed Session**

### **1. Human Resources/Risk Management (ID # 2490)**

**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 heard at 11:07 AM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

### **2. Administration (ID # 2503)**

**Closed Session; Public Employee Employment Title or Position: Public Works Director**

This closed session item was heard at 11:27 AM.

## **Report Out**

**12:12 PM** Chair Stetson reported that Information was Received and Direction Given in both Closed Sessions.

### **J.3 (Continued from earlier this date) Approval of Human Resources Location**

**12:13 PM** Chair Stetson resumed the discussion of this item.

Chair Stetson noted earlier discussion on this item was attempting to resolve cost and a door.

Supervisor Cann inquired as to the square footage rental cost of the Human Services building. Sandra Laird/Administrative Analyst responded from the audience, and discussion ensued regarding that building.

Discussion ensued between the Board and the CAO regarding lease term; employee safety; functionality; differences between the two plans that were submitted with this item; location of present entrance; and the reception area. Tessa Pritchard provided clarification regarding the counter and door.

The Board deliberated the features of the two plans.

Supervisor Jones moved that the Board authorize the \$38,000 version, unless the door comes in at \$3000, or less, in which case they would go ahead with the cheaper version.

Chair Stetson noted that the Board still wished to deliberate, and Supervisor Jones withdrew his motion.

Discussion continued regarding the options.

CAO restated the following direction: that the Board wishes to pursue the former Health Department building, and that we are not looking at any other locations; and that he is being given direction to make modifications to the building plans. He noted that he needs a motion from the Board approving moving in to that facility with the modifications discussed.

Supervisor Jones moved that the Board approve the former Health Department building located at the northwest corner of Bullion Street and 11th Street in Mariposa, as the location for the new Human Resources Department. Supervisor Bibby seconded, with discussion. Passed unanimously.

## **L. Items removed from Consent Agenda**

### **A. Agricultural Commissioner RES-2013-212**

#### **Approve the Recruitment of a Deputy Agricultural Commissioner/Sealer, Senior Agricultural and Standards Inspector, and Agricultural and Standards Inspector II in the Agricultural Commissioner Department Effective Immediately**

Supervisor Bibby noted that this is advertising different positions and job descriptions, and required clarification that the highest salary range/step is in the budget.

CAO responded that the current position is at the highest step; if they were to hire someone at the higher position, they could hire up to step 3 and be approximately the same as now; and there will not be a budgetary problem until they get to step 4 or 5.

Supervisor Bibby required clarification as to the advertising procedure. Tessa Pritchard responded that we can recruit for all three, but specify that we're only filling one position.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**B. Public Works (ID # 2479)**

**Accept Resignation from Ruth Catalan and Appoint Rick Leinheuser to the Solid Waste AB 939 Local Task Force for a Continuous Term**

This item was withdrawn.

**RESULT: WITHDRAWN**

## **M. Adjournment**

The meeting was adjourned at 12:57 PM in memory of Rebecca Robertson, Lucita Cunningham, and Gregory Porter.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



# MARIPOSA COUNTY

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

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

June 4, 2013

### A. Call to Order and Roll Call

**9:00 AM** The Meeting was called to Order at the Mariposa County Government Center.

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	9:01 AM
Kevin Cann	District IV Supervisor	Present	9:01 AM
John Carrier	District V Supervisor	Present	9:01 AM

### B. Pledge of Allegiance

The Pledge was led by Supervisor Bibby, followed by a moment of silence for those who serve us overseas and elsewhere.

### C. Introductions

None.

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

Supervisor Bibby requested that CA1 and CA11 be separated from the Consent section, as she will need to excuse herself from them.

Supervisor Cann commented that he felt that CA3 was dragging out, and noted that he would like to get an update from Caltrans as to when that is going to occur. Supervisor Stetson noted that he had recently spoken with Grace Magsayo who said that things were moving along as rapidly as possible. Discussion ensued between Supervisors Stetson and Cann regarding the proposed construction schedules. Rick Benson/County Administrative Officer noted that he will make contact with Caltrans and will bring back a report next week.

Supervisor Cann noted his appreciation that the lease cost was maintained on

CA8.

Chair Stetson noted that CA4 requires a 4/5th vote.

No public comment on any item.

Supervisor Bibby requested clarification regarding whether the CA12 project will require any land acquisition. Gary Taylor/Assistant Director of Public Works-Public Works responded that they have not yet gone through the preliminary design; and there is a small sum of money set aside for it so there could be some kind of right-of-way issue but, they anticipate very little. Mr. Taylor expounded on the supplemental agreement. Supervisor Bibby affirmed her understanding of that, but noted that she may not want to support this project if it does require a condemnation, or there is no willing property owner, and she feels that this is the time to either support it or not. Mr. Taylor responded that, based on the preliminary designs, they are not anticipating any right-of-way issues; that they haven't even started to lay out exactly how the bridge is going to be replaced; and the replacement is going to be in the same spot.

Supervisor Bibby clarified that any decision regarding right-of-way would come later and the Board would have the option, at that time, as to whether or not to proceed with the project. Mr. Taylor affirmed Supervisor Bibby's understanding noting that, at that time, the Board could go back to the property owners and Caltrans and negotiate, or stop the project.

Supervisor Bibby requested that detailed information of the preceding discussion regarding CA12 be included in the Minutes.

Mr. Taylor noted that this applies to both CA11 and CA12; all of the bridges.

Supervisor Bibby moved to approve the Consent Agenda, excluding CA1 and CA11, with the understanding that we would include information in the Minutes clarifying that we still have options whether to go forward with the project if it did require land acquisition.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

1. CA1 was separated from the Consent Agenda

CA2. **Health RES-2013-213**

Approve Decade Software Company, LLC Agreement No. 2013-MAR for Fiscal Years 2013-2016 for Data Maintenance Software for the Health Department, and Authorize the Board of Supervisors Chair to Sign the Agreement; Authorize the Health Officer to Sign Future Documents Associated with This Agreement Making Modifications as Needed Until Expiration of the Agreement Subject to County Counsel Approval

CA3. **Administration RES-2013-214**

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

CA4. **Community Services RES-2013-215**

Approve Amended Agreements with Area 12 Agency on Aging Amending the Compensation Amount, and Authorize the Board of Supervisors Chair to Sign the Amended Agreement; Approve Budget Actions Adjusting Revenue and Appropriations in the Senior Nutrition and Transit Funds to Correspond with the Revised Amended Agreements (\$1,487.00) 4/5ths Vote Required

**CA5. Child Support Services RES-2013-216**

Approve the Flex Class Promotion of a Child Support Assistant I to a Child Support Assistant II in the Child Support Services Department Effective July 1, 2013

**CA6. Human Services RES-2013-217**

Approve an Agreement with the University of California (UC) Davis Extension for Eligibility Services Training, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA7. County Counsel RES-2013-218**

Approve the Second Amendment to a Professional Services Agreement with Abbott and Kindermann, LLP, Representing Mariposa County in a Legal Action Filed by Jack Bankhead, Increasing to an Amount Not to Exceed of \$245,600, and Authorize the Board of Supervisors Chair to Sign the Amendment

**CA8. Fire RES-2013-219**

Approve a One-Year Lease Agreement Renewal for Fire Department Administrative Office Located at 5080 and 5082 Bullion Street, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA9. Health 2013-59**

Accept the Resignation of Larry Laity as Representative for Southside of the County from the Mariposa County Emergency Medical Care Committee (EMCC) and Appoint Allen Columbro as Representative for Southside of the County to the EMCC for a Continuous Term

**CA10. Health RES-2013-220**

Approve an Agreement with Marie Moran, DDS, for Health Department's Specialized Dental Services Supporting the Children's Dental Health Program (\$20,000), and Authorize the Board of Supervisors Chair to Sign the Agreement

11. CA11 was separated from the Consent Agenda

**CA12. Public Works RES-2013-221**

Approve the Program Supplement Agreement with the State of California Department of Transportation for Indian Gulch Road Over Bear Creek Bridge Project, and Authorize the Public Works Director to Sign the Agreement

**CA13. Board of Supervisors 2013-60**

Appoint Cecilia "C.C" Jackson to the El Portal Planning Advisory Committee for a Term to Expire February 28, 2014 (Supervisor Stetson)

**CA14. Planning RES-2013-222**

Approve Amending Article III Section 1 of the Wawona Town Planning Advisory Committee by Laws to Increase the Size of the Committee from 9 Voting Members to 15 Voting Members

## **Items Considered Separately**

Supervisor Bibby noted that she was excusing herself from CA1 on the recommendation of County Counsel as it was necessary for her, acting as the Vice-Chair of Mother Lode Job Training, to execute the lease that is the subject of that item. She also noted that, while there is insufficient information in the item for her to be sure, she was excusing herself from CA11 as the project may be within 500 feet of property in which she has a remainder interest.

**9:11 AM** Supervisor Bibby left the Chambers.

Public comment opened.

Joel Bibby/Catheys Valley resident stated that he feels his questions have already been addressed regarding the Indian Gulch Bridge, as long as there is no acquisition; and noted that he is one of the parties that have land there and they are not interested in selling. As a citizen, Mr. Bibby questioned the cost of a bridge for Old Toll Road; feels that it will be a waste of taxpayers dollars; and mentioned other bridges that he thought would be better suited for replacement. He also noted that if it is for fire, there are other ways to get in and out; and there are no residences in that area of which he is aware. Mr. Bibby noted that he is not interested in seeing a bridge put in there, and the family is not interested in selling the property at this time.

Chair Stetson thanked Mr. Bibby, and noted that those comments were regarding CA11.

No public comments on CA1.

### **Human Services RES-2013-223**

**Approve an Amendment Reducing the Lease Amount in the Sub-Lease Agreement Between Mariposa County Human Services (Lessee) and Mother Lode Job Training (Sub-Lessee) for Office Space at the Mariposa County Human Services Center Located at 5362 Lemee Lane, Mariposa CA; and Authorize the Board of Supervisors Chair to Sign the Amendment**

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

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

**EXCUSED:** Janet Bibby

### **Public Works RES-2013-224**

**Approve the Program Supplement Agreement with the State of California Department of Transportation for the Old Toll Road Over Bear Creek Bridge Project, and Authorize the Public Works Director to Sign the Agreement**

No further public comment.

Supervisor Cann noted that he can follow up with the Public Works Director, but wondered about the prioritization of these bridges. Gary

Taylor/Assistant Director of Public Works-Public Works responded, noting that this is under the Highway Bridge Replacement and Rehabilitation Program (HBRRP), and is 100% funded so there is no cost to the County. Mr. Taylor also noted that he has at least 12 bridges programmed; they are coming out with the first 6 bridges for this coming fiscal year; construction will probably happen in 2015, 2016 or beyond; and they are prioritized based on their sufficiency rating. Supervisor Cann inquired of the six on the list. Mr. Taylor responded that they are: Dogtown Road, Old Toll Road, Indian Gulch Road, Oak Grove Road, a second one on Dogtown Road, and White Rock Road. Supervisor Cann requested the next six. Mr. Taylor responded that he had the next four which are: Usona Road, Schoolhouse Road, Incline Road, and Tip Top Road. Supervisor Cann inquired as to Darrah Road, and Mr. Taylor responded that it is in design right now.

Supervisor Carrier inquired as to the determination of the bridge ratings. Mr. Taylor responded.

Discussion ensued between Supervisor Jones and Mr. Taylor regarding the location of the Dogtown Road bridges, and the DRI program.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

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

**EXCUSED:** Janet Bibby

**9:21 AM** Supervisor Bibby returned to the Chambers and rejoined the meeting.

## **E. Minutes Approval**

### **1. Tuesday, May 21, 2013**

No public or Board comment.

The Minutes of May 21, 2013 were accepted as presented.

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

### **2. Tuesday, May 28, 2013**

No public or Board comment.

The Minutes of May 28, 2013 were accepted as presented.

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

## **F. Departmental Presentation**

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

None.

## **G. Public Presentation**

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 County Chamber of Commerce and Visitors Center reported that the Mariposa Experience has been

funded, so the trolley and Courthouse tours will start the last weekend of June. She also noted that traffic to Yosemite was so high over Memorial Day weekend that there was a two hour wait to get in through the Arch Rock Entrance; that the Valley floor and Glacier Point were each closed for several hours on Saturday; and that the Valley floor closed again for a while on Sunday, as well. Ms. McCorry also: advised of an upcoming Chamber Board meeting this Thursday at 5:30 PM; reported on the Visit California website training class; reported that the Chamber is beginning with their new chamber publication which will be a resource and activity guide; and gave the Visitor Center statistics for the month of May. Supervisor Cann discussed his concern regarding the two hour backup. Supervisor Carrier requested that all of the communities be listed on the program. Supervisor Cann inquired as to the amount of funding received from the Park for the Mariposa Experience. Ms. McCorry responded.

