



MARIPOSA COUNTY

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

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

July 8, 2014

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

B. Pledge of Allegiance

Supervisor Stetson led the pledge, followed by a moment of silence which was dedicated by Len DeJoria/Mariposa County Fire Chief to the memory of the nineteen firefighters who lost their lives on June 30, 2013, battling the Yarnell Hill Fire in Prescott, Arizona.

C. Introductions

None.

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

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or, at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

Chair Cann noted: that CA8 and CA16 require a 4/5ths vote; that CA8, CA16, and CA17 are for the 2013-2014 fiscal year; that the Minutes of June 17, 2014, in CA5 have been corrected to read: "and asked that the Board continue the final decision until July 8th which will still meet the July 25th Elections deadline" instead of "...still meet the August 25th Elections deadline"; and that CA6 will be considered separately.

No public input.

Regarding CA8, Supervisor Bibby discussed the \$8.25 per meal rate, and inquired as to the reasonableness of that amount. Terri Peresan/Community Services Director responded that the rate covers the meal costs, as well as the preparation of the documentation that Area 12 requires. Supervisor Jones commended everyone for the jobs that they do on the program, and he discussed the importance of the program to people in his district. Supervisor Carrier noted that meal costs were discussed at the last Area 12 JPA Board meeting, and it was explained that the costs entail not only the meal and the paperwork necessary to comply with the program, but with dietary requirements as well. Supervisor Bibby inquired if Area 12 has a cap on rates. Ms. Peresan responded that they do not at this time as they are more concerned with the reimbursement rate that they pay the County.

Regarding CA9, Supervisor Jones noted that the numbers being served will be going up next year, and urged caution.

Regarding CA17, Supervisor Bibby noted the increase in the contract amount, and requested clarification as to the reason when the time frame and services are the same. Chevon Kothari/Human Services Director responded, noting that there was an increase in the need for services towards the end of the year. Supervisor Bibby required clarification that it was for the 2013-2014 fiscal year. Ms. Kothari affirmed.

Regarding CA20 and CA21, Supervisor Carrier noted that the scope of work in CA21 states that they are preparing and submitting reports to the proper entities, but that CA20 has no equivalent clause. Peter Rei/Public Works Director responded, noting that Golder submits the results to Public Works. Supervisor Cann noted that no matter who is hired, the County still has the responsibility.

Regarding CA26, Supervisor Jones noted that this is an example of losing a great employee because of salary; and that the County needs to address salaries.

RESULT: ADOPTED [UNANIMOUS]

MOVER: John Carrier, District V Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. **Administration RES-2014-312**

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

CA2. **Administration RES-2014-313**

Resolution Continuing the Local Drought Emergency

CA3. **Administration RES-2014-314**

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

CA4. **Agricultural Commissioner RES-2014-315**

Approve the Pesticide Use Reporting Activities Memorandum of Understanding (MOU) for the Period of July 1, 2014 - June 30, 2015, with the California Agricultural Commissioners and Sealers Association (CACASA), and Authorize the Board of Supervisors Chair to Sign the MOU

CA5. Board of Supervisors

Approve the Minutes of Tuesday, June 17, 2014

CA6. This item was considered Separately

CA7. Community Services RES-2014-316

Approve the Area 12 Agency on Aging Agreement for Senior Meals and Transportation Programs for Fiscal Year 2014-15, and Authorize the Board of Supervisors Chair to Sign the Proposal and Designate the Community Services Director as the Designee

CA8. Community Services RES-2014-317

Approve an Amendment to the Agreement Between Mariposa County Community Services and Janelle Danel, Dba Coulter Cafe, Authorize the Board of Supervisors Chair to Sign the Amendment, and Approve Budget Action Transferring Funds Between Veterans, C-1 Congregate to the C-1 Restaurant Program to Offset the Additional Expenses Incurred (\$1,444)

CA9. Community Services RES-2014-318

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 2014-15, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA10. County Counsel RES-2014-319

Approve and Authorize the Chair to Sign the Second Amendment to Professional Services Agreement with Wanger, Jones, Helsley, PC to Provide Additional Compensation for Continued Legal Services in the Matter of Hanna V. Mariposa County Sheriff's Department, Et Al.

CA11. Health RES-2014-320

Authorize Recruiting and Filling a Vacant 60% Permanent Part-Time Public Health Nurse Position at the Health Department Effective Immediately

CA12. Health RES-2014-321

Approve a Formal Agreement with Mountain Valley Emergency Medical Services (EMS) Agency, for \$8,125 to Accept Authority and Responsibility as the Local EMS Agency for Mariposa County for Fiscal Year 2014-2015, and Authorize the County Health Officer to Sign the Agreement

CA13. Health RES-2014-322

Approve a Professional Service 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

CA14. Human Resources/Risk Management RES-2014-323

Approve the Rejection of Claim No. C14-12 Filed by Sue Adams-McCormick in the Amount of \$425,000.00 and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection

CA15. Human Resources/Risk Management RES-2014-324

Approve the Rejection of Claim No. C14-13 Filed by Richard Long (DBA: Yosemite's Four Seasons) in the Amount of \$10,468.50 and Authorize the Chair to Sign the Notice of Rejection

CA16. Human Services/Behavioral Health & Recovery Services RES-2014-325

Approve Budget Action Increasing Revenue and Appropriations in the Behavioral Health Budget, and Transferring Funding Within the Mental Health Realignment Fund to Recognize Cost Report Settlement and Appropriate Funds for Recoupment (\$186,560) 4/5ths Vote Required

CA17. Human Services/Behavioral Health & Recovery Services RES-2014-326

Approve the First Amendment to the Behavioral Health Care Sierra Vista Hospital Inc. Agreement to Provide Psychiatric Inpatient Services for Mariposa County Behavioral Health Increasing the Not to Exceed Amount by \$12,000, and Authorize the Board of Supervisors Chair to Sign the Amendment

CA18. Human Services/Behavioral Health & Recovery Services RES-2014-327

Approve an Agreement with the Counseling & Psychotherapy Center to Perform Court Ordered Services in an Amount Not to Exceed \$14,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA19. Human Services/Social Services RES-2014-328

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

CA20. Public Works RES-2014-329

Approve a Professional Services Agreement with Golder Associates, Inc. for Monitoring and Reporting for the Mariposa County Landfill in the Not-To Exceed Amount of \$29,349, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA21. Public Works RES-2014-330

Approve a Professional Services Agreement with Fujii Civil Engineering in the Not-To-Exceed Amount of \$24,000 to Assist with Solid Waste and Household Hazardous Waste Engineering, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA22. Public Works 2014-66

Move Ron McBride, Currently Serving as an Alternate Member on the Airport Advisory Committee (AAC), and Appoint as a Member Representing Category "C" (General Public) for a Term to Expire January 4, 2016

CA23. Sheriff's Office RES-2014-331

Approve Agreement with Stanislaus County Sheriff's Office Coroner's Division for Forensic Pathology Services, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA24. Sheriff's Office RES-2014-332

Approve an Agreement with J.K. Mortuary Services for Removal of Deceased Bodies, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA25. Sheriff's Office RES-2014-333

Authorize an Hourly Rate Increase for Current Extra-Help Bailiff Positions from the Hourly Rate of \$22.11 to the Step Two Hourly Rate for a Full-Time Bailiff of \$23.21 Effective July 1, 2014; and Authorize the Sheriff to Hire Future Extra-Help Bailiffs at Either the Step One Hourly Rate of \$22.11 or the Step Two Hourly Rate of \$23.21

CA26. Treasurer-Tax Collector-County Clerk RES-2014-334

Authorize the Immediate Recruitment and Filling Upon Vacancy the Chief Deputy Treasurer - Tax Collector Position in the Treasurer - Tax Collector's Office

CA27. Treasurer-Tax Collector-County Clerk RES-2014-335

Accept the Statement of Votes Cast as Certified to the Secretary of State on June 20, 2014

Items Considered Separately

Minutes of Tuesday, June 24, 2014

RESULT: ACCEPTED [4-0]

MOVER: Lee Stetson, District I Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Lee Stetson, Janet Bibby, Kevin Cann, John Carrier

ABSTAINED: Merlin Jones

E. Departmental Presentation

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

Cathi Boze/Agricultural Commissioner-Sealer of Weights & Measures discussed an upcoming integrated weed management program on the 16th and provided a handout for same.

Peter Rei reported that there will be a tire amnesty event on Saturday and Sunday at the landfill; that it is limited to nine tires; that there is no cost; and that it is not open to businesses. Mr. Rei reported that there was a sewer problem in Yosemite West due to root intrusion into a pipe which caused a backup; that they were unable to mechanically unblock the pipes, but were able to fashion a temporary bypass above ground from one manhole to another; and noted that there is a ten foot wide public utility easement for joint sewer, water, and power which will require PG & E to de-energize their line before

Public Works can work on the issue. Mr. Rei also reported that Pam Brochini/Facilities Manager has resigned; and that Karen Dusek/Recycling Coordinator has taken a job with the library. Supervisor Bibby requested an update on the water situation at McCay Hall. Mr. Rei responded that staff is working with the driller and the Department of Public Health; noted that they have been given tentative approval to use the old well after chlorination; and remarked that a screen has been recommended as the fix for the new well and that one has been ordered. Supervisor Bibby stressed the importance of the Hall. Supervisor Carrier required clarification regarding the Darrah Road Bridge and whether an answer has been obtained from Caltrans regarding an extension. Mr. Rei responded, noting that he has contacted them and that it will be easy to get an extension if we can bill a thousand dollars. Supervisor Cann required clarification as to what will be done. Mr. Rei noted that there has been staff work done that can be billed. Supervisor Jones noted that the people under consideration for an FBO at the Airport are waiting for some financial information that was supposed to have been provided by Public Works. Mr. Rei responded that he was unaware of anything not being sent, but that he will look into it.

F. Public Comment on Non-Agenda Items

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

Ruth Catalan discussed an 8.5 million dollar grant that had previously been awarded to the County for the reconstruction of part of Dog Town Road and other roads in District II, and West Whitlock Road in her district; requested clarification of the delay; noted that she would like to see a concerted effort made to get those projects going; and requested an update on the issue.

Kathy McCorry/Mariposa County Chamber of Commerce Executive Director reported on the June visitor statistics, noting that they are averaging between 350-400 guests per day just in the Mariposa Visitor Center alone; discussed a scheduling conflict between the Chamber's original summer schedule of being open five days per week for 9 hour days when the rangers who assist work 10 hour days; and noted that, effective immediately, the Chamber will be open every day from 9 AM to 7 PM. Ms. McCorry also advised of the upcoming Business Expo next Wednesday from 4:00 PM - 7:00 PM at the Fairgrounds.

Marvin Wells provided a report on behalf of the Juvenile Justice Commission.

G. Board Information

Supervisor Jones discussed the effects of the drought on the wildlife and vegetation; and remarked that he hoped everyone reflected on the meaning of the 4th of July, and that he hopes we never forget all of the men, women and children who gave their lives in the struggle for independence. Supervisor Jones thanked CAL FIRE for the weed eating done in Coulterville, and the Board for excusing him from last week's meeting. He reported that he: attended a meeting with Supervisor Bibby on the 26th regarding various issues; attended the Economic Development Corporation (EDC) meeting on the 26th; attended a meeting with someone on the 26th regarding the Transient Occupancy Tax (T.O.T.); attended a meeting on the 1st with the Building and Planning Departments regarding some people who are out of compliance on a project, and he stressed the need to acquire necessary project permits; attended a fire station meeting on the 2nd with Supervisor Carrier, the Fire Chief and others, and he noted that there are still issues in Don Pedro; spent the 4th reading the agenda packet; attended a Fire Department deep pit barbeque in Coulterville on the 5th, where he saw former District II Supervisor, Lyle Turpin; and attended the Greeley Hill Community Club Breakfast on the 6th.

Supervisor Stetson commended Public Works, and the staff who worked on July 3rd and 4th on the Yosemite West sewer problem. He reported that he attended: a meeting on the 27th with Caltrans staff, Sarah Williams in Planning, and Supervisor-Elect Rosemarie

Smallcombe regarding the Ferguson Slide; and an event on the 28th at the Midpines Park to celebrate the 125th Anniversary of the Yosemite Grant. Supervisor Stetson advised that he will be attending: the El Portal Advisory meeting tonight at 7:00 PM; a Midpines Planning Advisory Committee meeting tomorrow at 6:00 PM, preceded by a meeting with Planning staff and the Midpines Advisory Board; and the Yosemite Gateway Partners meeting on Thursday from 9:00 AM to 2:00 PM.

Supervisor Bibby announced that the United States Postal Service is conducting a post-plan review, and that they are looking to reduce the operating hours of the Catheys Valley post office from 8 to 6 hours each weekday; that a public meeting will be held on the issue on July 9th at 6:00 PM at McCay Hall; and she urged Catheys Valley residents to show up for that meeting. She also extended congratulations to the Mariposa Little League 50/70 All-Star team for winning their Division in the tournament, and noted that as far as she knows this is the first time Mariposa County has ever won that.

Supervisor Carrier reported that he attended: the June 25th IRWM meeting, noting that they went over the draft plan and it will most likely be coming before the Board next week; a GIS meeting with CALFIRE, County Fire, Planning, and the Sheriff's Department on the 25th; the 150th Yosemite Grant Anniversary Dinner at The Tenaya Lodge on the 29th; the June 30th ribbon cutting of the Anniversary and the ground breaking of the Mariposa grove restoration; a fire station meeting with Public Works and Supervisor Jones on the 2nd; a Wednesday meeting with Public Works regarding septage within the county, noting that he will need some follow up; and the Area 12 JPA Board meeting on Thursday, noting that they approved the annual budget for the JPA. Supervisor Carrier advised that he will be attending the Yosemite Gateway Partners meeting on Thursday, and the ice cream social at the Ponderosa Basin fire station on Saturday.

Supervisor Cann announced that the State Controller released the breakdown of the hundred million dollar payback; that the State owes us for pre-2004; and that Mariposa County will be getting \$52,000. Supervisor Cann reported on a June 27th meeting with the Caltrans head of Safety and their ADA coordinator, noting that they discussed the time frame for the downtown project which had some preliminary design done to enhance the crosswalks and add one crosswalk at 4th Street by the Arts Park; that the indication is that they will try to get to it in the month of July; and that they were asked to reconsider the planned removal of the crosswalk at 12th street. He also reported attending: a meeting with the Governor's Director of Economic Development on Friday; the Friends of the Fairgrounds' Sausage and Suds event on the 28th; the Yosemite Conservancy dinner at The Tenaya Lodge; a meeting on the 30th with people regarding the management at the SPCA; a meeting with the John C. Fremont Healthcare District Board of Directors on the 30th; a July 2nd meeting with the Yosemite National Park Superintendent regarding their desire for more office space in Mariposa; a July 2nd meeting with the Chairman of the Tourism Bureau Board of Directors regarding T.O.T.; the performance of the Mariposa Symphony on July 5th, noting that it was the best one that he's attended; and a meeting yesterday morning with people from Mariposa Open Arms regarding homeless issues. Supervisor Cann advised that he will be attending: a meeting tomorrow with the new owner of the 6th Street Masonic building; and a meeting with Public Works regarding banners on Highway 140.

Supervisor Jones responded to Ms. Catalan's request for information on the DRI Grant by noting that it went out to bid for Dogtown, Shilling and Bondurant Mine Roads about three weeks ago; that he is keeping a close watch on it; that the bids will be opened on July 24th; and that Whitlock Road will be a little later.

H. Regular Agenda Items

- 1. Administration/Economic Development (ID # 3766)**

Discussion and Direction Regarding Submission of Grant Application to Pacific Gas and Electric Company in the Amount of \$5,000

Rick Benson/County Administrative Officer made the staff presentation; recommended applying this year for a grant to repair the clock; noted that we have a repair estimate on file of \$3,000 to \$4,000; cautioned that there is other work that will need to be done first; and noted that Tara Schiff has been in contact with PG and E, and is the point person on the issue.

Supervisor Stetson required clarification of whether there will be a problem with the funds for the clock repair sitting, pending other repairs being made to the courthouse. Mr. Benson responded that this would be for a repair to the clock and not the clock tower, and noted that the clock repairs should be fairly quick. Tara Schiff/Community Development - Grant Coordinator responded that holding the money until it can be used is not an issue as it was done with the amphitheater lights. Supervisor Stetson required clarification of whether the clock repair had been included in the plans for, and cost of, the courthouse repair. Mr. Benson responded that the repair of the clock tower was included in those plans, and not the repair of the mechanism of the clock. Supervisor Stetson remarked that this would be a worthy project, and inquired if there might not be a project that could be done more quickly and would still be visible and useful. Mr. Benson responded that this project is merely a staff recommendation, but that it does fit the program parameters. Supervisor Bibby noted that the repair of the clock would definitely be a fixed product that both visitors and residents could see; remarked that she thinks it is a viable project, and it would be nice to get the clock up and running; and thinks that this project is a good fit. Supervisor Jones noted that his understanding regarding the courthouse is that the clock repair is a minor fix; and he remarked that he would like to see this proposal move forward. Supervisor Cann remarked that, in view of the fact that the Board has given the order to go forward with the courthouse exterior envelope repairs, it would be nice for the clock to be working. Supervisor Bibby required clarification as to how much more is needed for the lights and sound at the amphitheater. Ms. Schiff responded that no additional money is needed, and that they are in the process of purchasing the lights. Mr. Rei remarked that because the Board's decision was to go forward with the exterior repairs and not do the interior reorganization, it is possible to do the clock repair now as the weights are in storage and it is just a matter of getting some new cables made.

No public input.

Supervisor Jones moved that a grant application be submitted to fund the clock repair, with the remainder of the money going to grant administration and the Great River Cleanup. Chair Cann advised that this item has been agendaized for Discussion and Direction, and noted that it will need to come back to the Board for action if there is consensus on the direction. Supervisor Jones withdrew his motion.

RESULT: DIRECTION GIVEN

2. Public Works (ID # 3714)

Provide Staff Direction Concerning Award of the Triangle Road Paving Contract to George Reed Inc.

Peter Rei/Public Works Director gave the staff report; gave the history of the bidding process; and discussed an anticipated shortfall in the federal highway trust fund, the potential effects on payments to the state, and the potential consequences at the local level relative to the contract in question.

10:25 AM The sound system went down and Chair Cann called for a recess to allow the clerk to troubleshoot the issue.

10:37 AM Chair Cann reconvened the meeting.

Mr. Rei discussed timelines, noting that the first pay request from the contractor would most likely be received in the middle of August and probably won't be very large as not much work is anticipated to be accomplished at that point; noted that the September pay request is anticipated to be fairly significant as the paving will be underway; remarked that reimbursement will most likely take six to eight weeks; and cautiously recommended awarding the contract. Mr. Rei also noted that there is a time slot that they would like to meet as the contractor has held the price even though they were not obligated to do so beyond June 30th; and noted that the contractor has a window and a crew ready and can start working as long as the County can award it to them before July 21st, but that they have other commitments if the award is beyond the 21st.

Supervisor Cann and Mr. Rei discussed expectations relative to a federal highway bill; and concluded that it is reasonable to assume that existing projects will eventually get paid. Supervisor Cann noted that this will be a huge topic at the National Association of Counties (NACo) Conference which he will be attending starting on Thursday. Mr. Rei remarked that he has looked at NACo's agenda; stated that he suspects that the issue will be resolved; noted that he will need direction on who will award the contract; and remarked that he doesn't think there will be much exposure until October 1st, but that he expects there to be a solution by then.

Supervisor Jones concurred with going ahead with the contract, noting that he thinks the price of oil will be going up dramatically in the near future; and inquired if there have been any communications with George Reed. Gary Taylor/Assistant Director of Public Works-Public Works responded, noting that he spoke with George Reed this morning and was told that they have another window and could start earlier than they had previously told him. Supervisor Jones clarified that he was inquiring if Public Works had spoken to them about the payments to them. Mr. Rei responded, noting that they have not had that discussion because, under state law, there are strict rules and timelines regarding payments.

Supervisor Bibby inquired if the CAO could provide a rough estimate of what the fund balance will be. Rick Benson responded, noting that the fund balance has not yet been determined, but that his assumption is that it will be approximately the same as last year. Supervisor Bibby inquired if there have been any discussions regarding a potential shortfall amount. Mr. Benson noted that at the present time the balance is not balanced and that he has to meet with some of the departments.

Mr. Benson required clarification from Mr. Rei of the reimbursement percentages. Mr. Rei referred to the letter from Malcolm Dougherty, and read language regarding the amount of reimbursement for each state; stated that California will get a proportionate share based on what it would normally get; and remarked that there is an estimate of seventy percent for that share. Mr. Rei and Mr. Benson discussed state and federal parameters. Mr. Taylor noted that he has worked with George Reed on a number of projects and, generally, they bill once in a month near the end of the month, which would put the first bill at the end of August.

Supervisor Bibby remarked that we may have to lobby to have the funds released as the amount for Mariposa is small in relation to other federal highway administration projects; and noted that the County has several contracts for which it must release funds incrementally which may cause us to be scrambling later, but urged proceeding with this contract especially when factoring in the oil prices and the fact that we are so close to getting it done. Mr. Rei noted that the alternative of not awarding it is problematic, as the contractor would not have to honor the bid, and the Cap and Trade tax, which will go into place on oil and fuel on January 1st, is expected to significantly increase costs. Mr. Rei noted that the other advantage of finishing this project is that we will be finishing that entire program. Supervisor Cann noted that the Rural County Representatives of California (RCRC) has been working on preventing cuts in 1B monies to counties with populations of less than 50,000. Mr. Benson noted that the most the County would be responsible for is \$110,100, based upon thirty percent of \$367,000.

No public input.

Chair Cann noted that there is board consensus with Mr. Rei awarding the bid.

RESULT: DIRECTION GIVEN**3. Public Works RES-2014-336****Approve the Purchase of a New Updated Automated Weather Observing System (AWOS) for the Mariposa/Yosemite Airport**

Peter Rei gave the staff report.

Supervisor Bibby required clarification that the Airport Advisory Board supports this item. Mr. Rei affirmed.

No public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

4. Public Works (ID # 3753)**Discussion and Staff Direction Concerning the Use of Volunteers to Staff the Airport Terminal**

Peter Rei made the staff report noting that the Airport Advisory Committee (AAC) is recommending this action, but that staff is guarded and not providing a recommendation.

Supervisor Cann required clarification of the risks of using volunteers, and the risks should a volunteer not show up on an assigned day. Mr. Rei responded that the risks vary depending on the individual and their perceived role; remarked that he thinks that the County will most likely have to have a significant involvement in the decision making; and noted that his concern is managing the County's liability. Supervisor Cann inquired if it would be better to consider a presentation after some of the logistics and liability issues have been worked out. Mr. Rei responded that it would be possible; and noted that there have not yet been discussions on that level with the AAC.

Supervisor Bibby required clarification of whether there have been anymore discussions regarding having County Fire move to the airport. Mr. Rei noted that he is open to the idea, but is deferring to the CAO as it is more of a budget question; and noted that he thinks it is a viable solution Monday through Friday, from 9:00 AM to 5:00 PM.

Supervisor Jones noted that his understanding is that the Fire Department's current lease has a termination clause. Steven W. Dahlem/County Counsel noted that there is an early termination clause, which he believes to be sixty days. Supervisor Jones urged the Board to consider that option. Mr. Rei noted that federal law requires charging the market rate. Supervisor Jones discussed problems with volunteers; and noted that he would like to see the AAC come back with an exact proposal for the board to consider.

Supervisor Carrier remarked that there are too many life and safety risks for which the County can be held accountable; discussed his reservations relative to compliance and record keeping; noted that he envisions difficulty with consistency in two to three years; remarked that he thinks this may be a good short term solution, but that a long-term one is still needed; and stated that he is leaning cautiously away from this. Mr. Rei noted that he has been focused on the potential fixed base operators (FBOs,) but could bring back a discussion regarding moving County Fire out to the airport if it is the Board's desire.

Supervisor Bibby discussed the need for in depth training for any volunteers; noted that stationing the county fire department out there allows the County to reinvest monies into the airport; and noted that if the item is brought back, she would like it to address the issues of training, scheduling, certification, etc.

Supervisor Cann required clarification that Public Works is still moving forward with the FBO. Mr. Rei affirmed and discussed same, and noted that another option is the fire

department; agreed that having someone already related to safety out there makes sense; and discussed the recent accident at the airport. Supervisor Cann inquired if an FBO is precluded should the fire department headquarters move to the airport. Mr. Rei responded, noting that it would depend on the FBO; and remarked that he doesn't think an FBO is economically viable there. Supervisor Jones noted that none of the potential FBOs object to the fire department being at the airport, and urged its move there. Mr. Rei noted that a small trailer might be needed. Supervisor Jones noted that a small office space might be sufficient.

Public comment opened.

Bob Woods/hangar owner discussed the history of the volunteers at the airport; recounted that a group of volunteers kept the airport open for the period between when the live-in manager retired and KMPI took over; noted that it was getting difficult to fill all of the open positions after six months; and remarked that thinks that it can work for a short time.

Ruth Sellers noted that she has served on the AAC for 2 and a half years; remarked that she is glad Mr. Woods spoke because it had been her understanding that the volunteers had done a great job at the airport; and remarked that she thinks that the reason the volunteer option was discussed is because airport users have reported that things are not going well there. She also discussed the search for an FBO; noted that there are only three interested potential FBOs; and urged the Board to decide whether it wants any of them.

Keith Williams/Registrar of Voters discussed his concerns relative to the airport's use as a polling location for the Mt. Bullion precinct, noting that they are not supposed to share the locations with anyone. Supervisor Cann noted that a number of the fire stations are polling places. Mr. Williams responded that there is not usually anyone at the fire stations when they use them, and this would be an issue of an office being there. Supervisor Carrier and Mr. Williams discussed use of other areas as potential polling places. Mr. Williams discussed ADA issues, and noted that he can go and re-measure. Supervisor Carrier inquired if accommodations can be made to work it out. Mr. Rei noted that his department can work with Elections on the issue.

Kris Casto urged requesting a proposal and structure for the volunteers.

Ruth Sellers noted that it was her understanding that if the fire department came out, they would be using only a part of the terminal.

Public comment closed.

Supervisor Bibby discussed past issues with the live-in manager and IRS reporting requirements regarding free rent. She also discussed issues and complaints the last time volunteers were used. Supervisor Jones noted that this has taken awhile, but that a decision can't be made until a final offer is received. Mr. Rei affirmed, and noted that is particularly true in regard to how fuel issues will be handled.

Chair Cann inquired if it is the consensus of the Board that he move forward with talking to the AAC about a more structured volunteer proposal, while continuing with the FBO interactions. Mr. Rei responded that his intention, at this point, is to contact Mr. Darcy and request that they prepare such a proposal; that he will continue to work with the three parties interested in an FBO; and that he will work on the consideration of the fire department moving there. Supervisor Bibby noted that she wants to explore the fire department being stationed at the airport, but is concerned by the new information that it may pose a problem to it being used as a polling place. Mr. Rei noted that he can work with Mr. Williams on the polling place issue. Supervisor Bibby remarked that the fire station should be ADA compliant anyway. Supervisor Carrier noted that he would like Mr. Rei to clearly communicate to the potential FBO operators with a firm deadline, and then come back right after that with an agenda item that lists the four or five options that we have so that the Board can discuss it, make a decision, and move forward.

RESULT: DIRECTION GIVEN

11:30 AM Tracy Gauthier/Deputy Clerk of the Board substituted in as the clerk.

5. Board of Supervisors RES-2014-337**Approve the Separation of the Clerk of the Board, and Board Staff, from the County Administrative Office and Place Them Temporarily Under the Board of Supervisors; Provide Direction as to Long-Term Placement in the County Organization; and Direct Staff to Come Back with the Legislative Actions Necessary to Implement the Changes (Supervisors Bibby and Jones)**

Chair Cann noted Supervisors Bibby and Jones as the liaisons for this item. Supervisor Jones noted that this item was requested to be brought before the Board and commented about recently obtaining a more extensive knowledge on the Clerk of the Board's (COB) responsibilities. He clarified that this issue raises financial risk to the County and referenced the County Administrative Officer (CAO) job description, and noted that over time some tasks have gradually changed and evolved to new and other departments.

René LaRoche, COB, discussed her supporting memo and clarified the action and direction being requested also includes the discussion of acquiring all or most of the Office Assistant II (OAI) position or an allotment of another such position, under the Clerk of the Board. She stated that she brought this item to Supervisors Bibby and Jones, as the Government Liaisons, only after a year of research and consideration which was all prefaced on the question of why the state required her to file a Form 700. She provided the background of her research, noted public communications from Jim Allen and Ruth Catalan, and noted corrections to the CAO's memo. She discussed her concerns of being personally liable, the County's non-compliance with county, state and federal regulations, and the inequity of this solitary position, and provided 4 options and explained the pros and cons of each option. She requested the Board approve the separation of the Clerk of the Board and the Board staff, and as previously noted would include the OAI position, from the County Administrative Office and place them solely under the Board of Supervisors, provide direction as to long-term placement in the County organization, and direct the appropriate staff to come back with legislative actions necessary to implement the changes.

Supervisor Jones noted the diligence of the Clerk of the Board in putting this item together and providing the education regarding the COB position.

Supervisor Bibby noted that the option should be what is best for Mariposa County, and noted that a COB as a department head conveys that it stands alone and cannot be swayed by the Board, and referenced the recent separation of the Human Resources/Risk Management department for an independent decision making department due to liability of signing documents, and to have one dedicated person aware of all functions and responsibilities of that department. She noted the importance of having an independent COB to create checks and balances and as a neutral party. She remarked that the amount of responsibility of the COB position should not be left under the CAO position and that, for the overall operation, a stand-alone COB is necessary.

Rick Benson, CAO, stated the Board was just presented with a whole lot of information, codes, etc., most of which are not relevant. He provided an overview of his memo to the BOS and stated there is possibly one item within the County's ordinance that could be cleaned up with better language and keep the structure as it is now, and stated that it will create problems to separate the COB function. He noted that relative to HR, it is recognized that it is a time consuming operation and that it needed to be moved to independent status. He stated that he understands the operation of the COB and has been blessed twice with capable people in that position. He recommended that the Board take no action, as there are no problems and it doesn't need to be fixed.

Steve Dahlem, County Counsel, spoke on the legal issues, advised that there is a fair argument that there is a legal impediment existing relevant to the current structure and in

his opinion the COB is a County Officer. He then stated that under Government Code, when the Board does establish a separate office, the COB shall be appointed in the same manner as "other county officers." He noted a discussion he had with the CAO, in that the County code that was referenced states that the CAO is not vested with any "right, duty, or responsibility which is statutorily conferred on any other officer," and noted that this is a legal impediment; but that as the CAO indicates, the Board created that ordinance and, therefore, can also change it. He referenced Government Code 25303 that states the BOS "shall supervise the official conduct of county officers", and advised that the Board needs to recognize this as it appears to be a problem.

Supervisor Bibby stated the BOS does supervise the actions of all appointed department heads, and referenced problems regarding noticing, in which the COB researched and presented legal evidence to clarify the discrepancies. She stated that the COB position is needed as a checks and balance, and that this is also the position that will be held legally responsible. She discussed a smoother operation if separated, constant new laws to be researched, the importance of COB trainings, and referenced an item from 2004 in which she supported keeping the COB department independent. She also noted the new Deputy CAO will require a significant amount of time from the CAO to bring her up to speed. She spoke in favor of the separation and emphasized the COB duties, tasks, and responsibilities. She then noted Mariposa County should move forward as other counties have, discussed the inevitable growth of the COB department, and recommended making the COB a department head.

Supervisor Carrier requested clarification of County Counsel as to what a possible solution would be, and asked if the County is currently compliant with federal, state, and county laws. County Counsel responded and advised that Mariposa County is not compliant, but that this could be remedied by amending county code to read that the CAO has the responsibility to supervise another county officer; and advised that a solution to Government Code 25303, which states that the Board will supervise the conduct of all county officers, would be to appoint the CAO as the COB, and have the COB as the Chief Clerk. Discussion was held relative to changing language that certain duties can be delegated. The CAO responded that nothing has changed in the hierarchy since 2004 other than new laws. The COB responded that nothing has changed, and stated that this was also an issue with the previous COB and contributed to her decision to retire. Discussion was held relative to personal liability being a specific problem, confidential information, how requested possible wrong doings were handled, and the suggested removal of ambiguity in respect to the previous COB's interpretation.

Supervisor Cann noted that for 3 1/2 years he was unaware that the COB worked for the CAO until she revealed that she wanted to retire, and advised that he believes that the COB operated independently approximately 98% of the time. He stated his support of the separation and that in his mind the position has been seriously abused with Saturday meetings and long meetings, and it is wrong not to compensate for it.

Supervisor Bibby brought up additional concerns regarding the COB's overtime being recommended to be taken in comp time due to budget constraints, CAO time spent on committees, calls received from the public stating they were uncomfortable voting on certain items such as the CSA because they were written by the CAO and he supervises the COB who counts the ballots, and the availability of the CAO with the additional workload if the positions are combined.

Supervisor Carrier discussed possible fiscal savings if any, COB availability, and Personnel time needed to rewrite job descriptions.

Supervisor Jones expressed concerns and provided incidents and examples in support of the separation. He noted his research of counties that combined the CAO and COB positions relative to information being filtered away from the Board, and having shorter and fewer meetings; He does not support combining the positions. He also discussed the necessity of knowledge of regulations and laws, and referred to the current COB and her willingness to gain more knowledge on her own. He stated that all of the

officers are not being treated equally. He also stated he sees the CAO and COB working well together as separate departments.

Public Comment Open.

Ruth Catalan expressed concern regarding the County being out of compliance and stated that should be taken care of first.

Marshall Long spoke in favor of the separation, noting that an independent COB provides a greater accountability.

Public Comment Closed.

The CAO stated that he is hearing a record of success, and noted an example where the COB came to the CAO and County Counsel and said they were both incorrect relative to the COB attendance in closed sessions. County Counsel clarified that it was the CAO who was incorrect, and that he had been in agreement with the COB. Supervisor Bibby noted another example of misguidance relative to a committee meeting that she didn't attend because noticing was not done correctly. She stated there are other examples that go back to prior CAO's.

Supervisor Jones moved to approve the separation of the Clerk of the Board and the Board staff, and place them solely under the Board of Supervisors, provide direction as to long-term placement in the County organization, and direct the appropriate staff to come back with legislative actions necessary to implement the changes, the motion was seconded by Supervisor Bibby with clarification that the item would include discussion of moving the OAI position to the COB's staff. Supervisor Jones affirmed. Chair Cann called for the vote, and the motion passed.

RESULT: ADOPTED [3 TO 2]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Merlin Jones, Janet Bibby, Kevin Cann

NAYS: Lee Stetson, John Carrier

I. Lunch

1:00 PM Chair Cann announced that agenda item H6 will follow the TOT item, and then recessed for lunch.

J. 2:00 PM Reconvene

2:07 PM Chair Cann reconvened the meeting, with René LaRoche as clerk.

1. Administration RES-2014-338

Approve Proposal to Increase the Transient Occupancy Tax and Adopt Resolution Submitting the Proposal to the Electorate on November 4, 2014

Chair Cann gave an overview of the process, and noted that this will require a 4/5th vote.

Rick Benson gave the staff report.

Chair Cann thanked Terry Selk for the many interactions that he and Supervisor Jones have had in working with the Tourism Bureau. Mr. Selk gave a PowerPoint presentation on behalf of the Yosemite Mariposa County Tourism Bureau urging no TOT

increase. Roger Biery discussed the net effect of a TOT/TBID split, and noted that the industry is not asking for a sunset date. Supervisor Cann discussed the effects of various tax level scenarios. Board members sought clarification regarding the presentation.

Public comment opened.

Barry Brouillette/Comfort Inn partner and owner of Bear Creek Cabins in Midpines noted that he cherishes that he lives in a community with a high level of transparency; urged against funding any increase of any kind; urged shrinking government; remarked that he would support the Tourism Bureau's proposal; remarked that he thinks the county is very reliant on this bed tax; discussed the increases since 1979; remarked that the working poor are unrepresented here; stated that every department head is honest and sincere when they request an increase, but you all work for the people; noted that one property can't raise the bed tax or minimum raise; and stated that if the TOT is raised, he would urge taking a percentage of it and distributing it to the people at the lowest level.

Barbara Robinson/Owner Indian Peak Ranch vacation rental discussed the need to improve services; noted that the reviews on Trip Adviser imply that most of the hotel/motels are just mediocre; remarked that the value for what you spend here is just not there; remarked that in Mariposa you overpay for what you get and raising TOT will make it worse; noted the closed businesses over the 4th of July three day weekend; discussed the tourist experience; stated that 10-15 percent of the TOT might be lost if you lose the vacation rental homes; remarked that planting the seed to visit Mariposa needs to continue; and noted that the TOT must benefit those who generate it.

Gary Francisco noted his agreement with the previous comment that the vacation rental segment of the lodging industry provides quality service. He also read a letter that he supplied to the Board urging no increase in the TOT.

Norm Murrell/former bed and breakfast owner noted that in seven years in business, he encountered only one person who ever asked what the taxes would be; noted that he doesn't think that 99 out of 100 people would ever ask about the tax, and stated that he doesn't think we would be losing anything.

Lisa Edelheit/Yosemite Country Cottage owner urged a raise of the TOT, and agreed with the 2 percent increase; noted that people only ask them about the total cost because they require a deposit in advance; noted that these same fears were raised the last time and she saw no loss of business; remarked that Yosemite is our biggest revenue generator; noted that she thinks the issue of what services we provide, and the quality of the stay, are important; remarked that we have the small town charm here that no one else has; remarked that she doesn't like an increase in the TBID as it doesn't really help market vacation rentals; noted that her other concern is that the school district just passed a bond measure and she is concerned with competing measures; and stated that she likes it being undedicated so that the public can advocate for what they want.

Mary Bass/Mariposa County Vacation Rental Owners Association recounted that she received 40 responses from a recent survey of its members, and that two were in favor of an increase while the rest were against; stated that most people felt like we have a tough time to competing with other gateways; discussed rising costs to lodging owners; and noted that the Ferguson slide continues to be a concern.

Kevin Shelton/Vice President of Operations and Marketing for Yosemite Management Group noted that he has been in the industry in Mariposa for 20 years; discussed the changes in the travel industry over the last twenty years; noted that the lodging industry is much more competitive than it was twenty years ago; stated that an increase in TOT will inhibit their ability to remain competitive; stated that the lodging industry will take the brunt of the cost, not the tourists; and urged no raise to the TOT.

Brad Aborn discussed when the Board raised the TOT to seven percent; recommended finding alternate sources of funding; noted that he would like to see a quarterly or semi-quarterly report of where the money goes; and remarked that the board, perhaps, should be considering a reduction.

Mary Ann Huff noted her appreciation for Supervisor Bibby's concern for the north

county; noted that there are two business people from north county on the Tourism Bureau Board; spoke to the honesty and integrity of this board, and the board that she sits on; and urged option number four.

Kathy McCorry noted that the Chamber of Commerce Board is committed to educating the community as to TOT; noted that her board does agree that a 2/3 vote is extremely difficult and remarked that they want to work towards resolving the issue; noted that the Chamber membership does want better roads, sheriff, etc.; noted that the visitors center has tracked visitation since 2007 and their numbers have doubled in that time; noted that they are seeing an increase in the shoulder seasons; extended thanks to Rick Benson, Kevin Cann, Merlin Jones and Dan Jensen for meeting with their board; noted that Madera County is in the process of building three new hotels; offered the Chamber's continued partnership in the economic well-being of the community; and noted that everyone is in agreement that the inability to plan out more than one year is limiting.

Clay Black/bed and breakfast owner stated that his general impression is that the TOT seems to be a target of opportunity; remarked that almost all of the government agencies out there are suffering the same thing, and it mostly seems to come from the fact that the opportunity to tax gets harder and the opportunity to cut budgets only takes place when income doesn't increase; remarked that in the private sector one has to spend money to make money, as well as cut costs to make a profit; stated that the progress made spending on the Tourism Bureau can't be denied; noted that he hasn't heard any talk about funding the pensions that hang over the heads of the Mariposa community; and stated that money spent towards a really good economic development plan would increase more than an increase in the tax.

Doug Binnewies/Mariposa County Sheriff noted that the Sheriff's Office is tasked with many roles, and that they provide great service 24 hours per day, 7 days per week; noted that the Sheriff's Office budget will pretty much take all of the County's TOT; noted that some of the costs that people don't think about it is that the Sheriff's Office is tasked with death investigations, even in Yosemite National Park; noted that there were 133 death investigations in 2013, 15 in the Yosemite jurisdiction, and that they are sensitive and expensive investigations; noted that the Sheriff's Office is shouldered with several other responsibilities inside the Yosemite jurisdiction; noted that for 2013 the Sheriff's Office responded to 31,716 calls in 2013 which equates to 87 per day, and a portion of that is tourists; remarked that those calls can become large scale search and rescue operations which may be finished quickly, or last months; noted that there is also victimization of tourists multiple times a week, as well as support for mental health crisis; stated that public safety isn't cheap; noted that the County recognized seven or eight years ago that the pensions were unsustainable; and noted that tourism does have a need when it comes to public safety and law enforcement, and they do draw on our services.

Peter Rei noted that he has sympathy with the businesses, but noted that on the government level, costs have been cut for each of the last five years; discussed changes in staff and infrastructure conditions over the last five years; remarked that five years ago we had a report from a consultant that noted that it would require 7.5 million dollars in additional funding to bring the roads up to acceptable standards, or 1.8 million dollars per year to simply avoid reduction; remarked that as of the 2014-2015 budget, we've seen a decline in dollars from five years ago and, not too surprisingly, the road condition scores continue to decline; noted that more money will be needed; and noted that a lot of the roads are starting to fail and there's not much that can be done without additional funding.

Jonathon Farrington/Regional Sales Director of Delaware North noted that he has been asked by Dan Jensen to speak; noted that DNC is concerned with any increase in TOT; noted that he represents about 60,000 rooms that are negotiated annually; noted that those contracts are all negotiated, and the fact is that it is the bottom line when it comes to negotiations.

Public comment closed.

Chair Cann reminded the Board that this is a 4/5ths vote.

Supervisor Jones remarked that he knows the competition is tough out there; that he had a meeting with ninety percent of the lodging operators in District II and after a two hour meeting all but one came out saying that they would support it because they know this county cannot continue down this same road; noted that there is no other way to raise taxes; noted that he has assurances from the Tourism Board that the north county will be funded at the same rate; and agreed with one of the speakers that businesses need to learn the hours of their customers and be open.

Supervisor Carrier noted that the Board has heard a lot of viewpoints from a lot of different perspectives, that we do have a lot of working class poor, but that we also have to provide services; and noted that he understands the burden of raising the TOT.

Supervisor Carrier made the motion to place on the November election a ballot measure to ask the electorate to raise the Transient Occupancy Tax from ten percent to eleven and a half percent, and that it be non specific to the general fund.

Supervisor Bibby seconded the motion and noted that the Board will always consider an item from the TBID if they choose to raise their rate; discussed the costs of issues facing the County; recounted past episodes of mutual aid; recounted examples of aid to tourists; discussed ongoing litigation; discussed discretionary services; and noted that she hopes the community will get behind this and support it.

Supervisor Cann noted that the Visitors Center is not addressed; and noted that he believes that this will fail without the support of the lodging industry; and remarked that there should be a better compromise.

Chair Cann called the vote.

The motion failed 2-3; Ayes: Bibby, and Carrier; Nays: Jones, Cann, and Stetson.

Supervisor Stetson noted that he is favor of raising the TOT; noted that he is happy with the TBID being raised, as well; and noted that he was not in favor of a portion of the TOT being dedicated to any particular thing.

Supervisor Stetson moved to approve the proposal with a 1.25 percent TOT increase, and that it be for the general fund.

Supervisor Jones seconded the motion, and asked for clarification regarding the Tourism Bureau and visitors center funding. Supervisor Stetson replied that his motion does not consider that issue. Supervisor Cann noted that the agreement that was alluded to was that the Board would approve an increase to the TBID, and the Tourism Bureau would run the visitors centers. County Counsel interjected that the Board is not in a position to make a commitment to that at this point, but that it certainly can give an indication of its intent.

Supervisor Jones affirmed his second.

Supervisor Bibby noted that the Board will always consider requests from the TBID; discussed ways that the County has attempted to encourage businesses; and noted that every dollar the County gets is spent to serve visitors and residents.

Supervisor Cann noted that he was asked to clarify that if the Board goes with the 1.25 percent increase, it will be handing over the visitors' centers to the Tourism Bureau; and he requested a response from the Tourism Bureau as soon as possible. Mr. Selk noted that he is unable to speak for his board, and that they will need to call a special meeting.

Supervisor Bibby noted that she is already hearing that there may be some changing of minds regarding whether the visitors centers will be transferred over; and noted that if this doesn't generate enough in discretionary funds, then things will need to be cut.

Chair Cann called for the vote.

The motion passed 4-1; Ayes: Stetson, Jones, Bibby, and Cann; Nays: Carrier.

Rick Benson advised that the Board still needed to adopt a formal resolution, and suggested using one of the attached resolutions amended with the 1.25% increase.

Supervisor Stetson moved to adopt sample resolution number one, amended to

change the percentage throughout from 12% to 11.25%. The motion was seconded by Supervisor Jones.

Chair Cann called the vote.

The motion passed 4-1; Ayes: Stetson, Jones, Bibby, and Cann; Nays: Carrier.

RESULT: ADOPTED AS AMENDED [4 TO 1]
MOVER: Lee Stetson, District I Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Lee Stetson, Merlin Jones, Janet Bibby, Kevin Cann
NAYS: John Carrier

2. Human Resources/Risk Management RES-2014-339

Authorize an Increase in the Annual Salary for the Human Resources Director/Risk Manager from \$73,545 to \$86,945; Authorize Recruiting and Filling the Position Effective Immediately; Authorize 15% Out-Of-Class Pay for the Administrative Analyst Effective June 23, 2014; Suspend New Classification, Reclassification, and Reorganization Requests Until the Appointment of a New Director/Risk Manager; Approve Budget Action Transferring Funds Within the Human Resources/Risk Management Department to Accommodate the Out-Of-Class Pay (\$3,500)

Steven W. Dahlem acting as Interim Human Resources Director - Risk Manager gave the staff report.

Supervisor Carrier inquired if it is prudent to hold off entirely on reclassifications and reorganizations, or whether staff could prioritize items and bring them forward on a case-by-case basis especially if it would affect next year's budget, or in cases where it is urgent. Mr. Dahlem responded by discussing the necessity of balancing between the needs of the departments, and the workload in the Human Resources Department, and requested board direction on the matter. Supervisor Carrier required clarification as to whether it is the recommendation to edit today's requested action in order to analyze the matter and develop a process to bring back to the Board for consideration. Mr. Dahlem responded that he is still recommending that those items that have been agreed upon between the Human Resources Department and affected department, and which are ready for processing, can go forward; and that any other departments that would like to move an item forward for a reclassification or reorganization would need to place an item on the agenda for the board's consideration.

Public comment opened.

Peter Rei noted that the proposal just outlined will work for his department; discussed recent personnel losses; noted that the reorganization that he was working on to shift duties may change a bit with recent personnel changes; and noted that it all works for him, so long as he can keep his reorganization alive. Supervisor Cann required clarification from Supervisor Carrier that his suggestion had been to have things come before the board as needed. Supervisor Carrier affirmed. Mr. Rei noted that he had a proposal already in to Ms. Pritchard, but the resignation of the facilities manager is causing him to rethink it, so it won't look exactly the same as originally proposed.

Tom Cooke/Mariposa County District Attorney noted that he also had been working with Ms. Pritchard on a reorganization; noted that he is not as far along as Public Works; and noted that he is concerned that the salary for the HR Director is too low and may

impact the length of time needed to fill that position.

Public comment closed.

Supervisor Jones moved the item as presented.

Mr. Dahlem requested clarification of whether the motion includes that requests that are not ready for processing in the Human Resources Department would first need to be vetted and approved by the board before going to the Human Resources Department.

Supervisor Jones affirmed.

The motion was seconded by Supervisor Carrier, and passed unanimously.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

K. Items removed from Consent Agenda

None.

L. Adjournment

4:59 PM Chair Cann adjourned the meeting in memory of Susan Eleanor Hedlund, Dennis Dierksen, Marilena Casner, and Clifford Smith.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

TRACY GAUTHIER
Deputy Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

July 15, 2014

A. Call to Order and Roll Call

9:05 AM Chair Cann called the meeting to order at the Mariposa County Government Center.

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

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

9:07 AM Chair Cann announced that there was a quorum with all Board members present.

C. Introductions

None.

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

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or, at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

No public input.

Supervisor Carrier required clarification as to whether the one-to-one match mentioned in CA4 can be a salary match. Len DeJoria/Mariposa County Fire Chief

affirmed.

RESULT: ADOPTED [UNANIMOUS]

MOVER: John Carrier, District V Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-340

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

CA2. Administration RES-2014-341

Resolution Continuing the Local Drought Emergency

CA3. Administration RES-2014-342

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

CA4. Fire RES-2014-343

Approve the Second Amendment to the 2013 Emergency Management Planning Grant (EMPG) Program for an Additional \$30,000, and Authorize the Fire Chief to Sign the Amendment

CA5. Fire RES-2014-344

Approve the California Emergency Management Agency, Form 130; Applicants Agent Resolution for Non-State Agencies, and Authorize the Required Signatures on the Form 130

CA6. Human Services RES-2014-345

Approve Budget Actions for Fiscal Year 2013-2014 in Various Human Services Budgets that Are Necessary to Close Out the Fiscal Year (\$472,895) 4/5ths Vote Required

CA7. Human Services/Behavioral Health & Recovery Services RES-2014-346

Approve an Agreement with Joy McClure in an Amount Not to Exceed \$80,000 to Provide Counseling Services for Mental Health Clients, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA8. Human Services/Behavioral Health & Recovery Services RES-2014-347

Approve a Memorandum of Understanding with Blue Cross of California Partnership Plan to Coordinate Patient Physical and Behavioral Health Care Services, and Authorize the Human Services Director to Sign the Memorandum of Understanding (Subject to Review and Approval of County Counsel)

CA9. Human Services/Behavioral Health & Recovery Services RES-2014-348

Approve Submission of the Substance Abuse and Mental Health Services Administration (SAMHSA) "Mental Health Block Grant (MHBG)" Application in the Amount of \$93,186, and Authorize the Human Services Director to Sign the Request for Funds and Other Reporting Documents as Required and to Implement the Activities Outlined in the Grant (Agreements Are Subject to Review and Approval of County Counsel)

CA10. Human Services/Behavioral Health & Recovery Services RES-2014-349

Approve an Agreement with Doctors Medical Center to Provide Inpatient Psychiatric Services for Mariposa County Behavioral Health in an Amount Not to Exceed \$20,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA11. Human Services/Behavioral Health & Recovery Services RES-2014-350

Ratify the Restated Joint Exercise of Powers Agreement with the California Mental Health Services Authority (CalMHSA)

CA12. Technical Services RES-2014-351

Declare the August 30, 2014, Labor Day Parade a County Sponsored Event, Approve Issuance of a County Insurance Certificate to Caltrans, Approve the Application for a Cal Trans Encroachment Permit in Support of Closing HWY 140 11AM - 12:30PM, Between Hwy 49 North and Hwy 49 South, Saturday, August 30, 2014, and Authorize the Board of Supervisors Chair to Sign the Letter and Encroachment Permit Documenting the Board's Support and Approval.

E. Board Recognitions

1. Probation 2014-67

Proclaim July 13Th - 19Th, 2014, as "Pretrial, Probation and Parole Supervision Week"

No public input.

Supervisors Jones, Bibby, and Cann discussed the work that the Probation Department does, and commended it.

Chair Cann presented the Proclamation to Pete Judy/Chief Probation Officer who recognized his staff, and thanked the Sheriff's and District Attorney's Office for their partnership.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Announcements

Chair Cann noted that agenda item I.5, "Approve New Compensation Schedule for Department Heads Effective July 1, 2014" has been withdrawn. Chair Cann also noted that agenda item I.3, "Approve Proposal to Increase the Transient Occupancy Tax and Adopt Resolution Submitting the Proposal to the Electorate on November 4, 2014" was placed on the agenda as a placeholder pending the Tourism Bureau's meeting yesterday, and the Board will not be taking any action on it today.

F. Departmental Presentation

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

Peter Rei/Public Works Director recounted an earlier report to the Board regarding Darrah Road; reported a recent discussion with the state; and noted that there is approximately 1.7 million dollars that has not yet been requested and that the \$400,000 needed for the Darrah Road project could come from that amount. Supervisor Bibby inquired if he would be receiving a written confirmation of that fact. Mr. Rei affirmed. Supervisor Bibby requested a copy of the confirmation. Mr. Rei noted that it will be part of the agenda package next Tuesday.

Len DeJoria announced that Cathy Garrett has been hired to fill the Fire Services Assistant position.

G. Public Comment on Non-Agenda Items

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

Evie Wilson discussed new proposals by the Environmental Protection Agency; noted reading an article that states that certain agencies are falsifying environmental data, and provided a copy of same; requested that the Board weigh in on the ground water proposal before the August 4th public comment closure date; and provided information. She also noted that Vicki Kardell is in the hospital in Madera due to a rattlesnake bite.

Mary Bass advised that the Chamber sponsored Business Expo is tomorrow from 4:00 PM to 7:00 PM at the Fairgrounds, and noted that the raffles and the admission are free.

Wendy Brown discussed the EPA water issues; read a portion of a call to action letter; and noted that she has left copies of the letter in the back of the Chambers, along with a discussion of how to comment on the issues.

Katie Owens discussed the non-navigable water issue, noting that it is under state control which is where it should be as state control means that actions need to come to the people; that control disappears under Federal law; and that she doesn't think the Federal government should take over the jurisdiction of the waters.

H. Board Information

Supervisor Carrier reported that he attended: the Yosemite Gateway Partners meeting last Thursday; the ice cream social at the Ponderosa Basin fire station on Saturday; and the In Home Support Services meeting yesterday. He also advised that he plans on attending: the Chamber of Commerce business conference; the Yosemite Sequoia Resource Conservation Development meeting in Fresno on Thursday; and the special Board meeting on Friday, instead of the Community Correction Partners meeting. Supervisor Carrier required clarification as to who withdrew regular agenda item 5. Rick Benson/County Administrative Officer responded off mic that he withdrew it.

Supervisor Bibby reported attending the Postal Service public meeting in Catheys Valley, noting that the post office conducts reviews every two years; that Catheys Valley is looking at a reduction of hours to 6 hours; discussed that there are plans to go to the "Village" model; and noted that a big part of it is that so much is automated. Supervisor Bibby advised that she will be attending a meeting with Human Services either today or tomorrow, and a Mother Lode Job Training in Sonora on the 21st. She also extended congratulations to the All-Stars who made it into the finals, but lost their second game by

one point; and extended thanks and congratulations to the Mariposa Little League Girls softball who won their championship.

Supervisor Stetson reported attending: the El Portal Advisory Board meeting on Tuesday evening; and the Yosemite Gateway Partners meeting with Supervisor Carrier on Thursday. He also advised that he will be attending a focus group meeting on Midpines tomorrow at the Planning Department; and the special meeting on Friday.

Supervisor Jones reported that the SWIFT meeting on the 9th was cancelled. He reported attending a Solid Waste meeting with Greg Ollivier; noted that they will soon get the baler; discussed the acquisition of land at the landfill for the monitoring wells; and noted that Greg has moved to Mariposa. He also reported that he attended: a meeting with Public Works and Peter Rei regarding a constituent's multi-year road problem; the Coulterville Community Club breakfast on the 13th; and he discussed his interactions with a man who was weed eating people's property.

Supervisor Cann reported: that he attended a meeting with Caltrans last Wednesday regarding the interim actions promised by Caltrans on the crosswalks in town; that he attended a meeting with the new owner of the Masonic Hall; that he attended a meeting with Public Works and the Chamber of Commerce on Wednesday regarding the banners over Highway 140; and on some interactions with some of the Parking District owners. He also reported that on Thursday he flew to the National Association of Counties (NACo) meeting representing the Rural County Representatives of California (RCRC); remarked that a strong majority of NACo members were against the change to the Waters of the US Act designations as discussed during Public Comment, and he noted that NACo and RCRC are drafting recommended letters for use; noted that he has an elaborate policy brief from NACo which he will make available; reported that the highway trust fund will be broke by August 1st; and he advised that the Payment In Lieu of Taxes (PILT) has been approved for one more year, but that the Secure Rural Schools funding is much more tenuous. Supervisor Cann advised that he will be attending the Chamber of Commerce Business Expo on Wednesday; the Central Sierra Economic Development District meeting in Sonora; a meeting with the Chamber, CAO and Supervisor Jones regarding North County Visitor Center funding; and the annual Economic Development Corporation planning retreat on Sunday.

10:06 AM Chair Cann recessed the meeting, and reconvened it at 10:16 AM.

I. Regular Agenda Items

1. Administration RES-2014-352

Adopt a Resolution Adopting the Yosemite Mariposa Integrated Regional Water Management Plan

Rick Benson introduced the item. Glenn Franklin gave a PowerPoint overview.

Supervisor Bibby required clarification of whether this plan has undergone public review to see if it is compatible with the General Plan. Mr. Franklin responded that they did have a lot of public input in collaboration with the Planning Department, and that this is merely a pathway for the future. Supervisor Bibby discussed other concerns that she had regarding language. Mr. Franklin stressed that this is only a plan, and is not regulatory. Supervisor Bibby required clarification of the location of Project number 50. Mr. Franklin responded, noting that this project was suggested by NRCS, and has to do with dredging ponds to increase water storage; and that these are private landowners. Supervisor Bibby noted for the record, that this is not regulatory, and will not trigger regulatory actions for those not seeking money.

Supervisor Cann discussed the plan, and thanked Mr. Franklin for all of the work that went into it.

Supervisor Bibby inquired if the accumulated volume being used in Wawona and Yosemite Valley is available. Mr. Franklin noted that those studies are available, but are

not contained in the plan.

Supervisor Jones extended his thanks for all of the work.

Supervisor Carrier discussed his participation at the meetings; noted the growth of stakeholder interest; remarked that there was a lot of input from the community; discussed problems with information flow between the two supervisors assigned to an area and the remaining supervisors; clarified that this plan is to go after funding opportunities as they come up; and noted that county approval does not mean that the County will be providing resources to stakeholders in processing the grant applications, including matching funds or staff time.

Public comment opened.

Evie Wilson thanked Supervisor Bibby for bringing up all of the questions, and inquired where the grant comes from, and whether there was coordination with the California State Agencies, the Association of California Water Agencies or any other state management programs; requested clarification as to any grant conditions; inquired what "RWAC" stands for; noted that even though this is presented as non-regulatory, it is very easy to change voluntary to mandatory; and inquired as to the source of some of the terms.

Marshall Long expressed his concern that they didn't have enough Ag people involved; stated that it was not a grass roots effort; suggested that the resolution be amended to state that it is not to be used as a regulatory tool; and discussed his concern that it will be used by state and federal regulators.

Public comment closed.

Chair Cann responded to public comments, noting that some of the grants are State and some are Federal, and that there was someone from the Department of Water Resources who worked with them. Mr. Franklin affirmed that there were many agencies involved with the plan preparation; noted that the plan has funds available through the Integrated Water Management; noted that the work was done by volunteers and that the committee did an excellent job of getting the information from sources like the Farm Bureau; and discussed an opportunity in the next funding round. Chair Cann also noted that every grant has conditions, and that some require matches. Mr. Franklin noted that after they submit the plan, assuming that it is approved, it will still need to withstand an intense review. Supervisor Bibby noted that the Ag Community has been dealing with water regulations for years. She also recommended adding a new "whereas" paragraph to note that the plan is not regulatory. Discussion ensued as to the best place for that language. Mr. Franklin noted that he has no objection with the language, but that the resolution was proposed by the DWR; and noted that they are Ag oriented. Pat Garcia/Project Manager noted that there is no problem with adding language regarding it being non-regulatory.

Supervisor Bibby moved to approve the resolution, amended to add another Whereas paragraph at the end to read: *Whereas, the Yosemite-Mariposa IRWM Plan is not intended to be utilized for regulatory purposes;*

Supervisor Stetson seconded the amended resolution.

Supervisor Carrier noted the Department of Water Resources (DWR) set the need for an IRWM Plan to apply for grants; remarked that it has been thoroughly thought out; and noted that there has been commitment that approximately one million dollars will be available if a water bond is placed on the November ballot, and if an IRWM Plan is in place.

Chair Cann called the vote. The amended resolution passed unanimously.

11:25 AM the CAO noted that now that the Board has adopted the plan, it does qualify the agency to apply for some grants; noted that there is a grant available, but that it has a deadline of Monday, July 21, 2014; noted that the Board would need to approve the grant application but that it has to be done before Monday; and requested the Board schedule a

special meeting for this Friday. Peter Rei noted that they have been working with Townsend Public Affairs; that they still have some minor things to do on the application, but that Townsend assures that it will be done by Friday if a special meeting is scheduled; and noted that it is due by 5 PM on Monday. Supervisor Bibby noted that it will be needed before Friday for the Board and public noticing. Supervisor Cann noted that it is his understanding that the grant is nearly done.

Discussion ensued regarding calling a special meeting, the grant application, and when it might be available for review for a special meeting. Steven W. Dahlem/County Counsel noted that either the Chair, or the Board, can call a special meeting.

Supervisor Jones noted that he would like the special meeting as early as possible. Supervisor Stetson concurred, noting that he has an obligation that would require him to leave around 11:00 AM. Supervisor Carrier concurred with the special meeting, providing they get a draft grant application as early as possible.

Chair Cann noted Board consensus to hold a special meeting. Discussion ensued regarding the meeting time. Chair Cann noted Board concurrence to hold a special meeting on Friday at 8:00 AM; discussed the need for an agenda to be posted; and requested a draft application as soon as possible.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Board of Supervisors RES-2014-353

Adopt a Resolution Approving Drought Preparedness Plan Phase 1 (Supervisors Cann and Carrier)

Supervisor Carrier introduced the item, noting that a preparedness plan allows us to be more competitive in the grant process.

Supervisor Bibby required clarification that this plan is just voluntary. Supervisor Carrier affirmed. Supervisor Bibby stressed that this is a voluntary plan and not regulatory, and inquired if that was everyone's understanding. Supervisor Carrier affirmed, noting that he would not like to see it as a mandatory plan. Supervisor Bibby remarked that that understanding needs to appear in the record somewhere, and inquired if a clause stating that it is not regulatory could be included in the resolution. Chair Cann responded that it can be addressed when a motion is made.

Supervisor Cann discussed language on agenda packet page 203 which states that the 1997 river levels were the highest in 2,900 years; discussed his research in the spring of 1997 regarding flood recovery; noted that information is speculative after 140 or so years; and suggested that the language be changed to reference either "recorded history" or "approximately 150 years." Supervisor Carrier responded that he is unsure of the source of the data as the Planning and Fire Departments came up with those figures, but he sees no problem with that correction.

Public comment opened.

Marshall Long noted that the header at the top of page 196 needs to be deleted as it refers to implementing "Provisions for Mining."

Public comment closed.

Supervisor Bibby moved to approve the resolution, amended to include another Whereas paragraph that states: "Whereas, the drought preparedness plan is not

intended to be utilized for regulatory purposes"; to edit the "Biggest Storm Event" language to read: "Highest flow in Merced River in approximately 150 years"; and remove the header regarding it being a Provision for Mining.

Supervisor Carrier seconded the motion, and extended his thanks to everyone for all of the work.

The motion passed unanimously.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Recess

11:42 AM Chair Cann recessed the Board for a break, and reconvened the meeting at 11:50 AM.

3. Administration (ID # 3796)

Approve Proposal to Increase the Transient Occupancy Tax and Adopt Resolution Submitting the Proposal to the Electorate on November 4, 2014

Supervisor Cann discussed the action taken by the Board in this regard last week; stated that this item was put on as a placeholder pending a special Tourism Board meeting; noted that it is not agendized properly to allow any action today but that something could be scheduled for Friday's special meeting if the Board wishes. County Counsel noted that he does not believe the item is properly agendized for action today as it does not adequately inform the public that the Board is possibly reconsidering an action. He also noted that the Chair has the authority to allow public comment at any time during a board meeting under section VI.B.3.c of Resolution 90-231, the "Rules of Procedures for Meetings of the Board of Supervisors."

Public comment opened.

Supervisor Cann thanked the Tourism Bureau for their partnership and requested a briefing of the Tourism Bureau Board's action last week. Terry Selk/Yosemite-Mariposa County Tourism Bureau Executive Director briefed the Board, with the assistance of Roger Biery. Mr. Selk noted that his board of directors discussed the Board of Supervisor's action, and that the Tourism Bureau cannot support the currently proposed 1.25% increase in the transient occupancy tax (TOT); that the Tourism Bureau maintains its position of no increase; and that they would request the supervisors to reconsider the 1%-1% split if they do increase it. Mr. Biery gave a PowerPoint presentation which broke down net effects of proposed alternatives; noted that there is a perception that marketing doesn't work but that a rule of thumb is that for every dollar spent on marketing you will receive 4 dollars back in top line revenues; and noted that there is no sunset involved in their proposal. Mr. Selk discussed marketing, noting examples of how it has worked.

Supervisor Cann remarked that it seems that Mariposa is at an economic crossroads; noted that the Board determined it needed a TOT revenue increase, and that the percentage evolved from a 2% increase to a 1.25% increase which has been rejected by the Tourism Bureau Board; remarked that a problem inherent with that action is that the Tourism Bureau never committed to take over the visitors centers; noted that what is being proposed today by the Tourism Bureau is a 1% increase; and remarked that the options are to stick with the 1.25% increase and potentially have to pay for the visitors centers, face opposition and possibly lose the vote, or work for a true partnership of 1%

and 1%, with the Tourism Bureau taking over the visitors center.

Chair Cann noted that the action last week was a 4/5ths vote, and would require a 4/5ths vote to reconsider it, but that it could be added to the special meeting this Friday if the Board decides to pursue it.

Supervisor Jones required clarification of whether the Tourism Bureau would be pursuing a one percent increase in the TBID if the Board of Supervisors did limit the TOT increase to one percent. Mr. Selk responded that the issue of whether the Tourism Bureau would pursue an increase in the TBID was not determined at their meeting. Mr. Biery noted that it was considered at yesterday's Tourism Bureau meeting, but that the Tourism Bureau is standing behind its original proposal of a one percent increase in the county TOT, and a one percent increase in the TBID rate; remarked that the consensus of the group seems to be that conditional support of the 1.25% increase is not going to work; and noted that the matter was not voted on by the Tourism Bureau Board as there was no motion. Supervisor Jones noted that a total increase of two percent is the most the lodgings in the north county could tolerate. Mr. Selk remarked that the lodging industry is not supportive of any increase.

Chair Cann noted that County Counsel has advised that, because of the way this item has been agendized, any deliberation needs to be held for a subsequent meeting. County Counsel reminded the board that this is a public comment period and advised that the Board should hold comments until deliberation; and noted that other public members should be given the opportunity to comment. Chair Cann required clarification as to the acceptability of questions regarding their position. County Counsel responded that obtaining information is acceptable.

Ruth Catalan read an email that she sent to the Board into the record.

Mary Bass/Chamber of Commerce remarked that she hopes that the visitor centers don't slip through the cracks.

Ruth Sellers noted her agreement with Ruth Catalan; remarked that she feels that the Tourism Board is no different than any other entity in the county and, therefore, should be given equal opportunity to speak on the matter and should not be given any preference; stated that she doesn't think that the Tourism Bureau should be calling the shots; and noted that it is up to the Board of Supervisors to determine the amount, and then up to the public to determine whether they wish to accept it.

Marshall Long noted that the Board has already approved a 1.25 percent increase in the TOT, but that the citizens still have to vote on it; and that, with nothing in writing and no vote being taken, the Tourism Bureau has not offered anything substantial.

Robert Kroon/Yosemite West Cottages discussed ways that the Tourism Bureau has helped his business; noted that he feels it is important for the Tourism Bureau to have the support of the Board; remarked that he doesn't know what an increase of TOT will go to; and noted that tourism is Mariposa's only real industry.

Public comment closed.

Chair Cann required clarification of the Board members as to their desires; and noted that if there is to be any action, it would need to be done by next Tuesday at the latest. Keith Williams/Treasurer - Tax Collector - County Clerk affirmed that date from the audience.

County Counsel clarified that no action can be taken today, but that consensus is being sought as to what to do.

Supervisor Jones noted that he would like to revisit this issue. Supervisor Bibby noted that she wants to leave it as it is, and let the voters decide. Supervisor Carrier noted his agreement with Supervisor Bibby; stated that the Board needs to move on as it decided the matter last week; and remarked that the electorate are the ones who will ultimately decide this and, if it passes, it will come back to the Board for discussion, at which time they could decide to not raise it the whole 1.25 percent. Supervisor Cann noted that last week it was not clear to him who would be paying for the visitors centers. Supervisor Carrier stated that it wasn't discussed. Supervisor Cann remarked that it would be the County. Supervisor Carrier remarked that the issue would be determined during the budget hearings.

Supervisor Jones required clarification as to whether the Board would have any flexibility in whether the TOT is raised to the full 1.25. CAO responded, noting that County Counsel is looking at the item but it appears that the Board would be raising the TOT to 11.25 percent, and would not be able to raise it to a lower amount. County Counsel affirmed, noting that the resolution approved last week indicates that the TOT rate shall be changed from 10 percent to 11.25 percent, and does not have the language "up to 11.25 percent."

Supervisor Bibby remarked that the voters may not pass the County's TOT initiative; noted that it sounds like the TBID is not all that happy about taking over the visitors centers anyway; and discussed her desire to not keep rehashing the matter.

Chair Cann noted that there was no consensus regarding rescheduling the matter. He also noted that individual board members can schedule items if they desire.

RESULT: ITEM NOT CONSIDERED

4. Public Works RES-2014-354

Approve an Agreement for the Purchase and Sale of Real Property (APN 012-120-044) Between Mariposa County (Buyer) and Dr. Robert Northway and Ms. Suzan Banchemo (Sellers) in the Amount of \$27,833, and Authorize the Board of Supervisors Chair to Sign the Agreement

Peter Rei gave the staff report. He provided a brief history of the matter; noted that if the County acquires this property, they will be installing monitoring wells to meet Water Board requirements from 2003; and recommended approval.

Supervisor Carrier required clarification regarding dates of Notices of Violation, and requested a copy of whatever was sent to the County on March 21, 2014. Mr. Rei responded, noting that the March 21st correspondence was a letter from the Water Board reiterating the fact that there is still an active Notice of Violation; and he noted that Greg Ollivier has a copy, but has requested that the Water Board send an original copy to the Board. Mr. Rei also noted that the Water Board did a site inspection within the last couple of months, and that the resulting report noted no new issues but did note that they were still waiting on the acquisition of the property in order to install monitoring wells per the prior Notice of Violation.

Supervisor Bibby required clarification of whether an old concern regarding the owner's access to two fields had been resolved. Mr. Rei noted that the issue was resolved by revising the shape of the property being acquired.

Public comment opened.

Ruth Catalan noted that she has sat on the Solid Waste Task Force for many years and urged approval of the item.

Public comment closed.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

5. Administration (ID # 3783)

Approve New Compensation Schedule for Department Heads Effective July 1, 2014

RESULT: WITHDRAWN

J. Items removed from Consent Agenda

None.

K. Adjournment

12:38 PM Chair Cann adjourned the meeting in memory of Nancy Wieland.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

July 18, 2014

A. Call to Order and Roll Call

8:00 AM Chair Cann called the meeting to order in the Mariposa County Government Center, noting that all members were present.

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

B. Pledge of Allegiance

Supervisor Jones led the Pledge.

C. Regular Agenda Items

1. Public Works RES-2014-355

Adopt a Resolution Approving the Integrated Regional Water Management 2014 Drought Solicitation Grant Application to the California Department of Water Resources, and Authorize the Board of Supervisors Chair to Sign the Grant Application

Pete Rei, Public Works Director, gave the staff report. He commended Townsend Public Affairs, Glenn Franklin, and Gary Taylor for their work, and noted there are over 100 attachments now; and that it won't be known until October if this will be funded. He also noted that a wet signature of the approved resolution and application will be hand delivered to Sacramento on Monday before 5 PM.

Chair Cann and Pete Rei discussed the order of the projects noting that they are in no particular order; the content of the final draft of the application in regards to Fish Camp; and what will be included in the projects.

Supervisor Bibby required clarification as to where funds for the 25% match would be coming from, if the residents being served by the improvements are funding this, and if so, are they aware of this. Pete Rei responded that he was assured that the intent is to move forward; and that he doesn't have an answer at this time regarding funding the match, this would be addressed if the project is selected. Supervisors Bibby, Cann, Carrier and Pete Rei discussed the project list; funding the match; and prioritizing. Supervisors Bibby and Carrier noted for the record, if this grant application is approved, the 25% match for the Yosemite West projects would come from that community, as well as the other communities if they do not qualify as a disadvantaged community/no match required. Pete Rei clarified that the overall administrator of the grant application is the Resource Conservation District, with Public Works managing the implementation, and that the State views the application as one project. Supervisor Bibby, Pete Rei, and Glen Franklin, discussed the application requirements regarding agriculture. Supervisor Bibby commended all involved in pulling this together so quickly. Pat Garcia, Resource Conservation District, clarified for Supervisor Bibby, that the County is not obligated for any match until an agreement is signed.

Supervisor Bibby suggested informing the Yosemite West community that this is coming up in the near future. Pete Rei noted that they are aware of a match requirement and also that the community is not eligible for the disadvantaged community deferment. Pat Garcia clarified for Supervisor Bibby, in regards to individual grants, it will depend on what is submitted; noted that it will be submitted as one package; and that the Department of Water Resources will not make the decision on what to exclude if they don't fund the entire project, that would be our decision. Supervisor Carrier suggested, if this grant application is successful, that it be documented in writing in the form of an agreement with the Yosemite West community prior to an item coming back to the Board, that they will be responsible for the 25% match, and in regards to Coulterville and Fish Camp, if the match is not waived there should be a plan B for funding. He thanked Richard Harmon of Townsend Public Affairs and his staff. Supervisor Jones agreed with Supervisor Carrier, then asked how these amounts were derived and discussed specifics of the project. Pete Rei responded.

Supervisor Carrier and Pete Rei discussed the Coulterville project regarding an accurate evaluation to ensure that degraded water mains won't be discovered during the process increasing cost with no additional funding available to complete the project. Pete Rei stated the issue is the leaking joints between the main and the surfaces. Supervisor Cann, Pete Rei, and Pat Garcia discussed the descriptions included in the 12 page project information form and whether it is necessary to include them in the application. Supervisor Jones stated that he worked on those lines and they are not PVC, they are all iron pipes.

Supervisor Bibby requested confirmation that there will be a plan on how the project will be implemented in regards to the 25% match if Coulterville and Fish Camp do not qualify as disadvantaged communities. Pete Rei responded. Supervisor Cann suggested language noting that the project is contingent upon the community qualifying as a disadvantage community with no requirement of a match of funds. Glen Franklin noted the process once the application is approved. Supervisor Bibby suggested sending notification to the residents of Coulterville and Fish Camp informing them that a grant application has been submitted contingent on qualifying for no match of funds. Pete Rei stated that a letter could be sent with monthly water bills. Supervisor Jones requested that in addition to the letter, Pete Rei attend an upcoming community meeting to announce this information. Supervisor Carrier and Pete Rei discussed notification to Fish Camp residents.

No public input.

Supervisor Jones moved to adopt a resolution as presented. Seconded by Supervisor Carrier, with clarification of County Counsel that staff has been directed to make a number of changes to be consistent within the document. The changes have been discussed by this Board, direction was given to make any other necessary changes to make the document internally consistent, and with correction to a clerical error in the resolution. Maker and Secunder agreed to modifications.

Supervisor Bibby asked that the Board receive a copy of the final application.

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

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

D. Adjournment

9:06 PM Chair Cann adjourned the meeting.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

By: Tracy Gauthier
Deputy Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



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

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

July 22, 2014

A. Call to Order and Roll Call

9:03 AM Chair Cann called the meeting to order in the Mariposa County Government Center, and noted that there was a quorum with all supervisors present.

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

B. Pledge of Allegiance

Supervisor Carrier led the Pledge, followed by a moment of silence for the victims of the plane crash in the Ukraine.

C. Introductions

None.

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

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or, at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

Chair Cann noted that CA4 requires a 4/5th vote and should indicate that it is for the 2013-14 Fiscal Year, and that CA12 should indicate that it is for Fiscal Year 2013-14.

Public comment opened.

Ruth Catalan requested clarification of the dollar amount in CA5.

Public comment closed.

Regarding CA5, Supervisor Carrier noted that this is an action being undertaken by Keith Williams, the County Clerk/Treasurer/Tax Collector, to refinance the loan for the fire engines and water tenders and will amount to approximately \$600,000 in savings to the County over a nine year period, and that the amount saved will stay with the CSA3. Supervisor Carrier also thanked Mr. Williams and the CAO for being pro-active in the matter. Supervisor Cann noted that the cost to process the change will be \$28,500. Supervisor Bibby noted, for the record, that the \$28,500 is not in the budget projections, but will be built in to the budget if approved today; that a benefit will not be seen until next year; and she requested confirmation that the County Clerk, CAO, and Auditor are all in agreement on the matter. Rick Benson/County Administrative Officer affirmed off mic. Supervisor Bibby also required clarification that this will not change the repayment timeline. Mr. Benson noted that today's action is just to hire a consultant; that the new contract will keep the same term; and that this will cut the interest rate by more than half. Supervisor Cann required clarification of the time frame for completion. Mr. Benson responded, noting that the contract should come back to the Board at either the August 5th or August 12th meeting. Supervisor Stetson required verification that the consultant's fee will not be paid unless the contract moves forward. Mr. Benson affirmed. Supervisor Bibby required verification that the total cost of \$28,500 is only paid if this goes through. Mr. Benson affirmed. Supervisor Jones emphasized that all leases and agreements need to be looked at closer. He also commended Keith Williams and the CAO for their roles in this. Supervisor Bibby thanked all of those who participated in this.

Regarding CA7, Supervisor Jones discussed people in the valley cheating on the organic program, and inquired if the same happens in Mariposa County. Cathi Boze/Agricultural Commissioner advised that there is only one organic producer in the county, and noted that this also covers the farmers market; advised that they will be doing more inspections; and noted that there have not been any issues so far. Ms. Boze also discussed the application of the word "organic."

Supervisor Carrier required clarification that all of the departments have gone through Human Resources for recommendations and approval on items CA9, CA10, CA13, CA19, and CA21. Sandra Laird/Administrative Analyst affirmed.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. **Administration RES-2014-356**

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

CA2. **Administration RES-2014-357**

Resolution Continuing the Local Drought Emergency

CA3. **Administration RES-2014-358**

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

CA4. **Administration RES-2014-359**

Approve Budget Action for Fiscal Year 2013-2014 Reducing General Fund Contingency and Increasing the Indigent Defense Budget to Account for Greater Than Anticipated Conflict Counsel and Child Defense Expenses (\$27,750)

4/5ths Vote Required

CA5. Administration RES-2014-360

Approve an Agreement with Joshua Cooperman for Financial Advisors Service in Connection with the Refinancing of the County Service Area #3 (CSA #3) Fire Apparatus Lease Agreements, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA6. Agricultural Commissioner RES-2014-361

Approve the Pierce's Disease Control Program/Glassy-Winged Sharpshooter Agreement No. 14-0187-SF for FY 2014/2015 through 2015/2016 with the California Department of Food and Agriculture (CDFA), and Authorize the Board of Supervisors Chair to Sign the Agreement

CA7. Agricultural Commissioner RES-2014-362

Approve Organic Program Cooperative Agreement No. 14-0256-SA for Fiscal Year 2014/2015 with the California Department of Food and Agriculture (CDFA), and Authorize the Board of Supervisors Chair to Sign the Agreement

CA8. Community Services RES-2014-363

Approve Certificates of Compliance for the Veterans Affairs Subvention Program & Medi-Cal Cost Avoidance Program for Fiscal Year 2014-2015, and Authorize the Board of Supervisors Chair to Sign the Certificates of Compliance

CA9. District Attorney RES-2014-364

Approve the Immediate Filling of a Deputy District Attorney I, II, III Position Within the District Attorney's Office

CA10. District Attorney RES-2014-365

Authorize an Hourly Rate Increase for the Current Extra-Help Victim Witness Advocate Position from the Hourly Rate of \$13.3760 to the Step Two Hourly Rate for a Full-Time Advocate of \$14.0460 Effective July 1, 2014; and Authorize the District Attorney to Hire Future Extra-Help Victim Witness Advocates at Either the Step One Hourly Rate Which is Currently \$13.3760 or the Step Two Hourly Rate Which is Currently \$14.0460

CA11. District Attorney RES-2014-366

Approve the 2014-2015 Victim Witness Assistance Program (VW) Grant Application Administered through the State of California Office of Emergency Services (Cal OES) in the Amount of \$85,871, Commencing July 1, 2014, through June 30, 2015; and Authorize the Board of Supervisors Chair to Sign the Grant Application

CA12. District Attorney RES-2014-367

Approve Budget Action for Fiscal Year 2012/13 Transferring Funds Within the Victim Witness Budget to Purchase Two Microsoft Surface Pro 3 Tablets and Two Desk Chairs (\$4,299)

CA13. Fire RES-2014-368

Authorize the Filling of One Office Assistant II Position in the Fire Budget Effective Immediately

CA14. Health RES-2014-369

Approve an Agreement with Marie Moran, DDS, for the 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

CA15. Health RES-2014-370

Approve an Agreement 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 Contract

CA16. Human Services 2014-68

Accept the Resignation of Julia Crespi from the Mental Health Board

CA17. Human Services 2014-69

Appoint Miranda Adams, Linda Brown, and Ronald Schmidt to the Mental Health Board for Terms Expiring on July 22, 2017

CA18. Human Services/Behavioral Health & Recovery Services RES-2014-371

Approve a Memorandum of Understanding (MOU) with California Health and Wellness Plan to Coordinate Patient Physical and Behavioral Health Care Services, and Authorize the Board of Supervisors Chair to Sign the MOU

CA19. Human Services/Social Services RES-2014-372

Authorize the Human Services Department to Promote an Employee into a Vacant System Support Analyst Position in the Behavioral Health Department, Effective August 1, 2014

CA20. Planning 2014-70

Appoint Carol Coyle and Forrest Robertson to the Wawona Town Planning Advisory Committee with Terms Expiring February 28, 2016 (Supervisor Carrier)

CA21. Public Works RES-2014-373

Approve Filling an Equipment Operator-Solid Waste Position Immediately and Approve Underfilling a Maintenance Worker III-Solid Waste Position with a Maintenance Worker I/II-Solid Waste in the Solid Waste Division Effective Immediately and Until December 31, 2015

E. Board Recognitions

1. Agricultural Commissioner 2014-71

Proclaim the Week of July 21 - 27, 2014, as "California Invasive Weed Awareness Week"; and Receive a PowerPoint Presentation by Cathi Boze, Agricultural Commissioner

No public input.

Supervisor Jones commended Ms. Boze on her diligence with the programs.

Chair Cann presented the Proclamation to Cathi Boze. Ms. Boze extended her thanks to the public and the Board for everyone's support and cooperation; provided a flyer on "Arundo Donax;" and gave a PowerPoint presentation on the same, with the assistance of Tina Buirch/Ag & Standards Program Tech II.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

F. Departmental Presentation

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

Peter Rei/Public Works Director reported participating in a conference call yesterday with the Department of Water Resources (DWR), and advised that the DWR has put in some emergency drought regulations that are forecast to go into effect statewide next Monday, the basic goal of which being to save as much water as possible; and that the regulations will affect individuals, as well as large and small water systems. He also discussed the effects on individuals, noting that the rules include: not causing any water to run off of an individual's property, or on to other people's property; not washing one's car with a hose that does not have a nozzle that shuts off; not washing driveways; and no fountains that don't use recirculating water. Mr. Rei noted that the State is now going to regulate such activities; that they are supposed to be enforced on the local level; and that there are no state resources being allocated to the local level for that enforcement. He also discussed that to have these regulations enforced by anyone other than law enforcement would require authorization of someone by the Board; noted that with water systems with 3,000 connections or less, irrigation is limited to a maximum of two days per week; and noted that the Board will need to pass some form of action either informing people, or with mandatory conservation measures, and that he will be bringing an item for same before the Board. Mr. Rei also cautioned that these regulations will be subject to normal Water Board protocols, i.e., infractions, notices of violations, and eventually fines. Supervisor Cann required clarification of whether anything in writing is expected from the Water Board. Mr. Rei responded, noting that there is already a written policy and that he has supplied it to County Counsel for review, and that he will distribute it to the Board, as well. Mr. Rei also noted that it will take additional action as the board of directors of the different community systems to regulate people to not be able to water more than two days per week. Supervisor Cann inquired if this is focused on community systems. Mr. Rei responded, noting that it will affect both community systems and individuals. Supervisor Bibby requested that copies of the policy be supplied to individual departments and MPUD. Mr. Rei affirmed, noting that he thinks MPUD was also a participant of the conference call.

G. Public Comment on Non-Agenda Items

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

Vickie Eiland began speaking regarding an indemnification policy for the Pedestrian and Equestrian Trails. Supervisor Cann advised that the time for that item is later in the agenda, and noted that Ms. Eiland will be able to provide input then.

Kathy McCorry announced that the Business Expo last Wednesday was sold out; reported that the Chamber has completed its new website at mariposachamber.org, noting that each business has its own page; and advised that the new phone app will go live

within the next few weeks.

H. Board Information

Supervisor Stetson reported attending: a Wednesday afternoon meeting with Brian Focht, the Fire Chief, and Supervisor-Elect Smallcombe regarding fire issues in Midpines; and the special meeting of the board on Friday regarding the IRWMP grant process. He advised that he will be attending a meeting with Caltrans and Planning on Monday at 9:00 AM regarding the Ferguson Slide aesthetic committee; and he noted that he spoke with Grace Magsayo yesterday and the contract won't be finalized until September at the earliest, with rock removal not beginning until March or April of 2015, and completion not expected until 2018. Supervisor Stetson also advised that he will also be attending the YARTS meeting in Mono County on Monday at 1:00 PM.

Supervisor Jones discussed the drought, noting that the black oaks are dropping leaves and acorns. He also noted speaking with the CSD chairman on Sunday, and reported that the level at Lake McClure continues to drop and is within 60 feet of the level that will exempt it from federal rules requiring water releases. Supervisor Jones reported attending: the Greeley Hill Community Club meeting on Tuesday; a Wednesday meeting with Terry Selk and some people in Coulterville regarding tourism and the visitors centers; a meeting on the 17th with Building regarding the courthouse and some of the repair issues; a meeting with the Chamber of Commerce, the Visitors Center, and Supervisor Cann; and the special board meeting on the 18th, and he discussed the ramifications should a grant be awarded. He also reported spending most of the day in Coulterville on the 19th learning about the history of the area.

Supervisor Bibby reported attending: a meeting with Human Services on the 15th, noting that they are implementing some good changes; the special board meeting on the 18th; and the Mother Lodge Job Training meeting yesterday in Sonora, noting it is critical to find some private sector representatives for the Workforce Investment Board. Supervisor Bibby also provided an update that the restrooms in McCay Hall are closed again due to the silt in the water; noted that Public Works has been working on the issue, and urged patience with the matter.

Supervisor Carrier reported: attending the Wednesday meeting in Lushmeadows; stopping by the Integrated Weed Management presentation in Catheys Valley on Wednesday; and attending the Wednesday Chamber of Commerce Business Expo. He also reported on his attendance at the Yosemite Sequoia Resource Conservation Development area meeting on Thursday, noting that he believes that Madera County is considering a moratorium on all new Ag wells; discussed a planned development around Valley Children's Hospital that has to prove the water balance and sustainability before the project can move forward; and reported that Bass Lake is down 17 feet and is at the lowest level it has ever been. He also reported that Madera County is working on its IRWM update plan so that they can also submit grant applications for the drought grant funds that are becoming available; reported that PG & E announced that they were putting some money aside for fuel breaks and fuel reductions to protect community and utility assets and that our Fire Safe Council has been tentatively notified that they will be receiving \$60,000. Supervisor Carrier also reported: attending the special board meeting on the 18th regarding the IRMP grant application; attending the Fish Camp Planning Advisory meeting on Saturday, where the planning committee approved the expansion of the Timberloft pizzeria; attending the Fish Camp Fire Rescue meeting on Saturday; participating in the conference call with the Water Board yesterday; and attending a meeting with the Human Services Director and Supervisor Cann yesterday. Supervisor Carrier advised that he will be attending: the IRWM Plan meeting on Wednesday; the Bootjack Volunteer Fire Department pancake breakfast on Saturday; and the YARTS board meeting in Mono County on Monday. He also advised that the U.S. Ag Secretary has proclaimed August 3rd - 9th as National Farmers Market Week; and extended thanks to Jeff Davis, the USDA

Trapper in our area for his work addressing skunk and raccoon problems in Ponderosa Basin.

Supervisor Bibby extended her thanks to PG & E for their expediency in resolving a recent, large power outage in her area.

Supervisor Cann discussed the housing development by Valley Children's Hospital. He reported attending: a final meeting with Public Works on the Regional Watershed Drought Plan, noting that the grant application which was the subject of the July 18th special meeting was handed to the Department of Water Resources yesterday; the Chamber Business Expo, noting that it was very successful; and a Wednesday night meeting with the Rotary Club District Governor, noting some of the projects that have occurred in the area, as well as extending thanks to all of the service groups in the area. He also reported attending: the Central Sierra Economic Development meeting on Thursday, and noted that Mono County is looking at joining; a Friday meeting with the Chamber of Commerce and Supervisor Jones, noting that it started off being about the north county visitor center but ended up being a good discussion regarding all things concerning the visitors centers; the Economic Development Corporation annual strategy planning meeting on Sunday, and reported that they had some representatives there from the UC Merced who reported that there are about 49 people from Mariposa working there, and that they use Mariposa in their recruitment process; and a Monday meeting with the Human Services Director and Supervisor Carrier regarding homeless issues and challenges. Supervisor Cann advised that he will be attending: a Rural County Representatives of California (RCRC) Executive Committee meeting tomorrow in Sacramento; a Friday meeting with a developer, a Housing and Urban Development (HUD) specialist, and numerous department heads regarding subsidized senior housing; and the 100th Anniversary Celebration of the UC Cooperative Extension on Saturday at the Fairgrounds.

Recess Board of Supervisors

I. WATER AGENCY BOARD

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

Water Agency Regular Agenda

1. County Counsel (ID # 3790)

Approve a Contract for Services with Mariposa Public Utility District (MPUD) to Provide Consultation and Advisory Services to the Water Agency Regarding Merced Irrigation District (MID) Federal Energy Regulatory Commission (FERC) Re-Licensing and Related Water Issues, and Authorize the Water Agency Board Chair to Sign the Agreement

County Counsel recommended that this item be withdrawn to allow the Water Agency time to review it.

RESULT: WITHDRAWN

Adjourn Water Agency Board

J. Reconvene as Board of Supervisors

K. Regular Agenda Items

1. Board of Supervisors (ID # 3770)

Discussion and Possible Direction Regarding Request to Indemnify Property Owners in the Lake Don Pedro Subdivision with Pedestrian and Equestrian Trails on Their Property (Supervisor Jones)

Supervisor Jones gave the staff report noting that this is not a new issue; clarified that today will only be discussion and direction; discussed the limitations to communications between the supervisors due to the Brown Act; and discussed limited funds on the County level.

Public comment opened.

Vickie Eiland noted her support of the indemnification of the Pedestrian and Equestrian easements; and read a letter from Terrie Booten of the Lake Don Pedro Trailblazers which discussed the Trailblazers' support of this issue.

Mary Anne Taylor/Lake Don Pedro resident urged consideration of indemnification; stated that counties enjoy legal immunity from liability and that there is virtually no risk exposure; stated that, according to the Attorney General, providing indemnification serves a public purpose; remarked that precedent has already been set by other counties and public entities; stated that the insurance and legal climates today are different from when the Lake Don Pedro subdivision was created; noted that insurance for Lake Don Pedro trails is complicated, costly, and frequently unavailable to property owners; remarked that California Civil Code Section 846 doesn't protect the property owner from upfront litigation costs; and discussed each point.

Christina Hansen/Lake Don Pedro resident and Trailblazer corrected that she believes that, of the over 120 miles of trails, one hundred of them are located in Tuolumne County, with the remainder being in Mariposa County.

David Taylor/Lake Don Pedro resident discussed the item's accompanying memo from the County Administrative Officer and County Counsel, acting as Interim Risk Manager, recommending not granting the request; read the background information from an agenda action item from May 6, 2008, which discussed that, over the years, people purchased lots without realizing the location of trails; showed a map from his property purchase in 1978 that didn't show any trails; discussed the liability of pools; noted that they need indemnity to be able to sell their properties; again referred to the accompanying memo from the CAO and County Counsel, and read language from an indemnity proposal.

Public comment closed.

The Clerk read a letter from Sally Schauf Punte into the record.

Supervisor Jones noted that he does support the indemnification of the trails, but noted that there is a liability to the County; noted that he contacted realtors to see if the trails impact the value of the property and received conflicting responses; noted that he did not have any problems acquiring liability insurance; discussed Civil Code §846, noting that he has never been sued; discussed some of the financial constraints under which the County is currently operating; noted that comparisons can't be made between Mariposa and Tuolumne counties, and referenced the Amador Plan which is paid for by Tuolumne County in that county, while the residents pay for it in Mariposa County; noted that information obtained last night causes him to want more time to investigate the matter; noted that the timing is not good right now; noted that he does support indemnification of the trails down there; remarked that he wants to get all of the past records; and stated that he would like to bring this back in the future.

Supervisor Stetson required clarification from County Counsel as to whether indemnification will require maintenance of those trails. County Counsel noted that his recommendation as Risk Manager is that if the County wishes to provide indemnification,

then it should be responsible for the maintenance, as well. Supervisor Bibby required clarification from County Counsel of how that works with encroachments for the trails. County Counsel responded that the County already has the responsibility, by board resolution, to deal with encroachments. Supervisor Bibby noted that she would like to see what the original agreement with Boise Cascade said, and have it reviewed by County Counsel. County Counsel responded that he has that document. Supervisor Bibby inquired if County Counsel had the document when he made his recommendation. County Counsel affirmed. Supervisor Bibby noted that she has to agree with County Counsel as the Risk Manager; discussed litigation costs; discussed her concerns that if things are indemnified, people may feel that they can lower their guard on maintenance; and suggested watching and reviewing information as it comes in. She also inquired of the name of the subdivision in Tuolumne County that was referenced. CAO responded that he didn't know the name.

Supervisor Jones recommended that more research be conducted, and that the matter be brought back as an action item; remarked that he would like more background information; and remarked that if the County indemnifies for the trails, then it would be required to maintain them. County Counsel noted that such trail maintenance would not be a requirement but would be up to the Board to determine, but that it is a best practice to limit liability risk. Supervisor Jones remarked that it might cost more. Peter Rei affirmed from the audience. Supervisor Jones required clarification of whether the matter should be brought forward. Chair Cann responded that the Board will look to Supervisor Jones, who can initiate an item at any time. Supervisor Jones noted that he will bring an item back in the future.

Supervisor Bibby noted that if homeowners have information, it would be beneficial if they could supply it. She also required clarification that the County is self-insured up to \$100,000. CAO affirmed off mic.

RESULT: DIRECTION GIVEN

Recess

10:44 AM Chair Cann recessed the meeting, and reconvened at 10:54 AM.

2. Public Works RES-2014-374

PUBLIC HEARING Regarding the Report of Delinquent Fees and Approval to Add Delinquent Fees to the Appropriate Property Tax Roll for Collection

Peter Rei gave the staff presentation; gave an overview of the process; and recommended the requested action.

Supervisor Jones inquired as to what happens if they do not pay after the five years, and whether the properties will go up for sale. CAO responded, noting that these amounts become part of the tax bill and are subject to all of the same rules and regulations, and would be subject to sale after five years. Supervisor Jones inquired if this is like the sewer bond issue in Don Pedro. Mr. Rei noted that it is not, but that there are some of the same properties. CAO noted that the difference is this does not have an accelerated covenant to foreclose, while the sewer assessment does.

Supervisor Bibby inquired if anyone has challenged it. Mr. Rei noted that they received a number of responses back; that the number on this list is less than the initial amount of people; and that some people will pay and some don't. Supervisor Bibby noted a large charge for Coulterville Holdings, and requested background information. Supervisor Jones and Mr. Rei noted that they would get that information to her.

Supervisor Carrier required clarification of today's action. Mr. Rei responded that this is the public hearing to receive comments as required by law; and at the end of this

hearing the Board would, if it so chooses, be directing this to be done.

No public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

3. Public Works RES-2014-375

Approve a Program Agreement for the Darrah Road Bridge Over the Chowchilla River Bridge Project No. BRLO 5940(004), and Authorize the Public Works Director to Sign the Agreement; Approve Budget Action Reducing General Fund Contingency by \$66,000 for the County Match, and Increasing Revenue and Appropriations in the Bridge Replacement Fund to Account for the Federal Funding and County Match (\$239,905)

4/5ths Vote Required

Chair Cann noted that the action today is only to sign the agreement, and that Public Works has requested elimination of the language regarding approving the budget action as it won't be necessary.

Peter Rei gave the staff report. He advised that this item was originally brought to the board on June 17, 2014, at which time board members expressed concern about the amount of county matching funds needed for this project, particularly the match for the construction phase; noted that staff has rethought the budget and that they are now proposing that the \$66,000 be included in the Public Works 2014-2015 Fiscal Year Engineering budget submittal; and noted that the funds will come from salary savings from a couple of unexpected retirements that are coming up, with at least one of the positions not being rehired. He also noted that the construction phase match will require a separate action of the Local Transportation Commission to resolve; advised that there will be a \$400,000 match, as calculated at twenty percent of a two million dollar project; and advised that we will also have to pay twenty percent towards the construction engineering and testing as well, which will bring the total amount to \$432,000. Gary Taylor/Assistant Director of Public Works-Public Works noted that the project was first looked at as being a rehabilitation project, but that Caltrans granted a replacement as their chosen alternative after a feasibility study. Mr. Taylor then gave a PowerPoint overview of the process noting that they have a request for authorization for \$315,000 plus another \$15,000 for right-of-way; that this project is under a program from the early 1990s that required an 80/20 split; noted that, under this program, the project is supposed to be completed within twenty years but that it has not been completed; noted that, in response to a request from Public Works, Caltrans has granted an extension of the deadline to complete the plans, specifications, and estimates (PS&E) to September 1, 2017; has granted more money for the preliminary engineering; and advised that construction would occur in Fiscal Year 2017-2018, or beyond. Mr. Taylor presented a cash flow forecast, showing what the consultant is expected to charge; and discussed a funding and budget summary, noting that the \$66,000 match for the PS&E phase will be coming from the Public Works Fiscal Year 2014-2015 budget with \$264,000 coming from Caltrans as their 80% match. Mr. Taylor also noted that there currently is no approval for the E76 right-of-way services, and that Caltrans requested it not be added in with the preliminary engineering; but, that it will be requested in the next year once the design has proceeded far enough, and once the environmental has been completed. Mr. Taylor also advised that a lot of environmental

work had previously been done, but that new studies need to be done to update the information on file; and that this contract includes all of the environmental services needed to get permitted. Mr. Rei explained that they will have to request the funding be moved at each phase; that so far they have requested money for the preliminary plans and specifications; explained that one slide shows funds that have been requested, while the other one shows requests that need to be made; noted that this totals \$505,000 in additional county resources, with the \$434,000 being proposed to come out of the RTIP. Mr. Rei also discussed that 1.678 million dollars has been programmed, but not requested; noted that it would most likely be approved on the state level; noted that a summary of accidents on the bridge, or within a quarter of a mile of it, shows that there were six accidents over the last 5 years, with 3 being injury accidents; remarked that an extension can be obtained if you have one thousand dollars that you can bill; discussed that there is an agenda item prepared for an agreement with CH2MHill but that it can't be brought forward until this is approved; and expressed his confidence that we can get this done.

Supervisor Cann inquired if there was any data regarding the amount of traffic on this road relative to other county roads. Mr. Rei responded that he didn't bring that data, but that he would be surprised if it isn't one of the highest used segments of roadway in the county.

Supervisor Carrier and Mr. Rei discussed whether there were posted speed limits approaching the bridge, what the different colors of sign indicate, and the effects of basic speed laws. Mr. Rei noted that he would need to do a traffic study to determine that the speeds of travel in that area are at least 55 mph before signs could be changed from the yellow advisory signs to white speed limits. Supervisor Carrier inquired if Mr. Rei informed anyone outside of Public Works when they were notified that the project was in jeopardy of not meeting its deadline; and expressed his concerns that Public Works is already overtasked. Mr. Rei responded that they did not notify anyone else because issues that arise on selected projects are typically handled within the department. He also noted that he became alarmed because of the twenty year requirement and that he felt it was his obligation, as the Public Works Director, to do what he could to salvage the project, which is what they did. Regarding the workload issue, Mr. Rei responded that a contract with CH2MHill is scheduled for the August 5th meeting and that, if approved, the consultant will take 99 percent of the workload from this point to the conclusion of the environmental document, and the plans and specifications; that very little staff time will be needed until such time as they need to speak to property owners about acquiring right-of-ways which is a good year and a half, to two years, out; noted that the real staff time will be needed when this goes out to bid; remarked that he thinks they are able to manage this project at this time; noted that he is comfortable with this funding source; and stated that he thinks this is a good way to get a huge amount of federal dollars back into the county. Supervisor Carrier remarked on the project needing to be started by September 1, 2017, and inquired when it would need to be completed. Mr. Rei responded that they did not provide a date but, typically, it goes out 10 years. Supervisor Carrier required clarification of whether the extension requested at the end of the twenty year timeline was for another 10 years. Mr. Rei responded that the extension was for 3 years to complete the design, to complete the right-of-way, and to put it out to bid. Supervisor Carrier inquired if another extension would be requested for the construction part. Mr. Rei explained that the construction has no date on it, and the only reason there would become a date is when you actually program the money. Mr. Rei also noted that if the LTC decides to use the RTIP money, and if the California Transportation Commission (CTC) approved it, it would put it into a particular fiscal year which would be the first time there was a restriction on when construction would have to happen. Mr. Rei further explained that he is proposing asking for that money in either the 2016-17, or 2017-18, fiscal year. Supervisor Carrier remarked on the need to go through a new environmental review and noted that if the CTC doesn't approve this in August, then we'll have to wait another year until December, 2015, to

resubmit. Mr. Rei noted that, assuming an LTC action in early August, they would put it on the next available CTC agenda which would probably be September or October which then sets up the match; and that when the preliminary engineering was complete, trips to the CTC and Caltrans would be necessary to turn programming into hard dollars.