Marvin Wells noted that he submitted a letter to the Board on May 9th which he mentioned last week; that he is awaiting an answer; and requested that the Chair respond. Mr. Wells noted his appreciation for Supervisor Bibby's attention to the Veteran's information. Supervisor Bibby clarified that the information was from all of the Board members, and that she worked with Bob Johns, who offered to help if Mr. Wells needs more specific information. Supervisor Bibby also informed Mr. Wells of websites where he can find more information; and informed Mr. Wells that Thomas Jenkins and Luke Hopper were the last two soldiers from the area to be lost. Supervisor Cann commented on Mr. Johns' efforts, as well as the website to which Supervisor Bibby referred; and remarked that Mr. Johns also noted that memberships have declined in the VFW and other veteran's associations. Supervisor Bibby noted that there are also several graduating seniors who will be immediately going into the military.

David Taylor extended his thanks to Mr. Wells for his efforts regarding veterans. Mr. Taylor also commented upon an issue that he brought before the Board on November 20, 2012, noting that there are 2800 lots in Lake Don Pedro, and that he needs to have that information if he can get it. Supervisor Carrier noted that he was not here on November 20th and would like a written list of the questions. Mr. Taylor responded that he has already submitted the comments, and referred Supervisor Carrier to the Clerk of the Board. Discussion ensued between Supervisor Jones and Mr. Taylor regarding who was supposed to respond. Mr. Taylor responded that he was waiting to get an answer from Public Works. Supervisor Cann commented that he is not sure who should respond to this; and noted that he thought the matter was done since this came before the Board and was decided a year, or so, ago. Mr. Taylor affirmed; commented that he was trying to get some written reasons for why he didn't get the abandonment that he had requested; and went into his reasons for wanting them. Supervisor Cann noted that the Board can have the CAO and County Counsel advise them if they have an issue that is not resolved. Rick Benson/County Administrative Officer responded that one further review will be performed, and the Board members will be updated. Supervisor Bibby noted that it was her understanding that Mr. Taylor has already received several correspondences, noting that those would contain the information he is seeking; and that copies can be obtained of those and the Minutes if he is missing any. Mr. Taylor noted that he has all the Minutes and all of the correspondence, but his specific questions from November 20th have not been answered. Supervisor Bibby inquired if Mr. Taylor brought up different questions on November 20th than those that were presented at the decision. Mr. Taylor responded: only when he wasn't able to get a reason for the denial, or a written reason from any department or advisory group as to why his matter

was denied.

## H. Board Information

Supervisor Carrier reported that he: was at CSAC on Thursday, and commented on some of the topics discussed there; and attended the Mariposa High School Grizzlies Dinner on Friday, where there was a good turnout. Supervisor Carrier advised that: the needle pick up in Wawona has started; he will be attending the Thursday meeting of the Chowchilla Mountain Women's Club; Friday is the Planning Commission meeting; the Friends of the Library fundraiser in Wawona is Friday afternoon; he will be attending the Wawona Property Owners meeting on Saturday; and he will be attending the Rotary Annual Art Festival Saturday afternoon. Supervisor Carrier also extended his thanks to Mark Dvorak of Public Works for all of his efforts to facilitate the Pizza Factory rebuild, and to Mohamed Cader for his efforts to procure funding for the bridge work.

Supervisor Jones reported that on Saturday he was over at the mill at Standard where they are taking logs, and running 24-7. He commented that he feels that we often take our natural resources for granted. Supervisor Jones reported that he attended: the Gold Rush Charter School awards ceremony on Thursday; a meeting on Friday at Lake McClure with MID and CSD regarding raising the spillway; and the Greeley Hill Community Club Breakfast on Sunday. Supervisor Jones advised that: tonight is the ceremony for the first graduating class of the Gold Rush Charter School, and he commended the Building, Planning and Health Departments for their rapid processing of things to get that school going; the Geotourism fundraiser, which is dinner, silent auction, and a play with Lee Stetson performing, is on Friday; and the following day will be activities in the Park.

**10:02 AM** Supervisor Bibby left the meeting. Chair Stetson noted that she was excused, but would be returning shortly.

Supervisor Cann seconded Supervisor Jones comments on the workability of the County departments. He also informed the Board that he has been called to jury duty two weeks from today. Supervisor Cann also noted that it was great to have Supervisor Carrier as the CSAC representative; remarked that the State is not the friend of the counties right now; and discussed topics from that meeting including a new assembly bill that would require that prevailing wage be applied to all trash services. Supervisor Cann also thanked Marvin Wells for providing the write-up on Emil Kapaun at the last meeting, and discussed how humbling and motivating it was. Supervisor Cann also advised that the ad hoc committee that has been working on the assisted care facility will be meeting in the Chambers at 2 PM on June 12th.

Supervisor Stetson reported: on a Wednesday meeting with Brian Foucht and an ad hoc committee regarding Midpines Planning; on a Wednesday meeting with a representative from Friends of Bear Creek; and that, on Saturday, he delivered the Board's Proclamation to the Master Gardeners anniversary celebration. Supervisor Stetson advised that he will: attend a meeting of the Midpines Advisory Committee tonight from 6 - 9 PM; meet, on Thursday afternoon, with the Yosemite West ad hoc committee to discuss funding issues for that infrastructure; be in Coulterville for the Geotourism Center on Friday, noting that Saturday is the big day there; be attending the YARTS meeting in Merced at 1 PM on Monday; and meet, on Monday evening, with Supervisor Carrier, Public Works, and the CAO to discuss the Yosemite West financial picture.

## **I. Regular Agenda Items**

### **1. County Counsel (ID # 2472)**

#### **Discussion and Direction Regarding Two Requests to Lease Real Property Owned by the County of Mariposa in Hornitos for the Purpose of Grazing Cattle**

Staff presentation made by Steven W. Dahlem/County Counsel.

No public comment.

Supervisor Cann discussed other County properties; inquired if there is any reason to continue to hold the parcels; noted that he has no problem with this issue, but questions why we are keeping these properties; and remarked that if we can't state a reason to have them, we should get rid of them.

Supervisor Jones voiced his agreement with Supervisor Cann's comments; noted that he does not want to see more than a one year lease; and would like a dialogue regarding properties that can be sold.

County Counsel noted that it has been expressed by both of the interested parties that extensive fencing would be required and they are requesting the longer term lease in order to recoup fencing costs; and there may not be any interested parties if it is a short term lease.

Rick Benson/County Administrative Officer noted that 3 and 4 year leases have been pursued in the past because of the time that is involved for County Counsel's office to go through the process every year.

Supervisor Jones agreed with that, but doesn't want to get tied down for a long time.

Supervisor Cann inquired if they indicated what lease length they needed to justify the fencing investment. County Counsel responded. Supervisor Cann suggested a lease that can be renewed without bidding, if possible. County Counsel responded that such an option would be a negotiable term and he would follow the Board's direction in that regard.

Supervisor Carrier noted that he has no issue with the length of the lease; and remarked that he feels it would be premature to consider selling at this point.

Supervisor Jones agreed with Supervisor Carrier, and with the 3 year lease term. He also suggested an option to renew for another 3 years, at the Board's discretion.

Supervisor Cann has no issue with disposing of property when prices are good, but feels we also need to consider the loss of tax base. Supervisor Carrier noted that we probably wouldn't gain a lot for the tax base, as this parcel would probably fall under the Williamson Act.

County Counsel noted that he believes he has a consensus and direction from the Board, and will move forward with the recommended three year lease, with a three year option, at a lease price as recommended by the Agricultural Commissioner, and will bring an item back to the Board.

Supervisor Cann required clarification regarding whether it will go out to bid. County Counsel responded.

## **J. Items removed from Consent Agenda**

None.

## **K. Closed Session**

No Board or public comment.

### **1. Administration (ID # 2519)**

**CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Administrative Officer**

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** John Carrier, District V Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

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

**EXCUSED:** Janet Bibby

**10:36 AM** Supervisor Bibby rejoined the meeting.

This closed session was held at 10:40 AM.

## **L. 10:15 AM Recessed for Lunch**

## **M. 2:00 PM Reconvene**

### ***Report Out***

**2:03 PM** Chair Stetson reported out from the Closed Session that Information was Received, and Direction Given.

### ***LOCAL TRANSPORTATION COMMISSION***

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

**2:04 PM** Chair Stetson convened the meeting of the Local Transportation Commission.

### **Public Presentation**

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

None.

### **1. Public Works LTC-2013-6**

**PUBLIC HEARING to Take Testimony Regarding Possible Unmet Transportation Needs Within Mariposa County for FY 2013-2014 and Adopt a Resolution Finding One of the Following: A) There Are No New Unmet Needs; B) There Are No New Unmet Transit Needs that Are Reasonable to Meet; C) There Are Unmet Transit Needs, Including Needs that Are Reasonable to Meet; D) Grant a Continuance of the Public Hearing Until a Later Date**

Barbara Carrier/Assistant Director Public Works - Support Services made the staff presentation, with Terri Peresan/Community Services Director on

hand. Ms. Carrier noted that she was just handed a letter regarding wheelchair restraints for the bus; and recommended implementing the mobility management program.

No public comment.

Commissioner Bibby required clarification that this is just reorganizing at this point; and that they are not, at this time, implementing the borrowing of vehicles or volunteers to transport people. Ms. Carrier affirmed the former and responded to the latter. Discussion ensued between Commissioner Bibby and Ms. Carrier regarding the use of volunteer drivers; whether tie downs are an unmet need; and whether retrofitting could be accomplished. Ms. Carrier responded that they can house two manual wheelchairs, but only one of the larger ones. Discussion ensued between Commissioner Bibby and Ms. Carrier regarding retrofitting. Ms. Peresan noted that these buses are new buses and don't need to be retrofitted; that two chairs cannot be safely loaded; and to load more would require a larger bus.

Ms. Peresan remarked that, as she was coming to this meeting, she received a written public comment regarding having Oakhurst as a destination, rather than just passing through. Ms. Peresan noted that they do have enough drivers and vehicles to possibly do this; that it would not impact their farebox ratio; they could rearrange Wednesday and Thursday routes to so accomplish; and she discussed potential changes to routing. Ms. Carrier noted that expansion of service to the Oakhurst area was also addressed in the short range plan.

Commissioner Bibby inquired as to whether such a change needs to be incorporated in the resolution, or if it is better to leave the Director flexibility to work out schedules. Ms. Carrier responded that the only reason it would become a part of this is if there is funding for it, and if there is no money to expand the service then it doesn't become a part of it.

Commissioner Carrier inquired as to how often there is a conflict for the wheelchair spaces. Ms. Peresan responded that it was not very often as passengers know it is first come, first served; but noted that it does occur approximately once a month.

Commissioner Cann noted his agreement with leaving the Director the flexibility to change the routes; and inquired if Ms. Peresan perceived that she has enough flexibility now. Ms. Peresan responded affirmatively, but noted that past practice has dictated that they bring items regarding changes to route and fees before the Commission. Ms. Carrier added that this is based on public requests.

Commissioner Jones required clarification regarding services to the North County for medical needs, and parolees. Ms. Peresan responded.

Pete Judy/Chief Probation Officer noted that they just had some recent discussions involving the CCP; have had some preliminary talks; the CCP has set aside some additional funds, if necessary; feels flexibility is what works best in this County; noted they do contract with CORE, and are in the early stages of working out solutions.

Commissioner Carrier required clarification as to how information for these services will be disseminated to the public. Ms. Peresan responded.

Commissioner Bibby noted that she feels Ms. Peresan needs to have the flexibility, as the routes might need to change as people move.

No other Board comments.

Ms. Carrier noted that if this is approved, the funding allocation would be

considered part of the 2013-2014 budget.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**2. Public Works LTC-2013-7**

**PUBLIC HEARING to Consider the Adoption of the 2012 Regional Transportation Plan (RTP) and Mitigated Negative Declaration**

Barbara Carrier made the staff presentation, noting public comments that she has received. She also noted that the Williamson Act statement on page 17 has been corrected to read \$3000 per year, rather than \$3000 per acre.

Commissioner Bibby and Ms. Carrier discussed the source of the ideas in the report; and whether the General Plan was taken into consideration. Commissioner Bibby required clarification regarding potential staging areas; greenhouse gas provisions, especially considering that the plan also calls for Highway 140 to be a four lane highway from the County line to the intersection with Highway 49 South; and the mention of the Tribal Council. Ms. Carrier responded that she knows that Caltrans currently has no plans for a four lane highway; this plan is just a wish-list; no project could go forward without going through the proper procedures of public review, environmental studies, etc.; and the plan consults the State list of recognized tribes within Mariposa County.

Commissioner Bibby also expressed concerns about extending the Creek Parkway to the Fairgrounds; noted that numerous property owners voiced concerns during previous public meetings; questioned who would want to walk past the sewage treatment plant; noted that there may be Homeland Security concerns to do so; and noted potential Health and Safety issues regarding same.