Supervisor Cann required clarification of why staff would do the construction inspection rather than contract with a firm. Mr. Rei noted it could be done either way; that Bill McKenzie did one in Tuolumne but is retiring; and noted people expressing interest in providing those services. Supervisor Bibby required clarification that it has not been planned that Mr. McKenzie will retire and be rehired back. Mr. Rei noted that it is only an option being contemplated; but will comply with standard procedures.

Supervisor Bibby inquired if this would jeopardize any other projects on the RTIP. Mr. Rei responded that it will not. Supervisor Bibby discussed with Mr. Rei that this project didn't follow the normal process because the Board never formally approved a replacement versus a rehab. Mr. Rei discussed that an advantage to a replacement is that Fish and Game will look at it favorably as it will remove a pier from the river. Supervisor Bibby reiterated that the Board the choice of a replacement bridge over rehabilitation. Mr. Rei noted that his goal for next year is to have a capital improvement program to show projects and timelines. Supervisor Bibby discussed problems with capital improvement funds, noting that they work fine when there is money; and stressed that anything that is going to commit additional money, or shift RTIP money, needs to go to the board in advance. Supervisor Bibby and Mr. Rei discussed approximate costs. Supervisor Bibby stressed the need for open competition for all projects and jobs.

Supervisor Cann noted that every bridge he has ever done escalated in cost, and inquired if the RTIP can be modified if the amount grows. Mr. Rei responded affirmatively, providing that it is done in the fiscal year prior to the work being done.

Supervisor Stetson inquired if it would have been extended if the \$1,000 was expended. Mr. Rei responded that it possibly would have, but that they had already billed and there hasn't been enough done since then.

Supervisor Cann remarked that we can live with the program that was proposed. Mr. Rei responded, noting that it needs to be approved, and that it will go inactive if it is not approved.

Supervisor Bibby required clarification that the right-of-way amount is not going to be more than \$5,000. Mr. Rei noted that, typically, that it is further out and gets defined as the project gets designed, but that he has had preliminary discussions with the landowner and there were no indications that there would be a problem. Supervisor Bibby discussed issues with the Mt. Bullion Road. Supervisor Jones inquired if there was anything budgeted for right-of-way. Mr. Rei responded that the federal process requires a preliminary design first, so we don't budget it. Supervisor Jones and Mr. Rei discussed the right-of-way acquisition process.

Supervisor Carrier urged Mr. Rei to check with HR and County Counsel regarding hiring a retired annuitant, as offers cannot be made before retirement. Mr. Rei responded that it hasn't been discussed with him, and no deal has been made; that it was an example.

Public comment opened.

Marshall Long wondered how he knows the employee is interested in coming back without having discussed it; and urged following all laws and doing it right.

Public comment closed.

Supervisor Jones moved the item as presented. Supervisor Stetson seconded the motion and requested clarification that the budget action is not part of the action. Chair Cann affirmed, and inquired if that was also recognized by the motion maker. Supervisor Jones affirmed.

Supervisor Bibby noted that she would be against this if Mr. Rei hadn't already gotten the extension; stressed the need for Board approval in the future when changing

projects from a rehab to a replacement; and voiced her concerns with using retiring employees, noting that it has to come through County Counsel.

Chair Cann called the vote. The Motion passed 4-1; Supervisor Carrier opposed.

RESULT: ADOPTED [4 TO 1]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, Kevin Cann

NAYS: John Carrier

4. Administration RES-2014-376

**Adopt a Resolution Repealing the 2008 County Service Area #3
Assessment and Providing Relief for Properties Not Charged Under the
Prior Assessment**

Rick Benson gave the staff report, and recommended that the Board adopt the resolution.

Supervisor Jones inquired if the firm that did the CSA3 has advised on this issue. Rick Benson responded that the engineering firm and legal advisors have discussed the matter, and that the legal firm wrote the resolution. Supervisor Jones required clarification that they have all come to the conclusion that these properties do not have to pay the back fees. Mr. Benson responded, noting that that decision is up to the Board, but that they are strongly recommending that it would be improper to penalize them since it was the County's fault that they were missed in the past.

Supervisor Bibby required clarification that this relief is only for those that did not pay because the County missed sending a bill to them, and that those who paid will get credit. Supervisor Cann added that he would also like to know how many were missed. Supervisor Stetson noted that he would also like to know if those who were missed in the past have all been notified that they were missed, that their fees have been forgiven, and that they will be charged the fee going forward. CAO responded, noting: that he believes the number of parcels missed was about 140; that the people who were missed in the past, did receive ballots during the last process which notified that if it passed they would be charged the \$80 in the future; that we have not sent a specific letter that they were missed in the past and that they are going to be charged in the future; that we could send a follow up letter to them explaining that they will be charged; and that most of the properties that were missed were in a unique category where they have a possessory interest on land owned by the Federal Government. Supervisor Stetson inquired if this is El Portal, and the CAO affirmed. Supervisor Stetson noted that he would like that letter sent to each of the residents missed in the past, and would like to add that as Board direction. Supervisor Stetson also inquired if the lands in El Portal that are government housing, like Rancheria, are charged the CSA fee. CAO responded that he was not familiar with those properties so could not answer. Supervisor Cann remarked that the people who live in those houses pay the possessory use tax to the County as a property tax substitute.

Public comment opened.

Marshall Long noted that the 140 assessments that were not collected represent \$11,200, and questioned if it would not be a gift of County funds to forgive them; and inquired if it is fair to those who have paid it.

Public comment closed.

Supervisor Bibby required clarification of how this would not be a gift of public funds. County Counsel responded that in order to be a gift of public funds there would have to be no public benefit; that in this case the resolution states that because the

County was responsible for not billing these individuals since 2008, it would impose an undue hardship on them to receive a lump sum bill for the period of 2008 to 2014-15; and that he believes that it is a public benefit to recognize that it would be unduly hard on those individuals to receive a bill for past years for which they had no notice. Supervisor Bibby noted that most vendors, including CAL FIRE, say that just because you don't receive a bill doesn't mean that you don't owe it, and inquired if a payment plan could be set up; noted that some people didn't receive a ballot but were still billed; and remarked that she is not quite sure why you can't go back, especially since they got to vote this time. The CAO responded that it is his understanding that the County would only be able to go back three years; reiterated that they did not receive a ballot and remarked that he did not know what legal issues might present in such an instance; noted that the County didn't know they existed and didn't charge them, and that it is legally responsible to not charge them now, but that it is up to the Board; and noted that the budget was built without these parcels being part of the overall cost calculations. Supervisor Bibby discussed whether the overall \$80 per parcel amount is affected since the previously unknown parcels were not factored in; noted that she doesn't believe that is the case since the consultants would have picked it up; and requested assurance that this has all been vetted through the consultants and that they recommended that the amounts be forgiven and that there was no way to collect. Supervisor Cann discussed the CSA process; and noted that the ability to back charge looks legally shaky to him. CAO noted that the cloudy legal issues are the foundation of the staff recommendation; that it also does not seem appropriate to charge people on something they were never notified of, nor allowed to vote upon; and that the recommendation was built upon discussions with outside counsel and the outside engineering firm.

Supervisor Bibby inquired if they are paying the SRA fees since there appears to be a problem with the assessment roll. Supervisor Stetson responded that the El Portal residents are being assessed the SRA funds. Supervisor Bibby requested that the CAO verify that, because it needs to be corrected if it is wrong. Chair Cann noted that the SRA is not the issue today and is something that the CAO can check separately.

Supervisor Jones noted that he hopes everyone has learned to hire professional firms to make sure things are done correctly, rather than do them in-house

Supervisor Bibby inquired if there is a deadline. The CAO responded that the Board has already taken an action to put the new charge on the property tax rolls, and this is just a cleanup action.

The action was moved by Supervisor Jones and seconded by Supervisor Stetson.

Supervisor Bibby discussed the need to look at other possessory interests in the County to make sure that no one is missed in the future.

Chair Cann called for the vote. The motion passed 4-1, with Supervisor Carrier opposed.

RESULT: ADOPTED [4 TO 1]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Merlin Jones, Janet Bibby, Kevin Cann

NAYS: John Carrier

5. Administration (ID # 3820)

Approve New Compensation Schedule for Department Heads Effective July 1, 2014

Rick Benson gave the staff report; discussed some of the study figures; noted that he is recommending the salaries in the green column; discussed the drop of the Technical Services Director, and the adjustment up for the Treasurer/Tax Collector/Clerk and Ag

Commissioner to 67%; and noted that the Community Services Director is an unusual position, and that comparable data for that position is not available. Mr. Benson noted: that he has deviated from some of recommendations based on some recent salary adjustments; that his recommendations are based on Board precedent and the Sheriff's recent salary as a base, and would take effect on July 1, 2014, and July 1, 2015; that he has received varied feedback from the department heads on the issue; that he feels this is reasonable and addresses the problem of attracting people to the County; that the Sheriff's figures are not included in the total cost as the Board has already taken that action, and that nothing done today will affect the action previously taken regarding the Sheriff; that the General Fund portion of the overall cost increase would be approximately \$87,000; that this should address internal equitability issues; that they have been building the budget for the upcoming year with these figures taken into consideration, and that they are very close to having a balanced budget for the upcoming year using these numbers; and that it has been over five years since the department heads received a raise.

Supervisor Bibby required clarification that the recommended figures have been built into the Fiscal Year 2014-2015 budget. CAO responded that the \$87,000 increase in the General Fund was built in to the recommended budget which is very close to being balanced. Supervisor Bibby noted that this would be the source of the money for this year only; and expressed her concern with programming ongoing costs with one-time funding. CAO responded that this would become a basis of what the budget is built upon; and noted that department head salaries are a cost of doing business. Supervisor Bibby noted that they are, but that we usually identify the ongoing funding source.

Supervisor Jones inquired if half of the department heads are happy with it. CAO responded, noting that he thinks a large majority of the department heads are in favor of moving forward and feel that compensation needs to be addressed at this time; and that some provided feedback that it should be more, some think it is alright as it is, and some feel that the timing is wrong. Supervisor Jones noted that the Building Department is an Enterprise Fund, and required clarification of potential effects on that department should its director be given a raise. CAO responded that it will have affect that budget as it also gets some General Fund monies; and noted that he received an email this morning from the Building Department Director expressing concern as to how such an increase would be covered within his budget. Supervisor Jones required clarification of how it would be covered. CAO responded that we would have to find another way within that budget, and that the General Fund contribution would have to go up; discussed that when he calculated the General Fund cost, he counted the Building Department as if the entire increase would be covered by the General Fund; and remarked that he hopes we would be able to recover some of that from the Enterprise Fund. Supervisor Jones remarked that department head salary increases will come up during union negotiations and will end up costing the County quite a bit more. CAO responded that there will be negotiations; noted that the Board has already given modest increases to the rank and file; noted that many of the department heads are more underpaid than the rank and file; and noted that some of the positions within the rank and file are above the norm, but none of the department heads are. Supervisor Jones inquired if consideration had been given to splitting increases equally over several years. CAO noted that he was trying to get this reset so that the internal equity was back in place in the first year, and then move forward from there. Supervisor Jones inquired if there was any problem with utilizing an equal amount each year. CAO responded that the Board can do anything that it wants. Supervisor Jones discussed equal increases over time, noting that the benefit would be that costs would be divided up equally as well. CAO noted that if you did it equally it would be \$72,000 each year versus \$79,600 right now; remarked that there are a lot of ways to achieve it; and noted that he was trying to address the internal equity as soon as possible. Supervisor Jones noted that the department heads that he spoke with would also entertain a three year plan; and that he would like to see everyone treated equally from the first to second years.

Supervisor Bibby suggested just looking at a 2% increase to all of the department heads, then revisiting this at midyear next year when the new Board is in place and when more is known about the County's financial status. She also noted: that the Board just

forgave \$33,600 for the CSA; that there are replacement costs for the fire trucks; and that she had requested Fund Balances last week and that they were not available, yet they are now being built in to the budget for this item.

Public comment opened.

Ruth Catalan read into the record the email that she sent urging against the action.

Public comment closed.

Supervisor Cann noted: that the other counties in the salary survey area have a cost of living that is about 16% higher than ours; that the CAO says the funds for these increases are covered in the budget, but since a proposed budget is unavailable he doesn't know if something else has been cut to fund this; that he believes we have outstanding department heads; remarked that the proposed salaries still remain, on average, about ten percent below those other counties which seems to account for that cost of living difference; noted that he really does appreciate the work our department heads do for the County; and stated that he would be willing to consider this during or after the budget process, but is not willing to approve it before then.

Supervisor Carrier discussed a 2006 policy that based salaries on percentages tiered off of the CAO's salary; noted that the 2009 Board deviated from that system to recruit for a Public Works Director, and that salaries have been addressed individually since then which has caused the current inequities; noted his understanding that the first year is the CAO's attempt to make those corrections; noted that salary will keep coming up every time a recruitment is necessary; remarked that they would be going into this blind without seeing the proposed budget, or knowing the Fund Balances; stated that he would be willing to discuss this during, or after, budgets; proposed alternate amounts and schedule for increases; and noted that we need to live within our means, and wait to see what our Fund Balances are before making any hard decisions.

Supervisor Jones concurred with Supervisors Carrier and Cann; noted that he has heard the "cost of doing business" argument before, but that it still has to be balanced against available funds; and remarked that the issue does need to be addressed but, before anything is spent, the revenue needs to be identified.

Supervisor Stetson remarked that there is no quicker road to mismanagement in this county than to not provide salaries that will actually attract good people; noted that he will wait for specific proposals; and stated that he would like to see some movement on correcting this serious problem. Supervisor Cann agreed that salary needs to be corrected.

Supervisor Jones moved to table the matter, and bring it back during budget time. Chair Cann noted that he didn't know if a motion was needed, but that direction to the CAO to bring this back for Board consideration during budgets might suffice. Supervisor Jones withdrew his motion and made it his recommendation instead. The Board indicated concurrence with the recommendation.

Supervisor Bibby remarked that a majority of the Board wants to wait; and noted that, even at budget hearings, she is leaning toward just a two percent increase until mid-year. Supervisor Cann required clarification that she would be comfortable doing that at budget time. Supervisor Bibby affirmed.

Chair Cann noted that it is the consensus and direction of the Board that this issue be brought back for consideration during the week of budget discussions.

RESULT: ITEM NOT CONSIDERED

L. Items removed from Consent Agenda

None.

M. Closed Session

No Board or public input on any of the closed session items.

1. **Board of Supervisors (ID # 3800)**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Administrative Officer (Government Code Section 54954.5)

RESULT: CLOSED SESSION HELD

2. **Board of Supervisors (ID # 3801)**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Public Works Director (Government Code Section 54954.5)

RESULT: CLOSED SESSION HELD

3. **Administration (ID # 3799)**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: County Fire Chief (Government Code Section 54954.5)

RESULT: CLOSED SESSION HELD

Report Out

8:10 PM Chair Cann reported out that information was received and direction was given in all three Closed Sessions.

N. Adjournment

8:10 PM Chair Cann adjourned the meeting in memory of Vicki Kardell, Richard Payton, and Donald McMenomy.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

August 5, 2014

A. Call to Order and Roll Call

9:03 AM Chair Cann called the meeting to order in the Mariposa County Government Center and noted that there was a quorum with all members present.

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 Stetson, followed by a moment of silence in support of a speedy resolution to the conflicts in the Middle East, and for our men and women in uniform across the globe and domestically.

C. Introductions

None.

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

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or, at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

Public Comment Opened.

Ruth Catalan urged approval of CA22.

Public Comment Closed.

Supervisor Jones discussed the SWIFT program and its importance, and urged the

approval of CA4.

Regarding CA5, Supervisor Cann announced that the Fire Safe Council received a quarter of a million dollar grant from PG & E, for which the Council will need to immediately mobilize as the funds need to be obligated by October.

Regarding CA15, Supervisor Bibby noted that this is adding the adult portion of Systems of Care to the description, and she requested that it be filtered through the Class and Comp study to keep it current. Steven W. Dahlem/County Counsel and Interim Human Resources Director - Risk Manager agreed with the request. Supervisor Cann also discussed some old verbiage on agenda packet page 97 that he has already spoken with County Counsel about, and which is just clerical in nature so won't require any special action.

Regarding CA24, Supervisor Bibby noted that the Plans and Specs were never received, and she requested that they be run past Building, Planning and Environmental Health to make sure that there are no issues. Peter Rei/Public Works Director noted that it has already gone through those departments prior to getting the bid the first time, but that they will run them past the departments again. Supervisor Stetson required clarification regarding the additive alternate. Mr. Rei responded, noting that adding it in increased the cost.

Regarding CA22, Chair Cann noted his understanding that timing is an issue with this item, and required clarification that it cannot be signed until CDBG approves the agreement. Tara Schiff/Community Development - Grant Coordinator affirmed that the document cannot be signed until CDBG clears the conditions otherwise we risk not being reimbursed. Supervisor Cann noted that there is an agreement date of June 10, 2014, on the first page of the agreement. Ms. Schiff noted that, per County Counsel's direction, that date will be changed to be effective the date the conditions are cleared. Supervisor Carrier inquired if there is a single point of contact on the matter. Mr. Rei responded by indicating Ms. Schiff.

Supervisor Jones moved that the consent agenda be approved as presented.

County Counsel clarified that the June 10, 2014, date in Paragraph 1.01 of the agreement in CA22 will be deleted and a new date will be inserted that's consistent with the date that the CDBG clearance arrives. Supervisor Jones agreed with the clarification. Supervisor Carrier seconded, and the clarified motion passed unanimously.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. **Administration RES-2014-377**

Resolution Continuing the Local Drought Emergency

CA2. **Administration RES-2014-378**

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

CA3. **Administration RES-2014-379**

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

CA4. **Administration RES-2014-380**

Approve the Professional Services Agreement for Use of Title III Funding from the Secure Rural Schools and Community Self-Determination Act of 2000 for

the Continued Funding of the South West Interface (SWIFT) Project Coordinator from July 1, 2014, through June 30, 2015, in the Amount of \$13,000; Authorize the Board of Supervisors Chair to Sign the Agreement

CA5. Administration RES-2014-381

Approve the Grant Agreement for the Use of Title III Funding from the Secure Rural Schools and Community Self-Determination Act of 2000 for the Continued Funding of the Mariposa County Fire Safe Council from July 1, 2014, through June 30, 2015, in the Amount of \$59,380; Authorize the Board of Supervisors Chair to Sign the Agreement

CA6. Administration 2014-72

Receive the List of Contracts Entered into by the County Administrative Officer (CAO) Pursuant to Ordinance 3.08 with Terms Commencing in July, August 2013, and January through August 2014

CA7. Agricultural Commissioner RES-2014-382

Approve Nursery Inspection Cooperative Agreement No. 14-0322-SA for Fiscal Year 2014/2015 with the California Department of Food and Agriculture (CDFA), and Authorize the Board of Supervisors Chair to Sign the Agreement

CA8. Board of Supervisors

Approve the Minutes of Tuesday, July 8, 2014

CA9. Board of Supervisors

Approve the Minutes of Tuesday, July 15, 2014

CA10. Board of Supervisors

Approve the Minutes of Friday, July 18, 2014

CA11. Board of Supervisors

Approve the Minutes of Tuesday, July 22, 2014

CA12. Community Services RES-2014-383

Approve Budget Action for Fiscal Year 2013-14 Transferring Funding Within the Senior Nutrition Fund for End of Year Payments (\$3,500)

CA13. Health RES-2014-384

Authorize the Filling of a Senior Office Assistant Position in the Public Health Department Effective Immediately

CA14. Human Resources/Risk Management RES-2014-385

Approve a First Amendment to the Professional Service Agreement with Gilmore Wood Vinnard & Magness for Investigative Services Increasing the Agreement by \$15,000 to an Amount Not-To-Exceed \$40,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA15. Human Resources/Risk Management RES-2014-386

Approve Amendments to the Deputy Director Behavioral Health Job Description by Adding the Performance of Essential Functions in Both the Adult and

Children's System of Care Programs and Other Minor Modifications to the Job Description

CA16. Human Services/Behavioral Health & Recovery Services RES-2014-387

Approve the Recruitment and Hiring of a Deputy Director of Behavioral Health in the Human Services Department Effective Immediately

CA17. Human Services RES-2014-388

Reduce the Allocation of a Currently Vacant Full Time Office Technician I Position in the Human Services Administration Budget to 80% Permanent Part-Time and Authorize the Promotion of an Employee into the 80% Permanent Part-Time Position Effective August 6, 2014

CA18. Human Services/Behavioral Health & Recovery Services RES-2014-389

Approve the Recruitment and Filling of a Social Service Aide Position in Behavioral Health Budget Effective Immediately

CA19. Human Services/Behavioral Health & Recovery Services RES-2014-390

Approve the Recruitment and Filling of a Mental Health Aide Position in the Human Services Department Effective Immediately

CA20. Probation 2014-73

Accept the Resignation of Michael Fagalde and Appoint Neal Douglass to the Mariposa County Community Corrections Partnership (CCP) Executive Committee

CA21. Probation RES-2014-391

Change the Effective Date of Allocating and Filling the Administrative Assistant-Probation Position from September 15, 2014, to be Effective Immediately

CA22. Public Works RES-2014-392

Approve a Professional Services Agreement with Nolte Associates in an Amount Not-To-Exceed of \$178,044 for Engineering Services for the Design of West Whitlock Road, and Authorize the Board of Supervisors Chair to Sign the Agreement (Pending Obtaining Approval from CDBG)

CA23. Public Works RES-2014-393

Approve a Program Agreement for the Tip Top Road Over MF Chowchilla River Bridge Project No. BRLO 5940(112), and Authorize the Public Works Director to Sign the Agreement

CA24. Public Works RES-2014-394

Reject All Bids for the Midpines Restroom Upgrade, Authorize Public Works to Re-Bid the Project and Authorize the Public Works Director to Award the Project Subject to Available Grant Funding and Approval as to Form by County Counsel

CA25. Public Works RES-2014-395

Approve the First Amendment with Mark Stephens Construction to Extend the Contract to September 30, 2014, and Authorize the Public Works Director to Sign the Amendment

CA26. Public Works RES-2014-396

Approve the Recruitment and Filling of a Maintenance Worker III Position in the Public Works Road Division Effective Immediately

CA27. Public Works RES-2014-397

Approve a Program Agreement for the Incline Road Over Moss Canyon Bridge Project No. BRLO 5940(114), and Authorize the Public Works Director to Sign the Agreement

CA28. Public Works RES-2014-398

Approve a Program Agreement for the School House Road Over Owens Creek Bridge Project No. BRLO 5940(113), and Authorize the Public Works Director to Sign the Agreement

CA29. Public Works RES-2014-399

Approve a Program Agreement for the Usona Road Over MF Chowchilla River Bridge Project No. BRLO 5940(115), and Authorize the Public Works Director to Sign the Agreement

CA30. Sheriff's Office RES-2014-400

Approve a Professional Services Agreement with John C. Fremont Healthcare District to Provide Medical Services to the Mariposa Adult Detention Facility, and Authorize the Board of Supervisors Chair to Sign the Agreement

E. Board Recognitions

1. Child Support Services 2014-74

Proclaim August, 2014, as "Child Support Awareness Month" and Receive a Video and Presentation by Debbie Walton, Child Support Director

Debbie Walton/Child Support Services Director gave the presentation, with the assistance of Ginny Carpenter/Child Support Specialist. Ms. Walton discussed that the mission of the Child Support Services Department is to enhance the well-being of children and the self-sufficiency of families. She noted that: children who are actively engaged with their parents grow up to be better off socially, academically, and emotionally; their primary functions are to locate parents, establish parentage, establish support orders, and collect child support and distribute it to families; they collected 1.4 million dollars locally last year, and distributed to approximately 700 cases; they have a staff of 5 full time, and 3 part time, employees; and they are available Monday through Friday in the Human Services Building, and no appointment is necessary.

No public input.

Supervisor Bibby required clarification that anyone can come into the office, regardless of whether they reside in Mariposa County. Ms. Walton affirmed. Supervisors Bibby, Carrier, Cann and Jones extended thanks and compliments to the department for all of its efforts. Ms. Walton also recognized Ginny Carpenter who just celebrated her 15 year anniversary with the office.

Chair Cann presented the Proclamation to Ms. Walton.

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

F. Departmental Presentation

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

Doug Binnewies/Mariposa County Sheriff reported on the El Portal Fire which started on July 26, 2014 and the implementation of NIXLE, their new notification system. He reported that the Sheriff's Office was responsible for the evacuation of 87 homes in the Old El Portal area, as well as the security of those residences until they were reoccupied; that the NIXLE system launched 174 telephonic notifications, primarily to El Portal and Foresta; and that there was one quirk as one resident of Yosemite West who was outside of the alert area received a rogue email, but that NIXLE headquarters is analyzing the data to try to determine the cause. He also noted that the advantage to NIXLE is that it allows them to input one message and have it distributed over various channels, i.e., faxes, emails, text messages, or telephone calls. Supervisor Stetson expressed his appreciation to the Sheriff's Office, the National Park System, and Richard Dye of PG & E for keeping him well informed.

Len DeJoria/Mariposa County Fire Chief reported: that the El Portal Fire is 96% contained as of this morning with a total of 4,689 acres, one home, and one garage destroyed; and that Mariposa County committed one piece of apparatus to it through a Rainbow Strike Team that was requested through CAL FIRE starting Saturday night, and then exchanged members who had to leave the next day. Chief DeJoria also reported that the Dark Hole Fire is now 61% contained and covers 770 acres; that the French Fire, which is close to us and to which we have manpower committed, is 40% contained and is 13,267 acres; and that there was a small fire on Triangle Road that was quickly contained, as well as the Mormon Fire on Old Highway and Marshall Road which consumed 7 acres. He also reported that there was an injury on the Mormon Fire; that the firefighter is doing well now but has to go back for another procedure; and that he is expected to make a full recovery.

G. Public Comment on Non-Agenda Items

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

Karen Cutter/Ladybug Embroidery and Mariposa Chamber of Commerce Board member discussed her experiences while working in the Visitors Center last Saturday during the fire, noting how grateful people were for the information and assistance.

Kathy McCorry/Chamber of Commerce Executive Director gave the July visitation statistics; reported that they reopened the Visitor Center from 9:00 PM to 11:00 PM on Saturday in response to a telephonic request from Heidi Dulcich, and also opened the Coulterville Visitor Center on Monday, when it would normally be closed. Ms. McCorry extended her thanks to everyone who helped during the emergency, and extended special thanks to Terri Selk, Julie Hadzega and Noel Morrison from the Tourism Bureau who came in and worked on Monday, as well as to Mary Bass, Karen Cutter, and Holly Combs who came in on multiple days. Supervisor Bibby inquired if Ms. McCorry could supply her report in a memo format so that the Board can present it with an emergency declaration. Ms. McCorry affirmed. Supervisor Cann extended his thanks to everyone who spent their time there.

Marvin Wells reported on the death of Congressional Medal of Honor recipient Jon Cavaiani on July 29, 2014; gave an overview of his military career and time as a prisoner of war; and requested the Board honor him in some way.

H. Board Information

Supervisor Carrier reported: reviewing issues in the office on July 23rd and July 24th; attending a July 25th meeting with Supervisor Cann and Sheriff Binnewies to review some county operations; attending the Bootjack Fire Department pancake breakfast on July 26th; attending the UC Cooperative Extension centennial celebration at the Fairgrounds on the 26th; that he was scheduled to attend the YARTS JPA meeting in Mammoth Lakes on July 28th, but that he had to attend it via a video conference from Merced; that he attended a meeting in Lushmeadows on July 30th; meeting with some department heads and stakeholders on the 30th on homeless issues; and attending the Ag Advisory meeting on the 31st. Supervisor Carrier noted that this week is Farmers Market Week, and advised that on August 18th, Area 12 will have a meeting at the Senior Center with Dr. Patrick Aborn speaking on friendship lines and suicide prevention among the elderly. Supervisor Carrier also thanked: Marvin Wells for bringing up Mr. Cavaiani's passing; and Bob Bartholomew and the Fire Safe Council for being proactive and setting up projects ahead of time so that they can take advantage when opportunities that require quick turnaround arise. Supervisor Carrier also: thanked the Visitors Center for all of the help that they give; sent condolences to the family of Reid Marks; and reported that three benches were taken from the Mariposa Fairgrounds on July 28th and a reward is being offered for their return.

Supervisor Bibby requested that additional wording be added to the Memorial Certificate for Jon Cavaiani to extend appreciation and thanks for the military service that he provided to our country. Supervisor Bibby reported attending the 4-H officer training yesterday, and she extended her thanks to Donna Wice for all of her efforts. She also advised that she will be attending the Mental Health Governing Board meeting this Thursday at Noon; extended special thanks to everyone for their courtesy and hospitality during the emergency; and noted that the County is currently receiving complaints about the Recovery, Opportunity, And Development (R.O.A.D.) House regarding computer usage, and she extended her thanks and appreciation to Chevon Kothari and Rick Peresan for their efforts on the issue, and noted that the complaints are not being taken lightly and are being reviewed and acted upon.

Supervisor Stetson reported attending: a July 28th meeting with Caltrans, Planning and Advisory group members regarding the Ferguson Slide issue; the July 28th YARTS meeting in Merced with Supervisor Carrier, noting that they are moving toward an expansion of their services; a meeting in El Portal in the evening of July 28th regarding the El Portal fire; and a July 30th meeting of the Friends of Bear Creek at The Bug to follow up on the events in June at the Midpines Park, and to plan for future events. Supervisor Stetson advised that he will be meeting with Brian Foucht and Gary Francisco tomorrow morning to prepare for the Midpines planning group meeting tomorrow evening at 6:00 PM at the Midpines Community Hall.

Supervisor Jones discussed the dry conditions and thanked emergency personnel for their efforts; discussed hiking in the back country, seeing the smoke, and not knowing exactly what was going on; and noted that the Pack Stations are still feeling the effects of the Rim Fire and are still only seeing about half of the normal business. Supervisor Jones reported attending: the Greeley Hill Breakfast on the 3rd; and a meeting with Planning and the Compliance Officer on the 4th, and commended Josh Soares for the job that he is doing. Supervisor Jones thanked Rick Peresan, and staff, for help with his computer which went down on Friday. He also discussed the DRI project relative to Dogtown Road; and noted that it will take 66,000 gallons of water per day to work on that project and that they are having difficulty finding the water and, consequently, it will probably end up costing more as they will need to haul in water. Supervisor Jones advised that he will be attending the Coulterville Community Club meeting tonight.

Supervisor Cann reported attending a Rural County Representatives of California (RCRC) Executive Committee meeting on July 23rd, noting that the main issue of which was the Secure Rural Schools funding which is how the County pays for the Fire Safe Council and SWIFT project; noted that the funding is currently being lobbied for; and noted that there seems to be a lot of Congressional support on the matter and looks like it will end up being approved. Supervisor Cann thanked Supervisor Carrier for going to the UC Celebration in his place, noting that he had committed to go but had to help his

daughter move in San Diego. Supervisor Cann also reported attending: a meeting with a few of the fire captains on July 25th; a July 25th meeting with a designer, developer, and a number of department heads regarding the subsidized senior living proposal to advise on necessary steps as they move forward, noting that there is a current proposal to build an 80 unit subsidized senior facility; a meeting with one of Congressman Radanovich's former chiefs of staff on the 30th; a meeting with department heads, Planning and everyone in the county who interacts with the homeless and emergency shelter issues; a meeting on the 31st with Planning staff regarding the item that will be heard next under the LTC; the Reid Marks memorial on the 2nd, noting some of Reid's background; a meeting with Tourism Bureau Board members yesterday regarding their plans relative to whether the Transient Occupancy Tax (T.O.T.) passes or fails, noting that if they move to increase the TBID it is a 4 or 5 month process which they will begin before November; and a meeting yesterday with a couple of ministers regarding church and state questions. Supervisor Cann advised that he will be judging the Fair Rodeo Queen competition on Saturday; and that he will try to attend the Mental Health Board meeting on Thursday because of the overlap on homeless issues.

Recess Board of Supervisors

10:05 AM Chair Cann recessed the Board of Supervisors meeting, and read the following announcement: *In accordance with Government Code 54952.3, it is hereby announced that the Mariposa County Board of Supervisors will be sitting either simultaneously, or serially, as the Local Transportation Commission and that they receive no additional compensation for same.*

I. LOCAL TRANSPORTATION COMMISSION

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

Public Comment Period

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

None.

LTC Regular Agenda

1. Planning LTC-2014-14

Adopt a Resolution Approving Amendments to the Scope of Work, Budget and Timeline to the Caltrans Fiscal Year 2014-2015 Transit Planning for Rural Communities Grant: Transportation Center Feasibility Study - Phase 1; Authorize the Executive Director to Transmit the Amended Scope of Work, Timeline and Budget to the California Department of Transportation

Brian Foucht/Deputy Planning Director gave the staff report, with Sarah Williams/Planning Director in attendance.

Commissioner Bibby noted that the scope discusses the advisory committee members and inquired if the School District, Airport Advisory and Veterans Services could be added as those are key to transportation issues. She also advised Mr. Foucht that the Mariposa Task Force adopted a report, which addressed wayfinding, location and other signs, and she would like to see that information incorporated, as well. Commissioner Bibby also discussed the pedestrian walkways and trails, and stressed that the sooner notice is given the better, especially to those along Antone Way and Joe Howard Circle, as there have been concerns regarding security along the walkway. She also inquired if the match is built into Planning's budget. Barbara Carrier/Public Works Assistant Director - Support

Services responded, noting that once the new scope of work is approved by Caltrans, she will be preparing an amendment to the scope of work.

Commissioner Cann thanked Mr. Foucht and Ms. Williams for their diligence on this issue; noted that the Parking District was a good idea when it was put together but that it has been struggling; noted his agreement with adding the School District and the others; and discussed the need for this planning.

No public input.

Commissioner Stetson inquired if the Planning Department had any problems adding the advisory members suggested by Commissioner Bibby. Mr. Foucht responded that they did not.

Commissioner Cann began making a motion, but then stopped to allow the Planning Director to speak. Ms. Williams required clarification of the recommendation to add the School District, inquiring if the members to be added were to be board members or administrative staff. Commissioner Bibby recommended leaving the school district designee to the discretion of the school district. Chair Stetson noted that there appeared to be concurrence from the Commission members.

Commissioner Cann continued with his motion and moved to approve the item as presented with the recommended additions to the makeup of the advisory committee, and noting the changes in the milestones as presented on page 2 of the staff report. The motion was seconded by Commissioner Jones, and passed unanimously.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Adjourn LTC

10:23 AM Chair Stetson adjourned the Local Transportation Commission meeting.

J. Reconvene as Board of Supervisors

10:23 AM Chair Stetson passed the gavel back to Supervisor Cann.

K. Regular Agenda Items

1. Public Works RES-2014-401

PUBLIC HEARING to Adopt the Current Fee Structure for County Service Area No. 1 (Road Maintenance Zones of Benefit) and County Service Area No. 1-M (Lake Don Pedro Off-Season Fire Protection) and Authorize the Fees to be Placed on the Property Tax Roll for Fiscal Year 2014-15

Barbara Carrier gave the staff report noting that this is an annual item requesting that the Zones of Benefits be placed on the tax roll, and that it includes the Lake Don Pedro Off-Season Fire Protection. Ms. Carrier noted that when the original item was placed before the Board it included the County Service Area but, since then, the County Service Area 3 has been addressed; that the Lake Don Pedro Fire Protection fee will be reduced by 25%; that they are adding the Granite Springs Estates to the tax roll for the first time; that the only increase will be to Royal Oaks; and that all of the budgets have sufficient balances.

Supervisor Jones noted his appreciation for the reduction of fees.

Supervisor Bibby required clarification, for the record, that there is sufficient funding

within that assessment and no general funds are needed. Ms. Carrier affirmed.

No public input.

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

2. Human Resources/Risk Management RES-2014-402

Increase the Allocation of a 70% Permanent Part-Time Office Assistant II in County Administration Budget to a Limited Term Full-Time Office Assistant II Position Effective Immediately; Authorize the Office Assistant II to Work the Additional 12 Hours Per Week in the Human Resources/Risk Management Department Until a Human Resources Director/Risk Manager is Appointed and On-The-Job for One Month

Steven W. Dahlem acting as Interim Human Resources (HR) Director-Risk Manager gave the staff report noting that the resignation of the HR Director in June has caused the remaining two HR staff members to experience significant workload issues; that having the Office Assistant II (OAI) assist for twelve hours will help to relieve some of the clerical functions; that the incumbent OAI is familiar with the duties, having performed them when Human Resources/Risk Management was housed in the Administration building; and that the funding will come from salary savings.

Supervisor Bibby required clarification that this is only for a limited term, and that the individual will be working out of the HR office. Mr. Dahlem affirmed that is only for a limited term; and noted that the OAI will be working out of the HR Office for those twelve hours per week. Supervisor Bibby noted that because the position is a limited term and a different budget unit, requirements for open recruitment should not apply. Mr. Dahlem affirmed.

Supervisor Jones noted that the position is greatly needed and urged approval.

No public input.

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

3. Fire RES-2014-403

Select a Name for Mariposa County Fire Station #28

Len DeJoria gave the staff report. He noted that the members and the Mariposa County Fire Captains Association unanimously voted to keep the name Bridgeport.

Supervisor Bibby stated that she doesn't care what the station is named and doesn't want it held up on the naming; noted that she asked the volunteers to weigh in on the issue because they will be manning the station; asked people to keep in mind that the name "Bridgeport" is mentioned throughout things like the Hazard Mitigation Plans so there would be a cost associated with changing everything that currently references Bridgeport; and remarked that her preference is to go with what the volunteers desire.

Supervisor Cann remarked that whatever name is chosen should not include the word "district," as that starts alluding to a special district.

Public comment opened.

Marshall Long stated that he cares about the history of the county; discussed suggestions of Guadalupe Valley and Buckeye, noting that the Buckeye Schoolhouse used to be there but that there is no longer anything left of it and no recognition of that name; remarked that the fire house is in the Buckeye Drainage; and requested that the station be named the Buckeye Firehouse.

Public comment closed.

Supervisor Cann remarked that he has no preference.

Supervisor Jones noted that it has been called Bridgeport since he came into office, and he moved that the station be named the Bridgeport Fire Station.

Supervisor Carrier seconded the motion.

Supervisor Bibby noted that they tried to hold off naming as long as possible to allow as much input as possible, so she hopes that people don't get caught up in the name.

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

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

4. **Administration/Economic Development RES-2014-404**

Authorize the Foreclosure of Property (APN 002-040-0190) Per the Terms & Conditions of an Economic Development Business Assistance Loan Currently in Default

Tara Schiff gave the staff report and requested the Board authorize foreclosure on this APN.

Supervisor Bibby noted her understanding of the difficulty in processing this type of action, complimented staff on complying with all of the rules and regulations, and extended her thanks to Ms. Schiff for her efforts in this matter.

Supervisor Jones extended his compliments to Ms. Schiff.

Supervisor Cann inquired as to the number of remaining microenterprise grants. Ms. Schiff responded, noting that there are six that are current, one that was past due but which is now making double payments, and this one that is in default. Supervisor Cann discussed how important it is to meet every aspect of CDBG regulations.

No public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

L. 11:00 AM Closed Session**No Board or public comment.**

1. **County Counsel (ID # 3882)**

Closed Session; Public Employee Discipline/Dismissal/Release (Government Code Section 54954.5).

This closed session was held at 11:01 AM and reported out at 3:38 PM.

RESULT: CLOSED SESSION HELD

M. Items removed from Consent Agenda

None.

N. Closed Session

No Board or public comment on either closed session item.

1. County Counsel (ID # 3844)

Closed Session Conference; Public Employee Employment Title to be Filled: Public Works Director (Government Code Section 54957 (B) (1))

This closed session was held at 3:07 PM and reported out at 3:38 PM.

RESULT: CLOSED SESSION HELD

2. County Counsel (ID # 3845)

Closed Session; Public Employee Employment Title or Position to be Filled: Fire Chief (Government Code Section 54957 (B) (1))

This closed session was held at 11:49 AM and reported out at 3:38 PM.

RESULT: CLOSED SESSION HELD

10:44 AM The Board recessed to Closed Session, to be followed by lunch.

O. Lunch

P. 2:00 PM Reconvene

1. Technical Services (ID # 3810)

Technical Services Department Presentation on Current and Future Technology Plans

Rick Peresan/Technical Services Director gave a PowerPoint presentation discussing the need for capital investment in the areas of network switches, phones and the County's enterprise application.

Supervisor Cann inquired how the three categories are connected, and whether they could be addressed separately. Mr. Peresan responded, noting that they can be done separately, but that the switches need to be done first.

Supervisor Bibby extended her thanks for the presentation, and discussed the need for this type of information. She also inquired if Technical Services watches the physical locations of cloud computers for disaster recovery planning. Mr. Peresan responded, discussing his experiences working for a large bank and noted that he doesn't concern himself with earthquakes and tornadoes but, rather, with the power.

Supervisor Jones extended his thanks for all of the help he has received from Technical Services; noted that the \$329,000 shortfall is today's cost; and asked if Mr. Peresan can project that cost in the future. Mr. Peresan responded by noting the cost in

2006, and remarking that the reason they were cheaper was because of lesser functionality. Supervisor Jones required clarification as to how long before newer technology would be outdated. Mr. Peresan responded that needs in the future will change in unforeseen ways, and noted that our current switches don't support wireless well.

Supervisor Carrier remarked that the natural tendency is to use things more as we upgrade, and inquired as to whether our current bandwidth will be sufficient and, if not, what the cost to increase it will be. Mr. Peresan responded that Sierratel has released a new product and bandwidth will be increased from 10 mbs to 100 mbs at a cost of \$1500 per month less; but cautioned that in two years it probably won't be enough as online applications will continue to require more bandwidth. Supervisor Carrier inquired if this information was included in the budgets submitted for the coming year. Mr. Peresan affirmed, noting that it was mostly as a placeholder and he doesn't know if it will be pulled out; and urged Board members to keep these things in mind for the future.

Supervisor Cann noted that the projections supplied utilize funds budgeted for emergencies and if those funds are used, there would be nothing left for emergencies. Mr. Peresan affirmed.

Public comment opened.

Rosemarie Smallcombe requested clarification regarding the relationship between the \$225,000 paid to Sierratel last year and the cost of switches. Mr. Peresan responded, noting that there is a large amount of money that needs to be identified, and that he only knows where \$100,000 of the \$225,000 goes.

Becky Crafts/Assessor-Recorder noted that Mr. Peresan had said that he didn't want to burden the Board with this and that the department heads would get together, and remarked that prudent department heads ought to be able to carry over saved funds for future improvements within their departments.

Marshall Long suggested adding money to the Capital Improvement Fund every year.

Steve Smallcombe inquired as to what is paid for with the amount to Sierratel. Mr. Peresan responded that he was unsure of everything, but that \$24,000 is for dedicated internet access, that \$80,000 is to connect the various buildings, but that he did not know how much was for repair and how much was actual phone bill. Mr. Smallcombe inquired if switching totally to VoIP would reduce the cost. Mr. Peresan responded, noting that he would expect savings; that some costs will go up and some will go down; and that an evaluation of services will ultimately need to be done. Supervisor Cann remarked that VoIP is becoming the industry standard.

Public comment closed.

Supervisor Bibby encouraged each department to do an internal audit of its phone lines.

Chair Cann extended his thanks for the presentation.

RESULT: INFORMATION RECEIVED

3:03 PM The Board recessed to Closed Session.

Report Out

3:38 PM Chair Cann reported from Closed Session that no action was taken on item K.1.

He also reported that, as to Closed Session item N.1 regarding the Public Works Director position, the Board voted unanimously to accept the resignation of the Public Works Director effective November 16, 2014, and to place him on administrative leave effective August 16, 2014. Chair Cann also noted that information was received and direction was given regarding recruitment for that position.

As to Closed Session item N.2 regarding the Fire Chief position, Chair Cann reported that the Board unanimously voted to accept the resignation of the Fire Chief effective October 31, 2014, and has placed him on administrative leave as of 5:00 PM today. He also reported that the Board unanimously appointed Mariposa County Sheriff, Doug Binnewies, as the Interim Fire Chief.

Q. Adjournment

3:40 PM Chair Cann adjourned the meeting in memory of Richard Tresidder, Joan Smith, Jon Cavaiani, Donald William Pitts, Nolan Blair, Kathleen Bagwell, Helen Reagin, Perry Rathbun, Jr., Florine Johnston, Frances Schmidt, and Reid Marks.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

August 12, 2014

A. Call to Order and Roll Call

9:03 AM Chair Cann called the meeting to order at the Mariposa Government Center; and noted that there was a quorum with four members present, and that Supervisor Bibby was excused from the meeting.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	8:56 AM
Merlin Jones	District II Supervisor	Present	8:56 AM
Janet Bibby	District III Supervisor	Excused	
Kevin Cann	District IV Supervisor	Present	8:56 AM
John Carrier	District V Supervisor	Present	8:56 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Jones, followed by a moment of silence in memory, honor and respect for all that is going on in the Middle East, and for all of our armed forces across the globe and domestically.

C. Introductions

None.

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

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or, at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

Public comment opened.

David Taylor/Lake Don Pedro subdivision resident remarked that the proposed Pedestrian and Equestrian Trail Advisory Board appointments in CA18 do not appear to

meet criteria for committee makeup as outlined in Lake Don Pedro County Service Area 1-M Resolution 99-1, dated October 19, 1999, and read from that resolution; noted that the proposed membership does not adhere to the criteria in that resolution; and does not represent the residents and property owners best interests in that six of the proposed members represent Trail Club members, while the seventh has a special interest because it affects his livelihood. Mr. Taylor also noted that none of the proposed members were nominated by the Lake Don Pedro Owners Association and requested reconsideration of these memberships.

Public comment closed.

Rick Benson/County Administrative Officer noted that, in order to conform to the way the department is currently organized, the first paragraph of Exhibit A in CA4 should read: "Plans, organizes, administers, and supervises all programs and activities of the Public Works Department, and its divisions including the Road Division, County Engineer/Surveyor Division, Solid Waste and Recycling Division, County Airport, Facilities Maintenance Division, Fleet Division, Parks and Recreation, and Plant Operations."

Regarding CA7, Supervisor Jones noted that this is a multi-year contract and suggested that it be done for one year at a time in the future. Chair Cann required clarification that there was no problem with the current agreement. Supervisor Jones affirmed.

Regarding CA18, Supervisor Carrier inquired if the makeup of the committee reflects what it should be pursuant to the bylaws of the advisory committee. Peter Rei/Public Works Director noted that he knows his staff advertised the positions, but is not sure how much they were checked against the bylaws, and he thinks the best option is to pull the item to check on it. Supervisor Jones agreed that the item should be withdrawn to allow criteria to be double checked. Chair Cann noted that CA18 has been withdrawn.

RESULT: ADOPTED [4-0]

MOVER: Lee Stetson, District I Supervisor

SECONDER: John Carrier, District V Supervisor

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

EXCUSED: Janet Bibby

CA1. **Administration RES-2014-405**

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

CA2. **Administration RES-2014-406**

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

CA3. **Administration RES-2014-407**

Resolution Continuing the Local Drought Emergency

CA4. **Administration RES-2014-408**

Approve an Agreement with Willdan Engineering for the Services of Doug Wilson as Interim Public Works Director, Authorize the Board of Supervisors Chair to Sign the Agreement

CA5. **Administration RES-2014-409**

Ratify an Amendment to the Master Agreement with SunGard and Authorize the County Administrative Officer to Sign Additional Amendments If Needed in a Not-To-Exceed Amount of \$10,000 Total (Subject to Review and Approval as to Form by County Counsel)

CA6. Administration RES-2014-410

Adopt a Declaration Proclaiming Existence of a Local Emergency and Requesting a Presidential Declaration of a State of Emergency for the County of Mariposa Due to the El Portal Fire

CA7. Administration RES-2014-411

Ratify Two Emergency Facilities & Land Use Agreements (YOSE-14-5007 & AG-9A40-B-14-0012) with the United States Department of Agriculture (USDA) Forest Service for Use of the Mariposa County Airport as a Heli-Base

CA8. Administration RES-2014-412

Approve Budget Action for Fiscal Year 2013-2014 Reducing General Fund Contingency and Increasing the Indigent Defense Budget to Account for Greater Than Anticipated Conflict Counsel Expenses (\$1,500) 4/5ths Vote Required

CA9. Administration/Economic Development RES-2014-413

Approve Revised Professional Services Agreement with Nolte Associates to Include Addition of Community Development Block Grant (CDBG) Terms & Conditions, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA10. Fire RES-2014-414

Authorize the Interim Fire Chief to Accept Fiscal Year 2011 Homeland Security Grant Program Funds (HSGP) in the Amount of \$25,000

CA11. Human Services 2014-75

Appoint Chevon Kothari to Mariposa First Five as the Representative of the Human Services Department for a Term Expiring August 12, 2017; Re-Appoint Janet Bibby to Mariposa First Five as the Representative of the Board of Supervisors for a Term Expiring at the End of Her Board Term of December 31, 2014; Re-Appoint Angelina Brouillette to Mariposa First 5 as a Member-At-Large for a Term Expiring August 12, 2017

CA12. Human Services/Behavioral Health & Recovery Services RES-2014-415

Approve an Agreement with CF Merced LLC for Psychiatric Hospitalizations in an Amount Not to Exceed \$60,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA13. Human Services/Behavioral Health & Recovery Services RES-2014-416

Approve an Agreement with Heritage Oaks Hospital to Provide Psychiatric Inpatient Services in an Amount Not to Exceed \$18,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA14. Planning RES-2014-417

Approve Land Conservation Act (LCA) Contract Amendment No. 90-2 for Fredericka Paff and Carlyle Paff Hedrick, TR, a Modification of LCA Contract No. 85-2 and Authorize the Board of Supervisors Chair to Sign the Contract Amendments

CA15. Probation RES-2014-418

Approve the Flex Class Promotion of a Deputy Probation Officer I to a Deputy Probation Officer II in the Probation Department Budget Effective September 1, 2015

CA16. Probation RES-2014-419

Approve Professional Services Agreement with Alliance for Community Research and Development, LLC for Evaluation of the AB109/Center for Opportunity Reentry Education (CORE) Programs: 2014/2015, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA17. Public Works RES-2014-420

Approve a Contract for Services with George Reed Inc. for the Paving of Triangle Road in the Not to Exceed Amount of \$423,294.83 and Authorize the Public Works Director to Sign the Contract

CA18. was moved to Items removed from Consent Agenda

E. Departmental Presentation

Terri Peresan/Community Services Director handed out paperwork regarding the renovations on the Veterans Service Office which will be happening this week. She noted that Facilities Maintenance will be moving out the furniture, removing the old carpet, and clearing it out for the volunteers from Rotary to come in and paint and lay carpet tiles, after which they will move in new office furniture and equipment. Ms. Peresan also discussed another handout for Area 12's 2016-2020 Older Adult Needs Assessment Survey, noting that it is specific to Mariposa County; will be used for their area plan for that time frame; and will be distributed in several locations. She also noted that it should be filled out by: older adults, boomers age fifty years of age or older; adult care givers; and grandparents age fifty-five or older caring for grandchildren. She also noted that surveys can be returned by mail or hand delivered to the Senior Center.

Chevon Kothari/Human Services Director remarked on the passing of Robin Williams, noting that he has been a champion for mental illness for several decades; and discussed that many people suffer with mental illness. Ms. Kothari also recognized John Lawless/Deputy Director, Behavioral Health and Recovery Services, noting that he has accepted another position in Calaveras County, and discussed that he has served as Deputy Director over the last eleven years. Mr. Lawless noted that it has been a good eleven years; that it is time for a new adventure; and that he will miss everyone. Ms. Kothari introduced Ann Conrad/Social Worker Supervisor who discussed first meeting Mr. Lawless, and working for him. Ms. Conrad also thanked Mr. Lawless for his guidance, leadership, and the qualities that he brought in as the Deputy Director for Mariposa County. Supervisor Cann discussed Mr. Lawless' attributes, noting that he was impressed with the respect Mr. Lawless always showed to those with whom he was dealing. Chair Cann extended thanks from the Board for Mr. Lawless' years of service. Supervisor Stetson echoed those sentiments, and noted that Supervisor Bibby would also if she were there. Supervisor Carrier thanked Mr. Lawless, and noted that it has been a pleasure to deal with him.

F. Public Comment on Non-Agenda Items

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

Dick Hutchinson noted that he has been here for 14 years and has seen a lot of staff come and go; remarked that it seems wrong to him that a potential employee can come to the Board and dictate the terms of their employment; stated that he thinks spending thousands of dollars just to let someone go is ridiculous as this is taxpayers money; noted that the Board has to be careful to hire someone who is dedicated and who wants to do the job and will be here five days a week, and available seven days a week if in a director's job; and urged looking carefully at people, noting that he would hope that they would be dedicated to the community like John Lawless.

Kathy McCorry/Mariposa Chamber Executive Director handed out the new resource and activity guide for Mariposa County stating that they will be put in lodging rooms around the county, and noting that this was last done in 2009. Ms. McCorry also reported that they have launched a program with the Business Group called \$66.80 which is to educate locals that, when going out of the area to shop, they need to save \$66.80 in order to recoup the cost of the trip. She also reported that the Chamber Board approved the creation of a "Made in Mariposa" brand which will be coming before the Board of Supervisors in a few months, and will include a trademark and website. She also reported that the Chamber has formed an EDC committee who will be looking at ways to attract new non-tourism related businesses; and noted that the new relocate.org segment will have a new section on attracting new businesses to Mariposa County.

Carol Suggs reported on the Friends of the Fairgrounds Mariposa County Fair Rodeo Royalty Competition. She provided an overview of the day's activities, and thanked Supervisors Cann and Jones for their support. Supervisor Cann discussed the competition, and related the response of one of the competitors to a question he asked. Supervisors Cann and Jones thanked Ms. Suggs and the committee for all of their work. Supervisor Jones remarked on all of the time that Ms. Suggs puts into the event. Ms. Suggs noted there are still rodeo tickets available for sale; and that they won't know who will be crowned royalty until the Fair.

Dick Hutchinson reported that blacktop is being laid along Triangle Road from Darrah Road.

Barry Turner noted that he is a fourth generation cowboy, and rodeo put him through college. He also thanked Kathy McCorry for the mention of Yosemite West in the brochure.

G. Board Information

Supervisor Carrier reported having guests for the weekend and playing ambassador/tour guide/secret supervisor Wednesday through Sunday; recounted a story about meeting a lady and son from Wisconsin, at the ice cream shop, who were impressed to see an item in our local newspaper about Kenosh, Wisconsin; extended kudos to the Visitors Center for their helpfulness to everyone; and reported giving his daughter away in marriage on Saturday. He also reported attending a Monday Historic Sites meeting, and the In Home Support Services meeting. Supervisor Carrier advised: that the Mountain Valley EMS JPA meeting was canceled so he will be attending a meeting regarding homeless issues here in the Chambers, as well as the Airport Advisory meeting later that evening; that he will be attending a Thursday meeting regarding the DRI Grant and General Plan Safety Element; and that he will be attending an Area 12 meeting at the Senior Center next Monday, where they will have a doctor talking about friendship lines and suicide prevention among the elderly. Supervisor Carrier also discussed the survey for Area 12 noting it captures information that is brought forward to the legislators.

Supervisor Stetson reported that he attended: a Wednesday meeting with Brian Foucht and Gary Francisco to discuss issues in Midpines related to the meeting tomorrow night; and a Monday morning meeting of the Ad Hoc committee Historic Sites focus group for the Midpines Community planning effort. Supervisor Stetson also urged everyone to look at the display at the back of the Chambers from the Lens and Pens Workshop that was held in Midpines Park in late June.

Supervisor Jones discussed bear problems in Greeley Hill and Coulterville noting that they have been going into the houses, and noted that the deer population is way up. Supervisor Jones reported attending: the Coulterville Community Club meeting on August 5th where he did a Q and A session; a meeting on the 7th with interested parties on the Coulterville Visitor Center; the Lake Don Pedro Homeowners Association meeting on the 9th, where they discussed the Pedestrian & Equestrian Trails and the Amador Plan; the Mariposa Rodeo Queen Contest on the 9th where he was a judge, noting that the FFA Boosters did a fantastic job on dinner; the Coulterville Breakfast on the 10th; yesterday's Historic Sites Committee meeting with Supervisor Carrier, where they talked about the courthouse; lunch with candidate Marshall Long; a meeting with Kristen Boysen and Bridget from the Sierra Conservancy about a project in District II; and a dinner meeting with the owner of Hazel Green who is wanting to move along on that project. He also reported going for a back country hike on the 8th. Supervisor Jones thanked Kathy McCorry for the pamphlet noting that the map now shows J132 going all the way through.

Supervisor Cann extended kudos on the Chamber's new activity guide. He also reported: attending a meeting last week with some citizens regarding concerns over the litigation involving Merced Irrigation District (MID), noting that we are finishing the discovery phase and that trial is scheduled for November; participating in a mediation last Wednesday between some businesses regarding congestion and parking district issues; attending the Business Association meeting last Thursday morning; attending an Arts Council reception for an exhibit of the works of Jo Mora, an early 20th century artist, which is on display at the Treetop Gallery; attending the Mariposa Evenings concert at the arts park; attending the rodeo queen contest; and spending Sunday in Yosemite. Supervisor Cann also advised that he will be attending a meeting of the Rural County Representatives of California (RCRC) meeting tomorrow where they will be discussing issues including wildfire strategy, the state disaster funding account, organics recycling, medical marijuana statewide, groundwater legislation, the highway trust fund, Waters of the US and the EPA and US Army Corps of Engineers proposals, and a change of philosophy in Washington regarding tribal acknowledgement.

H. Regular Agenda Items

10:05 AM Rick Benson noted that people who are expected for the fire engine refinancing item have not yet shown up and he requested that the order of the items be reversed.

1. Administration (ID # 3851)

Discussion and Direction to Staff Regarding Issuing a Request for Proposal for Operation of the Visitors' Centers

Rick Benson gave the staff report.

Supervisor Jones noted that he would prefer to see a Request For Proposal (RFP) go out. Supervisor Carrier remarked that we should go for RFPs in order to be transparent with taxpayers' money; and that they should be separate RFPs. Supervisor Stetson noted his agreement with both observations.

Supervisor Cann remarked that he strongly believes they should be separate; noted that he would like to see other entities given the opportunity to bid on one or the other; and remarked that his only fear is what will happen if the Mariposa Chamber doesn't bid on the Mariposa Visitor Center.

Public comment opened.

Sara Zahn/Hotel Jeffrey Owner urged putting this out for bid; and remarked that it should be separate from the Chamber.

Debbie Cooke/Publisher, Owner, and Editor of the Foothill Express urged an RFP.

Mary Ann Huff/Coulterville Tourism Bureau Director-Past President of the Mariposa County Chamber of Commerce noted that there are specific and different needs in the North County; remarked that they have been bringing in a lot more visitors to the area; noted that she believes it should be a separate contract for each entity; remarked that she remembers when Lester Bridges of the Chamber first split the contracts; and urged that it

go out to bid.

Public comment closed.

Supervisor Cann corrected that it was actually the Board that split the contracts and put them out for bid with the Chamber winning both.

Supervisor Jones thanked Mary Bass, Kathy McCorry, and Terry Selk for taking the time to volunteer in District II.

Supervisor Cann inquired if a sunset was put on the solicitation done in 2011. Rick Benson responded that it was written as a one year contract, and was simply renewed every year. Supervisor Cann inquired if there are any legal restrictions. Steven W. Dahlem/County Counsel responded that there are no restrictions as to whether or not an RFP is pursued, but recommended the RFP process. Supervisor Cann noted that he thinks the Coulterville Visitor Center should be put out to bid; and inquired as to any cost impact if they are put out separately. Rick Benson responded that there would not be a great deal of cost in putting them out; that there is not much of a difference to the cost of the RFPs; but cautioned that one never knows who will bid or what kind of prices will come in.

Supervisor Jones inquired if this will need to come back to the Board before the budget hearings. Mr. Benson responded, noting that a figure has been budgeted, but that if the bids come in at a higher cost then it will have to come back to the Board.

Supervisor Cann inquired as to any interaction with the Chamber of Commerce. Mr. Benson responded, noting that he has had some meetings with the Chamber, but put that on hold pending the outcome of this decision. He also noted that the Chamber has expressed that there is a need to increase the budget and increase the hours of operation.

Supervisor Stetson noted that it seems that there is direction to take the North county out for bid. Supervisor Jones and Carrier agreed. Chair Cann noted that there is Board consensus.

Mr. Benson remarked that he has sufficient direction to negotiate with the Mariposa County Chamber of Commerce on the operation of the Mariposa Visitor Center for the next year's contract and to prepare an RFP for the Coulterville Visitor Center.

Supervisor Cann required clarification that there was a process in place to ensure smooth completion of the contract so that the Chamber would not have to wait for payment as they did last year. Mr. Benson responded that he was unaware of any issue last year.

RESULT: DIRECTION GIVEN

2. Administration RES-2014-421

Adopt a Resolution Approving, Authorizing and Directing Execution of Certain Financing Documents in Connection with the Refinancing of the Eleven Fire Engines and Four Water Tenders Acquired through the County Service Area (CSA) #3

Rick Benson gave the staff report, noting that we are now in a position to refinance the fire engines at a 2.1% interest rate which will save the County over \$625,000 over the next nine years; and recommended entering into an agreement with Bank of the West to lower those interest rates.

Keith Williams/Treasurer/Tax Collector/County Clerk noted that there is a lot of contract reading that has to be done to complete such an item and he extended kudos to Rick Benson and Steve Dahlem. He then introduced Josh Cooperman, the financial advisor, and Dan Campbell and Ted Gnu from Bank of the West, who each said a few words. Rick Benson noted that we are also bringing business back into California.

Supervisor Jones extended his thanks to everyone.

Public comment opened.

Barry Turner inquired if it would be possible to discuss refinancing the Yosemite West bond issue. Chair Cann noted that the CAO can follow up on that issue.

Ruth Catalan noted that she thinks this is a wonderful idea; inquired if there is a prepayment clause; and recommended not spending on another fire engine, but rather

prepaying this one.

Debbie Cooke extended kudos for making this happen.

Public comment closed.

Josh Cooperman responded that there is a prepayment provision; noted that the existing lease allowed no prepayment and, because of that, he specifically asked Bank of the West for a prepayment. He added, that the County will not be able to prepay for the first three years, but before year six will be able to prepay on any month for just the outstanding principal.

RESULT: ADOPTED [4-0]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

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

EXCUSED: Janet Bibby

I. Items removed from Consent Agenda

1. Public Works (ID # 3856)

Accept the Resignations of Bill Kinsella and Jeanne Jenkins from the Pedestrian Equestrian Trails Advisory Board ; Reappoint Diane Chaulkin for a Term Expiring June 30, 2017; Reappoint Terrie Booten, and Jane Cloud for Terms Expiring June 30, 2016; Reappoint Tim Eiland for a Term Expiring June 30, 2015; Appoint Christina Hansen as a Member for a Term Expiring June 30, 2015; Appoint Sondra Emery and Kenneth Corallo as Alternate Members for Terms to Expire June 30, 2017, to the Pedestrian Equestrian Trails Advisory Board

This item was withdrawn. (See narrative in Consent section.)

RESULT: WITHDRAWN

J. Adjournment

10:42 AM Chair Cann adjourned the meeting in honor of Jean Anne Turner and Lita Beruti.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

August 19, 2014

A. Call to Order and Roll Call

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

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	8:58 AM
Merlin Jones	District II Supervisor	Present	8:58 AM
Janet Bibby	District III Supervisor	Present	8:58 AM
Kevin Cann	District IV Supervisor	Present	8:58 AM
John Carrier	District V Supervisor	Present	8:58 AM

B. Pledge of Allegiance

The pledge was led by Supervisor Bibby followed by a moment of silence in thought and prayer for our neighbors in Madera County, and for all of the law enforcement and fire crews supporting them.

C. Introductions

None.

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

NOTE: *The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or, at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.*

Chair Cann noted that the recommendation in CA8 has been corrected to read: "Approve the Budget Action for Fiscal Year 2013-14 Transferring Funding from the Alcohol & Drug Budget to the Mental Health Realignment Fund to Account for Unanticipated Revenue that was Received in the Alcohol & Drug Budget (\$50,000)," and that it will require a 4/5ths vote.

Chair Cann also noted that the contracts with Willdan in CA15, CA16, and CA18

were all negotiated a couple of months ago before the Interim Public Works Director, who is from the same company, was hired; but that Paragraph 2.03 will be edited to note that all direct supervision will be provided by the Assistant Public Works Director of Operations; that it is not anticipated that either CA15 or CA16 will have any significant work performed while we are in an interim situation, but that CA18 does have some deadlines. Steven W. Dahlem/County Counsel added that the contracts that are attached to the agenda do not have that modification but that the modification will be made if the Board so directs. Chair Cann noted that a motion to adopt the consent agenda will require that additional language. Chair Cann also noted that the Board has just received additional backup on CA17.

Public comment opened.

Marvin Wells commented on CA1, noting that he alerted the Board about water issues several years ago; he provided a handout to the Board; and urged the Board to get involved on the issue of water.

Public comment closed.

Supervisor Carrier thanked Public Works for providing the E76 documents on CA17. Gary Taylor clarified that the contract for the Owens Creek Bridge, number 40C0053, is actually for \$147,000 and not \$152,000, and that the amount will be changed on the contract. Supervisor Stetson noted that his issue with the Moss Creek Bridge is to be assured that Supervisor-Elect Smallcombe, he, and others will be included in those first planning meetings. Mr. Taylor responded that they will, noting that they should receive a Notice to Proceed soon, and that a kick-off meeting will probably be in September. Supervisor Stetson noted that he wants to be associated with those first meetings.

Supervisor Jones moved to accept the consent agenda with the change to the recommendation in CA8, with the modifications to CA15, CA16, and CA18, and changing the contract amount in CA17 from \$152,000 to \$147,000. Supervisor Bibby seconded the motion.

Discussion.

Supervisor Bibby noted that on the attachment for the breakdown on the Owens Bridge, it lists \$152,000 and required clarification as to what is being left off in order to reduce the price. Mr. Taylor responded, noting that they have a revised scope with a revised cost estimate. Supervisor Bibby requested that the revised scope be provided to the Board, and to the Clerk of the Board, so that it may be attached. Mr. Taylor noted that it will be attached to the new contract. The motion maker agreed with the request for the revised scope. Chair Cann called for the vote, and the motion passed unanimously.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. **Administration RES-2014-422**

Resolution Continuing the Local Drought Emergency

CA2. **Administration RES-2014-423**

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

CA3. **Administration RES-2014-424**

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

CA4. Administration RES-2014-425

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

CA5. Board of Supervisors

Approve the Minutes of Tuesday, August 5, 2014

CA6. Clerk of the Board of Supervisors 2014-76

Appoint Kathleen Armstrong, Effective August 19, 2014, as a Director of the Mariposa County Resource Conservation District (MCRCD) to Fill an Unexpired Term that Expires at Noon on November 28, 2014

CA7. Human Services RES-2014-426

Approve an Agreement with Capacity Consulting to Research Grant Opportunities and Special Projects as Directed by the Human Services Director, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA8. Human Services RES-2014-427

Approve the Budget Action for Fiscal Year 2013-14 Transferring Funding from the Alcohol & Drug Budget to the Mental Health Realignment Fund to Account for Unanticipated Revenue that was Received in the Alcohol & Drug Budget (\$50,000) 4/5ths Vote Required

CA9. Human Services/Behavioral Health & Recovery Services RES-2014-428

Approve the Allocation, Recruitment and Hiring of a Mental Health Assistant II in the Mental Health Services Act Triage Grant Fund Effective Immediately

CA10. Human Services/Behavioral Health & Recovery Services RES-2014-429

Approve an Agreement with Quest Community Counseling Services in an Amount Not to Exceed \$80,000 to Provide Counseling Services for Mental Health Clients, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA11. Human Services/Behavioral Health & Recovery Services RES-2014-430

Authorize the Recruitment and Filling of a Mental Health Assistant I Position in the Behavioral Health Budget Effective Immediately

CA12. Human Services/Behavioral Health & Recovery Services RES-2014-431

Approve an Agreement with Community Regional Medical Center to Provide Inpatient Psychiatric Services to Mariposa County Behavioral Health in an Amount Not to Exceed of \$50,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA13. Human Services/Social Services RES-2014-432

Approve the Hiring of a Senior Office Assistant in the Human Services Department Effective Immediately

CA14. Public Works RES-2014-433

Approve an Agreement with Moore Twining Laboratories Inc. in the Not-To-Exceed Amount of \$50,000 to Provide Chemical Analysis for Various Facilities Throughout the County, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA15. Public Works RES-2014-434

Approve an Agreement with Willdan Engineering for Bridge Design for the Usona Road Over the Middle Fork of the Chowchilla River Bridge in the Not to Exceed Amount of 135,880.56, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA16. Public Works RES-2014-435

Approve an Agreement with Willdan Engineering for Bridge Design for Tip Top Road Over the Middle Fork of the Chowchilla River Bridge in the Not to Exceed Amount of \$113,540.30, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA17. Public Works RES-2014-436

Approve Two Agreements with Quincy Engineering Inc. for Bridge Design Services for the Replacement of the Moss Canyon Bridge on Incline Road (Bridge No. 40C0064) in the Not-To-Exceed Amount of \$198,000; and Owens Creek Bridge on School House Road (Bridge No. 40C0053) in the Not-To-Exceed Amount of \$152,000, and Authorize the Board of Supervisors Chair to Sign the Agreements

CA18. Public Works RES-2014-437

Approve an Agreement with Willdan Engineering for Preparation of the Bridge Preventative Maintenance Program (BPMP) in the Not to Exceed Amount of \$50,982, and Authorize the Board of Supervisors Chair to Sign the Agreement

Announcement

Chair Cann noted that H.3, the item regarding the courthouse, has been pulled at the request of the Court until September 9, 2014.

E. Departmental Presentation

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

Doug Binnewies/Mariposa County Sheriff - Interim Fire Chief reported that: Mariposa County is assisting with the Junction Fire in Oakhurst which started yesterday close to the State Route 49 and 41 intersection; it is moving and growing fast due to the drought; resources from all over the area have responded; the Madera Sheriff's Office estimated that approximately 500 residences were evacuated; Mariposa County Fire responded with one water tender, and the Sheriff's Office responded to an emergency dispatch request with one sergeant and four deputies to assist Madera County with the evacuations; they continue to assist on that fire with the same water tender, and continue to have one sergeant and three deputies assisting there; the mission transitioned from

evacuation to a security operation last night; currently, the fire is estimated to be 1,200 acres large with zero containment, but that there is a partial dozer line around some of that; there are Red Cross centers and staff at the Coarsegold Community Center and the Yosemite Lakes Park Church; and eight structures have been reported destroyed. Sheriff Binnewies also reported that Mariposa County Fire Department continues to fulfill a request in the Happy Camp area of Siskiyou County with six firefighters and two engines. Supervisor Jones extended his thanks for all of the updates that the Board has received. Supervisor Cann inquired if deployment of any more county equipment is anticipated. Sheriff Binnewies responded, noting that Deputy Fire Chief Middleton has withheld what he feels is necessary in order to protect us here.

Doug Wilson/Interim Public Works Director noted that yesterday was his first day on the job, and he spent much of it reviewing projects; and he is happy to be back.

F. Public Comment on Non-Agenda Items

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

Mary Bass/Mariposa County Chamber of Commerce noted that she signed up for the NIXLE alerts; and discussed receiving similar alerts from Hawaii where she owns property, and urged people to realize that responders are out there to help. Ms. Bass reported that there will be a Chamber of Commerce membership meeting on Thursday September, 11th from 6:00 PM to 7:30 PM here in the chambers; and the Chamber received some criticism for spending taxpayer money for the resource guide, and noted no taxpayer money was used to pay for it as it was paid with the Chamber's money. She also advised: that there is a Chamber meeting at Donuts A Go-Go the last Tuesday of every month; that the Hot Rod and Custom Car Show and mud drags will be held the third Saturday in October; and that the Chamber's mobile app should be going live immediately.

Marvin Wells noted a movie challenge that he had previously issued to the Board to see *The Lone Survivor* or *Heaven is For Real*, and asked them to report back on the effects of the movie; and he urged the Board to give blood this Thursday at the blood bank, noting that he has given 162 pints of blood through the years.

G. Board Information

Supervisor Jones noted seeing *The Lone Survivor*; and urged people to bid on FFA animals at the Fair. He also reported that they are still having bear problems in District II; and noted that the trapper has trapped at least one, but that the bears are getting more aggressive and going into houses. Supervisor Jones reported: that he attended an August 12th meeting with Sarah Williams, and Bridget from the Sierra Foothill Conservancy regarding the restoration of a meadow in the Greeley Hill area; that the SWIFT meeting on August 13th was cancelled due to all of the fires; that he attended the August 15th property tax sale, noting that the prices were a little bit higher which might indicate that the economy is turning around, and he urged people to do their research and look at the property before the auction; that he spent August 16th writing his monthly article for the newspaper; and that he attended an August 17th meeting in Coulterville regarding the Visitors Center.

Supervisor Stetson reported: that he had several conferences last week with the Friends of Bear Creek; and that he spent time dealing with issues regarding the community of Midpines, primarily the bridge on Foresta Road. Supervisor Stetson advised: that he will be meeting today with Dr. Mosher and Supervisor Bibby to discuss Health Department issues; and that he will meet with Supervisor Carrier and Dave Martin of the Forest Service on Monday.

Supervisor Bibby advised: that she will be attending the Health Committee meeting today; that she will be meeting with the Sheriff/Interim Fire Chief today; and that she will be meeting tomorrow with the School Superintendent. Supervisor Bibby reminded everyone that school is back in session and urged caution in school zones. She wished all of the students a happy school year, and thanked the teachers in advance; noted that the high school is starting a new block schedule today; encouraged everyone to join the livestock auction at the Fair, noting that the rate of gain is going to be difficult because of

the heat and water issues; and noted that the movie, *Heaven is For Real*, reinforces faith and values, and remarked that she still needs to see *The Lone Survivor*.

Supervisor Carrier reported: attending a meeting with County department heads and community stakeholders last Wednesday regarding homeless issues, noting that they are making progress and developing linkages between different concerned groups; attending an Airport Advisory meeting Wednesday evening; attending a meeting with Dr. Mosher on Thursday regarding Health Department operations; attending a lunch with District III candidate, Marshall Long, on Thursday; attending a Thursday meeting with the Planning Department regarding the DRI grant relative to the Hazard Mitigation Plan and the safety element of the General Plan; that he spent Friday in the office; and attending the Area 12 Advisory meeting yesterday where a speaker discussed suicide among the elderly, and he noted that he believes the community center is going to try to invite that speaker back. Supervisor Carrier advised that he is planning on attending the Planning Commission meeting on Friday, and that he has a meeting on Monday with Supervisor Stetson and Dave Martin, of the U.S. Forest Service. He also advised that Smokey Bear turns 70 this year; and he noted that, according to estimates from the U.S.D.A., a child born today will cost the parents an average of \$245,000 to raise to the age of eighteen.

Supervisor Cann reported on the meeting on homeless issues, noting that it was primarily with executive staff, and that a good part of that discussion is research which Sarah Williams has done with her Planning Director group across the state. He also reported that he attended: a meeting with the Chamber Director on Thursday on their plans for next year, as well as regarding visitor center issues; and that he spent a great deal of time working on Thursday and Monday on a variety of issues ranging from dumpsters to the Parking District.

Supervisor Stetson noted that he attended the performance of the Bootstrap Band at the Arts Park on Saturday and was astonished to see how many people were around town; and that every business was full after the performance. Supervisor Cann noted that the same has been reported at the last Business Association meeting.

Supervisor Cann advised that he will be meeting with Dr. Mosher on Friday regarding Health Department issues.

Rick Benson/County Administrative Officer noted that the recommended budget has been completed, distributed, and posted on the County's website; that the Board will meet on Monday at 6:00 PM to receive public comment; that the budget hearings will open on Tuesday; that he expects the Board to complete the budget hearings by Thursday at Noon; and that the schedule is also on the County website. He also noted that it is a status quo budget, and that it looks like there won't be any negative surprises.

H. Regular Agenda Items

1. Agricultural Commissioner (ID # 3883)

Presentation of the 2013 Mariposa County Agricultural Crop & Livestock Report

Cathi Boze/Agricultural Commissioner presented the report; discussed the statistics noting that most values were down; and noting that the statistics demonstrate that agriculture continues to be an integral part of Mariposa County's economic base. Regarding the drought, she also noted that the USDA fast tracked drought declaration ends on September 15th, so she will be doing an updated drought assessment report to submit by the end of the month so that it will continue the eligibility for our producers and ranchers for any drought disaster programs. Ms. Boze noted that ranchers and farmers are the true stewards of the land, and we need to work together to strengthen our economy at all levels; encouraged supporting FFA and 4-H; and provided a hand out regarding a special Ag vehicle license plate.

Supervisor Bibby noted that both organizations will take donations. She also: extended thanks to Ms. Boze for her efforts on behalf of Ag, noting that Ag is also important for jobs, view shed, and defensible space; and remarked that absentee property owners need to be cautious as water sources are drying up.

Supervisor Cann noted that the forest products statistic is up about 40%, and

inquired if the increase was due to logging out of the Carstens Fire. Ms. Boze responded, noting that the majority of the increase is due to the fires. Supervisor Cann also discussed the bee data, noting that production is down by 50%. Ms. Boze pointed out that bees also need forage, and water is needed in order to have forage. Supervisor Cann noted that field crops seem indicative since, while they went up 20%, the value went up 180%. Ms. Boze noted that the farmers and ranchers are not getting rich because the costs of everything else have gone up exponentially. Supervisor Bibby remarked that there was no gain; and noted that the Ag producers also provide a front line resource regarding pests, as they are watching their fields and livestock. Supervisor Jones noted he was particularly interested in the cattle report, and remarked that sooner or later it will affect us at the grocery store, and noted that the number of animals has dropped dramatically. He also remarked on the need for water by the bees. Ms. Boze remarked that rates of gain are way down, and she provided historical comparisons.

No public input.

RESULT: INFORMATION RECEIVED

2. Fire RES-2014-438

Approve an Agreement with Dan Michael to Repair and Service the Fire Department's Self Contained Breathing Apparatus (SCBA), and Authorize the Board of Supervisors Chair to Sign the Agreement

Doug Binnewies acting as Interim Fire Chief gave the staff report. Sheriff Binnewies discussed the benefit to having our own factory certified rep locally, in comparison to having to go out of state; noted that the contract ceiling is \$20,000; and remarked that he has been briefed that the Board's suggestions last year were adopted and implemented, and are currently in place.

Supervisor Jones noted that this amount is less than last year and inquired as to the reason. Sheriff Binnewies responded, noting that it is his understanding that there is a savings due to the fire department's attention to the SCBAs, circulating out some older equipment, and the implementation of new procedures.

Supervisor Cann required clarification as to how many years Mr. Michael has been performing the service. Dan Michael responded, noting that he has been doing it for 25 or 30 years.

On a separate note, Sheriff Binnewies reported that County OES did receive a check yesterday for \$38,321 for the 2010 Ben Hur slide, and that it was delivered to Public Works.

No public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

3. Public Works (ID # 3827)

Approve an Agreement with Architectural Resources Group (ARG) for the Design Development of Exterior Repairs to the Mariposa County

Courthouse in the Not to Exceed Amount of \$125,290, and Authorize the Board of Supervisors Chair to Sign the Agreement

RESULT: CONTINUED TO NEW DATE Next: 9/9/2014 9:00 AM

I. Items removed from Consent Agenda

None.

J. Closed Session

No public or board comment on any items.

10:16 AM The Board recessed to closed session.

1. Human Resources/Risk Management (ID # 3919)

CLOSED SESSION: Public Employee Position to be Filled [Government Code Section 54957(B)(1)]-Human Resources Director/Risk Manager

This session was held at 11:18 AM and reported out at 2:02 PM.

RESULT: CLOSED SESSION HELD

2. Human Resources/Risk Management (ID # 3938)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); County Health Officer

This session was held at 11:39 AM and reported out at 2:02 PM.

RESULT: CLOSED SESSION HELD

3. Human Resources/Risk Management (ID # 3940)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); County Administrative Officer

This session was held at 10:28 AM and reported out at 2:02 PM.

RESULT: CLOSED SESSION HELD

K. 12:00 PM Lunch

L. 2:00 PM Reconvene

Report Out

Chair Cann reported out from closed session as follows:

As to item J.1, regarding the Human Resources Director/Risk Manager, Information was Received and Direction was Given regarding recruitment;

As to item J.2, the County Health Officer, by unanimous vote the Board accepted the resignation of the County Health Officer effective January 16, 2015, and Information was Received and Direction was Given regarding recruitment for that position.

As to item J.3, the County Administrative Officer, by unanimous vote the Board

accepted the resignation of the CAO effective December 12, 2014, and assigned the last day of September 12, 2014, at 5:00 PM; that he will be placed on Administrative Leave subject to receipt of a release of all claims document; that Information was Received and Direction was Given regarding recruitment for that position; and that Mary Hodson/Deputy CAO has been named as the Interim CAO effective 5:00 PM on September 12, 2014.

1. Public Works (ID # 3920)

Discussion and Possible Direction Regarding a Five-Year Permit Review for the Mariposa County Landfill

Doug Wilson introduced Greg Ollivier/Solid Waste & Recycling Manager who, in turn, introduced Larry Sweetser/RCRC ESJPA Consultant and Curt Fujii/Solid Waste Engineering Consultant. Mr. Ollivier noted that one of the biggest decisions to be made is how to go forward with the landfill; and whether we want to continue to bury waste in-county versus looking at the options that are available to go away from that landfill.

Mr. Ollivier provided an overview of Scenario 1. Supervisor Bibby discussed past problems and inquired if those modules in the back can even be developed. Mr. Fujii responded that they can be developed but that it will be neither easy nor cheap. Supervisor Bibby required clarification regarding mitigating problems of trash, space for roads, and disposal of leachate during construction. Mr. Fujii and Mr. Ollivier responded.

Mr. Ollivier provided an overview of Scenario 2; and reported that right now they are working with a D6 bulldozer which is way beyond its expected lifespan and is not suitable for continuing on to service us for the next 10 years, and will cost about \$400,000 to replace. He also noted that to consider Scenario 2, we will need to look at what we are going to do with that equipment; and that it would give us the ten year capacity, but would force us to look at closing and its ramifications. Supervisor Bibby inquired as to how much trash is located in the landfill that the County picks up at the parks and downtown, and inquired as to whether or not we being reimbursed for that pickup. Mr. Ollivier responded that he did not have those figures handy but can provide them. Supervisor Bibby requested same, especially for the Parks. Mr. Ollivier noted that they pick up a lot of leaves and green trash from the parks; and he thinks that they put garbage into dumpsters that the County pays for. Supervisor Bibby inquired about downtown pickup. Mr. Ollivier responded that it is the same thing, as far as he knows. Supervisor Bibby also requested any tracking data on the downtown pickups. Mr. Ollivier acknowledged the request.

Supervisor Jones noted that the presentation mentions that Merced has actively been pursuing our waste, and inquired as to associated freight costs. Mr. Ollivier reported that he has spoken with others who are having waste hauled, and that those with a similar distance are paying about \$9.50 per ton; and estimated a total cost of about \$30 per ton, when comparing what is being offered by Merced's Highway 59 landfill and Fairmead Landfill in Madera. Supervisor Jones and Mr. Ollivier discussed hauling costs. Supervisor Jones noted that Lake Don Pedro is on the verge of being out of compliance which is why they are no longer taking anything; and discussed the need to follow the state's lead on issues in order to prevent being suddenly out of compliance on matters. Mr. Sweetser responded, noting that he has been monitoring the Solid Waste agencies since the 1990's and has seen that happen occasionally but that he would not rush out and make too many changes right away as some things take a while to happen. Supervisor Jones noted that the cost for compliance is normally the same for small and large facilities, and requested Mr. Sweetser to advise as to whether the County should keep the landfill open for the next ten years and then plan on closing it, or open the other modules. Mr. Sweetser responded, noting that whether you go ten years is not the question because you can't just close the landfill today; that it will take time to get an infrastructure in place; that you probably need to decide on a plan within the next few years; that if the process was started now, the earliest implementation would probably not be for about 5 years; that the regulations upon closure take some time; that even doing a simple transfer could change things or raise CEQA issues; that pressure to reduce the waste stream is going to continue to mount; and he discussed statewide recycling regulations and exemptions. Supervisor Jones noted that regulations continue to get tougher, and cost

more. Mr. Ollivier noted that he is bombarded daily with new hurdles; and discussed gasses coming off of the landfill, the potential future need for a gas collection system, and the costs for same. Mr. Sweetser noted that additional requirements are triggered once 450,000 tons is reached; and discussed the issue of gasses, and the Water Board's waste discharge requirement fee on landfills. Supervisor Jones complimented Mr. Ollivier on the job that he has done at the landfill, and noted that costs generally escalate the longer a person waits. Mr. Ollivier noted that part of the reason for this information is to allow the Board to make a decision sooner, rather than later, so that we can plan accordingly.

Supervisor Cann noted that Mr. Ollivier could invite Supervisor Jones to an Environmental Services JPA meeting which should answer his question regarding more regulations. Supervisor Cann and Mr. Sweetser discussed the importance and need for the JPA. Mr. Ollivier noted that the exemption that we receive is only a five year exemption and will be reviewed again; that the exemption limit went from a population of 150,000 to 100,000, and is now 70,000; and that we still fall under the exemption, but that they are fighting hard to do away with them.

Supervisor Stetson required clarification as to how long one could expect long term contracts with landfills accepting our refuse to run. Mr. Ollivier responded that they would be ten years or less; but noted being approached by a waste company out of Fresno, who appeared willing to consider a 25 year term. Mr. Ollivier also noted that it was surprising for them to be that eager given that our volumes are not that large. Mr. Sweetser noted that one of the reasons we are seeing those rates is because facilities have fixed costs, and that those low rates won't be available when the economy improves.

Supervisor Bibby noted that each governmental contract has a termination clause built in for their inability to carry out the terms and conditions of a contract, and suggested that Merced County would have a similar clause. Supervisor Bibby also inquired as to potential effects on the environmental air quality from hauling. Mr. Ollivier responded, noting that our volume would only require two or three trucks per day, but that he was reluctant to say that something would not be triggered. Supervisor Bibby noted that the per capita disposal rate is outstanding, especially since it doesn't take into account the visitors. Mr. Ollivier noted that they say that they are giving us credit for them, but that he hasn't seen any formula applied. Supervisor Bibby inquired if a retrofit for a dirty materials recovery facility (MRF) would go through the environmental process. Mr. Ollivier noted that he has not thought about it, but that it would require a different permit as we would be looking at a sort line and automation within that building which should not add any environmental impact other than extra electricity. Supervisor Bibby inquired if Cal/OSHA would need to review it. Mr. Sweetser responded that they do not review; and that procedures just need to be in place. Supervisor Bibby required clarification that there was no Cal/OSHA rule regarding the number of hours that one could be standing on the sort line. Mr. Sweetser responded that there were no regulations; and that this is more of a union issue. Supervisor Bibby inquired if there is any anticipated increase of workers comp claims. Mr. Ollivier responded, noting that a conversion would actually require less staffing which reduces workers comp claims. Mr. Sweetser and Supervisor Bibby discussed MRFs; with Mr. Sweetser recommending investigation of ones on I5, and in Calaveras. Supervisor Cann noted that he can see the need for a permitting change, but does not see a CEQA ramification.

Supervisor Carrier required clarification that there would only be 1 or 2 truckloads per day. Mr. Ollivier noted that we currently average below 50 tons per day; and that he only anticipates two 21 ton trucks on most days. Supervisor Carrier required clarification as to whether the need for any specialized equipment, like shredders or compactors, is anticipated for either large volume light items, or for large items that won't fit in the truck. Mr. Ollivier noted that they only foresee the normal municipal waste stream, and he doesn't anticipate receiving items that are too large to fit into a truck; and noted that they do occasionally get the odd ball thing but that, if we are sorting through a MRF, they will be able to pick it out on the line. Supervisor Carrier referenced an earlier statement that the dozer is worn out, and noted that it appears that we will need heavy equipment regardless of whether we operate the landfill, or turn it into a MRF. Mr. Ollivier responded, noting that he thinks that we could probably live without a dozer, but that a loader would still be needed. Supervisor Carrier inquired if we would be accepting aggregate or construction type materials and stockpiling them until transferred. Mr. Ollivier noted that

we would probably not do that; but that this is one of those issues that would need to be researched and investigated. Supervisor Carrier noted that we could run the composter and have a material recovery center in that same building. Mr. Ollivier noted that, if done properly, we could end up with a cleaner by-product. Supervisor Carrier discussed the leachate collection currently in place and inquired how that would be dealt with when we go to a dirty MRF. Mr. Ollivier noted that the volume should not change from the facility, itself; but that there would be a reduction from the landfill over the course of time and it would, eventually, go away. Supervisor Carrier noted language that states that the County's trust fund for closure is overfunded, and required clarification as to whether that is just a calculation, or if there are funds sitting in reserve. Mr. Ollivier responded that it is money that we actually have set aside. Supervisor Carrier inquired if it shows up in our budget every year. Mr. Ollivier responded that it does show up, but not in that way. Mr. Ollivier and Mr. Fujii discussed the rates of contribution to the fund. Supervisor Carrier inquired if we have that 3.5 million dollars set aside for landfill closure. Mr. Ollivier responded that he believes that there is currently over 2 million dollars set aside. CAO responded that the funds are on a per ton basis; that a certain amount per ton has to go in this trust fund from their tipping fee; that those are segregated funds that are not available for anything else; and that it does not really show up as a budgeted item, as it is one of their expenses within their budget and goes into a special trust fund account. Supervisor Carrier discussed his understanding that we would have to continue to operate the composting facility as long as the USDA loan is being paid off; and inquired if there were any obligations to continue operations because of the agreement with the National Park Service. CAO responded, noting that the only thing that he is confident of is that we still have an obligation to pay. Supervisor Cann noted that the money came from the Park Service, and through the Park Service from Congress; noted that he read the agreement many times and he does not recall any such commitment; and remarked that we have to accept the trash, but what we do with it is not specified. Supervisor Bibby noted that her recollection is that it states for the lifetime of the compost facility.

Supervisor Bibby also inquired how we ensure that we don't trigger a closure right away because we are hauling trash somewhere else. Mr. Ollivier noted that it is a tricky situation; that Mr. Sweetser created a calculator to see what they can reduce; and Mariposa County is at such a low volume, it would be difficult to trickle ourselves out. Mr. Fujii remarked that the time to start looking at these questions and making decisions and plans is now, because they have to be coordinated; that the risk of trickling out is a very real risk; and it would be better to look at everything together and make a good integrated, coordinated plan. Mr. Sweetser discussed the ratio that triggers automatic closure, and his calculator to allow phasing down in order to not cause a closure.

Public comment opened.

Kris Casto noted that the customer needs to be kept in mind; inquired what the costs will be for consumers; recommended the development of some kind of baseline to show why this is the best plan; and inquired as to how options would be funded.

Public comment closed.

Board discussion ensued regarding the options.

Supervisor Cann noted that it appears that the board is leaning towards developing the hauling scenario and inquired if Messrs. Wilson, Ollivier, Fujii, and Sweetser supported this option; all indicated their agreement.

Supervisor Bibby inquired if these scenarios have been run past the Solid Waste committee. Mr. Ollivier responded, noting that they have discussed them, but that they have not been the sole focus of a meeting. Supervisor Bibby discussed a similar proposal that had come up many years ago, noting that Merced was willing to do it when the composting was factored in; but that there would have been an effect on the diversion credit. Mr. Ollivier inquired as to the source of that plan. Supervisor Bibby responded that it was Planning Director, Eric Toll, and others. Mr. Sweetser noted that they have stopped counting diversion. Supervisor Bibby inquired if we would we get credit even though we haul it out of the county. Mr. Ollivier noted that we would not be getting any diversion credit if we just haul it straight to a landfill. Supervisor Bibby remarked that Merced was willing to take Mariposa's trash some time ago. Mr. Fujii responded, noting that the County would have control of its diversion projects or what is disposed of; and discussed

the MRF process.

Chair Cann remarked that the Board would like to develop the hauling scenario and bring it back for a more detailed interaction. Supervisor Carrier noted that he would like to see a cost comparison with Scenario number 2. Chair Cann noted that it appears to be the Board's desire that the issue also be brought to the Solid Waste Task Force for consideration before coming back to the Board. Mr. Ollivier inquired if it would be permissible to meet with the liaisons on the issue to make sure that he understands everything. Chair Cann affirmed. Supervisor Carrier recommended also putting it before the Solid Waste Advisory in order to get community input. Chair Cann clarified that the "hauling scenario," includes the development of the MRF, and all of the peripherals. Supervisor Jones noted that he is looking for a total package, including all costs. Supervisor Bibby remarked that if we don't trigger closure, another plus side is that we will be saving that space.

Mr. Ollivier also noted that the fair is coming up and that they have a booth there, sponsored through an oil recycling grant, and invited Board members to help man it; and requested that anyone interested contact him as he has a signup sheet.

RESULT: DIRECTION GIVEN

M. Adjournment

3:42 PM Chair Cann adjourned the meeting in memory of William Elliott, Jo-Anne Macready Calhoun, and Frank Walker.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

August 25, 2014

A. Call to Order and Roll Call

6:00 PM Chair Cann called the meeting to order at the Mariposa County Government Center, noting that there was a quorum with all Board members present.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	5:54 PM
Merlin Jones	District II Supervisor	Present	5:54 PM
Janet Bibby	District III Supervisor	Present	5:54 PM
Kevin Cann	District IV Supervisor	Present	5:54 PM
John Carrier	District V Supervisor	Present	5:54 PM

B. Pledge of Allegiance

The Pledge was led by Supervisor Carrier.

C. Regular Agenda

6:01 PM Chair Cann noted that the Board will be starting at 9:00 AM each day of the budget hearings; that the published schedule is tentative but that items will be taken in the order that they have been scheduled; and that items will not be considered on days earlier than the schedule indicates. He also noted that the 2013-2014 Fund balance continues to evolve, and a relative final number should be available by the end of the week; and we will tentatively plan on the September 23rd meeting for a final budget item, but that the Board will approve a budget this Thursday. Chair Cann inquired of the County Administrative Officer when the Board will have a budget resolution to consider. Rick Benson/County Administrative Officer responded that it will be returning on September 9, 2014.

1. **Administration (ID # 3953)**

PUBLIC HEARING to Receive Comments Regarding the Fiscal Year 2014-2015 Final Budget NOTE: This Evening Session is Scheduled to Allow Members of the Public who Are Not Able to Attend Daytime Portions of the Hearings an Additional Opportunity to Comment on the Final Budget

Public comment opened.

Doug Binnewies/Mariposa County Sheriff acknowledged the Board's support for Mariposa County public service; and encouraged the Board to continue to maintain a focus on public safety for Mariposa County.

Public comment closed.

RESULT: INFORMATION RECEIVED

D. Adjourn

6:08 PM Chair Cann continued the hearing to August 26, 2014, and adjourned this special meeting.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



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

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

August 26, 2014

A. Call to Order and Roll Call

9:07 AM Chair Cann called the meeting to order at the Mariposa County Government Center, noting that there was a quorum with all Board members present.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	8:57 AM
Merlin Jones	District II Supervisor	Present	8:57 AM
Janet Bibby	District III Supervisor	Present	8:57 AM
Kevin Cann	District IV Supervisor	Present	8:58 AM
John Carrier	District V Supervisor	Present	8:58 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Stetson, followed by a moment of silence in honor and concern for all of our men and women in uniform.

Announcement

Chair Cann gave an overview of the budget hearing process, noting that meetings will be starting at 9:00 AM and that the Board will be taking breaks as necessary, but that no item will be heard earlier than the day on which it has been scheduled. He also noted that the fiscal year fund balance continues to evolve, but that he has been advised that there will be a relatively firm number by the end of the week; and it is the Board's intention to pass a budget on Thursday, with a final resolution returning on September 9th. He also noted that on September 23rd, or October 9th, there will be another scheduled budget item for whatever whiteboard items are left over, as the final numbers will then be available.

C. Introductions

None.

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

NOTE: *The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or, at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.*

No Board or public comment.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-440

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

CA2. Administration RES-2014-441

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

CA3. Administration RES-2014-442

Resolution Continuing the Local Drought Emergency

CA4. Administration RES-2014-443

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

CA5. Human Resources/Risk Management RES-2014-444

Approve the Rejection of Claim No. C14-15 in the Amount of \$9,147; Claim No. C14-16 in the Amount of \$1,380; and Claim No. C14-17 in the Amount of \$12,054 Filed by Richard Long (DBA: Yosemite's Four Seasons), and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection for Each Claim

E. Departmental Presentation

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

Rich Drozen/CAL FIRE noted that he has spent the last few weeks on fires in Northern California; noted that the fuels are as dry as they have ever been in his career; discussed a flyer that will be given out at the Fair; discussed ember awareness requiring extra attention to dead vegetation at home; noted that trees are exploding during wild fires and the flying embers are causing fires; and noted that fire season is not yet over so we need to maintain our diligence.

Terri Peresan/Community Services Director reported to the Board that the Veterans

Services office is still not yet up; and that it has taken longer than anticipated, but that it will be open next week. She also noted that she has been talking to CAL FIRE regarding the senior wood program and that they are looking at October, but that it will be dependent on how busy fire crews are.

F. Public Comment on Non-Agenda Items

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

Kathy McCorry announced that the relocate.org film crew will be in town this afternoon. Supervisor Cann inquired if the Chamber had to change anything while the Junction Fire was going on. Ms. McCorry responded that they opened early and had increased visitation numbers.

G. Board Information

Supervisor Jones discussed next weekend's Fair and encouraged everyone to attend it, and the livestock auction. He also noted that budget week is always interesting, and the only thing that bothers him is when organizations who request money during budget time won't take the time to update the Board during the year. Supervisor Jones reported: attending a meeting with Sheriff Binnewies and Supervisor Bibby on the 19th regarding emergency services and what they should be doing with the fire department and the sheriff's department; receiving phone calls from two people who used to be volunteer fire fighters who wanted to know if they could join up again; attending a meeting on the 22nd with a gentleman regarding a mastication project in Greeley Hill; spending the day in Coulterville on the 23rd, and noted that there were no parking spaces available in Coulterville for that whole afternoon; spending the 24th working on three road projects; and attending a meeting with the owner of Hazel Green who wants to move forward on that project.

Supervisor Stetson reported: meeting with Dr. Mosher and Supervisor Bibby last Tuesday to discuss health issues, noting that one of the more important being the issue of septage as there is no place to deposit that in this county; meeting yesterday with Supervisor Carrier and Dave Martin from the U.S. Forest Service to discuss pending changes that the Forest Service wants to make with tri-forests; and the usual emails, phone calls and constituent contacts.

Supervisor Bibby reported: attending the health committee meeting, as well as the fire liaison meeting; attending a meeting with Robin Hopper, the Superintendent of Schools, relative to the receipt of emails regarding support for leases, and she noted that some of the emails gave the impression that some people think that the schools are under the County when they are not, so she is forwarding those communications on to the Superintendent; and attending a special meeting of First 5 last night regarding a grant, and noted that they took no action because of language in the grant concerning issues of taxes and conflicts of interest, and that they will reconsider mini-grants in January which will allow everyone a clean start. She also encouraged everyone to attend the Fair and the livestock auction; extended special thanks to all of the state and county agencies who work during the Fair; and she extended special thanks to all Fair personnel. Supervisor Bibby noted that she will be missing a Sierra Connect meeting tomorrow because of budget hearings, but she will be getting the minutes of that meeting.

Supervisor Carrier reported: attending the School Board meeting last Wednesday, and remarked on their dedication; attending a meeting with Planning and Building on Thursday relative to a small project in Mariposa; attending the Planning Commission meeting on Friday; participating in an IRWM conference call with Supervisor Cann on Friday; attending the Yosemite Alpine Community Service District Board meeting on Saturday; and attending the Monday meeting with Dave Martin and Supervisor Stetson

where they went over a new forest plan for the Inyo, Sierra, and Sequoia Forests. Supervisor Carrier advised that he will attend: a Friends of the Library fundraiser this Saturday in Wawona; the Cedar Valley Volunteer Fire Department BBQ in Madera Saturday afternoon; and the Fish Camp Fire Rescue annual BBQ, and he extended thanks to DNC and The Tenaya Lodge for their donations for that event. He also noted that there are some Area 12 Needs Surveys in the back of the Chambers, and encouraged everyone to fill them out. He also discussed an ongoing issue with mileage signs on State Routes 120, 140, and 41, and noted that he and Supervisor Cann received a letter from our Caltrans district stating that they will replace the signs on Highway 120, in Groveland, and on Highway 140 with new ones showing mileage to Yosemite Valley. He noted that Highway 41 is in Caltrans District 6, and that our district will be contacting them and, hopefully, they will do the same.