Commissioner Bibby required clarification as to the source of language regarding designation of Highway 49 as a scenic highway, and cautioned of the need for lots of Public Comment if they should so proceed; discussed language regarding bicycling on Guadalupe Fire Road, and noted that it is her understanding that it is a private fire road, and cautioned people about riding on it because of visibility issues. Ms. Carrier responded that she could check to see if it is a county road, and can remove it if it is not. Commissioner Bibby also commented on language regarding major/minor collectors, and encouraged the public to read this document. Ms. Carrier reiterated that this is a dream list; and nothing is going to happen unless it gets approved by the public and the Board.

Commissioner Cann commented on the Creek Parkway issue and noted that he has consistently gotten major support for it; and discussed with Ms. Carrier that there were only positive comments about the Creek Parkway at the Bicycle and Pedestrian meetings.

Commissioner Bibby noted that she welcomes input, but likes to know the source; and encouraged the Board to consider the source of the plan's comments.

Commissioner Carrier noted that this reminds him of the Hazard Mitigation Plan and inquired if this plan can still be amended, or whether this is the final outcome of reviews, public comment, etc. Ms. Carrier noted that this

is, basically, the final report; but minor changes and amendments can be done at any time. Commissioner Carrier noted that he would like to see the inclusion of Yosemite West, Lake Don Pedro, Bear Valley, Lushmeadows, Ponderosa Basin, and Mt. Bullion in communities listed on page 15 of the Plan, as well as on the maps; and would like to see the addition of The Tenaya Lodge to the list of largest employers in Mariposa County on Plan page 29. Ms. Carrier responded that minor revisions are not a problem. Commissioner Carrier also questioned why the following roads are not listed: Usona, Chowchilla Mountain Road, Triangle Road, and Fish Camp and Wawona roads. Ms. Carrier responded that Fish Camp and Wawona are listed as subdivisions; and discussed how roads are approved. Commissioner Carrier also requested verification of the average daily number of take offs and landings shown for the Mariposa Yosemite Airport on Plan page 53. Ms. Carrier responded.

Commissioner Carrier suggested that if Highway 140 is targeted for four lanes, then Highway 41 should be as well.

Commissioner Bibby noted that the language concerning the four lanes reads that it is targeted as a short term project to occur within 7 years; and required clarification regarding the major collectors, as Triangle Road, Greeley Hill Road, Hornitos Road, Ben Hur Road are not listed on agenda packet page 195 (Plan page 35). Commissioner Bibby suggested the addition of a disclaimer which notes that we've only listed some roads, but that it is in accordance with the major collector designation by Mariposa County.

Commissioner Cann required clarification as to the importance of a major collector road not being designated on this list. Ms. Carrier responded that it does not change the funding; and noted that the most important thing in this document is that a potential project is in the list. Commissioner Cann also discussed the formulation of the major employer list, noting that the National Park Service is also not listed. Ms. Carrier responded.

Commissioner Bibby noted that the School District is not listed as a major employer.

Commissioner Cann doesn't feel we're looking to stop this and send it out to public review again for these issues; noted that the roads program is pretty much set for the next 5 years; and restated that the Board seems to be interested in correcting as much as possible without needing to send it out to public comment again.

Commissioner Bibby encouraged the public to go ahead and send in any comments now so that they can be incorporated in the future.

Commissioner Carrier noted the importance of the public participating in the process, and urged listeners to do so in the future.

No public comment.

Discussion ensued between Commissioner Bibby and Ms. Carrier regarding what will happen if this should not be approved today.

Commissioner Carrier moved that the Plan be adopted. County Counsel inquired if the Motion includes the Mitigated Negative Declaration. Commissioner Carrier affirmed. Seconded by Commissioner Jones.

Commissioner Bibby noted that if the plan is not adopted it will jeopardize funding, but people are going to have to be really active if these projects come up.

Commissioner Carrier inquired as to the cost for the Plan; and whether or not the contract with the consultant is still active. Ms. Carrier responded.

Discussion ensued between Commissioner Bibby and Ms. Carrier

regarding the consulting company, and its methods for gathering information.

Commissioner Carrier remarked that he feels that this is a symptom of a bigger problem where it is necessary to contract things out to out-of-area consultants and the product is not 100% accurate, but that we have to settle for it so as to not jeopardize funding. Ms. Carrier noted that she prepared the 2008 document; it took her two years; and she, personally, feels that this is a much better document.

The item passed unanimously.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** John Carrier, District V Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**3. Public Works LTC-2013-8**

**Adopt a Resolution Approving the Allocation of Transportation Development Act (TDA) Funds for Fiscal Year 2012-2013**

Staff presentation made by Barbara Carrier.

Commissioner Stetson required clarification regarding the contract with YARTS. Ms. Carrier responded.

No public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**4. Public Works LTC-2013-9**

**Adopt a Resolution Allocating the State Transit Assistance (STA) Funds for Fiscal Year 2012-2013**

Staff presentation made by Barbara Carrier.

Commissioner Cann required clarification regarding funding. Ms. Carrier responded.

No public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**3:19 PM** Chair Stetson adjourned the meeting of the Local Transportation Commission.

## **N. BOARD OF SUPERVISORS**

**3:19 PM** Reconvened as the Board of Supervisors.

## **O. Adjournment**

The meeting was adjourned at 3:19 PM in memory of Raymond Dusté,

Kittie Pearson, and Shirley Calhoun.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



# MARIPOSA COUNTY

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

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

June 11, 2013

### A. Call to Order and Roll Call

**9:01 AM** The Meeting was called to Order at the Mariposa County Government Center by Lee Stetson, Chair.

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	9:01 AM
Kevin Cann	District IV Supervisor	Present	9:01 AM
John Carrier	District V Supervisor	Present	9:01 AM

### B. Pledge of Allegiance

The Pledge was led by Supervisor Jones followed by a moment of silence for those serving us overseas, and elsewhere as first responders.

### C. Introductions

None.

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

Chair Stetson advised that item CA5 has been withdrawn.

Supervisor Bibby commented on CA6 noting that it is associated with AB109, and hopes we don't lose sight of the victims.

No public comment.

Supervisor Jones commented on CA12 noting that "realignments" usually cost the County.

Supervisor Cann commented on CA6, noting that it is a large investment but that he is convinced that it pays back to the community far more than we pay into it.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**CA1. Human Services RES-2013-225**

Approve an Agreement for Telephone Crisis Intervention and Counseling with Crisis Support Services of Alameda County, and Authorize the Board of Supervisors Chair and the Human Services Director to Sign the Agreement

**CA2. Administration RES-2013-226**

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

**CA3. Human Services/Behavioral Health & Recovery Services RES-2013-227**

Approve an Agreement with Country Villa Health Services for Psychiatric Hospitalizations in an Amount Not to Exceed of \$60,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA4. Human Services/Behavioral Health & Recovery Services 2013-61**

Appoint Jerry Johnson to the Alcohol and Drug Abuse Advisory Board for a Term Expiring June 11, 2016

5. Item Pulled from Consent

**CA6. Probation RES-2013-228**

Approve a Professional Services Agreement with Alliance for Community Transformations, Inc., to Operate a One-Stop Services and Rehabilitation Center for Probationers and Jail Inmates as Recommended by the Community Corrections Partnership in an Amount Not to Exceed of Two Hundred Twenty-Five Thousand Dollars (\$225,000); and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA7. Health RES-2013-229**

Approve Amendment 1 to Agreement No. G11-UST-11 for Certified Unified Program Agency (CUPA) Rural Underground Storage Tank (UST) Prevention Grant Agreement Extending the Term of Grant to March 30, 2014; Authorize the Health Officer to Sign Amendment 1 and Any Other Amendments as Needed Subject to County Counsel Review and Approval

**CA8. Community Services RES-2013-230**

Approve the Area 12 Agency on Aging (A12AA) Contract Extension Proposal for Senior Meals and Transportation Programs for FY 2013-14; Authorize the Board

of Supervisors Chair to Sign the Proposal and Designate the Community Services' Director as the Designee

**CA9. Public Works RES-2013-231**

Approve the Program Supplement Agreement with the State of California Department of Transportation for the Permanent Repairs to the Ben Hur Road Erosion Project, PM 24.486-26.600, and Authorize the Public Works Director to Sign the Agreement

**CA10. Public Works RES-2013-232**

Approve the Program Supplement Agreement with the State of California Department of Transportation for the Temporary Repairs to the Ben Hur Road Erosion Project, PM 24.486-26.600, and Authorize the Public Works Director to Sign the Agreement

**CA11. Health RES-2013-233**

Approve Budget Action Transferring Funding Within the Health Budget for Additional Extra Help Hours through the Remainder of the Fiscal Year (\$7,247)

**CA12. Health RES-2013-234**

Authorize Chair to Sign Letter to Darrell Steinberg and John Pérez of the State Legislature Regarding Budget Impact to Health Realignment Fund

**CA13. Public Works RES-2013-235**

Approve the Program Supplement Agreement with the State of California Department of Transportation for the Temporary Repairs to the Ben Hur Slide Project, PM 17.538-17.593, and Authorize the Public Works Director to Sign the Agreement

**CA14. Human Resources/Risk Management RES-2013-236**

Approve Budget Action Transferring Funds Within the Human Resources/Risk Management Budget to Account for Unanticipated Training Expenses (\$1095)

**CA15. Treasurer-Tax Collector-County Clerk RES-2013-237**

Approve an Agreement with the State of California for Help American Vote Act (HAVA) Grant Money to Purchase Accessibility Equipment for Polling Locations, and Authorize the Board of Supervisors Chair to Sign the Agreement

## **E. Minutes Approval**

**1. Tuesday, June 04, 2013**

No public or Board comment.

The Minutes were accepted as presented.

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

## **F. Departmental Presentation**

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

Rick Benson/County Administrative Officer reported on his contact with Grace Magsayo of Caltrans, per the Board's direction last week. He noted that Caltrans: is waiting for Concurrence from the State Historic Preservation Office (SHPO); is not anticipating any problems getting Concurrence; expects to receive it sometime in July or, possibly, late June; will release the draft environmental document for public review once Concurrence is received; and will hold two public meetings, one in El Portal and one in Mariposa, concurrent with the review of the draft environmental document. Supervisor Bibby reported receipt of notification of a phone conference scheduled for 10:00 AM - 11:30 AM on June 27th, and noted that Supervisor Stetson is planning to call in. Supervisor Stetson affirmed. Supervisor Cann: commented on the number of registered historic artifacts or cultural sites in the slide area; commented on the governmental process; and inquired if there was any indication of when the public meetings would be held. Mr. Benson responded.

Peter Rei/Public Works Director reported that the DRI consultant has completed the NEPA document for the roads in North County, and has turned it in to the State Historic Preservation Office. Mr. Rei remarked on SHPO's review time; and noted that the issues are cultural and getting those approvals through the NEPA process.

## **G. Public Presentation**

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

Terry Briggs discussed his desire to donate 32.5 acres on Triangle Road for use as a campus for a community college. Mr. Briggs provided the Board with maps and documents regarding the acreage. He also gave out his contact information. Chair Stetson thanked Mr. Briggs for the generous impulse that this represents. Supervisor Jones also extended his thanks. Mr. Briggs noted that every other county in the State of California has a community college; and expounded on the fields of study that a local facility might entertain. Supervisors Carrier and Bibby extended their thanks for the offer.

1. **Clerk of the Board of Supervisors (ID # 2565)**

**Handouts from the Public Presentation Portion of the June 11, 2013 Meeting**

## **H. Board Information**

Supervisor Jones reported that he was the commencement speaker at the Gold Rush Charter School graduation on June 4th, and noted that the school is growing and will be hiring more teachers and aides. He also reported that he: attended a meeting at the Northern County History Center on June 5th, noting that they are getting ready for the Coyote Howl Festival; attended the John Muir Dinner on June 7th, remarking that Supervisor Stetson's performance as Muir was fabulous; went to the John Muir Festival in Coulterville on June 8th, and thanked Parks and Rec for making the pool available; attended the breakfast in Coulterville on June 9th; and had a June 10th meeting with Supervisor Cann and Public Works regarding several issues.

Supervisor Cann reported that he: attended the Sierra Nevada Conservancy Board meeting in Quincy last Wednesday and Thursday, noting the growth of that organization; had a Friday meeting with the partners of the

Prospector's Brewery regarding their challenges, as well as their plans for expansion; participated in the Rotary Fine Art and Wine Festival at the Fairgrounds on Saturday; attended a teacher retirement on Saturday evening; had a meeting with a State egg inspector on Monday; and met with Supervisor Jones and Public Works on Monday, noting that Supervisor Carrier has brought an interesting road issue to them. Supervisor Cann advised that he: has a meeting tomorrow with a builder who is interested in trying to grow the amount of office space in Mariposa; will attend a ribbon cutting ceremony for Sierra Propane at Noon tomorrow; will be meeting with the Arts Council regarding their budget and plans; has a meeting in this room at 2:00 PM tomorrow regarding the Assisted Care/Graduated Care facility issue; and will, on Monday, be representing the RCRC in a press availability call regarding the rural impacts of the Governor's budget.