Supervisor Cann explained that the sign issue started with some complaints from B & B and vacation rental owners who saw that the signs on Highway 41 show the mileage to the Park boundary, while those on this corridor were measured to the Park Valley. Supervisor Cann reported: that he was out of the office last Wednesday and Thursday; attending a meeting with Dr. Mosher on Friday; spending Friday afternoon and evening visiting businesses in the downtown area, noting that people are reporting a good August; participating in the emergency IRWM conference call to hire a replacement facilitator for the performance of that grant; working on the downtown Parking District yesterday; visiting the Open Arms homeless refuge at the United Methodist Church at their dinner last night; and doing a lot of budget preparation for the past week. Supervisor Cann also extended his apologies to Fish Camp Fire Rescue as he will not be able to attend the BBQ on Sunday as he will be parking cars at the Fair for 8 hours.

H. Regular Agenda Items

1. Administration (ID # 3954)

PUBLIC HEARING to Consider the Final Budget for Fiscal Year 2014-2015

9:38 AM Chair Cann opened the budget hearing.

Rick Benson/County Administrative Officer extended kudos to Mary Hodson, Cindy Larca, and the department heads and staff for all of their work to prepare the budget; discussed the difficulties of trying to prepare a budget before the fund balance is known; and provided an overview of his budget message.

Supervisor Bibby noted that it appears that the general fund contribution to Roads was reduced to \$67,000. Mr. Benson responded, noting that Public Works has lined up other funding sources and they feel they only need a minimal contribution from the general fund.

Supervisor Bibby noted that Roads, Probation, and the Sheriff budgets got cut and requested those cuts be kept in mind; especially noting that \$60,000 went to Roads this year versus \$300,000 years ago; and stressed funding now is preferable to making emergency repairs later.

Supervisor Cann required clarification as to whether actuals were approaching the projected sales tax revenues; and regarding the carryover balance. Bill Davis/Mariposa County Auditor responded.

Supervisor Bibby required clarification regarding the actuals on the CDF contract for last year. Mr. Davis responded.

No public comment.

Mr. Benson gave an overview of the process; explained the whiteboard process; and provided an overview of each budget unit at the consideration of each department.

County Administrative Officer

BUDGET UNITS CONSIDERED: General Purpose Revenue, Administration, Assessment Appeals, Economic Development, Interfund Transfers, Indigent Defense, Microenterprise Assistance Grant, Microenterprise Assistance Loan, USDA Grant 04-022.

Discussion was held between Supervisor Bibby and Mr. Benson regarding the best time to address concerns relative to his budget overviews.

Supervisor Bibby required clarification regarding the Stroming Building lease end date. CAO responded that it will end in January, 2015. Supervisor Bibby extended her thanks to the National Park Service for relocating there. She also required clarification regarding the reduction in the General Fund Contribution to roads. Mary Hodson/Deputy County Administrative Officer responded, noting that Administration did not reduce their request; they reduced their request as the Road Department has sufficient funding to meet its needs.

Supervisor Cann identified an \$800,000 difference between the projected numbers for the carryover balance, sales tax and TOT revenues versus the actual numbers, and inquired if the budget was balanced with the smaller projection. CAO responded that the recommended budget uses the projected revenues; that the numbers in the recommended budget are stale, but that these are his recommendations of the estimates to use to build the budget.

No public input.

Board of Supervisors

BUDGET UNITS CONSIDERED: Board of Supervisors, Fish & Game, Forest Reserve HR2389, Tobacco Settlement

Supervisor Carrier requested a \$1400 increase to District 5 Travel as he would like to attend other meetings and conferences. County Counsel noted off mic that it may fall under Training and Seminars rather than Travel. Mary Hodson clarified that because the supervisors are elected officials and they all travel separately, the budget for training and seminars associated with each board member is referenced in individual travel line items so that the public can see how much travel each supervisor does; and that the Training and Seminars line item is used for the Clerk of the Board and the Deputy Clerk of the Board. Chair Cann noted that the request for an additional \$1400 is the first whiteboard item. Supervisor Bibby noted that the budget does include \$2500 for New Supervisors Training, and inquired if that will be enough. Supervisor Carrier noted that his request is in addition to that amount. Supervisors Cann and Bibby discussed upcoming trainings.

Ms. Hodson noted there are three trainings; that \$2500 has traditionally been sufficient, but if it is not then they can always do adjustments at mid-year or bring back an item to increase the funding.

Supervisor Bibby noted that if time doesn't permit to attend the trainings, the program entities can be contacted in order to receive copies of the handouts. Supervisor Cann noted that CSAC posts everything, including the videos, online. Supervisor Jones noted that he will not be using his travel expenses, so those funds can be utilized elsewhere. Supervisor Cann noted that he has not used his, but that he would like to keep the amount budgeted. Supervisor Stetson noted that those kinds of adjustments are easily made later. Supervisor Bibby concurred that it could probably be moved at mid-year. Ms. Hodson noted that the travel line item only represents registration, and that vehicle expenses are under a different line item. Supervisors Bibby and Cann discussed CSAC trainings and certifications.

No public input.

Auditor

BUDGET UNITS CONSIDERED: BUDGET UNITS CONSIDERED: Audits, Auditor, Government Center, Debt Assessment CSA #3.

Bill Davis noted that: prior to the Treasurer refinancing the Government Center fund, they were required by the prior lender to have a reserve set aside; the current lender has no such requirement; there is approximately \$176,000 in that account that is still designated as a reserve and which no longer has to be maintained as such and could be used for some of the infrastructure improvements that the Technical Services Director needs to do; it could also be kept in there to defray one of the payments on the loan; and it is not budgeted for payments this year. Rick Benson noted that he was holding those funds until we can be assured that the repairs on the leak downstairs will work, which cannot be done until there is some rain.

Supervisor Bibby noted that the Government Center and Fleet Maintenance will be paid off on June 30, 2018, and inquired if it is experiencing graduated payments. Ms. Hodson responded, noting that less is going towards the interest, and more is going towards principal. CAO clarified that the total payment remains the same. Supervisor Stetson required clarification of the amount being discussed. Mr. Davis responded.

No public input.

Treasurer-Tax Collector

BUDGET UNITS CONSIDERED: Treasurer - Tax Collector, County Clerk, Elections, Yosemite West Bond Administration, Cash Difference - Tax Collector, Lake Don Pedro Bond Administration, Tax Collectors Cost, Vital/Health Clerk, Yosemite West Bond 2004, Yosemite West WWTP Reserve, Lake Don Pedro WWTP Bond, Lake Don Pedro WWTP Reserve.

Keith Williams/Treasurer - Tax Collector - County Clerk noted that he was anticipating salary savings which were, apparently, used in building the budget and requested an increase of \$8,000 for extra help. The Board concurred with putting that request on the whiteboard. Mr. Williams also noted that he will be coming back to request funding for a special election next year for the hospital district. Supervisor Cann required clarification of the cost. Mr. Williams responded, noting that they will keep the cost to a minimum; that they will charge the hospital for the expenses; and that the special election is needed because the hospital sent a request for two seats to be included in November's election, when it should have been two seats and an unexpired term.

Supervisor Bibby inquired if everything is in place for the TOT ballot, and that no additional funds are needed for it. Mr. Williams affirmed.

Supervisor Stetson required clarification that the Yosemite West Reserve fund has been fully satisfied. Mr. Williams responded, noting that it has been set aside for payments only; and that it will sit there for the length of that bond. Supervisor Stetson inquired if there is any recommendation to add to that fund. Mr. Williams noted that under IRS law, it cannot be added to; and that another fund will be setup and the 10 percent directed into that will be considered a replacement and repair fund. Supervisor Stetson inquired what would need to be done in order to alter the destination of those funds. Mr. Williams responded that he thought it would have to be negotiated with the bond holders.

No public input.

Recess

10:41 AM Chair Cann recessed the meeting for a break, and reconvened at 10:54 AM.

Assessor/Recorder

BUDGET UNITS CONSIDERED: Assessor/Recorder, Recorders Modernization, Recorders Cash Difference, Micro Conversion, Vital/Health Recorder, Social Security Truncation.

Becky Crafts/Assessor Recorder requested that an equity adjustment for her office manager be put on the whiteboard; noted that she requested it last year, and it went through Human Resources (HR) and a desk audit, and she was told to wait for the salary survey which shows that the position is 15.3% underpaid; noted that she met with the previous HR Director and the Administrative Analyst who, ultimately, realized that the job description does not reflect the job being done; and that the HR Director recommended resubmitting it in this year's budget. Ms. Crafts also noted that she proposed a 9% adjustment to equalize compared to the peers with which that position works, and which have very similar responsibilities; remarked that this has been an issue for the last two years; and requested that the Board approve the 9% now, with the rest to be determined later.

Chair Cann noted that the matter is not agendaized to approve an equity adjustment; and inquired if the Board is willing to put the \$8500 on the whiteboard pending that decision. Steven W. Dahlem/County Counsel and Interim Human Resources Director-Risk Manager noted that he is disqualified from participating in this discussion because the position being discussed is held by his sister-in-law, but that the matter has been assigned to the Administrative Analyst. He also noted that these types of requests are invited to be requested at budget time. Supervisor Cann required clarification that the Board can consider the money at this time, but that approving the position is a different process. Mr. Dahlem affirmed. Supervisor Jones required clarification that the job description does not match what the position incumbent is currently doing. Ms. Crafts affirmed. Supervisor Jones remarked that he would like to see the sum added on the whiteboard. Supervisor Bibby concurred. CAO discussed his fear of setting a precedent; remarked that if the job description is incorrect, it will be up to HR to determine; stated that a lot of positions are out of whack but they would be better addressed by the unions; and noted that it would be up to HR to bring an item. Ms. Crafts noted that she has been fighting for this and budgeting it for two years; and as a department head it is her duty to address things within her department. CAO noted that our positions are represented, and it should come back through the unions.

No public input.

The Board concurred with adding the request to the whiteboard.

County Counsel

BUDGET UNITS CONSIDERED: County Counsel

Supervisors Cann, Bibby, and Jones discussed with County Counsel and CAO the concept of providing public defender services in house, and what would be required for same.

County Counsel noted that the revenue is under reported by approximately \$8500, and that the actual amount is \$55,042.

No public input.

Supervisor Bibby noted the revenue growth and workload, and remarked that County

Counsel will eventually require a deputy.

Human Resources Director/Risk Manager

BUDGET UNITS CONSIDERED: Human Resources, Risk Management

CAO stressed that the department's three positions provide support for over 400 employees.

Steven W. Dahlem noted that the HR Director position has salary savings that have been captured to balance the budget; and that those salary savings will hopefully not be there next year. Supervisor Cann noted that the cost of recruitment for that position, and others, will need to be recognized at some point, and requested clarification of the recommended funding source for same. Mr. Dahlem responded that the recommendation will be to fund it through contingency.

Supervisor Bibby noted past audit exceptions for not adequately funding workers comp, and inquired if it would appear in the 04-33 line item. Mary Hodson noted the reserve increase on agenda packet page 350 and indicated that this is where funds are being set aside in order to build up to the amount that the outside auditors require. Supervisor Bibby inquired as to the amount of the shortfall. Ms. Hodson responded that it is a little under one million dollars. Supervisor Bibby recommended putting a note on the whiteboard to look at the workers comp reserve.

Supervisor Carrier noted the recommendation for the OAI, and inquired if the position will be needed after the HR position is filled. County Counsel responded that the approval was to last one month beyond the hiring of an HR Director, and noted that staff would like to maintain that assistance. Supervisor Carrier inquired if that consideration was something for the whiteboard. CAO suggested that since the new department head would want to weigh in, such a consideration should be put off to a later date.

Supervisor Cann required clarification of the number of hours per week for that position in that department. County Counsel responded, noting that it is currently twelve hours per week.

No public input.

County Counsel required clarification that there would be sufficient funding for the out of class pay already approved for the Administrative Analyst and that it is reflected in this budget. Ms. Hodson responded, noting that it was going to be included with the balancing adjustments in September when actual dollar amounts are known; and that there should be sufficient salary savings to offset it. County Counsel inquired if those salary savings are in this budget. Ms. Hodson noted that there should be sufficient money for the out of class pay.

Technical Services Director

BUDGET UNITS CONSIDERED: Technical Services

CAO noted that there are three fixed asset requests which are not recommended at this time, but should be a high priority if we end up with a larger amount of fund balances.

Rick Peresan/Technical Services Director discussed the need to upgrade the switches, phones, and enterprise application system, otherwise departments will find ways to get their own system which will create huge management problems. Mr. Peresan also advised the Board that he will be bringing a budget adjustment to the Board to transfer funds to another unit as it will be transferred to the Ag Commissioner's office to the benefit of the County.

Supervisor Cann referred to a recent presentation by Mr. Peresan, and inquired as to financial cut points. Mr. Peresan recommended upgrading the enterprise system first,

noting that the \$160,000 cost estimate would not include a receivable system for Probation, or a purchase order system, and he would like to investigate both options. Supervisor Cann required clarification that \$160,000 is a cut line. Mr. Peresan noted that to be a reasonable cut line, with the exception that a receivable system would add approximately \$15,000 more, while a purchase order system would add still more; and that \$200,000 would be a reasonable amount for all three things.

Supervisor Jones required clarification that the upgraded system would be the priority, with switch replacement to come later. Mr. Peresan affirmed, barring equipment failure. Supervisor Jones urged placement on the whiteboard. Supervisor Bibby noted that it either has to be on the whiteboard, or on the side as a placeholder.

Supervisor Bibby inquired if Probation has any funds that they can put aside for the receivable component. Mr. Peresan remarked that he didn't want to answer for Probation, but that it may as they have discussed other programs. Supervisor Bibby inquired if every department could utilize it. Mr. Peresan responded, noting that every department could use it, but that there is not a big need for a receivable function.

Supervisor Cann suggested adding the matter to the side of the whiteboard with a range of \$160,000-\$200,000.

Mr. Peresan noted that there will be a day when those phone switches will need to be replaced, and they will come with unforeseen costs. CAO noted that it is his recommendation that, if the TOT passes, this be considered this fiscal year before it gets programmed into the budget process.

Public comment opened.

Marshall Long urged establishing a contingency, or other, fund that is always being added to in order to replace technology as needed. Chair Cann noted that Technical Services does have such a fund.

Public comment closed.

Child Support Services Director

BUDGET UNITS CONSIDERED: Child Support Services, Child Support Advance.

Debbie Walton/Child Support Services Director was in attendance but had no additional comments or recommendations.

No public input.

Agricultural Commissioner

BUDGET UNITS CONSIDERED: Agricultural Commissioner.

Cathi Boze/Agricultural Commissioner / Sealer of Weights & Measures was in attendance but had no additional recommendations.

Supervisor Jones inquired if all positions were now filled. Ms. Boze affirmed, noting that one was filled at a trainee level and is operating under Ms. Boze's license, which is why they have salary savings. Supervisor Bibby required clarification of whether the trainee can work under that license indefinitely. Ms. Boze noted that she can work under that license for certain things. Ms. Boze also reported that Technical Services is also hoping to move internet to that account which will save the County approximately \$9,000.

No public input.

Farm Advisor

BUDGET UNITS CONSIDERED: Cooperative Extension.

Dr. Fadzayi Mashiri/Farm Advisor thanked the Board for supporting their programs. She also announced that they just recently had an interview for a viticulture advisor who will be based in Madera, but also covering Mariposa and will be working under her purview.

Mary Hodson noted that: the \$2500 transfer in money is from the Forest Reserve, which is the Title III money; the Board already formally approved the SWIFT and Fire Safe Council agreements; and while there is no agreement here, the Board has formally approved the use of Title III money for the Master Gardener program.

No public input.

County Librarian

BUDGET UNITS CONSIDERED: Library, Library Private Donation.

Janet Chase-Williams/Librarian noted that the Library's technical services are separate from the County's, but \$27,000 per year to the San Joaquin Valley Library Service gets them 60 new computers and monitors every year, 60 crates of books delivered from Fresno every week, internet service, professional technical support, databases, e-books and much more. Ms. Chase-Williams also thanked the CAO and Board for their support, and thanked her staff who ran a busy summer program.

Supervisor Cann inquired as to the cause of a \$30,000 increase over last year. Ms. Chase-Williams responded that it was nothing in particular but, rather, a lot of small things.

Supervisor Bibby noted the increase in extra help and required clarification if that was for any particular location. Ms. Chase-Williams responded that it was just that more overall hours are needed.

Supervisor Bibby and Ms. Chase-Williams discussed increases on individual line items. Supervisor Bibby reminded that a request has been received to create a library in Catheys Valley. Ms. Chase-Williams noted that the group is currently holding off on that as there will be additional costs that need to be analyzed. Supervisor Bibby remarked that she wants the Board to be aware that it is being held until after the budgets; that the funding amount that was previously looked at was \$15,000 but could be more; and advised the Board to expect a presentation possibly in October. CAO inquired if there are any state construction funds available. Ms. Chase-Williams responded that those funds are no longer available; and that they were warned that the cost overruns with the school could double, so they are proceeding with extreme caution. Supervisor Jones required clarification regarding the Red Cloud Library. Ms. Chase-Williams noted that Red Cloud did not pull out, but that the school was closed and wanted all of their materials back which caused a lot of work and effort.

Supervisor Bibby extended her thanks and appreciation to the Tillie Stroming Trust for their gift.

No public input.

Community Services Director

BUDGET UNITS CONSIDERED: Veterans' Services, Senior Services, Senior Nutrition, Transit.

Terri Peresan/Community Services Director requested that a \$4,125 voucher reimbursement increase be added to the whiteboard, noting that when she crafted her budget she was going by what they were paying plus a modest increase, and the actuals are higher. Ms. Hodson responded that this amount was going to be included in the September adjustments, and discussed the reasoning for same. Chair Cann required clarification that it does not need to be on the whiteboard at this time. Ms. Hodson noted

that if it requires transfers in from the General Fund then it would be better done in September when the final balance is available. Ms. Peresan expressed her agreement, and noted that she just wanted to bring it to the attention of the board.

Supervisor Jones remarked that this is a great program, and that it will continue to grow. Ms. Peresan also reported that she just received notification that water and sewage costs are going to triple within the next few years, with the largest increase happening this fiscal year.

Supervisor Bibby inquired if there was a rough estimate of the overall changes that will be adjusted. Ms. Hodson responded by estimating under \$8,000; and noted that it may be to the good. Supervisor Cann clarified that of the \$8,000 some is positive and some is negative. Supervisor Bibby noted that she was wanting information relative to all of the departments, not just this one. Ms. Hodson responded that interfund transfers is the only budget from which funds are transferred out of to go to other funds; and that the road fund, senior services, senior nutrition, and building should be fine. Ms. Peresan noted that she may be receiving some more subvention money but that it may come in piecemeal, and she does not know how much it will be.

No public input.

Lunch

12:04 PM Chair Cann recessed the meeting for lunch.

1:30 PM Reconvene

1:33 PM The meeting reconvened.

No public input at this time.

Health Officer

BUDGET UNITS CONSIDERED: Health/Air Pollution, Emergency Medical Services, Tobacco Cessation, Realignment Health, Public Health Emergency Program, Local Enforcement Agency, First Five Visiting Public Health Nurse, West Nile Virus, HRSA Bio-Terrorism, Pacific Bell Settlement, CUPA Programs, Pandemic Influenza - State, CUPA-UST.

Dr. Charles B. Mosher/Health Officer noted that this is basically a status quo budget; that they were conservative with the realignment money; and he explained that the reason for the slight increase in the County cost request is due to increasing insurance and personnel costs.

Supervisor Bibby noted the amount for clinic extra help was not reached in the year-to-date actual amount, and required clarification as to the need behind the requested increase. Dr. Mosher responded, noting that it is mostly for nursing and is the area where they are the most thinly staffed. He also noted that they may not spend that full amount, but that he wanted to make sure that they have enough.

Supervisor Carrier required clarification regarding the \$500 hospital line item under Public Health Services, and the ambulance cost which appears to have doubled. Dr. Mosher responded, noting that the hospital expense is for services provided by the hospital to the Health Department for such things as x-rays when they are looking at possible cases of tuberculosis or laboratory tests; and the ambulance cost is paid to the National Park Service for an ambulance in El Portal, and the cost was actually negotiated down. Dr. Mosher noted that there is also the Mountain Valley EMS Agency annual contract, and they do need to buy some more vaccine for first responders to keep them protected, but there is no cost for the actual ambulance service.

No public input.

Human Services Director

BUDGET UNITS CONSIDERED: Behavioral Health, Alcohol and Drug, Social Services, Social Service Programs, Human Services Administration, Family Preservation, Housing Development, Housing Authority Voucher, Energy Grant, Community Programs - CAA, TANF Incentives, Individual Education Plan, Youth Council, Incentives Social Services, Assistance Advance, Children's Trust, Drug & Alcohol, Prevention, Welfare Trust, Alcohol Program, Medi-Cal County Bounty, Realignment - Mental Health, Realignment - Social Services, Mental Health Services Act, In-Home Supportive Services Public Authority, Wraparound, 2011 Realignment, Blue Shield Foundation Grant, Mental Health Services Act Triage Grant

Chevon Kothari/Human Services Director thanked the Board, the department heads, and the CAO's office for all of the help with the budget process. She noted that a large part of their budget goes to personnel, another large portion goes to contracts for outside services, and that some is for pass through which entails cash aid and other payments. She also noted that they are making a conscious decision to not grow programs, and to improve communication throughout the department.

Supervisor Bibby required clarification regarding the training and seminar expense increase on agenda page 110. Ms. Kothari responded, noting that her understanding is that our Behavioral Healthcare team is undergoing a shift in the way they provide services and have to attend a series of trainings to retrain them in some of the clinical services they provide in the Children's System of Care. Supervisor Bibby noted that the cost should go down once the training takes place; and requested that it not be spent if it is not required. CAO noted that training came up in the Grand Jury's report, and Human Services has been complying with that direction. Supervisor Bibby noted the cost of trainings and seminars, and stressed that a lot of trainings can be done online; and noted that these are funds that could go to front line services which she would prefer.

Supervisor Jones discussed his appreciation that they are not growing any more programs.

Supervisor Carrier noted the request for an additional vehicle, and inquired if they would be retiring any from the current fleet. Ms. Kothari responded, noting that they are not planning on retiring any at this point; and noted that they did look at their inventory and their vehicles are aging rapidly so they may need to retire one or more soon. Supervisor Carrier noted that a new vehicle will bring them to a total of 33 vehicles; noted that they are averaging less than 4,000 miles per vehicle; and suggested that they analyze fleet utilization. Supervisor Carrier also required clarification of the automatic door cost. Ms. Kothari responded that they have budgeted \$8500, but she thinks she heard an estimate of \$6500. Supervisor Bibby inquired if there is a way to have Descor address the door since that building should have been ADA compliant at construction. Ms. Kothari noted that the doors are weighted and are technically ADA compliant, but wheel chair bound individuals would find an automatic door easier.

Supervisor Cann noted that there is a tremendous payback with effective supervision and good leadership, and the money needs to be spent to make sure that we have done everything we can to provide those supervisors with the tools that they need. Ms. Kothari noted that they also have had a lot of conversations regarding coaching and mentoring. Supervisor Jones noted that Ms. Kothari has done a fantastic job in her short amount of time there. Supervisor Bibby concurred.

Supervisor Cann inquired about the individual education plan on page 206. Ms. Kothari responded, noting that this funding source was zeroed out this month. Ms. Kothari had no information regarding the funds purpose and noted that she will get back

to Supervisor Cann with that information.

Supervisor Bibby inquired if the issue of the two ghost accounts has been resolved. CAO noted that he thought those were resolved. Mr. Davis responded that they were taken care of the first year he was in office; that the whole practice that led to that has been ended; and that there are no longer issues with that type of thing.

No public input.

Planning Director

BUDGET UNITS CONSIDERED: Planning, SDA Camp EIR, South Shore Ranches LLC EIR, Yosemite Cascades EIR, Silvertip Resort EIR, Vallecito Specific Plan EIR, Local Agency Formation Commission, Mariposa Deco Planning, Mariposa Aggregate.

Sarah Williams/Planning Director pointed out that this year they have closed out their budget units for Yosemite Cascades, Vallecito, Mariposa Deco Rock, and Mariposa Aggregate, but that they must remain on the books for two years. Ms. Williams also noted that they will also be working on reconciling the SDA Camp, and South Shore Projects. She stated that the department's budget is status quo, with the exception that they are asking for a new vehicle, which is a 28K request; and based on some other not asking for any other funds.

Supervisor Cann inquired if the upcoming Silvertip appeal will require any additional money. Ms. Williams noted that the appeal costs are a fixed cost, and require no additional money.

Supervisor Stetson required clarification that there is sufficient funding for next year's costs associated with the Midpines Plan work. Ms. Williams affirmed, and discussed anticipated costs. Supervisor Stetson remarked that he was also thinking about mailings that have been requested. Ms. Williams noted that they will be doing some more mass mailings, but that early 2015 is still the estimate for the completion of a draft document.

Supervisor Cann remarked that he had been unaware that Planning did not have a GPS device. Ms. Williams noted that they have been using someone's personal device.

Supervisor Jones inquired if activity is being anticipated on Southshore. Ms. Williams noted that she would like to keep that budget unit open until the tentative map expires, which is tentatively scheduled to happen in December, 2014.

No public input.

Recess

2:18 PM Chair Cann recessed the meeting for a brief break, and reconvened at 2:21 PM.

Building Director

BUDGET UNITS CONSIDERED: Building.

Mike Kinslow/Building Director extended thanks to the Auditor and his staff for all of the help that they have provided; discussed the department's 2013-2014 fiscal year numbers; noted that in the building permit process, they get paid first and then perform their services; and stated that money that they have on hand will be needed to perform services in the future.

Supervisor Bibby required clarification of the increase to office expenses. Debra Willis/Senior Development Services Technician responded off mic that they need new computers for the entire office. Supervisor Bibby also required clarification regarding the Professional Services line. Mr. Kinslow responded that those funds are generally needed

for larger projects where they are required to have outside engineering consultation, and discussed the fire stations as an example. Supervisor Bibby inquired if those amounts are recouped from the applicant. Mr. Kinslow responded that they charge enough to cover those costs. Supervisor Bibby required clarification that we are not gifting public funds, and that the applicants will be paying or offsetting those fees. Mr. Kinslow affirmed. Supervisor Bibby required clarification of the Special Departmental line item. Ms. Willis responded, noting that they are using that fund for odd expenses, in case they go over budget on something or need to order a specific tool for the inspectors. Supervisor Bibby noted that they may want to retitle that fund through the budget process. Supervisor Bibby inquired as to the increase in county vehicle expense. Mr. Kinslow responded that it reflects an increase in fuel costs. Supervisor Bibby inquired as to the training costs, and inquired how long those employees are anticipated to be in the office in order to validate that training. Mr. Kinslow responded: that they have sacrificed training over the last four years; that this year the International Code Council (ICC) has increased continuing education hours by fifty percent; that they can get education in house, online, or at ICC meetings and seminars; that two people will be going next week; that they would eventually like to participate in a week long training; and requested that he be able to keep any funds saved from last year in order to reinvest in this department. Supervisor Bibby urged doing as much training online as possible, especially with the limited number of staff in the department. Mr. Kinslow noted that any such expenses would be coming from their enterprise fund side. He also pointed out that they have another extra help building inspector. Supervisor Bibby required clarification as to whether the increase in the extra help reflects additional hours, or just the hours previously approved by the Board. Mr. Kinslow responded that they have an additional extra help staff inspector that the Board has not seen before, and also office help, too. Supervisor Bibby requested Mr. Kinslow to provide to her, later, the split between those two positions, i.e., how much is an additional inspector and how much is office help. Mr. Kinslow agreed.

Supervisor Jones inquired as to the growth that the department has seen this past year. Mr. Kinslow responded that their fees increased thirty percent. Supervisor Jones required clarification as to whether the increase in fees causes the expenses to rise. Mr. Kinslow affirmed. Supervisor Jones noted that, because of the short staffing, the department has been unable to pursue training, and inquired if this training is now needed to catch up. Mr. Kinslow affirmed, and discussed training topics and recent changes to state energy codes. Supervisor Jones inquired if increasing state regulations require more training for staff. Mr. Kinslow affirmed.

CAO noted that there is a contingency fund for the first time in many years in this department, and that it should not be built on in the future.

Supervisor Cann remarked that the Board recognizes that Building went down below bare bones for a while, so will be increasing costs for a while as it builds back up. Supervisor Cann also noted the thirty percent increase, and inquired as to how well they are keeping up with it. Mr. Kinslow responded, noting that it is a problem; and stressed to the Board that the demand for building personnel is so high that he may not be able to get people in to fill positions and discussed an idea of creating an in house training program.

Supervisor Bibby noted the jump in the budget, and discussed her reservations that the County may not be able to sustain it if revenues do not continue to rise. Mr. Davis remarked that it would be beneficial if this fund has a sub-fund in it for the county benefit work vs. the fee work so that they can be more segregated; noted that when it is fee work, they get a lot of money up front and then spend it over time; but that it gets confused when it is all in one fund. Supervisors Jones and Bibby concurred. Mr. Davis noted that he will work with the department to accomplish that. Mr. Kinslow concurred.

No public input.

RESULT: HEARING CONTINUED

I. Closed Session

1. **Human Resources/Risk Management (ID # 3982)**

**CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Fire Chief
No Board of public input.**

RESULT: CLOSED SESSION HELD

J. Continue Meeting to August 27, 2014 at 9:00 AM

2:48 PM Chair Cann continued the budget hearing and the meeting to August 27, 2014, at 9:00 AM, in memory of Margaret Robinson.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

August 27, 2014

(Meeting Continued from August 26, 2014)

A. Call to Order and Roll Call

9:03 AM Chair Cann called the continued meeting to order at the Mariposa County Government Center, noting that there was a quorum with all Board members present.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	8:58 AM
Merlin Jones	District II Supervisor	Present	8:58 AM
Janet Bibby	District III Supervisor	Present	8:58 AM
Kevin Cann	District IV Supervisor	Present	8:58 AM
John Carrier	District V Supervisor	Present	8:58 AM

B. Pledge of Allegiance

9:05 AM The Pledge was led by Supervisor Jones, followed by a moment of silence for our men and women in uniform across the world.

Announcement

9:05 AM Chair Cann noted that County Counsel is absent from today's meeting, as he is attending to County business out of town.

C. Regular Agenda Items

- Administration (ID # 3955)**

PUBLIC HEARING to Consider the Final Budget for Fiscal Year 2014-2015 (A Tentative Budget Hearing Schedule is Available at the County Administration Office and at [Www.Mariposacounty.Org](http://www.mariposacounty.org) and is Subject to Change.)

Presiding Superior Court Judge***BUDGET UNITS CONSIDERED: Grand Jury, Law Library.*****No Board or public input.****District Attorney*****BUDGET UNITS CONSIDERED: Vertical Prosecution Grant Domestic Violence, Vertical Prosecution Grants, District Attorney - Prosecution, Drug Enforcement Grant, Victim Witness, District Attorney Asset Forfeiture, Department of Justice, Sund-Pelosso Advance, State Parole - Section 30027.***

Tom Cooke/Mariposa County District Attorney was in attendance but had no additional comments or recommendations.

No Board or public input.**Sheriff - Coroner - Public Administrator*****BUDGET UNITS CONSIDERED: Sheriff-Coroner, Boating Safety, Jail, Asset Forfeiture, Sheriff Asset Forfeiture, SLESF, Rural County Crime Prevention, DNA Identification, County Inmate Welfare, Fingerprint ID, Animal Control, Public Administrator, Criminalistics Lab, Standards & Training Corrections Program, Automated Warrant System, Civil Matters, Sheriff - Civil GC26746, CalMMET, Drug Enforcement Agency (DEA) Grant, Bailiff -Court Security.***

Doug Binnewies/Mariposa County Sheriff discussed: how pleased he is at the current tone of the Sheriff's Office; that they have met the department goals that were identified; the tone change within the department with the salary increase earlier in the year; that they are in the process of upgrading communications and their wiring system; and the K-9 program which continues to receive mutual aid requests for explosives, and which they hope to expand in order to have at least one canine on hand at all times.

Supervisor Bibby noted a significant increase in out of area pay on page 57, account number 02-55, and required clarification as to how many deputies are receiving it. Sheriff Binnewies responded, noting that it is specific to north county assigned deputies, and he discussed the salary. Supervisor Bibby required clarification of whether it is flat rate or compounded. Sheriff Binnewies responded that it is a flat rate stipend. He also noted that there is a typographical error on that line item since it should be \$4800, rather than the \$9600 listed. CAO requested an explanation of the out of area pay. Sheriff Binnewies responded, noting that it is for deputies permanently assigned to the north county, and was adopted long ago to assist with additional incentive in the District II beat area.

Supervisor Carrier noted the reduction in the animal control fund line, and inquired if the lesser amount will be sufficient to allow the same level of service. Sheriff Binnewies responded that the CAO approached the Sheriff's Office, and asked if they could produce \$100,000 out of their budget in order to help balance the County's overall budget. He stated that they felt they could do that; that he was more comfortable with \$75,000-\$80,000, but that the Undersheriff felt that they could maintain by lowering some of the Category IV lines to produce that \$100,000; he discussed his concerns with the scenario; and noted that it was done in an effort to be a team player. Supervisor Carrier inquired if they will be able to offer the same level of service. The Sheriff responded that he hopes so.

Supervisor Cann required clarification regarding the Rural Law Enforcement Grant as his recollection is that for years they received \$500,000; yet \$401,000 was received, while \$450,000 is programmed in. Ms. Hodson responded that they do receive \$500,000 but it is received in a different fund; and that this only shows what is needed to offset the costs of the actual salaries of the positions that are being funded by that money. Supervisor Cann discussed the fact that \$332,000 was actually spent for overtime, yet \$272,000 was requested, with only \$222,000 programmed in. Sheriff Binnewies noted that at the beginning of the fiscal year they were hit with two very large fires, one of which alone cost \$75,000; that the reduction in that line is to return money per the CAO's request; and they anticipate utilizing less overtime because of staffing changes. Supervisor Cann inquired if they have received any reimbursement. Sheriff Binnewies responded that they have received some. Supervisor Cann remarked on the jump in the insurance category.

Supervisor Bibby remarked that we are seeing a huge growth in animal control demands which is spreading staffing quite thin and there may come a day when they have to choose between increasing the funding or scaling back the services. Supervisor Bibby required clarification of how much the Sheriff's Department came up with towards the DSA/SMA negotiated compensation increases; and remarked that she is concerned with the dwindling rural crime money because it is being used up for annually repeated funding needs, and the idea to use it for a jail sometime in the future is null because it is going out the door to pay deputies. Sheriff Binnewies noted that the first year contributions to the salary increases was approximately \$250,000; discussed jail expansion issues; and noted that the Community Corrections Program will be assisting them with the jail. Supervisor Bibby noted that many years ago, some positions were picked up and the Board made a verbal commitment that it would step in and cover it should that granting source ever go away; and she remarked that she hopes that the Board will revisit that.

Sheriff Binnewies suggested that the \$4800 typo previously discussed go on the whiteboard as extra money. Supervisor Bibby expressed her agreement, providing that the lower amount is correct.

Sheriff Binnewies briefed the Board on issues regarding the adult detention facility. Supervisor Carrier recommended that Planning and Building be consulted regarding any jail expansion. Sheriff Binnewies noted that they have been in contact with them. Supervisor Bibby remarked that she is not seeing the extra help line item on the jail. Ms. Hodson responded that it is in the County Inmate Welfare Fund.

Supervisor Bibby discussed the fuel expense for Boating Safety, remarking that it seems awfully low. Sheriff Binnewies responded that there are two boating fuel line items, one that supports the patrol vessels, and one that supports the vehicles to tow those. Supervisor Bibby also noted that the General Fund provides \$216,701 for the lake to fund: patrols; to investigate activities for houseboats which do not pay TOT; search and rescue activities; body recoveries; accidents on the lakes; as well as impacts on the fire and roads.

Supervisor Jones required clarification regarding the cost of a jail expansion. Sheriff Binnewies responded by discussing the effects of the Realignment Act which requires segregating inmates by classification. Supervisor Cann remarked that this project may not apply, but noted that hiring management firms like Vanir can prevent cost overruns. Supervisor Bibby complimented the department on the level of services that they have provided; stressed that the jail will be an ongoing challenge with things like the medical, liability, and lawsuits; and remarked that our rural jail was built for temporary, short-term housing.

Supervisor Bibby remarked on the transfer outs from Rural Crime on agenda page 205; and required clarification regarding where the new money is coming from for County Inmate Welfare. CAO responded that it is rolling over the fund balance. Supervisor Bibby inquired as to the annual amount that goes into it. CAO responded that it is \$25,000. Supervisor Bibby required clarification as to whether the property which is unclaimed due to no identified heirs needs to go to the State as unclaimed property. Sheriff Binnewies

noted that there was already some revenue there when the Sheriff's Office assumed this responsibility; that even though they need to maintain these funds to distribute, they haven't been tasked by those estates to distribute anything; there are timelines, but it is a gray area, and there is some exposure related to that; and if they are not directed, it may be wiser to maintain that fund in case they get a request from a responsible and are obligated to pay out. Supervisor Bibby noted that there used to be a way to generate fees for extraordinary management costs; and remarked that it would be nice for it to go as unclaimed property to the State if that's the proper process as it is being maintained, with no charge for the maintenance.

Supervisor Cann required clarification as to whether the \$126,000 carryover fund is normal. Sheriff Binnewies responded, noting that because of realignment, there has been a restructuring of who receives Administrative Office of the Courts (AOC) money; that they are obligated to keep a certain amount of money for anticipated expenses like increased court services for high trial frequency. Supervisor Cann inquired if a six figure carryover can be expected annually. Sheriff Binnewies responded that it could not necessarily be anticipated. He also noted that they are looking to purchase a vehicle from that fund to support the court security; and cautioned that it is the tempo and frequency of the court that dictates what will happen.

No public input.

Sheriff Binnewies thanked Joel Bibby/Undersheriff who is preparing to retire; discussed his appreciation for his service and efforts to make the budget work; and acknowledged the deputies in the back of the room who have helped with the budgets for their divisions.

County Fire Chief

BUDGET UNITS CONSIDERED: Fire, Fire - Special Grants, Fire - SAFER Grant, Disaster Recovery.

Supervisor Bibby noted an increase in the hourly compensation shown on page 83 and remarked that it is important to get into the record that this amount represents compensation to the volunteers. Sheriff Binnewies noted that there are avenues for compensation opportunities for the volunteers. Jim Middleton/Deputy Fire Chief noted that these funds represent compensation from incidents and just passes through to the members. CAO underscored that point by noting the line items showing the \$275,000 coming in and going out. Supervisor Bibby noted that she mentioned it to encourage new volunteers because there are payment opportunities. Supervisor Jones inquired as to the number of people that represents. Deputy Chief Middleton estimated 20 or 30. Supervisor Bibby noted the County vehicle costs, and inquired if those are the take home vehicles. Deputy Chief Middleton noted that those are for all of the vehicles, not just command take home, and includes the patrols, the water tenders not purchased with CSA 4, and new Rescue 22. Supervisor Bibby inquired if any adjustment needs to be made regarding the CDF contract as the Board was informed that last year's contract did not get paid. Sheriff Binnewies responded that there will need to be an adjustment; that this is the dispatching agreement, and we've been out of agreement for over a year per the MMU chief; that we have approximately \$112,000 in invoicing for out of contract services; and he is in communication with the Auditor's office pertaining to the invoices owed. Supervisor Bibby inquired if the \$112,000 needs to be put on the whiteboard. Ms. Hodson responded that it will be better considered when the final Fund Balance is known.

Supervisor Carrier noted that he had been informed that it was a goal to develop a well at the Bootjack Station; inquired if that was still a goal; and inquired whether a source of revenue for same had been identified. Sheriff Binnewies responded that he is

working with the Deputy Fire Chief; he thinks they have identified a fair direction but isn't aware if it was addressed or not; but, one of the options would expose the County to \$20,000 debt. Supervisor Carrier discussed his understanding that it was going to be part of this budget, and inquired if it should be included on the whiteboard. Sheriff Binnewies noted that he was not aware of any previous conversations on the subject but that it is on his radar; but, if the Board wants, it can be added to the whiteboard. Supervisor Cann discussed the need for a long term solution. CAO remarked that this would be an acceptable project to fund from CSA #3. Supervisor Cann suggested that this should be put off until such time as a remedy and cost is identified.

Supervisor Bibby discussed a disparity in the background narrative of the SAFER grant. Deputy Chief Middleton noted that the equipment budgeted in the safer grant, is for computer work stations for training at the Bridgeport station, and should have gone into the Responsive Training Segments. Supervisor Bibby remarked on the need to edit the narrative. Deputy Chief Middleton noted that there was a natural increase in training which was built into the safer budget. Supervisor Bibby discussed the need to clarify it so that we know it was more to training and response, than equipment. Sheriff Binnewies noted that they will make that change.

Supervisor Jones noted that the Lake Don Pedro Fire Station is going to need some work, and inquired if the money for that can come out of the CSA #3 fund. CAO affirmed.

Supervisor Carrier inquired if the fire station issues needed to be put off until Public Works, and the CAO affirmed.

No public input.

Recess

10:32 AM Chair Cann recessed the meeting for a break, and reconvened at 10:52 AM.

Chief Probation Officer

BUDGET UNITS CONSIDERED: Probation Corrections, Probation, Juvenile Justice Crime Prevention Act, Domestic Violence, Probation - Drug Program, Revenue & Recovery, Youthful Offender, Community Corrections, Community Corrections - SB 678.

Pete Judy recognized that his position is unique in that the County pays his salary, while he is appointed by the Judge, but that it is a partnership that works well. He recognized the cooperation between other departments with whom they partner; and thanked the Board and the CCP regarding the implementation of AB-109 noting that they patched the extra workload with part-time officers. Chief Judy discussed the dangers in shifting his own workload; and noted that he volunteers at the state level and they give us beds in trade. Chief Judy also noted that since this budget was prepared, they have had two seriously mentally ill children hit the system; and he just signed off this month as much as he did last year.

Supervisor Carrier remarked that the department is no longer sealing probation files, and inquired if that is budget driven, or just no longer a benefit to the community. Chief Judy responded that it is a typo; that they still seal records on behalf of the Court; and that they collect costs for that.

Chief Judy commented on AB-109 noting that three years ago, it was not known that it would affect everything.

No public input.

Lunch

11:13 AM Chair Cann recessed the meeting for lunch.

1:30 PM Reconvene

1:33 PM Chair Cann reconvened the meeting.

Report Out

1:33 PM Chair Cann reported from yesterday's closed session that the Board has chosen to not recruit for a Fire Chief and will maintain the Sheriff as Interim Fire Chief; and that a public session agenda item is tentatively scheduled on September 16, 2014, at 2:00 PM to discuss the organization and operation of the Fire Department with the public, Fire, and anyone else interested in the issue.

Public Works Director

BUDGET UNITS CONSIDERED: Facility Maintenance, Surveyor & Engineering, Public Works Administration, Regional Transit Services, Parks & Recreation, Local Transportation, State Transit Assistance, Transportation Planning, Pedestrian Bikeway, Roads, Roads - Special Projects, County Service Area #3, Lake Don Pedro Fire District, Water Agency, Coulterville Lighting, Coulterville Service Area, Don Pedro Service Area 1M, Don Pedro Sewer, Hornitos Lighting, Mariposa Lighting, Mariposa Parking, Mariposa Pines Sewer, Wawona Service Area, Yosemite West Maintenance, Hazardous Material Clean Up, Energy Efficiency Grant, Capital Improvement Projects, Solid Waste & Recycling, Airport Operations, Airport Project DTFA08, Special Aviation, Airport Slurry Seal, Plant Operations, Fleet Maintenance, Solid Waste Equipment Replacement, Fire Vehicle Replacement, Vehicle/Heavy Equipment Replacement.

CAO noted that the following things will need to be spent from the CSA #3 budget: \$2100 worth of expenses for the Midpines Fire Station; \$1300 for the Don Pedro Fire Station; and possibly as much as \$70,000 at the Don Pedro Fire Station for the backflow preventer. CAO also noted that an additional \$66,000 needs to be allocated for the Darrah Road Bridge project which was recently approved, but which is not reflected in the budget. He also noted that a \$14,000 expenditure has been mislabeled as a "fuel terminal project" in the Airport Operations budget, when it is for an improvement to the airport lighting system. Mr. Benson also noted receiving a memo from Public Works regarding vehicle replacements that should be incorporated in the budget. Barbara Carrier/Public Works Assistant Director - Support Services also noted that they have 21 employees in the Roads budget.

Supervisor Stetson noted that the Board recently loaned \$125,000 to Yosemite West Maintenance District and that it is not reflected in this budget, and inquired if it is advisable to use the surplus in that budget to pay that back and get it off of the books. CAO remarked that the loan should be paid back if the funds are available. Ms. Carrier noted that there is an additional \$172,000 available as a fund balance, so paying off the loan is up to the discretion of the Board. Ms. Hodson noted that this assumption is based off of a fund balance that has not been presented in any of the budget documents; and that this would be something that would need to come back for consideration in September. Supervisor Stetson agreed with entertaining the matter then.

Supervisor Carrier required clarification that \$66,000 is still needed for the Darrah Road Bridge listed on page 311 under fixed assets. Ms. Carrier affirmed. Supervisor Carrier noted that that sum is for the engineering, and that nothing is being set aside for the future construction cost match. Ms. Carrier noted that they were going to look into having it programmed into the RTIP and discussed same, noting that they were either going to do an amendment next year or wait for the 2017 programming. Supervisor Carrier required clarification as to the increase in the Transportation Planning budget. Ms. Carrier responded, noting that that budget includes transportation related work that she performs as the Assistant Director, of which they are anticipating more, and any engineering work that is done for transportation. Supervisor Carrier pointed out that a correction is necessary to the narrative in the Roads budget on page 141, as it states that the budget unit includes two different divisions. Supervisor Carrier noted that the Fish Camp Fire Station has a water intrusion issue which still needs to be addressed, and which has not been mentioned anywhere in the budget. CAO noted that Doug Wilson/Interim Public Works Director just distributed an updated list of changes to the fire stations which does note this issue; and he discussed the differences between the amounts in the two memos. Supervisor Carrier required clarification as to whether the new memo regarding the Bridgeport Fire Station is in addition to the \$13,000 shortfall. Ms. Carrier responded that the \$13,000 shortfall is the total for everything. Supervisor Carrier noted that the revised list does not include the issues with the Fish Camp Fire Station. Mr. Wilson noted that they will add that issue to their investigations. He also noted that when he first increased that \$13,000 figure, he was not taking into account their fund balance. Mr. Wilson discussed the \$70,000 figure for Don Pedro, noting that they are finding that if they put that device in as required, it will also affect the pressure on the other side of the valve which then impacts the ability of the sprinkler system to operate; and that \$70,000 will only be a portion of the overall cost and, in fact, may represent as little as 1/4 of the total cost if they actually follow that solution. Supervisor Jones noted speaking with the manager at Don Pedro; that the price can vary from \$5,000 and up; and stated that they need to setup a meeting. Supervisor Carrier noted, relative to the Lake Don Pedro Fire District budget, that it was his understanding that that contract went down, and inquired if this budget reflects those reduced rates. Ms. Carrier responded that the revenue will be reduced during budget changes; and the actual contract did not change but they had built up a surplus which allowed for the assessment reduction. CAO noted that the only change will be in the revenue assumption. Supervisor Carrier noted that on page 158, regarding Don Pedro Service Area 1-M, the narrative mentions maintaining the equestrian trails and he noted, for the record, that we currently do not own or maintain those trails and that an adjustment needs to be made to that language. Ms. Carrier noted that they actually do minimal work with the \$1600 from grazing fees. Supervisor Jones clarified that the County does not do any maintenance work, and that the money goes to fund gravel, or whatever, for a group of volunteers. Ms. Carrier affirmed that it is the volunteers who do the maintenance and not the County. Supervisor Carrier required clarification of where the needle and large item pickup is reflected in the Wawona Service Area budget. Ms. Carrier responded that the revenues are recognized in the Solid Waste budget; that equipment rented for it comes out of account 04-30, Rents & Leases- Equipment; that they pay for the fuel directly; and that the only thing that goes back to Solid Waste is their time and vehicle usage. Supervisor Carrier inquired as to whether the Energy Efficiency Grant on page 296 ties into the recent grant application that was brought to their attention by the History Center. Ms. Carrier responded that they were two different things. Supervisor Cann offered that it came from the 2009 Federal Stimulus Program. Supervisor Carrier required clarification regarding the baler in the landfill budget. Ms. Carrier noted that they are going to be purchasing it on a lease to own basis. Supervisor Carrier required clarification regarding the increase in laboratory testing; and as to whether anyone has investigated the possibility of contracting with one lab to do all the tests at a discounted rate. Ms. Carrier responded that they do use one lab; that there are a lot of new Title 22

requirements for lab testing, and we are required to do more. As to the Plant Operations budget on page 337, Supervisor Carrier inquired if Public Works had the ability to run reports to see the amount of staff time spent at each facility. Ms. Carrier noted that they do have that ability; that they are posted to each of the districts; and that the amounts are posted, individually, as a lump sum in the monthly revenue. Supervisor Carrier inquired as to the status of the stairs for the park in town, and whether it is anticipated to be completed this year. Ms. Carrier responded that she hopes so; noted that the money was rolled over; and stated that she will need to check with Engineering staff on the status. Supervisor Cann noted that he has been working with the land owner on the stairs and they ran into a slight slowdown on the easement negotiation, but he believes they are ready to go forward with them. Supervisor Carrier required clarification as to the Catheys Valley well. Ms. Carrier noted that there are still issues with the well; that there is sand coming up and they have put a strainer on; that the plant operations manager is talking about a separate tank, and an item will be brought to the Board once all issues have been identified; and that \$12,000 was the last cost estimate that she heard.

Supervisor Stetson voiced his support of Supervisor Carrier's suggestion to break out the reimbursements and expenses for the various service districts. Ms. Carrier noted that she can request that the Auditor provide separate revenue lines. Mr. Davis acknowledged the request off mic. Supervisor Bibby noted her support for the suggestion, as well.

Supervisor Bibby inquired how much is left from the expenditures on the well; and inquired if anyone has talked to Environmental Health because there is a way to do an inner liner in cases of a cracked casing. Ms. Carrier responded that she believes that Environmental Health has been contacted; that facilities has identified a leak on the surface and they are working on it; and she believes the leak is a warranty issue. Supervisor Bibby and Ms. Carrier discussed the amount of money left. Supervisor Bibby requested the department provide a status report on the well and its available funds. Regarding the Pedestrian and Equestrian trails, Supervisor Bibby noted that she doesn't think that the Board made a conscious decision to provide gravel to private volunteers for maintenance of those trails, and she requested a report back on that after it has been vetted through County Counsel. Ms. Carrier noted that she believes that she spoke with County Counsel about it when the invoice came in. Supervisor Bibby reiterated her request for a status report on the matter. Supervisor Bibby required clarification regarding the increase in the Major Vehicle Repairs line item under Surveyor and Engineering on page 43. Ms. Carrier noted that there have been a few accidents, and anything that is the driver's fault falls under the department. Supervisor Bibby requested a memo as to what transpired. Supervisor Bibby voiced concerns regarding the reduction of General Fund contribution to Roads on page 141, and inquired as to whether more money should be placed in the Materials line item. Ms. Carrier noted that they had a new Road Superintendent last year and he was very conservative with his budgeting, but that she would never turn away money. Supervisor Bibby discussed the amount of the decrease and encouraged that this be revisited at mid-year, along with the overall goal of the County should the TOT increase pass. Supervisor Bibby noted that revenue went down for the Coulterville Service Area and inquired as to the reason. Ms. Carrier noted: that they had a negative fund balance last year and had to transfer money in from the fund balance; that the fees are based on the actuals and there were some foreclosures and some businesses closed; but that it could actually come in higher. Supervisor Bibby inquired if there were any corrections or one time issues that surfaced. Ms. Carrier noted that last year's operating expenses were higher; it was required to transfer in money from the Utility Capital Fund just to function at status quo, and this year they are not transferring in anything. Supervisor Bibby required clarification of the reason for the difference between the estimated revenue for Solid Waste on page 324, and last year's actuals. Ms. Hodson responded that the actuals don't show the fund balance, whereas the budgeted amount includes the fund balance. Supervisor Bibby required clarification of the reason for the differences on the hangar space item, shown on page 332 under Airport. Ms. Carrier noted

that estimates were based on having an FBO in place within a couple of months, which has not happened. Supervisor Bibby required similar clarification regarding the gas sales. Ms. Carrier noted that this, too, is because they had an FBO for half of last year, but that the County has now taken that over. Ms. Carrier noted that the budget is actually doing well; that they have managed to do a lot of the maintenance there that was not been done over the years; that they have replaced the lighting with more efficient led lighting; and they fixed things on the fuel pumps. Supervisor Bibby noted that the first figure she heard on the Bridgeport Fire Station was \$13,000 but they are really down to \$7600, and she inquired as to whether money for same will be coming from the Tobacco Funds. CAO responded that they can pull those funds from the Tobacco Funds, or they can also draw from the new CSA #3. Supervisor Bibby required clarification of where the \$7600 is going to come from today. Ms. Hodson responded that it will be adjusted in September. Supervisor Bibby requested staff to double check on the tie downs to make sure it is not a duplicate, as she remembers the issue coming up before. Ms. Carrier noted that she will double-check with Engineering staff.

Supervisor Cann recounted the history of the Mariposa Parking District and the difficulties that have been presenting; requested \$25,000 to pay for the process to establish a community service district there; and requested that the Board consider the request this week, as opposed to September, because they are at a critical point. CAO noted that the \$25,000 is for the benefit of the district, and suggested categorizing it as a loan to the Mariposa Parking District, rather than an outright expenditure. Supervisor Cann noted that if the CSA gets formed, then all of the benefitting businesses would have a role in paying it off. Supervisor Carrier inquired if \$25,000 will be enough, as it will have to go through the whole 218 process. Supervisor Cann responded that the amount was an estimate. Supervisor Carrier inquired if there is support within the town community for the idea. Supervisor Cann responded that most of the businesses that he has talked to are willing to participate in a dollar amount because they have a huge problem if the parking district collapses. CAO noted that when the contract goes to the engineering firm, they will need to hold a public meeting which will allow them to gauge support; and they will then be better able to decide the loan versus expenditure issue. Supervisor Bibby remarked that the loan amount can come out of contingency, then a separate item can be brought back and the Board can decide the issue later. She also stated that they used to figure \$50,000 to form a Zone of Benefit; stated that they are pretty much out of space, now, and she foresees an eventual challenge that the parking space has been exceeded; and noted that she would entertain it coming back and looking at it as a loan. Supervisors Cann and Bibby discussed the CSA 3 process. Supervisor Cann remarked that he would rather that the County commit to the loan so that he has the authority to go forward. Supervisor Bibby inquired if an item could be brought back with the details of how much will be required. Supervisor Cann responded that he really wanted to get this going. Supervisor Bibby questioned whether there was sufficient notice on the matter: and stated that this happened once before during the budget hearings, and they found that it required at least 72 hours to meet noticing requirements and allow public input. CAO noted that he was not aware of such a rule, and it would need County Counsel to address the matter. Ms. Hodson noted that the Board is deliberating on all of these budget units, and that the only stipulation is that any potential changes have to be submitted in writing to the Clerk of the Board. Supervisor Jones remarked that there are a number of items that will be brought up tomorrow that are not included in here; that he believes it can be put on the whiteboard as long as it pertains to the budget; that he would support it as a loan; and that the details would have to come back before the Board for a vote. Supervisor Stetson agreed, and noted no problem with putting it on the whiteboard; and noted that it is a county wide problem, not simply a district IV problem. Supervisor Carrier stated that he has no objections to putting it on the whiteboard; reminded that we have a transportation grant which is supposed to look at these things; and cautioned that we don't identify a solution before we have our transportation plan. Supervisor Bibby remarked that it would

be best to increase the parking district amount, and then bring back a separate item to the Board to enter into a contract. Ms. Hodson noted that this is a budget deliberation so that the Board can add or delete line items and funding from the budget at this time; that the money would go to the parking district fund, categorized as a loan from the general fund; then before a contract or any work could be done, an item would have to come to the Board; and the 218 process would have to be followed. Supervisor Cann reiterated his request to add \$25,000 for this matter to the whiteboard.

Supervisor Carrier discussed the Capital Improvement Projects line item on pages 306-307, noting that fund 502 is just under \$500,000 for the courthouse remodel when the Board was given an earlier estimate of \$669,000 and inquired if a dollar amount could go on the whiteboard towards courthouse repairs. Supervisor Cann agreed that courthouse issues should be on the whiteboard; and noted that the bid on the roof, siding and windows was \$125,000, and that it is coming back for a discussion on September 9th. Mr. Wilson clarified that the item coming back on the 9th is the agreement for the engineering for approximately \$125,000; in that agreement, the consultant is required to bring to 65% complete design everything on that recommended list; then at that time, it will then be identified what funding is available for the construction and the agreement that will come back requires them to size the highest priority items to fit the available funding left. Supervisor Carrier remarked that he wants to make sure that we have sufficient money available. Supervisor Cann required clarification of at what point in the design when we will go to bid and award a contract. Mr. Wilson responded that they were pushing for a fairly quick time frame; and that he thinks that we would be ready to make those decisions sometime in spring. Supervisor Jones stated that it was his understanding that \$125,000 would be more than enough, and that we wouldn't have to spend all of that money. Supervisor Cann noted that it is a little unclear as to how much money will be needed to get everything done. CAO remarked that the Board can put anything on the whiteboard but that they have a balanced budget right now, so in order to spend more in one area they will have to take it from somewhere else.

Ms. Carrier noted that the fleet maintenance budget is basically an operations budget for six months; that five years ago they were asked to reduce the rates by five percent; that over the years the fund balance is becoming less and less; it's been discussed that we need to look at a rate increase to the actual O and M charge and bring it back before the board; and if that is the case, then there would be an unknown cost involved to the General Fund budgets; and she is seeking direction from the Board to go ahead and bring it and present it.

Supervisor Jones noted discussing with the previous Public Works Director the idea of Cost of Living increases on the service districts. Ms. Carrier noted that the previous Director did send out an RFP to eight organizations requesting qualifications; they received only one response; the responding company was requested to give a budget proposal on July 17th; and they have not responded.

Regarding the Catheys Valley well, Supervisor Jones inquired if the contractor still has liability. Ms. Carrier noted speaking with the Plant Operations Manager, who is working with the well driller; but the well was completed; and there were unforeseen problems. Supervisor Jones remarked that if there is a crack in the case, then that is the well driller's responsibility.

Supervisor Jones clarified regarding the trails in Don Pedro, reflected in Don Pedro Service Area 1M on page 158. He noted that the County gets \$1600 per year for grazing, which can only be spent for 1M projects, like the trails and pedestrian in Don Pedro, and it is up to the volunteers as to what they want. Ms. Carrier corrected that it is up to the County, not the volunteers, to determine on what it is spent.

Public comment opened.

Marshall Long thanked Supervisor Cann for tackling the parking lot issue.

Public comment closed.

RESULT: HEARING CONTINUED

D. Continue Meeting to August 28, 2014 at 9:00 AM

3:06 PM Chair Cann recessed the budget hearing and the meeting to August 28, 2014, at 9:00 AM.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



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

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

August 28, 2014

(Meeting Continued from August 27, 2014)

A. Call to Order and Roll Call

9:03 AM Chair Cann called the meeting to order at the Mariposa County Government Center.

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

9:05 AM The Pledge was led by Supervisor Bibby, followed by a moment of silence in honor and memory of our people in uniform locally and across the world.

C. Regular Agenda Items

Supervisor Bibby remarked that yesterday she had questioned whether revisions could be submitted without 72 hour notice; stated that she was recalling an incident prior to 2009 when the laws changed; and noted that revisions are submitted pursuant to the law when the whiteboard items are submitted in writing to the Clerk of the Board.

1. Administration (ID # 3956)

PUBLIC HEARING to Consider the Final Budget for Fiscal Year 2014-2015

Bill Davis/County Auditor reported that his office had an \$81,000 revenue item come in which will impact positively on the General Fund's fund balance.

Supervisor Bibby requested that the \$19,000 in contingency that appeared in the Building Department's budget be added to the whiteboard, because departments are not usually allowed to have a contingency fund. Supervisor Cann inquired of the ramifications since it is an enterprise fund. Rick Benson/County Administrative Officer remarked that the contingency would be appropriate if the department was operating purely as an

enterprise fund with no contribution from the general fund. However, since it is receiving such a contribution, and since the County is making an increased contribution which almost equals their contingency fund, he thinks it would be alright to lower the general fund portion by a commensurate amount but requested input from the Auditor. Mr. Davis noted that he has been working with the Building Director and knows that he is trying to get it established as a free standing, functioning enterprise fund and is viewing the County's contribution as payment for services rather than a subsidy. Mr. Davis was unsure of how Building had arrived at a contingency; noted that funds that were not going to be utilized this year should be held as a reserve; and stated that he does know that Building receives fees up front and then expends them over the course of a couple of years, so what looks like excess funds are not. Mr. Davis remarked that Building may be trying to take that same approach with the County; and discussed other possibilities. Supervisor Cann remarked on the need to contact Mr. Kinslow as he is uncomfortable cutting funds without Mr. Kinslow's input. Supervisor Bibby noted that it is her understanding that putting something on the whiteboard is not a guarantee that it will occur. She also noted that if that fund represents a maintenance of effort, then she has no problem with it; but she does have a problem with it if it is just building a contingency fund in case of overruns as it would be setting a precedent. The Board concurred with waiting on the issue until the Building Director, or his assistant, can be located.

CAO reiterated that what is being done today is establishing a budget, and does not authorize those actions or contracts in anyway.

9:20 AM Mike Kinslow/Building Director entered the Chambers. Chair Cann noted that an issue has been raised regarding that budget. Supervisor Bibby inquired as to what the department's contingency represents, and after discussion between the Board and Mr. Kinslow it was determined that the fund represents private fees paid up front. Supervisor Bibby inquired if it could be named something else. CAO remarked that his concern is how the County contribution was calculated as that was higher. Mr. Kinslow responded that their cost allocation doubled which was unforeseen, and he added that into what the County contributes. Mr. Davis noted that an individual retired out of that department, and the retirement benefits allocated to that department had a tremendous impact on their cost allocation. Mr. Davis also noted that it looked to him that retirement benefits would be a County incurred expense. CAO responded that such is an expense of providing that service over the years; noted that he believes that the County contribution is being over-represented here; remarked that the label "contingency" is not appropriate here, and suggested "pre-paid fees" instead; noted that the County should not bear the full cost; and suggested lowering that by half, and reducing the County contribution by an equal amount. Supervisor Cann noted that the CAO's recommendation assumes that Building has the ability to act immediately to increase fees, which is not the case. Discussion ensued between the CAO and Supervisor Cann regarding same. Supervisor Bibby inquired as to the percentage represented by public benefit, to which Mr. Kinslow responded thirty percent. Supervisor Jones remarked that it is not right to come up with a random figure at this late time when it is a small department; and noted that the cost allocation looks back two years and is virtually impossible to project. Mr. Davis affirmed, noting that it is almost impossible for his office to know what the cost allocations will be until they get them calculated; and if they can't do it, then Building can't do it. Supervisor Cann inquired if there is any reason to believe that the cost allocation will stay at that level. Mr. Davis remarked that he didn't think that it would return to the previous level because the person who is retired is going to stay retired; and noted that, at this point in the budget cycle, he doesn't see how they can react fast enough to accumulate those costs. Supervisor Bibby remarked that, eventually, the County is going to have to get together to see what the public benefit is; noted that the \$19,000 needs to be labeled as fees, or something else, and can't be listed as contingency; and stated that she wants the department, the CAO, and the Auditor to get together to figure out the public benefit portion. CAO discussed the

need to properly calculate the figure, and to re-label the fund. Mr. Davis suggested changing the fund name to prepaid fees, or reserved fees. He also suggested segregating the fee side from the County side by structuring a sub-fund for the County costs which will allow them to identify what should be remaining at the end of the year. CAO noted that it was his understanding that time studies were needed. Mr. Davis noted that those will be used for the identification. Mr. Kinslow noted that they have been tracking their time and it is higher than anticipated, but that it is also cyclic. He also remarked that the contingency money came out of fees. Supervisor Bibby noted, relative to code compliance, that those who are non-compliant should be paying additional. Chair Cann inquired if the Board is comfortable with taking that \$19,000 off of the whiteboard, with them relabeling the fund as discussed. Supervisor Bibby concurred, providing that it is relabeled. She also noted that she would like the three agencies to get together to calculate the public benefit. Supervisor Jones also concurred. CAO remarked that a percentage is not the way to capture those expenses.

No public input.

County Administrative Officer

BUDGET UNIT CONSIDERED: Community/Cultural Services (Tourism)

CAO gave an overview, noting that Community/Cultural Services are purely discretionary expenditures; and that it is likely that additional funds will be necessary to fund both visitor centers. He also requested that the Board keep in mind that every County department was given a cap of 2% growth, should it consider increasing the allocation for the visitor centers.

Supervisor Stetson requested an additional contribution of \$10,000 to the Mariposa County Arts Council noting that it is a sound investment in the community; that it has been ten years since the Board increased any funding to them and yet they have continued to grow; that it is an organization that can contribute much more; that their touring presentations have increased; and they are doing a tremendous amount of work which is contributing to the revitalization of the downtown area. Supervisor Jones concurred.

Supervisor Jones also discussed being approached by the Master Gardener's program for funds to pay for water bottles for the annual conference that they are sponsoring; and noted that the Northern Mariposa County History Center is requesting a match of \$1500 for a sign in front of that History Center, and that they have earned enough through contributions that it would be a 50-50 match for signs on Highways 132 and 49.

Supervisor Bibby noted that these are last minute requests; and stressed that whatever the County saves can go towards the Courthouse repairs, the General Fund, or the Rainy Day Fund; and she urged restraint in making the list.

Supervisor Jones discussed the need for organizations to come and do a presentation before the Board so that Board members know how the money is being spent; discussed his upset with one organization; and requested that no funding be provided to the Yosemite Renaissance.

CAO noted that he neglected to bring up another request from the Chamber of Commerce that was made on Monday for \$7500 to assist in replacing the Visitor Center sign.

Supervisor Cann noted that all expenditures have different paybacks; noted that he agrees with the CAO's point of keeping a tight leash on the County departments; noted that every time the Board has talked about community and cultural services, it has been overwhelmed by what these groups return. He also noted that he is not willing to just give the Arts Council another \$10,000, but would be responsive to a request; and remarked that he sees them as a group that focuses on our citizenry which benefits the tourists,

while the others seem to be the reverse. He also discussed past economic studies which show that we are tailor-made for an arts community; and he discussed the Chamber's sign. Supervisor Stetson noted that in the past, it has been recommended in the past that the Arts Council be cut out entirely, so they might be fearful to come forward with requests.

CAO noted that the Board needs to determine if these will go on the whiteboard.

Chair Cann reviewed the additional requests; and noted that nothing was said about the visitor centers, but something needs to happen to maintain the level of service. Supervisor Jones concurred and remarked that he knows that the amount budgeted for the northern county Visitor Center doesn't work so he hopes that it, too, can be raised. Supervisor Cann noted that he is concerned that we will start losing visitation if the Visitor Center isn't operating at its peak.

Supervisor Bibby inquired if not funding the Yosemite Renaissance should be on the whiteboard. CAO responded that it should if the Board concurs. Supervisor Jones concurred. Supervisor Stetson noted that one of its principals has been unavailable to answer questions for a variety of personal reasons; and remarked that he knows that each of the Board members have been presented with a list of what they do, so he would oppose not funding them. He also pointed out that they are supported by DNC to a great degree. Supervisor Cann noted that Yosemite Conservancy is a large contributor, as well; and suggested that this be held in abeyance so that they can be invited down to give a presentation. Supervisor Jones noted that he has no problem with that; but noted that his requests started 5 to 6 months ago, when he and Supervisor Bibby had a meeting with them. He noted that he also brought it up three months ago, and then again one month ago; remarked that they used to do a display here in the lobby, but that they have decided not to do it because of security; and noted that he has questions that need to be answered before he will feel comfortable funding it. Supervisor Bibby discussed their meeting, and the concerns that it raised; and recommended that the Arts Council become the underlying organization.

Supervisor Bibby required clarification from Ms. Hodson as to where the \$66,000 in funding for the Darrah Bridge is coming; and inquired if it should be on the whiteboard. Ms. Hodson noted that because that is in a separate fund, and because we are using estimated fund balances, the Board will take that into consideration during the balancing adjustments that will take place at the end of September, or in the first week of October.

Supervisor Bibby suggested adding at least \$20,000 for the workers comp reserve fund to the whiteboard because we have been written up every year.

Chair Cann requested that the Board finish discussing the Yosemite Renaissance funding. He inquired if the Board is comfortable with deferring that allocation; and noted that he would be totally comfortable funding this through the Arts Council and letting them make sure it is an appropriate investment. Supervisor Jones noted that he has talked to two or three members of the Arts Council who support his position on this; and he strongly supported the Arts Council overseeing the Renaissance, noting that it then requires being funded only once. Supervisor Cann urged funding the Yosemite Renaissance allocation today to the Arts Council and let them determine if it is an appropriate investment. Supervisor Stetson remarked that the Yosemite Renaissance funding would be in addition to the \$10,000 that he has already requested. Supervisor Bibby stated that she would like to see the \$10,000 given to the Arts Council, and not earmark it for the Yosemite Renaissance; discussed issues that came up during her investigation into the Yosemite Renaissance regarding finding out that activities that were represented had been discontinued years prior; noted that the Arts Council deals with all art in the community; and remarked that she does not want to earmark it and commit them to that project. Supervisor Stetson noted his support of giving the money to the Arts Council, but reminded everyone that there are a lot of players involved and there is a lot of reorganization that would be asked of the Arts Council. Supervisor Cann remarked that he was not sure that the Board was asking the Arts Council to do anything; they could, if

they choose, make it a straight pass through; and noted that time needs to be allowed for the Arts Council to consider that project. Supervisor Stetson concurred. Supervisor Jones recommended putting the \$10,000 aside until they did their presentation, which will give the Board time to determine if the Arts Council is interested in it; and the Board can then take another step if they are interested in it.

Supervisor Carrier remarked that he has no strong opinion as to how to divide the \$777,000, but he feels that the Board needs be consistent by staying in the 2% cap that was given to our department heads. Supervisor Cann noted that 2% of \$777,000 equals \$15,500. Supervisor Stetson noted that discretionary funding is not quite the same as departmental funding. Supervisor Cann noted that the Board is dealing with a lot of non-profits and services to the county.

Supervisor Bibby noted that it is all public funds and taxpayers' dollars. She also inquired of Ms. Hodson as to how much is needed for workers comp. Ms. Hodson responded that the shortfall ranges from \$600,000 to \$800,000. Supervisor Cann inquired as to how much is programmed into that for this year. Ms. Hodson noted that we are trying to increase our reserves by \$300,000; and hopefully, we don't exceed our medical costs from Workers Comp costs like we did this year. Supervisor Bibby required clarification of the shortfall. Ms. Hodson responded by discussing issues from last year; and noted that if there are no unexpected expenses, then \$300,000 will be added to the reserve for the Workers Comp fund.

Supervisor Bibby inquired of Ms. Hodson as to the CAL FIRE agreement. Ms. Hodson recommended that it be taken into consideration at the end of September, or the first part of October, when the balancing adjustments are brought back to the Board. Supervisor Bibby expressed her worry that the money that is needed for the CAL FIRE agreement and other items will be spent before it can be allocated.

Public comment opened.

Julie Hadzega/Tourism Bureau noted that the water bottles have already been ordered and paid for by the Tourism Bureau, and she requested removal of that item from the whiteboard. Supervisor Jones required assurance that they were going to pay for the full cost of the water bottles. Ms. Hadzega noted that that was the direction that she received from Terry Selk, and that they have already ordered and received the bottles. Supervisor Jones agreed to the removal.

Kathy McCorry spoke on behalf of Terry Selk of the Tourism Bureau and read various statements and quotes that urged continuation of funding to the Tourism Bureau at its existing level.

Susan Bramson/President Northern Mariposa County History Center thanked the Board for their past support; discussed their request for funds to increase signage; discussed the museum's services and reach; and requested that the Board continue its funding. Supervisor Cann noted hearing about their need for signs for the visitor center there; and inquired if this sign could be used for both or, alternately, whether there would be any conflict. Ms. Bramson responded that they have worked with a consultant to see how they can best utilize their funds who advised them to increase their signage. Ms. Bramson recommended more visible informational signs for the Visitors Center, as well. Supervisor Cann inquired if the enhanced signage will just send everyone to the History Center. Supervisor Jones explained that the museum signage would be different. He also explained that you cannot find the Visitors Center because of the lack of signage; and noted that the Visitor Center is a separate sign issue which he will be bringing up later.

Carol Johnson/Arts Council Board Director noted that it would not be appropriate for the Mariposa County Arts Council to comment on the appropriateness of funding or lack of funding to another 501(C)(3); but, she agreed that it would be appropriate to ask the Arts Council to consider the Yosemite Renaissance issue. Ms. Johnson noted that she is also on the Boards of Directors for the Economic Development Corporation and the Mariposa Fair, and noted that the most important thing about the three disparate

organizations, is how intertwined they all are. She also noted that everything that one does affects the others. Supervisor Cann remarked that he feels that is a good path to take with the Arts Council regarding the Yosemite Renaissance. Supervisor Jones concurred.

Ron Iudice discussed the Mineral Museum funding, noting that when it originally went through he was a proponent of the County paying the rent; noted that the museum has deteriorated, and its level of service has deteriorated; and he remarked that he would like to see the County address the State and make them upgrade the management and be open more days per week as we are not getting our money's worth, and we are losing a lot of kids who are coming on Mondays, Tuesdays and Wednesdays. Mr. Iudice also noted that the Board is proposing giving the Chamber of Commerce the same amount as last year, but that they are incurring an increase of labor costs; and he urged an increase in their funding.

Kathy McCorry/Chamber of Commerce Executive Director noted that funding for the Visitor Center has gone down from ten years ago, while the number of visitors has doubled; noted that they became aware that many visitors travel without reservations and so they implemented a no-reservation system, and discussed same; noted that they need more help, support and money; remarked that she did bring the sign issue before the Board; and discussed services that will need to be reduced if current funding levels are maintained and not increased. Supervisor Jones noted his agreement that the Visitor Centers need more funding. He also discussed the limitations of current staffing and funding, and urged an increase to the Chamber's funding.

Roger Bierry/Tourism Bureau Advisor urged funding to the Visitor Center noting that the 2% cap is a laudable goal but should be based on actuals for last year and the fact that this budget unit has been stagnant for many years; and remarked that the importance of the visitor experience cannot be overestimated as about 80% of visitation to Yosemite is repeat visitation.

Mary Bass/Chamber of Commerce President urged an increase in funding to the Visitor Center; and discussed their efforts and reputation.

Bill Davis/speaking as a County Department Head noted that all of the organizations do a good job and are critical to tourism; noted that, in response to a suggestion that the 2% cap be applied to the organizations, a counter comment was made that these organizations are different so the cap should not apply; discussed that the return of two million dollars to the General Fund was because of the scrimping of the departments and department heads who also held their new budgets to an increase no greater than 2%; remarked that he takes exception to the mindset that the organizations should not be held to a 2% cap; and suggested that they can present any needs that they have that would justify an increase greater than 2%.

Marshall Long spoke on behalf of increased funding for the roads which carry everyone; remarked that we are not doing the bare minimum maintenance on the roads; and urged additional funds be put back into the roads budget so that they can do the bare minimum maintenance required.

Supervisor Cann inquired when the RFP for the North County Visitor Center would be released. CAO responded that it will be released today or tomorrow. Supervisor Cann inquired what amount is needed to run the Mariposa Visitor Center at a level comparable to last year. Ms. McCorry responded that they would need \$159,000, assuming that they still had the Park Service Ranger and the volunteers. Supervisor Jones remarked that he thought the North County Visitor Center would need between \$25,000 and \$28,000. Ms. McCorry noted that the figure that they have for both visitor centers is \$190,000; noted that they have spent \$17,500 so far this year for the north county, with one month to go; and remarked that it would probably need about \$19,000 to remain status quo. Supervisor Jones noted the reduction of hours last year, and remarked that the lesser amount of hours is insufficient for that visitor center.

Supervisor Stetson responded to Mr. Davis noting that his point is taken, and the correction appreciated.

Public comment closed.

11:04 AM Chair Cann recessed the meeting for a brief break, and reconvened at 11:21 AM.

Mr. Davis noted that the General Reserve has to be five percent of the budget, so it will need an extra \$20,000 to \$25,000 just to be at that cap with no cushion.

Supervisor Cann noted that no conclusion was reached regarding the visitor centers and whether anything goes on the whiteboard for them; recounted testimony in this regard; and suggested adding \$181,000 for both visitor centers to the whiteboard, which represents \$159,000 for the Mariposa Visitor Center and holds \$22,000 in abeyance for the north county.

CAO provided input on a request for \$7500 for a sign for the Mariposa Visitors Center noting that the Tobacco Settlement funds have been used for capital improvements, so he thinks that the money can come out of that fund instead of the general fund.

Supervisor Bibby suggested increasing the funding to the Mariposa Visitor Center to \$159,000, and place the rest in contingency pending the RFP. Supervisor Cann concurred, and requested the change be reflected on the whiteboard.

Chair Cann asked for Board input on the CAO's suggestion of using the Tobacco Settlement Funds for the sign request. Supervisors Bibby and Jones concurred. Supervisor Jones also inquired if it is possible to do the other sign for the history center from the same fund. CAO discussed the balance available; and noted that he felt okay with the \$7500, but that there are some demands for the fire stations so it might remove money from other things. Supervisor Bibby encouraged the Chamber of Commerce to find out how the north side can do the sign for \$1500, rather than the \$7500; and remarked that it would be a one-time funding source for a one-time expense. Supervisor Cann remarked that he didn't think that the signs have much in common. Supervisor Carrier inquired if there was any possibility that the history center and visitor center will ever be housed in one spot. Supervisor Jones responded that there was not, as there is no room in the history center. Supervisor Jones also noted that the sign that they are talking about is the maximum size allowed by code for Mariposa; and that it is not double sided, but is two signs put together on a corner. Supervisor Cann inquired if it would make sense to have them hold off until the contract for the visitor center is awarded. Supervisor Jones noted that they have had about three meetings over this, and it will be completely separate. Supervisor Carrier discussed the need for installation permits for the signs. Supervisor Bibby encouraged any entities with non-compliant signs to get them into compliance; and she remarked that the one on the County line still has some issues on the backside.

Supervisor Cann inquired if anything else was needed regarding the sign funding. Ms. Hodson responded that the item is on the whiteboard; and she discussed the whiteboard process.

BUDGET UNIT CONSIDERED: Contingency - General

CAO gave an overview of the contingency budget unit, and noted that the recommended amount is less than what is ideal for the contingency fund, but that a reduction needed to be implemented in order to balance the budget. Ms. Hodson also noted that during the previous fiscal year, the Board used approximately \$230,000 from contingency throughout the course of the year, \$125,000 of which was for the loan to Yosemite West. Supervisor Stetson inquired if the loaned funds will go back into contingency when paid back. Ms. Hodson responded that it will be up to the Board to determine.

11:38 AM Ms. Hodson left the Chambers, printed out the current whiteboard items, and returned and supplied same to the Board.

The Board considered each line of the whiteboard:

Line 1 - \$1400 for District 5 Travel for CSAC and SJVRACS - The Board concurred.

Line 2 - \$8000 for Increase of Extra-Help to Treasurer/Tax Collector due to vacancy - The Board concurred.

Line 3 - \$8,500 Equity adjustment for Assessment Office Manager - The Board decided to consider this issue when it comes before them.

Line 4 - Refund of \$4800 for Out of Area Pay - The Board concurred that it should be added to contingency as long as it is an overage.

Line 5 - \$25,000 Loan from General Fund for possible District formation -

Supervisor Cann expressed his desire that this be a grant rather than a loan.

Supervisor Bibby remarked that they are just identifying the money at this time, and the Board could later grant it if they choose. Ms. Hodson noted that it would be helpful for Staff to know if it is a loan or a grant. Board discussion ensued regarding how the funding will be framed. CAO noted that the amount is needed for the engineering report for the formation costs, and if it fails the Board will have to forgive the loan. Supervisor Cann suggested that if it passes, it be programmed into the future costs and they can repay it over whatever time frame, and if it fails it becomes a grant. Supervisors Jones, Stetson, and Carrier concurred with Supervisor Cann's proposal. Supervisor Bibby urged keeping it as a loan for now. Chair Cann asked for a vote on the following proposal: To allocate \$25,000 to the parking district to form a CSA District; if it passes and the new organization is formed, then the money will be paid back by that new organization; and if it fails then the County will forgive the money. Supervisors Cann, Carrier, Stetson, and Jones concurred. Supervisor Cann required clarification that it will come out of contingency. CAO affirmed.

Line 6 - Re-Title Building Department line item to Pre-Paid Permits - The Board concurred.

Line 7 - \$10,000 additional contribution to the Arts Council

Supervisor Stetson urged the additional funding. Supervisor Jones concurred.

Supervisor Bibby noted that she does not support this funding coming from contingency, and she urged not funding the Yosemite Renaissance and transferring that money to the Arts Council. Board discussion ensued on the matter.

Supervisor Jones moved to give the Arts Council an additional \$10,000 from the Contingency Fund. Supervisor Stetson seconded the motion. The Motion Passed 3-2. Ayes: Stetson, Jones, Cann. Nays: Bibby, Carrier.

Line 8 - \$1,500 Sign - from Tobacco Settlement Fund was considered with Line 9.

Line 9 - \$7,500 Sign - from Tobacco Settlement Fund

Supervisor Bibby noted that this is one time funding. Supervisor Cann noted that, given the source of the funds, accurate tracking of the expenditure of the funds and report back by the recipients will be necessary. The Board concurred.

Line 10 - Yosemite Renaissance - delete funding and invite organizers to come back to request funding. The Board concurred.

Line 11 - Mariposa Visitor Center - \$3,000 Additional contribution (total for Mariposa - \$159,000)

Supervisor Jones urged passage. The Board concurred.

CAO noted that the need to increase County reserves did not make the list. Mr. Davis noted that a minimum of \$20,000 is needed to exactly meet the threshold; and recommended \$25,000. The Board concurred with putting \$25,000 from contingency into the reserve.

Supervisor Cann discussed upcoming Courthouse repair design fees; and the CAL FIRE contract.

Deliberation

Chair Cann responded to public input by stating that the Board does want to make a stronger contribution to Roads, which was one of the main reasons that the Board moved forward with the TOT increase; and fire, safety, roads, Courthouse, and other capital issues were some of the main drivers to that decision.

12:14 PM Ms. Hodson left the Chambers, printed out the whiteboard items, and supplied same to the Board.

Supervisor Bibby noted speaking with the department, as well as the Roads Superintendent, and reported that they feel comfortable with the materials line item this year; noted that she stressed the importance of bringing the matter to the Board should that line item start running low; and urged the Board to consider adding to that fund, or setting up a rainy day fund, should any extra funds be identified.

Supervisor Cann remarked that if the TOT passes and implements on May 1st, it will generate approximately \$337,000 of income; noted that it was predicated on the Tourism Bureau concurrently increasing their assessment on themselves by three-quarters of a percent; and noted that it would seem reasonable to commit to funding the Tourism Bureau \$400,000, and hold \$100,000 until mid-year when the Board would reassess the matter. CAO remarked that it sounds reasonable. Supervisor Carrier concurred. Supervisor Jones concurred, as long as they understand why the Board is doing it, and with the stipulation that if it doesn't pass the Board will consider it at mid-year. Supervisor Cann remarked that he thinks such an action is fair to the people and to the Tourism Board. Supervisor Jones noted that if the TOT does pass, there would be \$100,000 back into the General Fund. The Board concurred.

CAO required clarification from Ms. Hodson as to whether this change needs to be added to the whiteboard list. Ms. Hodson affirmed.

CAO thanked Ms. Hodson and Ms. Larca for all of their work on the budget; thanked the Department Heads for their cooperation; and remarked that there is a lot of work done at a staff level as well.

Supervisor Jones extended his thanks to the CAO for continuing on through the budget hearings as it is always a lot of extra work. Supervisor Bibby extended her thanks to the CAO for all of his work; and thanked the Department Heads for their frugality.

Ms. Hodson required clarification regarding whiteboard language. Chair Cann responded.

Supervisor Stetson also extended his thanks to the CAO for the many years of interaction on problems, and his proactive demeanor in approaching them when things needed to be done.

12:26 PM Ms. Hodson left the Chambers to print out the final whiteboard items.

Supervisor Carrier extended his thanks to the CAO; noted that he has always had a lot of questions and Mr. Benson has always taken the time to answer them; and he extended his thanks to all staff and workers, without whose efforts we could not operate as lean as we do. Supervisor Cann noted his appreciation for the CAO's willingness to stay through this process; and extended thanks to Ms. Larca for her efforts.

12:29 PM Ms. Hodson returned to the Chambers and presented the final whiteboard list to the Clerk of the Board, who provided copies to the Board.

Supervisor Jones moved to adopt the recommended budget as presented with the incorporation of the whiteboard modifications. Supervisor Carrier seconded the motion.

Chair Cann called the vote.

The motion passed unanimously.

RESULT: HEARING CLOSED

D. Adjourn

12:31 PM Chair Cann closed the hearing and adjourned the meeting.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

September 9, 2014

A. Call to Order and Roll Call

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	8:57 AM
Merlin Jones	District II Supervisor	Present	8:57 AM
Janet Bibby	District III Supervisor	Present	8:57 AM
Kevin Cann	District IV Supervisor	Present	8:57 AM
John Carrier	District V Supervisor	Present	8:57 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Carrier followed by a moment of silence in consideration of the mass fatalities suffered during the September 11th attacks and all the actions that were triggered as a result of that day.

C. Introductions

None.

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

NOTE: *The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or, at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.*

Chair Cann noted that CA17 is a 4/5ths vote, and noted that in regards to CA17 in the website packet, attachment B/the application is missing and has been provided to the Board members with additional copies on the back table.

He then noted that CA16 will be pulled for additional information to be provided by the

Interim Human Resources/Risk Manager.

No Public input.

Supervisor Bibby requested CA13 - August 12th, 2014 Minutes, be pulled for separate vote because she was absent that day. She then noted she would like to have further discussion on CA 18, CA29 and CA32.

Regarding CA 5, Supervisor Jones requested clarification as to what happens to the vehicles after a lifespan. Rick Benson/CAO responded that the vehicles are sent to an auction house. Barbara Carrier/Assistant Director of Public Works-Support Services responded that Public Works does not have a contract with an auction house at this time so the vehicles are stored at fleet and they need to solicit for a new auction house. Barbara Carrier also responded that there are a lot of vehicles right now and she will get in contact with the Fleet Manager to proceed with this process.

Supervisor Cann asked Rick Benson if there is a reason to continue the Rim Fire local emergency. Rick Benson responded that he had prepared an item to end the local emergency; however Len DeJoria, previous Fire Chief, advised that the continuation be kept open at this time. He noted that he could check into closing this one out now.

Regarding CA18, Supervisor Bibby noted that she does not want private purveyors to think that Mariposa County is going to come to the assistance of their needs, and that each public water system in the County needs to have a backup. Dr. Mosher/Health Officer, discussed an item adopted by the Board in July for a Drought Preparedness Plan, included in the plan was a reference to a project that the Health Department was currently working on which was a Water System Failure Response Plan. He noted that there are over 60 public water systems in the County and that they should be prepared to provide citizens what they need on a temporary basis while the purveyor is making arrangements for repairs or bringing in temporary water. He advised that this plan does not imply that the County takes any responsibility. He has contacted several purveyors to inquire if they have a storage tank or a plan in the event they run out of water, and noted that some do and some don't. He also noted that he encouraged the purveyors to help each other out if one runs out of water and advised that regarding private wells there are no state funds to assist at this time, however he is working with Chevon Kathari/ Human Services Director and Tara Schiff/Community Development/Grant Coordinator, regarding grants or low interest loans to assist in the event an individual's private well goes dry. Supervisor Bibby encouraged the public to start thinking about this now and have a plan in the event their well goes dry. Dr. Mosher concluded that they are keeping the Board up to date on the amount of new wells, deepening wells, and emergency wells, and noted that 70 water holding tanks have been sold since June. He commented that between the Sheriff's Office and the Health Department they have over 7,000 cans of water on hand and showed a can to the Board.

Regarding CA 26, Supervisor Jones commented that Judy Mueller, Secretary for the Planning Commission and Planning Department is retiring, and after spoiling the Commission with baked goods for their meetings, suggested that the recruitment to fill her position include a bake off, he then thanked Judy personally for doing a great job.

Regarding CA 29, Supervisor Bibby commented that in deciding this outcome consideration should be taken with thought to big events that take place on Saturdays, parents that have Saturday activities with their children, people that work out of town during week, elderly that rely on out of town relatives for assistance on the weekends, and all who use the landfill on Sundays. Supervisor Cann expressed concern that the new landfill calendars have been handed out and show days of closure on Tuesday and Wednesday. Greg Ollivier/Solid Waste/Recycling Manager, responded that the calendars were paid for by a grant and there was a dead line which didn't allow enough time to come to the Board prior to publication, he will publicize the new days of operation heavily if approved. He noted that staff presented him with a petition requesting this change. They are parents and grandparents and have events and functions on the weekend that they currently request days off to attend. He said that it is his understanding that historically

when the landfill was a burn pit Wednesday was the day slated for burning so the weekend tourists would not be affected and this schedule just continued through the years. He provided examples of other county landfill schedules that were closed on Sundays and asked the Board to take into consideration that people will adapt and adjust to a new schedule. He informed the Board that staff had been told they could rotate Saturdays off but the landfill has not had enough staff to do this. Supervisor Bibby recognized staffing difficulty, suggested more time be given to get the word out and allow public input. Supervisor Cann agreed on more notice to the public and suggested bringing an item back in four weeks as a regular agenda item. Supervisor Jones agreed. Supervisor Bibby provided the number of visits to the landfill for each day of operation.

Regarding CA 31, Supervisor Carrier asked for clarification on the date in April that the document was signed by the previous Public Works Director. Steve Dahlem, County Counsel, advised that the agreement effective date will be the date the Board Chair signs and that this action requests the Chair to sign, and noted that the Public Works Director signature is irrelevant for this document.

Regarding CA 32, Supervisor Bibby requested clarification for the record that Public Works does not assume the cost of the abandonment. Russ Marks/County Surveyor confirmed that the applicant would cover the cost and noted the letters of support on this project from the utility company.

Supervisor Jones moved to accept the consent agenda excluding CA13, CA16, and CA29 and recognized that attachment B has been added to CA17.

Supervisor Carrier seconded the motion.

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

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-447

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

CA2. Administration RES-2014-448

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

CA3. Administration RES-2014-449

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

CA4. Administration RES-2014-450

Resolution Continuing the Local Drought Emergency

CA5. Administration RES-2014-451

Approve the Assignment of County Vehicles and Take-Home Vehicles

CA6. Administration RES-2014-452

Approve a Resolution Adopting the 2014-2015 Fiscal Year Budget and Authorizing Certain Actions in Order to Implement the Fiscal Year 2014-2015 Budget

CA7. Administration RES-2014-453

Approve Letter to Federal Legislators and Approve Comments to the US Environmental Protection Agency Opposing the Proposed Rule Change Concerning Navigable Waters and Authorize the Board of Supervisors Chair to Sign the Letter

CA8. Assessor-Recorder RES-2014-454

Approve Flex Class Promotion of Cadastral Drafting Technician I to a Cadastral Drafting Technician II in the Assessor/Recorder Budget Effective September 15, 2014

CA9. Auditor (ID # 3969)

Other Post Employment Benefits (OPEB) Actuarial Report

CA10. Auditor RES-2014-455

Adopt a Resolution to Establish Look Back Measurement Periods ("SAFE HARBORS") as Required by the Patient Protection and Affordable Care Act Enacted on March 23, 2010

CA11. Auditor (ID # 3988)

Receive Quarterly Audit Report for Treasury Funds for the Second Quarter of 2014

CA12. Board of Supervisors 2014-76

Proclaim the Month of September 2014 as Childhood Cancer Awareness Month

CA13. Board of Supervisors

Approve the Minutes of Tuesday, August 12, 2014

CA14. Board of Supervisors

Approve the Minutes of Tuesday, August 19, 2014

CA15. Board of Supervisors

Approve the Minutes of Monday, August 25, 2014

16. This Item was Considered Separate from the Consent Agenda

CA17. Fire RES-2014-457

Adopt a Resolution Accepting the 2014 Homeland Security Grant Program (HSGP) through the California Office of Emergency Services (Cal OES); Approve Budget Action Increasing Revenue and Appropriations in the Fire Special Grants Budget to Recognize the Grant Funding (\$93,484) 4/5ths Vote Required

CA18. Health (ID # 3980)

Information on Water System Failure Response Plan (Phase 2 of Drought Preparedness Plan Discussed July 15, 2014)

CA19. Human Services 2014-77

Accept the Resignation of Kelsey Foraker from the Alcohol and Drug Abuse Advisory Board

CA20. Human Services RES-2014-458

Authorize the Overfill of a Mental Health Assistant I Position in the Mental Health Services Act (MHSA) Fund by Promoting an Employee into This Position Effective Immediately

CA21. Human Services RES-2014-459

Approve the Recruitment and Filling of a Vacant Office Assistant II Position in the Human Services Administration Budget Effective September 10, 2014

CA22. Human Services/Behavioral Health & Recovery Services RES-2014-460

Approve an Agreement with Michael Bishop, Ph.D., LMFT to Provide Consulting and Program Review Services for Mariposa County Behavioral Health, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA23. Human Services/Behavioral Health & Recovery Services RES-2014-461

Approve a First Amendment to the Professional Services Agreement with Sonja Kim Suderman, LCSW Increasing the Not to Exceed Amount to \$20,000 and Adding Additional Consultation Areas to the Scope of Work, and Authorize the Board of Supervisors Chair to Sign the First Amendment

CA24. Human Services/Behavioral Health & Recovery Services RES-2014-462

Approve Agreement 14-90328 with the State Department of Health Care Services Authorizing Mariposa County Behavioral Health to Provide Community Mental Health Services and Setting Forth Conditions and Requirements that the County Must Meet in Providing Those Services, and Authorize the Human Services Director to Sign the Agreement and Any Subsequent Amendments (Subject to County Counsel Review and Approval as to Form)

CA25. Planning 2014-78

Accept Resignation and Recognize Cindy Carson for Her Service to the Historic Sites and Records Preservation Commission

CA26. Planning RES-2014-463

Authorize the Overfilling of One Secretary Position in the Planning Department Effective Immediately to Allow for Training as the Incumbent Secretary is Retiring Effective October 31, 2014

CA27. Probation RES-2014-464

Authorize the Board of Supervisors Chair to Sign a Letter of Intent to Accept State Grant Funding Pursuant to the Budget Act of 2014 (Chapter 25, Statutes of 2014)

CA28. Probation RES-2014-465

Authorize the Probation Department to Hire an Extra-Help Deputy Probation Officer II (Grade 507) at the Step 5 Hourly Pay Rate of \$25.57

CA29. Public Works (ID # 3860)

Request to Change the Regular Days of Operation for the Mariposa County Landfill from Thursday through Monday to Tuesday through Saturday Effective November 2, 2014, Change the Transfer Station Days of Operation to be Closed on Sundays; and Rescind Resolution 12-587, Holiday Schedule for the Solid Waste Division Personnel

CA30. Public Works 2014-79

Accept the Resignations of Bill Kinsella and Jeanne Jenkins from the Pedestrian and Equestrian Trails Advisory Board

CA31. Public Works RES-2014-467

Approve a Professional Services Agreement with CH2MHILL for Bridge Design Services for the Replacement of the Darrah Road Bridge (Bridge No. 40C0033) in the Not to Exceed Amount of \$291,298.36 and Authorize the Board of Supervisors Chair to Sign the Agreement

CA32. Public Works RES-2014-468

Abandon a Portion of the Public Utility Easements Within Lots 109 & 110 of Unit No. 2, Lushmeadows Mountain Estates and Accept Offer of Dedication of New Public Utility Easements Within Lots 109 & 110

Items Considered Separately

District Attorney RES-2014-469**Approve the Immediate Recruitment and Filling of a Legal Secretary I/II Position in the District Attorney Prosecution Budget**

Regarding CA16, Steve Dahlem/County Counsel, provided additional information stating that originally the request was that the Board approve the recruitment and filling of vacant Legal Secretary I/II position in that office, however that department has decided to promote from within and has requested to revise that item to the following: approve the promotion of the Senior Office Assistant to fill the vacant Legal Secretary I/II position in the District Attorney's budget. This is as requested by the DA's office and approved by the Human Resources Department.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

E. Board Recognitions

- 1. Board of Supervisors 2014-80**

Proclaim September 11, 2014, as "Patriot Day" (Judith Huffman, Merced River Chapter, National Society of the Daughters of the American Revolution)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Board of Supervisors 2014-81

Proclaim September 17 - 23, 2014, as "Constitution Week" (Judith Huffman, Merced River Chapter, National Society of the Daughters of the American Revolution)

Chair Cann encouraged the public to visit the Arts Park to view the 9-11 Memorial.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

F. Departmental Presentation

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

Chair Cann announced that this will be Rick Benson's last meeting. He thanked Rick for his dedicated service. Rick Benson made note to the wonderful team of department heads and dedicated staff he has worked with and commented that Mary Hodson, Interim County Administrative Officer, is very competent.

Chair Cann announced that after the safety report on the Bridge Fire the Board will vote on ratifying the Declaration of Emergency. He then noted that he attended the briefing and commented that people were amazed that the fire was stopped and how it was stopped.

Doug Binnewies, Sheriff/Interim Fire Chief, introduced Kevin Smith/CAL FIRE Deputy Chief - Madera, Mariposa, Merced units, who then reported: at 12:39 PM dispatch received the first report of the Bridge Fire, and at that time had a standard high level of dispatch that went out which is typical for this time of year, and the fire was established under the William Sell Bridge. He reviewed the history of previous fires such as the Harlow and Stumpfield and noted that there is not an area in Mariposa or Madera County that has more potential for a fire. Command was established on the vista near Campbell Road; at approximately 3:00 PM it was established that the fire was approximately 200 hundred acres, and evacuation orders affected approximately 700 residents. Based on the road closures and the amount of people and animals being moved during the evacuation they requested a CAL FIRE incident management team for assistance. They had the maximum amount of aircraft, and had requested the DC10 air tankers. He noted that he

wanted to recognize the use of DC10's just since 2006 and commented that the DC10's assistance in the recent Junction Fire in Oakhurst was the key tactic in that fire. He also noted that it was the air attack of the DC10's that bought them time and commended law enforcement in moving that amount of people and animals. The next morning there were no structures or vehicles burned, the electrical hazards were handled, and they worked to get the evacuees back in their residents.

Doug Binnewies, Sheriff/Interim Fire Chief, reported: he couldn't be more pleased with the community and County Government for their response. There had been approximately 600 homes under target, and 354 under immediate evacuation order. The Nixel alert notification was very accurate and membership increased by approximately 300 clients requesting to be notified by email and texts during an emergency. He was pleased with the phased reentry and the fire crews. The Red Cross evacuation center was the New Life Christian Fellowship which saw about 50 evacuees at the evacuation center and an area was established for small animals. Sheriff Facility Animal Control at the fairgrounds handled large animals.

Kevin Smith reported: on the first day there were 93 fire engines, 24 bulldozers, 24 hand crews, County Fire staff and water tenders in addition to the max we could fly in that air space. He mentioned there is a process called the Fire Management Assistance Grant in the event there is a fire imminently threatening structures, water resources and high voltage, etc., that they applied for and were immediately approved, this grant is for reimbursement of support costs for the fire. Supervisor Bibby commented that several of the agencies include staff that knew the terrain because they were previously Mariposa County High School volunteer kids and graduates and have come back together; she commended them.

Doug Binnewies advised that as the Bridge Fire calmed down there were other fires including the Meadow Fire in Yosemite National Park which also caused evacuations. The Red Cross established a center for evacuees of this fire but didn't receive anyone. The Montgomery Fire, triggered by the Meadow Fire is 70 - 100 acres and 70% contained at this time. The Meadow fire was 700 acres and grew to 2,582 acres the next day and is now over 4000 acres with 5% containment. Kevin Smith advised that the Montgomery Fire is now 100% contained. Doug Binnewies commended the Health Department and Human Services Department in their response in assisting the Red Cross evacuees. Supervisor Bibby and Kevin Smith discussed the air craft flown in from Castle Air Force Base and Supervisor Bibby gave special thanks for keeping that part of the air base open for this purpose. Kevin Smith thanked all agencies involved.

Doug Binnewies invited the Board to attend the 9-11 Memorial that will be held at 6:30 PM at the Arts Park and noted that they will as they have done each year since the tragedy, coordinate with the North County for a moment of silence.

G. Emergency Declaration

1. Administration RES-2014-470

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/ CAO, described the emergency declaration process, sited the pertinent Government Code and recommended the Board begin by taking action to adopt a motion and make a finding that there is a need to take immediate action and that this need for action came to their attention subsequent to agenda being posted.

No public input.

Having received the information that came before the Board this morning, Supervisor Bibby Motioned making the finding pursuant to Government Code Section 54954.2b(2) that there is a need to take immediate action and that the need for the action came to the attention of the Board subsequent to the agenda being posted. Seconded by Supervisor Jones

Steve Dahlem/County Counsel noted there is a 4/5ths vote required for this action.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Rick Benson, CAO, explained the ratification process of this item and recommended the Board adopt a resolution approving a declaration proclaiming the existence of a local emergency. Supervisor Jones thanked all agencies and departments involved.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Departmental Presentation Continued

Doug Wilson/Interim Public Works Director expressed how much he has appreciated working with Rick Benson and the friendship that will continue.