Supervisor Bibby thanked the local Sheriff's Office for their efforts in dealing with numerous crimes of late, and encouraged the public to be on the lookout. Supervisor Bibby advised that she will be participating in a June 17th Community Action webinar, as well as First Five. She remarked: that the local First Five is separate from the State First Five; that money for the local program goes to pre-schools, as well as the dental program; and that funding is getting tight. Supervisor Bibby also noted that she is still looking for a private sector representative for the Mother Lode Job Training Workforce Investment Board; and that she is also looking for a District 3 representative for the Commission on Aging. Supervisor Bibby congratulated all of our graduates, and noted her pride in those who went in to the military. She also complimented Congressman McClintock's office for their interactions with citizens and organizations in this County; and relayed the comments of a couple who were recently married here noting their compliments to the town for its hospitality, as well as compliments to local staff who processed their wedding license.

Supervisor Carrier thanked: the Sheriff's Department for their efforts in marijuana eradication; and the community for all of the scholarships. He also noted that the heat, and fire season, is upon us and encouraged people to watch over senior citizens as they may not be able to afford air conditioning. Supervisor Carrier reported that on Wednesday he attended the Lushmeadows Coffee Club, followed by a trip to Wawona. While in Wawona he saw some of the needle pickup, as well as the new carpet in the library. He also extended his thanks to the Planning and Building Departments, as the General Manager of The Redwoods complimented both departments. Supervisor Carrier also reported that he attended: the Planning Commission meeting on Friday; a meeting of the Wawona Area Property Owners Association on Saturday; the Rotary Art and Wine Festival on Saturday afternoon; the YARTS meeting in Merced on Monday; and a Yosemite West Wastewater Treatment meeting with Public Works on Monday afternoon. Supervisor Carrier advised that he will attend: a Courthouse meeting tomorrow; an Airport meeting tomorrow evening; the Sierra Propane ribbon cutting on Wednesday; a funeral on Thursday; and the American Legion Flag Retirement Ceremony at the Fairgrounds at 7 PM on Friday. Supervisor Carrier also reported that he had learned that the SRA fees will be coming back, but that some of the funds collected will be used for fuel hazard reduction.

Supervisor Stetson reported that he: attended the Midpines Advisory Committee meeting last Tuesday; met with the Ad Hoc Committee on Yosemite West on Thursday; was at the Geotourism Center in Coulterville on Friday and Saturday; met with Supervisor Carrier and Public Works yesterday; attended the YARTS meeting yesterday; and met with Supervisor Carrier for the Yosemite

West consultation with Public Works. Supervisor Stetson advised that he will be meeting with the Arts Council representative on Friday.

## **I. Regular Agenda Items**

### **1. Citizen Submittal (ID # 2405)**

#### **Sierra Nevada Conservancy Presentation (Mandy Vance)**

Julie Bear/the Mt. Whitney Area Manager made the presentation, with assistance from Mandy Vance/Project Lead. Ms. Bear thanked Supervisor Stetson for his time on the Sierra Nevada Conservancy (SNC) Board, and she welcomed Supervisor Cann to that board. Ms. Bear gave an overview of the SNC, and noted that grantees in Mariposa County have received 3.6 million dollars as a result of Proposition 84 funding, which supported 16 different projects. Ms. Vance gave a power point presentation and expounded on SNC projects in Mariposa County; gave an overview of the Sustainable Forests and Communities Collaborative (SFCC), noting that their next meeting will be held at the Oakhurst Library on July 10th from 1:00 PM - 4:30 PM; and outlined the Conservancy's support of the Integrated Regional Water Management Plan.

Supervisor Bibby requested clarification as to whether an earlier mention of mining and reclamation was associated with abandoned mines and the removal of mercury. Ms. Bear responded that this is a new area for the SNC, but noted that they will be focusing on region wide mercury remediation and removal as their first step into that area.

Supervisor Cann noted that he was particularly interested in their focus goals, and wants to make sure that the County takes advantage of those opportunities.

Public comment opened.

Bridget Fithian/Conservation Director Sierra Foothill Conservancy expressed gratitude for the partnership between Sierra Foothill Conservancy and the SNC, and thanked them for the work that they do.

Supervisor Stetson also thanked the SNC for their presence.

Mark Rowney/MPUD discussed a project with the SNC, noting how MPUD is going to leverage that project into other projects.

Public comment closed.

Chair Stetson thanked Ms. Bear and Ms. Vance for the presentation.

**10:14 AM** Recessed for Break.

**10:29 AM** The Board Reconvened.

### **2. Public Works 2013-62**

#### **Appoint a Member of the Board of Supervisors to Serve on the Solid Waste AB 939 Local Task Force; the Term is Continuous**

No public comment.

Supervisor Cann remarked that he feels that the Board dealt with this when they assigned him, and Supervisor Jones, as the Solid Waste and Infrastructure liaisons. Supervisor Jones agreed.

Supervisor Bibby assured the public that, while the Board has liaisons, significant decisions still come before the Board.

CAO noted that County Counsel has advised him that the AB939 Task

Force is a formal position and, therefore, recommends that the Board take a formal action today to make an appointment official.

Action was taken to appoint Supervisor Jones as the second Supervisor on the AB939 Solid Waste Task Force.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Janet Bibby, District III Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**3. Administration RES-2013-238**

**Approve Budget Action Reducing General Fund Contingency and Increasing the Indigent Defense Budget to Account for Greater Than Anticipated Conflict Counsel Expenses (\$25,000) 4/5ths Vote Required**

Chair Stetson noted that this item requires a 4/5th vote.

Staff presentation by Rick Benson/County Administrative Officer who noted that this is an expense that the County has no control over as the Judges make the decision of which cases to refer, and there is no way to foresee how involved a case will be. Mr. Benson also noted the totals expended for previous years.

Supervisor Bibby noted that the only protection we have is the Judge's review of the Income and Expense forms that the defendants fill out. She also remarked that it is totally beyond our control; and that we have to pay, and the costs keep going up.

Supervisor Jones complimented the CAO on his budgeting efforts.

No public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**4. Administration (ID # 2545)**

**Discuss and Provide Direction to Staff Regarding the Use of Secure Rural Schools and Community Self Determination Act of 2000 Funds for the Continued Funding of Mariposa County Fire Safe Council, the South West Inter-Face Team Project Coordinator, and the Master Gardener Program**

Staff presentation made by Rick Benson who noted that if the Board so directs we would go ahead and open the formal 45 day comment period, which will be followed by an item brought to the Board.

Supervisor Bibby discussed with CAO the uncommitted amount.

Bob Bartholomew commented on the chipping and needle removal through the Fire Safe Council; and noted that this is the seed money that allows them to offer these services.

The Board thanked Mr. Bartholomew for his continuing efforts, and for the work of the Fire Safe Council.

Supervisor Jones noted that Mariposa County is listed as an at-risk

county for being in a high wild fire category, and we need all the help that we can get.

Public comment opened.

Rich Drozen/Mariposa Division CAL FIRE and Mt. Bullion Camp stressed the importance that CAL FIRE puts on the Fire Safe Council; and noted that fuel conditions are well ahead of where they should be for this time of year.

Public comment closed.

Supervisor Bibby commented on the many calls that the Fire Safe Council gets from people; complimented all of the agencies for their services; and remarked on the Master Gardeners, the SWIFT program, and Search and Rescue. Supervisor Bibby required clarification as to whether we have received any requests for reimbursement for Search and Rescues. Mary Hodson/Assistance County Administrative Officer responded.

Action was taken to provide direction to start the 45 day comment period on these projects, and for the amounts presented.

Bibby (M); Cann (S); Passed unanimously.

**RESULT: DIRECTION GIVEN**

## **J. Items removed from Consent Agenda**

### **A. Fire (ID # 2498)**

**Approve an Agreement in the Amount Not to Exceed of \$15,000 with Dan Michael for Service and Repair of Fire Department Self-Contained Breathing Apparatus (SCBA), and Authorize the Board of Supervisors Chair to Sign the Agreement**

This item was withdrawn from today's meeting.

**RESULT: WITHDRAWN**

## **K. Closed Session**

### **1. Human Resources/Risk Management (ID # 2516)**

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

No public comment.

This session was held at 11:08 AM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

### **2. Human Resources/Risk Management 2013-63**

**Closed Session: Conference with Legal Counsel; Existing Litigation: Disclosure Will Jeopardize Existing Settlement Negotiations**

No public comment.

This session was held at 11:13 AM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**3. County Counsel 2013-64**

**Closed Session: Conference with Legal Counsel; Existing Litigation; Larry Busby V. Central Sierra Planning Council, Et Al; Tuolumne County Superior Court Case No. CV57480**

No public comment.

This session was held at 11:25 AM.

**RESULT: HOLD CLOSED SESSION [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

***Report Out***

**11:31 AM** Chair Stetson reported out on the Closed Session items. He noted that Information was Received and Direction Given on items K.1. and K.2.

Chair Stetson also reported that, as to item K.3, action was taken to approve a Settlement Agreement and Mutual General Release of All Claims between Larry Busby and the Central Sierra Planning Council, the Central Sierra Economic Development District, the counties of Alpine, Amador, Tuolumne, Calaveras, and Mariposa, and the cities of Jackson, Ione, Sutter Creek, Amador, Plymouth, Angels Camp, and Sonora (collectively, Agencies), and authorize the Chair of the Board of Supervisors to sign the Agreement. Jones (M); Cann (S); passed unanimously.

**L. 11:30 AM Recessed for Lunch**

**M. 3:00 PM Reconvened at the Fish Camp Fire Station**

**1. Fire (ID # 2524)**

**Fish Camp Fire Station Dedication and Ribbon Cutting Ceremony - June 11, 2013 at 3:00 PM at 7731 Summit Road in Fish Camp (No County Business Will be Conducted During This Time)**

The Board attended the station dedication. No business was conducted.

**N. Adjournment**

The meeting was recessed at 11:35 AM in memory of J. Gordon Dougherty; and adjourned at 3:47 PM after the Fish Camp Fire Station ribbon cutting ceremony.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



# MARIPOSA COUNTY

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

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

June 18, 2013

### A. Call to Order and Roll Call

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	9:01 AM
Kevin Cann	District IV Supervisor	Present	9:01 AM
John Carrier	District V Supervisor	Present	9:01 AM

### B. Pledge of Allegiance

The Pledge was led by Supervisor Cann followed by a moment of silence in honor of those volunteering for the Carstens Fire.

### C. Fire Report

James Wilson/Fire Chief remarked on all of the engines at the Fairgrounds; noted that he was out of town until late yesterday afternoon; and deferred to representatives from other agencies that were in attendance.

Doug Binnewies/Mariposa County Sheriff reported on the overall community atmosphere of patience and control that has been exhibited so far. He also remarked on the three phases of evacuation: Jerseydale/Mariposa Pines area continues to be under active evacuation and is closed to non-essential people; the North/Northeast side of Triangle Road from Highway 140 to Darrah Road is still under current evacuation; and Lushmeadows and surrounding area which was evacuated last night, and continues to be evacuated. Sheriff Binnewies reported that there are approximately 26 people currently inside the Mariposa evacuation center at the Mariposa Elementary School, some tenting outside, and 47 pets. Sheriff Binnewies also noted that Brian Bullis from the Fairgrounds continues to assist with allowing us to keep animals at that location; that there is still room there; and that there is a 24 hour posting there at the Fairgrounds. Sheriff Binnewies also reported that Mr. Bullis has requested that those who are housing animals at the Fairgrounds use the Carnival gate to access their animals. Sheriff Binnewies also remarked

on the mutual aid assistance from within the region, noting that the first day they had forty law enforcement officers from outside Mariposa County assisting local law enforcement. He also noted that: those mutual aid officers are working in 12 hour operational periods; they are being utilized for roadblocks and roving security; and they will continue to be utilized until we no longer need their services. Supervisor Bibby complimented all emergency personnel and all of the volunteers for their coordinated efforts, with a special thanks to the dispatchers. Supervisor Cann similarly thanked all personnel, Search and Rescue, and other auxiliary groups, noting that he observed and appreciates the calm in a crisis that was exhibited. Supervisors Jones, Carrier and Stetson each noted their appreciation for the departmental cooperation, and thanked everyone for all of their efforts.

Chief Wilson commented on the initial attack efforts from neighboring resources, noted that the Federal management team transitioned in at 6:00 PM last night, and introduced David Cooper/Incident Commander from the South Central Sierra Type II Team. Chief Cooper briefly described his team, and noted the current fire status referencing a map provided by Chief Wilson. Supervisor Cann inquired about the weather anticipated for today. Chief Cooper responded, but noted that what is pushing the fire is the dryness of the fuels.

Nancy Koerperich/CAL FIRE Unit Chief for Madera-Mariposa-Merced Unit thanked the local government resources, and their Federal partners, for the cooperation and speed in responding. Chief Koerperich also noted that the main focus on the first day was the Plumber area and trying to protect the Jerseydale/Mariposa Pines area, with their focus today being keeping things out of the Lushmeadows/north Bootjack area.

Dennis Rein/Liaison Officer noted that what is really helping them out is the patience and cooperation of the citizens who have been evacuated because, by leaving, it allows the responders to prioritize fighting the fire rather than protecting people.

Chief Wilson noted that Dave Martin/District Ranger for the Sierra National Forest, and Gary Wuchner/Public Information Officer from Yosemite were also in attendance.

Chief Wilson also reported that: the fire is approximately 1600 acres, with an approximate 15% containment; there have been no injuries; and there have been no residential structures damaged.

Chair Stetson noted that, in addition to the automated information telephone number of 966-1133, there is a new Carstens Fire information line at 966-4784 which he has tried to call but which has an approximate five minute wait. Gary Wuchner responded that the line has been busy; that they are going to add more lines as needed; that they have six people in the information center; and that they are also setting up a media-specific line.

Chief Wilson also commended Deputy Fire Chief Jim Middleton for his efforts in Chief Wilson's absence.

## **D. Introductions**

Chair Stetson introduced Mika Petrucci from Assemblyman Frank Bigelow's Office. Ms. Petrucci noted that she works out of the Madera District office, with her coverage area being mostly Madera and Mariposa Counties. She also mentioned that she will be holding District Mobile Conference hours at the Mariposa Library Community Conference Room on Wednesday, July 10th, and noted that she will leave some flyers at the door. Supervisor Cann welcomed

Ms. Petrucci and inquired if she will be announcing the District Mobile Hours in the local newspaper; and requested some of her business cards. Ms. Petrucci responded that she will be contacting the newspaper; and noted that she has no cards, yet, but requested that the Clerk of the Board forward her email address to the Supervisors.

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

Rick Benson/County Administrative Officer: informed the Board that the property owner in CA20 requested some last minutes changes, and that those changes have been distributed to the Board; reported that he and County Counsel have reviewed the document and there are no substantive changes; and noted that his recommendation to approve remains the same.

No public comment.

Supervisor Carrier thanked James Rydingsword/Human Services Director for answering his questions on CA3, and noted that CA15 is one of those things where we have to spend money to get money.

Supervisor Bibby required clarification regarding CA9. She recounted that when the new Human Services building was being considered, the argument was made that positions for front desk/phone coverage duties could be eliminated or reduced; noted that this seems to be undoing that; noted that she is worried about the finances; and she inquired as to whether this changes the affordability of the building. Mr. Rydingsword responded. Supervisor Jones inquired if the office in Coulterville will be adding hours. Mr. Rydingsword responded affirmatively.

Supervisor Bibby required clarification regarding language in CA11 that referred to an ozone reduction plan that may be required. CAO noted that Dr. Mosher is very involved with the fire, and responded by citing a memo from Dr. Mosher.

Supervisor Bibby required clarification regarding CA15. She noted language regarding greenhouse gas emissions; commented on the difficulty of factoring in visitors who travel through the community; and required clarification of language which states that: "we don't have to implement policies." Sarah Williams/Planning Director responded. Supervisor Cann congratulated Ms. Williams for the speed with which this was accomplished. Supervisor Bibby remarked that it is important to note that this is being pushed upon us by the State.

Supervisor Bibby moved that the consent agenda be approved as presented, with the incorporation of the new lease changes.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

### **CA1. Sheriff's Office RES-2013-240**

Approve Amendment No. 3 with Aramark Correctional Services to Provide Dietary Services to the Mariposa County Adult Detention Facility, Extending the Term of the Agreement to June 30, 2015, and Increasing the Annual Agreement

Amount to \$182,023.84; and Authorize the Board of Supervisors Chair to Sign the Amendment

**CA2. Administration RES-2013-241**

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

**CA3. Human Services/Behavioral Health & Recovery Services RES-2013-242**

Approve the Amendment 10-NNA22 V.1 to the Current Drug Medi-Cal (DMC) and Negotiated Net Amount (NNA) Multi-Year Agreement with the State Department of Health Care Services (DHCS), and Authorize the Board of Supervisors Chair to Sign the Amendment

**CA4. County Counsel RES-2013-243**

Approve an Agreement with Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority (JPA) to Continue Providing Public Transit Services, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA5. Public Works RES-2013-244**

Approve a Professional Services Agreement with Moore Twining Laboratories Inc. in the Not-To-Exceed Amount of \$50,000.00 to Provide Chemical Analysis for Various Facilities Throughout the County, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA6. County Counsel RES-2013-245**

Approve a Lease Agreement with Mariposa Preschool Cooperative, a California Non-Profit Corporation, for Use of the Woodland Community Building for Fiscal Year 2013/2014, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA7. Agricultural Commissioner RES-2013-246**

Approve the Contract for Services Agreements with Dan Wice and California Reforestation for Implementation of the Mariposa County Invasive Noxious Weed Program for FY 2013/2014, and Authorize the Board of Supervisors Chair to Sign the Agreements

**CA8. Human Services/Behavioral Health & Recovery Services RES-2013-247**

Approve an Agreement with Crestwood Behavioral Health, Inc. to Provide Psychiatric Inpatient Services for Mariposa County Behavioral Health in the Not to Exceed Amount of \$18,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA9. Human Services RES-2013-248**

Increase the Allocation of a 50% Permanent Part-Time Office Assistant II Position to Full Time in the Human Services Administration Budget Effective July 1, 2013

**CA10. Human Services/Behavioral Health & Recovery Services RES-2013-249**

Approve 2013 District Fair Booth Rental Agreement 2013-17 for Alcohol and Drug Abuse Advisory Board, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA11. Health RES-2013-250**

Approve an Agreement with Ray Kapahi Dba Air Permitting Specialist, for Assistance on the Health Department's Air Pollution Grant Program, and Authorize the County Administrative Officer to Sign the Agreement

**CA12. County Counsel RES-2013-251**

Approve a Lease Agreement with Sandra Haar for Office Space Occupied by the Grand Jury, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA13. Planning 2013-65**

Appoint John Shimer as a Member at Large to the Agricultural Advisory Committee for a Term Expiring February 28, 2015

**CA14. Victim Witness RES-2013-252**

Approve Victim Witness Grant Modification and Authorize the District Attorney to Sign the Grant Modification; Approve Budget Action Transferring Funding Within the Victim Witness Budget to Reflect Anticipated Expenses through the Remainder of the Fiscal Year (\$3,997)

**CA15. Planning RES-2013-253**

Adopt a Resolution Endorsing an Application for the Sierra Nevada Partnership Program/County of Mariposa Greenhouse Gas (GHG) Inventory; Approve a Participation Agreement with the Sierra Business Council, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA16. Public Works RES-2013-254**

Accept the Mt Bullion Cutoff Phase I Project as Complete and Authorize the Public Works Director to Record the Notice of Completion and Release the Retention

**CA17. Health 2013-66**

Appoint Katherine Hernandez as Alternate Representative for John C. Fremont Healthcare District Mobile Intensive Care Nurse (MICN) on the Emergency Medical Care Committee (EMCC)

**CA18. County Counsel RES-2013-255**

Approve a Lease Agreement with Kiwanis Club of Mariposa (Kiwanis Preschool), a California Non-Profit Corporation, for Use of the Darrah Schoolhouse for Fiscal Year 2013/2014, and Authorize the Board of Supervisors Chair to Sign the Lease Agreement

**CA19. Health RES-2013-256**

Approve Budget Action Transferring Funding Within the Health Budget for Travel and Training to Cover Necessary Travel Expenses for the Remainder of the Fiscal Year (\$1,433)

**CA20. Administration RES-2013-257**

Approve Lease Agreement with Thompson N. Spear Family Trust for Human Resources Office Space, and Authorize the Board of Supervisors Chair to Sign the Lease Agreement

**CA21. Administration RES-2013-258**

Approve Amendment 3 to Cooperative Agreement P12AC30157 with the National Park Service (NPS) Changing the Reimbursement Process from SF-270 Forms to the Automated Standard Application for Payment (ASAP) System; and Authorize the Board of Supervisors Chair to Sign the Amendment

**CA22. Administration RES-2013-259**

Approve Amendment 4 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

**CA23. Administration RES-2013-260**

Approve the Fiscal Year 2012-2013 Adjusted Budget as Mariposa County's Preliminary Recommended Budget Which Will Serve as the Operating Budget Until the Adoption of the Fiscal Year 2013-2014 Final Budget in August 2013

**CA24. Board of Supervisors 2013-67**

Approve a Certificate of Recognition for Wayne Forsythe Upon His Retirement from Mariposa County Unified School District (Supervisor Bibby)

**CA25. Board of Supervisors 2013-68**

Approve a Certificate of Recognition for Laura Lynn LaNotte Hays Upon Her Retirement from Mariposa County Unified School District (Supervisor Bibby)

**CA26. Board of Supervisors 2013-69**

Approve Certificates of Recognition to Kahleb Kelsey and Daniel Norlund for Achieving the Rank of Eagle Scout

## **F. Minutes Approval**

1. **Tuesday, June 11, 2013**

No public or Board comment.

The Minutes were accepted as presented.

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

## **G. Departmental Presentation**

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

Sheriff Binnewies reported that there will be some fiscal impact on their

end of the year budget due to the Carstens Fire; most likely they will deplete whatever overtime funds they have for this fiscal year; however, current calculations predict they will be able to cover that gap with their current budget.

CAO alerted the Board to other costs attributable to the fire, specifically noting the Sheriff's Office, Public Works, and the likelihood of other costs associated with the strike teams. He concluded that we can expect there will be some budgetary impacts on the County, but that it is too early to accurately predict.

## **H. Public Presentation**

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

Kathy McCorry/Mariposa County Chamber of Commerce and Visitors Centers announced that Horizons Healthcare Unlimited opened yesterday, and has a ribbon cutting today at 1:00 PM at Italian Acres. She also reported that first thing yesterday morning they had to move campers from the Fairgrounds to allow space for the fire efforts. She commended all of the lodging partners for their efforts; and noted that, in addition to those efforts, they had over 300 visitors come in yesterday. Ms. McCorry also reported that last Thursday morning there were over 1500 people in their first hour. She commented on a report received from Supervisor Carrier that trends are down statewide, but she noted that we are still running up about 19% year to date. Supervisor Cann recounted his observations of the Chamber's operation, and encouraged the other Board members to visit for themselves someday.

Marvin Wells commented on the sound quality in the Chambers and how difficult it is to hear everyone; and asked that the Board consider it at budget time.

## **I. Board Information**

Supervisor Jones reported: attending the Fish Camp Fire Station ribbon cutting on Tuesday; on a SWIFT meeting on Wednesday in Moccasin, noting that they finally decided that the bull pines are dying from root rot which is the same as the almond trees in the valley; on the effects of AB 109 on CAL FIRE as the crews they had available are shrinking; that fireworks are illegal in this County; on a meeting with Cara Goger of the Arts Council, regarding a project in District II; on a meeting with Public Works and County Counsel regarding a road issue; attending the Airport Advisory Meeting with the CAO and Supervisor Carrier; on a meeting with CAL FIRE regarding a weed clearing program in Coulterville; on a meeting with someone wanting to open a bakery in Coulterville; attending a meeting of the Gold Rush Charter School in Sonora, noting that they will be adding more teachers and facilities; attending a CMCAA meeting with Supervisor Bibby on June 17th; meeting with the Building Department regarding the bakery, and commended the Building Department for the time and explanations. Supervisor Jones also noted his appreciation for yesterday's fire briefing, noting that communication has been fantastic.

Supervisor Carrier thanked all of the fire crews, law enforcement, and volunteers for their efforts to mitigate the effects of the fire, noting how courteous and calm everyone has been. He also reported: attending the Fish Camp Fire Station dedication; on a Wednesday Courthouse meeting regarding security and building infrastructure issues; attending the Airport Advisory Meeting; on a Thursday meeting with CAL FIRE; spending all day Friday in the

office going over the Board packet; attending the flag retirement ceremony on Friday evening; and that he was in the office on Monday. Supervisor Carrier advised that he will: be at the ribbon cutting today; be attending an Eagle Scout Court of Honor this evening; be going to a town hall meeting in Prather tomorrow; participate in an Area 12 Board meeting on Thursday; be attending a County EMS meeting in the afternoon; meet with Cara from the Arts Council; be attending a Thursday meeting of the Mariposa Community Foundation; attend the Planning Commission meeting on Friday; and be attending a statewide county engineer's meeting that Public Works is hosting at the Tenaya Lodge.

Supervisor Bibby extended her thanks to our mutual aid partners from surrounding counties. She also extended her compliments to the Chamber of Commerce regarding the Sierra Propane ribbon cutting. Supervisor Bibby reported: participating in the Community Action Agency webinar, noting that the next meeting will be in Calaveras; and attending the First Five meeting last night. She also advised: that she will be attending the Boy Scout presentation tonight; of a Public Works road issue meeting on June 21st; and that she will be meeting with Cara Goger on June 21st. Supervisor Bibby also extended her congratulations to Wayne Forsythe on his retirement, noting that she will be attending his retirement dinner. She also noted that she has forwarded on the citizen requests regarding the Mariposa Park and the potential for fire from the brush.

Supervisor Cann noted that First Five did make it through the legislature with no change. Supervisor Cann also reported: on a Wednesday meeting with a builder regarding a potential office structure; meeting with Cara Goger of the Arts Council regarding growing present and new programs, and on a compromise with the Mariposa Playhouse regarding event scheduling; on an assisted care meeting last week, noting that they have a proposal from a builder on for next week; meeting with a California Highway Patrol Sergeant last week regarding the concept of community policing and community service; on a meeting with the Chamber Director last week; and that last Thursday he met with some land owners who are potentially interested in participating in the assisted living facilities. Supervisor Cann advised that he will go to: the Horizon Care ribbon cutting today; and Wayne Forsythe's retirement celebration on Friday night. Supervisor Cann also remarked that he has a 25 page report on the State budget that was passed last week which he will forward to the department heads and others, and he noted some report highlights.

Supervisor Stetson reported: attending the Fish Camp fire station ribbon cutting last Tuesday; meeting with Cara Goger of the Arts Council on Friday; and that most of his week was taken up with constituent concerns regarding the Friends of the Bear Creek, Yosemite West, El Portal and Midpines Advisory Board members. He also noted that he is housing five people at his home because of the fire. Supervisor Stetson also announced the 2013 Vegetarian Management Seminar will be on July 10, 2013 from 8:30 AM to 3:30 PM at McCay Hall; and commented on his fire inspection driving down Triangle Road from Darrah to Highway 140. CAO noted that CAL FIRE has released to the media that the cause of the fire was an unattended campfire.

Supervisor Jones thanked Supervisor Cann for notifying him about the fire.

**10:31 AM** The Board recessed for a brief break.

**10:41 AM** The Board reconvened.

Chair Stetson noted that during the break, he had been contacted by Senator Barbara Boxer's office who suggested that their office would be very helpful if we had a request of them.

## **J. Regular Agenda Items**

### **1. Administration RES-2013-239**

**Adopt a Resolution Ratifying the Declaration Proclaiming Existence of a Local Emergency and Requesting; (1) the Governor to Proclaim a State of Emergency; and (2) Requesting a Presidential Declaration of a State of Emergency Proclaiming Existence of a Local Emergency and Requesting the Governor of the State of California and the President of the United States to Proclaim a State of Emergency for the County of Mariposa**

Rick Benson/County Administrative Officer commented on the process necessary regarding emergencies; reported that the Chairman of the Board made the determination and Declaration of an Emergency yesterday; and noted that the Board has seven days to ratify it. He also noted that before the Board can consider an item not on the agenda, they must make a finding that an emergency exists; and that such a finding has to pass by a 2/3rd vote. He concluded by recommending that the Board make the finding that an emergency situation exists and that they want to consider this item on their agenda.

No public comment.

Supervisor Cann moved that the Board make the finding that this is an emergency situation; Seconded by Supervisor Jones.

Supervisor Bibby requested clarification of whether the motion needed to include language that the action is pursuant to Government Code section 54954.2(b)(1). County Counsel responded that the action before the Board is pursuant to that Government Code, and that the motion encompassed the recommended action.

The action passed unanimously.

CAO noted that the Board is now able to consider the proposed resolution, and he gave an overview of why it is required.

No Board or public comment on the proposed resolution.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

### **2. Public Works RES-2013-261**

**Approve Plans and Specifications and Authorize Public Works to Solicit Bids for the Permanent Restoration of Ben Hur Road Erosion, 600 Feet from P.M. 26.486 to P.M. 26.600**

Peter Rei/Public Works Director gave the staff presentation, with Gary Taylor/Assistant Director of Public Works - Public Works in attendance for

assistance.

No Board or public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**3. Human Resources/Risk Management RES-2013-262**

**Approve the Reclassification of the Office Assistant II (OAI) Position in the Community Services Department to a Secretary Classification Effective July 1, 2013**

Tessa Pritchard/Human Resources-Risk Management Director made the staff presentation, with Sandra Laird/Administrative Analyst in attendance for assistance.

Supervisor Bibby inquired if the general fund portion is at step 5. Ms. Pritchard affirmed.

No public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**K. Items removed from Consent Agenda**

None.

**L. 10:53 AM Lunch**

**M. 2:00 PM Reconvene**

**2:05 PM** Rick Benson informed the Board of another item that he is requesting be addressed today. He noted that earlier today he received from Chief Wilson a request to authorize payment to the Mariposa County Strike Team that is working the fire; that Chief Wilson indicated that if we do not have a Mariposa Strike Team working the fire, we may not be reimbursed for the other strike teams that are coming in to the other areas; and the only way to keep our strike team is to pay them, and that will be approximately \$12,500 per day. Mr. Benson noted that it would only apply to this event and would not be a policy. He also noted that he did feel this fit the criteria for an emergency situation.

Supervisor Bibby requested that Chief Wilson submit the request in writing. Chair Stetson noted that he had also requested substantiation.

Supervisor Cann would also like substantiation as to why we would not qualify if we didn't pay.

Public comment opened.

Ruth Catalan inquired if it is legal to put something on the agenda without notice to the public; and commented that it sounds like a threat.

County Counsel responded that the Brown Act generally does prohibit any

action or discussion of an item that doesn't appear on the posted agenda; however, there are specific exceptions to that requirement, and one of the exceptions is when the majority decide that there is an "emergency situation," defined as any activity that severely impairs public health, safety, or both. He also noted that it is his determination that this action would be appropriate if the Board, by a majority vote, would decide to consider this item.

Public comment closed.

Supervisor Carrier moved that we hear this item at 3:00 PM, or after the Public Works item; Seconded by Supervisor Cann; Passed unanimously.

**1. Public Works (ID # 2496)**

**Conduct a Study Session Concerning the Mariposa County Solid Waste Division and Possible Direction to Staff on How to Proceed with This Division**

Peter Rei introduced this item noting that there are a number of complex and inter-related solid waste issues; that this area of county government continues to evolve; and that they are trying to bring the best information available.

Greg Ollivier/Solid Waste Recycling Manager gave the staff presentation, and then introduced Larry Sweetser/ESJPA Consultant.

Mr. Sweetser noted that, when considering solid waste, there are two basic aspects: management; and policy. Mr. Sweetser gave an overview of AB 939; discussed the ever changing legislative regulatory review process; and discussed the mandatory commercial recycling program where all jurisdictions have to come up with ways to divert material from the commercial waste stream. Mr. Sweetser also discussed the current push on organics; that in the past the thought was to compost it all; but, that the new push is towards anaerobic digesters which are sealed units where the materials will be processed. He also briefly discussed: diversion credits; the AB 32 Scoping Plan to reduce greenhouse gas emissions; and the implementation of new regulations by the Water Board regarding composting facilities.

Mr. Ollivier recounted recent history regarding the landfill; and discussed the report by Curt Fujii noting that he took a look at the lifespan of the landfill.

Supervisor Stetson required clarification regarding the filling sequence. Mr. Fujii responded; discussed the original design; and noted that the County employees are doing an excellent job. He also noted that this is an excellent opportunity for review of these issues as it is time to renew the permit, and because the County is using a plan from 1989. He also discussed the modules, and that they are supposed to be lined. Supervisor Stetson inquired if the filling sequence could be continued using just the two remaining modules. Mr. Fujii responded that it could; and Mr. Rei noted that to be the de facto plan.

Supervisor Cann required clarification regarding monies previously paid by the Park Service for lining. Brian Hodge responded. Mr. Fujii expounded on current liner requirements.

Supervisor Bibby required clarification regarding compliance with AB32; and commented on the modules and their condition during the winter, due to the creek. Mr. Rei responded to both issues.

Supervisor Bibby and Mr. Rei also discussed diversion credits. Supervisor Bibby and Mr. Sweetser discussed whether there is a potential for exemptions.

Supervisor Stetson inquired if the inert materials could go in to modules 2 and 3, or just one of them, and whether that would extend the life of the

landfill. Mr. Rei responded.

Mr. Ollivier discussed the five year permit review; some alternatives; and costs.

Supervisor Jones required clarification regarding whether the lining costs outlined were for today, or in sixteen years. Mr. Fujii responded, and discussed the stability analysis. Supervisor Jones inquired if the state is leaning towards going to the larger landfills. Mr. Sweetser responded. Supervisor Jones required clarification regarding the fees. Mr. Rei responded.

Discussion ensued between Supervisor Carrier, Mr. Ollivier, Mr. Rei, and Mr. Fujii regarding new technologies; the permitting process; and modules 3 and 4.

Discussion ensued between Supervisor Cann, Mr. Fujii, and Mr. Sweetser regarding the stability analysis.

Discussion ensued between Supervisor Bibby, Mr. Ollivier, and Mr. Rei regarding the history relative to Merced County; whether pockets are still being found in the filling cycle; and separation and truck routes.

Supervisor Carrier required clarification of methane as a greenhouse gas, and whether it is monitored; and as to how much of the tipping fees go to the compost facility. Mr. Sweetser, Mr. Ollivier, and Mr. Rei responded.

Supervisor Bibby, Mr. Ollivier, and Mr. Sweetser discussed liners and cost; and options regarding Merced County.

Chair Stetson noted that the memorandum requested direction regarding the stability analysis. Mr. Ollivier noted that they cannot go ahead with the permit review without the analysis.

Mr. Rei, Mr. Ollivier, and Mr. Fujii discussed the module ratios, and possible options.

Supervisors Jones and Bibby summarized their understanding of the issues.

No public comment.

Supervisor Jones inquired as to the cost of the analysis. Mr. Fujii responded, noting that the recommendations are to do levels 3 and 4; to confirm that 1 and 2 will be stable; and that cost would be 7 to 10 thousand dollars.

Supervisor Bibby required clarification that 7 to 10 thousand dollars will give us the analysis. Mr. Rei affirmed, noting that it will allow us to go through the permit process.

Supervisor Bibby offered up a motion that direction be provided to Public Works to bring something back to the Board regarding the cost analysis, that will give a cost not to exceed 10 thousand dollars, and that we rule out module 5 at this time. Supervisor Jones seconded.

Supervisor Cann required clarification that this doesn't pay for revising the design to eliminate module 5. Mr. Rei responded that it does not; that it is just talking about the stability of modules 1 and 2, and what would happen if we tried to build 3 and 4. Supervisor Cann also required clarification regarding the potential consultant. Mr. Rei and Mr. Ollivier responded.

Discussion ensued between Supervisor Carrier and Brian Hodge regarding the permitting process.

No public comment.

The Motion passed unanimously.

**3:42 PM** The Board recessed for a break.

**3:51 PM** The Board reconvened.

2. **Administration (ID # 2593)**

**Determine If Compensation Will be Provided for Volunteers Involved in the Carstens Fire**

Rick Benson/County Administrative Officer informed the Board that this is a request from the Fire Chief regarding compensation for volunteers currently working on the Carstens Fire, and reminded the Board that they can only discuss what is going to be allowed for this incident.

Jim Wilson/Fire Chief noted that this is a very isolated situation; that the only other Federal fire that we have had to use for a comparison was the Motor Fire; and that the invoice for the strike team for structure defense on that fire was refused.

Discussion ensued between Supervisor Bibby and Chief Wilson regarding ambiguity in Chief Wilson's June 18, 2013 Memo to the Board; past compensation of volunteers; and current, and future, participation of volunteers. Chief Wilson responded.

Supervisor Cann inquired as to volunteer training. Chief Wilson responded.

Supervisor Carrier and Chief Wilson discussed FIRESCOPE; and whether this issue has been addressed in the past.

Supervisor Bibby required clarification as to what was being requested at this time; of the CFAA terms; and what other counties do. Chief Wilson responded.

Supervisor Jones commented on his reaction to this request; noted that he has previously mentioned the volunteer stipend and would like to see it increased, if possible; but, would like to see the time taken to formulate a policy.

County Counsel noted that the Board needs to define whether this is an emergency which needs immediate action, or whether this discussion can be put off.

Supervisor Cann inquired as to past extended duty structural protection and compensation; and noted that this situation is different than the Board's initial understanding. Chief Wilson responded.

CAO clarified what his understanding was when he was first approached with this item; discussed reimbursements; and cautioned that this discussion needs to be restricted to this incident.

County Counsel advised that this appears not to be an emergency situation; and that the Board needs to make a finding of an emergency situation, or a need for emergency action, before further discussion ensues.

Supervisors Cann and Bibby discussed that there seems to be no emergency, and that this issue can be presented at a later date.

CAO clarified that no payments are being authorized in the meantime.

Chair Stetson noted Board consensus that there is no emergency.

Public comment opened.

Ruth Catalan noted that we haven't heard any compensation rates; feels that this issue should be scheduled for another date unless Chief Wilson says that these people will walk off right away if they don't get paid; and that the public should be informed that this will be out of the County budget, as we are

not going to be reimbursed by the Federal or State governments.

Public comment closed.

Supervisor Bibby noted that when this returns to the Board she would also like to hear if there are any other organizations like SCOPE, or the Posse, with an interest in this issue.

Supervisor Cann commended Chief Wilson for arranging for the Federal government to pay for the four initial out-of-County teams, and CAL FIRE to pay for the eight teams brought in yesterday.

No action was taken.

## **N. Fire Update**

**4:30 PM** Chief Wilson gave a brief update on the fire, noting that he couldn't find any fire activity today; there is not smoke rising. He noted that they are currently discussing evacuation status, and when people may be let back in.

## **O. Adjournment**

**4:32 PM** Chair Stetson adjourned the meeting.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors



# MARIPOSA COUNTY

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

**DISTRICT I**  
**DISTRICT IV**  
**DISTRICT II**  
**DISTRICT III**  
**DISTRICT V**

## MINUTES

June 25, 2013

### A. Call to Order and Roll Call

**9:03 AM** The Meeting was called to Order at the Mariposa County Government Center.

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 for all of those serving our country.

### C. Introductions

None.

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

No public comment.

Supervisor Carrier thanked the staff of the Area 12 Agency on Aging for their patience in this matter. Supervisors Carrier and Cann commented on the effects of the Federal Government's sequestration.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**CA1. Community Services RES-2013-263**

Approve a New Area 12 Agency on Aging (A12AA) Contract Extension Proposal for Senior Meals and Transportation Programs for FY 2013-14; Authorize the Board of Supervisors Chair to Sign the Proposal and Designate the Community Services' Director as the Designee AND Void the Previous Contract Extension Proposal for Fiscal Year 2013-14 Presented and Approved on June 11, 2013

**CA2. Public Works RES-2013-264**

Approve an Agreement with Caltrans for 2012/2013 Optional Federal Apportionment Exchange and State Match Program for the Regional Surface Transportation Program (RSTP) Funds, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA3. Health RES-2013-265**

Approve an Agreement for Services with Burney Stephens for the Health Department Dental Hygienist Program (Not to Exceed \$15,000), and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA4. Human Services/Social Services RES-2013-266**

Approve an Agreement with Infant/Child Enrichment Services (ICES) to Provide Child Care Services in an Amount Not to Exceed \$80,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA5. Human Services/Behavioral Health & Recovery Services RES-2013-267**

Approve an Agreement with C and D's Guest Homes, Inc. to Provide Residential Inpatient Services for Mariposa County Behavioral Health in an Amount Not to Exceed \$23,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA6. Human Services/Behavioral Health & Recovery Services RES-2013-268**

Approve an Agreement with Milhous Children's Services to Provide Intensive Youth Treatment Services for Mariposa County Behavioral Health in an Amount Not to Exceed of \$53,280, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA7. Planning RES-2013-269**

Approve a Professional Services Agreement with Abbott & Kindermann, LLP, Providing On-Call Legal Consultation, and Authorize the Board of Supervisors Chair to Sign the Agreement

**CA8. Planning 2013-70**

Accept the Resignation of Michael Wenrich, Alternate Member Representing the Mariposa Historical Society on the Historic Sites & Records Preservation Commission

**CA9. Sheriff's Office RES-2013-270**

Approve a Two Year Lease Agreement with Mr. Thomas McHugh, Property Owner of 10549 Fiske Road Coulterville CA 95311, for the North County Sheriff's Patrol Sub-Station, and Authorize Board of Supervisors Chair to Sign the Agreement

**CA10. Administration RES-2013-271**

Extend the Existing Hiring Moratorium through December 31, 2013

**CA11. Administration RES-2013-272**

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

**CA12. Administration RES-2013-273**

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

**E. Departmental Presentation**

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

Peter Rei/Public Works Director reported that Shannon Hansen/Parks and Rec Manager has received 25 applications for Day Camp scholarships; that all 25 were awarded; and that there are over 50 children enrolled in that program. He also reported that there were over 100 attendees at the first movie night at the Park. Supervisor Cann commended the Public Works staff for the Day Camp scholarship program, and commented on the positive effect of the Day Camp program. Supervisor Bibby inquired as to how much of the scholarship monies are from donations, and how much is from the Calaveras-Mariposa Community Action Agency. Barbara Carrier/Assistant Public Works Director-Support Services responded. Supervisor Carrier noted that not only is this program very positive, but that other volunteer groups also put on activities for it.

Doug Binnewies/Mariposa County Sheriff commended the Board, the CAO, support staff, and his peer department heads, along with CAL FIRE, and the National Forest Service for the successful and united approach to the Carstens Fire; and thanked the responders and the managers from the community. He also discussed the success of new programs driven by departments, and department heads, that aren't usually at the forefront of emergency efforts, but are often working in the backgrounds; and noted that their efforts truly provided additional services that were directly and positively felt by the community. Supervisor Bibby extended her appreciation of how emergency volunteers and citizens came together. She also requested an update on the Stumpfield/Watt incident of this last weekend. Sheriff Binnewies deferred to the CAL FIRE representative.

Rich Drozen/CAL FIRE Division Chief reported on the Stumpfield/Watt fire noting that it consumed approximately 14 acres; and was located down Stumpfield Road, near the bottom and almost to the county line. Chief Drozen

noted that the Merced River drainage and Chowchilla River drainage areas are worrisome; noted that the brush is dried to August conditions; and emphasized the need for clearances and defensible space. Chief Drozen also echoed Sheriff Binnewies comments that the Carstens Fire was a good example of good government, and that the local, State and Federal governments worked very well together on it; that the evacuations were seamless; the repopulation was timely; and it was a good example of how it should work. Supervisor Cann noted the great amount of work and cooperation involved with the fire; and remarked on the rare convergence of a local Type II team, and the local CAL FIRE team. Chief Drozen also made note of the role, and importance, of the Fairgrounds, and remarked that it is the only place in the area that is large enough to accommodate an incident base of 2000 people. Supervisor Carrier discussed the importance of the Fairgrounds; that the Governor's new budget has no funding for state fairs; and also noted that we need fuel reduction programs. Supervisor Jones commented on the departmental cooperation. Supervisor Stetson also conferred his congratulations and thanks.

## **F. Public Presentation**

*For Items within the Jurisdiction of the Board and not on Today's Agenda (Speakers Limited to 5 Minutes)*

Becky Hagen/CHP introduced Steve Lewis the new Public Information Officer. Supervisor Cann inquired if Sergeant Hagen was in charge of the Mariposa station. Sergeant Hagen responded that she is serving as the Acting-Lieutenant pending selection of a new commander. Supervisor Cann congratulated both.

Marilyn Saunders/Mariposa Community Foundation President spoke about the foundation; reported on the Foundation Center Collaborating Library, a search application for grants, located at the Mariposa Public Library; and advised of a training session on that technology this Saturday. She also reminded the Board that the Foundation handled the Telegraph Fire Victim's Relief Fund for the 2008 Telegraph Fire; and provided the Board with a Foundation handout.

Marvin Wells noted that the Juvenile Justice Commission Annual Report was just finished; presented the Board with a copy of same; and requested that the Board write a Letter of Recommendation for Samantha Chambers and Shawnee Long, the high school students who served on the Commission. Supervisor Cann noted that it would be helpful if Mr. Wells could provide a draft to the Board. Mr. Wells responded that he would provide something.

Terri Scott noted that she was an evacuee during the Carstens Fire, and thanked everyone in Mariposa for working together through it.

### **1. Clerk of the Board of Supervisors (ID # 2633)**

**Handouts from the Public Presentation Portion of the June 25, 2013 Meeting**

## **G. Board Information**

Supervisor Carrier commended the County Clerk's staff in response to a thank you note from a couple who were recently married. Supervisor Carrier reported participating in the following meetings and events: last Tuesday's morning and afternoon briefings on the Carstens Fire; the Horizon Healthcare ribbon cutting on Tuesday; the Wednesday morning fire briefing; a Wednesday town hall meeting in Prather; the Thursday morning fire briefing; an Area 12

Agency on Aging Board meeting in Sonora on Thursday; a Thursday afternoon meeting with the Arts Council; a Thursday evening Mariposa Community Foundation meeting; part of the Planning Commission meeting on Friday; a Friday webinar from the Partners for Community Excellence; a meeting of the Yosemite Alpine Community Service District on Sunday; and yesterday's debriefing on the Carstens Fire. Supervisor Carrier also reported that he: stopped to talk to Dennis Fiske, and one of the road crews in Coulterville, on Thursday; and spent Saturday reading the Agenda packet. Supervisor Carrier advised that he will be attending: a meeting of the Yosemite-Mariposa Regional Water Advisory Council at 10:00 AM on Wednesday here in the Chambers; a Thursday morning meeting of the Ag Committee at 8:30 AM at the Fairgrounds; a Thursday webinar on health realignment; a Thursday afternoon CSAC conference call regarding the marijuana medical working group and the development of regulation language for the CSAC platform; and a Friday meeting with Chief Wilson.

Supervisor Jones reported on: a meeting with Solid Waste last Tuesday afternoon, and noted that this is a bigger issue than most people realize; an email that he received on June 19th regarding the three Federal judge panel releasing prisoners; a phone call from the Hotel Jeffery which was offering rooms to fire victims at \$10-\$15 per night; the numerous fire updates, noting his appreciation of them; a June 20th visit to Casto's Winery where he was introduced to the Mariposa Community Foundation, noting that he looks forward to working with them in the future; attending the June 21st thank you party for those involved in the John Muir event; and a June 22nd phone call that he received regarding 13 starving horses at Don Pedro. Supervisor Jones also: advised that the Equestrian Center will be applying for a Conditional Use Permit from the Planning Commission in the near future; advised that he will be heading into the back country next week for a couple of days; and hoped everyone remembers that the 4th of July stands for our independence.

Supervisor Bibby extended her special thanks to all involved on the Stumpfield Mountain fire for their quick response. Supervisor Bibby reported: that she and Supervisor Carrier attended the June 18th Boy Scout presentation honoring the new Eagle Scouts; attending Wayne Forsythe's retirement dinner, where the Board's Certificates of Appreciation were presented to Mr. Forsythe and to Laura Lynn LaNotte Hays; and on a meeting with Cara Goger, who summarized new programs that the Arts Council is considering. Supervisor Bibby advised that she will be: meeting with Supervisor Stetson and Public Works on June 26th regarding Aurora Road issues; and participating in the Ferguson Slide telephone conference on June 27th. Supervisor Bibby also advised that the funeral for Frank Souza, of the local Farm Bureau, will be this Thursday. She noted Mr. Souza's dedication to our community, our youth and our County, and extended her special thanks to his family who were always there right by his side.

Supervisor Cann reported on the Horizon Healthcare Clinic that recently opened, noting that they have opened a school of clinical medicine in Merced where they teach clinical phlebotomy and nursing. He also reported that he: did not go to the RCRC meeting in Sacramento because of the fire, but noted that there is a brief three page report available to the public; attended the Mariposa Foundation meeting with Supervisor Jones last Thursday; spent a couple of hours with the San Joaquin Valley Road Commissioners on Friday, noting a presentation by Mark Watts and his prediction of eroding funding; attended Wayne Forsythe's retirement dinner; met with the head of the Deputy Sheriff's Association yesterday; went to the Carstens Fire debriefing; and attended a fundraiser for Kristen Olsen last night. Supervisor Cann advised that he will be

attending the IRWMP meeting tomorrow.

Supervisor Stetson advised that tomorrow he will be meeting with Supervisor Bibby and Public Works; reminded everyone that there is no Board meeting on July 2nd; and advised that there is a Midpines Advisory meeting on the evening of July 2nd which he will be attending.

## **Board Recessed**

**9:56 AM** Chair Stetson recessed the Board of Supervisors, and convened the Local Transportation Commission.

## **H. LOCAL TRANSPORTATION COMMISSION**

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

### **Public Presentation**

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

None.

#### **1. Public Works LTC-2013-10**

#### **Adopt a Resolution Approving the Transportation Planning Overall Work Program (OWP) for Fiscal Year 2013-2014 and Authorize the Executive Director to Submit and Sign the OWP Agreement, Planning Process Certification, and the Certifications and Assurances Documents**

Staff presentation by Barbara Carrier, with Peter Rei in attendance.

Supervisor Bibby required clarification of text on packet page 155; and wondered if we will be able to go online to check their recommendations for Highway 140. Mr. Rei responded.

No public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

#### **2. Public Works LTC-2013-11**

#### **Approve an Agreement with Caltrans for the 2012/2013 Optional Federal Apportionment Exchange and State Match Program for Regional Surface Transportation Program (RSTP) Funds, and Authorize the Local Transportation Commission Chair to Sign the Agreement**

Staff presentation by Barbara Carrier.

No Board or public comment.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

## **I. Board Reconvened**

**10:04 AM** Chair Stetson adjourned the meeting of the Local Transportation Commission, and reconvened the Board of Supervisors.

## **J. Regular Agenda Items**

### **1. Board of Supervisors (ID # 2588)**

**Approve a Letter of Understanding with American Baptist Homes of the West for the Purpose of Developing a Senior Living/Care Facility Feasibility Analysis and Authorize the Board of Supervisors Chair to Sign the Letter of Understanding**

Presentation made by Supervisor Cann, who gave a historical overview of this issue. He noted that American Baptist Homes had submitted the Letter of Intent (LOI) because they thought that the County would want it; but they are more concerned with signing a letter with a landowner. He also noted that they have reconsidered the request for the LOI and have asked, instead, for a letter of support of the concept which he is willing to draft with the CAO's assistance.

Chair Stetson restated that Supervisor Cann is not recommending that we proceed with the approval of this particular letter. Supervisor Cann affirmed.

Supervisor Bibby noted her relief that the letter was no longer being considered, and discussed portions that she considered problematic. She also required clarification that this project will not be county funded in any way. Supervisor Cann responded.

Supervisor Carrier clarified his understanding that we are not approving this letter, but will come back with a letter of support. Chair Stetson affirmed.

Supervisor Jones remarked that his mother lives in the San Joaquin Valley, and noted that he would support a facility in this area.

Supervisor Bibby noted that we have the demographics to support such a project; that the concept is fantastic; but, we can't prejudge a project. Public comment opened.

Terri Scott read the following questions: Is there any implied commitment beyond the feasibility study? What will the letter of support actually support? Who actually does the study? When would it commence and end? Are past feasibility studies available for review? Are there written parameters as to what the study will include? How will future Mariposa needs be considered? What salary levels will be determined, and what professional standards will be determined, now? In 5 years? In 10 years? In 15 years? Is there a bottom line cost per patient available and how will that be adjusted? How will Findings be presented? Will recommendations be included? If pharmaceutical money is utilized, is there any implied commitment for use of their product? What provision is there for changing protocols at the various levels of care? Chair Stetson thanked Ms. Scott for her input and noted that the Board will keep those questions in mind when we come back to another Letter of Understanding. Ms. Scott remarked that it is obvious that we have the need; we just need to figure out if we can support it.

Mike McCreary thanked Supervisor Cann, James Rydingsword/Human Services Director, the faith based community, and other concerned citizens for bringing attention to this issue. He noted that the aging population of Mariposa is a little over 2.5 times the State average; commented on being pro-active; recounted a statistic regarding the number of people who become Medicare beneficiaries every day; discussed that he didn't feel this project was appropriate for government involvement; and spoke in favor of such a facility.

Rick Roesch thanked Supervisor Cann and Mr. Rydingsword for their efforts on this issue; noted that he feels that this is a worthwhile project; but, feels that it will be awhile before completion.

Public comment closed.

Supervisor Bibby discussed the huge need for good facilities in all communities; and complimented Supervisor Cann and all of the volunteers who are exploring this issue.

Supervisor Jones again noted his support of this issue; and agreed with this being a private sector project.

Supervisor Cann recapped the need for such a facility; and asked for the Board's concurrence that he bring back a simple letter of support.

Supervisor Bibby discussed the steps of care from assisted living to skilled nursing.

Supervisor Carrier commented on the mission of American Baptist; and noted that he feels they would fit here.

Chair Stetson noted the Board's direction appears to be to bring back a letter of support.

**RESULT: WITHDRAWN**

**10:39 AM** Chair Stetson recessed the meeting for a brief break.

**10:52 AM** Chair Stetson reconvened the Board.

## **2. Public Works RES-2013-274**

### **Approve Plans and Specifications and Authorize Public Works to Solicit Bids for a Wood Frame Building for the Bridgeport Fire Station**

Staff presentation by Peter Rei, with Gary Taylor/Assistant Director of Public Works-Public Works in attendance. Mr. Rei noted that these plans have not yet gone through Planning and Building; but, that both departments will be consulted and will need to sign off on the final set of plans. He also noted minor changes requested by Fire; and commented on the addendum process. Mr. Rei also reassured the Board that Public Works is just trying to get this project going and is not attempting to bypass Building or Planning.

Chair Stetson remarked that County Counsel has noted the propriety of the exemption of the Building and Planning Departments from the review process at this juncture.

Supervisor Carrier expressed his concern with bypassing the two departments as he is fearful of cost increases that may occur with any changes that those departments may require.

Mr. Rei responded that the final set of plans was approved by the plan checker that they use, which is the plan checker required by Mr. Kinslow, and were delivered about an hour ago. He commented that they still have the Planning review, but he was assured by the Planning Director that she has a

Planner working on it today, and that we should get that information later today or tomorrow which will allow the inclusion of everything that they want.

Supervisor Carrier expressed concern and noted that he doesn't see the criticality of waiting another 4 to 6 weeks. Discussion ensued between Supervisor Carrier and Mr. Rei regarding the paving, its temperature considerations, and options that might be considered.

Supervisor Bibby noted that there is only one chance to get this right which means we can't have a bunch of change orders later; and she would like to see this put off for six to eight weeks and then bid it with everything included. Discussion ensued between Supervisor Bibby and Mr. Rei regarding Planning Department concerns; the timing for the construction phases; the paving process; and the difference between change orders and addendums.

Rick Benson/County Administrative Officer offered his understanding of addendums, noting that addendums do not cost extra money. Mr. Rei noted that even if you have all Planning and Building reviews, the chance of addendums is still high and he expounded on the reason, noting that the addendum process is more of a clarification process.

Supervisor Carrier discussed his concerns. Mr. Rei responded.

Supervisor Bibby remarked that she hopes we get as close as possible to no change orders, and no amendments. Mr. Rei responded.

Supervisor Jones required clarification regarding the bidding/building/paving process. Mr. Rei expounded on the process and the project timetables. Supervisor Jones expressed concern with attempting this project this late in the year. Mr. Rei responded.

Supervisor Bibby and Mr. Rei discussed the timetable for this station compared to other stations.

Discussion ensued between Supervisor Carrier and Mr. Rei regarding the building permit process; and whether there would be any benefit if Public Works pulled the permits during the bidding period.

CAO commented on the timing of the bidding; reminded the Board that the holdup in bidding this project was, primarily, the uncertainty of the funding; and required clarification from Mr. Rei regarding any potential difference between bidding now as opposed to a few weeks out. CAO also remarked that the Board can approve this item contingent to Building and Planning approval; but, also noted that he does have concerns that construction costs could rise significantly should the economy pick up next year.

Supervisor Bibby required clarification that Mr. Rei is comfortable that there will be no changes. Mr. Rei responded.

Supervisor Cann noted that in a past fire meeting, the comment was made that this facility is being designed a little different for use as an emergency operation center, and inquired as to what that means. James Wilson/Fire Chief responded.

No public comment.

Supervisor Bibby moved that the item be approved as presented, and asked that Planning expedite their review as much as possible.

Supervisor Jones seconded, and inquired about the process regarding the contractors' bids and whether a time frame for completion is designated. Supervisor Jones requested that the time frame be included when Public Works brings the bid back before the Board. Mr. Rei responded.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janet Bibby, District III Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**3. Human Services RES-2013-275**

**Authorize Entry by the Human Services Department in the 2013 California State Association of Counties (CSAC) Challenge Awards Competition and Authorize the Board of Supervisors Chair to Sign the Letter of Endorsement**

Staff presentation by James Rydingsword/Human Services Director. He noted an error in the item, namely that the entry fee comes from the program realignment, not the mental health realignment. Supervisor Bibby noted that the source of funding had been her concern.

Supervisor Stetson inquired as to who wrote up the prosperity initiative. Mr. Rydingsword responded that Chevon Kothari had prepared it. No public comment.

Supervisor Cann congratulated Mr. Rydingsword on the programs, and thanked him for moving forward with this.

Mr. Rydingsword noted that this is a community based project. Supervisor Cann remarked that he feels that this will fare well in the competition.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Kevin Cann, District IV Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**K. Items removed from Consent Agenda**

None.

**L. 11:37 AM Recessed for Lunch**

**M. 2:00 PM Reconvened as LAFCo**

**1. Planning (ID # 2562)**

**LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting**

See separate Minutes.

**N. Board Reconvened**

**2:18 PM** Reconvened as the Board of Supervisors.

Chair Stetson announced that the order of this afternoon's items will be reversed to allow more time for the Planning Appeal item. Ken Baker/Appellant in the 2:15 PM matter was seated in the audience and signified his approval with a thumbs up gesture.

Chair Stetson recessed the meeting until 2:30 PM.

**O. 2:30 PM****1. Public Works RES-2013-276****PUBLIC HEARING to Approve Annual Rate Increases for Solid Waste Removal Services in the Wawona County Service Area (CSA) 2-W Beginning July 1, 2013 and Ending June 30, 2018**

Staff presentation by Peter Rei, with Greg Ollivier/Solid Waste Manager in attendance.

Supervisor Carrier inquired if they could, in the future, get with the tax collector to see if putting this on the tax rolls would generate a savings. CAO responded that such a move is allowable; that he strongly recommends it; that he feels it is a good idea; but, that it will require an action by the Board. Mr. Rei also responded.

Supervisor Jones complimented Mr. Rei on the five year plan.

Public Portion Opened.

No public comment.

No Board clarifications required.

Public Portion Closed.

Deliberation Period Opened.

No Deliberation.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** John Carrier, District V Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**2. Planning RES-2013-277****PUBLIC HEARING to Adopt a Resolution Denying Appeal 2013-028, an Appeal of the Planning Directors Determination to Rescind the 2009 Authorization of Multiple Building Permits, Ken Baker and Patricia Oakander, Appellants (Hearing Continued from May 7, 2013)**

Staff presentation made by Sarah Williams/Planning Director.

No question of staff by Board members.

Appellant's presentation made by Ken Baker/Appellant. Mr. Baker: took issue with an underlying resolution, stating that he felt it was not legal when it was passed; took issue with agenda item language stating, "No Financial Impact"; discussed Coyote Springs Ranch (CSR) building plans and wondered if the Board had seen the dates on them; discussed the length of the Planning Director's agenda item; discussed his understanding of the Agritourism Ordinance and its application to CSR; noted recently speaking with tour companies regarding CSR; asked that this hearing be postponed so that he could have one-on-one time with each Supervisor; discussed interactions with the Building Department; discussed an earlier, separate appeal regarding bathrooms; discussed the parcels that compose CSR, and their ownership; and noted that he felt CSR was grandfathered in from the constraints of the Agritourism Ordinance. Mr. Baker responded to the Board's inquiries regarding his presentation, as well as their requests for clarification.

Speakers in support of Appellant's position: None.

Speakers in opposition to Appellant's position: None.

Kris Casto spoke, noting that she was neither for nor against this action.

Ms. Casto recounted her service on the Agricultural Advisory Committee and advised the Board that the committee had discussed grandfathering, that they had not intended to do much grandfathering, and that they weren't giving anyone who was conducting agritourism the authority to keep doing it.

Sarah Williams noted that there is nothing in the existing Agritourism Ordinance that addresses existing operations.

Rebuttal by Appellant.

Mr. Baker noted that he didn't hear Ms. Casto's comments. She repeated them for him. He responded that she is correct. He doesn't know how to answer that, other than he feels that they should be grandfathered in.

No Board questions.

Clarification needed by Board:

Supervisor Cann inquired of County Counsel, regarding Resolution 09-42, if there is a period to appeal that resolution. County Counsel responded that the Resolution was reviewed and approved by County Counsel at the time; and noted that there is a process to challenge a resolution, but that it is long since passed on this resolution.

Staff procedural questions: None

Chair Stetson closed the Public Portion.

No other questions by Board members.

Deliberation: None.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

## **P. Adjournment**

**4:35 PM** Chair Stetson adjourned the meeting in memory of Josephine Nesci, Cornelia Smith, and Frank Souza.

Respectfully submitted,

RENÉ LaROCHE  
Clerk of the Board

LEE STETSON  
Chair, Board of Supervisors