Chair Cann requested that Bill Davis/Auditor, report on the final fund balance. Rick Benson/CAO, responded that the Auditor has made the final calculations of the fund balance and the June 30th official number is \$2,346,868.00 which is approximately \$400,000 more than what the budget was built on. Rick Benson then noted that there is a payment due to CAL FIRE of \$180,000 which will leave approximately 2.1 million rather than 1.9 million to have available when the budget adjustments are presented in the next few weeks. He recommended that technology items be put at high priority, and noted for the record he thanks his wife for her support over the years.

Doug Binnewies/Sheriff/ Interim Fire Chief, noted that regarding security, this year's fair was very successful; over the years the public has demanded a much more family focused event and he believes that is what Brian and his staff's hard work and the community's help has presented. He reported 6 or 7 arrested from the Fair and only 14 arrests throughout the weekend for the entire County. He recognized his volunteer units of Scope, Posse, and Search and Rescue noting that he is very proud of them. He feels the community is polished and there was record set this year for attendance.

H. Public Comment on Non-Agenda Items

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

Bob Bartholomew/Fire Safe Council commended all agencies and the public for their participation during the Bridge Fire. He reminded citizens that the Fire Safe Council has free chipping and noted people are not taking advantage of this and that there is an additional program for seniors and people who can't afford brushing and tree trimming. He also noted that Mariposa County is second highest for at risk fire danger with Amador County being the highest. He commended PG&E, and noted that we were awarded \$269,030 in grants for fire breaks, chipping, etc. and that there is a time limit on spending the grant money.

Jeanetta Philips extended an invitation to Friday Night Live events every Friday night starting September 19th, which will be put on by the downtown merchants and will include themed events, music, art, etc.

Wendy Brown-Berry announced she is the newest member on the Fire Safe Council and has taken advantage of the chipping twice and will be doing so again soon. She noted that there is a special way to stack brush for chipping and encouraged everyone to take advantage of this service available to our community.

Cathy McCorry/Chamber of Commerce Executive Director provided Visitor Center statistics regarding visitors last year at this time verses this year with regards to the major fires in both years. She provided statistics on visitors and noted that we are up substantially, and advised that 653 local people were placed in lodging during the Bridge Fire. She stated that yesterday almost 50 people were placed in rooms that did not have reservations because it is off season. She announced that the first "Made in Mariposa" committee meeting is today and will return with information on progress. She noted that she was touched by several things regarding the Bridge Fire, one being the High School staff acting in a professional manner and students calmly contacted their families. She got a tour at the base camp at the fairgrounds yesterday with over 800 people out there working and assisting. She announced the Chamber of Commerce annual membership meeting to be held at the Board Chambers on Thursday at 6:30 PM, and they will hold a moment of silence in memory of 9-11 during this meeting.

Susie Wilson presented an article to the Board regarding ground water and resource management for Forest Service lands and read a portion of the article. She then presented article regarding the UN and asked are we going to have local, state, federal, or global water control.

Marvin Wells asked how the fire started. Chair Cann responded it is still under investigation.

Marshall Long commented on the amount of people traveling Ben Hur Road due to Highway 49 being closed during the Bridge Fire and suggested that if there are funds available during the budget hearing that some go to road maintenance.

David Taylor/Don Pedro resident commented that he recently learned the Don Pedro indemnification item has been pushed out to October and noted that he would like to obtain a copy of the Boise Cascade agreement.

I. Board Information

Supervisor Carrier thanked everyone who participated and provided support during the Bridge Fire and noted that we can help fire fighters by having our own defensible space and evacuation plan. He spent some time at the evacuation center and everything was running smooth. He went to the Mariposa County Fair with his grandkids, attended a rescue BBQ in Fish Camp, Thursday attended CSAC Board meeting in Sacramento which included

discussions on Propositions that will be appearing on the ballot, Friday attended Planning Commission meeting then Wawona Town Planning meeting, visited the evacuation center and discussed issues brought on by the fire, Sunday took a tour of the fire line, yesterday attended Historic Sites and Records Preservation committee and the IHSS meeting at Human Services, this Thursday will be attending the Area 12 Agency on Aging meeting, and will also attend the 9-11 Memorial.

Supervisor Bibby extended thanks to the Lions Club for the letter sent to Mike Ziegenfuss and the road staff for their participation in the safety preparation for the parade, as well as thank you letters to the CHP. She encouraged the community to make use of the Fire Safe Council's free chipping and to ask questions. She had a meeting with Supervisor Jones, the Fire Captains, and Interim Fire Chief/Sheriff last night and thanked the team for their efforts and for being available, she then thanked Doug Binnewies for stepping up as the Interim Fire Chief. She reminded folks of the presale of tickets for the Farm Bureau dinner. She asked that we never forget 9-11 and encouraged attendance of the Memorial on Thursday. She delivered a special thanks to all departments and their staffing during the budget hearings, thanked the CAO for his service, and thanked his family. She complimented Nixel that replaced Code Red for local emergency notifications.

Supervisor Stetson commented on his amazement to the response to the Bridge Fire and was astonished how quickly it was resolved. Thursday he attended a meeting with Don Neubacher, Supervisor Carrier and Dr. Mosher regarding septic issues and thanked Don Neubacher. Tonight he will attend the El Portal Planning Advisory Committee meeting, tomorrow the Midpines Planning Advisory Committee meeting, today he will attend a meeting with Public Works and Supervisor Carrier to discuss the Wawona Library, and noted that yesterday he went to Glacier Point and watched the fire.

Supervisor Jones thanked Bob Bartholomew and Meghan of the Fire Safe Council for obtaining the grants; he extended an invitation to all to his home for the Arts Council Art Show on Sunday the 14th from 12:00 PM to 5:00 PM. He advised that he spoke to a well expert who informed him that as the wells go down there will be different types of water and advised keeping an eye on the changes in wells. From the 25th to the 28th we had budget week and he feels the County is in a financially sound basis and thanked the CAO, Deputy CAO and department heads. He attended a meeting on the 29th with the District Forest Ranger and discussed Hazel Green project. He also attended the Mariposa County Fair on the 31st, expressed his appreciation for the type of fair we have in this County, encouraged support of the Friends of the Fair and commended Carol Suggs for doing a tremendous job in her involvement with the fair. He said he learned how to bid at the 4H auction, and then he congratulated the Baca's from District II for coming in at second place in the destruction derby. Last night he attended the Fire Captain's meeting with Supervisor Bibby. He thanked the CAO for his time.

Supervisor Cann congratulated the Fair Board, staff, and the community on preserving a great fair. Met with a land and home owner regarding the building process and requirements including permits, he met last week with the Interim Public Works Director regarding Parking District issues, met with the team from Rotary regarding restoring bronze plaques for a walking tour down town, Thursday he attended the Mariposa County Business Associates meeting where Miss Phillips spoke for the Businesses regarding what they are doing to draw tourists in, there was also discussion regarding the homeless issue, Sunday he attended the fire briefing then went to Yosemite and witnessed the helicopter evacuations, yesterday he met with local business owners regarding the

Business Association, Thursday he will attend the Solid Waste Task Force, the Chamber of Commerce annual meeting and the 9-11 Memorial, and on Saturday the Habitat for Humanity dinner as they kick off their 3rd house in which they recently selected the recipient. He thanked the CAO for his time in Mariposa County.

11:24 AM Recess Board of Supervisors

11:30 AM Announcement Pursuant to Government Code 54952.3

In accordance with Government Code 54952.3, it is hereby announced that the Mariposa County Board of Supervisors will be sitting either simultaneously, or serially, as the Local Transportation Commission and that they receive no additional compensation for same.

K. LOCAL TRANSPORTATION COMMISSION

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

Public Comment Period

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

Public comment: None

LTC Regular Agenda

1. Public Works LTC-2014-15

Adopt a Resolution Approving the Amended Transportation Planning Overall Work Program (OWP) for Fiscal Year 2014-2015 and Authorize the Executive Director to Submit and Sign the Amended OWP Agreement

Barbara Carrier presented staff report and noted that the overall budget will be reduced by \$12,956 which is the match and included in the budget, the total amount of budgeted funding is \$298,000 and once the change is made she will email an updated copy to the Supervisors. Commissioner Bibby asked if this is going to impact any other road projects. Barbara Carrier responded no.

Commissioner Cann pointed out that this money accomplishes conceptual planning that can open doors for additional money.

No Public comment

Commissioner Bibby moved to approve with the change of reducing the overall budget by \$12,956/the match which is included in the budget. Commissioner Jones seconded the motion. The motion passed unanimously.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Adjourn LTC

L. Regular Agenda Items

2. Public Works RES-2014-471

Approve an Agreement with Architectural Resources Group (ARG) for the Design Development of Exterior Repairs to the Mariposa County Courthouse in the Not to Exceed Amount of \$125,290, and Authorize the Board of Supervisors Chair to Sign the Agreement

Doug Wilson/Interim Public Works Director, presented staff report and over view. Gary Taylor/Assistant Director of Public Works – Operations, noted that that they have attended several Historical Sites and Records Preservation Commission meetings to keep them informed as to their progress. Supervisor Cann and Gary Taylor discussed timing and the unlikelihood of continuing this project during the winter and of a timeframe for this item to come back to the Board.

Supervisor Jones asked if there is any way to reduce the cost of the agreement/consultants proposal. Gary Taylor responded explaining the design process and noted this could possibly be reduced, the funding is just a line item ear marked at this time, so all the cost for the consultant comes out of these funds and because it is a historical building having expertise would be helpful. Supervisor Jones commented that input from the Building department could assist and save money. Gary Taylor said he could set up a not to exceed amount clause.

Supervisor Carrier commented that we are looking at the electrical because of old wiring and fear of fire and he asked if we have to go with a shake roof or could we use something modern that appears to look like shake but will enhance safety issue. Gary Taylor responded that Public Works researched a product that has been determined to be more fire resistant.

Supervisor Cann commented that this is a National Registered Historic Structure and expressed concern regarding the current condition of the roof and the possibility of new material being too heavy. Gary Taylor responded that the consultant is looking at possibly bracing up the roof system.

Public comment open:

Judge Walton expressed appreciation in delaying this item until he could be here and noted that the Court supports this item and feels is the right consultant to use. He then noted that Judge Elect Fagalde is present and he has been in consultation with him and will continue to keep him informed of what is occurring. He expressed concern regarding the amount but now recognizes that this is a time and material agreement and there is some wiggle room. He requested the Board approve this item and asked that they also recognize that there is a need for additional funds, and requested that the Board consider assisting with funding. Supervisor Cann asked if there is a committed amount within the Courts budget for this project, Judge Walton responded \$240,000. Supervisor Cann spoke in support of completing all 3 phases at the same time to save money. Discussion was held regarding the electrical not being as bad as originally thought, it was noted that electric heaters are not used in the Courthouse and concerns were expressed regarding safety for the people and structure of the building.

Public comment closed.

It was requested that Public Works keep a close eye on the not to exceed amount. Gary Taylor responded that it could be set up to allow Tasks 1 - 4 to be completed but must obtain approval prior to moving on to additional tasks.

Supervisor Jones asked about the time frame of completion. Gary Taylor responded.

Supervisor Cann stated for the record that this will come out of fund 503 per the CAO, which currently holds \$269,000. Gary Taylor noted the following minor changes: the date the contract will start is September 9, 2014, and the addition of the language to not move ahead to task 5 without written approval.

Supervisor Bibby moved to approve with the following changes: the date the contract will start is September 9, 2014, and add the language to not move ahead to task 5 without written approval. Supervisor Jones seconded the motion. Agreeable with mover and second. The motion passed unanimously.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

3. Board of Supervisors (ID # 3979)

Court Appointed Special Advocates (CASA) of Mariposa County - Presentation Regarding CASA's Mission, Recent Transition and Partnership with the Alliance for Community Transformations, and Upcoming Fundraising and Community Awareness Event on October 4Th (Caroline Fruth)

Caroline Fruth, Executive Director of CASA, gave a presentation, noted they recruit, train and support volunteers for foster youth, and stated their mission is to advocate for safe and permanent homes for foster children and to address their education and health care and other urgent needs while helping them develop permanent connections to their community. She discussed the volunteer advocates and the foster children and all the programs available to the children and young adults. She provided background and history of the Alliance for Community Transformations and encouraged anyone with questions to come to her office any time and she would be happy to share additional information and answer any questions.

She informed the Board that on October 4th at the fairgrounds, they will be holding a fundraiser to build community awareness, recruit new advocates, and raise funds so they can continue to grow and eventually support all of Mariposa's foster youth. She noted that the fundraiser will be catered by BB's Catering, tickets are \$40 each and she has some with her today if anyone is interested.

Supervisor Bibby commended Caroline for her fantastic job and noted that she and Supervisor Stetson had the opportunity to meet with some of the foster care leaders, she looks forward to spreading the word, and is excited that legislation extended the age to 19.

Discussion was held regarding what is involved in the training, and if the donation for this event is tax deductible.

Mary Bass commented that she appreciates Caroline's optimism and noted that any support from the public would be appreciated, and it is very important to keep CASA going. Supervisor Jones expressed his appreciation.

RESULT: INFORMATION RECEIVED***12:12 PM Lunch******2:05 PM Reconvene*****4. Administration RES-2014-472****Approve the Response of the Board of Supervisors to the 2013-2014 Mariposa County Grand Jury Final Report and Direct the County Administrative Officer to Transmit the Response to the Presiding Judge of the Mariposa County Superior Court**

Rick Benson, CAO, gave staff report and explained the process of the response.

Public comment opened.

Ron Iudice/Grand Jury Foreman, thanked the Board and departments for their time, recommended the Board approve this item, and clarified that the homeless situation was to bring it to the Board's attention before it becomes an issue.

Marshall Long, reported an issue in formatting and pagination in the packet. Rick Benson responded.

Public comment closed.

Supervisor Bibby thanked the Grand Jury for taking the time in identifying these issues and discussed the homeless issue, housing adequacy, fire safe structures, etc. and noted that it would be beneficial to the County to follow all of the rules and regulations.

Supervisor Jones thanked the Grand Jury for their time and diligence.

Supervisor Cann said that he agrees in regards to the homeless issue and believes the Grand Jury has cause for motivating the County to deal with the issue as a team and not one department at a time.

RESULT: ADOPTED [UNANIMOUS]**MOVER:** Merlin Jones, District II Supervisor**SECONDER:** Janet Bibby, District III Supervisor**AYES:** Stetson, Jones, Bibby, Cann, Carrier**5. Administration (ID # 3998)****Discussion and Direction to Staff Regarding Charges for Services to the Mariposa County Resource Conservation District**

Rick Benson/CAO gave report and back ground information.

Supervisor Bibby asked if there is a recommendation on the \$60,000. CAO responded this item didn't really address that, he discussed the cash flow, funding, and return of funds, and noted that he isn't aware of how often the fund has gone negative and deferred to the Auditor. Supervisor Bibby discussed that it is an interest free loan. Rick Benson commented that it is his understanding that neither fund is in a negative balance situation at this time.

Supervisor Cann said that when the State was pulling back money they had already granted funds and given IOU's, RCD is running a \$900,000 program for the County and there is at least a 60 day cash flow issue. Rick Benson noted

that the Board is being asked to provide direction and this is a direction that could be given.

Supervisor Jones requested clarification regarding a line of credit not being a loan unless the money is used. Supervisor Bibby commented that is only if the money is paid back by the June 30th cutoff and requested the CAO, County Counsel, Auditor and RCD get together. She inquired if it's still necessary for the fund to be at \$60,000, what the payment time period is, how long it can sit there, and noted the reason it was in place was because the State was deferring all payments, then requested a report be brought back to the Board on this information.

Supervisor Carrier noted that an item for Area 12 Agency on Aging was brought to the Board in a similar manner, the Board approved it twice and it was never needed, he asked if we could use the same process for this. He then asked how much staff time is used and how much it is costing the County to process payroll, audit service, advice from County Counsel, etc. and suggested possibly establishing an MOU for minor rate reimbursement. Rick Benson responded the amount is different each year and has been approximately \$2000 or less a year for each the Auditor and County Counsel.

Steve Dahlem/County Counsel responded that in his tenure he has provided very nominal services.

Bill Davis/Auditor, commented that this item was brought forward because Merced County Resource Conservation District is the only organization that is receiving this service for free, first 5 is charged for a similar service. He listed what the County does for them, and feels this is an inconsistent approach and that it's inappropriate for the Auditor's office to make the decision to charge or not charge. If the Board doesn't want to charge them he would like an official policy and if the Board does want to charge them, then he has an MOU already put together, that they respectfully declined causing him to bring the item to the Board for official guidance. He supports what Supervisor Carrier suggested and that it be an item as needed. His preference would be things be done on a more routine basis.

Public comment opened.

Glenn Franklin/RCD, noted that he appreciates this discussion and mentioned a one paragraph MOU that was signed with the County in 1956. He provided the history of California RCD's and noted that RCD has been in Mariposa County for 60 years then listed the many benefits and projects RCD has provided the County. He advised that they currently have a base line funding and do not require county funding then noted that they do pay fees. He advised that in the years of partnership with National Resource Conservation Service (NRCS) they have been able to assist 92,000 acres, the NRCS would not be able to exist in Mariposa without RCD, and because of NRCS our local emergencies have been looked at right away such as the flooding and the Telegraph Fire. He reminded the Board that they are volunteer base. He responded to the CAO item noting that they did pay interest on the revolving loan. He then advised of the amount of time that he has volunteered to plans and grants that benefit the County and how important this relationship is with the County and the agencies. He said they have 4 projects in the area of the Bridge Fire just waiting for the funding vehicle to bring this forward.

Supervisor Cann asked about the time, paperwork, etc. and if RCD's needs spiked would there be a problem implying a cap. Glen Franklin responded that they may be comfortable with an arrangement such as this and noted that it is confusing as to what the Auditor is asking for, they do their own bookkeeping, have their own private Auditor, and they do have the ability to move their money to a bank with similar fees.

Supervisor Jones asked for clarification as to what RCD supplies NRCS, and for additional information regarding NRCS not being able to remain in the County without RCD. Glen Franklin responded.

Marshall Long complimented the idea of a cap and feels the benefit of what RCD does for the County far outweighs the small fees, and that an MOU would be appropriate.

Bill Davis clarified that the County Auditor's office does not charge any fees to MCRCD, the only fees that are paid by MCRCD are for the outside payroll organization that handles their payroll and that the interest earned on the MCRCD funding is deposited in one of 9 funds maintained for them.

Public comment closed.

Discussion was held with Supervisor Bibby and Bill Davis regarding MCRCD funding and services and it is the Auditors system that is contacted for the information to clarify whatever questions there may be, and the cost of approximately being \$2,000 to \$3,000 in County costs. Bill Davis responded to question of Supervisor Bibby regarding First 5, advising that if his office spends an hour they get billed an hour.

Supervisor Jones supports a cap, recognized that NRCS brings a lot of money into this county and he would hate to see that leave, and would like to see a presentation by NRCS.

Supervisor Bibby would like to see consistency with all organizations.

Supervisor Cann expressed his admiration and appreciation for what MCRCD has done and continues to do and is reluctant to change what we have been doing for 60 years, he supports a cap, and commended MCRCD in how they handled the IRWMP grant. Discussion was held with Rick Benson and Supervisor Cann regarding a cap.

Supervisor Carrier disagrees with a cap and suggests an MOU, that this should be consistent with all organization, and noted that all of these organizations do outstanding jobs to generate money and that we need to be consistent on how we treat them.

Supervisor Stetson weighed in with the side of consistency.

Supervisor Jones recommended that RCD bring an item to the Board during midyear budget requesting funding.

Supervisor Cann noted that direction is for the CAO, Auditor, and County Counsel to come back with an MOU reflecting this discussion of charging for services.

RESULT: DIRECTION GIVEN

6. Human Resources/Risk Management RES-2014-473

Approve a Contract for Services with Peckham & McKenney, Inc. to Conduct an Executive Search for the Positions of County Administrative Officer, Director of Public Works, County Health Officer and Human Resources Director/Risk Manager in an Amount Not to Exceed \$88,000 and Authorize the Board of Supervisors Chair to Sign the Contract; Approve Budget Action Reducing General Contingency in Order to Fund the Contract (\$88,000). 4/5ths Vote Required

Steve Dahlem, County Counsel, gave a staff report and background on previous processes and recommended approving an agreement with Peckham & McKenney, Inc. to conduct an executive search for the positions of County Administrative Officer, Director of Public Works, County Health Officer and Human Resources Director/Risk Manager.

Public input: None.

Under discussion Supervisor Bibby expressed concern that the firm will most likely come back requesting pay increases, and noted that she is hopeful this will yield candidates.

Supervisor Cann believes this is what we need.

Supervisor Bibby noted that the Interim Public Works Director feels strongly about this and she recommended support.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

N. Items removed from Consent Agenda

None.

O. Closed Session

No public or board comment on any items.

3:25 PM The Board recessed to closed session.

1. **Closed Session (ID # 3991)**

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

RESULT: CLOSED SESSION HELD

Report Out

3:46 PM Chair Cann reported that information was received on Closed Session item O.1.

P. Adjournment

3:47 PM Chair Cann adjourned the meeting.

Respectfully submitted,

TRACY GAUTHIER
Deputy Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

September 16, 2014

A. Call to Order and Roll Call

9:05 AM Chair Cann called the meeting to order at the Mariposa Government Center, noting that there was a quorum with all members present.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	8:57 AM
Merlin Jones	District II Supervisor	Present	8:57 AM
Janet Bibby	District III Supervisor	Present	8:57 AM
Kevin Cann	District IV Supervisor	Present	8:57 AM
John Carrier	District V Supervisor	Present	8:57 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Stetson, followed by a moment of silence for our men and women in uniform across the globe.

C. Introductions

None.

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

NOTE: *The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or, at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.*

No public input.

Supervisor Bibby noted that CA10 has to do with California Public Employees Retirement law and the Finding that the individual member is disabled under those laws; noted that, after having read the law, she is having a difficult time making that Finding when the employee stated in a Facebook post that she moved 9,430 pounds of hay single-handed in the heat; remarked that a Finding of Industrial Retired would mean that she is

no longer able to perform tasks as a deputy, and discussed her difficulty with that Finding given that same Facebook post; remarked that a person able to move that much hay ought to be able to perform some position somewhere in the County; and requested that the Facebook post be made part of the record and provided to PERS as a Minute Order attached to the resolution. Steven W. Dahlem/County Counsel clarified that these issues were looked at in the process; noted that the Facebook post was made available to our workers comp attorney prior to the former employee being deposed; and he requested Sandra Laird to provide some background on the issue. Sandra Laird/Administrative Analyst noted that the employee was deposed and our attorney was satisfied; and she remarked that questions were asked of the employee relative to the Facebook posting, and she responded in such a way that the attorney felt it wasn't going to pose an issue. Supervisor Bibby stated that she didn't think that the attorney knew what was involved in moving that amount of hay. Ms. Laird responded to Supervisor Bibby's earlier comment regarding placing the employee in some other position in the County by noting that prior to this process, they had to go through the disability interactive process in which they look at existing classifications in an attempt to identify if there are any other positions where they might be able to place this individual with reasonable accommodations. She noted that there were other positions, one was a bailiff, but it was determined that because of the typical physical requirements of that position, the County would not be able to reasonably accommodate her in that classification; remarked that at the time there were other types of jobs that were open but, again, she either did not qualify or they weren't able to reasonably accommodate her in those positions. Ms. Laird also noted that for safety employees, the Board needs to make the decision regarding whether this employee is disabled within the meaning of PERS law, unlike miscellaneous employees for whom PERS makes the decision; and affirmed that a Minute Order can be sent along with a resolution.

Supervisor Cann required clarification of what PERS can do if they are not making the decision; and remarked that his understanding is not whether the person can lift hay but, rather, whether she can do the full job of a deputy sheriff. Ms. Laird affirmed noting that it is not that the person cannot do any job, but that she can't function in the capacity of a sheriff's deputy; and she discussed some of the physical tasks that might be required. Supervisor Cann inquired as to the options and ramifications. Ms. Laird responded that the Board's options are either to approve the Industrial Disability or not approve it, but that litigation is a potential consequence should the Board choose not to approve. Supervisor Cann required clarification that the County's workers comp legal consultants are recommending approval. Ms. Laird responded by noting that the worker's comp part is separate from this employment aspect; stated that our attorney was satisfied with the way this individual responded to the questions; and noted that the consideration relative to the employment portion is whether we can allow this person to return to her job as a Sheriff's Deputy.

Supervisor Jones remarked that sometimes we come across cases where we may not really agree, but a solution is chosen because of the risk factor.

Supervisor Bibby reiterated the request to submit this discussion to PERS; noted that we have had other employees who are still out and performing their tasks; discussed the Facebook post; and cautioned employees to exercise care with internet postings.

Supervisor Cann inquired as to what would happen if a suitable job was found a year from now. Ms. Laird noted that, under PERS law, the individual has to be disabled within a six month period of time in order to make the Industrially Disabled determination; and noted that this person has been off work for some time now and has not gotten better. Supervisor Cann remarked that the disability has not yet been determined. Ms. Laird discussed the complexity of determining a permanent disability rating. Supervisor Cann inquired if PERS has been involved in this issue to this point. Ms. Laird responded that PERS has corresponded with the former employee, and has sent copies to us; and noted that she will forward this resolution to PERS, who will then review it and send

correspondence to the individual, and then it goes forward from that point.

Supervisor Bibby noted that the employee has been off for some time, and required clarification that they moved the hay when they were off on disability. Ms. Laird affirmed; and urged caution in open session discussions, and deferred to County Counsel for guidance on the conversation. Supervisor Bibby indicated that she was finished.

Chair Cann noted that the Board is in agreement with the request to attach the Facebook post and a Minute Order to the item when it is approved.

Regarding CA11, Supervisor Stetson noted that under "Examples of Essential Duties" it states "May administer the County's community development function;" and discussed the ambiguity caused by the word "May." County Counsel suggested modifying the language to read: "Administers the County's community development function." Supervisor Stetson agreed with that change.

Supervisor Carrier questioned the necessity of the language regarding a high school diploma or GED equivalency noting that one does not typically get into an accredited college or university without completion of a high school education; and he also discussed the mention of the AS400, and required clarification regarding the need to specifically mention it, as well as different types of software. Ms. Laird responded, noting that these are examples of the types of duties that a candidate might expect to perform while in that position. Regarding the high school education, she also noted that one can have a college degree without a high school diploma; and remarked that the County has, in fact, encountered such an instance in the past. Supervisor Carrier noted that he had been unaware of that possibility, and noted his agreement with leaving that portion unchanged. Supervisor Bibby requested that Personnel inform the Board if they see an application where the applicant does not have a high school education as she was not aware of anyone being hired without a high school diploma.

Supervisor Stetson moved the approval of the consent agenda as presented, with the exception of a change from "May administer the County's..." to "Administers the County's" in the qualification to the CAO position. Supervisor Bibby inquired if that motion included a Minute Order for CA10. Supervisor Stetson affirmed.

Supervisor Carrier seconded the motion.

Regarding CA10, Supervisor Bibby also noted having heard personnel's recommendation; remarked that the Minute Order is all that can be done to make PERS aware;, and cautioned employees about what they post on the internet.

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

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-474

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

CA2. Administration RES-2014-475

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

CA3. Administration RES-2014-476

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

CA4. Administration RES-2014-477

Resolution Continuing the Local Drought Emergency

CA5. Administration RES-2014-478

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

CA6. Administration RES-2014-479

Approve Revised CSA #3 Replacement Fund Schedule

CA7. Board of Supervisors

Approve the Minutes of Tuesday, August 26, 2014

CA8. Board of Supervisors

Approve the Minutes of Wednesday, August 27, 2014

CA9. Board of Supervisors

Approve the Minutes of Thursday, August 28, 2014

CA10. Human Resources/Risk Management RES-2014-480

Approve a Resolution Certifying the Industrial Disability Retirement of Sheriff's Deputy Lisa M. Sullivan Effective August 16, 2014

CA11. Human Resources/Risk Management RES-2014-481

Approve Amendments to the County Administrative Officer Class Specification and Increase the Annual Salary from \$118,746 to \$138,000 Effective Upon the Appointment of a New County Administrative Officer

CA12. Human Services/Social Services RES-2014-482

Authorize the Recruitment and Filling of an Eligibility Worker I/II Position in the Social Services Budget Effective Immediately

CA13. Public Works 2014-82

Appoint Richard Bechler to the Airport Advisory Committee (AAC) with a Term Expiring January 1, 2018

CA14. Sheriff's Office RES-2014-483

Approve a Transportation Agreement Between the County of Los Angeles and the County of Mariposa, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA15. Treasurer-Tax Collector-County Clerk RES-2014-484

Adopt a Resolution: (1) Consolidating the Mariposa County Unified School District Election, Lake Don Pedro Community Service District and the John C

Fremont Healthcare District with the November 4, 2014 General Election, Pursuant to EC 10401; (2) Directing the County Clerk to Canvass Returns of Said Election Pursuant to EC 10411 and 15301; and (3) Directing the County Clerk to Bill in Full for the Cost of Services Performed Conducting that of the Portion of the Election Relating to Each of the Respective Districts

E. Board Recognitions

1. Administration/Economic Development 2014-83

Proclaim September 20, 2014, as the "Great Sierra River Cleanup" Day (Autumn Hutchings, Sierra Nevada Conservancy, and Tara Schiff)

Tara Schiff/Community Development - Grant Coordinator gave an overview of the event.

Supervisor Stetson discussed his hope that they will one day include Midpines Park and Bear Creek in the program. Ms. Schiff noted that they will be in Bryceburg. Supervisor Stetson also thanked Ms. Schiff for her attendance at a seminar in Fresno.

No public input.

Chair Cann presented the Proclamation to Autumn Hutchings/Sierra Nevada Conservancy and Tara Schiff. Ms. Hutchings noted that this is the sixth year that the Sierra Nevada Conservancy has sponsored this event, and discussed statistics from past years.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

F. Departmental Presentation

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

Doug Binnewies/Mariposa County Sheriff - Interim Fire Chief reported that on September 13th, Mariposa dispatch received calls regarding a water disruption in District II to which Mariposa Public Works responded to correct the problem. Sheriff Binnewies noted that, per protocols, the Health Department was notified and they, in turn, requested a boil order be disseminated which was done at approximately 9:00 PM and was followed by Public Works staff going door to door. Sheriff Binnewies noted that the boil order will stay in effect pending necessary testing of water. He also reported on a series of small fires in District II that were quickly extinguished. Sheriff Binnewies also reported: that the Meadow Fire is 80% contained and now covers 4,772 acres; and that the Courtney Fire is 320 acres large with approximately 40% contained and hot spots, but that structure loss continues to increase. Sheriff Binnewies extended thanks to Supervisor Bibby for her concern and support regarding CA10, and discussed his confidence in, and support of, the responses from Human Resources and County Counsel.

Supervisor Jones extended his thanks to the Sheriff's Department, the Health Department, and CAL FIRE for their recent responses in his District.

G. Public Comment on Non-Agenda Items

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

Marshall Long recounted coming upon someone, while he was out campaigning, who needed emergency medical aid and he discussed his positive impressions regarding the response from the emergency responders. He also noted that he now carries while campaigning the S.C.O.P.E. reflectorized sign order envelopes, as well as volunteer fire fighter application forms, to give out.

Kathy McCorry/Mariposa Chamber of Commerce Executive Director reported that they conducted their annual membership meeting last Thursday; noted that the 2013-2014 annual report is now available on their website; and noted that this Thursday evening, Chamber Discoveries will be hosting a free meeting regarding a trip to Tuscany in the spring. Ms. McCorry also thanked Barbara Carrier for her efforts in identifying funding in order to reprint the walking map, noting that they give out over 10,000 copies per year.

H. Board Information

Supervisor Jones reported: attending the September 10th SWIFT meeting, and noted that vegetation moisture content is approximately five percent which is the driest since they have been keeping statistics, and he advised that chipping services are available to anyone who needs them regardless of income; attending a fundraiser for Art Moore in Mariposa on September 10th; attending a Solid Waste meeting on the 11th, noting that there was no quorum; attending the third annual Goldrush Greeley Hill Charter School fundraiser on the 11th; attending a meeting of the Natural Resources Conservation Service (NRCS) on the 12th, noting that they have lost the funding for their location so he will probably be bringing back an item to the Board regarding same; that he has gotten more people to sign up for the Ag Department's star thistle program which is a program to remove it with a 50-50 cost share; attending an evening meeting on the 12th with a group working on ideas for the Northside Visitor Center; dealing with fires and water issues in Coulterville on the 14th; and on the 2nd annual District II Art Show on the 14th held in conjunction with the Mariposa County Arts Council, noting that about 300 people attended and he discussed same. Supervisor Jones also extended his thanks to the Health Department, Public Works, and the Sheriff's Office for their responses to the recent emergencies in District II.

Supervisor Stetson reported attending: a meeting last Tuesday with Public Works, Supervisor Carrier, and Supervisor-Elect Smallcombe to discuss issues related to the Yosemite West maintenance meeting on Thursday, noting that he was unable to attend the latter and he commended Ms. Smallcombe, Rick Benson, and Gary Taylor for their attendance; the 9/11 Memorial Ceremony on Thursday at the Arts Park; and a Monday afternoon meeting of the Ferguson Slide Aesthetic Committee with Sarah Williams/Planning Director, tribal representatives, community members, and staff from Caltrans, the National Park Service and the US Forest Service, noting that this was, hopefully, the final meeting of that committee. Supervisor Stetson also advised that he will be going on a family vacation at the end of this week and will not be attending next week's meeting. Supervisor Cann inquired if there was any mention of the funding for the Ferguson slide. Supervisor Stetson responded that his understanding is that Caltrans believes that they have adequate funding, and insist that if it appears inadequate they can get more; and he noted that rock removal is scheduled to begin in the spring.

Supervisor Bibby welcomed Mary Hodson as the acting County Administrative Officer. She also reported attending: a meeting with Human Services and Supervisor Cann on the 18th; and the 9/11 Memorial Ceremony and extended her compliments to all who attended. Supervisor Bibby also: extended her thoughts and prayers to residents impacted by fires in Madera, El Dorado and Weed; reminded everyone that the annual Patron's Club Flea Market in Hornitos will be held on October 5th; and noted that the Farm Bureau Annual Dinner will be on October 11th, and tickets are currently on sale.

Supervisor Carrier reported: attending a community meeting in Lushmeadows on Wednesday; attending an Area 12 JPA Director's meeting on Thursday, and encouraged people to fill out and return a Needs Assessment; attending the 9/11 Memorial Ceremony

on Thursday; spending Friday in the office to deal with issues; attending the Democratic Club's breakfast on Saturday; and traveling to San Luis Obispo for a wedding, noting that the owner of the wedding venue was familiar with Mariposa and extended kudos to the Mariposa County Planning and Building Departments as their processing is less intimidating than in San Luis Obispo.

Supervisor Cann noted that he was not able to attend the Chamber's annual meeting, but pointed out some of their accomplishments over the last couple of years. Supervisor Cann reported attending: a meeting with the Townsend Consultant representative last Wednesday where they discussed any potential for assistance with courthouse grants, noting that they came away very excited after Judge Walton gave them an extensive tour of the courthouse; a Thursday meeting of the Solid Waste Task Force, noting that the Solid Waste Manager has repeatedly asked that group if they want to continue to meet 6-8 times a year and they repeatedly have said "yes" but no one shows up; and the 9-11 Memorial Ceremony at the Arts Park. Supervisor Cann also discussed the Payment in Lieu of Taxes (PILT) issue which is before Congress right now, noting that there is a proposal for a change of formula to give more money to the smaller counties with populations less than 5,000; and he remarked that no one believes that they will make any changes. Supervisor Cann advised that he has a meeting this Thursday with Human Services regarding the Road House; and a meeting with the Rotary committee that is doing historic plaques in town. Supervisor Cann also noted that the Sheriff did send a note that County law enforcement also committed three dogs, their handlers, and one sergeant to the fire in Madera, noting that the dogs were very important to accomplishing quick searches of the houses. Supervisor Cann also gave an overview of the Caltrans crosswalk project, noting that they started working on the crosswalks today, and remarked that these are the interim improvements and the long-term changes are still to be done.

Recess Board of Supervisors

10:13 AM Chair Cann recessed the Board of Supervisors and passed the gavel to Supervisor Stetson after making the following announcement:

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

I. LOCAL TRANSPORTATION COMMISSION

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

10:13 AM Chair Stetson convened the Local Transportation Commission with all members present.

Public Comment Period

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

None.

LTC Regular Agenda

1. Public Works LTC-2014-16

Approve the Master Fund Transfer Agreement with the State of California Department of Transportation (Caltrans), and Authorize the Local Transportation Commission Executive Director to Sign the Agreement

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

No Board or public comment.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Commissioner

SECONDER: Merlin Jones, District II Commissioner

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Public Works LTC-2014-17

Approve a Fund Transfer Agreement for the Planning, Programming, and Monitoring (PPM) Program for the Fiscal Year 2014-2015 in the Amount of \$35,000; and Authorize the Local Transportation Commission Executive Director to Sign the Agreement

Barbara Carrier gave the staff report. Doug Wilson/Interim Public Works Director provided copies of the letter which is referenced in the agenda item, but was not included.

No Board of public input.

Commissioner Bibby moved to approve as presented with the incorporation of the letter that was just received. Commissioner Jones seconded the motion. The motion passed unanimously.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Commissioner

SECONDER: Merlin Jones, District II Commissioner

AYES: Stetson, Jones, Bibby, Cann, Carrier

Adjourn LTC

10:19 AM Chair Stetson adjourned the meeting of the Local Transportation Commission and passed the gavel back to Supervisor Cann.

J. Reconvene as Board of Supervisors

10:19 AM Chair Cann reconvened the Board of Supervisors meeting.

K. Regular Agenda Items

1. Public Works (ID # 4013)

Presentation by Nichols Consulting Engineers (NCE) on the Updated Mariposa County Pavement Management System

10:20 AM Chair Cann recessed the Board to allow setup of the presentation, and reconvened the Board at 10:29 AM.

Doug Wilson gave an overview of the need for a pavement management system, with Mark Dvorak in attendance for assistance. Mr. Wilson then introduced Margot Yapp/Vice President of Nichols Consulting Engineers who gave the presentation.

Supervisor Bibby and Ms. Yapp discussed rural counties that have to maintain older

roads that were accepted into the road system decades earlier.

Mr. Wilson noted that rural counties get gas tax dollars based on the number of miles in the system; that the dollars per mile from the gas tax has stayed the same as when it first came into existence in 1964; and that urban counties get taxes based on population. Mr. Wilson also noted that the source of funding determines which roads are addressed.

Supervisor Cann inquired as to the status of the gas tax funding, and the prospects for federal and state money for the next few years. Mr. Wilson responded, noting that it will affect statewide funding; that the funding that goes into the STIP could be reduced if the number of gallons sold goes down, but that we would still get some funds; and he discussed reductions in certain programs.

No public input.

Supervisor Jones extended his thanks for the presentation. Supervisor Bibby remarked that we need more money and fewer roads; noted that this is what our roads look like now, but a major storm or problem will skew that further; extended thanks for the presentation; and noted that even taking the entire Transient Occupancy Tax will not make a dent in the problem. Supervisor Cann commented on the historical aspect, especially noting that there has been no change in amount received since the program's inception in 1964.

RESULT: INFORMATION RECEIVED

2. Human Resources/Risk Management (ID # 3925)

Waive First Reading and Introduce an Ordinance Removing Section 2.08.030 Entitled "The Clerk of the Board of Supervisors" from Chapter 2.08 of the Mariposa County Code and Adding it as a New Chapter 2.10 Entitled "Clerk of the Board of Supervisors" and Amending it Accordingly

Steven W. Dahlem/County Counsel and Interim Human Resources Director-Risk Manager gave the staff report, noting that this accomplishes action that the Board has previously taken.

Supervisor Jones noted that he is happy to see this proceeding; remarked that he thinks it is long overdue; and noted having a long conversation with the previous Clerk of the Board who agrees wholeheartedly with the action.

Public comment opened.

Marshall Long noted language in the "duties" section that states "prescribed by law for the county clerk as ex officio clerk of the board of supervisors or for the clerk of the board of supervisors" and inquired if it should define one or the other within the resolution in case of conflicting duties.

Public comment closed.

Mr. Dahlem responded to Mr. Long's inquiry noting that, under state law, the County Clerk is the Ex-Officio Clerk of the Board of Supervisors unless the Board takes a separate action to designate a Clerk of the Board which was done in this county; and noted that if the Board were to revoke the designation for the Clerk of the Board, the job would fall back to the County Clerk; and that those two roles can function as the Clerk of the Board but not simultaneously.

Supervisor Bibby inquired if that information can be incorporated in a Minute Order to alleviate confusion in the future. Mr. Dahlem noted that state law covers that distinction and difference, but that this discussion should also be reflected in the minutes.

RESULT: **INTRODUCED [UNANIMOUS] Next: 10/7/2014 9:00 AM**
MOVER: Merlin Jones, District II Supervisor
SECONDER: Janet Bibby, District III Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier

L. Items removed from Consent Agenda

None.

M. Closed Session

1. Human Resources/Risk Management (ID # 4016)

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

Supervisor Carrier noted that he will be recusing himself from Closed Session item M.1 as his wife is a member of the bargaining unit being discussed.

No public input.

This Closed Session was held at 11:50 AM, and reported out at 2:01 PM.

RESULT: CLOSED SESSION HELD

2. Human Resources/Risk Management (ID # 4017)

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: Service Employees International Union (SEIU) Local 521; Name of County Designated Representative: Richard C. Bolanos
No Board or public input.

This Closed Session was held at 11:23 AM, and reported out at 2:01 PM.

RESULT: CLOSED SESSION HELD

N. Lunch

11:14 AM Chair Cann recessed the Board into Closed Session to be followed by lunch.

O. 2:00 PM Reconvene

Report Out

2:01 PM Chair Cann reported that Information was Received and Direction was Given on Closed Session items M.1 and M.2.

1. Administration (ID # 4007)**Discussion and Direction Regarding the Possibility of Merging the Mariposa County Fire Department into the Mariposa County Sheriff's Department**

Mary Hodson/Interim County Administrative Officer provided an overview of this item, noting that it is for Discussion and Direction only.

Chair Cann noted that this item was scheduled in order to get public input before the Board takes any further action one way or the other.

Doug Binnewies urged everyone to share any concerns during this meeting; noted that his interest is solely to enhance community safety; remarked that it appears to him that County Fire can use some support; noted that a Sheriff's and Fire Office merger makes sense; noted that he supports fully utilizing whatever assets we have; remarked that something to consider for the future is a Public Safety Department, noting that there is one in Sunnyvale; noted that Public Safety Department personnel are cross trained as fire fighters, sheriffs, or EMTs; noted that he does envision further in depth training; noted that there was a time when the County Sheriff's Officers were first responder certified; and noted that he is interested in strengthening the emergency support services.

Public Comment Opened.

John Woods/Greeley Hill area noted his support of a merger; noted that he is a volunteer with both departments and endorsed the Sheriff as the director; and discussed an example from this weekend when he was volunteering for the Sheriff's Office, but was released to get a water tender. He also noted that he thinks the last Fire Chief was trying to implement some big city ideas that don't work here; remarked that his concern is if CAL FIRE takes over, they might start trying to implement big city procedures; and remarked that it seems like we would save money with the Sheriff as head of both departments.

Ron Stedwell/Fire Volunteer discussed his opposition to the concept; remarked that the Fire Department needs a Fire Chief and Deputy Fire Chief; and noted that the Sheriff hasn't been trained in fire and probably doesn't know what is needed, and if a person is not trained to standards it presents a liability to the County.

Jim Dulcich suggested trying out an interim operation for about six months; suggested that a fire chief should be under the Sheriff who would be running fire, while the Sheriff would be doing paperwork; remarked that this would be a good model, and if the fire chief works out he can be hired to be the fire chief; remarked that he knows the person that the Sheriff has been talking to; and urged giving it a trial period to see what we can do with it.

Tom Hull noted his support of a merger; remarked that when he first heard about the proposal he was skeptical, but that he has been encouraged after several meetings with the Sheriff and he now thinks it could work; remarked that he understands the concern about the Sheriff not knowing fire, but noted that the deputy chief does, as does the individual that they have been talking with; and noted that he puts his support behind the proposal.

Ken Cottner noted his support of a merger; discussed his experience in fire; noted that this plan worked in Ceres; and urged adopting a similar plan here.

Kevin Keheley noted his support of a merger; stating that he, and a lot of his members, support this going under the Sheriff, but they are concerned because Deputy Chief Middleton is considering retiring; inquired if Fire will be reporting to the Board of Supervisors as in the past, or to the Sheriff; noted that there is room in the org chart for a chief; and noted that he thinks it is very important to get someone in there to whom Deputy Fire Chief Middleton can impart his knowledge.

Chair Cann explained that questions will be answered after all public input has been received.

Roy Dunston/Greeley Hill resident noted that he is not concerned with who is

running Fire, as they need more volunteer fire fighters; and discussed the number of fire fighters in Greeley Hill.

Jim Dulcich noted that one of the ideas being thrown out is that law enforcement officers can be cross-trained as fire, and noted that there may be possible union issues should a sheriff's officer need to switch to fire fighting. Mr. Dulcich also inquired if other departments would be able to do the same; stated that they need all the help that they can get; and remarked that if a merger can be made to work, it will benefit the whole county.

Anthony Misener/Fish Camp Fire Station 33 noted that the discussion is two parts with the first being the administration of the Fire department, of which he is totally in support; and noted that if we were to continue to follow that model, he believes that we would need to have a fire professional employee. Mr. Misener also remarked that the second topic is an Amador-like contract with CAL FIRE; inquired of the source of money to fund such a contract as it would decimate Fire's budget; suggested the Board read the grand jury report in Madera County which states that the volunteers are treated as second class citizens; and noted that if the management is to be under the Sheriff's Department then he is in favor, but that he is not supportive of it going to CAL FIRE and thinks that money would be better applied to staffing fire stations during the day.

Ron Stedwell noted that the last estimate that he heard is a million to a million and a half dollars for wages and benefits for CAL FIRE, but that you have to supply the equipment and everything; and urged careful consideration of a contract price before considering such an action.

Steve Kitchen noted that he finds this consideration demoralizing to the Fire Department; remarked that he feels that County Fire has taken a second seat for a long time; and stated that he feels that the Board needs to recognize that the county does need a fire department and support it. Mr. Kitchen also urged against a merger. He remarked that he is hearing that the Sheriff would do the paperwork, and a Fire Chief would run Fire; stated that he thinks the last two fire chiefs brought this Fire Department up from nothing and discussed efforts by retired Chiefs Schultz and Wilson; noted that the people voted for the Fire Engines; remarked that he thinks that Deputy Chief Middleton is being overlooked and discussed his efforts; and stated that he thinks that County Fire should stand alone.

Chair Cann noted that the Board appreciates the input.

Public comment closed.

Chair Cann noted that the discussion of hiring a professional fire person to be the inline expert has been a discussion brought up by the Sheriff; noted that the Board is trying to figure out what will work best; remarked that the Board is taking the need for more volunteers seriously; and remarked that the Board saw a lot of dissension under the last Chief. Chair Cann also noted that what is being discussed today is that the Sheriff would be the head but that it is expected that he would do more than the paperwork, but that it is recognized that leadership and being the Fire Chief are two different things. Chair Cann also noted that the Board would put in an escape clause which would allow pulling out of any arrangement if it was determined to be necessary; remarked that he does not think there are any plans regarding an Amador Plan or CAL FIRE; noted that no cut to the Fire Department budget is being discussed; and stated that the day we got the new fire equipment, the County committed to, and setup, an equipment replacement fund, and that we just modified that contribution because the interest rate is not matching.

Doug Binnewies thanked all of the Fire volunteers for their remarks; noted that they were all on point; noted that there is potential for a lot more discussion; remarked that a Fire Subject Matter Expert needs to be built into whatever is done; noted that, in no way, do the Law Enforcement Partners want to demoralize the Fire Partners; noted that seven of them recently attained their First Responder training, and remarked that this is a philosophy that the Sheriff's Office has maintained for a long time; and noted that there is no way that it will work without the approachability of the Fire Department.

Chair Cann noted receiving a communication from Captain Deering this morning urging a merger, and asked Supervisor Stetson to read it into the record which he did.

Supervisor Jones discussed the Amador Plan, noting that it has an option to let them opt out whenever they want; remarked that he was not promoting that at all; extended his thanks to the volunteer fire fighters for their efforts and input; noted that most of the communications he has received note that Fire needs leadership; remarked that the Sheriff has nothing to gain by taking this on; and thanked Sheriff Binnewies for his willingness to step forward on this.

Chair Cann noted that part of this item, is to provide direction; noted there are a couple of proposed organization charts; noted that the Board needs to go forward with the steps; and requested clarification regarding next steps.

Ms. Hodson noted that she doesn't envision a merger occurring in one action; and noted that she sees a multitude of actions coming back to the Board, and discussed same.

Supervisor Bibby thanked Supervisor Jones for the clarification; noted that the Board hears a lot of complaints; remarked that we have been trying to do things the same way that they have always been done and, yet, the same complaints keep occurring; stated that when a call goes out, she doesn't care what color the uniform that responds is, as she just wants everyone to go home safe; noted that there is no space and time for turf wars; remarked that we have an opportunity to give something new a try, and urged everyone to check emotions and politics in order to figure out how best to cover this vast county; and noted that, ultimately, we should be able to work side by side as a team.

Chair Cann noted that direction seems to be for the Sheriff and CAO to use the input received today to settle on a proposed organization, then bring something back to the Board. The Board concurred. Ms. Hodson noted that she will meet with the Sheriff and County Counsel, who is currently acting as the Human Resources Director; and reiterated that she doesn't envision the process happening in one action.

RESULT: DIRECTION GIVEN

P. Adjournment

3:12 PM Chair Cann adjourned the meeting in memory of Linda Mansell, Frederick Dixon, Barbara Patrick, Peggy Clark, Jerry LaCayo, Carol Harner, Brooks Berrien, Steven Thompson, Kenneth Kish, and Ervin Schmelter.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



MARIPOSA COUNTY

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

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

September 23, 2014

A. Call to Order and Roll Call

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

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

B. Pledge of Allegiance

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

C. Introductions

None.

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

NOTE: *The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or, at the Chair's discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.*

No public comment.

Supervisor Bibby required clarification regarding CA8, but the department head was not in attendance.

Supervisor Bibby moved to approve the consent agenda as presented, with direction to the Health Officer to confer with the Sheriff's Office, County Fire, the local hospital, and

any other entities referenced in CA8, and to bring back an item to amend the item should any changes come about from those meetings.

Supervisor Carrier seconded the motion, and it passed 4-0 with Supervisor Stetson excused.

RESULT: ADOPTED [4-0]

MOVER: Janet Bibby, District III Supervisor

SECONDER: John Carrier, District V Supervisor

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

EXCUSED: Lee Stetson

CA1. **Administration RES-2014-485**

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

CA2. **Administration RES-2014-486**

Resolution Continuing the Local Drought Emergency

CA3. **Administration RES-2014-487**

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

CA4. **Administration RES-2014-488**

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

CA5. **Administration RES-2014-489**

Adopt a Resolution Proclaiming the Termination of the Rim Fire Local Emergency

CA6. **District Attorney RES-2014-490**

Approve the Immediate Filling of a Senior Office Assistant Position in the District Attorney Prosecution Budget

CA7. **Health RES-2014-491**

Approve a Memorandum of Understanding (MOU) with California Health and Wellness to Establish Relationship for Future Billing of Medi-Cal Managed Care Services, and Authorize the County Health Officer to Sign the MOU

CA8. **Health RES-2014-492**

Appoint the County Health Officer as Medical Health Operational Area Coordinator (MHOAC)

CA9. **Human Services 2014-84**

Appoint Clarence Tedrow and Colleen Duncan to the Mental Health Board for Terms Expiring on September 23, 2017

CA10. Human Services/Behavioral Health & Recovery Services RES-2014-493

Approve the Filling of a Mental Health Aide Position in the Behavioral Budget Effective Immediately

CA11. Human Services/Social Services RES-2014-494

Approve the Recruitment and Filling of a Social Worker IV Position in the Social Services Budget Effective Immediately

CA12. Human Services/Social Services RES-2014-495

Approve the Promotion of Two Eligibility Worker I's to Eligibility Worker II's in the Social Services Budget Effective August 1, 2014

CA13. Human Services/Social Services RES-2014-496

Approve the Promotion of a Social Worker I to a Social Worker II in the Social Services Budget Effective October 1, 2014

CA14. Human Services/Social Services RES-2014-497

Approve an Agreement with Benchmark Behavioral System, Inc. to Provide Intensive Youth Treatment Services in an Amount Not to Exceed \$105,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA15. Planning 2014-85

Accept Resignation and Recognize Dale Wohlgemuth's Service on the Fish Camp Town Planning Advisory Council (Supervisor Carrier)

CA16. Treasurer-Tax Collector-County Clerk RES-2014-498

Approve an Agreement with Bid-4-Assets to Conduct an On-Line Delinquent Tax Sale, and Authorize the Board of Supervisors Chair to Sign the Agreement

E. Board Recognitions

1. Board of Supervisors 2014-86

Proclaim November 7 - 9, 2014, as "Mariposa's Open House" and Trans Valley Football League "Super Bowl Weekend" Hosted by the Mariposa Business Community (Bob Kirchner)

Bob Kirchner thanked all of the departments and staff for their help and cooperation; reported that they will be helping the high school team in October; and thanked the Board for its support over the last six years.

No public input.

Supervisors Bibby, Jones and Carrier extended their thanks to Mr. Kirchner for his efforts.

Chair Cann presented the Proclamation to Mr. Kirchner.

RESULT: **ADOPTED [4-0]**

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

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

EXCUSED: Lee Stetson

F. Departmental Presentation

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

Becky Hagen/California Highway Patrol advised that they conducted a car seat checkup event last week in conjunction with Mariposa Safe Families; reported that they inspected 18 car seats and replaced seven of them free of charge; advised that they are planning another event in the Spring; discussed the need to fit the seat to the child, as well as to fit the seat to the car; discussed the number of hours of training required for the initial federal certification to be a professional technician; noted that they have two federally certified car seat fitting officers in the local office, and that they are available year round; and noted that they have limited resources associated with this program that allow them to give car seats free of charge to those who cannot afford them. Supervisor Cann required clarification of the number of car seats that were replaced on site. Supervisor Bibby required clarification that people can call and make an appointment anytime during the year for the service. Lt. Hagen affirmed, noting that they have also done house calls for people so that they do not have to drive unsafely. Supervisor Jones extended his thanks, and requested that any publicity about the spring event also be submitted to the Foothill Express.

Doug Binnewies/Mariposa County Sheriff advised that they are combining with the DEA and other public offices to have a National drug take back day this Saturday from 10:00 AM to 2:00 PM at the three Sheriff's Office locations.

Doug Wilson/Interim Public Works Director discussed last week's boil order in Coulterville, and noted that the boil order was lifted as soon as they received the test results which indicate that there was never contamination. He also referenced last week's presentation on the condition of the road system, and noted that with the gas tax swaps they are looking at a reduction of about \$225,000 next fiscal year because of changes that will be occurring on the state level. Supervisor Cann and Mr. Wilson discussed cuts that had been proposed for this year but which were moderated, then virtually eliminated, at the end of the fiscal year. Supervisor Jones extended his thanks to Public Works staff for their efforts with the water in Coulterville. He also required clarification of whether the facility alarms are tested. Mr. Wilson noted that they are tested on a regular basis, but noted that this was an electrical system problem that affected both the system and the alarm.

Chevon Kothari/Human Services Director reported on her participation in the Great Sierra River Cleanup at the creek, and extended thanks to Tara Schiff for coordinating it. She also noted that she will be bringing back a Board item for a strategic planning process around homelessness. Supervisor Cann inquired as to the timeframe. Ms. Kothari responded, noting that they will get the process started this fall, and that they should have a plan in place by early spring.

G. Public Comment on Non-Agenda Items

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

Kathy McCorry/Chamber of Commerce Executive Director announced that this

Thursday will be the final Meet the Candidates night at 6:00 PM at McCay Hall, and that it will be for District II candidates, as well as School Board and Hospital Board candidates. She also noted that they have again partnered with the multimedia class at the High School and will be making ten commercials for local businesses which they will start filming in November. Ms. McCorry also noted that the Chamber Board also approved producing three professional commercials promoting Mariposa County; that it will probably be a six to nine month process; and that they will be working on the storyboards in the near future.

H. Board Information

Supervisor Carrier reported that he fielded a lot of phone calls on various topics regarding Veterans, homelessness, septage disposal, the Senior Center, road issues, the Transient Occupancy Tax (T.O.T.), and Fire Department issues in Wawona. He also thanked Caltrans for the new crosswalks in town, as well as for the repaving of the William Sell Bridge; and announced a vacancy on the Fish Camp Town Planning Advisory Committee, and advised anyone interested in serving to contact him. Supervisor Carrier also reported that the Fire Safe Council received another grant from Pacific Gas & Electric for \$89,500 for fuel reduction in Hunters Valley, which brings the total amount received for fuel reduction to \$330,000 for Mariposa County.

Supervisor Bibby urged the community to take advantage of the fuel reduction program. Supervisor Bibby reported: attending a meeting on September 18th, and discussed the upcoming strategic planning process regarding homelessness as earlier announced by Chevon Kothari, and noted that she hopes the community will come out for that; and hosting some Australian FFA student on the evening of the 18th, noting that they were impressed with Mariposa hospitality and were very well behaved and represented their country well. Supervisor Bibby extended her thanks to Caltrans for all of the striping, and discussed the Caltrans policies that seem to delay actions. She also noted that the Hornitos Flea Market will be held on October 5th; noted that she will not be able to make the Candidates Night; and recommended that the \$225,000 Roads shortfall be kept in mind for next year's budget discussions, and that money be moved into a rainy day fund as soon as possible to help address it.

Supervisor Jones reported attending: a Candidates Night at the Don Pedro Landowners Association Meeting on the 18th which he moderated, and he commended the candidates for donating their time; a meeting on the 19th with the new School Superintendent; a Don Pedro Town Hall meeting on the 20th, and he urged other communities to have similar meetings; a meeting on the 22nd with the NRCD and he discussed how much money the RCD brings into the county; and various meetings yesterday.

Supervisor Cann noted that the crosswalk issue started with Caltrans five years ago, and he discussed the Caltrans procedure. He also discussed the homeless issues, noting that he is thrilled with the Human Services Director's research and the importation of experts on the fields, and discussed the Planning Director's involvement. He also extended thanks to Tara Schiff on the River Cleanup, noting that everyone who volunteered seemed to come away with an epiphany about working with this segment of homeless. He also reported: spending Sunday and Monday preparing for the Silver Tip Appeal Hearing later today; and meeting yesterday with a constituent on code compliance issues. Supervisor Cann advised that he will be leaving this evening for the RCRC Conference where he will be leading a panel on the Endangered Species Act and its application in California and the rural counties. Supervisor Cann also discussed a complaint that was received regarding a tile plaque being given to the ex-CAO without opportunity to object to it in open session and advised that, after determining that an inordinate amount of County Counsel's time was being consumed by the matter, he is giving Mariposa County a check for \$105.59

which represents reimbursement for the cost of the plaque. He also discussed the chain of events that led up to the plaque being ordered, and noted that he doesn't want County Counsel to have to expend any more time on the matter. Supervisor Jones commended County Counsel for all of the time and energy that he has expended on the matter; noted that he didn't always agree with the CAO; and offered to pay for half of the tile plaque.

I. Regular Agenda Items

1. Administration RES-2014-499

Approve a Three Year Agreement with the Mariposa County Chamber of Commerce to Operate the Mariposa Visitors' Center in the Amount of \$490,500, and Authorize the Board of Supervisors Chair to Sign the Agreement

Mary Hodson/Interim County Administrative Officer gave the staff presentation, noting that this agreement is only for the Mariposa Visitor Center as we are currently in the process of getting proposals for the Coulterville Visitor Center.

Supervisor Cann noted that he would like to add a 30 or 60 day termination clause. Supervisor Jones stated that he likes to be consistent and discussed past issues that were undertaken for the sake of consistency; remarked that there are many organizations, and he has no problem funding them if they do their jobs; noted that we don't have any guarantees on our revenues; stated that he likes to work with short term agreements; and noted that County employees haven't been guaranteed a cost of living increase, so he has a difficult time with cost of living increases for organizations. Supervisor Bibby remarked that it took many years to work towards where organizations were not coming in in advance of the budget process; noted that the County learned that long term agreements don't usually work out, and she cited the Stroming Building; and urged a year-to-year agreement. Supervisor Cann remarked that the Chamber of Commerce does not come to the Board for a donation but, rather, is responding to an RFP; thinks an elimination clause eliminates concerns for the future; discussed past issues when a payment was late; noted that the pay raise was mandated by the President; reiterated that this is a contract and not a donation; and noted that the County can terminate the agreement at any time.

Board discussion ensued.

Public comment opened.

Kathy McCorry noted that the reason that this was done is because the contract does requires a certain number of hours, and a certain level of staff; remarked that their issue was not to try something new, but to offer the County a quality of service; stated that it would be helpful if they had a little bit more than a year to plan and implement training, and discussed same; noted that they are trying to provide stability regarding hours of operation and the number of employees; and stated that this would allow them to move towards a long term vision.

Greg Kittelsen noted that no one can predict the economy in three years; and recommended a two year agreement as a compromise.

Marshall Long requested clarification regarding number 4 under the Scope of Services relative to the 800 number no longer being answered after June 30th; and referenced number 10 regarding the contractor's option to conduct courthouse and jail tours, and inquired if we can get more tours.

Public comment closed.

Supervisor Cann noted that the tours were cut when the budget was cut, but that the Chamber still conducts them from time to time when they have the volunteers available. Ms. McCorry noted that the 800 number has been around a long time; stated that it was created by the Tourism Bureau for their advertising and it ended up with the

Visitor Center having the responsibility of answering and fielding those calls which requires a lot of staff time. She also noted that since the Tourism Bureau has greater funding, the request was made of them that they assume the responsibility for the phone number. As to the tours, Ms. McCorry noted that they still do the tours; stated that they have a decent program, and the tours are done by arrangement; and she discussed the decent program.

Supervisor Jones required clarification regarding communication with the Tourism Board regarding the 800 number. Ms. McCorry responded, noting that the Chamber asked them to take it back last year but kept it for another year due to the Tourism Bureau's one-time donation. Supervisor Jones inquired as to any more recent communications. Ms. McCorry stated that there had not been any more communications as the contract had not yet been approved. Supervisor Bibby inquired as to when negotiations started. Ms. McCorry responded, noting that it was right after the budget hearings; stated that they had conversations throughout the year; discussed some of the people present at earlier conversations when it was verbalized; and noted that after the budget was approved, they did request the CAO to submit it on their behalf and he agreed. Supervisor Cann required clarification that the only communications were with the CAO. Ms. McCorry affirmed.

Supervisor Jones expressed his concern regarding the unpredictability of revenues in the future. Supervisor Carrier noted that the Chamber puts heads in beds which equates to revenue for the County; noted that a three year contract gives the Chamber some guarantees, yet the County can cancel at any time; noted that the County does have long term contracts for trash service, and Mercy Ambulance; and urged adoption of a three year contract.

Supervisor Carrier moved to adopt the item as presented. The motion died for lack of second.

Supervisor Bibby noted that it can be revisited at mid-year with the new Board; noted that she doesn't support it at this time; and remarked that it is better for both partners to evaluate the dollar amounts each year. Ms. Hodson noted that their existing contract expires on September 30th, so they will not receive any funding on October 1st if the Board does not approve this item. Supervisor Bibby noted that this item could have easily been written for a single year which was what was approved; discussed what should have come forward to the Board; and noted that all of the parties participating on this knew what was approved and the contract should have reflected that.

Steven W. Dahlem/County Counsel noted that while the matter has been agendized for three years, the Board can approve a one year agreement, and modify the contract. Supervisor Cann inquired if the Board has any authority to extend the current agreement. County Counsel responded that such action would require a separate item.

Supervisor Bibby: moved to approve a single year contract from October 1, 2014, to September 30, 2015 in the amount of \$159,000. Supervisor Jones seconded. The motion passed.

RESULT: ADOPTED AS AMENDED [3 TO 1]
MOVER: Janet Bibby, John Carrier
SECONDER: Merlin Jones, District II Supervisor
AYES: Merlin Jones, Janet Bibby, John Carrier
NAYS: Kevin Cann
EXCUSED: Lee Stetson

2. **Public Works RES-2014-500**

Approve a Contract for Services with George Reed Inc for the Reconstruction of Dogtown, Bondurant and Schilling Roads in the Not to Exceed Amount of \$2,751,415, and Authorize the Public Works Director to Sign the Contract

Doug Wilson gave the staff report, noting that this is the type of item that would normally go on the consent agenda; discussed unusual issues with the project; and discussed the procedure that he is planning on using where he will approve change orders then bring them to the Board which will make them Board change orders, and which will reset his contingency ceiling. Mr. Wilson also noted that this grant does have funding to approve a couple of structures; and they should be able to do those in the spring.

County Counsel clarified that in the change order process the Public Works Director would not be exceeding his ten percent authority on any particular change order; and to the extent that they are approved they would reset his cumulative authority.

Supervisor Jones inquired if the culverts will delay any work. Mr. Wilson responded, noting that when the culvert work is done, there will be a restoration of any pavement in the vicinity that is damaged doing the culvert work. Supervisor Jones required clarification that the contractor understood this. Mr. Wilson responded that he will have to make it happen. Supervisor Jones required clarification regarding the number of culverts on the list of materials. Mr. Wilson noted that those are culvert locations, with each location being one culvert spanning the entire width of the road.

Supervisor Bibby required clarification that the change orders would be routed through the CAO and County Counsel. Mr. Wilson affirmed. County Counsel noted that change orders are not routed through the CAO, but are routed past County Counsel. Supervisor Bibby inquired if they could be routed to the CAO as well. Mr. Wilson affirmed. Supervisor Bibby requested that any problems be brought immediately to the Board.

Supervisor Carrier inquired if the fifteen percent is a realistic number. Mr. Wilson affirmed. Supervisor Carrier required clarification that the fifteen percent was also okay with CDBG and would not trigger anything with them. Mr. Wilson affirmed. Supervisor Carrier inquired if the anticipated completion date is realistic. Mr. Wilson responded that he believes so. Supervisor Carrier noted that the CDBG grant was extended through December of 2015 so we have until that time to extend, but noted that this contract states June 30, 2015. Mr. Taylor responded that he would have to look at that again.

Supervisor Cann and Mr. Wilson discussed the breakdown of the award amounts. Gary Taylor noted that the budget that was submitted for the three roads was 4.6 million dollars and that they have spent less than \$100,000 for design. Supervisor Cann inquired as to CEQA and whether there was enough money. Mr. Taylor noted that they have approximately two million dollars set aside for West Whitlock.

Supervisor Carrier noted seeing some Public Works contracts go beyond their completion dates, and inquired if it would be appropriate to push the contract date out to September 30th. Mr. Wilson responded that extending the date is not an issue with the contractor as he can always complete it as soon as he can so extending the completion date to September makes sense.

Public comment opened.

Marshall Long requested clarification of bridge culverts being replaced after construction.

Public comment closed.

Mr. Wilson agreed that it is not the way that it is typically done, but that there were some delays in the planning of this project, and that they may be having both contracts going on at the same time so there may not be any duplication of effort. Mr. Taylor noted that this is what they are expecting.

Supervisor Jones inquired if the development of the culverts has been started yet. Mr. Taylor affirmed noting that they are half way through the design. Supervisor Jones inquired if there are any easement problems. Mr. Taylor responded not at this time, but that he may need to come to the Board regarding how to provide access to the areas, as well as some staging issues. Supervisor Jones inquired if there were any easement problems with any of the neighbors. Mr. Taylor responded that he hasn't approached one person and may need to. Supervisor Cann noted that he thought Supervisor Jones was talking about easements for land use. Mr. Taylor noted that they have the land for the bridge, but they might have to have temporary construction easements. Supervisor Jones inquired if there have been any discussions with the owner. Mr. Taylor responded noting that they have sent out letters but there have been no responses. Supervisor Bibby encouraged face-to-face contact and not relying on correspondence; and stressed her preference that we not tear up new pavement that we just put down. Mr. Wilson agreed on both parts; and stated that he believes the letter was just an introduction.

Supervisor Jones moved to approve the item as presented. The motion died for lack of a second.

Supervisor Carrier moved to approve the item, with the expiration date amended to September 30, 2015, as well as clerical corrections to Exhibit A. Supervisor Bibby seconded, and requested corrections on all of the exhibits. Supervisor Carrier agreed.

Supervisor Jones encouraged Public Works to push forward and get this done as soon as possible.

RESULT: ADOPTED AS AMENDED [4-0]

MOVER: John Carrier, District V Supervisor

SECONDER: Janet Bibby, District III Supervisor

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

EXCUSED: Lee Stetson

J. Items removed from Consent Agenda

None.

K. Lunch

10:56 AM Chair Cann recessed the meeting to reconvene at 2:00 PM today.

L. 2:00 PM Reconvene

1. Planning RES-2014-501

Appeal No. 2014-066 of Time Extension Application No. 2014-034 Allowing an 18-Month Time Extension (Development Schedule) for the Activation of Planned Development No. 99-1 and Conditional Use Permit No. 267 (SilverTip Resort Project) from June 14, 2014 to December 14, 2015. Appellant Karen Glendenning, Et. Al (This Appeal Will be Conducted According to the Mariposa County Appeals Procedure Adopted by Resolutions #97-3 and #10-92)

2:00 PM Chair Cann opened the hearing and reviewed the process that the Board will be following this afternoon.

Sarah Williams/Planning Department Director introduced Bill Abbott/outside counsel for the County; noted that the issues today are framed by the Notice of Appeal; discussed the difference between a limited review or a De Novo proceeding; stated that the significance of a De Novo proceeding is that if it is the Board's desire to authorize the extension it will require three votes of the Board; advised undertaking this hearing as a hearing De Novo which means that the Applicant, not the Appellant, needs to obtain three affirmative votes to move forward with the project; noted that Planning Commissioners are precluded from testifying at this proceeding; and remarked that if the Board votes and it results in a 2-2 vote, then Board procedures require the matter to be continued until the 5th supervisor can be in attendance. Supervisor Bibby required clarification of whether the Board is reviewing the entire development project or will it be reviewing new information from the time the last California Environmental Quality Act (CEQA) was affirmed. Mr. Abbott responded, noting that CEQA dictates that before the Board grants an approval, it has to have a sufficient environmental document to support that decision; remarked that in this case an Environmental Impact Report (EIR) was previously certified and successfully litigated at the trial court and the court of appeal; noted that the Board subsequently granted other approvals and extensions associated with the project which means that the decision before the Board is whether or not there are grounds presented, and usually involves new information that was not known or could not have been known at the prior determinations; stated that the Board is not going back to the beginning on the CEQA process, but is looking at that delta of new information and how it matches up, noting that new information by itself does not invalidate the CEQA documents that have been prepared to date as there is a fairly high threshold that is required; and noted that the County cannot just unilaterally require a new EIR because it feels like it that day, it has to be based on evidence and the statutory test.

Supervisor Bibby noted, for the record, that the Board was just provided the a documents entitled "Flood History of Meadow prompted community concerns over Silver Tip," and a memo to the Board from John B. Anderson consulting planner, dated October 12, 2010, for amended site plan application 2009-124 Silver Tip Resort Village, Fish Camp/Pacifica Real Estate Group application.

Staff Presentation

Sarah Williams introduced Steve Engfer/Associate Planner who gave the staff report.

Ms. Williams noted that there are two additional pieces of information that were just provided as they are not included in the agenda packet: a series of 13 slides that will be presented by John Swensen, and a letter to the Board of Supervisors from October 12, 2010, that was submitted during the processing of a prior project involving Silver Tip. Ms. Williams noted that she submitted the 2010 letter as it is regarding concerns that were voiced from the community during that 2010 public hearing process; noted that a technical memorandum for Big Creek flood analysis was submitted and prepared by Newfield's Basin Services; remarked that correspondence was submitted to describe the concerns the community had about flooding, and is included in agenda packet page 706; noted that as a result of the public hearing, the Board responded by imposing condition number 99, as well as making Findings relative to the CEQA determination, noting that the discussion is on page 5 and 6 of the memo from John Anderson.

Supervisor Bibby inquired if any of our legal counsels see a problem with staff's response to appellant item number 7 which notes that the Board's action in 2003 is not an action that can be considered in this appeal. Bill Abbott responded, noting that the scope of the proceeding today is the extension, not the underlying approval; and the CEQA issue is that you don't go back to open the original EIR as CEQA limits the Board so that it can only reopen the CEQA document if certain evidentiary facts are present in the record.

Supervisor Bibby required clarification that counsel is comfortable with staff's response, as well as the hierarchy of the Fish Camp Specific Plan comments. Mr. Abbott affirmed, noting that he feels that staff has correctly described the relationship of the Fish Camp Plan and regulations to the broader regulations of the County.

Appellant's Presentation

Karen Glendenning/Appellant introduced John Swenson and deferred opening statements to him.

Mr. Swenson noted that he is an attorney but is not appearing on behalf of anyone; discussed his personal nexus with Fish Camp; and stated that he believes the obstacles facing the Silver Tip project are insurmountable and that it needs a reset. Mr. Swensen referenced County Code section 17.140.020 and noted that it states that the approving authority may approve one extension of time on a conditional use permit (C.U.P.), noting that the extension being sought is for Conditional Use Permit 267; and urged that two extensions have already been given. Mr. Swensen also noted that staff feels that the Fish Camp Town Plan is the controlling authority and discussed same, noting that the Fish Camp Town plan is silent on conditional use permits while County Code Chapter 17.140.020 does speak on the issue; remarked that the Canons of Statutory Interpretation include a presumption against a pregnant silence; and stated that a paraphrased recent United States Supreme Court ruling stated that the law does not hide elephants in mouse holes. Mr. Swensen also noted that another Canon of Statutory Interpretation states that where one statute is silent and another speaks, the one that speaks controls; and urged that a similar scenario exists in this instance and, therefore, the code that speaks to the issue should control. He also remarked that staff and the developer are relying on section 03 of Appendix 4 of the Fish Camp Town Specific Plan as authorizing extensions of C.U.P.s; noted that the section states that "upon the recommendation of the Planning Commission, and for good cause shown by the property owner, the Planning Commission may also extend the limits imposed by the development schedule"; remarked that Paragraph 3 speaks to revoking the permit, and argued that the priority of order implies that the code is really speaking to revocations as the primary power; stated that there is the limited ability to extend the limits imposed by the development schedule; and stated that "development schedule" is defined in the Fish Camp Town Plan as being "what shall accompany the application for a P-D" and that it "will indicate the approximate date when a construction of a project can be expected to begin, which date shall be no later than one year after the effective date of the P-D, the anticipated rate of development, and the completion date," and that the condition is binding on successors which, in this case, is Far West, the present owner. Mr. Swensen then referred to a letter from Mr. Glasky to Sarah Williams dated April 10, 2014, which included a development schedule and discussed same, noting that there is no mention of a C.U.P. in that development schedule. He also noted that, according to the schedule submitted with the application, the wetland mitigations that were to be completed by September, 2014, did not occur; and noted that this date for completion is long past one year since the approval of the P-D. In review, Mr. Swensen noted that Section 17.140.020 limits C.U.P.s to a single extension of not more than 18 months; noted that the Fish Camp Town Plan does not address C.U.P.s but does address extensions of the limits imposed by the development schedule; noted that Fish Camp Town Plan defines a development schedule which does not include C.U.P.s. Mr. Swensen noted that "good cause" is an issue; noted that the Fish Camp Town specific plan does not specifically define "good cause" but that good cause for extending conditional use permits is defined in Mariposa County Code Section 17.140.020 as being necessary and not detrimental to the public health, safety and welfare"; discussed various areas in which considerations were not good cause; and argued an absence of good cause. He also stated that Mr. Glasky urged the Planning Commission to adopt a narrow definition of "good cause" as being whether "the applicant has shown that they are working through the process, that it's not just another delay tactic"; remarked that he found it interesting that

Mr. Glasky qualified it as just another delay tactic; noted that the Planning Commission adopted applicants language; and discussed the approval of the C.U.P. and the Findings that were adopted at that time. Mr. Swensen also noted that Pamela Salisbury stated that her water has been turned off and she has had difficulty getting it turned back on; remarked that the impact of the development on the health, safety and welfare on Fish Camp in light of a three year drought needs to be considered when deciding good cause; discussed that new data from Yosemite West showing contamination of groundwater wells by effluent from the Yosemite West Wastewater Treatment plant is new data that is applicable here and should be considered; discussed issues that he categorized as misrepresentations by the developer; and stated that he feels that the prior developer is still involved in this project. Mr. Swensen also noted that California Public Resources Code (PRC) Section 21166 was not addressed before the Planning Commission, and that it states that a CEQA review is required if there is a finding of substantial new evidence; asserted that there has been a substantial change to the floodplain since the EIR as evidenced by the Newfield Hydrology report; urged that such a change will require project changes significant enough to require, at the very least, a supplement to the EIR; noted that he thinks the issue is analogous to the case of Mira Monte Homeowner's Association versus San Buenaventura County and discussed same. Mr. Swensen also remarked that new information is defined under PRC section 21166, as requiring a revision to the EIR; and cited the 2014 case of Sierra Club, et al. v. County of Fresno which found that the EIR as submitted was vague as to mitigation and was inadequate. Mr. Swensen reviewed his slides; discussed data presented in the Flood History of Meadow prompted community concerns over Silver Tip from the Newfield Hydrology report; and discussed what might happen should a flood event occur. He also noted that the latest plans show a seeped spring; urged that the proposed wastewater treatment plant is less than ideal if a failure should occur given that it is on the edge of the creek; discussed the aerial map from the second submitted Silver Tip 100-year floodway, asserting that it is insufficient as it does not incorporate snow melt; discussed that the retaining wall to the east of the post office is within the floodway; and noted that they added the Cedar Creek floodway which was not included by the developer. Mr. Swensen discussed an upstream "levee" cross section where Cedar Creek joins Big Creek; noted that the developer does not show any water; remarked that the impact on the floodplain was contemplated back in 1999, and the developer has had plenty of time to figure this out; stated that he is convinced that this project, as designed, won't be built and urged that it is better to "reset" it now rather than later; and stated that it appears that the project developers are attempting to increase the value to the property. Mr. Swensen remarked that Far West has never built a hotel; stated that Far West is on their third round of grading permits; remarked that the initial floodplain elevations were wrong; and stated that Pacifica still holds itself out as the developer of this project and he believes Mr. Giantini and his son are present. He concluded by discussing the developer's 2012 application for an extension, and remarked that it points to a project that won't be built.

Karen Glendenning introduced Karen Green/President Yosemite Alpine Village Homeowner's Association. Ms. Green discussed her confusion regarding Exhibit "E" noting that there is a paragraph from Jeffery Reid summarizing what allegedly happened at the Fish Camp Planning Advisory Council meeting on April 19, 2014 when the council considered the developer's time extension application. She read a portion from Mr. Reid's letter that stated that the council considered the text of the Fish Camp Specific Plan, and then which goes on to request the Minutes from the Fish Camp Advisory Council meeting be placed into the record of these proceedings; noted her confusion in light of the fact that there is no mention of the Specific Plan in those minutes; and inquired how we know that this was actually discussed. Ms. Green then discussed Fish Camp Specific Plan appendix 4.1(R) regarding public hearings for Planned Developments, and read into the record that portion of the code regarding public hearings, noticing requirements, and the requirement that property owners within 600 feet of the proposed planned development receive notice

by mail of such hearing. Ms. Green then stated that in the transcription of the Planning Commission public hearing for May 23rd, Mr. Glasky claims that this item only refers to the initial public hearing for a proposed planned development; remarked that if this were true, the code section title would be "Public Hearing" rather than "Public Hearings"; and she argued that the 600 foot notification applies to all public hearings for a planned development in Fish Camp. Ms. Green remarked that further proof that the 600 foot noticing requirement is not just for the first public meeting can be found in Appendix 4, Section S of the Fish Camp Specific Town Plan which reads, "Following the hearing required by section R, the Planning Commission shall make a report of its Findings and Recommendations with respect to the proposed planned development and shall file with the Board of Supervisors a copy of such report. Such report shall include a statement of whether the proposed planned development is in conformance with the latest adopted specific plan. If the Planning Commission deems it advisable, it may recommend that the area under consideration for a planned development be enlarged or diminished." Ms. Green noted that this is followed by Section T regarding Action of the Board of Supervisors which reads, "Upon receipt of such report from the Planning Commission, the Board of Supervisors shall schedule the matter for public hearing and publish notice thereof as required in Section R." Ms. Green stated that the nineteen pages submitted by staff prove that the Planning Commission public hearing on May 23 was not noticed properly since only property owners within three hundred feet were noticed. Ms. Green then spoke to the issue of the permitting process, noting that when the project was approved by the Board of Supervisors they gave the developer 24 months to complete the permitting process which is, in Ms. Green's opinion, a violation of the specific plan as Appendix 4 only allows for one year to complete the permitting process. Ms. Green stated that the developer and County staff continued to include the permitting process as part of the development schedule which violates the Fish Camp Specific Plan. Ms. Green referred to Mr. Swensen's presentation regarding the development schedule and noted that item E. On Page 5 of Appendix 4 states that the development schedule begins with the start of construction, not with the start of the permitting process, while Appendix 4, section 03, allows for extensions of the development schedule, and not the permitting process. Ms. Green also addressed attachment J, stating that the 2012 report by Provost and Pritchard is new information and this is the first time that the public has seen these responses. She also discussed correspondences from the Building Department, Public Works Department, Environmental Health Department; Fire Department; and Planning Department to the developer's grading plan submittal and resubmittal, and questioned why they were not in the packet received by the Fish Camp Advisory Council; noted that the Fish Camp Advisory Council recommended an 18 month extension without seeing this information; and remarked that the Planning Commission recommended an 18 month extension without seeing this information. Ms. Green concluded that there appears to be some serious specific plan violations; remarked that key documentation appears to have been withheld; and stated that there isn't one part of the Planning item that doesn't appear to have been written by the developer's attorney.

Karen Glendenning/Fish Camp resident noted that an extension of this project is not in the best interests of the citizens of Fish Camp; noted sending an email to the Board members regarding the Yosemite West Wastewater Treatment Plant a few weeks ago, relative to the citations against the County for problems at that facility; noted that the community is worried the distribution system will adversely affect their water system; noted that in 2007, the previous developer cited the Board of Supervisor decision to adopt the EIR when they applied for the wastewater treatment facility permit; and again claimed that the water will be contaminated. Ms. Glendenning discussed issues with Yosemite West; discussed that the amount of water listed on the Silver Tip project application is 1 to 2 million gallons per month, noting that her subdivision uses less than one million gallons per year; discussed an increase in time needed to fill her water tanks; discussed past actions by various Boards; noted that, in 2012, there were nine levels of condition of

approval that had been completed, and argued that they do not show good cause; and requested support of the appeal.

Board Questions

Supervisor Bibby required clarification of why the mentioned communications with Public Works and Building were not presented to the council. Ms. Williams responded that Fish Camp is not part of that permit; stated that she would not characterize the withholding of that information as willful; and noted that we do not have many projects of this size. Supervisor Bibby remarked that the issue at hand was "good cause" and the information likely would have been beneficial. Ms. Williams responded, noting that there are a number of regular and routine correspondences in the file that was not provided to either the Planning Commission or the Fish Camp Advisory. Supervisor Bibby noted information that was included in the Board packet, and inquired as to why the correspondence had not been included. Ms. Williams responded that the Planning Department is aware of the community's concerns regarding the conditions and this project, and has created a webpage relative to conditions compliance; and remarked that this was done for transparency. Supervisor Bibby read a portion of agenda packet page 945, Number 3 of the Fish Camp Plan, which speaks to failure to meet approved schedule and notes that the department may recommend that the commission initiate proceedings to revoke approval of the development plan and for good cause; and inquired if it has ever come up as to the reasoning of why it says "may" rather than "shall."

Steven W. Dahlem/County Counsel noted that this section of the Appeal Hearing is to provide time to ask questions of the appellant; and that there is an appropriate section for questions of staff under procedure number 6.

Other speakers in support of Appellant's Presentation.

Richard Ryon/Chairman of the Yosemite Alpine Community Services District noted that they are highly impacted by this project; remarked that their concern is water; stated that they are having trouble keeping water tanks full at this time; and remarked that this is new information and should require further appraisal. Mr. Ryon also noted that he submitted a letter to Steve Engfer and Sarah Williams yesterday regarding whether it is the county ordinances or the Fish Camp specific plan that takes precedence. He also called attention to a communication from the applicant's attorney stating that it would be helpful for the Board to qualify this interpretation of the provisions of the Fish Camp Town Plan by including it in its resolutions confirming the Board's adoption of such interpretation; and argued that the Fish Camp Specific Plan is silent on the number and duration of extensions which are allowed and, therefore, the County Code rules; and argued that this extension is illegal.

Recess

4:02 PM Chair Cann recessed the hearing, and reconvened at 4:11 PM.

Opponent's Presentation

Ira Glasky/Palm Springs Village-309 aka Far West Industries: noted that he is an attorney; noted that Far West has been around for 35 years; discussed the types of developments that they have done, noting that they have not yet done hospitality but have worked with hospitality builders before; remarked that they know how to do development and will bring in a hospitality operator to do the hospitality portion of it; noted that they are a family owned company; stated that they are well capitalized, and have never acquired property by borrowing money; and noted that there has only been one instance where they have not closed a contract to buy property. Mr. Glasky also discussed the acquisition of the property noting that they purchased the property from the bank in 2012; discussed the discovery that the general store property by the highway was the one parcel that

wasn't part of the bank's foreclosure; discussed the need for same in order to acquire the Caltrans encroachment permit to allow access in and out of Fish Camp Lane for the new project; noted that they also learned that some of the permits were in the names of previous entities and were now tied up in the bankruptcy; and remarked that most of 2013 was spent trying to get some of those assets out of the bankruptcy estate so that they could proceed with the project. Mr. Glasky also noted that they made the decision to not proceed with any additional detailed developmental plans until they knew that they could get that threshold problem resolved; discussed the formation of a purchase plan to purchase certain assets from the bankruptcy estate; and noted that, once solved, they re-engaged the consultants, filed for a new encroachment permit from Caltrans, and filed with CAL FIRE for two timber permits. Mr. Glasky noted that it was at this point that they asked staff what would be the best way to address the outstanding issues and to best work with all of the different County departments, and were advised to submit the plans so that Planning could circulate them in order to get feedback from the departments on what they were going to look for, and that was the February submittal that was previously discussed. Mr. Glasky noted that the responses received back on that submittal were somewhat pro forma in that they said that the plans were not detailed enough for formal comments, but there were responses of department concerns that needed to be addressed which their consultants used to guide the work needed for the next plan check. In response to comments that they proceeded in bad faith or didn't put forth the effort, Mr. Glasky noted that during that time they spent over \$500,000 on consultants; prepared rough and fine grading plans, street plans, detailed storm plans, retaining walls, hydrology and hydraulic reports, erosion control plans, snow removal plans, Highway 41 design, noise mitigation plan for Fish Camp Lane, water and fire flow plan, parking plans; completed an ADA Review of the grading plan; completed asbestos and lead paint testing of the old lodge building; had the architect work on more detailed design drawings so they can meet grading permit requirements; updated the leach field design; created a conceptual landscape plan; completed an amphibian survey, a gray owl survey, and an updated tree survey; completed geotechnical testing in order to produce a design for retaining walls and which was a requirement from Caltrans; and started working with the other agencies outside of the county like the U.S. Army Corps of Engineers and the California Regional Water Quality Control Board. Mr. Glasky remarked that the California Fish and Wildlife stream bed alteration permit has not yet been transferred over because it is tied up in bankruptcy, and needs a letter from the current owner; noted that they can't get the Caltrans permit until they can show that they have rights over the general store property; remarked that this is a large project with complex permitting requirements within the county and elsewhere; and advised that on December 31, 2013, they filed for the timberland conversion permit and the timber harvest permit, but they still have not yet been issued by CAL FIRE. Mr. Glasky also discussed the plan check, and remarked that he has never seen any plan check comments go to any discretionary bodies; and advised that the second plan check from June shows that most of the issues have been satisfied which shows a tremendous amount of progress. Mr. Glasky also discussed the project going before the Fish Camp Advisory Committee where it received a 5-2 vote for the extension, and noted that one of the votes against the extension was a competitor across the street. Mr. Glasky also noted that the extension also received approval from the Planning Commission. Mr. Glasky advised that they have been proceeding as fast as they can and that they are committed to seeing this project through to the end; and he discussed occasions where they met with staff to redraw maps, and work on the site plan. Mr. Glasky also noted that in regard to condition 99, in 2010 the Planning Commission decided that it was important that the issues in the EIR having to do with the 100 year flood plain were clearly laid out so they added condition 99; noted that the previous owner hired Provost and Pritchard to produce that study which Mr. Glasky remarked upon as being very clear; and noted that it was accepted by the County as an appropriate methodology and report. Mr. Glasky discussed being approached by staff requesting some

mitigation, the resulting need for the site plan that was submitted this year, and the satisfaction of staff to same. Mr. Glasky also responded to Appellant's recounting of a comment that it was "not another delay tactic," noting that he used that terminology during the Planning Commission hearing in an attempt to address that allegation which was made by Karen Glendenning during the previous Fish Camp Advisory Council meeting. Mr. Glasky then released the floor to Jeff Reid.

Jeff Reid/legal counsel for the applicant for the time extension addressed C.U.P. extensions, and discussed the Fish Camp Specific Town Plan, which is Exhibit F of the staff report, noting that it governs the establishment of P-D zones in Fish Camp. He noted that page two discusses that uses in a P-D zone are to be authorized and that any use may be permitted; and goes on to say that a Use Permit shall be required for all uses in a P-D with the exception of a single family residence, which is why there is a Use Permit and not a Conditional Use Permit for this project. Mr. Reid noted that in this instance it is not a Conditional Use Permit because the project type falls within the allowable uses zoned for the area; explained that C.U.P.s are for project types that are not listed for a zone; noted that as a Use Permit the project type is listed as permissible; and noted that a Use Permit may be issued by the Planning Commission without a public hearing. Mr. Reid discussed the County's timelines for development schedules; remarked that they allow the Planning Commission to extend the limits imposed by the development schedule; noted that the activation date of the P-D Permit and its related Use Permit are elements of a development schedule; and stated that those extension dates are, therefore, governed by the provisions of the Fish Camp Town Plan, not Title 17. Mr. Reid noted that the Fish Camp Town Plan is an ordinance; discussed the hierarchy of planning documents, noting that the General Plan is the highest and that the Fish Camp Town Plan is a part of it and, consequently, enjoys the same hierarchy and authority as the General Plan. Mr. Reid also discussed Section 4.01.04 regarding conflicts between adopted codes and the updated General Plan, and noted that the General Plan is the prevailing document which is why the Fish Camp Town Plan and its provisions is the appropriate code. Mr. Reid argued that the start date is part of the development schedule; noted that the key thing regarding "good cause" is that the determination of same is entirely at the Board's discretion; noted that the language of the good cause standard is the language in Addendum 4 of the Town Plan; remarked that the law provides that no additional Environmental Impact Review is necessary without certain standards of evidence, and that staff has noted that there is no requirement for a new EIR; noted that the EIR considered drought and is not a changing circumstance that would require a new EIR; remarked that staff noted that the wetlands discussed are not new, and that they are not wetlands but, rather, are new printouts of maps that had data from 1983 and remarked that the claim is so unsupported that it raises significant concerns about the credibility of any new factual claims that the appellants are raising; and noted that Mr. Glasky spoke about the floodplain issues, remarking that all of that dialogue was something that was talked about four years ago and conditions were developed, so is not new information. Mr. Reid also discussed the issue of this hearing being De Novo rather than a limited appeal and noted, for the record, that their position is that the matter should not be a De Novo hearing due to resolutions adopted by the Board but, rather, should be limited to matters that were raised by the prior hearing. Mr. Reid also noted that procedures allow the appellant the last chance to talk, and requested a chance for a final rebuttal, and suggested that such can be satisfied by asking a question at the end of the main rebuttal as to whether they have any additional information to provide.

Mr. Glasky responded to an earlier comment regarding the Giantini's by noting that they hired David Giantini as a consultant as someone who is familiar with the project and that it is not a joint venture between the parties. In response to allegations regarding waste water treatment facilities, Mr. Glasky noted that the design and operation is subject to a permit from the Regional Water Quality Control Board, and that they will comply with whatever they approve; noted that the issue of Yosemite West problems was mentioned

and he discussed some of the differences in the technology being utilized there; and noted that they will have professionals that are responsible for that system. Mr. Glasky concluded by saying that they understand and respect the opinions of the people who are not in favor of the project; stated that they have tried to be honest and open with everyone; noted that the project was approved on its merits in 2003; noted that today the Board is being asked to look at the application; and requested that they be allowed to continue to work with staff.

No questions from the Board.

No speakers in support of Opponent's Presentation.

Rebuttal by Appellant

Karen Glendenning noted that Mr. Glasky testified that they did drilling and took samples on the property which she believes is a direct violation of the guidelines for the grading of the Conditional Use Permit. Ms. Glendenning also remarked that they were not to do any drilling or disturbance of the soil prior to the granting of a grading permit, and stated that this is an example of "not good cause." She also noted that Mr. Glasky made comment of allegations of the wells being outside of the easements, and remarked that those are terms of a lawsuit originally filed by Pacifica's Real Estate Group, which was taken over by the bankruptcy court and then Palm Springs Village/Far West Industries, and remarked that that lawsuit was dismissed with prejudice in the Mariposa County Superior Court, and urged that the allegation of the wells being outside of the easements is not valid; discussed the history of the wells; and stated that it does not show good cause.

John Swensen noted that the permit has always been referred to as a Conditional Use Permit, and has 99 conditions upon which it relies for its approval. Mr. Swensen also noted that it was pointed out that the Advisory Council voted on the project's behalf, but that Karen Green remarked upon information that was lacking when they made that decision. In response to the comment that the floodplain issue is not new, Mr. Swensen remarked that the drawing of the floodplain issue is new and one doesn't need to be an engineer to see that it is not capturing the pine tree shown in a photograph; and it is relevant to the good cause and health and safety issues. Supervisor Cann noted that in condition 99, all of the information that the opponent needs to present has to be stamped by a licensed professional, but he did not see such a stamp in the Newfield study; and he inquired if the Newfield study is certified by a licensed professional. Mr. Swensen stated that he knows that the people who did the Newfield study are licensed professionals, but he would have to look at it to see if it is certified. Supervisor Cann noted that there are a lot of important assertions made there and he would feel better if he knew that it was certified by a licensed professional because that is what is being demanded from the other side. Mr. Swensen responded by stating that it is in the record, and they have it so they can look at that; and he concluded that the Newfield study was conducted by a licensed professional water hydrology engineer. Supervisor Cann requested the Planning Department to attempt to verify whether that is certified by a licensed professional as it is in the record.

Board Clarification

County Counsel noted that 6.A of the Appeals Procedures is the Staff response to issues raised, and inquired if Staff would like to provide any responses.

Bill Abbott remarked that the Newfield study that was discussed is not wet-stamped, which is what you would expect from a licensed engineer in California; and in looking at Newfield's website, they are not licensed as a civil engineer in California; and noted that the latter does not mean that you cannot consider their information, but that it can be

considered when gauging the weight of the information, and hold it up against Condition number 99 which does require engineered studies to be supplied by the applicant.

Steven Engfer noted that Attachment J includes the Provost and Pritchard Floodplain study, and does have an engineer's stamp on it.

Sarah Williams noted that an allegation was made that obstacles for construction are not insurmountable, and remarked that she did not think any evidence was submitted to support that claim. She also noted that a second issue alleged that flood impacts were not addressed for Block D, and she noted that Condition number 99 does specifically require flood impacts for both onsite and offsite properties be addressed through the grading plan. In response to a claim that information was withheld, Ms. Williams noted that her office is subject to the Public Records Act, and any information in the file for this project is available; that the only information that is not available through the Public Records Act is attorney-client privileged information; and that they did have some interested persons come in and review the file. Ms. Williams also noted that an allegation was made that the CSD wells will have contamination, and noted that no evidence was submitted to substantiate that claim that would refute or override the EIR permitting requirements.

Board Questions

Supervisor Carrier required clarification from staff of the difference between a Conditional Use Permit and a Use Permit, and the relevance in this application. Ms. Williams noted that additional time could be needed to evaluate that, and inquired if she could get back to the Board with the answer.

Supervisor Jones discussed his experiences with a number of projects and noted that they all took longer and cost more money than anticipated. He also required clarification from Mr. Glasky as to whether they had submitted grading permits. Mr. Glasky affirmed, and discussed same. Supervisor Jones inquired if it is unusual to have to submit permits multiple times to get them correct. Mr. Glasky responded that it is not unusual on a project of this size. Supervisor Jones required clarification that the water coming from the current residential wells is not the same water from the project wells. Mr. Glasky responded, noting: that there are two wells onsite now which are owned and operated by Yosemite Alpine Community Services District (YACSD); that they have an additional five wells out there, as well as having some access to offsite water from the Forest Service land; that the YACSD wells are at shallower depths and the project will be pulling from aquifers at a different depth; and that studies that were done and which are part of the original approvals talked about the effect on either of them from pumping, and were part of the Environmental Impact Report. In response to the issue of problems at Yosemite West, Mr. Glasky noted that: the California Regional Water Quality Board (RWQB) is responsible for wastewater treatment facilities and requires permitting and licensing from them; the project has a plan that has been approved by the RWQB, that will be permitted by the RWQB and is subject to reporting to them, and oversight by them; the response from the RWQB said that the troubles at Yosemite West are from very different causes from differences in the two systems as Yosemite West is undisinfected secondary waste water treatment, while the project's proposed facilities will be disinfected tertiary treatment designed by a qualified engineer and monitored daily by staff. Supervisor Jones required assurances that the project would be maintaining their system. Mr. Glasky affirmed, and noted that the penalties for failure are pretty severe.

Chair Cann required clarification of whether Supervisor Carrier needed a response to his question of C.U.P. versus U.P. in order to move on. Supervisor Carrier stated that he did not.

Noting no further clarifications needed by the Board, Chair Cann announced that the proceedings were now moving to Item Number 7 of the Appeals Procedures.

Staff Procedural Questions

Chair Cann noted that there is a proposed Resolution with Findings, and required

clarification of whether those Findings will be sufficient if the Board chooses to adopt the Resolution. Bill Abbott responded noting that the preferred course of action, given the significant record and hours of testimony, is to update the Findings to incorporate any new information which requires staff to come back to the Board with the updated Findings. Chair Cann inquired of Ms. Williams if there were any other procedural issues. Ms. Williams responded that there were none.

Chair Cann queried the Board as to whether there were any more questions for staff, appellants or opponents at this point.

County Counsel required clarification for the record of whether Supervisor Carrier is requiring an answer of his question regarding the difference between a Conditional Use Permit and a Use Permit. Supervisor Carrier responded that he is not requiring an answer at this time.

Supervisor Bibby required clarification as to whether the opponent of the appeal wants to make a final comment.

Mr. Reid noted that the comment was made that "this must be the droid you're looking for" because it has conditions associated with it, but noted that the C.U.P. conditions and P-D conditions are identical except for conditions 1, 3, 6, and 86 and argued that it makes the point that the C.U.P. and P-D are joined at the hip and for whatever reason, staff at that time wanted to include all of the conditions in both of them, but the Use Permit (U.P.) was intended to be implementing the P-D. Mr. Reid discussed differences in the conditions, noting that Condition number 1 has a reference to Exhibit 5 in the P-D, as opposed to not being in the C.U.P.; remarked that he cannot find a difference in Condition number 3; Condition number 6 contains a reference to prior to the issuance of any site disturbance, and the other one states prior to the issuance of any building permit; Condition number 86 there was only a slight difference in its phrasing, while the P-D permit actually had some additional language but they are effectively the same. Mr. Reid also noted that the lack of certification of the Newfield report is relevant; and noted that it was presented at a prior hearing so it is not substantial evidence of any new change of circumstances or new evidence.

Mr. Glasky noted that the conditions of approval, and compliance with conditions of approval, will be ongoing and County staff will be required to ensure compliance for same. Mr. Glasky also cautioned that this should in no way be construed as an acknowledgement that conditions have been met or not been met, and they will still need to address each of these items. Mr. Glasky also noted that the other issue is that the staff report was strong and robust, and that they feel that the Findings that are contained in the staff report are sufficient on the issue, and requested that the Board take action tonight.

Supervisor Carrier noted that his understanding of the difference between a Conditional Use Permit (C.U.P.) and Use Permit (U.P.) is that a permit is issued for some type of use without any conditions, while a conditional use permit has conditions attached to it which must be met in order to comply with that permit; and inquired if that would be a good definition. Mr. Abbott responded, noting that the difficulty in answering the question is that State law does not define the structure as to how any particular city or county administers its use permit regulations; and noted that given the complexity and uniqueness of this jurisdiction's regulations, vis-à-vis the relationship of Fish Camp to the Title 17 and the General Plan, would require some research and analysis.

5:16 PM Chair Cann closed the Public Portion of the hearing and moved into deliberation.

Deliberation

Chair Cann gave an overview of the types of actions that the Board can now consider. Supervisor Jones moved to adopt the resolution as presented, amended to be a two year extension starting today. Supervisor Carrier seconded the motion.

Chair Cann noted that counsel had earlier suggested the possibility of needing to enhance the Findings to reflect today's proceedings, and requested clarification.

Mr. Abbott noted that to do so is a general practice and not mandatory; noted that the Findings that were drafted were based upon the evidence available to staff; and concluded that the evidence presented today, is the same as what was presented earlier, so there is no need to defer the matter to edit the Findings.

Chair Cann called the vote, and it passed 4-0, with Supervisor Stetson excused.

RESULT: ADOPTED AS AMENDED [4-0]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

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

EXCUSED: Lee Stetson

M. Adjournment

5:33 PM Chair Cann closed the hearing and adjourned the meeting in memory of Bill Ruether.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors