



MARIPOSA COUNTY

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5100 Bullion Street
<http://www.mariposacounty.org/>



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

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

April 1, 2014

A. Call to Order and Roll Call

9:03 AM Chair Cann called the meeting to order at the Mariposa County Government Center, noting that there was a quorum with a full Board.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:02 AM
Merlin Jones	District II Supervisor	Present	9:02 AM
Janet Bibby	District III Supervisor	Present	9:02 AM
Kevin Cann	District IV Supervisor	Present	9:02 AM
John Carrier	District V Supervisor	Present	9:03 AM

B. Pledge of Allegiance

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

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.

Regarding CA1, Supervisor Bibby inquired as to why the Sheriff's Department was not being included in the parking routing, and requested details on the use of the transit bus and the source of the funding. Rick Benson/County Administrative Officer responded

that the Sheriff's Department is the last step on the Assemblage Permit and that he believes that they have already signed off on it but that he can check. Terri Peresan/Community Services Department Director responded to the bus issue noting that this is just procedural based on the funding source.

Supervisor Jones commented on CA4, noting that the Agricultural Commissioner's office has been short staffed for more than a year and he applauded the work that they have been able to do with the minimal staff.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-132

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

CA2. Administration RES-2014-133

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

CA3. Administration RES-2014-134

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

CA4. Agricultural Commissioner RES-2014-135

Allocate One Agricultural and Standards Inspector I/II Position to the Agricultural Commissioner Budget; Authorize Filling This Allocation with an Agricultural and Standards Inspector I Effective April 1, 2014; Eliminate One Senior Agricultural and Standards Inspector Allocation from the Agricultural Commissioner Budget; Approve Budget Action Transferring Funding Within the Agricultural Commissioner Budget to Accommodate the Change in Allocations (\$11,184)

CA5. Board of Supervisors

Approve the Minutes of Tuesday, March 18, 2014

CA6. Board of Supervisors

Approve the Minutes of Tuesday, March 25, 2014

CA7. County Counsel RES-2014-136

Approve Budget Action Transferring Funds Within the County Counsel Budget to Cover the Cost of Regular Travel in Addition to Unforeseen Litigation Travel (\$1,000)

CA8. Health 2014-39

Accept the Resignation of Chief Jim Wilson as Primary Representative for Mariposa County Fire from the Mariposa County Emergency Medical Care Committee (EMCC); Appoint Chief Leonard DeJoria to Mariposa County EMCC as Primary Representative for Mariposa County Fire

CA9. Human Resources/Risk Management RES-2014-137

Approve Amendments to the Victim / Witness Services Supervisor Job Classification

CA10. Human Services/Behavioral Health & Recovery Services 2014-40

Accept the Resignation of Jeremy Briese from the Mental Health Board; Appoint Sterling Cramer to the Mental Health Board for a Term Expiring on March 25, 2017

CA11. Planning 2014-41

Appoint Catherine "Pinky" Collamer to the El Portal Planning Advisory Committee with a Term Expiring February 28, 2016 (Supervisor Stetson)

CA12. Sheriff's Office RES-2014-138

Approve an Agreement with the United States Drug Enforcement Administration for Reimbursement for Marijuana / Drug Investigations; and Authorize the Sheriff to Sign the Agreement

E. Board Recognitions**1. Community Services 2014-42****Proclaim April 6 - 12, 2014 as "National Volunteer Week"**

No staff report. No public input.

Board members extended their thanks and appreciation to all of the volunteers in Mariposa County and discussed their importance.

Chair Cann presented the proclamation to Terri Peresan.

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 2014-43**Proclaim the Week of April 7, 2014, as "Dr. Philip Smith Arts Week" (Supervisor Carrier)**

The staff report was given by Supervisor Carrier who discussed some of Dr. Smith's accomplishments. Tara Schiff/Community Development Coordinator.

Public comment opened.

Lt. Codie Hart discussed his son's experiences in the High School band under Dr. Smith's tutelage.

Kris Casto discussed the joy and energy that accompanied Dr. Smith.

Dick Hutchinson/Booster Board Officer discussed the music program under Dr. Smith.

Public comment closed.

Supervisor Bibby thanked the academic boosters and Dr. Smith, and discussed Dr. Smith's involvement at every event.

Chair Cann presented the Proclamation to Dr. Smith's son, Ian. Mr. Smith discussed his father and his philosophies.

RESULT: ADOPTED [UNANIMOUS]

MOVER: John Carrier, District V 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

Doug Binnewies/Mariposa County Sheriff discussed the Sheriff's volunteer Search and Rescue, and advised that their annual Benefit Dinner is on April 5th starting at 5 PM, with dinner being served at 6 PM.

Rich Drozen/CAL FIRE Mariposa Division and Mt. Bullion Camp reported that they have just hired some seasonal firefighters and will be staffing all of the fire stations in Madera, Mariposa and Merced Counties; discussed that they are moving to transition staffing beginning April 7th; noted that this is six weeks earlier than usual and is made available with the Governor's Executive Order; noted the rain is too little too late; and urged the public to cut back the brush and see to their fire clearances now. He also reported that the Lushmeadows fuel break should be completed this month, and noted that they are looking at establishing the old Telegraph lines as permanent fuel breaks. Supervisor Bibby inquired if there is anything that the Board can do to help. Chief Drozen responded that the Board can best help by supporting the Fire Safe Council, and the County Road Department. Supervisor Stetson required clarification regarding power line clearances. Chief Drozen responded, noting PG&E's responsibility and discussing the applicable code sections. Supervisor Jones and Chief Drozen discussed the map upgrade project currently being undertaken.

Len DeJoria/Mariposa County Fire Chief reported to the Board that they have 250 volunteer members on the roster, with 180 of them active, and he recognized them all for their dedication.

Terri Peresan reminded the Board that they will be serving at the Senior Center next Tuesday. She also extended her thanks to all of the volunteers.

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)

Kevin Darcy/Chairman of the Airport Advisory Committee discussed the current committee composition; reported that they have cut back their meetings to every other month, unless an issue arises; have moved Public Works to the beginning of the meeting so that they do not have to sit through the whole meeting; noted that they also discuss safety issues early in the meetings so that Public Works can be informed; noted they will be discussing how better to serve the community at the next meeting; discussed the importance of getting the Airport to a point of self-sufficiency; discussed the Airport's budget and FAA grant; noted the Airport's importance to the community during fire

season; and advised that the Experimental Airport Association will be hosting an Air Fair and Family Adventure Day with airplanes, car displays and vintage fly-ins on April 26th from 8 AM to 3 PM. Supervisor Jones extended his thanks to Mr. Darcy and the Airport Advisory Committee.

Marshall Long reported on the placement of a new plaque by E. Clampus Vitus at Mariposa County High School this last weekend, and advised of the upcoming Civil War Reenactment on April 11th, 12th and 13th.

Kathy McCorry/Chamber of Commerce Executive Director reported that the trolley will be running for the Air Fair and the Butterfly Festival; reported on the recent Candidate Nights and the Safety Meeting that the Chamber sponsored; and advised that they are partnering with the Community Development Department to sponsor a Spring Training Class at the Fairgrounds on April 16th.

H. Board Information

Supervisor Bibby advised of: an upcoming State Board of Equalization Bill of Rights Hearing on Thursday, May 22nd and noted that there were flyers on the back table; and Public Participation Hearings regarding California High Cost Fund-A program Rulemaking Proceeding R11-11-007 regarding phone and internet services in the community and encouraged public participation. Supervisor Bibby reported attending a recent Boy Scouts meeting, and discussed their Citizenship Badge program. She also advised that she will be attending a fire meeting later today; attending a fire status meeting on April 3rd; attending the Search and Rescue Benefit Dinner on April 5th; and serving the seniors next Tuesday.

Supervisor Carrier reported attending: the District I Candidates Night last Tuesday; the Integrated Regional Water Management Plan (IRWMP) meeting on Wednesday; the Economic Development Corporation (EDC) meeting on Thursday; the Public Safety Meeting Thursday evening; a meeting with Kathy McCorry from the Chamber on Friday; and a meeting with a citizen yesterday. He also reported going to the High School for the plaque placement but arrived too late for the festivities. Supervisor Carrier advised that he will participate in an IRWMP project review conference call tomorrow; be meeting with a citizen on Wednesday; attend a JPA Board of Directors meeting for Area 12 in Tuolumne on Thursday; participate in the Read and Ride awards presentation in Catheys Valley on Friday; attend the Search and Rescue Dinner on Saturday; and attend the Saturday evening performance of the Mariposa Symphony Orchestra at 7:00 PM at the High School.

Supervisor Jones reported attending: a meeting with the Fire Chief and the CSD Manager regarding the fire station in Don Pedro on the 27th; the EDC meeting on the 27th; the Coulterville Methodist Church roast beef dinner on the 29th; and a meeting on the 31st with a contractor regarding the Greeley Hill Library. He also thanked Supervisor Cann and RCRC for the updates; and made a correction to the newspaper regarding Coulterville water rates, noting that water was not discussed and that there was no discussion as to what the rates would do.

Supervisor Stetson reported: attending the Candidates Night in Midpines; attending the IRWMP meeting on Wednesday; and participating in a telephone conference with the Rose Foundation in an attempt to find a grant. Supervisor Stetson advised that he will be attending a variety of planning meetings this week regarding Midpines.

Supervisor Cann discussed a recent State Supreme Court ruling that upheld the ability of local jurisdictions to decide the issue of marijuana cultivation. Supervisor Cann reported attending: the Midpines Candidates Night; the RCRC Board meeting last Wednesday, noting that they discussed medical marijuana, Secure Rural Schools funding, and the Williamson Act; the EDC meeting on Thursday; and a meeting with a subset of Grand Jury members yesterday. He also advised that he will be: meeting with Supervisor Jones and the Public Works Director tomorrow; participating in the Watershed Management Plan Project Criteria Review conference call with Supervisor Carrier tomorrow; attending the Thursday morning Mariposa Business Association meeting;

attending the Tourism Bureau meeting Thursday afternoon; attending the Chamber Board meeting Thursday evening; meeting with a strategy group on Saturday morning regarding old town Mariposa; and attending the Search and Rescue benefit dinner Saturday.

Supervisor Bibby discussed the update on the Williamson Act and inquired if the CAO could do a letter of support since the Williamson Act is part of the Board's legislative platform. CAO inquired, off mic, if there is a bill to support. Supervisor Cann responded, noting some recent information from the RCRC. Supervisor Bibby also extended her appreciation to the Technical Services staff for their efforts regarding some recent technical changes.

1. **Clerk of the Board of Supervisors (ID # 3465)**

Handout from Supervisor Bibby During Board Report

RESULT: INFORMATION RECEIVED

I. Closed Session

1. **Human Resources/Risk Management (ID # 3385)**

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: California United Homecare Workers (CUHW) for In-Home Supportive Services (IHSS); Name of County Designated Representative: Tessa Pritchard

No Board or public input.

10:12 AM Chair Cann recessed the Board to Closed Session.

RESULT: CLOSED SESSION HELD

Report Out

10:22 AM Chair Cann reconvened the Board, and reported that Information was Received during the Closed Session.

J. Regular Agenda Items

1. **Human Resources/Risk Management RES-2014-139**

Approve a 24-Month Memorandum of Understanding (MOU) with the California United Homecare Workers (CUHW) Union and the Mariposa County In-Home Supportive Services (IHSS) Public Authority (PA), and Authorize the Board of Supervisors Chair to Sign the MOU

Tessa Pritchard/Human Resources Director-Risk Manager gave the staff report.

Supervisor Bibby required clarification that: this requires the State's authorization; the raises are not retroactive; and the money is in the budget. Ms. Pritchard affirmed all statements.

No public input.

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

2. Board of Supervisors RES-2014-140

**Approve Increasing the Annual Salary of the Sheriff-Coroner-Public
Administrator Position to \$125,684 Effective April 1, 2014**

Supervisor Cann gave the staff report.

Rick Benson responded and urged that the item not be approved. He noted that the Sheriff's salary is below other counties, which is consistent for all positions within the county. He discussed the salaries of other department heads relative to other counties, noting that they all lay within similar percentages; and urged the Board to wait until the results of the salary study are completed. He also discussed compaction, noting that it does need to be addressed, but that this item is excessive; and that in 2007 it was determined by the Board that a 7% rate is acceptable. Mr. Benson: referred the Board to handouts, noting that Chart C illustrates the total compensation; discussed the 2007 Board action, and the need for an objective basis to determine salaries; discussed past pay raises for the Sheriff's Department; and urged the Board to consider the formula. He also discussed recent salary negotiations, and the potential effects.

Board Clarification

Supervisor Bibby required clarification regarding the incentive and longevity pay of comparable counties, and recommended that the Board consider creating a Safety Department Head. Supervisor Cann noted that the salary information that he provided includes the salary and POST (Peace Officer Standards and Training) certification. Supervisor Bibby remarked that the compaction issue will keep resurfacing, and the creation of a Safety Department Head will also solve Probation and Fire. She also urged that this should be paid out of the General Fund, and not AB-109. Supervisor Bibby discussed with CAO the incentives and base rates. Supervisor Jones inquired as to when the compensation study will be completed. Tessa Pritchard responded that it should be available May 31st. Supervisor Carrier inquired if CAO could list out all the differentials that the safety members receive. CAO responded. Supervisor Carrier noted his agreement that compaction will continue to be an issue. Supervisor Bibby required clarification regarding a percentage rate, and requested Human Resources to weigh in regarding POST Certificates. Ms. Pritchard responded off mic that she would have to review the MOU.

Public comment opened.

Ruth Sellers spoke in favor of the increase. She remarked that what is being requested is too little, but that the Sheriff's salary should at least equal Tuolumne County. She also discussed using the CAO's salary as the base to compute salaries, and expressed her displeasure with same.

Bob Brown/former Mariposa County District Attorney provided some history regarding the development of the salary formula. He noted that, in 2002, the setting of all salaries was arbitrary, and the creation of the methodology was developed using the CAO's salary as the point of comparison; and remarked that despite urging Rich Inman, the CAO at the time, would not request that the CAO salary be raised to one matching the average of other CAOs. Mr. Brown also discussed efforts to establish a methodology in Mono County; noted that the Board has already taken arbitrary action in regard to other department heads; and urged the increase.

Jim Allen/retired Sheriff and former District V Supervisor spoke in favor of the increase. He remarked that Sheriff Binnewies is an outstanding sheriff and he discussed

the Sheriff's involvement in the community; discussed his experiences in 2007 when the issue of compaction last arose; remarked that a suggested flat figure of 19% only works when it is an internal candidate and doesn't work when there is an outside candidate; remarked that he didn't agree with setting the formula up to tier off of the CAO's salary; remarked that the CAO was opposed to the increase for County Counsel which occurred in December, 2012; and urged the Board to support the Sheriff, and take care of the other department heads when the salary survey is finished.

Brad Aborn discussed his recollections from 2006; noted that the Sheriff is on duty 365 days per year; and urged the salary increase.

Lester Bridges spoke in favor of the salary increase. He noted that the Sheriff works 24 hours per day, 365 days per week; and discussed the low turnout at the Public Safety Meeting the other night, remarking that it means that people are not concerned with the community's safety because of the efforts of the Sheriff and his department.

Lt. Codie Hart/Sheriff's Management Association (SMA) President urged the salary increase; noted that the office is better trained, better prepared, and more effective than before; remarked that it is good business practice to make sure that the department head is making more than his subordinates; and remarked that this action is crucial to address internal equity issues.

Bill Yaley spoke in favor of the salary increase; noted that public safety is the county's most important asset; and remarked that he thinks an increase can be objectively justified as the Sheriff is on-call 24/7, and has to strap on a gun to go to work.

Karen Smith urged the increase in salary, noting that she thinks it is overdue.

Kris Casto urged the increase in salary; discussed the Sheriff's leadership and the need for his leadership to be recognized; argued that a raise is past due; and suggested that the arbitrariness might be taken out of the issue by basing the sheriff's salary off of the undersheriff's salary.

Alison Tudor/Alliance with Community Transformations urged the increase in salary; discussed the leadership and support under Sheriff Binnewies.

Ron Iudice urged the increase in salary; took exception with the CAO's comments; and remarked that the Sheriff is due this raise.

Wes Smith/Deputy Sheriff's Association (DSA) President urged the increase in salary; remarked that he thinks the Board needs to be proactive with this issue; noted that a survey which included the Sheriff was presented by the DSA during negotiations, and this proposed salary is very low; urged the Board to consider the 19% suggestion; and discussed that the issue of incentives dissolving upon election as Sheriff needs to be revisited.

Marvin Wells spoke in favor of the salary increase. He discussed his service on different commissions and the Grand Jury through the years, noting that he has never heard any negative comments regarding Sheriff Binnewies; and noted that the Sheriff's responsibilities has increased due to the adoption of the recent marijuana cultivation ordinance.

Cathi Boze/Agricultural Commissioner spoke in favor of the salary increase. She noted her disagreement with the CAO; discussed having to hire a Deputy for her department at a Trainee level; and urged that the Sheriff be compensated at an appropriate level.

Pete Judy/Chief Probation Officer spoke in favor of the salary increase, remarking that it takes more courage to do the right thing.

Tom Cooke/Mariposa County District Attorney spoke in favor of the salary increase. He noted that the Sheriff is the head of the department that protects the citizens of the county; remarked that the Sheriff has done more with less; noted his agreement with previous speakers; noted the effectiveness of the Sheriff and the Sheriff's Department; noted that the Sheriff should not be paid less than the undersheriff; and concluded that this is important for public safety.

Public comment closed.

Deliberation.

Board members discussed: incentive pay; potential funding sources; potential salary ratios; the consideration of the creation of Safety Department Heads; the compensation study; and the difficulty that will present in filling the Agricultural Commissioner position under current salaries.

Supervisor Stetson noted that no one has any problem with Sheriff Binnewies' performance or character; and remarked that he feels that the CAO is properly presenting his case and that his job revolves around the budget. Supervisor Cann required clarification regarding Supervisor Carrier's suggestion; and reiterated that the CAO is doing his job, and should not be the focus of too much of the discussion.

CAO discussed the 19% formula; noted that department head increases were not brought forward because he did not think it was proper to do so until the rank and file had been addressed; remarked that he believes there are some areas that need to be considered further; and noted that the Safety department heads do not receive the EPMC.

Discussion ensued between Board members regarding incentives. Supervisor Cann inquired if the Executive POST could be considered separately. Supervisor Carrier responded affirmatively. Supervisor Jones discussed funding concerns. Supervisor Bibby urged that AB-109 would be better directed to deputies for limited terms, but that this should be paid for from the General Fund. Supervisor Cann noted that the Sheriff's Department has inherited a tremendous amount of work due to AB-109 which was why it was suggested as the funding source. Supervisor Bibby discussed AB-109, and expounded on her concerns regarding utilizing it.

Action was taken to allow the Sheriff's position to be given a ten percent (10%) POST incentive, as well as two eight percent (8%) cost of living increases mirroring what the Sheriff's Management Association received; with funding for the increases to come from the General Sheriff's operating budget.

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

CAO requested direction regarding the other department head salaries, noting that elected department heads cannot be made retroactive, and remarking that a majority of the department heads indicated they could wait until after the salary survey. Discussion ensued. Chair Cann inquired if the Board is comfortable with waiting for the study. The Board indicated their concurrence.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: John Carrier, District V Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

12:13 PM Chair Cann recessed the meeting for a brief break.

12:21 PM Chair Cann reconvened the meeting.

3. Treasurer-Tax Collector-County ClerkRES-2014-141

Approve Budget Action Increasing Funding in the Treasurer/Tax Collector Budget and Reducing General Fund Contingency for the Payment of Additional Legal Fees Relating to Bond Delinquent Fees (\$10,000) 4/5ths Vote Required

Keith Williams/Treasurer - Tax Collector - County Clerk gave the staff report, noting that they have recently recouped fees on one of the largest parcels.

Supervisor Bibby required clarification regarding the recoupment of funds. Responses were provided by Mr. Williams and Steven W. Dahlem/County Counsel. County Counsel noted that he believes it will be distributed pro rata, by bond payments.

Supervisor Jones extended his thanks to Mr. Williams for all of his work on this. 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 # 3363)**

Discussion and Direction Regarding Implementing Yearly Cost Increases for Water, Sewer and Roads Charges to Special Districts

Peter Rei/Public Works Director made the staff report, noting that one of the things that comes up is the lack of consideration for inflation; assured that there is nothing being considered today, as this item is just to get the Board's direction; noted that experts would need to be consulted before any possible action; and required direction as to whether the Board desires cost escalators considered in the future.

Supervisors Bibby and Jones noted their approval. Supervisor Jones required clarification regarding water and sewer. CAO responded. Supervisor Cann requested that a reference other than the Bay Area Cost of Living index be identified. Supervisor Stetson noted that some kind of inflationary index would alleviate many problems in Yosemite West.

No public input.

Supervisor Jones required clarification that only direction is being sought today, and that no motion is required. County Counsel responded that no formal action should be taken, and synopsis that direction seems to be for Public Works to include inflationary factors. Chair Cann requested confirmation from Board members of their agreement with that direction. Supervisor Jones concurred. Supervisor Carrier requested that the Zones of Benefit also be included, possibly prioritizing them over a five year period. Supervisor Bibby discussed the education and benefits that would be gained going forward.

Supervisor Jones required clarification regarding the differences between how roads are handled as opposed to water and sewer. CAO responded, discussing the potential process.

Mr. Rei noted that the Board currently approves the Zones of Benefit as a unit each year; and discussed that Public Works can analyze the Zones of Benefit and propose the ones most in need for next year's consideration, if the Board does want to proceed in this direction, and that would trigger some sort of a vote of the residents.

Supervisor Bibby requested that water and sewer be expedited as those are health and safety issues, while the Zones of Benefit can be graded.

Chair Cann noted Board consensus, and confirmed that Mr. Rei had sufficient direction. Mr. Rei affirmed.

RESULT: DIRECTION GIVEN

K. Items removed from Consent Agenda

None.

L. Adjournment

12:44 PM Chair Cann adjourned the meeting in memory of Geneva O'Bannon.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



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JOHN CARRIER

DISTRICT IV
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MINUTES

April 8, 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	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 Jones, followed by a moment of silence for our men and women in uniform both domestically and overseas.

C. Introductions

Chair Cann introduced Chevon Kothari the new Human Services Director noting that yesterday was her first day as director. Ms. Kothari expressed her enthusiasm and vision for the department.

Supervisor Cann announced that Congressional candidate Art Moore will be here later today.

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.

Ron Iudice/Grand Jury Foreman commented on CA3, and discussed language in the response letter that the Grand Jury objects to; and commended John Lawless for his professionalism during the investigation.

George Catlin commented on CA3, noting that it would be helpful in the future if the Board would specifically acknowledge anything that was found to be helpful or useful.

Ruth Catalan commented on CA3, noting that she feels the Grand Jury report is being dismissed; discussed her hope that the new director will bring positive changes; and noted her willingness to take the matter to the state level if there are none.

Public comment closed.

Supervisor Bibby requested that CA7 and CA8 be considered separately as she will need to recuse herself from them. She also responded to comments on CA3, noting that the Board will continue to monitor the situation at Human Services.

Supervisor Cann pulled CA3 from the consent agenda for further discussion.

Chair Cann noted a typographical error that was corrected in the Minutes.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-142

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

CA2. Administration RES-2014-143

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

CA3. This item was considered separate from the Consent Agenda

CA4. Air Pollution Control District RES-2014-144

Approve the California Air Resources Board Carl Moyer Memorial Air Quality Standards Attainment Program Grant Agreement for Fiscal Year 2013-2014 (Year 16), and Authorize the County Health Officer to Sign the Grant Agreement

CA5. Auditor (ID # 3453)

Receive Quarterly Audit Report for Treasury Funds

CA6. Board of Supervisors

Approve the Minutes of Tuesday, April 1, 2014

CA7. This item was considered separate from the Consent Agenda

CA8. This item was considered separate from the Consent Agenda

CA9. Sheriff's Office RES-2014-145

Allocate an Office Technician II Position and Unallocate an Office Technician I Position in the Sheriff's Budget; Approve the Promotion of an Office Technician I to Office Technician II in the Sheriff's Budget Effective April 1, 2014; Approve

Budget Action Transferring Funds Within the Sheriff's Budget to Accommodate the Change in Allocations and Promotion (\$11,472)

Items Considered Separately

9:17 AM Supervisor Bibby left the Chambers.

CA7. Human Resources/Risk Management RES-2014-146

Incorporate Three Side Letters of Agreement Between Mariposa County and the Deputy Sheriffs' Association (DSA) into One Memorandum of Understanding Document; and Authorize the Board of Supervisors Chair to Sign the MOU

RESULT: ADOPTED [4 TO 0]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

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

RECUSED: Janet Bibby

CA8. Human Resources/Risk Management RES-2014-147

Incorporate Three Side Letters of Agreement Between Mariposa County and the Sheriffs' Management Association (SMA) into One Memorandum of Understanding Document (MOU), and Authorize the Board of Supervisors Chair to Sign the MOU

RESULT: ADOPTED [4 TO 0]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

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

RECUSED: Janet Bibby

9:20 AM Supervisor Bibby re-entered the Chambers.

CA3. Administration RES-2014-148

Approve the Response of the Board of Supervisors to the Investigative Report of the Mariposa County Human Services Department by the 2013-2014 Mariposa County Grand Jury and Direct the County Administrative Officer to Transmit the Response to the Presiding Judge of the Mariposa County Superior Court

Supervisor Cann suggested removing language from Paragraph 1.A. Supervisor Bibby concurred with the change. Supervisor Jones moved to accept the item with that change. Supervisor Stetson seconded, and noted additional language to change on page 2 of the letter. The motion was amended to include the second change. The second agreed to the

amendment.

Action was taken to approve the letter with the following amendments:

Remove the first sentence in Paragraph 1.A. so that the paragraph begins with "The Human Services department will continue...", and remove the second and third sentences from Paragraph 3 so that it reads: "The Board of Supervisors conducted a recruitment and recently hired a new Human Services Director. The new Director will manage the Human Services..."

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

E. Board Recognitions

1. Board of Supervisors 2014-44

Proclaim the Month of April, 2014, as "Child Abuse Prevention Month" (Britany Sturm)

No public input.

Supervisor Bibby thanked Mountain Crisis for bringing this item forward, and extended her compliments to all agencies that deal with child abuse. Supervisor Jones recounted a situation in Greeley Hill with which he was familiar.

Chair Cann presented the proclamation to Mariah Tate and Britany Sturm from Mariposa Safe Families. Ms. Tate discussed the focus of Mariposa Safe Families, and discussed the Safe at Home event this Saturday from 10:00 AM to 2:00 PM at Mariposa Elementary School.

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 2014-45

Proclaim the Month of April, 2014, as "Alcohol Awareness Month" (Britany Sturm)

No Board or public input.

Chair Cann presented the proclamation to Mariah Tate and Britany Sturm. Ms. Tate noted that they will be holding a Town Hall Meeting regarding underage drinking and youth substance abuse beginning at 5:30 PM on April 14th at the Upper Hall of St. Joseph's Catholic Church.

RESULT: ADOPTED [UNANIMOUS]

MOVER: John Carrier, District V Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

3. District Attorney 2014-46

**Proclaim the Month of April 2014, as “Sexual Assault Awareness Month”
and April 23, 2014, as “Denim Day”**

No public input.

Supervisor Bibby extended her thanks to the District Attorney's Department for bringing the item.

Chair Cann presented the proclamation to Linda Asher/Mountain Crisis Services Legal Advocate, Kristen Fiester/Mountain Crisis Services and Ashley Oliver/Victim Witness Advocate. Ms. Asher discussed the services provided by Mountain Crisis Services, noting that they will have Sexual Assault Response Team Examinations in Merced starting on June 1st.

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

4. District Attorney 2014-47

**Proclaim the Week of April 6 - 12, 2014, as “National Crime Victims’
Rights Week”**

No public input.

Supervisor Bibby discussed a ceremony at the Victim's Tree tomorrow at Noon in the courtyard behind the District Attorney's Office.

Chair Cann presented the proclamation to Betty Oliver/Administrative Assistant-District Attorney and Ashley Oliver. Ashley Oliver noted that they will be dedicating a new plaque at the tree during tomorrow's ceremony.

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

Rick Benson/County Administrative Officer reminded the Board that there will be an informational meeting regarding CSA3 in the Chambers this Thursday at 6:30 PM.

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 gave the March visitor statistics, and discussed the Tourist Information sign in Mariposa that blew down. She also advised that: the Chamber is partnering with the Economic Development Corporation (EDC) and the Small Business Development Corporation (SBDC) to sponsor a Spring Training Summit on April 16th at the Fairgrounds; Lawson Construction will be sponsoring the next Network at Night on April 24th from 5:30 PM to 7:00 PM, with CASA being the showcased nonprofit organization; the Butterfly Festival, which will be held May 2nd, 3rd, and 4th will be extended up the north side of town a bit with the West America

parking lot being used for vendors and as a trolley stop; and they are still taking applications for the Summer Business Expo which will be held at the Fairgrounds on July 16th from 4:00 PM to 7:00 PM. Supervisor Cann inquired if the trolley will be repainted by the Butterfly Festival. Ms. McCorry responded that it would not. She also noted that the Chamber has received a preliminary replacement cost estimate of \$10,000 for the Tourist Information sign.

Doug Binnewies/Mariposa County Sheriff reported on the Search and Rescue dinner, noting that the Lions Club cooked the dinner and that it was fantastic. He also thanked all who volunteered their time, as well as those who attended.

Marvin Wells requested that the Board go back and read the Grand Jury comments for the last six years, noting that the responses always seem to be defensive. Mr. Wells also noted that Meghan Kehoe was responsible for planting the tree for Victim Witness.

1. **Clerk of the Board of Supervisors (ID # 3480)**

Handouts from the Public Comment on Non-Agenda Items Portion of the April 8, 2014 Meeting

RESULT: INFORMATION RECEIVED

H. Board Information

Supervisor Stetson advised that he will be attending: the Senior lunch today; the El Portal Advisory Board meeting this evening; the Wednesday ceremony at the Victim's Tree; the Midpines Planning Advisory Committee meeting tomorrow evening; the Gateway Partners meeting on Thursday in Yosemite; a service project to clear the new area for the Midpines Park on Saturday morning beginning at 8:00 AM, and he invited the public to participate; and the Monday Yosemite Area Regional Transit System (YARTS) meeting in Merced. He also discussed this year's poppy display in the canyon.

Supervisor Bibby encouraged everyone to attend the Victim Recognition ceremony tomorrow at Noon. She also: announced that the early dates for rabies clinics are April 12th and May 3rd for Mariposa, and April 19th for District II, and advised that times will be forthcoming in an advertisement in the newspaper or that people can contact Animal Control or the Sheriff's Office; complimented County Fire on the Read and Ride Program, and thanked the school, Sierratel, the parents, and the students who participated; and complimented Search and Rescue on their benefit dinner, and expressed thanks to the community for their support.

Supervisor Carrier reported: meeting with a citizen last Wednesday regarding CSA3; participating in an Integrated Regional Water Management Plan (IRWMP) conference call on Wednesday; attending the Area 12 Agency on Aging Board meeting on Thursday; meeting with a District III candidate on Friday; participating in the Read and Ride Awards program in Catheys Valley; attending the Search and Rescue dinner on Saturday; and that he spent all of Monday in the office. Supervisor Carrier noted that he will be serving lunch at the Senior Center today. He also advised that he will be attending: the Mountain Valley EMS Board meeting in Copperopolis tomorrow; a Wednesday afternoon meeting with Public Works regarding the Airport; an Airport Advisory Commission meeting Wednesday evening; the Yosemite-Sequoia Resource Conservation and Development Council meeting on Thursday; the Planning Commission meeting on Friday; a Saturday morning meeting of Wawona area property owners; the Yosemite Alpine Community Service District meeting in Fish Camp on Saturday morning; a Hazardous Mitigation Plan meeting in Fish Camp beginning at Noon on Saturday; the Monday Historic Preservation Site meeting; and the Monday afternoon YARTS meeting in Merced. He also noted that this is National Volunteer Week, and thanked all of the volunteers in the community.

Supervisor Jones discussed the Grand Jury, noting that he takes their reports very seriously. Supervisor Jones reported: attending a meeting regarding the Hazardous

Mitigation update in Coulterville, followed by a Q and A period; attending a meeting with Supervisor Cann and Public Works on April 2nd regarding budget concerns; attending a meeting with the Fire Chief, Public Works and the CAO on April 3rd; attending the Greeley Hill breakfast on April 6th; and that, on the 7th, he reviewed some projects that are out of compliance. He also noted that April 15th is Tax Day.

Supervisor Cann reported that he: met with Supervisor Jones and Public Works; participated in the Wednesday afternoon Regional Watershed Management planning call with Supervisor Carrier; attended the Mariposa County Business Association meeting on Thursday; attended the Tourism Bureau Board meeting on Thursday afternoon; attended the Chamber of Commerce Board meeting on Thursday evening; met with a multi-media group that is working the high school, the Chamber, and the Tourism Bureau on ways to highlight Old Town Mariposa; attended the Search and Rescue dinner on Saturday; and met with some residents yesterday regarding a performing arts and conference center. Supervisor Cann advised that he: will be meeting with congressional candidate Art Moore later today; will attend the Thursday Gateway Partners meeting; has requested the Historic Sites committee to review the boundaries of the historic district in downtown Mariposa relative to sign code compliance; and will attend the Chamber's Spring Training next Wednesday.

Recess

10:17 AM Chair Cann recessed the Board of Supervisors meeting.

Announcement Pursuant to Government Code 54952.3

10:17 AM Chair Cann read the following announcement: "In accordance with Government Code 54952.3, it is hereby announced that the Mariposa County Board of Supervisors will be sitting either simultaneously, or serially, as the Mariposa County Public Finance Corporation and that they receive no additional compensation for same." He then passed the gavel to Commissioner Stetson.

I. LOCAL TRANSPORTATION COMMISSION

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

10:18 AM Chair Stetson convened the meeting of the Local Transportation Commission.

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-2014-6

Approve the Federal Fiscal Year 2014 Certifications and Assurances for Federal Transit Administration Assistance (FTA) Programs, and Authorize County Counsel and the Executive Director to Sign the Document

Barbara Carrier/Public Works made the staff report.

No Board or public input.

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

Adjourn LTC

10:20 AM Chair Stetson adjourned the meeting of the Local Transportation Commission, and passed the gavel back to Supervisor Cann.

J. Reconvened

10:20 AM Chair Cann reconvened the Board of Supervisors meeting.

K. Regular Agenda Items

1. County Counsel RES-2014-149

Approve a Grazing Lease Agreement with Tim and Bette Erickson for a Five Year Term, and Authorize the Board of Supervisors Chair to Sign the Agreement

Steven W. Dahlem/County Counsel gave the staff report; noted that the original parcel was split into two parcels with new APNs of 001-260-029 and 001-260-033; and recommended that the item be approved with those clerical corrections to the lease.

Supervisor Bibby required clarification of the effect to the lease when the parcel is changed over to the Don Pedro District. County Counsel responded that the deed restriction goes with the land.

No public input.

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

L. Items removed from Consent Agenda

None.

M. Lunch

10:24 AM Chair Cann recessed the meeting until 2:00 PM.

N. Reconvene

2:03 PM Chair Cann reconvened the Board meeting.

1. Planning (ID # 3451)

Presentation of the Mariposa County Community and Municipal Operations 2010 Baseline Greenhouse Gas Emissions Inventories Final

Report. Report Prepared by Sierra Business Council with Funding by Pacific Gas and Electric Company and in Cooperation with Mariposa County Staff

Sarah Williams/Planning Director discussed County involvement in this program. She then introduced Nicholas Martin and Amanda Wiebush from the Sierra Business Council who gave a PowerPoint presentation.

Board members required clarification regarding data sources, collection methods, and the purpose of the study.

Public comment opened.

Peter Rei discussed SB375 and its transition from a study to a mandate; noted that the study doesn't consider the fluctuating population of tourists within Yosemite National Park on any given day; and noted that transportation was determined to be 40% of the problem, yet 40% of the money is going to fund high speed rail.

Karen Glendenning/Fish Camp resident required clarification regarding the algorithm used, and noted they might better calculate the number of visitors by analyzing Transient Occupancy Tax statistics.

Marshall Long/District III candidate and local rancher noted that we need to look at the carbon sequestration.

Public comment closed.

Board members sought clarification regarding the presentation and discussion ensued.

RESULT: INFORMATION RECEIVED

O. Adjournment

2:51 PM Chair Cann adjourned the meeting in memory of Francis Williams, Billy Ellis, Forrest Crocker, and Guy Keller.

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

April 15, 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 all members were present with the exception of Supervisor Stetson who would be late. He also noted that a group from the charter school in Catheys Valley was in attendance to give a presentation on their reforestation project, and that the presentation would occur during the Public Presentation portion of the agenda.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	9:16 AM
Merlin Jones	District II Supervisor	Present	9:00 AM
Janet Bibby	District III Supervisor	Present	9:00 AM
Kevin Cann	District IV Supervisor	Present	9:00 AM
John Carrier	District V Supervisor	Present	9:00 AM

B. Pledge of Allegiance

The Pledge was led by Supervisor Carrier, followed by a moment of silence in recognition and honor of all of our men and women in uniform across the country and our world.

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 CA6 has been moved to the main Regular Agenda because it is a public hearing; that CA3 has been withdrawn; and that CA4 and CA13 require a

4/5th vote.

Public comment opened.

Ruth Catalan inquired why the Public Works Department is not doing the landscaping contracted out in CA2; and inquired as to who is monitoring the services as the contractor does not seem to be taking care of it.

Public comment closed.

Supervisor Bibby requested that Facilities and Public Works take a look at the landscaping relative to CA2 to make sure that the County is getting full performance under the contract. Peter Rei/Public Works Director indicated from the audience that Public Works has nothing to do with the issue. Supervisor Bibby then requested the County Administrative Officer to make the inspection. Supervisor Cann remarked that he inquired about the same question, and noted that the contract expires in June and needs to be looked at very strongly. Rick Benson/County Administrative Officer noted that Human Services is administering that contract, not Public Works. Supervisor Bibby noted that the issue has come up before and reiterated her request that someone go out and inspect the landscaping to be sure that the contract is being fulfilled and that the County is in compliance with the Descor agreement.

Supervisor Bibby required clarification of the source of the funding in CA4. Rick Benson noted that those are the funds that were released when the Government Center was refinanced.

Regarding CA5, Supervisor Bibby required assurances that the Board will receive updates: regarding the loan with missing documentation, as well as any contact that County Counsel may have with the other loan; and regarding whether the monitoring and compliance is resolved. Supervisor Bibby also: requested that the loans be closely monitored with annual reports to the Board; suggested that an appropriate time for such reports would be prior to budget hearings; and inquired about the funds that were paid back, noting that the Board might be able to contemplate doing a re-loan program. Supervisor Cann noted that he knows there is ongoing investigation and research which is making progress and he requested that the CAO keep the Board apprised. CAO responded noting that: payback was part of the plan adopted a couple of weeks ago; and one loan should be wrapped up within a couple of weeks, while issues are still being investigated on the other loan. Supervisor Bibby: required clarification of whether there were any funds available to reuse; recommended that Community Development take over the program as it is very similar to screening individuals for the Microenterprise Program; and requested a report back in May to verify the amounts, as well as ideas on whether the funds can be reused. CAO noted that he doesn't have the information as to where the funds are at this time; and agreed to update the Board on this issue again in May.

Supervisor Jones required clarification regarding CA9 and CA10, as to SCOPE and County Fire coverage. CAO responded, explaining that these two items are to clean up conflicting policies and that both are covered.

9:16 AM Supervisor Stetson joined the meeting.

Supervisor Bibby required clarification of the percentages used in CA11 and required assurances that compaction is not still an issue. Supervisor Cann discussed the Board's intent, noting that more clarification can be provided, if needed. CAO noted that this is for a 10% POST incentive increase and a 5% raise effective April 1st which is the equivalent of the net amount received by DSA and SMA members who received an 8% increase, but have a 3% rollback which cannot be imposed on the Sheriff per PERS rules; and another 5% raise on January 1, 2015. CAO also noted that this action is just to clarify the numbers of the previous action. Supervisor Bibby noted that longevity is not addressed, and asked Human Resources to analyze the numbers to verify that this fixes the compaction issue; and she requested that the issue of the 2.5% for the executive incentive program come back soon. Supervisor Cann noted that he is confident that this item accurately reflects the original resolution.

Peter Rei noted the following changes to CA12: deletion of the second "f" in Article III, Section I; and removal of the words "and published" from Article VI, Section 3. Supervisor Carrier discussed the meeting frequency, noting that it was not clearly defined in Article VI, Section 2. Mr. Rei responded, noting that it is the consensus of the group that they will hold bi-monthly meetings.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-150

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

CA2. Administration 2014-48

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

CA3. This item was withdrawn from consideration on today's agenda

CA4. Administration RES-2014-151

Approve an Amendment to the Professional Services Agreement with Mountain Top Media Increasing the Not to Exceed Amount by \$5,000 and Authorize the Chairman of the Board of Supervisors to Sign the Amendment; Approve Budget Action Transferring Funding from the Government Center Debt Fund to the Board of Supervisors Budget to Accommodate the Amendment (\$5,000); and Authorize the County Administrative Officer to Approve Changes to the Scope of Work 4/5ths Vote Required

CA5. Administration 2014-49

Update Regarding the Housing Rehabilitation Loan Program

CA6. This item was moved to the end of the Regular Agenda

CA7. Air Pollution Control District RES-2014-152

Authorize Air Pollution Control Officer to Apply for Year 17 Moyer Funding, Fiscal Year 2014 – 2015, and Direct the Revenue to the Rural Assistance Program; Authorize Air Pollution Control Officer to Apply for Funds and Similarly Direct Them in Fiscal Year '15-'16, '16-'17, and '17-'18; Authorize Air Pollution Control Officer to Sign Grant Agreement as Needed, Subject to Review as to Form by County Counsel

CA8. Board of Supervisors

Approve the Minutes of Tuesday, April 8, 2014

CA9. Human Resources/Risk Management RES-2014-153

Adopt a Resolution Rescinding Resolution No. 73-54 Which Approved Workers' Compensation Coverage for All Volunteers who Provide a Service to a County Department; Confirm the Application of Certain Resolutions and Ordinance Which Provides Workers' Compensation Coverage for Specific Volunteers

CA10. Human Resources/Risk Management RES-2014-154

Adopt a Resolution Authorizing that the Sheriff's Office Search and Rescue Volunteers, Which Includes Members of the Sheriff's Posse, Are Covered through Mariposa County's Workers' Compensation Program

CA11. Human Resources/Risk Management RES-2014-155

Clarify Resolution 14-140, Which Approved an Annual Salary Increase Effective April 1, 2014 for the Sheriff-Coroner-Public Administrator Position (Sheriff), by Providing a 10% POST Incentive Increase and a 5% Cost-Of-Living Increase (COLA) Effective April 1, 2014; Further Authorize an Additional 5% COLA Effective January 1, 2015 for the Sheriff

CA12. Public Works RES-2014-156

Adopt By-Laws for the Mariposa County Solid Waste AB 939 Local Task Force

CA13. Public Works RES-2014-157

Approve Budget Action Reducing General Fund Contingency and Increasing Appropriations in the Facilities Maintenance Budget (\$14,700) and Approve the Replacement of Two Air Handlers in the Rock House Building (District Attorney's Office) 4/5ths Vote Required

CA14. Treasurer-Tax Collector-County Clerk RES-2014-158

Adopt the Sierra Foothill Charter School Conflict of Interest Code Pursuant to Government Code 87303; Designate the County Clerk as the Filing Officer Pursuant to Government Code 82027

E. 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)

James O'Brian spoke on AB-2205 regarding using dogs to hunt bears and bobcats, and handed out materials relative to the issue.

Kathy McCorry announced that the Chamber will be partnering with Community Development, and the SBDC to provide the Spring Training Business Summit tomorrow from Noon to 5 PM at the Fairgrounds.

Members of the Sierra Foothill Charter School spoke to the Board regarding their Reforestation Project. Alfonso Garagarza/Principal introduced Robbie Stark/7th grader; Rossa Christensen/8th grader; Abigail Ortiz Garagarza/8th grader; Jessica Milazzo/7th grader who gave a PowerPoint presentation. Mr. Garagarza also recognized staff members, Chivonne Wilde and Barbara Milazzo for their dedication. Supervisors Bibby, Jones, Stetson and Carrier extended their thanks and compliments to the students on their presentation.

1. **Clerk of the Board of Supervisors (ID # 3501)**

PowerPoint Presentation by Sierra Foothill Charter School During Public Comment

RESULT: INFORMATION RECEIVED**F. Board Recognitions****1. Community Services 2014-50****Approve a Certificate of Appreciation to CAL FIRE-Mt. Bullion Camp for Their Service to Our Community (Supervisor Carrier)**

No Board or public input.

Supervisor Carrier extended his thanks to CAL FIRE and the CDC Staff. Supervisor Jones commended the organizations and spoke about the senior wood program.

Supervisor Bibby extended her thanks and appreciation.

Chair Cann presented the Certificate of Appreciation to Rich Drozen/CAL FIRE Battalion Chief, and Lt. Chris Dean/California Department of Corrections and Rehabilitation.

RESULT: ADOPTED [UNANIMOUS]

MOVER: John Carrier, District V Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Board of Supervisors 2014-51**Approve and Present Certificates of Recognition to Merenda McCulloch, Lake Don Pedro Volunteer and Becky Collins, Girl Scout Leader in Recognition of Their Nominations as "Hands on Heroes of Mariposa County" as Recommended by Mariposa County First 5 Commission (Jeane Hetland, First 5 Director)**

No public input.

Supervisors Bibby, Jones and Carrier offered their thanks and appreciation to both of the recipients. Supervisor Bibby also thanked Jeane Hetland for all of her hard work.

Chair Cann presented the Certificates to the recipients.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

10:05 AM Chair Cann recessed the meeting for a brief break.

10:19 AM Chair Cann reconvened the Board.

G. Departmental Presentation

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

Doug Binnewies/Mariposa County Sheriff reported on a community discussion last evening regarding underage drinking hosted by Mariposa Safe Families. He also discussed an emergency incident that occurred at the Airport yesterday.

Len DeJoria/County Fire Chief discussed the incident at the Airport; noted that the

interactions between the Sheriff's Office, CAL FIRE, EMS, and Mariposa County Fire were "textbook"; and discussed the equipment that was utilized. He also reported on County Fire's monthly staff meeting, and noted that Ruby Pearson and Company 37 received the Company of the Month award, with Tina Deering receiving the Volunteer of the Month award. Chief DeJoria also noted the addition of 14 new members.

CAO reminded the Board and the public about the Spring Training Business Summit at the Fairgrounds tomorrow from Noon to 5:00 PM. He discussed some of the organizations and speakers who will be there, and noted that it is free and open to the entire business community.

H. Board Information

Supervisor Bibby extended her thanks and congratulations to Ruby Pearson and Tina Deering. She reported attending: the Victims Recognition Ceremony, and extended her compliments to the District Attorney's Office for the event; the CSA3 Public Meeting, and extended her compliments to staff for organizing the information and advised that if anyone experiences any errors with their ballot to please contact the County; and the First Five meeting last night where they took action to increase the dental program. She also advised that she will try to attend the April 17th Public Hearing in North Fork with the Public Utilities Commission regarding rural needs regarding telephone service.

Supervisor Carrier reported attending: the Board's service day at the Senior Center last Tuesday; the Wednesday Mountain Valley EMS board meeting; the Victims' Rights Tree Ceremony; a Wednesday meeting at Public Works regarding the Airport; a Wednesday evening Airport Advisory Commission meeting; the Yosemite-Sequoia Resource Conservation Development Council meeting on Thursday where he was elected Vice President; the CSA3 meeting Thursday evening, noting that there is a conflict within the ballot regarding the Public Hearing but that the hearing will be held at 2 PM on May 13th; the Saturday meeting of the Wawona Area Property Owners Association, followed by a Wawona School fundraiser lunch; the Historic Sites and Records Preservation meeting yesterday, followed by the YARTS meeting in Merced. Supervisor Carrier advised that he will be attending: the IRWMP Project meeting on Thursday; the Fish Camp Town Planning Advisory meeting on Saturday; the Saturday Fish Camp Fire Rescue meeting; and the Saturday Hazard Mitigation Plan Review meeting.

Supervisor Jones noted his attendance at the Senior lunch and reported attending: the SWIFT meeting in Moccasin on the 9th; a Wednesday meeting with Supervisor Carrier, Public Works and a citizen with proposals for the Airport; the Wednesday evening Airport Advisory Commission meeting; a Saturday meeting with someone who is interested in putting in a motel in District II; the ribbon cutting for the Mariposa Event Center on the 2nd, and extended his thanks to the Planning, Building and Health Departments for making the permit process smooth; and the Coulterville breakfast.

Supervisor Stetson noted his attendance at the Senior Center lunch and reported attending: the El Portal Advisory Committee meeting on Tuesday; the Midpines Advisory Board meeting on Wednesday; the Gateway Partners meeting in Yosemite National Park on Thursday; and the YARTS meeting on Monday, where Supervisor Carrier was elected Chair for the upcoming year.

Supervisor Cann discussed the SRA fees. He also reported: spending Tuesday afternoon with Art Moore/Congressional candidate; attending the Gateway Partners meeting on Thursday; on interactions with some hotel builders and operators on Friday; that there is some further support for the subsidized Senior Living facility; helping to clean the Open Arms facilities on Saturday morning; and meeting with two different Supervisorial candidates on Monday. Supervisor Cann advised that he will be attending: the open house at the R.O.A.D. House Community Wellness Center today from Noon to 5:00 PM; the Spring Training evening tomorrow where he will be speaking; the Central Sierra Economic District board meeting by telephone on Thursday; the IRWMP meeting on

Thursday; a Thursday meeting with the Economic Development Corporation (EDC) and the hospital CEO; and the regular EDC meeting at Noon at the Library. Supervisor Cann also noted that he will be flying to San Diego on Friday to spend Easter with his daughter.

I. Regular Agenda Items

1. Board of Supervisors RES-2014-159

Approve a Letter of Support Regarding Naming California State Route 132 as "John Muir Highway", and Authorize the Board of Supervisors Chair to Sign the Letter

Ken Pulvino gave a PowerPoint presentation on the issue. Supervisor Jones discussed how much he has learned about John Muir's importance to the area.

Chair Cann noted that he checked with the Assessor, and neither Mariposa County nor Tuolumne County anticipates any mailing address issues.

Supervisor Carrier inquired if Mr. Pulvino has solicited support from either Stanislaus or Merced counties. Mr. Pulvino responded that no formal action has been requested yet, and noted individuals with whom he has spoken.

No public input.

Supervisor Jones moved to approve the letter of support. Chair Cann required clarification as to which letter, as Board staff had prepared one letter for the agenda packet while Mr. Pulvino had supplied a different letter which was marked "sample draft" prior to today's presentation. Supervisor Jones responded that he was moving to accept the "sample draft" letter just provided. The Board reviewed the "sample draft" letter. Supervisor Stetson seconded the motion to authorize the "sample draft" letter. Supervisor Bibby required assurance that the "sample draft" letter would be incorporated into the packet for the public. The Clerk of the Board indicated that it would. CAO noted that the signature needs to be from the Chair. The Motion maker and second agreed. Chair Cann called for the vote and the motion passed unanimously.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Administration/Economic Development RES-2014-160

PUBLIC HEARING: Approve the Close Out of the Microenterprise Revolving Loan Program on Grant Agreement #09-EDEF-09-EDEF-6369

Chair Cann noted that this item was properly published and noticed as a public hearing, but was misplaced on the agenda. Rick Benson discussed the Microenterprise Loan Program and requested that the Board formally close it out, per the terms of that grant. Mr. Benson introduced Tara Schiff/Community Development-Grant Coordinator who discussed CDBG requirements.

Supervisor Bibby required assurance that the arrears account would still need to be paid back even if the grant is closed out. Ms. Schiff responded, noting that she worked with County Counsel and has already put together collection letters in order to pursue the funds. Supervisor Bibby requested an additional report on the collection efforts after this close down; requested a time estimate for same; and required clarification regarding the type of business. Ms. Schiff responded that she can report back in three months; and that it was a fabric store.

Supervisor Carrier required clarification regarding any obligation to track funds for

the revolving loan account; and the reporting periods for same. Ms. Schiff responded.

Supervisor Jones discussed his support for this program, should it come up again in the future.

Supervisor Cann inquired if the revolving loan account works under the same type guidelines as the Microenterprise Loan Program. Ms. Schiff responded. Supervisor Cann remarked that the Board should probably review those to make sure the Board agrees with them.

Public Comment Opened.

No comments.

Public Comment Closed.

Supervisor Bibby reiterated, for the record, that it is her understanding that the Board will be getting a report back in about three months, and then annually. Ms. Schiff affirmed.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

J. Items removed from Consent Agenda

1. Administration (ID # 3469)

Proclaim the Termination of the Rim Fire Local Emergency

RESULT: WITHDRAWN

K. Adjournment

11:28 AM Chair Cann adjourned the meeting in memory of Manuel Soares, Jr., Rod McKean, Ron Enos, Bessie Runge, Warren Short, and Jacqueline Brown.

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

April 22, 2014

A. Call to Order and Roll Call

9:02 AM Chair Cann called the meeting to order at 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	8:56 AM
Merlin Jones	District II Supervisor	Present	8:56 AM
Janet Bibby	District III Supervisor	Present	8:56 AM
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 Carrier, followed by a moment of silence for the men and women in uniform both domestically and across the globe.

C. Introductions

None.

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

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

No public input.

Regarding CA6, Supervisor Jones inquired as to whether any more requests for funding are foreseen. Dr. Fadzayi Mashiri/Farm Advisor responded that they are just transferring funds in order to buy the truck shell, and that there should be no requests.

Supervisor Bibby required clarification regarding CA7, noting an ambiguity in the agenda as it uses Senior Office Assistant in some places and Senior Office Assistant II in

others. She also inquired as to whether the budgeted amount is through the end of this current year, or through next year as well. Rick Benson/County Administrative Officer responded, noting that this item is already funded within their budget; that they have someone transferring out who needs to be replaced; and that the item should be corrected to refer to a Senior Office Assistant, rather than Senior Office Assistant II.

Supervisor Jones noted that the lease in CA12 states that a smoke detector is to be installed but, by law, it needs to be a carbon monoxide detector since there is a gas hookup to the building, so the lease should be modified to state that as well. Chair Cann inquired of County Counsel if such a modification could be addressed by the Board today. Steven W. Dahlem/County Counsel responded that an implied covenant is that they will comply with all rules and regulations so this item should be alright to go forward with that modification.

Regarding CA13, Supervisor Bibby required clarification that the location, mileage, scope, width, and time to be completed is the same as in the referenced resolution. Peter Rei/Public Works Director responded that the parameters are still the same.

Regarding CA15, Supervisor Jones required clarification as to how long the well has been out of order. Mr. Rei responded that this is the new well that was drilled last fall, but then had to go through Water Board and Department of Public Health testing in order to get certified which it now is; and that it is now meeting all requirements. Supervisor Bibby inquired as to the date of the certification, and whether it is pumping water now. Mr. Rei responded that we are pumping from that well now; noted that it was certified on April 10, 2014; and expounded on the process to approve the well.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-163

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

CA2. Administration RES-2014-164

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

CA3. Administration/Economic Development RES-2014-176

Approve Budget Action Transferring Funds Within the Community Development/Grant Coordinator Budget to Cover Travel Expenses (\$500)

CA4. Board of Supervisors

Approve the Minutes of Tuesday, April 15, 2014

CA5. District Attorney RES-2014-165

Approve an Increase in Extra-Help Hours from 999 Hours to 1,375 Hours for a Victim - Witness Advocate Position

CA6. Farm Advisor RES-2014-166

Approve Budget Action Transferring Funds Within the Farm Advisor Budget to Cover the Purchase of a Truck Shell (\$1,700)

CA7. Health RES-2014-167

Authorize Health Officer to Fill Vacant Senior Office Assistant II Position at the Public Health Department Effective Immediately

CA8. Health RES-2014-168

Increase Petty Cash Maximum at Health Department to \$450 to Allow Staff to Make Change for People Paying Revised Health Department Fees

CA9. Human Services/Behavioral Health & Recovery Services 2014-52

Reappoint Yolanda Cheley, Jim Mason and Alison Grove to the Alcohol and Drug Abuse Advisory Board for a Term Expiring April 22, 2017

CA10. Human Services/Behavioral Health & Recovery Services RES-2014-169

Approve Submission of the "Mariposa FY 14-15 through FY 16-17 Mental Health Services Act (MHSA) Plan Update" to the Department of Health Care Services (DHCS); Authorize the Human Services Director to Sign the Certifications and Any Subsequent Amendments with DHCS with Regard to the MHSA Plan (Subject to Review of County Counsel as to Form); and Authorize the Human Services Director to Implement the Activities Within the "Mariposa FY 14-15 through FY 16-17 MHSA Plan Update" Upon DHCS Approval

CA11. Human Services/Behavioral Health & Recovery Services RES-2014-170

Approve the First Amendment to an Agreement with C & D's Residential Guest Home, LLC to Provide Residential Inpatient Services for Mariposa County Behavioral Health in an Amount Not to Exceed \$23,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA12. Human Services/Behavioral Health & Recovery Services RES-2014-171

Approve an Addendum Extending the Existing Lease Agreement with Sierra Pines Property Management for the Property Located at 5119 Jones Street, Mariposa, California, Units #A and #B, and Authorize the Board of Supervisors Chair to Sign the Addendum

CA13. Public Works RES-2014-172

Approve Plans and Specifications for the Triangle Road Reconstruction, Project No. 06-21 (13) for 1.37 Miles from Post Mile Marker 15.18 to Post Mile Marker, 16.55 And, Authorize the Public Works Director to Solicit Bid Proposals and Award the Bid to the Lowest Responsible Bidder

CA14. Public Works RES-2014-173

Approve the Professional Service Agreement with Nichols Consulting Engineers (NCE) in the Not to Exceed Amount of \$64,800 to Conduct a Road Inventory

and Condition Survey for the Pavement Management System on 360 Centerline Miles of County Maintained Roads; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA15. Public Works RES-2014-174

Approve Change Order No. 1 with Walt Bannon Drilling, Inc. for Additional Work for the New Well at Catheys Valley Park in the Not-To-Exceed Amount of \$9,825.92 for Total Compensation of \$39,825.92, and Authorize the Public Works Director to Sign the Change Order

CA16. Treasurer-Tax Collector-County Clerk RES-2014-175

Request Approval to Sell 5-Year Tax Defaulted Parcels at the Annual Auction Scheduled for August 15, 2014

E. Board Recognitions

1. Farm Advisor RES-2014-161

Adopt a Resolution Recognizing the University of California Cooperative Extension on Celebrating Their 100Th Anniversary, and Mariposa County's 65Th Anniversary

Dr. Fadzayi Mashiri/UC Extension Farm Advisor introduced Donna Wice/4-H Coordinator and Kris Randall/Master Gardener Coordinator, and recognized Master Gardener and 4-H volunteers, as well as 4-H participants, in the audience. Dr. Mashiri gave an overview of the Cooperative Extension and the 4-H program, as well as their history in the country and in Mariposa County. She also thanked the County, the Farm Bureau, and the 4-H and Master Gardener volunteers. She advised the Board of the following upcoming events: a free Day of Science and Service open house and barbeque on May 8th; and a Celebration Dinner on July 26th which will showcase successful cooperative extension programs within the County.

No public input.

Supervisor Bibby extended the Board's thanks and appreciation for the program and all of its efforts. Supervisor Stetson noted that today is an appropriate day for this recognition given that it is Earth Day. Supervisor Bibby extended her thanks to Donna Wice for all of her efforts. Supervisor Carrier noted other programs and information that are available through the UC Extension.

Chair Cann presented the Resolution to Dr. Mashiri.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Board of Supervisors RES-2014-162

Resolution and Tile Plaque Recognizing Linda Jacobs, Upon Her Retirement as Assessment/Recording Clerk III (Board Chair)

Public comment opened.

Anita Starchman-Bryant discussed her interactions with Ms. Jacobs through the

years noting her helpful nature, and her courteousness; discussed that she exemplifies our local best serving the community; and wished her the best in her retirement.

Becky Crafts/Assessor-Recorder noted that we're not just losing an employee, but a member of our family. She also recognized Carolyn James who is retiring after ten years with the County.

Public comment closed.

Supervisor Bibby extended her thanks to Ms. Jacobs for her service and courteousness. Supervisor Jones discussed his experiences with Ms. Jacobs, noting her dedication.

Chair Cann read the resolution and presented it and the plaque to Ms. Jacobs.

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

3. Board of Supervisors 2014-53

Approve a Certificate of Recognition for Dr. Jan Mennig for His Community Support to the Citizens of Mariposa County

Public comment opened.

Kathy McCorry/Chamber of Commerce Executive Director conveyed congratulations from Mary Bass, and the CASA Board, who are at a meeting today; and discussed Dr. Mennig's decades of service on the Chamber Board.

Caroline Fruth/Mariposa CASA Executive Director discussed Dr. Mennig's guidance to the CASA Board.

Doug Binnewies/Mariposa County Sheriff recognized Dr. Mennig for his interactions with the Sheriff's Office.

Lester Bridges/Chamber of Commerce Past President discussed Dr. Mennig's mentorship to him.

Public comment closed.

Supervisor Bibby extended her thanks to Dr. Mennig. Supervisor Cann discussed Dr. Mennig's background, and presented him with the Certificate.

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

Recess

9:52 AM Chair Cann recessed the Board for a brief break and reception.

10:09 AM Chair Cann reconvened the meeting.

F. Departmental Presentation

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

Chevon Kothari/Human Services Director advised the Board of the upcoming May

7th event to help end the stigma of mental illness, and handed out a flyer for same.

Doug Binnewies discussed an upcoming Youth Firearms Safety Event for children between the ages of 3 and 18 this Sunday, April 27th from 10:00 AM to 4:00 PM at the Fish and Game Range located at 4443 Old Highway Road.

1. Clerk of the Board of Supervisors (ID # 3541)

Handouts from Departmental Presentation Portion of the April 22, 2014 Meeting

RESULT: INFORMATION RECEIVED

G. Public Comment on Non-Agenda Items

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

Wendy Brown-Barry spoke regarding the proposed expansion of the water authority by removing the word "navigable" from the Clean Water Act; provided maps showing the changes that will occur to national waters if the change is implemented; and discussed her hope that someone will regularly monitor the Federal Register. She also discussed the review of the Endangered Species Act.

1. Clerk of the Board of Supervisors (ID # 3540)

Handouts from the Public Comment on Non-Agenda Items Portion of the April 22, 2014 Meeting

RESULT: INFORMATION RECEIVED

H. Board Information

Supervisor Carrier reported that he attended: the Fish Camp Town Planning meeting on Saturday where the main topic was the Silvertip Hotel and Resort; the Fish Camp Fire Rescue meeting on Saturday; and the Hazard Mitigation meeting in Fish Camp on Saturday. He also reported that he attended the Wawona Property Owner Association meeting the prior Saturday and that they overwhelmingly endorsed the CSA 3. Supervisor Carrier advised that he plans on attending: a meeting with a representative from Tom McClintock's office tomorrow; the Planning Commission meeting on Friday; the Bootjack Fire Breakfast on Saturday; the Air Fair at the Airport on Saturday, if the weather permits; and the Youth Firearms Safety class with his grandson on Sunday.

Supervisor Bibby noted that water regulations are being discussed on both the Federal and State levels, discussed the IRWMP planning that is taking place, and stressed the need for IRWMP to monitor the San Joaquin Water Coalition. She reported: that she was unable to attend the PUC hearing in North Fork, but will be sending in a comment letter for District III which will stress historic experiences with respect to rural telecommunication providers and the difficulties to residents; and that she met with another District III candidate, and complimented all of the candidates for their willingness to put themselves through the election process. Supervisor Bibby advised that she will be attending: the Central Sierra Broadband Summit on April 24th; and the FFA Dinner on April 26th noting that she doesn't think that the tickets have sold out, and she discussed other ways to support the event.

Supervisor Stetson reported dealing with a variety of constituent emails and phone calls over the past week.

Supervisor Jones reported attending: the Greeley Hill Community Club annual meeting on the 15th, and discussed the maintenance of that Hall by volunteers; a meeting on the 16th regarding the Airport; an April 17th meeting with the Chairman, and a

member, of the Grand Jury; a luncheon with admin staff; an April 18th meeting regarding internet towers in Coulterville, Don Pedro, and Greeley Hill; a crosswalk meeting on the 21st, and he commended the Public Works Director on an upcoming grant; and lunch with the Chamber of Commerce President.

Supervisor Cann reported that he attended: the Spring Business Training on Wednesday; the Thursday Central Sierra Economic JPA meeting by phone; a Thursday meeting with the EDC President and the CEO of the JC Fremont Hospital where they discussed seismic requirements; and the last third of the IRWMP meeting on Thursday. He also remarked that he was unable to attend the Ad Hoc Crosswalk Committee on Monday, but noted that there has been tremendous progress on the issue. Supervisor Cann advised that he will be attending: the RCRC Board meeting in Sacramento tomorrow, noting that the issues revolve around fire and water; and the Thursday Regional Broadband Conference, the Final Mile. Supervisor Cann also noted that the next Chamber event is at Lawson Construction in Bootjack on Thursday at 5:30 PM, and that the Planning Commission is doing the annual General Plan update on Friday.

Rick Benson reminded the public that the Board will be dark next Tuesday, and noted that the new sound system will be installed then. Supervisor Cann required clarification that the projector will then be able to display videos. CAO confirmed, expounded on some of the work being done, and cautioned that the cosmetic work will probably not yet be done.

Recess Board of Supervisors

Announcement Pursuant to Government Code 54952.3

10:40 AM Chair Cann read the following announcement: "In accordance with Government Code 54952.3, it is hereby announced that the Mariposa County Board of Supervisors will be sitting either simultaneously, or serially, as the Local Transportation Commission and that they receive no additional compensation for same." He then passed the gavel to Commissioner Stetson.

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. Public Works LTC-2014-7

Adopt a Resolution Approving the Application and Necessary Documents Pertaining to the Federal Transit Administration (FTA) Section 5311 Program (Operating Assistance) Funds for Federal Fiscal Year 2013-2014, and Authorize the Executive Director to Sign the Application

Barbara Carrier/Public Works Assistant Director - Support Services gave the staff report, with Pete Rei in attendance.

No Board or public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Adjourn LTC

10:43 AM Chair Stetson adjourned the Local Transportation Commission meeting.

J. Reconvene as Board of Supervisors

10:43 AM The gavel was passed back to Chair Cann who reconvened the Board of Supervisors meeting.

K. Regular Agenda Items

1. Board of Supervisors (ID # 3486)

Fairgrounds Update Presentation by Brian Bullis, Manager, Regarding the Current Status of the Fairgrounds (Supervisors Jones and Cann)

Brian Bullis/Fairgrounds Managers provided the Board with an update regarding the Fairgrounds. He gave an overview of the situation in Sacramento regarding Fairgrounds funding; noted that many small fairs are on the verge of being closed; spoke about the emergence of the Friends of the Fairgrounds association and the financial assistance that they have provided; noted that the Fairgrounds has enough in reserves to back-fill expenses for two years, but that the Governor can sweep the reserves back into the State's General Fund which would be devastating to the Fairgrounds; and discussed the importance of the Fairgrounds to the community.

Supervisor Jones thanked Mr. Bullis for the presentation, and discussed the need for the Fairgrounds to continue. Discussion ensued between Supervisor Bibby and Mr. Bullis regarding the use of the Fairgrounds as a command center during fires and the impact those command centers have on the Fairgrounds. Supervisor Carrier discussed the funding of the county fire stations, and suggested that the Fairgrounds might be able to qualify for FEMA grants for infrastructure upgrades. Supervisor Cann discussed the Carstens Fire and how quickly fire fighters were deployed; discussed his efforts with RCRC on the behalf of the Fairgrounds; and discussed the Governor's stance. Supervisor Bibby discussed the limitations of analysis that is based solely on paperwork; and noted that the non-profit may be the vehicle that allows them to apply for funding opportunities.

No public input.

RESULT: INFORMATION RECEIVED

2. Board of Supervisors (ID # 3487)

Mariposa Friends of the Fair Foundation Presentation by Kion Kashefi, President, Regarding the Inception of the Organization, Current Status and Forecasting (Supervisors Jones and Cann)

Kion Kashefi gave a PowerPoint presentation, with Carol Suggs/Friends of the Fairgrounds (FOF) volunteer assisting; and provided two flyers.

Public comment opened.

Wendy Brown-Barry inquired when the Fish and Game Flea Market is scheduled to occur. Brian Bullis responded from the audience that they have tentatively booked it.

Rick Benson inquired if they have banded together with other Fairgrounds in similar circumstances, and how was it going if they have. Mr. Kashefi responded that the FOF has not partnered up with anyone. Brian Bullis extended his thanks to the FOF.

Public comment closed.

Supervisor Bibby noted that some of what the governor has proposed is adequate for Fresno County, but not Mariposa County; discussed that from a Health and Safety standpoint you think there would be other fairgrounds in similar circumstances; and remarked that she didn't know where CAL FIRE would go without the Fairgrounds. Mr. Kashefi responded that they might have to think outside of the box.

Public comment reopened.

Karen Verdugo/member of the FOF and other non-profits noted that the Fairgrounds is crucial to the other non-profit groups who hold their funding events there.

Public comment closed.

Supervisor Jones extended his thanks for the presentation; noted that two years will go by quickly; and required clarification that the Fairgrounds must operate under State regulations but receives no funding from them. Mr. Bullis affirmed. Supervisor Jones expressed his support for the FOF.

RESULT: INFORMATION RECEIVED

3. Board of Supervisors (ID # 3479)

Discussion, Consideration, and Possible Direction to Pursue a Partnership with Friday Night Live in an Awareness and Community Pride Program that Will Include Cleanup Efforts on a Portion of the Creek Parkway (Supervisors Bibby and Carrier)

Supervisors Bibby and Carrier introduced the item. Max Adams and Nate Gorham with Friday Night Live discussed the section of the creek parkway that the group would like to clean up, and provided pictures of its current state.

Supervisor Cann requested clarification of what is being requested. Supervisor Bibby expounded on the types of County participation that may be needed; noted that they are seeking direction before occupying too much staff time; that the ultimate goal would be for the Friday Night Live group to have a certain section of the creek parkway that they would be able to maintain; and remarked that it can be as big or as little as the Board will permit. Supervisor Cann expressed his appreciation for the project; remarked that he would like to see the creek parkway eventually go from Idlewheels to the Fairgrounds; and suggested that volunteers might be utilized to maintain different sections, as with the highways. Chair Cann noted that the Board seems to be in full support.

Supervisor Jones commended the young men for bringing this matter to the Board, but noted a concern with volunteers on County property. CAO responded that the County uses volunteers all the time, and has standard procedures that will be used.

Chair Cann sought clarification as there is no specific action before the Board. Supervisor Bibby responded, noting that this item was just to bring the idea and concept forward in order to see if the County wants to pursue it; to get permission from the Board to allow staff to coordinate with them and provide them with assistance in working on this project; and to, perhaps, get the CAO to help and coordinate with Community Development on property lines as Tara has maps showing where County property begins and ends. Supervisor Bibby also remarked that the first part is getting it cleaned up, but that Public Works will probably be needed if there is any measuring, and Parks and Rec will be needed to coordinate trash cans and things like that.

CAO remarked that PG & E gets involved with cleaning up parkways and waterways throughout the state; discussed their efforts in the past; and noted that connecting with them might be a good idea.

Supervisor Bibby remarked that she is looking for a staff member to coordinate, and suggested that either Tara Schiff, because of her involvement with the PG & E Grant and the Creek Parkway project, or the CAO would be best. CAO offered, off mic, to act as coordinator.

Public comment opened.

Kris Casto remarked that she thinks this is a great idea; and suggested that there are probably other service clubs in the community that the Friday Night Live Group could partner with in order to make this more of a community project.

Peter Rei remarked that Russ Marks/County Surveyor just did a recent mapping of the entire length of the creek parkway and has all of the ownerships in relation to the creek; and discussed that they have been working with the Master Gardeners over the last two weeks in trying to get mulch down there and have partnered with Asplundh for same.

Public comment closed.

Chair Cann noted that by consensus, the Board is assigning the coordination of this project to the CAO.

RESULT: DIRECTION GIVEN

L. Items removed from Consent Agenda

None.

M. Adjournment

11:36 AM Chair Cann adjourned the meeting in memory of Jeffrey Moore, Genevieve Vonlawne, Robert Gleeson, and Norman Modesett.

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

May 6, 2014

A. Call to Order and Roll Call

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

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

B. Pledge of Allegiance

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

C. Introductions

None.

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

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

Chair Cann noted that there are two amounts stated in CA26, and the correct amount is \$8,770.00. He also noted that CA8 requires a 4/5ths vote.

No public input.

Supervisor Jones clarified that while CA4 is listed as the Coulterville Drainage Fund grant, the money for the computer training was included in the original grant. Chair Cann affirmed that understanding, and explained that the CDBG grant lumped those items

together when it was awarded but was always intended for the Mother Lode Job Training.

Regarding CA20, Supervisor Jones pointed out that when this was last put out to bid, the winning bidder refused to go to the north county and urged care that a similar situation be prevented from occurring. Peter Rei/Public Works Director responded that they will look at the bids carefully before award.

Regarding CA23, Supervisor Bibby discussed the need for the County to have its own animal control facility, and urged the Board to be looking for alternatives.

Regarding CA25, Supervisor Bibby required clarification regarding: whether these parcels are selling; how the County will get its money back; what the timeline is; whether we will be fully reimbursed; and as to which entity suspended foreclosure proceedings. Keith Williams/Treasurer - Tax Collector - County Clerk responded that he could not give a timeline as it is up to the USDA; that the USDA instructed the County to suspend proceedings; and that the County should be able to recoup the full amount of the bond and fees. In response to Supervisor Bibby's request, Mr. Williams noted that he would keep the Board apprised of the issue with semi-annual updates. Supervisor Cann noted that this contract has come before the Board in the past; and he noted that the semi-annual updates seem reasonable. Mr. Williams responded that he is not increasing the contract by large amounts. Supervisor Bibby expressed her worry. Mr. Williams responded that he is preparing a report for the USDA.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-177

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

CA2. Administration RES-2014-178

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

CA3. Administration RES-2014-179

Approve Budget Action Transferring Funding Within the Fish & Game Fund to Correctly Account for a Fixed Asset (\$6,737)

CA4. Administration/Economic Development RES-2014-180

Approve Budget Action Transferring Funds in the Coulterville Drainage Fund to Allow for the Payment to Mother Lode Job Training for Computer Training Center Expenses (\$92,500)

CA5. Board of Supervisors 2014-54

Proclaim the Week of May 3-11, 2014, as National Travel and Tourism Week

CA6. Board of Supervisors

Approve the Minutes of Tuesday, April 22, 2014

CA7. Board of Supervisors RES-2014-181

Authorize the Chairman of the Board of Supervisors to Sign a Letter Supporting Senate Bill 997 - California Fund for Senior Citizens

CA8. Community Services RES-2014-182

Approve Amended Agreements with Area 12 Agency on Aging (A12AA), and Authorize the Board of Supervisors Chair to Sign the Amended Agreements; Approve Budget Actions in the Senior Nutrition Fund Increasing Revenue and Appropriations to Correspond with the Amendments (\$60) 4/5ths Vote Required

CA9. Community Services 2014-55

Approve the Re-Appointment of Niarja Marchand to the Area 12 Agency on Aging (A12AA) Advisory Council for a Term Expiring May 6, 2017

CA10. County Counsel RES-2014-183

Approve a One Year Lease Agreement with Sandra Haar for Office Space for the Grand Jury, and Authorize the Board of Supervisors Chair to Sign the Lease Agreement

CA11. County Counsel RES-2014-184

Approve an Agreement with Yosemite Area Regional Transportation System (YARTS) Joint Powers Authority (JPA) to Continue Providing Public Transit Services, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA12. Fire RES-2014-185

Authorize the Recruitment and Filling of a Fire Services Assistant Position at the Fire Department Effective Immediately

CA13. Health RES-2014-186

Authorize the Filling of a Vacant Secretary Position at the Public Health Department Effective Immediately

CA14. Human Resources/Risk Management RES-2014-187

Approve an Amendment to the Personal Computer (PC) Technician Job Description by Incorporating Minor Changes to Reflect that This Classification Can Also be Used in Departments Other Than the Technical Services Department

CA15. Human Services RES-2014-188

Approve the Child and Family Services System Improvement Plan, Designate the Human Services Department to Administer Child Abuse Prevention Funds, Authorize the Chairman of the Board of Supervisors to Sign the Improvement Plan and the CAPIT/CBCAP/PSSF Program Funding Assurances Notice of Intent, and Authorize the Human Services Department to Submit the Plan to the State

CA16. Human Services RES-2014-189

Authorize the Recruitment and Filling of an Eligibility Worker I/II Position in the Social Services Budget Effective Immediately

CA17. Human Services/Behavioral Health & Recovery Services 2014-56

Appoint Tim Bennett, Byron Robles and Sandi Clark to the Alcohol and Drug Abuse Advisory Board for Terms Expiring May 6, 2017

CA18. Human Services/Behavioral Health & Recovery Services RES-2014-190

Approve an Increase in Extra-Help Hours from 999 Hours to 1,375 Hours for a Mental Health Aide/Client Recovery Extra Help Position

CA19. Planning 2014-57

Accept the Resignation of Diane Archibald, Alternate Member Representing the Butterfly Garden Club on the Historic Sites & Records Preservation Commission

CA20. Public Works RES-2014-191

Authorize Public Works to Advertise for Liquid Gas Heating Fuel for County Facilities; Award the Contract to the Lowest Responsible Bidder and Authorize the Public Works Director to Sign the Contract Following Review by County Counsel

CA21. Public Works RES-2014-192

Approve an Agreement with Cascade Software Systems, Inc. in the Not-To-Exceed Amount of \$11,931.94 for Maintenance and Support for Fiscal Year 2014-2015, and Authorize the Public Works Director to Sign the Agreement

CA22. Sheriff's Office RES-2014-193

Approve an Agreement with the Department of Boating and Waterways to Participate in Boating Safety and Enforcement Financial Aid Program for Fiscal Year 2014-2015, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA23. Sheriff's Office RES-2014-194

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

CA24. Sheriff's Office RES-2014-195

Approve an Agreement with 35-A District Agricultural Association for Security at the 2014 County Fair, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA25. Treasurer-Tax Collector-County Clerk RES-2014-196

Approve Second Amendment to Agreement with Stradling Yocca Carlson & Rauth Increasing the Amount by \$5,000 to a Total Not to Exceed Amount of \$30,000 for Foreclosure Services Related to the Lake Don Pedro Sewer Bonds, and Authorize the Board of Supervisors Chair to Sign the Amendment

CA26. Treasurer-Tax Collector-County Clerk RES-2014-197

Approve a Five-Year Agreement with SouthTech Systems for the Purchase of a Fictitious Business Name Program and Annual Maintenance; and Authorize the Board of Supervisors Chair to Sign the Agreement

E. Board Recognitions

1. Human Services 2014-58

Proclaim May 9, 2014, as "Child Care Provider Appreciation Day"

Chevon Kothari/Human Services Director introduced the item.

No public input.

Supervisor Bibby extended her thanks and appreciation for all child care providers.

Chair Cann presented the Proclamation to Angela Steele/I.C.E.S. Mariposa Program Manager.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Community Services 2014-59

Proclaim the Month of May 2014 as Older Americans Month and Recognize the Significance of This Year's National Theme "Safe Today-Healthy Tomorrow"

Terri Peresan/Community Services Director introduced this item.

No public input.

Chair Cann presented the Proclamation to Ms. Peresan.

RESULT: ADOPTED [UNANIMOUS]

MOVER: John Carrier, District V 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

Terri Peresan advised that the Senior Healthcare and Expo will be this Friday from 10:00 AM to 2:00 PM, at the Fairgrounds.

Len DeJoria/Mariposa County Fire Chief recognized Harve and Tina Dearing, Deven Dearing, Sierra Dearing, Hal Nolen, Onita Nolen, Kevin Keheley, Josh Keheley, Marcella Good, Daniel Norland, and Cathy Garrett for last month's Fill the Boot event; and recognized Engine Company 29 for volunteering for the three days at the Civil War Reenactment.

Chevon Kothari advised that there will be an event to increase awareness and decrease stigma of mental illness tomorrow night at 5:30 PM at the Fairgrounds.

Pete Judy/Chief Probation Officer noted receiving a request to have the Probation work program clean graffiti at the skate park, and advised that when he went over to the park to investigate an unidentified individual had already cleaned it up at their own expense.

Keith Williams advised that the vote by mail ballots were delivered to the Sacramento post office yesterday and should be delivered to voters this week.

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)

Janetta Phillips/Chair Mariposa Butterfly Festival Board thanked everyone for the turnout this last weekend; and thanked the Board and Public Works for all of the support.

Brad Aborn discussed Merced Irrigation District; inquired if the public can get an update on the issue; and suggested that any money that might be received from it go into a trust fund for the public to vote upon.

Kathy McCorry/Chamber of Commerce Executive Director gave preliminary statistics for the month of April. She thanked the Butterfly Festival, noting that lodgings were sold out in town. She also advised that: they will be filming a flash mob on May 20th at 1:00 PM on main street between 5th and 6th streets, and advised that a training session to learn the dance will be held at the High School auditorium this Friday at 3:15 PM; the anniversary celebration for Yosemite National Park will be held on June 26th at the Fairgrounds beginning at 5:00 PM, and will feature an old fashioned picnic, barbecue and games; and the Business Expo has been scheduled for July 16th at the Fairgrounds. Supervisor Bibby required clarification of the number of trainings for the flash mob. Ms. McCorry responded that there will be only one, but that they will be videotaping it.

Marvin Wells complimented the new sound system; and offered to reimburse the ticket price to any supervisor who goes to see *Heaven is for Real*. He also requested a letter of recognition for Laura Shenk, a high school student, who has served on the Juvenile Justice Juvenile Delinquency Prevention Commission, noting that it is needed by June 11th as she was accepted at UC Berkeley, and he gave an overview of her accomplishments.

Mary Bass/CASA thanked everyone who purchased tickets for the playhouse, noting that they raised over \$4000 from that project; thanked the Butterfly Festival for letting them raffle it there; and thanked all of the businesses that supported it.

1. Clerk of the Board of Supervisors (ID # 3614)

Handouts from the Public Comment on Non-Agenda Items Portion of the May 6, 2014 Meeting

RESULT: INFORMATION RECEIVED

H. Board Information

Supervisor Jones reported attending: a meeting with the Grand Jury on the 23rd on a number of issues; a wedding on the 23rd; the Broadband Summit on the 24th along with other Board members, noting that his goal is to have all of District II with faster internet service by the end of this year; another wedding on the 26th; the annual meeting of the History Center on the 27th, noting that it is financially sound now; the ribbon cutting for a post office/hardware store in Greeley Hill on the 28th, noting that the U.S. Post Office is looking for outlying areas to put in satellite offices; the Charter School annual open house and fundraiser in Greeley Hill on the 1st, and discussed wishing to rent a school facility from the school district; the Taste of Mariposa event on the 2nd; the Greeley Hill Breakfast on the 4th; a meeting with Chevon Kothari and Nancy Bell on the 5th regarding some Human Services issues; a meeting with Supervisor Bibby regarding the Fire Department; and the Northside Ambulance Dinner last night, and he thanked Mercy Ambulance.

Supervisor Stetson reported attending: a meeting with Friends of Bear Creek representatives and Gary Francisco, Midpines Advisory Chair, to survey the new addition to the park with the intention of clearing it for use; a meeting with Public Works and

Planning on Monday regarding Yosemite West issues; and a meeting with Supervisor Bibby, the Human Services Director, and Nancy Bell. Supervisor Stetson advised that: the Midpines Community Advisory Board meeting is tonight at 6:00 PM at the Community Hall; he will be attending Department Head evaluations tomorrow through Thursday; and there will be a Candidate Night at the El Portal Community Center for candidates for District 1.

Supervisor Carrier reported attending: the Planning Commission meeting on the 25th; the Bootjack fire breakfast on the 26th; the Air Fair on the 26th; Sunday's youth safety day at Fish and Game with his grandson; a meeting with Tom Cooke on the 29th regarding software and budget update; a meeting on the 30th regarding the Courthouse and funding repairs; an IRWMP meeting via conference call on the 30th regarding drought funding grants; the AAUW Candidate Night at the High School on the 30th; the Area 12 Agency on Aging Joint Powers Authority meeting on May 1st; the Butterfly Parade and the Friends of the Library book sale on the 3rd; the Water Agency Advisory Board meeting on the 5th; a meeting with Bob and Megan from the Fire Safe Council; a meeting with Chevon Kothari and Nancy Bell regarding grant application updates; and a meeting with Mark Rowney later that evening. He advised that he will be attending: the Senior Health Fair on the 9th; the Tourism event at 5 PM today; Department Head reviews on Wednesday and Thursday; and the Historic Sites meeting next Monday. Supervisor Carrier also extended his thanks for the anonymous graffiti cleanup; discussed why he is urging a "no" vote on Proposition 42; and noted that there have been questions regarding Department Head Reviews and why there are none done on elected officials, and requested County Counsel to explain. Steven W. Dahlem/County Counsel responded, and clarified, noting that the Brown Act authorizes closed sessions for public employee performance evaluations, and that elected officials are not employees for these reviews as the authority to hire and fire lies with the electorate.

Supervisor Bibby discussed the two-day Every 15 Minutes program which educates about drinking and driving, and extended her compliments to everyone who participated. She reported attending: the Mental Health Governing Board meeting, and stressed that anyone interested in serving on that committee should contact them; and a meeting with Chevon Kothari and Nancy Bell from Human Services. Supervisor Bibby advised that: tonight is the AAUW Candidate Night in Catheys Valley, with tomorrow being the El Portal presentation; she will miss the rehearsal for the flash mob on the 9th as she has a Community Action Agency funding meeting where they will discuss the desperate need for children's dental services; and Mother Lode Job Training is holding a basic computer skills program on the 7th, an internet basics class on the 8th, and a resume workshop on the 21st & 22nd, and 28th & 29th, and interested parties should call 966-3643 to sign up.

Supervisor Cann noted that we are currently experiencing peak flows in Yosemite which are more in line with mid-July levels. He reported that he attended an RCRC meeting on April 23rd, noting that Proposition 42 was discussed there and that best estimates are that tens of millions of dollars of costs will be passed on to counties if it passes. He also discussed an ongoing attempt by the EPA to change the waters of the U.S. by removing the word "navigable" from the designations. Supervisor Cann reported that he attended: the Broadband Summit on the 24th; a meeting on the 28th with lodging partner representatives regarding T.O.T. options; a meeting on the 29th with a developer, landowner, and Planning Department regarding the continuing efforts for Affordable Senior Housing; and meetings yesterday with the Fire Safe Council, Water Agency Board, and Human Services. Supervisor Cann advised that he will be attending: the Tourism presentation today; Department Head reviews on Wednesday and Thursday; and an Ad Hoc Sidewalk Committee meeting next Monday.

Recess

10:23 AM Chair Cann recessed the Board of Supervisors meeting.

Announcement Pursuant to Government Code 54952.3

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

10:23 AM The gavel was passed to Commissioner Stetson.

I. LOCAL TRANSPORTATION COMMISSION

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

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

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-2014-8

Adopt a Resolution Approving the Transportation Planning Overall Work Program (OWP) for Fiscal Year 2014-2015 and Authorize the Executive Director to Submit and Sign the OWP Agreement, Planning Process Certification, and the Certifications and Assurances Documents

Barbara Carrier/Assistant Public Works Director - Support Services gave the staff report noting that they will be requesting \$5000 of TDA funds instead of \$3000, which will bring the total funding up to \$198,000 instead of \$196,000.

Commissioner Bibby noted that there are two resolutions attached to the item and required clarification that they are identical. Ms. Carrier affirmed.

Commissioner Cann noted that the resolution's date of adoption needs to be corrected as well. Commissioner Carrier extended his thanks for adding Fish Camp and Wawona to the map on page four. Commissioner Stetson required clarification of the flexibility of the budget. Ms. Carrier responded.

No public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Adjourn LTC

10:28 AM Chair Stetson adjourned the LTC meeting, and passed the gavel back to Supervisor Cann.

J. Reconvene as Board of Supervisors

10:28 AM Chair Cann recessed the Board meeting for a brief break.

10:36 AM Chair Cann reconvened the Board of Supervisors meeting.

K. Regular Agenda Items

1. Board of Supervisors (ID # 3544)

Presentation by Allen Johnson Regarding the SouthWest InterFace Team (SWIFT) Project (Supervisor Jones)

Supervisor Jones discussed the SWIFT program, and introduced Allen Johnson/SWIFT Coordinator. Mr. Johnson gave a PowerPoint presentation.

Supervisor Jones requested clarification as to the differences in fuel conditions this year. Rich Drozen/CAL FIRE Chief responded.

Supervisor Bibby required clarification as to where defensive attacks will find water. Rich Drozen responded that they are in the process of identifying water sources, but noted that they are looking at sewer processing plants as a potential source.

Supervisor Carrier inquired if we can get a copy of the PowerPoint presentation to post on the website. Mr. Johnson noted that he can get a copy to Supervisor Jones.

No public input.

RESULT: INFORMATION RECEIVED

2. Board of Supervisors (ID # 3545)

Presentation by Terry Selk, Mariposa Tourism Bureau Executive Director, to Update the Board on Tourism Bureau Marketing Efforts and Activities January - April, 2014; Request Approval to Redesign the Sacramento Window Display; and Invite the Board to Attend the National Travel and Tourism Week Event on Tuesday, May 6Th, from 5:00 PM to 6:30 PM on the Courthouse Lawn

Terry Selk/Executive Director of the Tourism Bureau gave a PowerPoint presentation. He also noted the Tourism Bureau's responsibility to address the state capitol window display and he proposed that a new design will incorporate the 150th anniversary theme and display through the end of 2014; and beginning January, 2015, they will start an annual theme program that will celebrate anniversaries or provide a broader range of features in Mariposa County.

Supervisor Bibby noted that in addition to the display at the capitol, there's also the booth at the State Fair. Mr. Selk noted the cost and staff time needed to build and staff such a booth.

Public comment opened.

Barry Turner commended the Tourism Bureau staff for all of their help.

Mary Bass discussed her experiences with the Tourism Bureau, noting that they are opening it up to Bed and Breakfast establishments, as well as promoting the town.

Public comment closed.

RESULT: INFORMATION RECEIVED

3. Administration/Economic Development (ID # 3396)

**Roger Biery, Mariposa Economic Development Corporation (EDC)
President, Will Report on Result of RFI (Request for Information) to
Developers, Regarding the Possible Conference/Performing Arts Center &
Resort Hotel**

Roger Biery/EDC President gave a PowerPoint presentation.

Supervisor Cann noted that a feasibility analysis by a third partner might be as valuable to the Board and community as a potential developer.

Supervisor Bibby discussed the responses that were supplied by a public member, as well as impact fees; and emphasized that this will be a private development and not a County endeavor. Mr. Biery noted that this is the beginning of a fairly long process.

Supervisor Carrier required clarification regarding the summaries and responses that were provided by the member of the public. Mr. Biery responded that some companies are reluctant to share information, but that he will be happy to share the information with any person who requests it. County Counsel noted that the records are public records, having been provided to the Board. Supervisor Carrier also noted that the EDA grant is currently on hold and inquired if the Board will be notified if the decision is made to continue with that grant application. Tara Schiff/Community Development - Grant Coordinator responded that the Board will be notified. Supervisor Carrier discussed a recent Fairgrounds presentation regarding its financial hardships, and noted concern that a conference center might take business away from them.

Supervisor Bibby required clarification that the notice Ms. Schiff was referring to will be on the public agenda. Ms. Schiff affirmed.

Public comment opened.

Unknown woman inquired if they will still pursue smaller conventions. She also requested that the EDC put FAQs and other information on the EDC website.

Public comment closed.

RESULT: INFORMATION RECEIVED

Lunch

11:46 AM Chair Cann recessed the Board for lunch, and announced that it will reconvene at 1:30 PM.

Reconvene

1:33 PM Chair Cann reconvened the meeting.

4. Public Works (ID # 3359)

Approve an Agreement with the Mariposa Industrial Park Association to Supply Water to the Mariposa Landfill and the Society for the Prevention of Cruelty to Animals (SPCA) and Authorize the Board of Supervisors Chair to Sign the Agreement; Direction to Staff Regarding Payment of the SPCA Costs

Peter Rei gave the staff report.

Supervisor Stetson required clarification as to whether the \$12,000 paid for the last few years included the SPCA. Mr. Rei responded that it is just the County's water usage. Supervisor Stetson inquired if the clause that indicates that there will be separate connection charges for the landfill and the animal shelter should be there. Mr. Rei responded that the County pays either way, but not necessarily the Enterprise Fund. Mary Hodson/Deputy County Administrative Officer noted that this item is also requesting

direction from the Board as to the source of funding for the SPCA as it is not an appropriate expense for the Enterprise Fund, and noted that it appears that the General Fund is the most logical source. Supervisor Stetson noted his agreement.

Supervisor Bibby inquired if there is a term in the agreement that requires the County to provide the water. Mr. Rei responded that an old agreement in the 1980s had such a term but was never renewed. County Counsel remarked that it is his recollection that the agreement with the SPCA has long since expired and that there is no operative agreement at this point, but that he will have to check that to confirm. Mr. Rei noted that they have been paying for it while they waited to bring this agreement to the Board. Supervisor Bibby remarked that the agreements need to be revisited. She also required clarification of the purpose of the parcel description. Mr. Rei responded, noting that it was attached to the agreement in order to tie in the landfill parcel as one of the customers of the municipal water company, and is just a description of the landfill parcel. Supervisor Bibby also inquired if the County is paying the same rate as the other subscribers. Mr. Rei responded that we are. Supervisor Bibby expressed her concern that everyone needs to understand that if that well goes dry the County is just another subscriber; noted that we need to have our own well if we're going to continue at that site; and urged seeking grants to fund drilling our own well.

Supervisor Carrier noted that this might have been better separated into one action to discuss the landfill and to identify the funding source for the SPCA; and inquired if there were any discussions with the SPCA regarding entering into another agreement. Mr. Rei responded that they were approached about whether they wanted to handle their own connection separately, and they made it quite clear that they did not, and they were not interested in paying for it because they felt that it would cost the County more to provide the same services; they have had no conversations about an agreement; and that it is pretty clear that they want the County to pay it. Supervisor Carrier noted that he has no issue with the water at the landfill, but would like to see these issues separated.

Supervisor Bibby inquired if this has gone through potable water screening; and required assurance that there are no contaminant issues with this well. Mr. Rei responded that there has not been anything of concern in any of the reports.

Supervisor Cann remarked that it is his understanding that the County has always paid for the water for the SPCA and he, consequently, doesn't think that they will volunteer to pay for it.

Chair Cann inquired if a specific action is required from the Board in order to separate these matters. Mr. Rei responded that he can bring this back, and just keep doing what they have been doing in the interim. Supervisor Stetson remarked that he thought the Board could move on today's action with the removal of that one sentence. County Counsel recommended maintaining the status quo pending discussions with the SPCA, and until a comprehensive package can be prepared. Supervisor Stetson requested clarification of whether separate agreements were going to be brought back. County Counsel affirmed.

Chair Cann inquired if Mr. Rei understood the Board's direction. Mr. Rei affirmed.
No public input.

RESULT: DIRECTION GIVEN

5. Public Works (ID # 3360)

Waive First Reading and Introduce an Ordinance Amending Chapter 10.08.020-Stopping, Parking Prohibited on Trabucco Street

Peter Rei gave the staff report.

Supervisor Cann clarified that the only development being proposed is for four parcels on the other side of the gate and that any further development up there will trigger a whole different set of actions.

Supervisor Bibby noted that the four additional parcels still equates to additional traffic; inquired of the traffic count; and discussed the narrowness of the road. Mr. Rei responded by discussing the width of the road; remarking that the road will feel larger when the gate is removed; noted that the other option is to require the improvement; remarked that he doesn't think that the additional traffic will impact it much especially in view of the traffic from sporting events; and discussed the parking pockets that are part of this option. Supervisor Bibby required clarification regarding parking off of Mariposa Street. Mr. Rei responded that he is not recommending that street as "no parking" at this time.

Supervisor Bibby required clarification of what will happen if this ordinance is not approved. Mr. Rei responded noting that, because of the way the Planning Commission approved it, the result would be the construction of the 40 foot section. Discussion ensued between Supervisor Bibby and Mr. Rei regarding the Planning Commission action, noticing in the matter, and the preference of the residents. Supervisor Bibby discussed the options available, and remarked that she was afraid that the Health and Safety aspect of the road might become a problem in the future.

Supervisor Jones required clarification that the Planning Commission only approved four parcels, so that is all that can be looked at today. Mr. Rei affirmed. Supervisor Jones inquired if CAL FIRE has inspected it. Mr. Rei responded, noting that it was sent to them but they did not comment. Supervisor Jones noted that no comment from CAL FIRE usually means that they have no concerns.

Supervisor Cann noted that it is his understanding that the four parcels are the maximum for a dead end road, and that any future development will require a secondary road.

Supervisor Carrier required clarification of the road width if the Board does not approve this ordinance. Mr. Rei responded, noting that it would be approximately 37 feet. Supervisor Carrier discussed his concerns regarding the road access, and the apparent loophole regarding the road standard

Supervisor Bibby elaborated on her concerns regarding the Health and Safety issues.

Supervisor Cann discussed the issues that were considered up to this point. Sarah Williams/Planning Director gave an overview of the process and authorities for the Planning Commission's action. Supervisor Bibby inquired if the sidewalks could be omitted. Ms. Williams responded, noting that the roads standards specify the dimensions and sidewalks. Supervisor Bibby remarked that the Board seems to have little latitude in the matter. Mr. Rei discussed that the matter is in full compliance with the procedures and rules that are in place which give the applicant the right to suggest an alternative, which they did.

Supervisor Cann required clarification that this has gone through the full review, and has been approved up to the Board. Ms. Williams affirmed.

Supervisor Jones remarked that to make a change now would be changing the rules in the middle of the game for the developer. Ms. Williams responded noting that this is the proposal that the engineer came up with.

Supervisor Stetson remarked that this can be addressed down the line if it does cause a problem. Mr. Rei agreed. Supervisor Carrier noted that it would be the County's money if we address it in the future instead of the developer. Mr. Rei affirmed.

Public comment opened

Ron Iudice remarked that the process is hard enough; and there is an issue before the Board and they should either vote for it, or not.

Patty Reed/Trabucco Street resident noted that no one spoke with her about the issue; discussed being caught between either getting "no parking," or they lose a part of their front yards; noted that they are going to lose all of their street parking while the four parcels will have it; and offered that another route into that subdivision would be better.

Chair Cann responded that the pull-out parking for the new parcels will be at the expense of the new parcels; and he noted that what is perceived as a front yard is actually

County property.

Public comment closed.

The motion was made and seconded, and the Clerk of the Board read the action, and ordinance title into the record.

Supervisor Bibby noted that a different route would have fulfilled everyone's needs; would have opened the door for future development of the additional parcels; and it keeps coming up that we probably already have a Health and Safety issue given the proximity to the school and its traffic.

RESULT: INTRODUCED [3 TO 2] Next: 5/20/2014 9:00 AM

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Lee Stetson, Merlin Jones, Kevin Cann

NAYS: Janet Bibby, John Carrier

6. Public Works RES-2014-198

Approve Publication of a Request for Qualifications for Engineering Services and Rate Determinations for Special Districts in Yosemite West, Coulterville, Don Pedro and Mariposa Pines

2:27 PM Chair Cann noted that the Board will consider agenda item 9 at this time in consideration of the citizens from Yosemite West who have been waiting all day.

Peter Rei gave the staff report, and noted that should this be passed he would immediately propose that they advertise the matter.

Supervisor Carrier inquired if there is a cost estimate for the seven projects scheduled, and as to how it will be paid. Mr. Rei responded that, by California law, he has to pick who is the most qualified, and then negotiate a price. Supervisor Jones advised that, should a contract be awarded, he wants to see any increases in that negotiated price brought before the Board.

Discussion ensued. Mr. Rei noted that the problem is that should something go wrong he has no money to repair anything.

Supervisor Bibby and Mr. Rei discussed funding and the funding process.

No public input.

Supervisor Bibby inquired about funding for the project. Mr. Rei noted that it doesn't cost anything to put together a request.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

7. Public Works (ID # 3512)

Discussion and Direction Regarding Payment of Costs for Completing Notice of Violation Requirements on the Yosemite West and Coulterville Waste Water Treatment Plants

Peter Rei gave the staff report. He reported that we currently have four Notices of Violation (NOV) with the Water Board; that he has a meeting with them next Thursday at 2:00 PM where he hopes to convince them that we are doing everything that we can to

comply; and hopefully to convince them not to issue fines for those NOV's. Mr. Rei also reported that he has been informed that the Coulterville spill has left the Technical side of the Water Board, and has gone to the Enforcement side; that he is not sure about Yosemite West; and that there are specific things that need to be done to comply, but that he needs direction as the capital funds are exhausted in both cases.

Chair Cann required clarification regarding the costs. Mr. Rei responded that a report from Provost and Pritchard regarding the leech fields at Yosemite West will be on next Tuesday's agenda with multiple issues, the largest one being the construction of three new leech fields that would add 42,400 gallons per day in treatment capacity at a construction cost of 1.42 million dollars, but we do not currently own the property so there would be an additional cost for land acquisition. There will be a strainer item for approximately \$92,000 to build the strainer for the subsurface drip irrigation system at Yosemite West which must work because the leech fields are not getting the rest that they were designed to get, and there's an additional \$20,000 not-to-exceed amount because it is unknown whether the system will work since it has not been operated in many years and repairs are expected; for a total of \$112,000. Repairs are needed to the containment system in Coulterville; which will probably be approximately 5000-\$10000, but there is no money in the budget to pay it. Mr. Rei noted that rate hearings will help but there are only 178 connections in Yosemite West, and only 88 in Coulterville so spreading large costs among that limited number of services will be very expensive to do with rates alone. He noted that there have been no problems at Mariposa Pines; and no obvious problems at Don Pedro but there are bond defaults so, eventually, financial problems will arise if those bond payments cannot be made. He also noted that they will pursue grants, but the overwhelming majority of them will be loans.

Supervisor Stetson inquired about the lot line adjustment to drill a new well. Mr. Rei responded that, in all likelihood, you will have to acquire quite a bit of property because of the way the leech field lays out, and you're likely to have multiple locations to drill another well. Supervisor Stetson required clarification that those would be pumping up. Mr. Rei affirmed.

Supervisor Cann and Mr. Rei discussed package plants, the problem of disposal, the lack of staff to perform the higher maintenance for same, and the flow fluctuations at higher elevations.

Supervisor Carrier inquired if the control agency has been questioned to see if they know of funding sources. Mr. Rei responded that the Board asked Lonnie Wass, the Water Board representative, in December, 2012, relative to Yosemite West and were told that there were none because of the average income level in Yosemite West.

Supervisor Carrier discussed funding, and noted his frustration at the process.

Supervisor Cann noted personally speaking with a large consultant on water and waste water, and a DWR manager, and both said that there are grants available for situation like Coulterville, and they would be happy to work with them for loans on Yosemite West. Supervisor Jones noted that he doesn't think we'll find any problem in getting grants for Coulterville. Supervisor Cann suggested discussing the matter with Townsend who will be coming down next Monday for a meeting.

Supervisor Bibby noted the need to see the documents from the DWR to see what funding options available; noted that Don Pedro was supposed to revert to that association; noted that service users have fought rate increases through the years which has contributed to the current dilemma; and remarked that she hopes that these communities know that the County does not have the funds to apply to a particular area and not have revenue to offset it. Mr. Rei reported having a recent meeting with Don Pedro; and noted that they are not interested in having the sewer system revert to them, despite the LAFCo document that created the District clearly showing that as the goal. Mr. Rei discussed funding options that he will be investigating. Supervisor Bibby required clarification regarding the next step with Don Pedro in view of the LAFCo document, and noted that she would like to pursue that reversion process. Supervisor Jones noted his

agreement that we have to get out of Don Pedro as soon as we can; and clarified that the while the LAFCo document wording notes it to be a goal, there is no timeframe set, so, they have the option to take it over whenever they want. Supervisor Bibby remarked that if that was the final language, and if the language notes a goal, then it is Mariposa County's goal to get rid of it, and we can just sort it out in court.

Supervisor Carrier inquired if we would be in compliance if all of the work listed in this item was done. Mr. Rei responded that we would, but noted that there also other factors in this like the cost of the property acquisition; staff time figured in here; and complete the items in the plan and keep it in a good state of repair going forward. Mr. Rei also noted that there are also a number of water quality issues, and a number of capacity issues that are more troubling. Supervisor Carrier inquired if 2.25 million dollars would take care of the Notices of Violation. Mr. Rei responded that they would have to ask the Water Board and he would hope that their answer would be yes. Supervisor Carrier also inquired if Mr. Rei has discussed the issue with Rick Benson. Mr. Rei responded that the County had the money. Supervisor Carrier noted that he is looking at the possibility of going after another USDA loan to get it fixed.

Supervisor Cann remarked that this same scenario is playing out up and down the state and we need to let the Water Quality Board know that we need help; and he suggested taking Townsend to the meeting. Mr. Rei discussed the role that the Clean Water Act played in the building of these facilities in the 1980s.

Supervisor Stetson discussed Yosemite West, noting that speed in resolving these issues is necessary.

Chair Cann remarked that he would suggest that the CAO be assigned to work with Mr. Rei on this situation; and noted that direction is to work towards completion, including identifying grants that could be utilized. He also requested that Mr. Rei return and brief after his meeting with the Department of Water Resources. Mr. Rei noted that he would like to setup a couple of meetings with the Board infrastructure liaisons for guidance. Supervisor Cann noted that they can meet every Monday morning.

Supervisor Bibby inquired when Mr. Rei will be returning. Mr. Rei responded that he will return in two weeks. Supervisor Bibby urged obtaining whatever funding is available; to put rate increases in effect as soon as possible; and to pursue the LAFCo issue.

Supervisor Carrier noted his agreement with taking Townsend to the Regional Water Board meeting, and taking advantage of grants or other funding opportunities

Public comment opened.

Robert Kroon/Yosemite West resident recounted that: Yosemite West residents had come up with a package plant system that would have cost 1.2 million dollars to build, and would have paid for the plant construction, the leach fields, and paved the road down to the sewer plant; the Board would not listen and pursued the bond package, instead; the County hired the best consultants to design the best sewer plant and charged a 4 million dollar bond, which turned out to be the wrong design, and was not maintained; the contractor went bankrupt and the County finished it; there was no engineer overseeing the project; the leach field was built on the wrong property; it was built to extra capacity. Mr. Kroon also remarked that the upcoming engineer report from Provost and Pritchard should illuminate much; discussed the need to have a full time sewer worker; and discussed the need for a well, and wells in the area.

Neil Misener/Yosemite West resident noted that the package plant that they had proposed was Senta Corporation and was state of the art; the County would not even allow them to vote on that plant; discussed GeoFlow, and noted that they are asking almost \$2 million dollars to correct the system.

Barry Turner provided a copy of the grand jury report, noted that they will not hit full build out no matter what happens; a possible building moratorium will impact the sale of property by the Long family; the Long family is still paying on the bond issue; noted that, according to the grand jury report, the building moratorium should have never been signed off; read a portion of the Grand Jury report regarding the 2012 Provost and

Pritchard report; gave an overview of expenditures to date, noting that we're paying \$170,000 for repairs; and remarked that the homeowners are upset by the changing costs that they are be told. Supervisor Cann required clarification of whether the strainer is in there. Mr. Turner responded.

Carol Misener/Yosemite West resident noted that the original loan from the USDA was very specific on what it could be used for and what it would cover; and discussed her concern regarding whether there would be a reaction from the USDA at how the money was utilized.

Marshall Long/local rancher remarked that this is why we don't want any more wastewater plants in Mariposa County; and urged updating the General Plan to do away with all of them.

Barry Turner remarked that a USDA grant was already received for a collection system, and wondered how we can go back to them for money for the same thing.

Robert Kroon reminded the Board that Yosemite West brings in over \$700,000 per year in TOTs.

Public comment closed.

Supervisor Stetson remarked that direction seems clear.

Mr. Rei responded to public comment and noted that he cannot comment on the package plant price as that was before his time with the County; remarked that he differs in his interpretation of the Provost and Pritchard report, as it was done in response to the County being pro-active to identify the magnitude of the problems; and discussed the prices in the report.

Supervisor Cann noted that Mr. Rei will return with a report to the Board in two weeks, and that he and Supervisor Jones will work with him.

Supervisor Bibby expressed her worries, noting that the Board relies on the consultants.

Supervisor Jones noted his support.

Chair Cann noted that the matter is to be rescheduled and rebriefed in two weeks.

RESULT: INFORMATION RECEIVED

8. Public Works RES-2014-199

Approve Change Order #1 with Mark Long Construction in the Amount of \$34,520 for a Total Compensation of \$93,320 for Additional Work Performed on the Tauchen Mine Reclamation Project, and Authorize the Board of Supervisors Chair to Sign the Change Order

Peter Rei gave the staff report, discussing the garbage that was found in the area.

Supervisor Bibby required clarification of whether SMARA funds can be used for illegal dumping of trash. Mr. Rei noted that he would have to defer to Sarah Williams. Ms. Williams responded that they had Department of Conservation inspectors out there yesterday and they had no issues with it; and that it was not household garbage, but rather was from mining operations. Supervisor Bibby inquired if the tipping fees were recouped from this source. Mr. Rei and Ms. Williams affirmed.

Supervisor Bibby remarked that she doubted that we were able to recoup the costs of the court. Ms. Williams responded, noting that they are working on code amendments that may help to address these issues in the future.

No public input.

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

9. Public Works (ID # 3520)

Adopt a Resolution Requesting Changes to the Federal Functional Classification System and National Highway System for Highway 49 Within Mariposa County to Add Highway 49 to the National Highway System

Peter Rei gave the staff report, noting that the only concern of which he is aware is that there cannot be junk car lots immediately adjacent to the highway, nor any new billboards, but that existing billboards will be grandfathered.

Supervisor Bibby noted that she hopes that they weigh the consequences of per mile for pavement of road repair versus a billboard and screening a junk yard; and requested that the Board be informed if they've taken a negative on this.

Supervisor Cann required clarification regarding the junkyard issue on a state highway. Mr. Rei responded that it is the National Highway system designation that triggers it.

Supervisor Carrier remarked that we need to monitor this carefully because there are restrictions that go along with it, and urged careful research with the other counties to guard against unintended consequences. Mr. Rei responded, noting that Caltrans has already been putting in restrictions even on state highways that are not in the national highway system.

Supervisor Bibby inquired if Mr. Rei could verify any impact to individual property rights and development along the highway. Mr. Rei noted that he did specifically inquire as to restrictions, and only junkyards and billboards were mentioned. Supervisor Bibby inquired if he could get a written response to that effect. Supervisor Cann noted that Ms. Williams would be better able to respond to this issue.

Public comment opened.

Russell Marks/County Surveyor clarified that Highway 49 south is a restricted access highway from Allred Road to Worman Road, and you cannot just put an encroachment anywhere.

Chair Cann noted that this item will be continued, and to allow clarification on the issue of the additional restrictions that would be imposed if the road is put into the national highway system.

Marshall Long noted that Highway 132 was not mentioned and inquired if it is part of that designation. Mr. Rei responded that it is not part of the national highway system, and that he would have to research the issue as designation requires meeting certain criterion for the amount of movement and the type of use that it gets.

Public comment closed.

RESULT: CONTINUED Next: 5/27/2014 9:00 AM

L. Items removed from Consent Agenda

None.

M. Closed Session

No public input on any closed session.

1. **Administration (ID # 3515)**

CLOSED SESSION: Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8; Description of Real Property: Mariposa APN 014-400-0620; Property Agency Negotiator: Richard J. Benson; Under Negotiation: Price and Terms of Lease/Purchase

This closed session was held at 4:29 PM, and reported out on May 8, 2014 at 4:10 PM.

RESULT: CLOSED SESSION HELD

2. **Closed Session (ID # 3543)**

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

This closed session was held at 4:42 PM, and reported out on May 8, 2014 at 4:10 PM.

RESULT: CLOSED SESSION HELD

3. **County Counsel (ID # 3519)**

CLOSED SESSION: Conference with Legal Counsel; Significant Exposure to Litigation Pursuant to Subdivision (B) of the Government Code Section 54956.9

This closed session was held at 4:45 PM, and reported out on May 8, 2014 at 4:10 PM.

RESULT: CLOSED SESSION HELD

N. Continue Meeting to May 7, and May 8, 2014

1. **Administration (ID # 3549)**

Continue the May 6, 2014, Meeting to Wednesday/May 7, 2014, at 11:00 A.M. and to Thursday/May 8, 2014, at 8:30 A.M. for Department Head Performance Evaluations

4:18 PM Chair Cann continued the meeting until May 7, 2014, at 11:00 AM in memory of John D. Neville, Joan Rae Lake, Dennis Eagles, James Victor Romero, Gladys Bennett, and Virginia Cole.

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

May 7, 2014

A. Call to Order and Roll Call (Meeting continued from May 6, 2014)

11:03 AM Chair Cann called the meeting to order at the Mariposa County Government Center. He noted that all members were present with the exception of Lee Stetson who will be joining the meeting later in the day, and that there was a quorum.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	2:13 PM
Merlin Jones	District II Supervisor	Present	11:00 AM
Janet Bibby	District III Supervisor	Present	11:00 AM
Kevin Cann	District IV Supervisor	Present	11:00 AM
John Carrier	District V Supervisor	Present	11:00 AM

B. 11:00 AM Closed Session

C. Closed Session

No public comment on any closed session item.

1. **Administration (ID # 3530)**

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

This session was held at 11:09 AM, and reported out on May 8, 2014 at 4:10 PM.

RESULT: CLOSED SESSION HELD

2. **Administration (ID # 3531)**

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

This session was held at 2:02 PM, and reported out on May 8, 2014 at 4:10 PM.

RESULT: CLOSED SESSION HELD

2:13 PM Supervisor Stetson joined the meeting.

3. **Administration (ID # 3533)**

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

This session was held at 3:24 PM, and reported out on May 8, 2014 at 4:10 PM.

RESULT: CLOSED SESSION HELD

D. Recess

4:50 PM Chair Cann continued the meeting to May 8, 2014 at 8:30 AM.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors



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KEVIN CANN, CHAIR
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LEE STETSON
JANET BIBBY
JOHN CARRIER

DISTRICT IV
DISTRICT II
DISTRICT I
DISTRICT III
DISTRICT V

MINUTES

May 8, 2014

A. Call to Order and Roll Call (Meeting Continued from May 7, 2014)

8:33 AM Chair Cann called the meeting to order at the Mariposa County Government Center, noting that there was a quorum with all supervisors present.

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	8:31 AM
Merlin Jones	District II Supervisor	Present	8:30 AM
Janet Bibby	District III Supervisor	Present	8:30 AM
Kevin Cann	District IV Supervisor	Present	8:30 AM
John Carrier	District V Supervisor	Present	8:30 AM

B. 8:30 AM Closed Session

C. Closed Session

No public comment on any closed session item.

1. **Administration (ID # 3534)**

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

This session was held at 8:40 AM.

RESULT: CLOSED SESSION HELD

2. **Administration (ID # 3535)**

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

This session was held at 10:09 AM.

RESULT: CLOSED SESSION HELD

3. Administration (ID # 3536)

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

This session was held at 11:19 AM.

RESULT: CLOSED SESSION HELD

4. Administration (ID # 3537)

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

This session was held at 1:38 PM.

RESULT: CLOSED SESSION HELD

5. Administration (ID # 3538)

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

This session was held at 2:57 PM.

RESULT: CLOSED SESSION HELD

Report Out

4:10 PM Chair Cann reported out on the following Closed Sessions:

From the May 6, 2014 Meeting: Information was Received and Direction was Given on Closed Session item M.1, and Information was Received on Closed Session items M.2 and M.3;

From the May 7, 2014 Continued Meeting: Information was Received on Closed Session items C.1, C.2 and C.3; and

Information was Received on all Closed Session items today.

D. Adjournment

4:11 PM Chair Cann adjourned the 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

May 13, 2014

A. Call to Order and Roll Call

9:02 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	8:56 AM
Merlin Jones	District II Supervisor	Present	8:56 AM
Janet Bibby	District III Supervisor	Present	8:56 AM
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 honor of our men and women in uniform both domestically and across the globe.

C. Introductions

None.

9:04 AM Chair Cann noted that some of the CSA #3 Assessment Ballots that were sent out indicated a hearing time of 9:00 AM on one side and 2:00 PM on the other, and announced that he would open the floor for purposes of testimony if anyone was there to provide input for that CSA hearing. He inquired if anyone wished to testify. There was no input.

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 and CA7 require a 4/5ths vote.

No public input.

Supervisor Jones required clarification that the funds for CA3 were coming out of the Yosemite West fund. Rick Benson/County Administrative Officer affirmed.

Supervisor Bibby inquired if CA7 is moving money from contingency at the landfill, and inquired what the balance will be in that fund once this amount is transferred. Greg Ollivier/Solid Waste Recycling Manager responded that he did not have those numbers with him but noted that there would not be much of a balance remaining; and he clarified that this is to correct a clerical error which placed the amount on the wrong budget line at mid-year. Supervisor Bibby inquired if there were sufficient funds. Mr. Ollivier affirmed. Supervisor Bibby requested a report with those figures so that the Board can watch that contingency; and discussed planning for next year to build out as much as possible rather than put it in an operation line item. Mr. Ollivier responded, noting that they have started an equipment replacement fund. Rick Benson required clarification of how much was previously taken out of contingency, and how much was being transferred with this item. Mr. Ollivier responded that the previous amount was approximately twelve thousand dollars, and this item is for approximately \$38,000. CAO noted that this item will exhaust the contingency. Supervisor Bibby requested an email verifying those amounts. Supervisor Cann noted that he also checked with the budget officer and CAO, and clarified that this item is just correcting a clerical error that occurred at mid-year; noted that the equipment replacement account and contingency account is new for the solid waste program; discussed the efficiency of the management at that facility; and extended his compliments. Supervisor Bibby extended her compliments as well; and discussed potential expenditures for well monitoring and extra-help needs.

Regarding CA8, Supervisor Bibby required clarification as to how this will work after that initial year. Peter Rei/Public Works Director responded that this came to them from Planning; noted that the ongoing cost will come out of the Facilities budget; and noted that it will cost \$69 per month and that he feels that Public Works can absorb it. Supervisor Bibby extended her compliments to Sierratel for their many contributions to the community; and noted that this is a great opportunity, but would like it monitored to make sure that it causes no financial problems in the future. Supervisor Stetson extended his thanks for the contribution. Laura Norman/Public Relations Supervisor for Sierratel, noted that Sierratel is very pleased to be able to provide this service to the Midpines Community; and noted that, after the first year, the cost will be \$69.95 per month. Supervisor Bibby inquired if Mr. Rei will be following up with Rick Peresan regarding an internet and user policy for that site. Mr. Rei responded that they can do that.

Chair Cann noted that Jim Hobbs, the sound technician, is working on the new system today; and he discussed Mr. Hobbs' dedication to the project.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. **Administration RES-2014-200**

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

CA2. **Administration RES-2014-201**

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

CA3. Administration RES-2014-202

Approve an Agreement with Vavrinek, Trine, Day & Co. in the Not to Exceed Amount of \$16,200 to Conduct a Review of Yosemite West Financial Transactions, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA4. Administration RES-2014-203

Approve Budget Action Reducing General Fund Contingency and Increasing the Indigent Defense Budget to Account for Greater Than Anticipated Conflict Counsel Expenses (\$20,000) 4/5ths Vote Required

CA5. Planning 2014-60

Approve a Certificate of Recognition Honoring the Memory of Lou Cordero for His Community Support on the Catheys Valley Planning Advisory Committee

CA6. Planning 2014-61

Appoint Alton J. Brown to the Wawona Town Planning Advisory Committee with the Term Expiring on February 28, 2016 (Supervisor Carrier)

CA7. Public Works RES-2014-204

Approve Budget Action Transferring Funds Within and Reducing the Contingency in the Solid Waste/Recycling Fund (\$50,000) 4/5ths Vote Required

CA8. Public Works RES-2014-205

Accept the Contribution from Sierra Tel for One Year of Premium DSL Service Plus a Modem at No Cost to the County, and Authorize Public Works to Proceed with the Order to Install Internet Service for the Midpines Community Hall Center at a One Time Installation Cost of \$75.00

CA9. Treasurer-Tax Collector-County Clerk RES-2014-206

Authorize the Chairman to Sign a Letter in Support of AB 2231 (Gordon) to Reinstate the Senior Citizens and Disabled Citizens Property Tax Postponement Program

E. Board Recognitions

1. Board of Supervisors 2014-62

Proclaim the Month of May, 2014 as "National Military Appreciation Month" (Connie Waldron, Ladies Auxiliary Veterans of Foreign Wars, Post 6042 and Judith Huffman, Merced River Chapter Daughters of the American Revolution)

No Board or public input.

Chair Cann presented the Proclamation to Connie Waldron and Judith Huffman.

Ms. Waldron invited everyone to the Memorial Day Commemoration at the cemetery on May 24th. Ms. Huffman extended her thanks to the Board.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Janet Bibby, District III 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

None.

G. Public Comment on Non-Agenda Items

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

Glenn Franklin/Mariposa County Resource Conservation District (RCD) President invited the Board to their annual Open House on May 21st from 5:00 PM to 7:00 PM, noting that their office has moved to the office formerly occupied by the Sierra Nevada Conservancy, and handed out a flyer for it. He also advised that they will be hosting the state resource conservation association annual conference at Tenaya Lodge in November, 2015; noted that it will bring about 1,000 people to Mariposa County; noted that there are over 99 RCDs in California; advised that more information can be obtained at their website at <http://www.carcd.org>; noted that they are under the purview of the Department of Conservation; advised that he has been elected as the Vice President of the California State Association of Resource Conservation Districts; discussed the CAL FIRE California Forest Improvement Program (CFIP); and discussed the IRWMP program.

Wendy Brown-Barry advised that the frogs and toads have now been listed in the Federal register and requested that the Board demand an appeal of that decision; read a letter from Assemblyman James Patterson; and requested input on the issue from each supervisor. Ms. Brown-Barry also announced a meeting of the Mariposa Patriots this Saturday evening. Supervisor Cann responded that the species has been listed, but that the critical habitat has not yet been designated.

1. Clerk of the Board of Supervisors (ID # 3624)

Handouts from the Public Comment on Non-Agenda Items Portion of the May 13, 2014 Meeting

RESULT: INFORMATION RECEIVED

H. Board Information

9:38 AM Chair Cann made an announcement regarding a vehicle in the parking lot that needed to be moved.

Supervisor Stetson reported attending: the El Portal Candidate Night last Tuesday, noting his disappointment at the turnout; the department head evaluations on Wednesday and Thursday; and a Wednesday tour of the Midpines Park improvements. Supervisor Stetson advised that he will be attending: the El Portal Advisory Board meeting tonight; a Midpines Advisory Board meeting tomorrow night; and department head evaluations on Monday.

Supervisor Jones reported attending: the Senior Center lunch on the 6th; the department head reviews on the 7th and the 8th; the school board meeting in Greeley Hill on the 8th; a courthouse restoration meeting with Supervisor Carrier and the CAO on the

9th; a Calaveras Mariposa Community Action Agency meeting with Supervisor Bibby on the afternoon of the 9th, where Dr. Mosher did a presentation on the child dental program; the Mother's Day breakfast in Coulterville on the 11th; a meeting with the John Muir Geotourism Center about the upcoming festival; a Crosswalks meeting with Supervisor Cann yesterday; a Tourism meeting yesterday, where they discussed the transient occupancy tax (T.O.T.) and some different ideas; and a meeting with Public Works and the CAO yesterday regarding the service districts.

Supervisor Bibby reported attending: the AAUW candidates night at McKay Hall; a meeting with Supervisor Jones which conflicted with the Tourism Hall of Fame; department head evaluations on the 7th and 8th, and noted that it would be helpful if the public would share either concerns or compliments regarding department heads; and the Community Action Agency meeting with Supervisor Jones, and extended her compliments to Chevon Kothari, Dr. Mosher, and Safe Families as they may be able to contribute an additional \$8,000 to the Children's Dental program. Supervisor Bibby advised: of a possible Mother Lode Job Training meeting on the 22nd; and that she will be attending department head evaluations on the 19th.

Supervisor Carrier reported attending: the Senior Center lunch last Tuesday; department head reviews on Wednesday and Thursday; a Friday courthouse meeting with Public Works, the Courts, and Supervisor Jones, noting that they should soon be able to move forward with work there; a Historic Sites meeting on Monday; and an IHSS meeting. Supervisor Carrier advised that he will be: participating in a conference call tomorrow regarding the courthouse; participating in a Thursday conference call regarding IRWMP; participating in a CSAC Board of Directors conference call; attending the dinner at the Ponderosa Basin Fire Station on Saturday from 5:00 PM to 7:00 PM; and attending department head evaluations on Monday. He also discussed that people need to use their turn signals; and referred to the YouTube video regarding the Every Fifteen Minute program (EFM 2014) and extended his thanks to everyone who was involved with that.

Supervisor Cann noted his agreement with the lack of turn signal problem. Supervisor Bibby noted that the EFM video will be in an upcoming presentation to the Board; and noted that there will be an upcoming contract amendment for First 5.

Supervisor Cann reported attending: the Tourism Week Celebration last week, noting that Leroy Radanovich and Lee Stetson were inducted into the Tourism Hall of Fame; a meeting with the Human Resources Director yesterday regarding some department head salary issues; and a Crosswalk Ad Hoc committee meeting, noting that they will have an item before the Board next Tuesday for a grant for that project, and he discussed the coordination with future Bullion Street work; and an Airport meeting. He also discussed T.O.T., noting that Sacramento County just increased theirs from 12% to 15%. Supervisor Cann advised that he will be attending: a meeting with one of the Airport committee members; the CSAC legislative conference tomorrow morning in Sacramento where the Governor's budget revisions will be the focus; a joint meeting with RCRC officers and the State Association of County officers, noting that CSAC and RCRC are in alignment on the EPA Corps of Engineers navigable waters issue; and department head reviews on Monday. He also noted that the Relay for Life is this Saturday and Sunday at the Fairgrounds.

Supervisor Jones noted that the County has a lot of very dedicated department heads who go beyond the call of duty, and he extended his personal thanks for all of their efforts.

Recess Board of Supervisors

9:58 AM Chair Cann recessed the Board of Supervisors meeting.

Announcement Pursuant to Government Code 54952.3

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

9:59 AM The gavel was passed to Commissioner Stetson.

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. Public Works LTC-2014-9

Approve an Agreement with Caltrans for the 2013/2014 Optional Federal Apportionment Exchange and State Match Program for Regional Surface Transportation Program (RSTP) Funds, and Authorize the Local Transportation Commission Chair to Sign the Agreement

Barbara Carrier/Assistant Public Works Director - Support Services gave the staff presentation.

No Board or public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Adjourn LTC

10:01 AM Chair Stetson adjourned the LTC and passed the gavel back to Supervisor Cann.

J. Reconvene as Board of Supervisors

10:01 AM Chair Cann reconvened the Board of Supervisors.

K. Regular Agenda Items

1. Public Works RES-2014-207

Approve an Agreement with Caltrans for 2013/2014 Optional Federal Apportionment Exchange and State Match Program for the Regional

Surface Transportation Program (RSTP) Funds, and Authorize the Board of Supervisors Chair to Sign the Agreement

Barbara Carrier gave the staff presentation.

No public input.

Supervisor Cann required clarification of how this compares to last year. Ms. Carrier responded. Mr. Rei noted that the amount has not changed since 1991.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Public Works LTC-2014-10

Adopt a Resolution Allocating the State Transit Assistance (STA) Funds for Fiscal Year 2013-2014

Barbara Carrier gave the staff report.

Supervisor Cann inquired if they are pleased with the transit program. Ms. Carrier affirmed.

CAO noted that the resolution attached to the item calls for the signature of the LTC Chairman. Ms. Carrier responded that this is an LTC item, and inquired as to whether it can be brought back to the LTC. County Counsel responded that he thinks this is just a clerical error but was researching the matter.

10:07 AM Chair Cann suspended consideration of this item to allow County Counsel the necessary research time, and moved on to consider item K.3.

10:13 AM Chair Cann revisited this matter. County Counsel announced that it appears that this item should have been agendaized as an LTC item, and advised that it be tabled and brought back to a future LTC agenda.

This item was tabled until the May 20, 2014, meeting in order to bring it back on the LTC agenda.

RESULT: CONTINUED Next: 5/20/2014 9:00 AM

3. Public Works RES-2014-208

Approve Task Order No. 3 with Fujii Engineering to Provide Consulting Services for Solid Waste and Household Hazardous Waste in the Not-To-Exceed Amount of \$6,000 for Total Compensation of \$78,840, and Authorize the Board of Supervisors Chair to Sign the Task Order

Peter Rei advised that a new corrective action plan is required by Cal Recycle; and he introduced Greg Ollivier who gave the staff report. Mr. Ollivier gave an overview noting that they have been going through a 5 year permit review at the landfill, as well as a redesign of the landfill which has opened them up to a new requirement for a non-water corrective action funding mechanism; and advised that Mr. Fujii is needed to do a site-specific study so that they can get an accurate figure for what that corrective action number will be.

Chair Cann required clarification of what a non-water event might be that would require corrective action. Mr. Ollivier responded, noting that tsunamis, tornadoes, fire, or any other natural act that might damage the cover at the landfill would be examples of non-water events. Mr. Rei elaborated that it is, basically, an insurance policy that is required by the State; and that they need to price the two and implement a financial assurance for the

more expensive. Mr. Ollivier noted that without the site specific study, they would have to assume that it would be three million dollars to repair and would have to come to the Board to determine a funding mechanism for that amount.

No public input.

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

4. **Public Works RES-2014-209**

Approve Budget Action Transferring Funding from the Government Center Debt Service Fund to the Bridgeport Fire Station Fund (\$67,929) 4/5ths
Vote Required

Peter Rei gave the staff report, noting that the language stating "and installation of flashing warning signs along roadway to reduce vehicle speeds when the fire station is responding to emergency calls" should be removed from paragraph number 1- "Change Orders Processed to Date" as that cost has not been processed yet and is included in paragraph number 3. Mr. Rei gave an overview of the history of this project, noting that \$67,928 is needed to be able to pay the anticipated bills; but, cautioned that some of those amounts are only estimates. He also discussed that the combined change orders amounted to less than three percent which is well below industry standard; and noted that one of the issues has been with PG and E because the Fire Department revised its electrical requirements which changed the electrical panel needed from 400 amps to 600 amps.

Supervisor Cann required clarification of the reason for the service panel change.

Mr. Rei responded that the change came from the Fire Committee; noted that the change caused a \$10,000 increase; and noted that what they were asked to build changed during the process.

Supervisor Bibby expressed her disturbance with the flashing lights; inquired if they have to be done since no other fire station required them; remarked that this should have been filtered out during the review process; and required clarification of the warning system. Mr. Rei responded, noting that this is a road safety issue as the fire engine will be coming out perpendicular to the road at high speed with little line of sight; noted that the light will only flash for thirty seconds at those times when an engine has to leave. Supervisor Bibby inquired if the lights will be an ongoing standard. Mr. Rei responded that it is site specific. Supervisor Bibby required clarification as to whether flashing lights have ever been required in any other part of the county. Mr. Rei responded that they have not. Supervisor Bibby required clarification regarding the need for propane tank tie downs. Mr. Rei responded, noting that they are being required by the Building Department.

Supervisor Carrier required assurance that this transfer should take care of everything. Mr. Rei responded that it is his hope.

Supervisor Jones expressed his upset regarding the escalating costs on the stations; discussed additional items that were requested by County Fire, noting that everyone needs to work together to keep costs down on future projects; discussed that such mistakes or overruns would cause problems in the private sector; remarked that he is aware that another \$50,000 to \$100,000 will be needed to finish these fire stations; discussed the need for projects to come in within budget; noted that everyone knew about all of the requirements because the other ones required the same; discussed a backflow prevention system in Don Pedro that was paid for after it was signed off by the Fire Department, but now needs to be redone at an approximate cost of \$50,000 - \$70,000; and remarked that

we need to make sure that this doesn't happen again in the future.

Supervisor Cann noted that there was a team in place who should have caught all of these things; remarked on the 600 amp panel; and inquired if the team approved the change. Mr. Rei responded that it had, on multiple occasions; and gave an overview of the history, noting that Chief Wilson requested the larger panel. Supervisor Cann inquired if Chief DeJoria knows what needs 600 amps of service. Len DeJoria/Mariposa County Fire Chief responded that he has done a lot of research but cannot find the reasons that they increased the panel size; and noted that he doesn't think that they can change it as it is already in place.

Supervisor Bibby expressed her frustrations with the project; noted that she doesn't think that the Board ever formally approved the idea of it being used as a training center; noted she thinks everything changed when it was scaled back; noted that the Board depended on the Building, Planning, Public Works, and Fire Departments for their expertise; remarked that she was told that it could not be a training facility due to a lack of space; remarked that these issues should have come back to the entire Board, as no two Board members can make a decision; and commented Board members are not expert builders.

Supervisor Carrier explained that a fill station is used to refill the SCUBA bottles that County Fire needs to refill, and which it currently shares with MPUD; that Chief Wilson obtained a grant and bought a full-fledged fill station with the plan of placing it in the Bridgeport station; that everyone on the committee understood that, but no one understood that there were different wiring requirements until it came time to install the fill station, and he doesn't know why it wasn't researched before then. He also discussed the committee structure, and noted that he was told throughout those committee meetings that Bridgeport would be a training center, and that it is expandable so that it can be used as such in the future. He recounted that he was also told that it would be an emergency command post in case something in the town of Mariposa fell apart, and that it could be used as a warehouse. He remarked that he didn't think there was ever a decision about what the end product would be, that it got fragmented, and the best we can do is to learn from these lessons and move on.

Supervisor Cann remarked that any million dollar project that you can come in within three percent is a success.

Rick Benson stated that his recollections coincide with Supervisor Carrier's, and he noted that it was also determined that this would be an investment for the community. He also noted that it is not a training center but there are certain portions of it that are expandable; and that it is being used as a utility center. Mr. Rei agreed, and noted that the vision for the project changed a number of times during development due to grants that were obtained in the middle of the project; and noted that he is very proud of staff for bringing it in at 3.5% of change orders from what they were told to build.

Supervisor Jones remarked that we did end up with some great fire stations; remarked that he hopes people understand that there is going to be more money asked for in the near future; and suggested that next time they have only one leader who is responsible for the project.

Public comment opened.

Marshall Long/local rancher expressed his upset noting that his family attempted to donate 1.3 acres, and 5 acres, to the County for a community firehouse and they were rejected; that the County spent \$90,000 for the lot; that they built in the middle of a rock pile so expansion will be a problem, in addition to the flashing signs that are now needed; discussed his upset with the inefficiency of the project; discussed leasing versus buying the engines; remarked that the land that his family was going to donate had perfect line of sight; and that the community was going to build that firehouse.

Ruth Sellers noted that the reason the County could not accept the Long property was that it was in the Williamson Act.

Greg Kittelson remarked that he resides in that area, and hopes that the Fire Chief

can figure out an alternative to the flashing signs.

Bryant Gomes stated that projects should come in under budget rather than over budget; discussed the 600 amp panel; and remarked that someone needs to start doing these things in a way where someone is held accountable.

Armando Rios noted that engines do not move that fast, especially at first; remarked that people ignore signs; stated that he, too, is concerned about cost but noted that just coming upon an engine is dangerous; noted that these lights are only activated for about thirty seconds; and noted that diesel engines do not move very fast, especially in the winter time.

Marshall Long responded to Ms. Sellers, noting that the 1.3 acres that was given to the County and returned was never in the Williamson Act; and that his father had been told by the head of the Department of Conservation that they would have been satisfied with condemnation proceedings.

Public comment closed.

Supervisor Bibby recounted that Planning told the County that the 1.33 acres was still part of the conservation easement piece and also had Williamson Act over it; that it had not legally gone through the map act process and was not a separate parcel, so was returned; and the same thing surfaced with the 5 acres. She noted that the same thing also happened with another parcel over in Coulterville. Supervisor Bibby discussed her frustration, noting that Public Works was the lead agency on the construction of these fire houses; that the first thing that was checked out on that parcel by Public Works was the sight distance; stressed that if there is an issue with a fire station, it needed to come before the entire Board; and remarked that it was always supposed to be a training facility but that it got scaled back as the other stations went over. Mr. Rei noted that when he started, it was a subdivided lot with only a one foot access restriction that was approved in the original parcel map, which prevented access from the parcel to Old Highway; that Planning initially told them that it could not be removed; and discussed the original proposal which did not require a sight distance evaluation because they weren't going to be able to pull out onto Old Highway. Mr. Rei discussed direction from Chief Wilson, noting that they brought up concerns about the sight distance early into the fire station meetings, but that it was decided that it was less expensive and less problematic to deal with something that warned drivers than it was for the engines to pull out backwards and have to go out through the cul-de-sac. Mr. Rei noted that the fire department was also the Fire Marshall, and that they signed off on the backflow preventers. Supervisor Bibby and Mr. Rei further discussed the sight distance. Supervisor Bibby stressed that issues should have come back to the Board. Mr. Rei discussed the relationship with the committee.

Chair Cann requested that a decision be made on this item, and that if the Board wishes to look at policies and processes, then a separate item should be brought back before the Board.

The motion was made and seconded. Before the vote, Chair Cann noted that the item requires a 4/5th vote.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

5. Administration RES-2014-210

Adopt a Declaration Proclaiming Existence of a Local Emergency Due to Drought Conditions

Rick Benson gave the staff report noting that this item is being brought forward at

the request of several departments and he gave an overview of the issue.

Supervisor Jones noted that the cattle and farming industries know how bad this is going to get, and he urged the adoption of this Proclamation. Supervisor Bibby noted that this is setting the record, and we may have to come back and amend this in the future. She also extended thanks to the Agricultural Commissioner. Supervisor Carrier expressed his support for this item, noting that the Proclamation will allow the Fire Safe Council to go after grants in the future. Supervisor Cann noted getting the same information.

Public comment opened.

Ron Iudice expressed concerns regarding the Mariposa Creek Parkway and the trail that goes from town to the County Jail; discussed that he fears the west side of town will burn; noted speaking to the Sheriff, and reported being told that it would be a tool to keep people from smoking; encouraged the inclusion of the Arts Park in any ordinance; and urged the adoption of an emergency ordinance prohibiting smoking for the whole length of the parkway trail because of the fire danger

Public comment closed.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

L. Items removed from Consent Agenda

None.

M. Closed Session

1. Human Resources/Risk Management (ID # 3578)

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

Supervisor Carrier recused himself from this item as his spouse is in that bargaining unit.

No public comment.

This item was heard at 11:22 AM.

RESULT: CLOSED SESSION HELD

N. Lunch

11:14 AM Chair Cann recessed the Board for lunch.

O. 2:00 PM Reconvene

Report Out

2:02 PM Chair Cann reported that Information was Received and Direction was Given during the closed session.

1. Administration RES-2014-211**PUBLIC HEARING: Conduct a Hearing Regarding a Fire Suppression Assessment Within County Service Area #3 (CSA#3); Direct Tabulation of Ballots; and Adopt a Resolution Determining that No Majority Protest Exists with Respect to the County Service Area No. 3 Fire Suppression Assessment, Imposing and Levying the Assessment and Confirming the Rate of the Assessment for Fiscal Year 2014-15**

2:03 PM This being the time and place for the scheduled Public Hearing on this matter, Chair Cann opened the proceedings and gave an overview of the process to be followed.

Staff Presentation

Rick Benson gave the staff presentation, and introduced Dennis Klingelhofer/Harris & Associates and Amy Sparrow/Colantuono, Highsmith & Whatley.

Supervisor Stetson required clarification of whether the Board needs to be present for the ballot counting. Chair Cann responded that the Board does not have to be present, but does need to be available to reconvene once tabulation has been completed.

Public Comment Opened.

Pat Bradbury/Greeley Hill resident discussed an electrical fire in her home three years ago; discussed the morale of the volunteer firefighters in her area; discussed the services that the volunteers provide; noted that a road crew was patching the road yesterday; noted other fees that she pays; and discussed the lack of capital improvements in her area.

Brad Aborn noted serving on the Board in 2008 when the CSA was first passed; discussed the state of the fire equipment then; noted that the old equipment put the homes and volunteers at risk; discussed the Telegraph Fire; and noted that he hopes that we don't lose it.

Sally Skogen/Mt. Bullion resident inquired as to what will happen to the equipment and improvements if this is not approved since it will affect homeowners insurance if any of these stations go away.

Bobbi noted that for eighteen years she has worked in the Park and during that time she has not been able to handle her property; noted that the fire department used to go around and inspect homes; inquired if there is any way to get extra help for those who cannot clear their property in time; and discussed the state SRA fee.

Dave/Yosemite Oaks Road resident discussed the state SRA fee; and inquired if the state has a stake at all in private property.

Chair Cann clarified that this \$80 fee will go to the County and is not the state SRA fee; and noted that the state SRA fee is in litigation.

Ron Setterberg/Lushmeadows volunteer firefighter noted that this is not the SRA fee; discussed the old equipment that wouldn't make it up Spring Hill Road; noted that the maintenance on that equipment was excessive; discussed his appreciation for the pumps in the new equipment; and noted that \$80 per year equates to a tall Starbucks once per month, and inquired what a firefighter's life is worth.

John Mock/Yosemite West resident discussed his involvement with the Fire Safe Council; noted that the Engineer's Report does not mention Res 11-65 which is the reciprocal agreement between the County and the Park Service, and discussed the terms of same; argued that there is a substantive difference for Yosemite, El Portal and Fish Camp; noted that if we have a defective Engineer's Report, the matter may not stand in court; and argued that it may be a flawed process.

Armando Rios/Lushmeadows resident noted his support of the assessment; and discussed the normal lifespan of a fire engine, the costs, and the burden on a community to procure equipment.

Noting no further public testimony, Chair Cann advised that this was the last chance to cast ballots or change a vote. Ballots were submitted.

Public Comment Closed

2:35 PM Chair Cann closed the public portion of the hearing, and closed balloting.

Chair Cann responded to questions and discussed issues that would ensue if the matter is not approved by the voters; discussed the lease of the fire trucks and the equipment replacement fund; noted that there is no intention for the fire stations to go away; noted that anyone needing assistance with property maintenance should contact the Fire Safe Council; and remarked that the agreement with the Park Service could go away and nothing takes away the responsibility from the County. Supervisor Jones remarked that the Bondurant Mine Bridge should be replaced this year; noted that a lighter engine is now in place; and noted that work will begin on Shilling, Dogtown, and Bondurant Mine Roads. Rick Benson noted that there is a program and time table for capital improvements; discussed the stations that have been built; noted that the next station on the priority list is in Greeley Hill, but if this does not pass that may not occur.

Rick Benson explained the tabulation process that will occur.

Supervisor Carrier inquired if the Engineer could respond to whether the NPS agreement was considered. Dennis Klingelhofer noted that he had not seen that specific agreement, but that he was aware of the arrangement, and it would not have impacted the analysis.

CAO noted that the results will be posted on the County's website tomorrow.

Chair Cann directed the Clerk of the Board to tabulate the ballots, and advised that he will reconvene the hearing when informed that the count is complete.

2:45 PM Chair Cann recessed the hearing.

6:46 PM Chair Cann reconvened the hearing and reported that there were 3,394 countable ballots, of which 2,066 were "yes" and 1,328 were "no," and with 61% of the ballots in favor of the assessment and 39% opposed there was no majority protest. He inquired if the Board would like to consider the resolution Determining that no Majority Protest Exists with Respect to the County Service Area No. 3 Fire Suppression Assessment, Imposing and Levying the Assessment and Confirming the Rate of the Assessment for Fiscal Year 2014-15.

Supervisor Carrier inquired if there were any invalid ballots. Chair Cann responded that there were 111 ballots that were signed and not checked either yes or no; 5 unsigned ballots; 10 provisional "yes" ballots; and 26 provisional "no" ballots.

Chair Cann thanked Mr. Klingelhofer and his assistant.

The Board considered the proposed resolution.

No Board or public comment.

Chair Cann noted that the Resolution requires a percentage in the third Whereas paragraph and noted that the rate of passage to include was 61%.

Supervisor Carrier moved the resolution as requested with the addition of "61" as the percentage rate; seconded by Supervisor Jones, and passed unanimously.

6:51 PM Chair Cann closed the Public Hearing.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: John Carrier, District V Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

P. Continue Meeting to May 19, 2014

1. **Administration (ID # 3548)**

Continue the May 13, 2014, Meeting to Monday/May 19, 2014, at 8:30 A.M. for Department Head Performance Evaluations

6:52 PM Chair Cann continued the meeting to 8:30 AM on May 19, 2014, and recessed in memory of Mary Ann Redding, Lawrence Todd, and Jeffery Reynolds.

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

May 19, 2014

(Meeting Continued from May 13, 2014)

A. Call to Order and Roll Call

8:35 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	8:31 AM
Merlin Jones	District II Supervisor	Present	8:31 AM
Janet Bibby	District III Supervisor	Present	8:31 AM
Kevin Cann	District IV Supervisor	Present	8:31 AM
John Carrier	District V Supervisor	Present	8:31 AM

B. 8:30 AM Closed Session

No Board or public input on any item.

8:36 AM Chair Cann recessed the Board to closed session.

1. **Administration (ID # 3604)**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Child Support Services Director

RESULT: CLOSED SESSION HELD

2. **Administration (ID # 3605)**

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

RESULT: CLOSED SESSION HELD

3. **Administration (ID # 3606)**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Agricultural Commissioner

RESULT: CLOSED SESSION HELD

4. **Administration (ID # 3607)**

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

RESULT: CLOSED SESSION HELD

Report Out

4:20 PM Chair Cann reported out that Information was Received on all four closed sessions.

C. Adjournment

4:22 PM Chair Cann adjourned the 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

May 20, 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 Board 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 Carrier followed by a moment of silence in honor of our men and women in uniform both domestically and across the globe.

C. Introductions

None.

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

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

No public comment.

Supervisor Jones commented on CA12, noting how important this program is to the children of the County.

RESULT: ADOPTED [UNANIMOUS]

MOVER: John Carrier, District V Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-212

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

CA2. Administration RES-2014-213

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

CA3. Administration RES-2014-214

Resolution Continuing the Local Drought Emergency

CA4. Administration/Economic Development RES-2014-215

Approve Amendment to Professional Service Agreement Between the County of Mariposa and Alliance Small Business Development Center (SBDC) Extending the Term of the Agreement, and Authorize the Board of Supervisors Chair to Sign the Amendment

CA5. Board of Supervisors

Approve the Minutes of Tuesday, May 6, 2014

CA6. Board of Supervisors

Approve the Minutes of Wednesday, May 7, 2014

CA7. Board of Supervisors

Approve the Minutes of Thursday, May 8, 2014

CA8. County Counsel RES-2014-216

Approve a Lease Agreement with Mariposa Preschool Cooperative, a California Non-Profit Corporation, for Use of the Woodland Community Building for Fiscal Year 2014/2015, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA9. County Counsel RES-2014-217

Approve the Annual Mariposa County Pioneer Wagon Train Event and the Pioneer Wagon Train Appreciation Dinner as County Sponsored Activities, and Authorize the Board of Supervisors Chair to Sign a Five Year Agreement with Robert Pool for the Use of the Cedar Point Ranch

CA10. District Attorney RES-2014-218

Approve Budget Action Transferring Funds Within the District Attorney Prosecution Budget to Cover Increases Training & Seminars and Private Vehicle Expenses Due to a New Hire (\$3,000)

CA11. District Attorney RES-2014-219

Approve Budget Action Transferring Funds Within the District Attorney Vertical Prosecution Budget to Cover the Unexpected Increase in Seminars and Conferences (\$1,200)

CA12. Health RES-2014-220

Approve the First Amendment to Contract for Services with First 5 of Mariposa for the Health Department's Child Dental Health Program Increasing the Contract by \$6,000, and Authorize the Health Officer to Sign the Amendment; Approve Budget Action Increasing Revenue and Appropriations in the First Five Fund and the Health Budget to Cover the Additional Unexpected Cost (\$6,000) 4/5ths Vote Required

CA13. Human Resources/Risk Management RES-2014-221

Recommend the Rejection of Claim No. C14-6 Filed by Cawny L. Esau for \$365,000.00, and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection

CA14. Human Resources/Risk Management RES-2014-222

Recommend the Rejection of Claim No. C14-7 Filed by Cory L. Boian for \$20,880.00, and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection

CA15. Public Works 2014-63

Accept the Resignation of Michael Austin and Appoint Rick Leinheuser to the Airport Advisory Committee (AAC) as an Alternate Member, with a Term Expiring on January 1, 2018

CA16. Sheriff's Office RES-2014-223

Approve Budget Action Transferring Funds Within the Sheriff's Budget for the Fixed Asset Telecommunication Upgrade (\$4,112)

CA17. Treasurer-Tax Collector-County Clerk RES-2014-224

Approve Budget Action Increasing Revenue and Appropriations in the Treasurer/Tax Collector and Elections Budgets to Recognize Unanticipated Revenue and to Purchase Computers and Software (\$6,680) 4/5ths Vote Required

E. Board Recognitions**1. Health RES-2014-225**

Adopt a Resolution Recognizing the Week of May 20 - 26, 2014 as "Emergency Medical Services Week" and Recognizing Personnel for Outstanding Professional Performance During the Previous Year

No public input.

Supervisor Bibby extended her thanks and appreciation for all of the time and effort that all emergency personnel expend. Supervisor Jones discussed a need for emergency services in his family last year, and extended his thanks and appreciation for all that was

done. Supervisor Cann noted that every resident is impacted by emergency services at some time.

Chair Cann presented the Proclamation to Dr. Mosher.

Chair Cann presented plaques to each recipient, while Dr. Mosher recounted the events that led to the awards.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

9:28 AM Chair Cann recessed the meeting for a brief reception in honor of the award recipients.

9:44 AM Chair Cann reconvened the meeting.

F. Departmental Presentation

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

None.

G. Public Comment on Non-Agenda Items

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

Kathy McCorry/Chamber of Commerce Executive Director advised that the flash mob will be filming downtown today from 1:00 PM to 3:00 PM, and thanked everyone involved; noted that the final Meet the Candidates Night for District I will be in Yosemite on Thursday at the Yosemite Lodge starting at 5:00 PM; and that the next Network at Night will be at Pony Expresso next Thursday at 5:30 PM.

H. Board Information

Supervisor Carrier reported: participating in an Integrated Regional Water Management Plan (IRWMP) conference call last Thursday; participating in a California State Association of Counties (CSAC) Board of Directors conference call last Thursday; attending a meeting with the CAO, Public Works Director, and County Counsel regarding Yosemite West on Friday; attending the Saturday evening dinner at the Ponderosa Basin Fire Station; and participating in department head reviews on Monday. Supervisor Carrier advised that he will be out of the office this week; and he also advised the residents of the Broncho Hollow area that there will be a chip sealing project going through that Zone of Benefit on June 10th.

Supervisor Bibby advised that they are in the process of trying to coordinate a Mother Lode Job Training meeting. She also noted that she is still looking for: a Commission on Aging District III representative; a Mental Health Governing Board Advisory member; a Community Action Agency private sector representative, noting that it can be church organizations; and a Mother Lode Job Training private sector representative. Supervisor Bibby also reported that she had numerous meetings on fraud activities mostly targeting seniors, and advised the community to not give out personal information in response to emails or telephone calls and to check with the Sheriff's Office for similar complaints.

Supervisor Stetson advised that he was unable to attend the El Portal meeting last Tuesday as he was detained by the Board meeting. He also reported that he attended: the end of the Midpines Advisory meeting on Wednesday; a department head evaluation yesterday; and a meeting with the Friends of the Bear Creek yesterday. Supervisor Stetson also advised that he will be attending the Candidates Night at Yosemite Lodge on Thursday.

Supervisor Jones discussed the drought and some of the effects that can be anticipated. He reported that he attended: the SWIFT meeting on the 14th in Moccasin, noting that moisture content is at an all time low with the snow pack at only 18% of normal; the grand opening of the Hugh Martin Park in Don Pedro on the 17th; department head reviews on the 19th; and a meeting with Supervisor Carrier and Peter Rei regarding grants, the airport, and service districts. He also discussed burning conditions and recounted receiving a call from CAL FIRE on the 18th about stumps that he had lit on fire about five weeks ago which were still burning.

Supervisor Cann reported: meeting with an Airport Advisory Board member last Tuesday; attending the CSAC Conference in Sacramento on Wednesday, and reported on some of the issues discussed there including a redistribution of Cap and Trade money; attending a Thursday meeting of the RCRC and CSAC officers; that the Relay for Life on Saturday was a success, and he congratulated everyone who participated in it; attending department head reviews yesterday; and various activities for the sidewalk grant proposal that the Board is going to consider today. Supervisor Cann also advised that he will be presenting the wreath from the Board of Supervisors at the VFW Memorial Day service on Saturday.

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."

10:05 AM The gavel was passed to Commissioner Stetson.

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. Public Works LTC-2014-10

Adopt a Resolution Allocating the State Transit Assistance (STA) Funds for Fiscal Year 2013-2014

Barbara Carrier gave the staff report.
No Board or public input.

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

Adjourn LTC

10:07 AM Chair Stetson adjourned the LTC.

J. Reconvene as Board of Supervisors

10:07 AM Chair Cann reconvened the Board of Supervisors.

K. Regular Agenda Items

1. Public Works 2014-ORD-1105

Waive Second Reading and Adopt an Ordinance Amending Chapter 10.08.020-Stopping, Parking Prohibited on Trabucco Street

Peter Rei gave the staff report. Supervisor Cann inquired if any further communications have been received since the first reading. Mr. Rei responded that there had not.

No Board or public input.

Supervisor Stetson moved to waive the second reading and adopt the ordinance; second by Supervisor Jones.

The clerk read the action, ordinance number, and ordinance title into the record.

Supervisor Bibby noted that, with no new information, she still has the same concerns as she discussed at the First Reading.

RESULT: **ADOPTED [3 TO 2]**
MOVER: Lee Stetson, District I Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Lee Stetson, Merlin Jones, Kevin Cann
NAYS: Janet Bibby, John Carrier

2. Public Works RES-2014-226

Approve the Submittal of a Active Transportation Program (ATP) Grant Application to Caltrans for \$441,300 in Additional Funding for Two Safe Route to Schools Sidewalk Projects

10:09 AM Supervisor Stetson recused himself from this item and left the Chambers.

Peter Rei gave the staff report, with Gary Taylor in attendance for assistance. Mr. Rei noted that there are considerable drainage issues which were not considered with the original estimate; reported that this went before the Crosswalk Committee who approved this application; noted that staff worked with Townsend Affairs to put the grant together; and remarked that this doesn't change the original project just makes it possible to build it.

Supervisor Cann required clarification that discussions have been held regarding

how best to change the project if the grant is not received; required clarification of the two grants received before, and inquired as to what has been completed to this point; required clarification of the source of the matching monies that the County has provided; and noted that page five, number 21, should be corrected to indicate the Bike Plan/Pedestrian Plan. Mr. Rei responded with potential changes should funding not be received; reported that the California Transportation Commission staff will release their tentative list of recommended projects on August 8th, with grants being awarded to the successful applicants in Sacramento on August 22nd; and remarked that the matching funds on the original grant come from the Bicycle and Pedestrian Funds, but that this grant would require no matching amount. Supervisor Cann advised that because they needed the wet copy today, he signed it yesterday and sent it with the caveat that if the Board doesn't approve it they won't deliver it.

Supervisor Bibby noted discrepancies between page 115 of the agenda item which shows \$49,900 as the match, while on page 116 it says \$53,100 for the total. Mr. Rei responded that the agenda item was written eleven days ago before he became aware that they would not be required to have any match, and that the \$49,900 is the correct amount. Supervisor Bibby also required clarification as to the total cost estimate. Mr. Rei responded that the total construction cost is \$1,143,430, while the total project cost is \$1.28 million. Supervisor Cann clarified that the application has not yet been submitted and that it can still be changed and that Townsend will walk it in tomorrow if approved today.

Supervisor Carrier required clarification of when this project was originally proposed. Mr. Rei responded, noting that when he arrived in August of 2011 it had already been put together. Supervisor Cann recounted some history of the item.

Supervisor Cann complimented the School Superintendent's Office for their cooperation on the application.

Supervisor Jones thanked everyone who was involved, and inquired if this estimate covers all costs of construction. Mr. Rei responded that he never knows what will come back when it is put out for bid, and noted that these figures are based on actual costs of past projects. Supervisor Jones inquired if the scope could be reduced in order to stay within that amount, if necessary. Mr. Rei responded, noting that they haven't yet put together the bid package, but there could be additive or deductive alternates. Supervisor Cann noted that it is also his intention that there be no additional funds used, and that the scope of the project be reduced to stay within the available funding if need be.

Mr. Rei advised that this program will cycle again; and that there will be another call for projects this November, and then in November of every even numbered year after that.

Supervisor Carrier inquired if we will still be able to meet the construction schedule for the previous grant if this grant is not awarded. Mr. Rei responded that such is the intent. Supervisor Carrier required clarification regarding the potential impact of this grant on the engineering plans. Mr. Rei noted that the plan is to wait until the final set of plans is prepared and out to bid, in order to determine exactly what will need to be calculated for the remaining pavement.

No public input.

RESULT: ADOPTED [4 TO 0]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

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

RECUSED: Lee Stetson

10:29 AM Supervisor Stetson returned to the Chambers.

3. Administration (ID # 3621)**Discuss and Provide Direction to Staff Regarding the Use of Secure Rural Schools and Community Self Determination Act of 2000 Funds for the Continued Funding of Mariposa County Fire Safe Council, the South West Inter-Face Team (SWIFT) Project Coordinator, and the Master Gardener Program**

Rick Benson/County Administrative Officer gave the staff report; recommended funding for the Mariposa Fire Safe Council, the SWIFT Project Coordinator, and the Master Gardener program; discussed the process and timetable necessary to expend the funds; and requested direction from the Board regarding the proposed use of the funds should they be received.

Chair Cann inquired if there was any input from the Fire Safe Council. Megan Atkinson responded from the audience that she believes everything is in the packet.

Supervisor Cann discussed the Secure Rural Schools funding noting that 85% of the funding is split 50-50 between the roads programs and the school system; and the remaining 15% is split, or can all be dedicated to Title III funds.

Supervisor Jones discussed the SWIFT program; and requested input as to why the increase in funding is being requested. Megan Atkinson explained that many times they have to provide a match for funding. Supervisor Jones noted that because of the extra work, extra staffing was needed. Ms. Atkinson elaborated that many of the grants reserve the right to withdraw the award if an office is not fully staffed and capable of handling the large grants. Bob Bartholomew discussed Ms. Atkinson's efforts, noting that she provides the oversight for the jobs they do. Supervisor Jones commended both Ms. Atkinson and Mr. Bartholomew.

Supervisor Carrier noted that the flyers that they put out about being prepared in an emergency are excellent, and encouraged that they keep doing them.

No public comment.

CAO clarified that this is not an action item, and that only direction is being sought. Supervisor Bibby noted that she would like to provide direction to proceed with this as presented. The Board affirmed.

RESULT: DIRECTION GIVEN

L. Items removed from Consent Agenda

None.

M. Closed Session

No Board or public input.

10:41 AM Chair Cann recessed the Board into closed session to be followed by lunch.

1. County Counsel (ID # 3596)

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

This closed session was held at 10:46 AM.

RESULT: CLOSED SESSION HELD

N. Lunch

O. 2:00 PM Reconvene

2:05 PM Chair Cann reconvened the meeting.

Report Out

2:05 PM Chair Cann reported that information was received during the closed session.

1. Planning RES-2014-227

Consider Public Comments and Adopt a Resolution Accepting the 2014 General Plan Annual Report, Directing that the 2014 Annual Report be Filed with the State Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD), and Establishing the 2014 Schedule of General Plan Amendments

Sarah Williams/Planning Director introduced Alvaro Arias/Senior Planner who gave a PowerPoint presentation.

Supervisor Bibby required clarification regarding the request from the Ag Committee Chair. Mr. Arias noted that the Planning Commission did not take any specific action on that communication. Supervisor Bibby encouraged their participation, and discussed her reasoning with Ms. Williams.

Supervisor Carrier required clarification of how often the community plans are updated. Ms. Williams responded that there is no formal schedule; and that amendments are proposed when an issue is identified. Ms. Williams noted that this is for plans that have already been adopted; and noted that there is a schedule in Chapter 5 of the General Plan that establishes the priority ratings for area plan development and adoption. Supervisor Carrier remarked that if a community has issues, they should be taking them to their planning advisory committees to bring forward recommendations. Supervisor Bibby required clarification that it could come from the Board, an applicant, or the advisory committee. Ms. Williams responded that a formal application can only be done by a resolution of intention that is adopted by the Board or Planning Commission, or by a paid application. If an advisory committee has an amendment that they would like to have processed, they would need to get it sponsored by a Board member. Supervisor Bibby and Ms. Williams discussed the process should an issue come forward.

Supervisor Cann required clarification regarding the process for establishing a planning advisory committee. Ms. Williams responded. Supervisor Cann inquired if there was a town planning committee when they did the original town plan, and why they dissolved. Ms. Williams responded that there was one in place, but that she didn't know why it dissolved. Supervisor Bibby remarked that when the town plan is revisited, Planning should dig out the Mariposa Task Force Report that was done so that there is some background information.

Supervisor Stetson inquired if Fish Camp still has an advisory committee. Supervisor Carrier responded that they do.

Public comment opened.

Anita Starchman-Bryant requested that the Board consider directing staff to address the potable water supply requirements for development projects and new subdivisions as there is an inconsistency between packet page 154 which states that new subdivisions can

identify or prove out potable water prior to recordation of the map, and Chapter 9 which states that no development shall be approved unless potable water is proven. She also noted there are other inconsistencies, but this is one that she can see becoming an issue pretty quickly.

Public comment closed.

Supervisor Bibby required clarification of how the inconsistencies will be addressed. Chair Cann noted that, outside of this action, the Board can ask staff to look at that at any time.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Public Works 2014-64

Receive a Report on the Yosemite West Wastewater Treatment Plant by Provost and Pritchard

Peter Rei gave the staff report; noted that in 2012 a Notice of Violation was received and, as a result, requirements were given by the Regional Water Quality Board (RWQB); reported that he met with the regulators from RWQB last Thursday, noting that he is not sure when feedback will be received; and he introduced Michael Taylor/Provost and Pritchard.

Mr. Pritchard noted that this is the final version of a draft report that was discussed several months ago; discussed things that were considered for this report; and summarized the results of that investigation and report.

Mr. Rei noted that there will be an agenda item for the strainer next Tuesday, and for some repairs; and should that be approved they can put that system back on line. Supervisor Cann inquired if those repairs are the ones discussed in the report. Mr. Taylor noted that there was a previous issue with a distribution box slipping downhill. Supervisor Stetson required clarification of what will be repaired.

Supervisor Jones required clarification regarding whether percolation tests were performed; discussed the effects of clay in soil; and discussed the condition of the leech fields. Mr. Taylor responded to all concerns, and noted that he was pleased to find a lack of biological material in some of the lines; and discussed the need for the leech fields to rest. Supervisor Jones inquired if enlarging the leech fields will make the process sustainable. Mr. Taylor responded that the information he is presenting is to make it sustainable.

Supervisor Bibby required clarification regarding the subsurface drip system's use, and the distribution box slipping due to the drip system. Mr. Taylor responded that the system was not used that much, but clarified that the distribution system is a part of the drip system, and routine operation will either catch things before they become a problem or identify issues. Supervisor Bibby and Mr. Taylor discussed the need for routine monitoring, and rotation, of the use of the leech fields. Peter Rei noted that the staff now tries to rotate, but they cannot take many offline as they are currently limited to using the leech fields only; and noted that the drip system clogged so frequently that it was not practical. Supervisor Bibby and Mr. Taylor discussed the likelihood of the site being successful in the long run. Mr. Taylor noted that he has tried to estimate the growth potential. Supervisor Bibby discussed her concerns that the number of gallons per day being processed will have to be scaled back if saturation occurs.

Supervisor Carrier required clarification regarding capacity; discussed a 2006 Psomas Engineering report that mentioned average daily flow of 100,000 gallons; and

inquired if that number is realistic for that sub-division for build out. Mr. Taylor responded that the subsurface drip part of the system can achieve that higher capacity, but can only be used a portion of the year; that he doesn't believe that the leech fields can achieve that level; and he is not sure how Psomas arrived at their values. Supervisor Carrier required clarification regarding how many acres of additional land will be required. Mr. Rei responded that approximately 60 acres will be required; and elaborated that currently some of the leech fields are under easements, so that land would need to be purchased, as well. Supervisor Carrier discussed the current permit from the RWQB, and noted that we probably won't get beyond 60,000 gallons. Mr. Rei read from the current permit.

Supervisor Stetson required clarification regarding the effect of the strainer repair. Mr. Rei responded that, if approved, they can get the contractor up there within 2 to 3 weeks; and once operating correctly, it will allow them to rest the leech fields.

Supervisor Carrier inquired regarding batch plants, and whether it would be possible to treat the water to a potable level. Mr. Taylor responded by discussing the technology, and noted that it is not possible from a regulatory standpoint. Mr. Rei remarked that such water would be good for a golf course or park.

Supervisor Bibby inquired as to best scenario life expectancy of the leech lines. Mr. Taylor noted that the existing leech lines have lasted for decades; and discussed design aspects. Supervisor Cann remarked that properly constructed and maintained systems have an approximate lifespan of 75 years. Mr. Taylor noted that several were found to be in very good shape, and the examination indicated that they can be sustainable for a long time.

Public comment opened.

John Mock/Advisory Committee Chair/Ad Hoc Advisory Committee member provided a brief history of the matter. He discussed: the 1984 lawsuit; Resolution 88-1, a water conservation plan; the 1998 system failure followed by the Water Board's waste discharge requirements and cease and desist order; the 2004 assessment; County Code Chapter 13.28, noting that it may now be applicable; and the calculations for full build out which are contained within the Yosemite West Built Out Report. Dr. Mock discussed the Psomas report, noting the increase in TOT structures from 1998 to 2014, as well as the occupancy rate; stated that the 100,000 gallon figure will not be sufficient for full build out; and remarked that those who have purchased the EDUs may find that they cannot use them, and urged rethinking the practice of selling the reserve.

Robert Kroon noted his confusion regarding which leech fields were being discussed in that portion of the report that states leech fields being usable for decades. He also discussed the disparity in report numbers and remarked that he wondered if Psomas did test pits or percolation tests on the original engineering; and offered that the reason for the disparity might be explained if they didn't build the leech fields on the correct property. He also discussed: the distribution box, noting that he thinks he remembers reading that the box was not built against the bank which would be another construction failure; and the insurance policy purchased from St. Paul Casualty, and inquired why they couldn't collect on this policy and use it to repair their sewer.

Neil Meisner/Yosemite West resident noted that in 2003 he got an estimate from Rodney Ruskin of GeoFlow, who told him that the emitters and distribution boxes should not be put on a steep downhill slope; reported that he contacted Public Works at that time, and asked them to contact GeoFlow, but they didn't do it; discussed the amount of money the residents have paid towards the system; and inquired why the insurance was paid for and never collected upon.

Tom Kroon checked with the Clerk to confirm receipt of a letter from Debra Kroon. The Clerk affirmed. Mr. Kroon noted that the well was drilled between 1967-1970; noted that there is another well in the lower well field, so water for Yosemite West is not a concern; discussed his work experience; remarked that he would just like to get it fixed;

discussed the amount of T.O.T. collected in 1980, and last year; and noted that he feels that 50%-60% of the T.O.T. collected from Yosemite West should go back into that area.

Carol Meisner/Yosemite West resident noted that when the bond first came up, they were given the choice of paying it all at once or to apply it to their taxes over a period of time; noted that it doesn't seem to be working out and inquired what is left owing on the bond; and discussed the insurance policy that was taken out, and inquired if it had ever been collected.

Richard Long/Yosemite West resident stated that he would like to know what happened to the money; noted that the systems don't work and the residents have no more money; remarked that 20 million dollars will be needed to pay for it; discussed Mr. Kroon's role in the design of Yosemite West; discussed how much property Jerry Fisher owns; and suggested that Delaware North would fund the repairs if they were allowed to build.

Public comment closed.

Supervisor Cann and Mr. Taylor discussed the ages of the leech fields. Supervisor Cann inquired if the administrative review will address the funding issue. CAO responded that it is supposed to be a comprehensive review. He also noted that he would like to see the insurance policy that is being referenced. Mr. Rei noted that he has made a call to GeoFlow, but hadn't before as it seemed premature to do so before they had the money to make the repairs. Mr. Rei also noted talking to staff about the operation of the system, who expressed concern that effluent was going to the bottom of the field.

Supervisor Bibby expressed her concerns regarding rotating the drip system, and the potential for numbers to be off again. She also discussed the EDUs. Mr. Rei responded and discussed the terrain; noted that the current permit will never allow them to go over 60,000 gallons; noted that, at some point, the permit will need to be renewed and the parameters may not be the same; and noted that he thinks the suggestion of not selling EDUs is a sound one.

Supervisor Bibby inquired how many EDUs were left unsold; inquired as to what is needed to stop selling them; and inquired if the insurance policy was just a performance bond. Mr. Rei responded, noting that he is unsure of the number of unsold EDUs but can find out; that he will need to confer with Planning as to what is required to stop selling the EDUs; and that he spoke with Dana Hertfelder and was told they used the surety bond from the first contractor in order to pay for the second contractor who completed the work. CAO remarked that there was a policy to assure that construction was completed; and once it was completed and accepted it was done. He also noted that it was felt that the County had a case, but would not be able to recover.

Supervisor Stetson requested that Dr. Mock be allowed to speak again. Noting no objection from the Board, Chair Cann **reopened public comment.**

John Mock noted that about 17 EDUs remain; remarked that he was told that Mauldin-Dorfmeier Construction was bonded for performance and completion, so what is being questioned is the figure in Fund 545 showing nearly one million dollars paid to St. Paul Fire and Life; and remarked that it is his understanding that the latter issue will be one of the topics included in the independent financial analysis being undertaken by Mr. Aguilar. CAO affirmed that this will be something that Mr. Aguilar will be looking at.

Public comment closed.

Supervisor Bibby required clarification regarding the tiering, and how deep they will have to go. Mr. Taylor responded that they would most likely be 6-8 feet deep, but it will depend on soils and terrains.

Supervisor Carrier required clarification as to whether the NEPA and CEQA processes will need to be followed if it is decided to move forward with the expansion; and expressed his concerns at any delays those processes may cause, especially in view of the NOV's already received. Mr. Taylor affirmed that those processes will need to be followed. Mr. Rei added that they are currently researching grant and other funding, and NEPA would most

likely not be required unless funding was from a federal source.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Lee Stetson, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

P. Adjournment

3:56 PM Chair Cann adjourned the meeting in memory of Madden Jacob Dixon, Rick Godwin, and Reverend Merel Thornton.

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

May 27, 2014

A. Call to Order and Roll Call

9:02 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	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 honor of our men and women in uniform, with special consideration of what Memorial Day truly represents.

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 CA9 requires a 4/5ths approval, and CA13 has been withdrawn from today's meeting by the department.

No public input.

Regarding CA16, Supervisor Bibby required clarification that Building, Planning, PG & E, Health and any other appropriate agencies have all signed off. Peter Rei/Public Works

Director affirmed that all issues have been signed off by the relevant department/entity.

Regarding CA17, Supervisor Bibby inquired if the project is going to have to be scaled back since we have increased this amount on this amendment. Mr. Rei noted that this is only a time extension; that the item is merely showing the past agreements; and that there will be no additional amount of money needed. Supervisor Carrier inquired if the time extension will be sufficient to finish the report by June 30th. Mr. Rei noted that he is being told that it will be. Supervisor Carrier also required clarification that culverts are included as part of the project. Mr. Rei responded, noting that there are a number of masonry hand built culverts that were done more than fifty years ago which, under federal environmental law, requires them to be treated as historic structures and would be involved to get permission to do; that they will be leaving the culverts where they are and narrowing the road at those locations; but, that there are a handful of metal culverts that are not historical which will be included in the project. Supervisor Cann recounted his experiences with historic culverts. Supervisor Jones inquired if the culverts are included in the bid process for the north side of the county. Mr. Rei responded that staff will be doing the work on Dogtown, Schilling and Bondurant Roads, but West Whitlock Road will be part of the contract.

Regarding CA18, Supervisor Carrier recommended that a copy of the letter also be sent to Senator Tom Berryhill. Mr. Rei noted that he also prepared a letter to Senator Berryhill but that it did not get attached to the agenda item. Chair Cann noted that County Counsel was indicating that such a copy is permissible. Mr. Rei also advised that since this letter was prepared, the Senate Transportation Committee has acted on this issue and there is a third proposal which is being negotiated, but that CSAC's position still mirrors the letter.

Regarding CA20, Supervisor Carrier required clarification of why the list of properties in the agenda packet is different than the list of properties that was advertised in the newspaper. Keith Williams/County Clerk - Treasurer - Tax Collector responded that the list in the newspaper is for those defaulted and coming up for the sale next year. Supervisor Jones extended his compliments to Mr. Williams' department for the way they work with people to prevent home loss.

RESULT: ADOPTED [UNANIMOUS]

MOVER: John Carrier, District V Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-228

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

CA2. Administration RES-2014-229

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

CA3. Administration RES-2014-230

Resolution Continuing the Local Drought Emergency

CA4. Agricultural Commissioner RES-2014-231

Approve the County Petroleum Product Program Cooperative Agreement Number 14-0022-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

CA5. Agricultural Commissioner RES-2014-232

Approve the Agreements with Dan Wice and California Reforestation for Implementation of the Mariposa County Invasive Noxious Weed Program for FY 2014/2015, and Authorize the Board of Supervisors Chair to Sign the Agreements

CA6. Board of Supervisors

Approve the Minutes of Tuesday, May 13, 2014

CA7. Board of Supervisors

Approve the Minutes of Monday, May 19, 2014

CA8. Community Services RES-2014-233

Approve Budget Action Transferring Funding Within the Veterans' Services Budget to Purchase New Office Furniture (\$2,500)

CA9. Community Services RES-2014-234

Approve Budget Action Transferring Funds from the Senior Services Fund to the Senior Nutrition Fund to Account for Greater Than Anticipated Costs Associated with the Home Delivered Meal Program (\$1,500) 4/5ths Vote Required

CA10. Health RES-2014-235

Authorize Health Officer to Apply for and Execute Documents for the Local Enforcement Agency Assistance Grant Funds for Fiscal Year 2014-2015 and for the Subsequent Four Years If Amounts and Conditions Remain the Same Following County Counsel Review (Agreements Subject to County Counsel Review for Approval as to Form)

CA11. Human Resources/Risk Management RES-2014-236

Approve the Rejection of Claim No. C14-10 Filed by Cawny L. Esau for \$270,000.00, and Authorize the Board of Supervisors Chair to Sign the Notice of Rejection

CA12. Human Resources/Risk Management RES-2014-237

Approve the Liability Claims Administration Agreement with Freese & Gianelli Claim Services in an Not to Exceed Amount of \$15,000 for the Period of July 1, 2014, to June 30, 2015, and Authorize the Board of Supervisors Chair to Sign the Agreement

13. CA13 was Withdrawn by the Department and Removed from the Consent Agenda

CA14. Human Services/Behavioral Health & Recovery Services RES-2014-238

Approve an Agreement with Kings View Corporation to Provide Telepsychiatry Services for Mariposa County Behavioral Health in an Amount Not to Exceed \$282,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA15. Human Services/Behavioral Health & Recovery Services RES-2014-239

Approve Recruitment and Hiring of a Senior Office Assistant in the Human Services Department, Effective June 7, 2014

CA16. Public Works RES-2014-240

Approve Plans and Specifications for the Restrooms at the Midpines Park and Authorize the Public Works Director to Solicit Bid Proposals and Award the Bid to the Lowest Responsible Bidder

CA17. Public Works RES-2014-241

Approve the Fourth Amendment to the Agreement with Analytical Environmental Services to Extend the Term of the Agreement to June 30, 2014, to Perform Environmental Assessments for the Disaster Recovery Initiative (DRI) Road Projects, and Authorize the Public Works Director to Sign the Amendment

CA18. Public Works RES-2014-242

Approve Letters Supporting the Regional Council of Rural Counties (RCRC) and California State Association of Counties (CSAC) Efforts to Increase the Share of Gas Tax Loan Repayment Funds to Counties, and Authorize the Board of Supervisors Chair to Sign the Letters

CA19. Sheriff's Office RES-2014-243

Approve Budget Action Transferring Funds Within the Sheriffs Budget to Cover Shortfall in Sheriff's Overtime (\$38,515)

CA20. Treasurer-Tax Collector-County Clerk RES-2014-244

Amend the Request for Approval to Sell 5-Year Tax Defaulted Parcels at the Annual Auction Scheduled for August 15, 2014

E. Departmental Presentation

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

Len DeJoria/Mariposa County Fire Chief updated the Board on a fire that began in Hunters Valley yesterday. He noted that: the origin of the fire was an abandoned cabin which could not be saved; McCay Hall has been set up for evacuations and, as of this morning, two people are using it; last operation period they committed one Type I engine, and 5 water tenders; this operation period they will commit a Type I engine for structure protection; and CAL FIRE has command, as they have not gone to unified command.

Rich Drozen/CAL FIRE reported that: the fire is currently 900 acres large and approximately 10 percent contained; the fire is in the Merced River drainage down near Lake McClure; they have six strike teams of Type III engines for today's operational period, and will bring in two strike teams with more structural type engines for the Hunters Valley area by Noon; they got a good push last night with some down canyon winds; so far, there are no issues with structures; and there are a lot of resources on the ground and a lot coming in. He also cautioned that we are not yet out of the woods; noted that if it spots

over the line and gets more into the river drainage, we could have another Telegraph Fire scenario; and advised that we will see more smoke this afternoon as there will be a firing operation this morning which, hopefully, will isolate the fire and prevent it from going any further into Hunter's Valley. Chief Drozen also advised that the fire will be burning into the burn scar left by the 2000 Hunters Fire. Supervisor Cann remarked that the brush has probably recovered since 2000. Chief Drozen affirmed noting that, while it may be the month of May, fuel conditions are those normally experienced in July or August. Chief Drozen also advised that they are currently approaching 1000 people assigned to this fire; that they are holding off ordering an incident management team as they think they can hold it; and that they have it contained around Lake McClure. Supervisor Bibby extended her thanks and appreciation to dispatch offices, and CAL FIRE, County Fire, and other responders for taking aggressive tactics. Chief Drozen noted the help that they have been getting with evacuations from the Sheriff's Office and CHP.

Doug Binnewies/Mariposa County Sheriff reported that evacuations were placed in effect yesterday; that approximately 56 residences in the affected area have been placed under evacuation; noted that a fairly significant percentage of homeowners wanted to stay with their residences; and he cautioned against that for the safety of all. He also advised that there are hard closures at Hunters Point access area and Hunters Valley Road which CHP is manning, while Cotton Creek Road is under a warning; but that they are currently not under an evacuation. He also noted that Animal Control operations are underway, and that they have two horses at the Mariposa County Fairgrounds. Supervisor Stetson offered his compliments to dispatch noting that he also called and their response was very professional and clear. Supervisor Cann extended his thanks to CHP for their partnership.

Peter Rei reported that last Thursday they opened bids for the project to pave approximately 1.5 miles of Triangle Road; noted that this is the next to last project from the earmark that then Congressman Radanovich got many years ago; and reported that the low bidder was George Reed out of the Sonora/Jamestown area with a bid of \$423,294 which was lower than the project engineer's estimate of \$429,500. Mr. Rei noted that the last remaining project will be the Bullion Street project which is being combined with the Safe Routes for School project. Supervisor Cann inquired if Public Works crews will be prepping the road. Mr. Rei affirmed. Supervisor Cann inquired if the one lane bridge there is on a replacement list. Mr. Rei responded, noting that it is not on this project, but is one of the bridges that need to be replaced as it is functionally obsolete because it doesn't meet current standards for width. Supervisor Bibby inquired if there were any local bidders on the paving project. Mr. Rei responded, noting that W. Jackson Baker and Lee's Paving were the other two bidders and they were substantially higher.

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/Chamber of Commerce Executive Director reported that the entire county was full over the Memorial Day weekend; and that they spent most of the weekend trying to place walk-ins with lodging partners. She also noted that the Chamber will be contacting lodging partners this morning to see if any are offering lodgings to evacuees. Ms. McCorry reported that the rangers have started working at the Visitor Center and are staffing 63 additional hours per week, and will increase to 70 hours next week when the Chamber increases their hours. Ms. McCorry advised that: the monthly Network at Night will be at Pony Espresso from 5:30 PM to 7:00 PM this Thursday, and she noted that they are now doing catering; the Yosemite 150th anniversary celebration will be on June 26th at the Fairgrounds; and the Summer Business Expo will be held at the Fairgrounds from 4:00 PM TO 7:00 PM on July 16th. Supervisor Cann and Ms. McCorry discussed the lodging situation in Mariposa relative to the CAL FIRE officers.

G. Board Information

Supervisor Stetson reported attending: the candidate night at the Yosemite Lodge on Thursday night, and discussed his disappointment with the low turnout; and a meeting with Chevon Kothari and the CAO on Friday regarding Human Services. Supervisor Stetson advised that he will be attending a meeting regarding the Ferguson Slide on Wednesday, June 4th, regarding the aesthetics of the new bridge.

Supervisor Jones discussed: the dry fuel conditions and advised people to check on any burns that they have undertaken within the last thirty days to be sure that they are completely out; and the importance of Highway 49 to motorcycle clubs. Supervisor Jones reported attending: a meeting on the 21st with a new business that is opening a Western store in town; an afternoon meeting on the 21st with Human Resources, County Counsel and the CAO, to explore the idea of the County indemnifying for the Pedestrian and Equestrian trails in Lake Don Pedro; and the Greeley Hill School graduation on the 23rd. He also discussed his hope that everyone took a couple of minutes to reflect on the true meaning of Memorial Day and the freedoms that we have in this country. Supervisor Jones advised that the John Muir Festival will be held in Coulterville on the 30th and 31st, and he encouraged everyone to attend.

Supervisor Carrier reported that he spent last Thursday, Friday and Saturday backpacking in Yosemite Valley with family members, and noted that they had a great experience. He also expressed his thanks to everyone who has served this country. Supervisor Carrier advised that he will attend: the Wednesday IRWMP meeting; and the Fire Safe Rally on Saturday if it is still held.

Supervisor Bibby discussed the Fire Safe Rally, and requested that someone advise via email as to whether it will still be taking place. She also extended congratulations to Robin Shaw Hopper who has been named as the new Mariposa County Unified School District Superintendent; extended her thanks and well wishes to the election and polling place staffs, and noted that the Board does not meet on Election Day because the Chambers is utilized by Elections. Supervisor Bibby reported: that there was no Mother Lode Job Training meeting this last Thursday, as they could not get a quorum; and that she attended the Memorial Day ceremony, and extended her special thanks to all who have served, as well as to their families. Supervisor Bibby advised that she will be attending the LAFCo meeting tomorrow at 11:00 AM; and announced the arrival of her granddaughter, Harper Janelle Bibby, on the 23rd.

Supervisor Cann reported: that he had no scheduled meetings last Wednesday and was able to use the time to catch up on matters; and that he attended the agenda review meeting on Thursday with executive staff. He also: reported that he and Supervisor Bibby represented the Board of Supervisors at the VFW Memorial Day ceremony on Saturday, where he had the honor of placing a wreath; discussed placing the wreath, after the ceremony, on the unadorned gravesite of a World War I soldier after being advised by the VFW Commander to take it; discussed his appreciation for Frank Bigelow's presence; and noted that the VFW Commander and Sheriff did outstanding presentations. He also reported visiting with a new western and leather-working business in the backend of the Mariposa Hotel. Supervisor Cann advised that he is booked with meetings all day Wednesday, including meetings with: the Building Department and Human Services regarding the weatherization program; IRWMP; some Grand Jury members regarding how the information from their investigation will be utilized; and the Planning Director regarding a Grand Jury question relative to staff and homeless and code issues. He also discussed the election tabulation process.

H. Regular Agenda Items

- 1. Administration/Economic Development (ID # 3630)**

Presentation by the Mariposa County High School Multi-Media Department Regarding Partnership with Mariposa County Chamber of Commerce and Local Businesses

Tara Schiff/Community Development - Grant Coordinator noted that this presentation was scheduled in response to comments that the multi-media class should be doing commercials, when they have been for over a year; she then introduced Walt Hebern/Mariposa County High School teacher. Supervisor Carrier discussed the quality of the videos that he has seen.

Walt Hebern introduced Saige Shafer, Kerissa Morin, and Hannah Schiff, students from the multi-media class; discussed the class and their efforts; and noted that they have completed ten commercials. A commercial for Yosemite Close Up Tours was played. Supervisor Cann inquired if the businesses can use the videos to promote their businesses. Mr. Hebern affirmed. Supervisor Bibby extended her thanks to the students for sharing their work.

Public comment opened.

Kathy McCorry reported that this class just took First Place in the State for multi-media projects; and presented a donation to Mr. Hebern on behalf of all of the businesses that participated.

Public comment closed.

Supervisor Carrier noted that this is just one segment of what our High School does; and urged the community to let the High School know the importance of vocational programs.

RESULT: PRESENTATION MADE

2. Agricultural Commissioner RES-2014-245

Approve Cooperative Service Agreement No. 14-73-06-0260-RA - the Annual Work and Financial Plan for Fiscal Year 2014/2015 with the United States Department of Agriculture/Animal and Plant Health Inspection Service/Wildlife Services (USDA/APHIS/WS), and Authorize the Board of Supervisors Chair to Sign the Agreement

Cathi Boze/Agricultural Commissioner prefaced the item noting that their contract went up only 1% which represents Federal overhead; noted that wildlife populations have increased; and introduced Wade Carlson/Central District Services and Jeff Davis. Mr. Carlson provided the Board with an updated annual report, and discussed what they do; noted that they did not receive their Federal allocation for this year until the end of April, which was about \$150,000 less than they usually receive because it was set to the lesser sequestration amount; and he noted that they did receive some additional funding for feral swine control. Mr. Davis noted that every district of the county has skunk, coyote, bear, raccoon, and mountain lion issues; noted that they didn't lose any calves to coyotes in District I last winter; discussed skunks impacting people, and recounted one situation with a Bed and Breakfast needing to turn guests away for three weeks due to skunk issues.

Supervisor Stetson noted that on page 2 of the report it discusses the number of animals that were "freed due to conflicts," and required clarification of what is meant by that term. Wade Carlsen responded, noting that in some places they get involved with tranquilizing animals that get in the wrong place at the wrong time, and discussed a situation at the airport in Columbia where a deer was on the runway and needed to be tranquilized and removed. Supervisor Stetson inquired about bobcats, where in the county they might be removed, and why. Mr. Carlson noted that in the past, bobcats have been

removed mostly because of poultry predation; and noted that they have recently been added to the depredation permit system. Jeff Davis noted that most bobcat issues that he has dealt with were because of predation of poultry and pets; but, noted that they will kill lambs also.

Supervisor Cann noted some differences between the report submitted with the agenda item, and the one submitted to the Board today. Mr. Carlson noted that the report submitted today is the correct one.

Supervisor Stetson required clarification of a mention of raccoons at a motel near Yosemite National Park. Mr. Carlson responded, noting that it was a problem with a motel where the raccoons caused significant damage, scratched someone, and stole things from rooms.

Supervisor Carrier discussed Fish and Wildlife changing their rules regarding hunting bears, and inquired if a problem is anticipated. Mr. Carlson noted that only half of the normal quota was removed last year; and noted that he anticipates an increase in bear damage. Supervisor Carrier inquired what the public can do to bear-proof properties better. Mr. Carlson responded that they can eliminate bear food sources by keeping grains, dog food, and other foods in containers that can be locked up; and that trash needs to be in lockable containers and put away.

Supervisor Cann noted that the Board is regularly lobbied by bear-dog associations regarding the law prohibiting hunting with dogs, and that any input from Mr. Davis and Mr. Carlson on the issue would be valued. Mr. Carlson noted that a large part of their program is to document damage from wildlife and that it can be provided to the Board, by specific species if desired, to watch for trends. Supervisor Cann expressed his appreciation for the offer.

Supervisor Bibby required clarification of how close the feral hogs are to Yosemite National Park. Mr. Carlson responded that he is not aware of any that have crossed over Highway 49; but that their range is spreading. Mr. Davis noted that he has not had any calls, or seen any sign, of swine on the north side of Highway 49. Supervisor Bibby and Mr. Davis discussed mountain lion activity increasing. Mr. Davis noted that there was one out by the Fairgrounds, but since it was removed there has been no lion predation.

Public comment opened.

Greg Kittelson discussed the funding for feral hogs; noted that some areas are investigating using night vision; and inquired if they will be getting that kind of equipment.

Mr. Carlson noted that they have purchased some specialized equipment that utilizes night vision and infrared.

Public comment closed.

Supervisor Cann noted that the letter to the USDA will need to be filled in, if approved. Supervisor Jones moved to fill in the letter as needed, and approve the agreement as presented. Supervisor Bibby seconded, and discussed the importance of this service to Mariposa County. Chair Cann noted, for the record, that the full amount for Mariposa County is \$67,997.43. The vote was called, and the motion passed unanimously.

Cathi Boze clarified that the letter is the letter of intent and only needed to be signed if the agreement was not approved, but since it was the letter it is not needed.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

3. **Public Works RES-2014-246**

Adopt a Resolution Requesting Changes to the Federal Functional Classification System and National Highway System for Highway 49 Within Mariposa County to Add Highway 49 to the National Highway System

Peter Rei introduced John Gedney/Chief, Rural Planning and Administration, Caltrans District 10 who provided a brief background of this action, and who reported that Amador, Calaveras and Tuolumne counties are unanimously in support of this designation.

Supervisor Carrier inquired if there would be any types of controls with this designation. Mr. Gedney responded that there are some controls in place regarding billboards and junk yards, but no controls on encroachments; and noted that this is a program to get the facilities eligible for the National Highway Protection Program funds that come from the Federal Government. Supervisor Carrier inquired if it would be helpful to Caltrans if the Board also drafted letters to Tom McClintock, Barbara Boxer, and Dianne Feinstein. Mr. Gedney responded that any additional support would be helpful. Supervisor Cann discussed the proposed letter, and whether it could be one letter which notes that the Board also acts as the Local Transportation Commission. Mr. Rei responded that he can structure it to so indicate. Supervisor Cann remarked that it might need two separate actions. County Counsel concurred off microphone. Mr. Rei noted they can bring it back on June 10th for the commission's action.

Supervisor Bibby noted that a copy of the resolution will accompany any letter; and inquired if there is larger setback required as far as structures. Mr. Gedney responded that there are no requirements as far as upgrades, but that the Caltrans design manual would need to be used if local funds are utilized to upgrade a facility. Supervisor Cann inquired as to whether a copy of the letter would be sufficient to send to the Federal representatives. Mr. Gedney affirmed. Supervisor Jones required clarification regarding Highway 132. Mr. Gedney responded that it probably will be looked into; remarked that this is gaining momentum; and noted that Calaveras County is interested in upgrading State Route 4 from the Port of Stockton up into Bear Valley, and Amador County is interested in upgrading State Route 16. Supervisor Jones required clarification of whether it would need to originate with Stanislaus County. Mr. Gedney affirmed that it would have to originate with Stanislaus and partner counties; and that he can work with staff to work through the process.

Supervisor Carrier inquired if it would be appropriate to have a cover letter accompany the resolution to request support from our representatives. Steven W. Dahlem/County Counsel responded that the Board could give direction to staff to include that letter with a copy of the resolution.

Supervisor Stetson inquired if being added to the national highway system would prevent naming the highway anything in particular. Mr. Gedney responded that it would not.

No public input.

Supervisor Carrier moved to approve the item, with the addition of a cover letter to our congressman and federal senators; seconded by Supervisor Stetson; approved unanimously.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: John Carrier, District V Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Recess

10:38 AM Chair Cann recessed the meeting for a brief break.

10:45 AM Chair Cann reconvened the meeting.

4. Public Works (ID # 3586)

Receive the Final Report on Airport Operations from Aeroplex Group Partners LLC, Consider Comments on the Report from the Airport Advisory Committee and Provide Direction to Staff Concerning Options for Future Management of the Yosemite Mariposa Airport

Peter Rei introduced Curt Castagna/Aeroplex Group Partners who gave an overview of his report and provided a PowerPoint presentation.

Supervisor Bibby noted that the suggestions on page 23 of the report were some new, creative uses. She required clarification regarding the horse stable idea, noting that horses and loud noises don't usually work. Mr. Castagna responded, noting that the list was developed from an analysis of what other airports do. Supervisor Bibby discussed her concern with liability issues, and inquired if there was an example. Mr. Castagna noted that he would research it. Supervisor Bibby inquired about the camping option because of the Homeland Security issues. Mr. Castagna noted that the north side of the airport is zoned for camping, and he discussed airports with nearby campgrounds. Supervisor Bibby required clarification that the land being discussed is the 21 acres with the water tank. Mr. Rei affirmed. Supervisor Bibby noted that the area has also been considered for animal control facilities. Mr. Rei elaborated that the purpose of this report was to identify options; discussed Sonora having a campground; and noted that there is an actual mapping of it which is part of the General Plan. Supervisor Bibby noted that Mariposa doesn't charge for landings and takeoffs, but did not see that option discussed in the report. Mr. Castagna responded noting that, typically, airports will charge a fuel flow fee if they are not running the fuel operations themselves; noted that if they charge that fee, it is usually in lieu of landing fees; discussed the need to have staff on hand in order to charge a fee; noted that it might be a deterrent to usage; suggested that landing fees for government agencies that use the airport, as well as helicopters, might be considered; and noted that some airports charge a day charge. Supervisor Bibby required clarification of why one would charge a government agency rather than a private individual. Discussion ensued between Supervisor Bibby, Mr. Rei and Mr. Castagna regarding landing fees with Mr. Rei noting that it is not uncommon for surrounding airports to charge the Forest Service and CAL FIRE for use; and reported having been told that we should charge it but that research needs to be done to determine the proper rates. Supervisor Bibby discussed the well option with Mr. Castagna who noted that Redding, California did that, as well as a large solar farm. Mr. Castagna discussed the fuel storage issue; noted that many airplanes that use that airport can use motor vehicle gas; and that installing motor vehicle gas would give a competitive edge, but would require an additional tank. Supervisor Bibby required clarification of whether security needs to be heightened with larger amounts of fuel. Mr. Castagno responded that it would not trigger any additional TSA regulations. Supervisor Bibby required clarification regarding the nature of the suggested agricultural leases. Mr. Castagna responded, noting that these are just suggestions; that one would not mix the camping and agricultural; but that examples of agricultural leases might be grazing or agricultural growing. Supervisor Bibby recounted ideas that have been discussed in the past. Mr. Castagna noted that the FAA has oversight, but that pressure is on them to look at creative solutions and create revenue; and that ideas could be instituted short term in case the FAA later comes back and requests removal.

Supervisor Jones noted that hangars reverting back to the County would be a

substantial cost and inquired if it is being recommended that the County acquire them. Mr. Castagna discussed industry standards; noted that there are two types of hangars at the airport; and noted that it would depend on a review of who owns those assets. Supervisor Jones noted that problems might arise if a hangar owner has a previous agreement with no sunset date. Mr. Castagna noted that a privately owned hangar in such a situation would be subject to the County's determination of whether they wanted it to stay since it would be on County owned land. Supervisor Jones noted that such a determination would be best done by County Counsel.

Public comment opened.

Kevin Darcy/Airport Advisory Committee (AAC) Chairman noted that they are pleased with the focus on the airport, especially keeping it as an asset; noted that, in general, they like the ideas in the report especially the items concerning cost reductions; noted that the biggest point of dissension is that the committee feels there is a possibility of a Fixed Base Operation (FBO) going in there to provide additional services like car rental, flight instruction, and airplane rentals; noted that the larger chains would probably not, but that a small entity probably could; noted that they don't think the fuel revenue is realistic and that it would probably be less than stated in the report, especially since we are charging more for fuel than other local airports; reported that they think that using the terminal building for other sources of income would be good, as long as there are still facilities for aviation uses, and so that it doesn't discourage anyone from running an aviation related business in there; and would like to emphasize that according to the FAA grant agreements, people using the airport should be paying fair market which should include County Fire, and that there would be a need for a proper accounting. Mr. Darcy also noted that he doesn't believe that there are many small airports charging landing fees and recounted his experiences, noting that he has never had to pay a landing fee. Supervisor Bibby and Mr. Darcy discussed landing fees to flying-type businesses such as those providing lessons. Mr. Darcy agreed that the collection of fees would be difficult unless there was staff in place at all times.

Supervisor Jones noted that it appears that the AAC would like to have two to three weeks to discuss the report. Mr. Darcy affirmed, noting that the committee members are anxious and would get together quickly. Supervisor Jones noted that a 2-3 week delay doesn't seem unreasonable, and would not make much of a difference.

Supervisor Carrier discussed what is being charged for fuel and how much the County is making per gallon; and discussed an email chain and required clarification of why the committee seemed to not want the Board to see the report. Mr. Darcy responded, noting that the committee had a lot of comments that they wanted to make; that they were not sure when the report would be submitted; and that they were not attempting to suppress the report, but allow the committee time to get together and submit comments. Supervisor Carrier required clarification of any problems or inconveniences that may have been experienced during the last six months of the airport's closure. Mr. Darcy responded that the only thing that he has heard is that the lavatory door was closed.

Supervisor Bibby discussed the operations fee issue, and noted that she has not made a decision regarding them one way or the other; stressed that it was beneficial in a recent airplane accident to have the fire department where it can do a quick response to that location, and discussed that it seems good to have some kind of response mechanism in place out there; noted that she hopes that rent would not need to be charged for housing a fire truck out there as the benefit to the airport is great; and required clarification that the AAC would like a few weeks to digest the report. Mr. Darcy affirmed the need for additional time; noted that the report contains a list of renters' names and that the AAC would like to see those redacted; and emphasized that the AAC feels there is an advantage of having an FBO in the airport, as the profit incentive benefits the county. Supervisor Cann noted his agreement with the concept that a private organization has more motivation to provide services; and inquired as to whether the committee has a different path. Supervisor Cann required clarification from the CAO of the process to

implement a new FBO in view of the fact that it has already been unsuccessfully advertised. Rick Benson/County Administrative Officer responded, noting that he thinks the Board has latitude as to how to proceed, as there was no viable response to the Request For Proposal. Supervisor Cann inquired if it would be feasible to engage in the contract process should the committee come forward with an interested party. Mr. Rei noted that he doesn't think there is any new interest; and that the AAC is referring to the three responses already received.

Denny Dennison/Greeley Hill resident noted that he has the smallest hangar at the airport; noted that he has a number of concerns, but that his primary concern is that we currently have a loss at the airport and paying Mr. Castagna \$75,000 adds to the cost; expressed his concern should the FAA not approve any of the optional ideas; and requested that the County just get a "Mom and Pop" FBO out there.

Rob Binder/AAC member noted that he likes that the report emphasizes long-term sustainability for the airport and has some great ideas for alternate ideas; noted that he likes that it has short, mid, and long term options; discussed that he feels its weaknesses are its budget numbers and the omission of the lack of an FBO; remarked that either a fee for service or private FBO could work; and remarked that there needs to be a champion for the airport no matter which direction is taken.

Ruth Sellers/AAC member stated that she has made past suggestions that YARTS come through the cut-off road when completed, and noted that the idea is something else that the Board may want to consider.

Public comment closed.

Mr. Rei inquired if the Board needed clarification of any point. Supervisor Bibby noted that the renters' names are part of the agenda package and are public record; and remarked that there appear to be many inequities when square footage is compared to hangar costs. Mr. Rei remarked that they have set all leases to expire at the same time, and noted that expiration will be the time to address the rates. Mr. Rei restated that the idea of two FBOs is absolutely welcome; noted that we do have a plan from Mr. Piper, but that he proposed retaining all of the fuel and lease revenues; discussed the financial impact to the County of not having the lease and fuel revenues; noted that there has been a lot of discussion regarding the \$75,000 for consultant fees, but that Public Works budgets in consultant fees ever year and have only spent a little over \$3,000 this year; discussed airport security, noting that he doesn't believe there is any issue with the fuel safety; and remarked that the challenge is going to be self-sustainability, and how to acquire more revenue. Mr. Rei also remarked that he thinks Ms. Sellers suggestion regarding YARTS is an excellent one; and noted that he welcomes any involvement of the AAC. Mr. Castagna discussed issues of a for-profit center. Supervisor Cann discussed a bid that was received prior to the KMPI contract, and inquired if it was reasonable. Mr. Castagna responded that he didn't think that it was reasonable as whoever comes into the airport will need to have the resources to carry it. He also noted that there is nothing in his analysis which would stop an entity interested in having a business there; and remarked that the conceptual plan is for the County to maintain control of the airport.

Supervisor Jones remarked that he thinks profitability can happen with time, and noted that normal business expectations are to lose money the first year, break even the second year, and start enjoying profitability by the third year. Mr. Rei discussed the need for any entity to be well capitalized to weather all of the financial issues. Supervisor Jones agreed.

Supervisor Carrier reported speaking to Dick Whittington of YARTS regarding the issue of the bus going to the airport, and noted that he was told they don't do it because it adds approximately 30 minutes to the schedule and that the cost per mile to go out there would not be cost effective; noted that there was a subsidized taxi for a short time; and noted that there is now a shuttle available.

Chair Cann remarked that direction appears to have been given; and that the Board will look forward to this matter coming back in the future.

Supervisor Jones noted all of the time put in by the AAC members and staff.

Mr. Rei required clarification that it is the Board's direction that staff work with the AAC. Supervisor Carrier requested a firm date for this item to come back to the Board, with two to three months being the maximum. Mr. Rei remarked that 2-3 weeks is too aggressive, but that 2-3 months should be workable; and that he will work with the AAC on the matter.

Supervisor Bibby inquired if there have been any communications on the matter. Mr. Rei responded that he has received none.

RESULT: INFORMATION RECEIVED

Lunch

12:30 PM Chair Cann recessed the meeting for lunch, noting that it will reconvene at 2:00 PM.

Reconvene

2:03 PM Chair Cann reconvened the meeting, and noted that the Board would be considering agenda item H.6 first, as there is a representative from Townsend Affairs in attendance for the item.

5. Public Works (ID # 3629)

Receive an Update on Grant and Loan Funding Options for Water and Wastewater Projects

Peter Rei discussed the Board's previous direction in this regard; discussed various programs; and introduced Richard Harmon/Townsend Public Affairs who gave a PowerPoint presentation. Mr. Rei elaborated on the two hundred million dollars from the state that is available to Integrated Regional Water Management Plans (IRWMPs) for projects, noting that there is not yet a completed plan, or report, and that one is required in order to compete for those funds; discussed the need to have competitive projects for which they could complete grant applications before the deadline which is the first week of July; reported on his attendance at the IRWMP sub-committee meeting last week noting that he was advised that repairing the water pipes in Yosemite West and Coulterville are the types of projects that they are seeking, along with a project for Yosemite Alpine Community Service District which also has a problem with their water pipes leaking; advised that he will bring those projects before the main group tomorrow; noted that he will need the assistance of Townsend Public Affairs should the completion of a grant application be required; cautioned that there are nine IRWMPs in the region competing for funds; advised of a meeting with Mark Rowney who suggested the Revolving Fund; and concluded that they are making some progress. Supervisor Cann expressed his concerns regarding going after the drought money, noting that they would have to compress a lot of work into three months; discussed the huge amount of work that grant applications require; and noted that it will have to be critically analyzed before doing anything. Supervisor Stetson required clarification of which leaky pipes in Yosemite West are being referenced. Mr. Rei responded, noting that he understands it to be the water distribution piping, and the piping from the well up to the tank. Mr. Rei discussed potential funding scenarios, noting that Supervisor Cann's concerns are valid. Supervisor Stetson remarked that such a repair will require a tremendous amount of rip up. Mr. Rei affirmed, noting that it would be very disruptive; and he discussed challenges that the slopes in Yosemite West will present.

Supervisor Bibby inquired if Yosemite West income levels have yet been determined. Mr. Rei responded by showing a map prepared by Kennedy Jenks for the IRWMP process

that identifies areas as being severely disadvantaged or disadvantaged based on three tests, and noting that Yosemite West doesn't qualify under any of those tests.

Supervisor Carrier urged caution regarding the IRWMP funding unless our projects are shovel ready; discussed that a potential future funding source might be a raise in the Transient Occupancy Tax (T.O.T.); and inquired if there is a way of having a higher T.O.T. rate in Yosemite West that would fund their infrastructure. CAO responded that there is no state cap on T.O.T. rates, and that it could be done as long as the voters within the electorate approve it by a 2/3rds vote. Supervisor Bibby stated that she thinks that the T.O.T. concept has to be explored along with everything else; noted that construction does cost more in that area; remarked that visitors know they pay a higher price depending on location; remarked that the rest of the county is going to be asking why general fund dollars are going to this one community; and noted that she thinks it is always going to be a challenge up there because of the distance and terrain.

Mr. Rei noted that it is his understanding that they will be reviewing the project package at tomorrow's IRWMP meeting; that CEQA would need to be completed by Spring, 2015, so it may not be possible in any event; and noted that trying to get the pipes where they need to go with all of the necessary easements will be a significant undertaking. Supervisor Bibby remarked that she would hate to see Coulterville lose out on any funding opportunity.

Supervisor Cann required clarification of whether the projects must be funded up front. Mr. Rei affirmed, noting that they are all reimbursable; and he provided a rough estimate of 6 million dollars to complete both.

No public input.

Mr. Rei noted that staff wishes to keep working on this to identify projects that will be competitive.

Supervisor Bibby inquired if there is a maximum amount that can be applied for on a loan through the USDA, and whether the previous USDA loan would affect a new one. Mr. Rei responded, noting that he can't remember the maximum amount, and that the second question is valid and needs to be investigated.

Supervisor Carrier required clarification of whether Yosemite West's USDA loan would help or hinder in applying for future loans. Mr. Rei responded, noting that it can't be a good thing, but that he does not know how bad it would be; remarked that they will also have to deal with the EDUs that were sold; and noted that he will be bringing back the other ordinance for Board consideration.

Supervisor Stetson expressed his appreciation for Mr. Rei's efforts to date.

Mr. Harmon discussed other funding opportunities within the state.

RESULT: INFORMATION RECEIVED

6. Public Works RES-2014-247

Approve a \$125,000 Loan from the General Fund to the Yosemite West Maintenance Fund; Approve Budget Action Reducing General Fund Contingency and Transferring Funding to the Yosemite West Maintenance Fund (\$125,000); Accept a Bid from Howk Systems for the Installation of a New Strainer for the Subsurface Drip Irrigation System at the Yosemite West Wastewater Treatment Plant (\$92,953) and for Repairs to the Subsurface Drip Irrigation System (\$20,000), Approve a Project Budget of \$125,000 and Authorize the Board of Supervisors Chair to Sign the Agreement with Howk Systems

Peter Rei made the staff presentation, and gave an overview of the issue; noted that

Michael Taylor's report has been peer reviewed by Gerald Fejarang from A.R.T.; discussed the subsurface drip irrigation design and remarked that it has never worked correctly as it clogs up almost immediately when it is used; noted that he asked Mr. Taylor to design a self-cleaning strainer, which is the item now before the Board; and noted that Howk Systems is the only bidder in both cases.

Supervisor Stetson required clarification of the General Fund balance. Rick Benson responded that the contingency fund has enough funds, and advised that the General Fund has performed fine this year.

Supervisor Cann discussed the Notice of Violation (NOV) and potential Water Board actions. Mr. Rei noted that he has received information that both the Coulterville spill and the NOV have now moved to enforcement.

Supervisor Jones discussed his concerns regarding loan rates, payback times, etc. CAO remarked that the situation is unique in that Board members sit as the Board of both the lender and the borrower; noted that the interest rate will equal the rate on our pooled funds unless they want to make it a no-interest loan which he does not recommend; discussed the Zone of Benefit that is being set up for Yosemite West; noted that the Board decides on the time required for repayment and recommended a five year loan; and noted that he intends to bring back the more formalized loan documents once the Zone of Benefit is established.

Supervisor Jones discussed the ambiguity in the past, and noted that he wants this to be very clear in order to prevent future misunderstandings. CAO responded, noting that the Board can set the term, but that the interest rate cannot be any higher than the pooled rates from the treasurer; and that he wants to make sure that it is well documented that this is a loan and not a grant. Supervisor Jones discussed the EDUs, noting that full build out will not be sustainable even with this; and noted that further discussion is needed of other things like a moratorium. Supervisor Jones stated his preference that the loan have a 5 year term. CAO noted that it would also need to be clear that interest would be charged at the pooled rate. Supervisor Stetson inquired as to the pooled rate. CAO responded that it currently is approximately 1% or so, but could float up depending on the performance of the Treasurer's investments. Supervisor Bibby stated that five years is too long; discussed foreclosures in the area; and remarked that if the County loans anything, there needs to be a moratorium placed on building. CAO responded, noting that this is not an assessment, and the only way it will be repaid is through the rate structure, so it will have to be reflected in the rates being brought forward by Public Works. Mr. Rei remarked that he is working with County Counsel on the issue.

Supervisor Bibby required clarification of whether services can be discontinued to people who refuse to pay. Mr. Rei responded that there are provisions in the code, but that he is not sure they apply. Discussion ensued between Supervisor Bibby and Mr. Rei regarding what the Water Quality Board monitors and enforces. Supervisor Bibby discussed her worries regarding Water Quality Board fines, and required clarification of who would pay those. Mr. Rei responded, noting that fines would be passed on to the assessment district; and he noted a similar scenario that recently happened with the Groveland Community Service District. Supervisor Bibby discussed her fears that the residents will refuse to pay this back saying that they didn't ask for it; and noted that problems are going to keep arising given the age of the facility. Mr. Rei noted that there are also other issues in Yosemite West that need to be addressed.

Supervisor Carrier remarked that the County would never loan money to a private individual if their well or septic went out; noted that we need to mitigate the NOV; remarked that we'll never be able to go to full build out with our current permit; and stated that we need to think outside the box and employ other solutions like incinerator toilets. Mr. Rei responded that there are other potential solutions as well, and discussed grey water systems which would reduce water going into the sewage treatment plant. Supervisor Carrier noted that he would like to see the term shorter rather than longer, and would be in favor of a three year loan. Supervisor Jones agreed with Supervisor Carrier;

remarked that sooner or later we're going to be looking at loans of nearly two million dollars, and noted that it would be wise to try to figure out how the constituents up there will accept this, and how the county will fund it; and discussed the need for the formation of their own community service district (CSD.)

Supervisor Bibby inquired if it is possible to structure an action in such a way that it would place a building moratorium on that area, halt the issuance of T.O.T. permits, halt EDU sales, then let the leech field rest, and have none of it able to be lifted until this loan gets paid back and the facility is in full operation. Mr. Rei responded, noting that the RFQ to find someone to do a capital improvement program went out a few weeks ago; noted that if we can find a way to fund that we will end up with a list of what needs to be done and a credible estimate as to the cost; then, when you go after funding you have a better chance of actually covering everything. Supervisor Bibby stressed the need for a moratorium.

Supervisor Cann and Mr. Rei discussed the county ordinance provided by Dr. Mock at an earlier meeting. Mr. Rei noted that it will be coming before the Board in June. Supervisor Cann noted that while the Water Board may not know about the ordinance, they have every right to demand that the County adhere to it. Mr. Rei noted that he will transmit it to them it comes back before the Board.

Supervisor Stetson stressed the need to begin this repair so that it can be completed before winter.

Public comment opened.

Karen Smith supported the loan, noting that it should be for 3 years; remarked that she agrees that the County needs to stop issuing building and T.O.T. permits; requested clarification that pay back is based on usage as it would not be fair to someone living by themselves compared with rentals; and remarked that she is not sure that visitors would comply with rationing.

Public comment closed.

Supervisor Cann remarked that he would like to see the term set, and noted that a 5 year term looks to be about \$170/parcel per year; but noted that Ms. Smith's question regarding pay back needs to be addressed. CAO responded that this is not an assessment; that the only way to get this paid right now is through the rate structure which is based on usage; but, noted that the Board is in charge of the rate structure and could set a flat monthly surcharge. Supervisor Cann expressed support of a surcharge. Supervisor Bibby expressed her support for a surcharge. CAO responded that a surcharge will be part of the rate hearing.

Chair Cann required clarification of what can be approved today. County Counsel responded, noting that the Board can approve what is on the agenda, which would include the terms of the loan, but cannot discuss moratoria, water rationing, or other non-loan issues. CAO reiterated that the Board can set the number of years for the loan term and interest rate of the loan; and he recommended the rate be set at the pool rate. He also noted that the only place to get the loaned money back will be from usage rates, and that those can only be adjusted at a rate hearing.

Supervisor Bibby inquired if the Board can give direction to halt the sale of EDUs. CAO responded, noting that it is his understanding that would be a land use issue and would have to be agendaized. Mr. Rei noted that he will be bringing that, and other issues, back in June.

Supervisor Stetson moved to approve the loan of \$125,000 from the General Fund and approve the contract with HOWK Systems to install this system, with a loan of 3 years at the pooled rate. Supervisor Carrier seconded the motion.

County Counsel noted that there are three other items being requested. Supervisor Carrier withdrew his second. Chair Cann requested that Supervisor Stetson clarify whether he is moving all of the items. Supervisor Stetson affirmed. Supervisor Carrier seconded. Chair Cann required clarification from both the mover and seconder that

approval for all five items was moved and seconded, with the term of the loan being 3 years at the pooled rate. Supervisors Stetson and Carrier affirmed.

Supervisor Bibby noted that it is her understanding that a proposed moratorium will be coming back as soon as possible, along with the non-issuance of the EDUs. Mr. Rei noted that he plans to have it on the June 10th agenda. Supervisor Bibby requested that the clerk include that information in the minutes. Supervisor Stetson noted that this is not part of his motion. County Counsel recommended acting on the motion, then giving direction to staff.

Chair Cann called the question, and it passed unanimously.

Chair Cann advised that the Board would consider going into closed session.

Supervisor Carrier requested that the Board revisit the direction to staff to see if staff is clear on the request from Supervisor Bibby. Supervisor Bibby reiterated that she is concerned with the EDUs, T.O.T. permits, and Building permits. Mr. Rei noted that he will have to work with staff, since it also involves Planning and Building, but that he is targeting the June 10th meeting. Supervisor Carrier suggested also getting the Health Department involved in it.

Supervisor Cann reminded the Board that we have an extremely detailed ordinance that needs to be dealt with. Mr. Rei remarked that he thinks it is pretty clear; but that the remaining items will require more teamwork. Supervisor Cann noted that the residents of Yosemite West have every reason to expect that the Board will enforce the ordinance before doing any of the other things. Mr. Rei noted that they are related. Supervisor Bibby required clarification of why the ordinance wasn't used before. Mr. Rei responded, noting that it assumes that you know that you don't have the capacity, but that was not triggered until we received Mr. Taylor's report which, for the first time, put in writing on a public document that we don't have capacity. Supervisor Stetson requested a time certain for the item. Mr. Rei suggested 2:00 PM on June 10th. The clerk checked the calendar; discussion ensued regarding items already scheduled for that date.

County Counsel clarified for Supervisor Bibby that the ordinance regarding Yosemite West also requires a Board resolution before it takes effect. Supervisor Bibby required clarification of whether the ordinance pertains only to Yosemite West, or to all. Mr. Rei responded that it is only for Yosemite West. Supervisor Bibby noted that the Board may also want to look at modifying it so that it applies to all.

Discussion ensued regarding available dates and times for scheduling. Chair Cann suggested a starting time of 2:30 PM. Mr. Rei noted that he thinks that 3:00 PM is more likely. Supervisor Cann noted that Supervisor Stetson will not be at the June 10th meeting. Discussion ensued regarding potential dates; the Board concurred with bringing the requested issues back on June 17th, instead of June 10th.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Lee Stetson, District I Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

I. Items removed from Consent Agenda

1. Human Services (ID # 3631)

Authorize the Promotion of a Legal Secretary I to Legal Secretary II Effective June 1, 2014, in the Social Services Budget of the Human Services Department

RESULT: WITHDRAWN

J. Closed Session

No Board or public input on either closed session.

1. **Administration (ID # 3528)**

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

This closed session was held at 3:41 PM.

RESULT: CLOSED SESSION HELD

2. **Administration (ID # 3529)**

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

This closed session was held at 5:05 PM.

RESULT: CLOSED SESSION HELD

Report Out

5:48 PM Chair Cann reported that information was received during both closed sessions.

K. Adjournment

5:48 PM Chair Cann adjourned the meeting in memory of Barbara Hayen, Paul Harvey Newman, and David Kitchen.

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

June 10, 2014

A. Call to Order and Roll Call

9:06 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 Bibby followed by a moment of silence in honor of our men and women in uniform both domestically and across the globe.

C. Introductions

None.

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

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

Chair Cann noted that CA20 has been withdrawn from today's meeting; noted that CA4 and CA11 require a 4/5ths vote for approval; and noted a clerical error in each lease in CA16 which should be corrected to say "entered into" rather than "enedered ompt".

No public input.

Supervisor Jones extended kudos to Mountain Top Media for the excellent job on the sound system; discussed the increase in the overall cost; and requested that department heads bring items to the Board in their entirety instead of piecemeal. Supervisor Cann noted that the repairs to the dais were anticipated to be repaired by a separate contractor, but that Mountain Top was able to do it instead.

Supervisor Carrier noted an administrative correction on CA15, noting that the action shows a transfer of funds from legal secretary to professional services under the financial impact. Mary Hodson/Deputy County Administrative Officer responded, noting that the department had duplicated a previous item; that the financial impact noted was erroneously copied as well; and that there is no budget action for this item. Supervisor Bibby reported that she received communications from other attorneys who were interested in putting in for this contract, and noted that she contacted the department. Steven W. Dahlem/County Counsel noted that the purpose of this contract is to provide assistance when there are conflicts of interest with his office on child welfare cases; noted that Mr. LaLonde has specialized training and experience, and was also a social worker; and noted that he also received the inquiry for the attorneys and that he will be responding to them to request that they provide him with their qualifications so that he can consider them for this and any other legal service contract.

Regarding CA16, Supervisor Carrier required clarification of the possible effects that may be anticipated because of some owners not signing. Supervisor Cann responded by providing a brief historical overview of the parking district; noted that by not signing an owner is, theoretically, not signed up on the county's insurance coverage; and noted that the 49'er Bar now participates, when before it didn't.

Regarding CA18, Supervisor Carrier noted that throughout the engineering plans and specs it says DBE to be determined, and suggested that before these things go out for bid that we determine those goals and have that part of the package. Peter Rei/Public Works Director responded, noting that he agreed that such would be desirable but that it is not always practical; and discussed that these are done by negotiation and often will have addendums to clarify points for the contractor. Supervisor Carrier noted that it appears to be difficult to put together bids without the goals; noted that the references to the DBE are off by about ten pages in the Tables of Contents for all 3 bid packages; and he requested that hard copies of plans and specs be provided to all supervisors in the future. Mr. Rei noted that they are following past instruction which was to provide one set of plans and specs. Supervisor Bibby inquired if there is a way to post plans and specs on the Public Works website. Mr. Rei responded, noting that one of the challenges is that it is a competitive bidding environment so you are trying not to publish until you know it is right; and that staff can provide extra copies for each supervisor. Supervisor Cann noted that Public Works always has an extra set; noted that sometimes reviewing plans and specs online is difficult; and suggested that if Public Works could provide another set or two, if requested, it might alleviate the problem. Mr. Rei noted that the industry is moving towards electronic. Supervisor Jones concurred with needing the plans and specs, and noted that he has some questions that might be answered in the plans and specs. He then inquired if the two bridges for Bondurant Mine and Dogtown Road are in the plans and specs. Gary Taylor/Assistant Director of Public Works-Public Works responded that they are not in the specs because they will be built separately from this contract; that there are no bridges in the specs at all; that there are two in the bridge program; and that two are under the DRI but will be done separately from this contract by bridge contractors, and are in the process of being designed and put together. Supervisor Jones inquired if there was a timeframe for those bridges. Mr. Taylor responded that they will move along quickly because they are going to use pre-fabricated bridges; and they will be done this Fall. Mr. Rei discussed the rationale for using prefabricated bridges. Supervisor Jones inquired if the road crew will be doing the culverts. Mr. Rei noted that the culverts were taken out of this contract in order to remove the need for an Army Corps of Engineers' permit. Mr. Taylor noted that they are planning on repairing, as ongoing maintenance, anything that is

found to be broken during construction. Mr. Rei noted that this action is based on guidance from CDBG. Supervisor Jones required clarification of whether the road department will replace some of the culverts. Mr. Rei responded by discussing the culverts, and the permitting requirements. Supervisor Jones required clarification of the meaning of "PM18.264 15 inches." Mr. Taylor responded that PM stands for "post mile"; 15 inches probably means that there is a 15 inch culvert. Supervisor Jones noted that in some places there are twelve inch culverts in place, and inquired if those will be left in place. Mr. Rei responded that it would not be their first choice but that they are constrained by the environmental document and the Corps of Engineers permitting process; and if we go through the permitting process we will not get it before the deadline. Supervisor Jones inquired into the possibility of extensions. Mr. Rei responded that it would depend on the flow of the stream and whether it is regulated by the Corps of Engineers. Supervisor Jones requested a hard copy of the bid package plans. Supervisor Carrier supplied the Clerk of the Board's set of plans to Supervisor Jones.

RESULT: ADOPTED [4-0]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Janet Bibby, District III Supervisor

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

EXCUSED: Lee Stetson

CA1. Administration RES-2014-248

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

CA2. Administration RES-2014-249

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

CA3. Administration RES-2014-250

Resolution Continuing the Local Drought Emergency

CA4. Administration RES-2014-251

Approve the Second Amendment to the Professional Services Agreement with Mountain Top Media Increasing the Not to Exceed Amount by \$2,301 and Authorize the Board of Supervisors Chair to Sign the Amendment; and Approve Budget Action Transferring Funding from the Government Center Debt Fund to the Board of Supervisors Budget to Accommodate the Amendment (\$2,301)
4/5ths Vote Required

CA5. Air Pollution Control District RES-2014-252

Authorize Health Officer/Air Pollution Control Officer to Apply for Cal-BRACE (Building Resilience Against Climate Effects) Grant in the Amount of \$9,400

CA6. Board of Supervisors

Approve the Minutes of Tuesday, May 20, 2014

CA7. Board of Supervisors

Approve the Minutes of Tuesday, May 27, 2014

CA8. County Counsel RES-2014-253

Approve a Lease Agreement with Kiwanis Preschool Academy for Use of the Darrah Schoolhouse for Fiscal Year 2014-2015 and Authorize the Board of Supervisors Chair to Sign the Lease Agreement

CA9. District Attorney RES-2014-254

Approve the 2014 -2015 District Attorney's Office Domestic Violence Vertical Prosecution (VV) Grant Program Application, and Authorize the Board of Supervisors Chair to Sign the Application

CA10. This item was considered separately from the Consent Agenda

CA11. Human Services RES-2014-255

Approve Budget Action Increasing Revenue and Appropriations in the Assistance Advance Fund and Transferring This Funding to the 2011 Realignment Fund to Recognize Additional Foster Care Title XX Funding (\$60,000) 4/5ths Vote Required

CA12. Human Services RES-2014-256

Approve Budget Action Transferring Funding in the Alcohol and Drug Budget to Fund Additional Extra-Help Hours (\$4,350)

CA13. Human Services/Behavioral Health & Recovery Services RES-2014-257

Approve an Agreement with Crisis Support Services of Alameda County for After Hours Telephone Crisis Intervention and Counseling in an Amount Not to Exceed \$13,800, and Authorize the Board of Supervisors Chair and the Human Services Director to Sign the Agreement

CA14. Human Services/Social Services RES-2014-258

Approve an Agreement with the University of California (UC) Davis Extension for Eligibility Services Training, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA15. Human Services/Social Services RES-2014-259

Approve the Professional Service Agreement with John LaLonde to Provide Legal Services for Mariposa County Human Services in an Amount Not to Exceed \$15,000; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA16. Public Works RES-2014-260

MARIPOSA PARKING DISTRICT - Approve Lease Extension Agreements for the Mariposa Downtown Parking Lots, and Authorize the Board of Supervisors Chair to Sign the Agreements

CA17. Public Works 2014-65

Appoint Moose Mutlow and Tom Lambert as Members to the Yosemite West District Advisory Committee for Continuous Terms Beginning June 10, 2014

CA18. Public Works RES-2014-261

Approve Plans and Specification for the Dogtown Road, Bondurant Road and Schilling Road Reconstruction; and Authorize the Public Works Director to Solicit Bid Proposals

CA19. **Sheriff's Office RES-2014-262**

Approve the Recruitment and Filling of an Office Technician I Position in the Sheriff's Budget Effective July 1, 2014

CA20. This item was withdrawn from today's meeting.

E. Items Considered Separately

1. Human Resources/Risk Management RES-2014-263

Approve a Side Letter of Agreement with the Mariposa County Managerial and Confidential Organization (MCMCO) Providing On-Call Pay for Certain Positions, and Authorize the Board of Supervisors Chair to Sign the Side Letter of Agreement; Also Approve a Budget Action Form Transferring Funds in the Fleet Fund (\$1,000)

9:34 AM Supervisor Carrier recused himself and left the Chambers.

RESULT: ADOPTED [3-0]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Merlin Jones, Janet Bibby, Kevin Cann

EXCUSED: Lee Stetson

RECUSED: John Carrier

9:36 AM Supervisor Carrier returned to the Chambers.

F. Departmental Presentation

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

Len DeJoria/Mariposa County Fire Chief reported that there was a small fire in Hornitos last week. He also reported on the Valley Fire, noting that they immediately went to a combined command; he commended CAL FIRE, Forestry, the Sheriff's Office, and the California Highway Patrol for their efforts; and reported that some structures and vehicles were lost due to the fire's fast movement.

Rich Drozen/CAL FIRE Chief noted his agreement with Chief DeJoria regarding the inter-agency cooperation; reported that the structures that were consumed were at the origin of the fire and had issues with clearance; noted that the vegetation is 45 days drier than it should be; noted that the Buckeye trees are turning brown in June; and that the brush is more dead than alive. Chief Drozen commended County Fire and the volunteers, as the water tenders are essential to being able to extinguish these fires; noted that the water source that the County developed at the airport is an essential component; and remarked that the Fairgrounds is also essential to emergency services in our county.

Peter Rei reported that Public Works was approached by CAL FIRE and County Fire to see if there were places they could get water; noted that there is a well at the airport and a 200,000 gallon storage tank and, at the moment, everything is working well and the amount of water needed has not stressed the system; and commended CAL FIRE as they paid a per tender cost for the water during the Hunter Fire.

Doug Binnewies/Mariposa County Sheriff extended kudos to the agencies' public information officers (PIOs); discussed the growth of the County's PIO efforts; and noted that none of that could happen without the Technical Services Director and his staff.

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)

Greg Kittelson inquired if a cause for the fires has yet been determined.

Marvin Wells thanked Public Works for cleaning brush along Whitlock Road; inquired if there is any ordinance or requirement that property owners down dead pine trees; and noted that the president of South Korea has provided copies of a book entitled, Korea Reborn, for veterans of the Korean conflict, and encouraged them to contact the Veterans Administration to pick up a free copy.

Kathy McCorry reported the May visitors statistics; reported that the Chamber's new website will be available on June 1st along with a new app; advised that on June 17th, Roger Brooks will be speaking at Pony Expresso on how to avoid key errors of tourism marketing; advised that June 26th will be the 150th anniversary of Yosemite Park at the Fairgrounds; noted that Dieter Dubberke's service will be this evening at 6:00 PM; and noted that the Art, Wine and Wheels event will be this Saturday. Supervisor Cann required clarification of the time for the webinar. Ms. McCorry responded, noting that it will run from 1:00 PM to 2:00 PM.

H. Board Information

Supervisor Jones discussed the dry conditions and urged proper clearances around structures. He also reported: meeting with Human Resources, Supervisor Cann and the Grand Jury on the 28th; a June 28th meeting with Supervisor Carrier, Chevon Kothari and her staff; attending the John Muir Festival on the 30th, noting that Muir was a great inventor; attending the first event for the Mariposa Event Center in Don Pedro on the 31st; attending the Greeley Hill Breakfast on June 1st; a June 4th meeting with the owners of a bakery in Coulterville; attending a June 5th Solid Waste field trip to Sonora where he got to see the transfer station and baler; helping a Mormon church group make camp as part of their reenactment of a journey west, noting that they are planning on this being an annual event; and attending the wedding of the son of Planning Commissioner, Mark Becker. Supervisor Jones also reported watching the tabulation of votes by the Elections Department on the 3rd, and he commended Courtney and the Elections staff for the excellent job that they do. He also thanked everyone who ran for office.

10:04 AM - Chair Cann noted that requests for information during Public Comment had been overlooked and he invited Chief Drozen from CAL FIRE back to the podium. Chief Drozen reported that the origin of the Hunter Fire has been determined and appears to be accidental; noted that the actual investigation will take time; noted that Public Resources Code (PRC) 4291 relates to the 100 foot clearance around a house and requires that dead vegetation be cleared; noted that PRC 4292, 4293, and 4294 relate to power lines; noted that there are no rules that require that trees standing in a lot in the wild be addressed; and noted that CAL FIRE can assist with a harvest plan if it is marketable timber. Peter Rei noted that he has the ability, as the Road Commissioner, to contact a land owner and work with them about removing dead trees along a roadway; reported that that they do make those contacts; and noted that it is voluntary on the part of the owners.

10:08 AM Chair Cann returned to the Board for continued reports.

Supervisor Carrier reported attending: the fire updates at CAL FIRE on May 28th; the Integrated Regional Water Management Plan meeting on the 28th; a May 28th meeting with the Human Services Director regarding various programs; two afternoon meetings with the Tourism Bureau, including an evening Meet and Greet event; a Meet and Greet with Tourism on June 2nd in Wawona; a June 3rd IRWMP meeting with Public Works,

Planning, and Supervisor Cann regarding potential grant opportunities; a Parking Transportation grant meeting with Planning and Public Works on the 3rd; a meeting in Lushmeadows on the 4th; the Area 12 JPA meeting on the 5th; the County Emergency Medical Services (EMS) meeting on the 5th; the Wawona Town Planning Area committee meeting on the 6th; the Wawona Property Owners Association meeting on the 7th, noting that a report was shared that predicts a 44% mortality rate for trees in the sierra region due to the drought; the Historic Sites meeting on the 9th; and the In Home Support Services meeting on the 9th. Supervisor Carrier advised that he will be attending: the Mountain Valley EMS JPA meeting tomorrow; the Airport Advisory Board meeting tomorrow night; and a meeting of the Yosemite West Maintenance District meeting on the 12th.

Supervisor Bibby extended her compliments to all emergency personnel, and she discussed the fire and emergency efforts during the last fires. She reported that LeGrand has been in the news regarding water difficulties; urged the Board to monitor the situation; and discussed Water Board forms that are required to maintain water rights. Supervisor Bibby reported that the Mother Lode Job Training meeting was cancelled, but noted that they are looking for a Workforce Investment Board member from the private sector. She also reported attending: the Mental Health Governing Board meeting, noting that they are looking for members; the Community Action meeting on the 9th, noting that they are also looking for members; and the June 9th First 5 Commission meeting and she reported that they have awarded 1.8 million dollars in grants and 2.1 million dollars in school readiness since 2001-2002, and she provided a handout. She wished the class of 2014 a wonderful and healthy future; extended special thanks to the teachers who made it happen; and extended her compliments to the volunteers who made Sober Grad Night happen.

Supervisor Cann reported: attending the Hunter Fire briefs on May 28th; meeting with the Building Department on organization, budget and challenges; meeting with Human Services on the same day; meeting with some representatives of the Grand Jury regarding a potential county-wide employee survey; meeting with a variety of department heads regarding homeless issues, existing ordinances and how they apply; that he and his wife hosted some international grad students from May 30th through June 3rd; spending time on Monday and Wednesday of last week with the international tour owners group, noting that this group was totally funded by Visit California and some private entities; watching the Election tabulations, and he extended his compliments to all of those who ran for office; attending a meeting of the Mariposa County Business Association on June 5th, noting that they will need representatives for a newly forming citizens advisory committee to guide a one year grant; and that he found the Solid Waste management tour in Tuolumne to be very instructive. Supervisor Cann advised that he will be going to Nevada City tomorrow morning for a Rural County Representatives of California (RCRC) meeting which will be dealing with the waters of the US issue that the EPA is pushing, and he noted that the officers of RCRC will be meeting with CAL FIRE Director Ken Pimlott.

1. Clerk of the Board of Supervisors (ID # 3721)

Handouts During June 10, 2014 Board Report

RESULT: INFORMATION RECEIVED

Recess Board of Supervisors

10:32 AM Chair Cann recessed the Board of Supervisors for a brief break.

**Announcement Pursuant to Government Code
54952.3**

10:43 AM Chair Cann reconvened the 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.”

10:44 AM The gavel was passed to Commissioner Jones.

I. LOCAL TRANSPORTATION COMMISSION

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

10:44 AM Vice-Chair Jones called the meeting of the Local Transportation Commission to order.

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-2014-11

PUBLIC HEARING to Take Testimony Regarding Possible Unmet Transportation Needs Within Mariposa County for FY 2014-2015 and Adopt a Resolution Finding One of the Following: A) There Are No New Unmet Needs; B) There Are No New Unmet Transit Needs that Are Reasonable to Meet; C) There Are Unmet Transit Needs, Including Needs that Are Reasonable to Meet; D) Grant a Continuance of the Public Hearing Until a Later Date

Barbara Carrier/Public Works Assistant Director - Support Services made the staff presentation; noted that the Social Services Transportation Advisory Council has met; reported that one communication was received requesting that they set up a fixed transit route rather than the demand response; and noted that a fixed transit route is unreasonable to meet.

No public input.

Ms. Carrier provided the Board with Mariposa County Transit bus schedules.

RESULT: ADOPTED [4-0]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: John Carrier, District V Supervisor

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

EXCUSED: Lee Stetson

2. Public Works LTC-2014-12

Approve a Resolution Requesting Changes to the Federal Functional Classification System and National Highway System for Highway 49 Within Mariposa County to Add Highway 49 to the National Highway System

Peter Rei gave the staff presentation.

No public input.

Commissioner Cann commented that he has long felt it essential for this

highway to be in the federal system.

RESULT: ADOPTED [4-0]

MOVER: John Carrier, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

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

EXCUSED: Lee Stetson

Adjourn LTC

10:50 AM Chair Jones adjourned the LTC meeting, and passed the gavel back to Supervisor Cann.

J. Reconvene as Board of Supervisors

10:50 AM Chair Cann reconvened the Board of Supervisors meeting.

K. Regular Agenda Items

1. Health (ID # 3685)

Information on Walking Routes Map for the Town of Mariposa

Charles Mosher/Public Health Officer made the staff presentation, noting that 3 lifestyles contribute to the 4 diseases that kill 5 out of every 10 of the people in Mariposa. He reported that years ago Darcy Sailer put together walking maps that were just photocopies, but new printed versions are available due to an interdepartmental collaboration between Ms. Sailer, Emily Meriam from the Planning Department, and Barbara Carrier from the Public Works Department. Maps were provided to Board members.

Supervisor Cann required clarification of how many maps were printed. Dr. Mosher responded that they printed 5,000 copies. Supervisor Cann commented on the walking route names.

Supervisor Carrier required clarification of where the main file will be retained. Emily Meriam/Geographer & Senior GIS Specialist noted that a graphic designer has the native files, but that she can easily update and print more as needed.

No public input.

Supervisor Bibby extended her compliments for a great job.

Supervisor Carrier required clarification of the funding source. Barbara Carrier responded that it had come from the Regional Transportation funds that are received each year from the state.

Supervisor Jones extended his thanks, and discussed a map for Coulterville.

RESULT: INFORMATION RECEIVED

2. Human Resources/Risk Management RES-2014-264

Approve Amendments to the Class Specification of Agricultural and Standards Program Technician to Provide for a Flex Class of Agricultural and Standards Program Technician I/II; Apply the Current Annual Salary Range of \$34,317.92 - \$41,712.32 for the Agricultural and Standards Program Technician Classification to the Agricultural and Standards

Program Technician I and Set the Annual Salary Range for the Agricultural and Standards Program Technician II at \$37,749.72 - \$45,883.56; Assign the Flex Class of Agricultural and Standards Program Technician I/II to the Service Employees International Local 521 (SEIU) Bargaining Unit; Approve the Reclassification of the Incumbent Agricultural and Standards Program Technician to an Agricultural and Standards Program Technician II Retroactive to January 1, 2014; and Approve Budget Action Transferring Funding Within the Agricultural Commissioner Budget to Accommodate the Reclassification (\$7,652)

Tessa Pritchard/Human Resources Director-Risk Manager gave the staff presentation, noting that the reason for the recommendation is that the incumbent has been doing GIS duties allowing for certain mapping that the Ag Department uses; noted that the flex class will allow her to do these duties with a ten percent increase in pay; and noted that the challenge with flex classes is that there must be a 10% differential, 5% between steps, as well as some compounding issue.

Supervisor Carrier required clarification of funding for future years. Ms. Pritchard responded that she thought it would come from the General Fund. Cathi Boze/Agricultural Commissioner - Sealer responded, noting that it would come from the General Fund; remarked that they have salary savings; and noted that they do get back forty percent on the dollar back in gas tax, so the more they work the more money they get. Supervisor Carrier required clarification as to the incumbent's current salary. Ms. Boze responded, noting that she is at the top step. Discussion ensued between Supervisor Carrier and Ms. Pritchard regarding the class differential, and the effect on future promotions.

Supervisor Bibby inquired as to whether this is a new position and, if so, if it can be recommended at any amount. Ms. Pritchard responded that they could, but that the focus is on consistency between the classes; and discussed the MOUs, the Class and Comp study, and that this is based off of today's salary. Supervisor Bibby required clarification of why it is being requested retroactively. Ms. Pritchard responded, noting that the incumbent has been doing this for approximately one year.

Supervisor Carrier required clarification from Admin of whether this is budgeted for next fiscal year, and whether they can anticipate if there will be funding to cover it. Mary Hodson/Deputy County Administrative Officer responded, noting that she cannot anticipate the effect at this time, nor can she say what the impact will be to the budget; and that a change will have to be made in the recommended budget.

Supervisor Cann required clarification of what it will mean to the Ag Department if the reclass is approved and the General Fund contribution cannot be increased by that amount. Ms. Boze responded, noting that the revenue will also go up and the revenue offset should be able to cover it, but that she can't guarantee it.

No public input.

The item was moved as presented by Supervisor Jones. Supervisor Bibby seconded the motion, noting that the department felt fairly confident that the revenue would go up as well. Supervisor Carrier recommended looking at the salary survey when completed to see if we can make a five percent spread through this series, as he anticipates problems. Ms. Pritchard responded, noting that she will be looking at the salary matrix; and she noted that perhaps, in the future, they can negotiate an increase that is closest to five percent.

The motion passed.

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

3. Administration/Economic Development RES-2014-265

Approve Applying for a National Endowment for the Humanities (NEH) Grant in Partnership with the Planning Department and the Historic Sites and Records Preservation Commission in the Amount of \$100,000 to Fund a GIS/Historic Sites Interactive Website Project; Authorize the County Administrative Officer to Sign the Grant Application

Tara Schiff/Community Development - Grant Coordinator made the staff presentation and showed websites for Draper City, Utah, as well as San Diego, California, as examples.

Supervisor Cann required clarification that the project could be fully completed if we received the grant. Ms. Schiff affirmed, noting that she has budgeted heavily for unforeseen costs that may arise.

Supervisor Bibby required clarification of how the transportation out to the site will work. Ms. Schiff responded.

Supervisor Jones remarked that he thinks this is a great project; and commented that it will be a good way to let people know the history of a parcel before they buy it.

Supervisor Bibby remarked that this is a great partnership with the University of California; that it will be work experience for the students and great job creation, as well as an informational item; and she recounted comments that she has received from community members.

Supervisor Cann remarked that he thinks we remain on the front cusp with our interactions with the UC.

Supervisor Carrier remarked that this is a good pairing with what the Historic Sites Committee has been working on, and a great partnership; added a word of caution, noting that this will be more work and he hopes we can manage and accomplish it; and remarked that staff needs to advise the Board if there are troubles managing time.

Public comment opened.

Kathy McCorry noted that Sierra Nevada Geotourism may have information that can be used; and that she can see this being of value to Tourism as well.

Public comment closed.

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

L. Items removed from Consent Agenda

1. Sheriff's Office RES-2014-288

Approve Budget Actions Transferring Funding in the CalMMET Fund, Bailiff Fund, and Boating and Safety Budget; and Transferring Funding from the Rural County Crime Prevention (RCCP) Fund to the Sheriff and Jail Budgets to Offset a Portion of the Increases Approved by the Board of Supervisors During Negotiations with the Deputy Sheriffs Association (DSA) and Sheriffs Management Association (SMA) (\$66,186) 4/5ths Vote Required

RESULT: CONTINUED Next: 6/17/2014 9:00 AM

M. Lunch

11:26 AM Chair Cann recessed the meeting for lunch.

N. 2:00 PM Reconvene

1. Planning RES-2014-266

PUBLIC HEARING to Adopt a Resolution Approving County Code Amendment No. 2014-005 with Findings, Including an Environmental Determination; and to Waive the First Reading and Introduce an Ordinance Amending Mariposa County Code Title 2 and Title 13 Pursuant to County Code Amendment No. 2014-005. Project Amends Code to Reflect Current Administrative Organization and Responsibilities for the Planning Department, the Building Department, the Health Department, the Public Works Department and the Planning Commission

Sarah Williams/Planning Director introduced Eileen Collins/Assistant Planner who noted a change in formatting and capitalization in the staff report, and noted that they will be removing the word "Building" from instances that say "Mariposa County Planning and Building Department." Ms. Collins gave a PowerPoint presentation.

Chair Cann noted that there are two actions being requested and required clarification of whether they can be approved in a single action, or need to be separated. County Counsel advised that they can be approved in a single action providing that it meets the Clerk's needs. The Clerk indicated that a single action would suffice.

No public input.

Supervisor Bibby moved to adopt the corrected resolution approving County Code Amendment No. 2014-005 with Findings, Including an Environmental Determination; and to Waive the First Reading and Introduce the Ordinance. Supervisor Carrier seconded the motion. The Clerk read the action, and ordinance title into the record.

The motion passed 4-0, with Supervisor Stetson excused.

RESULT: RESOLUTION ADOPTED [4-0];**ORDINANCE INTRODUCED [4-0] Next: 6/24/2014 9:00 AM****MOVER:** Janet Bibby, District III Supervisor**SECONDER:** John Carrier, District V Supervisor**AYES:** Merlin Jones, Janet Bibby, Kevin Cann, John Carrier**EXCUSED:** Lee Stetson**2. Public Works (ID # 3690)****Receive the Final Report and Presentation for the Mariposa County Courthouse Renovation Project from Architectural Resources Group (ARG) Incorporated and Provide Direction on How to Proceed with Repairs**

Pete Rei introduced Cathleen Malmstrom/Architectural Resources Group who gave the presentation. Ms. Malmstrom noted that the building is in remarkably good condition, despite its age; discussed the issues that were analyzed; noted that the deficiencies will not require a large scale retrofit; that they are related to discontinuity in the building to carry seismic energies; that they are recommending these different areas where that happens; gave some examples of where the construction is lacking; noted that there will be more things that need to be done in the future; noted that their engineers do not think the chimney has to come down but needs to re-pointed and, perhaps, braced with steel straps; remarked that the most important part is the building envelope, as it needs a new roof, siding repair, repainting, and leaks at the window stopped; and that while those are the most important, other repairs might also be included, like replacing windows. She also noted that the building should have an elevator, an increase in the number of bathrooms, and a code compliant ramp. She discussed the history of ARG's involvement in the project, and the project's changing nature; noted that they have come up with a scope of work that addresses all of the structural and architectural envelope tasks and components, but that it does not include the electrical retrograde, and elevator, etc.; and that the building would be weather tight for an approximate cost of 450-500 hundred thousand dollars. Ms. Malmstrom also recounted the building's construction history; discussed the levels of significance to the various parts of the building; noted that the front of the building, and the courtroom, have the highest levels of significance; discussed the areas that have been altered through the years; and discussed the five alternatives that they have developed.

Board clarification was sought regarding whether separate structures were considered; whether it is a disservice to keep it as an operating courthouse; the effect of the security systems on the building; whether the electrical can wait; potential cost for different options; ARG's conclusions relative to a May 25th letter from Thor Matteson; and the next steps in the process. Ms. Malmstrom responded to all concerns.

Supervisor Carrier discussed the potential costs to add electrical.

Supervisor Cann discussed potential fees, noting that the County is looking at a cost of \$66,000 or more.

Supervisor Bibby noted that there is lead abatement needed in two areas, and required clarification of what would happen with the court staff during construction. Mr. Rei responded, noting that they have not gotten into that level yet, but that the court is aware that there are some aspects of the construction that can be done with staff in place, and some that cannot. Discussion ensued between Mr. Rei and Ms. Malmstrom regarding the lead in the exterior.

Supervisor Jones required clarification of how the estimates were derived. Ms. Malmstrom responded, noting that the estimate was based on the assessment report. Supervisor Jones required clarification regarding the sufficiency of the cost estimate. Ms. Malmstrom responded, noting that they have built in an additional 10-20 percent, but that

it could be off; and that the bidding market could be a surprise. Supervisor Jones discussed his concern regarding leaving the old electrical wiring, and noted that he would like to see some rearrangement of the priorities in order to include the electrical work.

Public comment opened.

F. Dana Walton/Superior Court Judge extended his thanks to ARG, Peter Rei and his staff, Merlin Jones, John Carrier, and Steve Dahlem. Judge Walton noted that they need to recognize that whatever needs to be done, needs to be done for the public; and that their preference is to continue to operate in the historic courthouse. He also noted that the Court has agreed to help out financially with the fund; remarked that it is the position of the Court and the Administrative Office of the Courts (AOC) that the work being done in the first phase is, essentially, deferred maintenance that has not been done in a number of years; and remarked that the County might want to consider putting \$100,000 aside each year to prevent this situation in the future. Judge Walton also asked the Board to consider seeking legislation to assist with the project, noting that Governor Brown considers this courthouse to be very special; remarked that he feels we can bring this to a condition where it can be used as a courthouse for a number of years; and urged the approval of step one, remarking that they should be able to have it done before the first of the year. He also discussed the reason the clock didn't work.

Board discussion ensued regarding cost and funding shortfalls. Mr. Rei discussed the clock functionality, and noted that they have a two year old bid on file for the repair, and have the weights in storage. Discussion ensued between the Board and Mr. Rei relative to the timeframe for the repair of the structural envelope; the untimely obsolescence of the shake roof; and the triggering of ADA compliance. Supervisor Jones required clarification regarding ADA compliance. Mike Kinslow/Building Department Director responded noting that, generally speaking, triggers are not met up to \$140,000, but that in California you need to correct it completely if you go above that.

Public comment closed.

Discussion ensued regarding repairs, cost, and fiscal year being affected. Supervisor Cann required clarification that, at this point, the Board would only be initiating the contract design phase. Ms. Hodson affirmed, noting that the Board will only be providing direction to Public Works, and that Public Works will then have to bring back an agenda item that will identify the funding source.

Mr. Rei remarked that the first thing for him to do is to put together a contract amendment to have ARG do the detailed design so that they have something with which to go out to bid, as this is only conceptual at this point; remarked that they can probably bring it back the first week in July; noted that, before then, they will have another meeting with the courthouse committee; and remarked that if it is the Board's direction to focus, primarily, on the structural improvements, roof, painting and windows, then it might be worth having that design in a more concise estimate before we have to make any financial decisions. Mr. Rei also noted that by putting this off until the next fiscal year, the Board would have the opportunity, during budget deliberations, to decide what they wanted to put towards the project; and that right now, they are only speaking about two funding sources.

Supervisor Jones inquired if it was possible to do a proposal to do the roof as a separate bid and design. Mr. Rei affirmed, noting that it takes as much time to do an amendment either way.

Supervisor Cann discussed his preference that they do the structural and the roof, and that he would like them to get started designing those; and he recommended that Mr. Rei get going on a design for the full project, with the idea that it might be split.

Mr. Rei responded, noting that they can come back with an item with discrete tasks for the Board to approve. Supervisor Jones concurred with that idea.

Supervisor Carrier recommended that they also compare the items discussed in Mr. Matteson's letter, and address anything that was deemed as critical. Mr. Rei affirmed, and

remarked that the ADA needs to be part of it, too. Supervisor Bibby requested that they take another look at the ADA to make themselves aware of potential triggers. Ms. Malmstrom offered that it is acceptable to present a phased plan which considers the ADA improvements in a later phase. Supervisor Cann advised that they might want to see if there are ADA implications with replacing the roof, windows and siding. Mr. Rei responded that he would discuss it with ARG.

Mr. Rei noted that his understanding is that he has been directed to go back and take a look at the things in the February 28th, 2014, column as his focus; that he is then to work with Ms. Malmstrom to come up with a proposed contract amendment that covers that work; and that he is to bring an item back before the Board at the first or second meeting in July, with the preferred date being July 8th. Chair Cann affirmed that understanding.

RESULT: INFORMATION RECEIVED

O. Adjournment

3:56 PM Chair Cann adjourned the meeting in memory of Dieter Dubberke, Donna Hammond, Lillian Hulbert, Thomas Pimentel, Max Leard, and Lillian Vienna.

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

June 17, 2014

A. Call to Order and Roll Call

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

Attendee Name	Title	Status	Arrived
Lee Stetson	District I Supervisor	Present	8:57 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 Jones, followed by a moment of silence in recognition of our troops across the globe, as well as all those in uniform.

C. Introductions

None.

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

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

Chair Cann noted that CA21 requires a 4/5ths vote.

No public input.

Regarding CA6, Supervisor Bibby noted that this is an annual \$12,000 expense, and she expressed her hope that a suitable location can be identified for County Fire.

Supervisor Cann noted that the lease does have a 60 day cancellation clause should the Board wish to do something else. Supervisor Jones agreed, and noted that the airport liaisons would like to see it moved to the airport.

Regarding CA20, Supervisor Bibby noted that agenda packet page 386 lists "several locations" and remarked that if it involves Old Toll Bridge, she will have to ask for a separate motion. Peter Rei/Public Works Director responded, noting that it could include Old Toll Bridge, but that the item is to get reimbursement for maintenance from the federal government. Supervisor Bibby required assurance that it is for maintenance only. Mr. Rei affirmed, and Supervisor Bibby noted that she is then able to participate on it.

Regarding CA17, Supervisor Jones recounted speaking with people in his area, noted that people in Coulterville don't know about these programs, and requested some better interfacing with the community.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

CA1. Administration RES-2014-268

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

CA2. Administration RES-2014-269

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

CA3. Administration RES-2014-270

Resolution Continuing the Local Drought Emergency

CA4. Community Services RES-2014-271

Approve Budget Action Transferring Appropriations in the Senior Nutrition Fund Between the C-1 & C-2 Senior Nutrition Programs for End of Year Adjustments (\$2,300)

CA5. District Attorney RES-2014-272

Approve a 12 Month Lease Agreement for Office Space for the District Attorney's Victim Witness Program and Space to Conduct Child Abuse Forensic Interviews and Authorize the Board of Supervisors Chair to Sign the Agreement

CA6. Fire RES-2014-273

Approve the Renewal of a One Year Lease Agreement with Robert E. Bondshu for Fire Department Office Space, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA7. Human Resources/Risk Management RES-2014-274

Approve Amendments to the Victim Witness Services Supervisor Job Description by Changing the Title to Victim Witness Coordinator, Amending Job Duties, and Minimum Qualifications; Authorize the Immediate Recruitment and

Filling of the Victim Witness Coordinator Position; Set the Salary for the Victim Witness Coordinator at the Current Level of the Victim Witness Services Supervisor(\$40,508.00 - \$49,237.76); and Further Designate the Victim Witness Coordinator Position as an Service Employees International Union (SEIU) Classification

CA8. Human Services RES-2014-275

Authorize the Recruitment and Filling of a Mental Health Clinician Position in the Behavioral Health Division of the Human Services Department Effective Immediately

CA9. Human Services/Behavioral Health & Recovery Services RES-2014-276

Approve a Second Amendment to an Agreement with C & D's Residential Guest Home, LLC to Provide Residential 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 Second Amendment

CA10. Human Services/Behavioral Health & Recovery Services RES-2014-277

Approve the Amendment 12-89200 A02 to the Current Drug Medi-Cal (DMC) and Negotiated Net Amount (NNA) Multi-Year Agreement with the State Department of Health Care Services (DHCS), and Authorize the Board of Supervisors Chair to Sign the Amendment

CA11. Human Services/Behavioral Health & Recovery Services RES-2014-278

Approve an Agreement with Changing Echoes to Provide Residential Recovery Services for Substance Abuse Clients Referred by Mariposa County Behavioral Health in an Amount Not to Exceed \$20,500, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA12. Human Services/Behavioral Health & Recovery Services RES-2014-279

Approve an Agreement with Crestwood Behavioral Health, Inc. to Provide Psychiatric Inpatient Services for Mariposa County Behavioral Health in an Amount Not to Exceed \$18,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA13. Human Services/Behavioral Health & Recovery Services RES-2014-280

Approve an Agreement with C & D's Residential Guest Home, LLC. to Provide Residential Inpatient Services for Mariposa County Behavioral Health in an Amount Not to Exceed \$28,000; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA14. Human Services/Behavioral Health & Recovery Services RES-2014-281

Approve an Agreement with Alliance for Community Transformations in an Amount Not to Exceed \$33,773 to Provide Transportation and Recovery Support Services for Substance Abuse Clients Referred by Mariposa County Behavioral Health, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA15. Human Services/Social Services RES-2014-282

Approve an Agreement with Mother Lode Job Training (MLJT) to Provide Assessment Services for Individuals in the CalWORKs Program in an Amount Not to Exceed \$30,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA16. Human Services/Social Services RES-2014-283

Approve a Grant Agreement with California Youth Connection to Provide Support Services to Child Welfare and Probation Foster Youth in an Amount Not to Exceed \$5,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA17. Human Services/Social Services RES-2014-284

Approve an Agreement with Infant/Child Enrichment Services (ICES) to Provide Child Care Services in an Amount Not to Exceed \$67,281, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA18. Probation RES-2014-285

Approve an Agreement with the Franchise Tax Board for Renewed Participation in Court Ordered Debt Program (FTB COD) for the Period 6/1/2014 - 5/31/2017, and Authorize the Chief Probation Officer to Sign the Agreement

CA19. Public Works RES-2014-286

Approve the First Amendment to the Contract with Lee-Way Construction to Extend the Contract to September 1, 2014, and Authorize the Public Works Director to Sign the Amendment

CA20. Public Works RES-2014-287

Approve a Program Agreement with Caltrans for the Bridge Preventative Maintenance Plan Project BPMP 5940(111), and Authorize the Public Works Director to Sign the Program Agreement

CA21. Was removed from the consent agenda and considered separately

Items Considered Separately

9:16 AM Supervisor Bibby recused herself from this item and left the Chambers.

22. Sheriff's Office RES-2014-288

Approve Budget Actions Transferring Funding in the CalMMET Fund, Bailiff Fund, and Boating and Safety Budget; and Transferring Funding from the Rural County Crime Prevention (RCCP) Fund to the Sheriff and Jail Budgets to Offset a Portion of the Increases Approved by the Board of Supervisors During Negotiations with the Deputy Sheriffs Association

(DSA) and Sheriffs Management Association (SMA) (\$66,186) 4/5ths Vote Required

RESULT: ADOPTED [4 TO 0]

MOVER: John Carrier, District V Supervisor

SECONDER: Merlin Jones, District II Supervisor

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

RECUSED: Janet Bibby

9:16 AM Supervisor Bibby returned to the Chambers.

Announcement

9:17 AM Chair Cann noted that, given today's schedule, he would like to consider the T.O.T. item at a specific time; remarked that he would like to consider it at 1:15 PM; and inquired if the Board concurred. There was no objection from the Board.

E. Board Recognitions

1. Board of Supervisors RES-2014-267

Adopt a Resolution of Recognition to Connie Waldron

No public input.

Supervisor Bibby extended her thanks and appreciation to Ms. Waldron for all of the community support that she has provided through the years.

Chair Cann presented the Resolution, and a county pin, to Ms. Waldron.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Probation RES-2014-289

Authorize the Chairman of the Board of Supervisors to Sign a Letter of Recognition for Mariposa County High School Graduating Senior Laura Shenk for Her Service on the Juvenile Justice Commission

No public input.

Supervisor Stetson extended his thanks, and discussed the many contributions of Ms. Shenk and her family. Supervisors Carrier and Bibby extended their thanks.

Pete Judy/Chief Probation Officer noted that Ms. Shenk serves on the Juvenile Delinquency Prevention Commission for which the Board made appointments, as well as the Juvenile Justice Commission for which the judges make appointments; noted that he is here on behalf of the Court for her service to the Juvenile Justice Commission; discussed Ms. Shenk's 4.36 GPA, her acceptance to UC Berkeley, and scholarships that she has been awarded; and read a letter from Judges Walton and Parrish. Chief Judy then introduced Marvin Wells/Juvenile Justice Commission Chair who presented Ms. Shenk with a bouquet of flowers, discussed her dedication to the position, noted that she worked for the District Attorney's office for a while, and read a letter from the Juvenile Justice

Commission.

Chair Cann presented the Board's letter to Ms. Shenk.

Ms. Shenk thanked everyone for the recognition; and noted that she volunteers because it is the right thing to do.

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

Recess

9:42 AM Chair Cann recessed the Board for a brief break.

9:56 AM Chair Cann reconvened the meeting.

F. Departmental Presentation

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

Chevon Kothari/Human Services Director noted that this month is Eligibility Worker Appreciation month; discussed her experiences and impressions upon coming into the job; discussed the complexity of the Eligibility Worker position; noted the dedication of the Eligibility Workers; and introduced Nancy Bell/Deputy Director - Social Services. Ms. Bell noted that she started in the field in 1973; discussed the difficulty of the job; noted that they process 200-500 new applications per month; reported that their ongoing caseload is approximately 2700 per month; gave a brief overview of the programs; and introduced the following Eligibility staff in the audience: Adam Ogilve, Launa Gann, Anne Liddell; Maria Swiecki, Jeannie Seymour; Susan Seed and Tricia Halencak.

Len DeJoria/Mariposa County Fire Chief reported on last week's Haigh Fire, Roundtree Fire, and the Smithers Fire which was a structure fire that went into the wild land but was contained at 2 acres; reported that we continue to have adequate water supply but that is subject to change; reminded everyone that most fires are preventable and asked that people practice good habits at home noting that unattended cooking, candles, discarded smoking materials, overuse of extension cords, and driving off of the road into grassy areas all cause fires. Chief DeJoria also extended his thanks to all fire cooperators including the Sheriff's Office, the California Highway Patrol, CAL FIRE, the national forest, and the volunteer fire fighters; and reported that over the weekend, close to 75 volunteers responded to incidents in three days.

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/Mariposa County Chamber of Commerce Executive Director reported that the Chamber has partnered with Sierra Central Valley Talk online television and they did their first broadcast last Thursday with the Sierra Foothill Charter School. She also noted that beginning this Thursday, and every Thursday after, they will be using the venue to promote things to do in Mariposa. Ms. McCorry noted that June is Great Outdoors Month and she invited everyone to attend the 150th Yosemite Grant celebration at the Fairgrounds from 5:00 PM to 8:00 PM. Supervisor Cann inquired as to the status of the sign that fell down. Ms. McCorry responded that it is still in the design phase.

H. Board Information

Supervisor Stetson extended his congratulations to all of the candidates, and welcomed Rosemarie Smallcombe as the District I Supervisor Elect. Supervisor Stetson reported attending: a Thursday meeting with Supervisor Carrier regarding Yosemite West; a meeting with Human Resources on Friday; and a work event at the Midpines Park on Saturday to create a trail system throughout that park area, and he thanked the California Conservation Corps and Gary Francisco for their efforts. Supervisor Stetson advised that the Sierra Nevada Adaptive Management Project (SNAMP) will be giving a presentation on the Pacific Fisher at the Upper Merced River Watershed Council meeting on Thursday at 5:30 PM in Midpines.

Supervisor Jones discussed the drought and its effects on wildlife, noting that he saw a mountain lion hit during the daytime yesterday on Highway 132. Supervisor Jones reported that he: met on Wednesday with a couple thinking of opening a business in Mariposa; met with Chief Judy on Wednesday regarding his department and some of the changes that will be taking place; met with Chief DeJoria and some volunteer firemen on Wednesday; attended the Airport Advisory Board meeting Wednesday evening, and noted that they will be listening to two more proposals regarding the airport, and that he thinks moving the fire department out there will save the County money in the long run; and visited with a hospital bound gentleman who had no family around on Father's Day.

Supervisor Carrier advised that he was unable to attend his Wednesday meetings because his wife was involved in a multi-vehicle automobile accident on Tuesday. Supervisor Carrier reported that he: attended the Thursday Yosemite West meeting with Supervisor Stetson; had a good Father's Day on Sunday; attended the Integrated Regional Water Management Plan drought grant meeting on Monday, noting that they have slim timelines for the grant; attended the Airport Advisory Board meeting on Thursday; and attended the meet and greet with the new school superintendent later that afternoon.

Supervisor Bibby extended her thanks and appreciation to the Human Services Eligibility Division; and extended special thanks to all of the fire responders, mutual aid providers, and all emergency personnel and their support agencies. She also congratulated Rosemarie Smallcombe and extended compliments for her willingness to serve. She also extended her compliments to the two District III contenders for their willingness to put themselves through the process. Supervisor Bibby advised that she was in Trinity County for a few days, and noted that their issues are incredibly similar to ours.

Supervisor Cann added his congratulations and thanks to the candidates; noted that the Board is thankful that Barbara Carrier is doing as well as she is; and reported that he attended the memorial for Dieter Dubberke. Supervisor Cann also reported on his attendance at a Rural County Representatives of California (RCRC) meeting in Nevada City, noting that they discussed the State Responsibility Area (SRA) fee and were advised that the lawsuits against the SRA continue. He also reported: that they still expect money for forest health out of the Cap and Trade; that there is no money in the governor's budget for either the Williamson Act or fairs; that there is bi-partisan action occurring to prevent the change to the definition of waters in the Clean Water Act, and that the comment period on the issue was extended to October 20th, 2014, and he will be bringing draft comment letters from the RCRC on the subject for people to use as a guide for their own letters; that the outline for the water bond that will be on the November ballot should be available by July 3rd; that under AB32, the climate change initiative, counties with populations less than 100,000 will be exempt from the average daily cover fee; and that there is concern that the Payment in Lieu of Taxes (PILT), and the Secure Rural Schools are in jeopardy this year.

Recess Board of Supervisors

10:33 AM Chair Cann read the following announcement: "In accordance with Government

Code 54952.3, it is hereby announced that the Mariposa County Board of Supervisors will be sitting either simultaneously, or serially, as the Local Transportation Commission and that they receive no additional compensation for same." He then passed the gavel to Supervisor Stetson.

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. Public Works LTC-2014-13

Approve the Allocation of Transportation Development Act (TDA) Funds for Fiscal Year 2013-2014

Barbara Carrier/Public Works Assistant Director - Support Services made the staff presentation.

No Board or public input.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Adjourn LTC

10:35 AM Chair Stetson adjourned the LTC, and passed the gavel back to Supervisor Cann.

J. Reconvene as Board of Supervisors

10:35 AM Chair Cann reconvened the Board of Supervisors meeting.

K. Regular Agenda Items

1. Human Services/Behavioral Health & Recovery Services RES-2014-290

Accept the "Mental Health Services Act Triage Personnel" (SB 82) Grant in an Amount Not to Exceed \$699,428 Over Four Years; 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; Approve Budget Actions Increasing Revenue and Appropriations in the Triage Grant Fund, and Transferring Funding to the

Behavioral Health Budget, and Within the Mental Health Realignment Fund (\$91,473) 4/5ths Vote Required

Chair Cann noted that this item requires a 4/5ths vote.

Chevon Kothari made the staff presentation, noting that: this action is to accept the award of a grant; the grant will be used to enhance services and is funded by the Mental Health Services Act; and, should the Board approve this item, then the next steps are to pull together partners from the community and talk about the protocols to make sure they are designing services that meet the community's needs.

Supervisor Bibby requested that the Board receive regular reports back on how this is working, and discussed current procedures that require a deputy to stay at the hospital pending a 5150 assessment. Ms. Kothari noted that one of the goals of this grant is to resolve that issue.

Supervisor Cann noted that the grant contains a requirement to spend money this year, and inquired if they can bill retroactively. Ms. Kothari affirmed, noting that they can bill retroactively to March when the award came in; that they don't anticipate spending their full amount of the budget; and that they will be billing the planning dollars. Supervisor Cann noted that it is his understanding that this was held up on the state's end. Ms. Kothari noted that the process has been fairly rapid with the application being submitted in December, and awarded in January with the contract being received at the end of March, but that planning time was needed before bringing this to the Board.

Supervisor Stetson commended Ms. Kothari for the information that discusses the number of people who will be served as that has been lacking in the past.

Supervisor Carrier required clarification that this would be a true 24/7 response. Ms. Kothari affirmed. Supervisor Carrier noted that this will be a non-clinical position, and inquired if the person responding will have the authority to make the 5150 determination. Ms. Kothari responded, noting that the position will respond to a wide variety of crisis during the day and will need the back up of a clinician; but will have the full authority at night. Supervisor Carrier noted that the item mentions 121 who have received services in crisis, and required clarification of whether that is 121 individuals or 121 separate cases. Ms. Kothari noted that they believe that is a duplicate count but they will have to analyze it and get back to the Board.

Public comment opened.

Doug Binnewies/Mariposa County Sheriff noted that the Sheriff's Office is in strong support of this item; noted that behavioral health services have been difficult to get into the field; noted that it is difficult for the Sheriff's Office to extend that service in the field without having to take those individuals into the hospital under their current protocols; remarked that this model is exciting for them; noted that they envision that the behavioral health community will receive a high level of triage service; remarked that the other 57 counties, as well as the Governor's Office, are watching to see how successful we will be; and urged the support of this item.

Public comment closed.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Janet Bibby, District III Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

2. Probation RES-2014-291

Approve a Reorganization of the Probation Department by Allocating One Senior Office Assistant Position to the Revenue & Recovery Fund Effective

July 1, 2014; Unallocating One Accounting Technician III Position in the Revenue & Recovery Fund Effective August 1, 2014; Unallocating One Office Technician I Position in the Probation Budget Effective November 15, 2014; and Approving a New Classification of Administrative Assistant - Probation, Setting the Monthly Salary at \$3,314.07 - \$4,028.19, Assigning This Classification to the Service Employees International Union (SEIU) and Allocating This Position to the Probation Department Effective November 15, 2014

Pete Judy made the staff presentation, and noted that this reorganization makes sense as it is good for his department in terms of efficiency, because it ultimately saves money, and is good timing and allows him to do it without needing to harm or help any current employee. He also discussed the current organizational structure; noted that timing is good because both the Office Technician I, and the Accounting Technician III, are retiring; noted that when the Accounting Technician III position was created it was supported by the Superior Court and was county dollar neutral, but that the Court pulled out of it last year which would shift funding to the General Fund; and noted that the reorganization shifts responsibilities by pulling the higher level account tech responsibilities to the new Administrative Assistant with the new Senior Office Assistant position taking on some of the revenue and responsibility functions.

Supervisor Bibby remarked that she likes the separation of field officers from office positions; and required clarification of whether the salary savings is just for fiscal year 2014-2015. Chief Judy responded, noting that the savings will depend on the step at which the person is hired. Chief Judy also advised that there is one correction to the item, as the employee has advised him that she has advanced her retirement date, so the effective dates of November 15, 2014, should now be September 15, 2014.

Supervisor Jones noted that he thinks this is an example of how to save the County money, and he thinks it will make the Probation Office more efficient. Supervisor Cann remarked that he always looks for a career ladder that allows employees the ability to move up.

Rick Benson/County Administrative Officer noted that there is still a cost savings, and that the right way is always to look at the highest steps and, in this case, there is still a cost savings.

No public input.

Supervisor Jones moved the reorganization. Chair Cann required clarification as to whether the item was being amended to reflect the September 15, 2014, effective date rather than the November 15, 2014, effective date. Steven W. Dahlem/County Counsel advised that the clarification should be that the Senior Office Assistant position effective date will be August 1, 2014, and that the Administrative Assistant position effective date will be September 15, 2014. Supervisor Jones affirmed the modification as stated by County Counsel. Supervisor Stetson seconded. Chair Cann called for the vote and the matter passed unanimously.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Lee Stetson, District I Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

3. **Public Works (ID # 3709)**

Approve a Program Agreement for the Darrah Rd 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

Peter Rei gave the staff presentation. Board clarification was sought regarding: the present classification of Darrah Road; the ultimate cost and county match; whether it is possible to simply rehabilitate the bridge; the contingency balance; and in what fiscal year the construction would occur. Barbara Carrier noted that there is a window of sixty days from May 30th to return the agreement, and if not returned the funds will be disencumbered. Discussion ensued regarding the possibility of procuring another extension.

Public comment opened.

Kris Casto remarked that you can't spend money that you don't have; and inquired if it couldn't just be posted as a twenty-five mile an hour zone.

Public comment closed.

Chair Cann noted that there is Board consensus that Mr. Rei should attempt to get an extension.

RESULT: DIED FOR LACK OF MOTION

Recess

11:58 AM Chair Cann recessed the meeting for a brief break.

12:06 PM Chair Cann reconvened the meeting.

4. Public Works RES-2014-292

Adopt a Resolution Ceasing the Sale of Equivalent Dwelling Units (EDUs) and Limiting Water Usage in Yosemite West Per Mariposa County Code Section 13.28

Peter Rei made the staff report, noting that there is an error in the item and that it says 30,000 gallons per day, when it should say 35,000 gallons per day. He reported that, since receiving Board direction, he met with Gerald Fejerang and Wyatt Troxel of Advanced Reliability Technologies (A.R.T.) who discovered that the spray irrigation system has not been used for many years. Mr. Rei reported speaking on the subject with former Public Works Director Dana Hertfelder this morning, and that Mr. Hertfelder noted that it was his preferred method for getting rid of the effluent because it did the best job. Mr. Rei reported investigating the matter, and noted that he has determined that the system has not been used because staff stopped using it at some point due to someone telling them not to; and that the system is in disrepair at the moment but is not very complicated and can be put back together quickly, which is the recommendation of A.R.T. as the single best thing to do. Mr. Rei noted that A.R.T. also looked at how the plant is plumbed and had several suggestions of how it might be done in a different manner; that there are a number of process improvements that A.R.T. thinks can be put online in addition to getting the subsurface drip irrigation (SDI) system up and running, which will be done in the next couple of weeks; that the completion of the work will then provide a summer area to dispose of effluent; that the leach fields will then be only a wintertime treatment and disposal system; and that using the best available numbers from the new flow meter, it

would appear that there is plenty of capacity to handle Yosemite West in the wintertime using just the leach fields alone, and if you double them for full build out, then even for full build out. Mr. Rei noted that, given this new information, his recommendation is that the Board does not need to impose this; that the Board should allow about two months for them to make the improvements which will remove the need to use the leach fields in the summer; and, if we do that, he is optimistic that the problem can be solved without needing to activate the provisions of this ordinance.

Board clarification was sought regarding costs; and whether the sale of the EDUs should be ceased. Supervisor Bibby expressed her concerns regarding the surplus EDU sales, and urged that their sale be stopped during the two months needed to make the repairs.

Supervisor Cann required clarification as to whether a “soft freeze” on EDUs is being recommended in the interim. Mr. Rei responded that it will take them a day or two to repair the spray irrigation system; that once those are complete, the leach fields will not be needed as they will be able to divert nearly the entire flow to the sprayer; and if they don’t need the leach fields then there is no problem.

Supervisor Carrier required clarification of the effect should the Board pass this resolution today. Mr. Rei responded that the Board would be directing him to do an engineering study to determine whether the leach fields meet capacity. Supervisor Carrier noted that adopting the resolution would be a proactive action to show the Water Board.

Supervisor Jones and Mr. Rei discussed the capacity of the leach fields relative to full build out. Supervisor Jones noted that we are in a drought and required assurance that the leach fields will be sufficient in wet winters. Mr. Rei responded that we don’t have current experience to be able to say it will work, but will know when they can actually shut the leach fields off for a while.

Supervisor Stetson remarked that he would like to ensure that those EDUs that are in process are not affected by anything that the Board does here today.

Supervisor Bibby and Mr. Rei discussed the flow count over Memorial Day weekend, the EDU application process, the need for processes and procedures to be documented, and that staff has to know that they don’t have the authority to just shut things off.

Supervisor Carrier recommended passage of this action as it will be a written record of an action that can be shown to the Water Board to show that we are taking steps to mitigate the issues. Discussion ensued between Supervisor Carrier and Mr. Rei regarding the current permitted rate; the potential effects of the repair; and that anyone currently in construction, with a valid building permit, would not be affected.

Supervisor Cann required clarification from County Counsel as to whether the ordinance requires provisions implemented should the Board pass the resolution. County Counsel responded, noting that the direction would be that the Public Works Director prepare an engineering report to determine what volume and flows would be appropriate. County Counsel also noted that in order to pass the resolution, the Board would first need to make a finding that the sewer capacity will not permit sewer hookups sufficient to allow full build out of all lots to a three bedroom, two bath single family residence per lot.

Supervisor Cann remarked that it seems that the Board is not in a position to be able to certify that finding today. Mr. Rei noted that he thinks he will be able to assure of capacity in the near future, but that he cannot do so today.

Public comment opened.

Drew Ratzloff/Finebuilt Construction required clarification of whether the homes that have already been applied for, and where the money has been accepted by the County for the building permit, would be okay for additional EDUs; and he requested that the Building Department be made aware so that there are no potential issues for owners.

Robert Kroon noted that a lot of information on operating the system was probably lost when they lost Mitch Janowski; noted that he was impressed by Wyatt Troxel who is a Grade V operator; recounted that Mr. Troxel said there would be dramatic improvement in 60 days, and that two months after changing some pipes around there would be an 80%

improvement; and noted that he thinks we will see an improvement just from the things that Mr. Troxel can teach our staff. Mr. Kroon inquired if the Board is still considering implementing the provisions of Chapter 13.28. Chair Cann noted that he did not think so, but that he will reopen public comment if it later appears that the Board is reconsidering it. Supervisor Carrier remarked that the recent Provost and Pritchard report also needs to be considered in the issue of whether there is capacity for full build out. Mr. Kroon noted that he rents about twelve units; discussed the family aspect of his business; noted that of the twelve units, only two have washers and dryers and that they are locked in cabinets; noted that he and his family do the laundry for the other units at his house in the evenings so it would appear that he uses a lot of water; and remarked that he would like to see the ordinance changed to account for situations like his.

Jeff Hornacek remarked that he believes that the findings of the Provost and Pritchard report are incomplete as they looked strictly at the leach lines and leach fields, and ignored the spray fields and SDI system; that the history on the spray fields has been proven and that they can be up and running within days; remarked that had these things been done before, it would have significantly changed the findings of the report; noted that those findings are very conservative and are almost one-third of the state standards for those same applications; commented that there has been no public discussion on this matter and enacting this will destroy confidence in the County; noted that he has not seen any major environmental threats from the present situation; and urged that Public Works be granted time to implement these repairs.

Matthew Hornacek remarked that conservation in the neighborhood has not been discussed, and noted that a lot of Yosemite West home systems do not have pressure regulators which goes to the water consumption; remarked that he thinks the consumption rate should be 1.3 gallons per minute, so adding a pressure regulator to the system, or adjusting it properly, would drastically reduce the amount of flow through the system; noted that he has spoken to residents about the idea and has received mixed responses; and urged that any action should include pressure regulators and inspections for same.

Neil Misener noted that his wife has a concern with rationing as she has to soak her legs two to three times a night to relieve pain from diabetic neuropathy; and inquired if this action would make her a criminal for using too much water.

John Mock discussed his understanding of the report upon which flow controls would be based; noted that the EDU allocations that have been paid for are contained in that report; noted that the County has a responsibility to balance the issues and needs; remarked that the claims from either engineering firm have not yet been proven; recounted the effect when a past moratorium was prematurely lifted; noted that the only hard number that we actually have is the permit from the Water Board which limits usage to 60,000 gallons per day which is less than build out capacity; remarked that a moratorium is not an option as all properties in Yosemite West paid under proposition 218 to fund the rehabilitation of the water system; urged a freeze in selling the excess EDUs; recommended letting the Water Board know of the actions being taken; and urged allowing engineering the time to see if it is possible to come up with solutions that address the problems with the wastewater treatment facility.

Public comment closed.

Supervisor Stetson remarked that he has no problem with a soft freeze on the sale of excess EDUs to allow time for Public Works to come back with a more permanent process. Supervisor Jones concurred.

Supervisor Carrier required clarification of the EDU per person; and discussed current permit limitations and our current flows relative to what will be needed for full build out. Mr. Rei responded, noting that he would want to have a conversation with the Water Board regarding the potential effect of taking the second pond offline. Supervisor Carrier noted that he doesn't think that will be a permanent, long term solution.

Supervisor Bibby remarked that the system, and its use, will always need to be

monitored; and urged eliminating the sale of future EDUs.

County Counsel reminded that in order to take any action to limit or prevent the sale of EDUs, the Board needs to make the Finding that it is necessary. He also responded to Mr. Ratzloff's concern, noting that EDUs would be honored if a building permit has been applied for and is complete for processing. Supervisor Cann inquired of County Counsel as to whether the permit being for 60,000 gallons suffices as a foundation for a Finding. County Counsel responded, noting that such would be for the Board to determine but that the issue is capacity.

Supervisor Cann restated his understanding that Public Works needs more time to determine capacity. Mr. Rei responded, noting that the only proven capacity as of today is the leach fields which are 35,000 gallons per day according to the Provost and Pritchard report. Supervisor Jones required elaboration on the issue of capacity. Mr. Rei responded, noting that we currently can treat 35,000 gallons per day according to the consultants, and needed to treat 52,000 gallons per day over Memorial Day weekend. Mr. Rei also noted that his understanding of a "soft freeze" is that it would be a temporary suspension while we prove out capacities. He also noted that this would be the type of thing that he could take to the Water Board to show that we are being responsible, in addition to giving them empirical data that we've now improved the capacity by doing the SDI and/or the spray irrigation system; and he noted that he doesn't expect that to take very long.

Supervisor Bibby remarked that we have over served our capacity; that the document on file with an engineer's stamp is from Provost and Pritchard and it says 35,000 gallons per day; that our Finding would be that we have a 35,000 gallon per day engineer's report and we exceeded it on Memorial Day at 52,000 gallons per day; that we have additional holidays coming up; and that we are going to try other methods in the future but we don't know if they are going to work. Mr. Rei remarked that he is very confident that the spray irrigation will work as it is used all over the country, as well as having been used in Yosemite West successfully in the past; but that what he is unsure of, and what will need to be learned and calculated, is the amount of the resulting increase in capacity. Supervisor Bibby noted that, at this point in time, completion and activation of those repairs is unknown; that the County ordinance reads "if it exceeds..."; and that the County has an engineer's report on file that shows we exceeded capacity on the first holiday, with others coming.

Supervisor Carrier noted that the resolution says that we will stop the sale of EDUs if the Board finds that we don't meet capacity; and that Public Works would have to come back with a report to confirm the capacity of the system which would, then, give the ability to limit water use. He also remarked that he thinks it says everything that the Board wants it to say in a temporary manner, and that it doesn't need to be triggered until Public Works comes back with a report showing that we can't meet capacity. Mr. Rei noted that they will work diligently to get these repairs online as soon as possible and then calculate the capacity. Supervisor Carrier noted that he also thinks that it sends a positive message to the Water Board to show that we are taking action.

Supervisor Jones noted that we don't have the capacity, and moved to approve the resolution. Supervisor Carrier seconded. Chair Cann clarified that the motion is that the Board make the Finding that we don't have the capacity, and approve the resolution as presented. The second affirmed. Supervisor Bibby inquired if the mover and second would consider tying the motion to the Provost and Pritchard engineering report as circumstances may change. County Counsel advised that that Finding is contained in the second to last Whereas paragraph in the proposed resolution. Mr. Rei also reminded of the correction to the resolution which would change the 30,000 gallons to 35,000 gallons, as the incorrect amount was used throughout the agenda item and attachments. Chair Cann noted that those clarifications need to be in the record with the motion maker and second. Supervisor Jones affirmed all changes and corrections, and so moved. Supervisor Carrier was agreeable to the changes and corrections.

Chair Cann inquired if Mr. Kroon had addressed all of his concerns during public

comment, then inquired of County Counsel if he could reopen public comment. County Counsel responded that it was too late at this point, as the Board is in deliberation. Chair Cann noted the earlier events that prompted Mr. Kroon to withhold his comments and noted that he had told Mr. Kroon that he would still be able to make his comments should the Board consider approval.

Supervisor Jones withdrew his motion; Supervisor Carrier withdrew his second.

Public comment reopened.

Robert Kroon noted that his concern is with limiting usage per house, not with holding back the excess EDUs; and noted that his concern with the flow control is because he does laundry through the evening and night hours for his home rentals, rather than in the home that it came from. Chair Cann responded that if the Board does pass this, then the Public Works Director would be ordered to do a use study and come back with recommendations; and, at that point, there will be countless issues, like Mr. Misener's, that will need to be addressed. Mr. Kroon noted that if it is going to be dealt with at a later time, then he will stop, but, that he doesn't want to be labeled as a misdemeanor and have fines levied.

Public comment closed.

Supervisor Jones moved the item. County Counsel clarified that his understanding of the proposed motion is to approve the proposed resolution with 30K being changed to 35K capacity where it exists in the resolution. Supervisor Jones affirmed. Supervisor Carrier seconded.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Recess

1:19 PM Chair Cann recessed the meeting for a brief break.

1:42 PM Chair Cann reconvened the meeting

5. Administration (ID # 3681)

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

Supervisor Cann prefaced this item by noting that he and Supervisor Jones are the Board liaisons to the Tourism Bureau; noted that this had been scheduled for June 24th, but had to be advanced because Supervisor Jones will not be in attendance on the 24th; noted that the Tourism Board of Directors will not be meeting on this issue until June 19th; and asked that the Board continue the final decision until July 8th which will still meet the July 25th Elections deadline.

Rick Benson gave the staff presentation, noting that he was directed by the Board in November of last year to bring this item forward; that he believes the transient occupancy tax (T.O.T.) needs to be increased to continue to provide the same level of services; noted that we have tapped into our funds and have nothing else, so we have to do something now or contemplate reductions; noted that there is no limit as to how high the T.O.T. can be raised; discussed three potential options; noted that he is recommending a 2% increase; noted that a decision needs to be made by the middle of July; and noted that he

doesn't see it going into effect any sooner than May 1, 2015, but that, technically, it could be implemented about 45 days after an election passage.

Supervisor Cann reported that the Tourism Bureau has previously polled their members and has found that they don't want an increase; reported that it is his information that they are not anxious to be in opposition and are considering an option to support a 1.5% increase in the County's T.O.T., with them seeking to separately raise their Business Improvement District (B.I.D.) assessment by .5% which would be used in lieu of any funding from the County; noted that such an option does not forego any future partnership with them; and noted that it is his understanding that this may be the input that will be forthcoming from them.

Supervisor Carrier required clarification of the last time the T.O.T. was increased. CAO responded. Supervisor Carrier noted that he had suggested the idea of them raising the B.I.D. when he first came into office. CAO explained the B.I.D. noting that the lodging industry voluntarily imposes a 1% tax on themselves via their own Business Improvement District.

Supervisor Cann remarked that a lot of other places are doing the same thing.

Supervisor Jones discussed differences with the private sector; noted that he originally was against raising the T.O.T. but remarked that there is no other way to raise revenues; and noted that unless we come up with something here we are going to have to start making cuts.

Supervisor Bibby asked the public to keep in mind that our residents are paying taxes to provide services for 18,000 residents but, at any given moment, we need to be able to provide services to 4,000,000 visitors; noted that landfill, law enforcement, fire, facilities, roads, landscaping, libraries, and pools all have to be able to accommodate that higher number; noted that we need significant ADA improvements on our facilities including the Courthouse; and noted that there are a lot of services that could be cut back or ceased if we were only dealing with 18,000 people.

Supervisor Cann reminded everyone that he would like to reserve the final decision to the July 8, 2014, meeting.

Public comment opened.

Roger Bierry encouraged an honest dialogue; noted that a rise from 10% to 12% represents a 20% increase; remarked that he feels the County is getting more than enough from the T.O.T. to cover the tourist costs; remarked that the industry does not support a general increase, but may be able to support a dedicated increase; took issue with the statement that a 2/3rd passage rate would be difficult to attain, and discussed same; discussed his concerns regarding the term "non-binding commitment"; and discussed his objection to the term "the promotion of tourism," noting that it can be argued that anything can be deemed to promote tourism.

Terri Selk/Yosemite-Mariposa County Executive Director noted that there has been a dialogue for several weeks on this topic; noted that the consensus from lodging partners is that they would prefer no increase in the T.O.T. as they are continuing to struggle to be competitive; and urged that this is a critical decision and requested that any final decision be delayed until July 8th to allow his board to meet. Supervisor Cann noted the Tourism Bureau's fiscal year and the funding schedule from the County and requested commentary on the impact should that funding not be forthcoming. Mr. Selk responded, noting that their fiscal year is from July 1st to June 30th; noted that they need to propose a budget by the end of the fiscal year; noted that because of the size of the funding from the County, any decrease in the amount could significantly impact the commitments that they make for advertising and media, and which they have to purchase in the summer for the fall and winter; remarked that if they do not buy their media early enough in the year they, potentially, lose the opportunity to secure that media; and noted that not having a reliance on that funding is a significant concern as they would not be able to count on it as part of their formation of a strategic plan at the beginning of the fiscal year. Mr. Selk then read a letter from a lodging partner who stated that they have had to drop their rates over the last

three years due to impacts on the local markets. Supervisor Cann stated that he is not discounting the letter writer's experiences, but noted that T.O.T. has consistently risen and the only explanation that he can determine is that rates have risen. Mr. Selk noted that he cannot comment as he is not a lodging property owner and he can only go on the feedback that he receives. Supervisor Bibby noted that more money is going to tourism than ever before, and inquired if there are pocket areas that are being overlooked. Mr. Selk responded that the off season is our window of opportunity, noting that there is little to be done for the peak summer season. Supervisor Bibby remarked on past conversations where it had been reported that visitorship was up. Mr. Selk remarked that lodgings are also reducing rates to keep occupancy where it has been. Supervisor Bibby noted that is only during certain times of the season. Supervisor Bibby noted that finding that the B.I.D. may be raising it on their own contradicts those who are saying not to raise it. Mr. Selk clarified that the only reason it has been discussed is in response to this action by the Board of Supervisors. Supervisor Carrier noted that the idea of raising the T.O.T. was offered over a year ago and inquired if there were any discussions on the topic since that time, as he is curious why the matter must now wait for the Tourism Bureau Board to meet. Mr. Selk responded, noting that there have been several public meetings with lodging partners throughout Mariposa County, some of which the CAO has attended; noted that the plan was that his Board of Directors would meet on Thursday in order to prepare a final statement for the June 24th Board of Supervisors meeting, but that the topic was moved up prior to their meeting; and that there has been dialogue over the last year.

Gary Francisco/Francisco's Yosemite JuniperCrest vacation rental read a prepared letter; noted that he knows comparisons have been made to other areas; noted that it is necessary to remember that Pine Mountain Lake and Oakhurst are our competitors; discussed the highway construction; and remarked that this is not the right time to raise T.O.T.

Carol Johnson remarked that the issue is complicated, and noted education is necessary.

Robert Kroon remarked that he agrees with what Mr. Selk said about the rental operators; commented regarding the retirement benefit package years ago and remarked that he understands that a lot of this has to go to pay for that; noted that the lack of snow last winter, the Rim Fire and the government shutdown last year, and the hanta virus the year before have all impacted his business; discussed some provisions that his business had to enact; and inquired why all of the burden is placed on the lodging people, and urged other sources of funding like a restaurant tax.

Mary Bass/vacation rental owner and Vacation Rental Owner's Association founder discussed the change in the cleaning, and other, fees that her business pays, and noted that she continues to pass them on to the travelers; noted that she is fresh off of a vacation so knows first-hand that small expenses add up when traveling; noted that she had to mark her place down by 40% during the off season and put it on livingsocial.com; noted that there are approximately 200-400 vacation rentals here and they have not had a chance to meet about the issue yet, and requested the decision be delayed to allow them to meet; remarked that it is not the tourists using these services; noted that local lodgings are in competition with areas with lower T.O.T.; noted that our area has been hit with many catastrophes which has made it difficult; and urged against a T.O.T. increase.

Kris Casto remarked that she agrees with Supervisor Jones about the need for new revenue as the expenses are going up all of the time, while the current revenues are either in status quo, or declining; remarked that increasing the T.O.T. can increase the revenue significantly; and noted that the best choice is the T.O.T. and urged that the Board explore raising the T.O.T. ceiling to 12%, but not necessarily increasing it to that amount.

Becky Crafts/Assessor-Recorder discussed comments that she has heard about taxes; noted that she thinks we have to raise the T.O.T. but doesn't believe in earmarking it; discussed that the Mariposa County Pioneer Wagon Train Ride is going downhill

because they don't have the money to advertise it; noted that the comments regarding having to lower lodging rates doesn't make sense when considered against the increasing T.O.T. collections; stated that it is sad that employee retirements keep coming up because we have good employees and we're working on it; and noted that having employees is a cost of doing business. Ms. Crafts concluded by stating that department heads are always being asked to do more with less, but that they will need some revenue in order to maintain the current levels of service; and remarked that she thinks this is a good opportunity for Mariposa County on the whole.

Peter Rei remarked that his department struggles each year to put a budget together; noted that there will be an agenda item next Tuesday to address a quarter million dollar shortfall in general fund revenue for the Public Works Department for the 14/15 fiscal year; noted that they have cut everything that they can cut, but that fuel, insurance, labor and material costs keep going up and they have no independent ability to raise revenue; noted that there are no easy answers on how to fill the shortfall and he is faced with either getting more funding or we will need to talk about cutting services; and noted that he can only be so creative but there are virtually no options at this point other than laying off employees.

Doug Binnewies noted that the community has gone through some difficult times over the past half-decade; noted that the department heads have shared efforts and resources to make it work for the community; remarked that the employees are tired, and stated that he thinks pointing at the retirement is neither fair nor appropriate; remarked that while there are a lot of governments and entities that combine together to cover responsibilities, the visitors do cost money and do require a lot of resources; noted that there are recognizable costs to maintain services and a lot of those are saddled by public safety and infrastructure; noted that the Sheriff's Office receives nearly 100% of its funding from the general fund which is typical; remarked that because of personnel cuts he is working his people too hard, and has had to saddle them with a tremendous amount of responsibility and expectations and it is wearing him out; noted that he is still five law enforcement positions down which equates to a squad, which means that everyone has to pick up the extra; noted that in 1990 the Sheriff's Office responded to 13.7 calls per day and now it is closer to 90; remarked that services are up and that people demand more, but that he can't continue to work his employees like this for many more years as injuries, workers comp, and sick time are increasing; and noted that he doesn't see any waste in the County, that retirements are gone, that he doesn't see abuse here, and noted that the County has a lot of ethical, responsible, team players who want to bring the best product that they can. He also discussed the need for communication and education; remarked that, perhaps, the lodging groups should look at the B.I.D.; and noted that from his perspective a compromise needs to occur. Sheriff Binnewies concluded by saying that he is tired of cutting people and working them too hard, and is very interested in that dialogue with lodging and would like to partner with them.

Marshall Long/District III candidate and rancher recounted traveling over poor roads while campaigning, and noted that one of the first questions asked at the District III candidate's night at McCay Hall regarded raising the T.O.T. He remarked that he is not in favor of raising taxes unless it is absolutely necessary but that, at the time, he felt an increase should be divided between roads and safety employee retention. He remarked that after hearing the demands expressed here today, he now would like to see 25% of an increase apportioned to infrastructure, 25% to safety employee retention, and 50% to roads. He also noted that another option might be to start funding economic development through the T.O.T. in order to find and expand other revenue streams; and he concluded by noting that everyone that he spoke with about the issue stated that they would vote for it if it was budget specific.

Tom Kroon remarked that Mr. Rei does not know everything but does know where to get the people to get the information that he needs and he did a fabulous job for Yosemite West; discussed meeting Doug Binnewies as a child; noted that he has been with Yosemite

West Lodging since 1972 and is still working; noted that he is trying to build a business for his children so that they will be able to retire; and urged no increase to the T.O.T. tax.

Public comment closed.

Chair Cann thanked everyone for their input.

Supervisor Stetson noted his appreciation of everyone's concerns that an increase would harm their business, but noted that the Board's charge is to serve the citizens of Mariposa County and that service is endangered by very tight budgets; noted that he sees no way to increase revenue without increasing the T.O.T. in some way; noted that both department heads and the employees are exceeding anyone's reasonable expectations of service and, yet, that service is threatened by lack of funding; noted that roads, infrastructure and fire have been discussed, but that his concern is that the arts, parks, and the field of dreams are all deferred quality of life experiences because of our budget problems so he would like to see funding to these things as they would benefit citizens and tourists, alike; noted that he is very sympathetic to the lodging operators but that he does favor an increase; noted that he is more than willing to wait until July 8th; and noted that he is opposed to dedicating any portion of the T.O.T. to any particular line item.

Supervisor Jones expressed his appreciation for everyone's participation; encouraged receiving input from the Vacation Rentals Association; noted that being close to Tuolumne County has made it tougher for people in his district but that they do realize that the County's operation costs have increased; remarked that he would hate to be in Mr. Selk's shoes of always worrying whether funding will go through; noted that he has, personally, helped six businesses to start in District II, and noted that increased costs to the County that don't pertain to the visitors include insurance, fuel, labor, vehicles, paper clips and paper, computers, roads, bridges, electricity, and other infrastructure needs. He also noted that he is against raising taxes but that the County needs to generate new revenue. He also expressed interest in the 1.5% T.O.T./ .5% B.I.D. option.

Supervisor Bibby noted that the cost of doing business has gone up tremendously and discussed the cost of fuel for law enforcement and fire; remarked that she has a hard time with statements that not all of the services are being used by the tourists; remarked that the County could cut back services but then it won't be safe and the tourists won't come; and noted that the County could shut the water off to the parks and not mow the fields, but that doing so will impact the visitors. She also remarked: that the County currently doesn't charge for security for the downtown events; the County built in permissions and land use to help keep down costs for those who want to go into business to host agritourism or events on their property; that there are added costs that we are not passing on to people, as do other counties; that we are investing more in tourism than we have ever done before, including economic development which used to be incorporated with tourism and, combined, cost \$235,000 per year; and that if we don't raise the T.O.T. we will have to eliminate services and start charging for every little thing to recoup for the day-to-day costs.

Supervisor Bibby also discussed the landfill and roads, and the services provided by the safety departments; remarked that if we're going to be competitive we need to reinvest in the community; and remarked that we can scale back, but it will be painful for the tourists and residents alike.

Chair Cann noted that Mr. Francisco's concerns about the road construction are valid; noted that the Park Service is doing us a favor with the 150th anniversary which will be followed by the 100th anniversary of the Park Service; noted his appreciation for the viewpoints of the tourism and lodging industries; thinks considering a hybrid like the 1.5% for the county, with allowing them to raise the .5% on themselves makes a lot of sense as it gives everyone more stability, and discussed the potential numbers that it would generate; believes it would be imprudent to take 13.34 million dollars in T.O.T. and not be investing any of it in services for the visitors; and remarked that a sunset date is an option if we hit some fatal flaw, or see that it doesn't work.

Chair Cann suggested rescheduling the matter to July 8, 2014, at 2:00 PM.

RESULT: CONTINUED Next: 7/8/2014 2:00 PM

Recess

3:36 PM Chair Cann recessed the Board for a brief break.

3:51 PM Chair Cann reconvened the meeting.

L. 2:00 PM

1. Human Resources/Risk Management (ID # 3702)

Receive a Presentation on the Compensation Study of Mariposa County by Shellie Anderson of Bryce Consulting, Inc.; Discussion and Possible Direction Regarding the Compensation Study Including the Implementation of the Consultant's Recommendations

Tessa Pritchard/Human Resources Director-Risk Manager noted that the study shows that the County is a little below 10% of the market median for comparable counties. She then introduced Shelly Anderson of Bryce Consulting who gave an overview of the study.

Supervisor Jones extended his thanks for the study.

Supervisor Bibby required clarification regarding the employee share listed which shows 6% for the DSA and SMA, as well as the SEIU amount. Ms. Anderson responded, noting that what is shown is the amount that is being paid by the County. Supervisor Cann noted that the DSA and SMA will go down in January under the new MOU.

Supervisor Jones required clarification of the employee numbers. Ms. Anderson affirmed that Mariposa County does have fewer employees than comparable counties, yet has a higher budget. Supervisor Cann noted that those are the two counties that have the proportion of T.O.T. that we have. Supervisor Bibby noted that it is interesting, because when you look at the general fund budget amount coming in, the number of employees, the population being served, and when you factor in that our employees are 10% behind, one can see that those funds are not going to the employees. She also expressed interest in whether we have more higher level positions than entry level positions. Ms. Anderson responded, noting that the management classes are even further behind the market.

Public comment opened.

Marshall Long requested clarification of a conflict between a presentation number and report page 16. Ms. Anderson apologized, noting that she misspoke.

Becky Crafts required clarification of why Merced County wasn't used. Ms. Anderson noted that they are significantly larger in population, budget and employees. Ms. Crafts noted that they should be considered as they draw our employees.

Keith Williams/Treasurer - Tax Collector - County Clerk noted that he takes exception to the way both of his chief deputies' positions were treated, noting that he did base them on another county; and inquired if the population in the table includes cities. Ms. Anderson noted it is overall population and does not include cities. Supervisor Cann noted that there are cities in all but three of the comparisons which does definitely impact the results.

Pete Judy noted that he looked for holes in the study and it was very well done and compared favorably with surveys done by the Chief Probation Officers of California; noted that it confirmed what he already knows in that the lines people are valued highly, but that those further up in the leadership chain are valued less highly; and he extended his thanks to Ms. Pritchard for all of her efforts.

Peter Rei noted that he feels the study was very well done; and noted that he saw no significant holes in regard to his employees.

Doug Binnewies agreed with the previous comments; remarked that he feels it did validate the compensation deficits and shortfalls in the Sheriff's Department; noted that he has seen the employee bleed off stifled with the recent Board actions; and extended kudos on the study, noting that he thinks it is very accurate.

Becky Crafts noted that their use of our job descriptions underscores why it is important to make sure that they correctly reflect what everyone does.

Tom Cooke/Mariposa County District Attorney noted that he thinks they did a great job with the survey, and told us what we all know.

Public comment closed.

Supervisor Cann questioned why Nevada County wasn't used instead of El Dorado. Ms. Anderson noted that she did look at it, but can't remember why it wasn't considered.

Supervisor Bibby discussed the data on page 5, and stressed that it is apparent that funds are not going out the door to employees.

Supervisor Cann extended his thanks to Ms. Pritchard for bringing this to the Board.

Supervisor Bibby extended her thanks and appreciation to every employee; remarked that she doesn't know how this will be rectified especially if the T.O.T. is not increased; and thanked the consultants for putting this together.

Ms. Pritchard noted that one part of this study that hasn't yet happened is a training component for local HR staff so that they can maintain it as new positions are added or deleted. Supervisor Cann extended his thanks to Ms. Pritchard for her services, and professionalism. Supervisor Jones extended his thanks, as well, and wished Ms. Pritchard good luck in the future.

RESULT: INFORMATION RECEIVED

M. Items removed from Consent Agenda

None.

N. Closed Session

1. Administration (ID # 3625)

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

No public comment.

This closed session was held at 5:24 PM.

RESULT: CLOSED SESSION HELD

2. Administration (ID # 3700)

CLOSED SESSION: Public Employee Employment Title or Position to be Filled: (Government Code Section 54957 (B) (1); Human Resources/Risk Manager

No public comment.

This closed session was held at 4:47 PM.

RESULT: CLOSED SESSION HELD

Report Out

6:26 PM Chair Cann reported that in closed session item M.1, information was received; and that in closed session item M.2, information was received and direction was given, and that action was taken to appoint Steven W. Dahlem/County Counsel as Interim Human Resources Director-Risk Management effective June 21, 2014.

O. Adjournment

6:27 PM Chair Cann adjourned the meeting in memory of Neal Hecker, Olga Reml, Joe Rollston, Ella May Higgins, Bennie Latner, Chase Hastings, and Jacqueline Douglass.

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

June 24, 2014

A. Call to Order and Roll Call

9:03 AM Chair Cann called the meeting to order at the Mariposa County Government Center, noting that there was a quorum with all members present except for Supervisor Jones who was excused.

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

B. Pledge of Allegiance

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

C. Introductions

None.

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

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

Chair Cann noted that CA10 is being pulled and will be considered on the timed agenda.

Public comment opened.

Ron Iudice commented on CA5, noting that when this agreement was initially

contemplated, the Mineral Museum was open longer; and he urged contacting the State to see if the museum can be opened some extra days per week. Supervisor Cann inquired if Mr. Iudice had any visitation numbers. Mr. Iudice responded that he did not.

Public comment closed.

Supervisor Stetson noted that he will have to abstain from voting on the Minutes in CA8.

Supervisor Cann remarked that the Mineral Museum contract in CA5 needs to be approved today, but that there is a cancellation clause included; and he inquired if the Board would like to assign someone to interact with the State regarding the hours of operation. Steven W. Dahlem/County Counsel noted that the agreement being considered today is with the District Fairgrounds and not the Mining and Mineral Museum. He also noted that he believes that the CAO's office is currently putting together the agreement with the museum which may be the appropriate time to deal with the issue of hours. Supervisor Cann noted that he would like to see dialogue with the State, and that he would be happy to participate. Rick Benson/County Administrative Officer affirmed off mic.

Regarding CA9, Supervisor Bibby discussed the budget action form, and required clarification that the right accounts are listed; and required clarification regarding the Victim Witness Supervisor position changes. Thomas Cooke/Mariposa County District Attorney responded, noting that the office manager was moved to Victim Witness and is partially grant funded. Supervisor Bibby noted that not all expenses and revenues are associated with grant funding, and that \$10,000 is from the General Fund for the District Attorney's budget. Mr. Cooke affirmed and noted that they had about \$50,000 in salary savings at the end of this month. Supervisor Bibby remarked that normally the County would recoup those into the Fund Balance. Supervisor Bibby noted that the CAO was recommending the item and required clarification from him that the funds were not needed for the Fund Balance. Rick Benson responded, noting that there was a purchase of some miscellaneous equipment. Mr. Cooke noted that the items purchased were those suggested by Rick Peresan in Technical Services and that they will lose grant funds if they don't use them by the end of the month. Supervisor Bibby requested that CA9 be pulled from Consent in order to consider it with CA10.

Regarding CA6, Supervisor Cann required clarification, noting that this is a relatively new function. Cathi Boze/Agricultural Commissioner- Sealer of Weights & Measures responded, noting that: they normally do audits at the landfill on weighmasters anyway; she doesn't know if we have anyone who falls under this; the State will send the information when they renew their licenses; there is an additional \$500 fee on the weighmasters for this which will fund this program; previously, they were getting \$75 to do the weighmaster audits, so this would be additional money if they have any people who fall under it; and it takes about an hour, at most.

Regarding CA17, Bibby required clarification as to whether this will change mining restrictions on Williamson Act lands. Sarah Williams/Planning Department Director responded, noting that they were not modifying the resolution that implements the Williamson Act. Supervisor Bibby required clarification that this is just to start the public process and that it will be reviewed by the Ag Advisory Committee, Planning and other relevant committees. Ms. Williams affirmed all concerns. Supervisor Bibby inquired as to the timing of this item, and whether it is being initiated by an applicant or the Mining Board. Ms. Williams responded that it is coming at her initiative because it needs to be done, and won't take precedence over paid applications. Supervisor Bibby inquired of the anticipated timeline. Ms. Williams responded that it should be back to the Board prior to the end of this calendar year assuming that there are no significant amendments to it. Supervisor Cann noted that this is specifically changing the County Codes to implement what the General Plan said in 2006, and if we don't do this it puts the Planning Director in the gray area of having dueling codes. Ms. Williams affirmed. Supervisor Cann inquired

about the timeline. Ms. Williams noted that the biggest part will be scheduling this to the Ag Advisory Committee, but she sees no reason that it can't be back before the Board in October, November, or December at the latest. Supervisor Cann required confirmation that this Board will not be dealing with the matter until all of the relevant commissions have reviewed it. Ms. Williams noted that today's action is only to authorize staff to spend time on it; and that any resource extraction or processing will be covered by this.

Regarding CA20, Supervisor Bibby inquired as to the contingency fund balance. CAO responded that he didn't have the exact figure with him, but that it is in the \$200,000 range; and that there is not much choice in this regard. Supervisor Bibby noted that it says the County will be reimbursed when the property sells, but that the foreclosure process has been stopped, and inquired how long these will sit. Keith Williams/Treasurer - Tax Collector - County Clerk responded that they will sit until a tax sale comes along, and he discussed the process for same. Supervisor Bibby noted that the total contract amount is \$46,300. Mr. Williams affirmed, noting that \$5,000 is for next year in case there are any incidentals. Supervisor Bibby inquired if the County will be able to charge penalties and interest. Mr. Williams responded that it will not be able to charge on these fees. Supervisor Bibby noted for the public that when we do these special districts it is a triple hit because there is a cost when they are formed, there is a loss of funds when they go into default and don't pay their water or sewer bills, and a lot of these properties will sell for less and the tax base will then be lower. She urged caution as the County goes forward with subdivisions, noting that if they can't stand alone they start to get into General Funds; and reminded the Board that this is why the Board scrutinizes these districts closely.

RESULT: ADOPTED [4-0]

MOVER: Janet Bibby, District III Supervisor

SECONDER: John Carrier, District V Supervisor

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

EXCUSED: Merlin Jones

CA1. **Administration RES-2014-293**

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

CA2. **Administration RES-2014-294**

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

CA3. **Administration RES-2014-295**

Resolution Continuing the Local Drought Emergency

CA4. **Administration RES-2014-296**

Approve the Fiscal Year 2013-2014 Adjusted Budget as Mariposa County's Preliminary Recommended Budget Which Will Serve as the Operating Budget Until the Adoption of the Fiscal Year 2014-2015 Final Budget in August 2014

CA5. **Administration RES-2014-297**

Approve a One-Year Agreement with the 35-A District Agricultural Association for the California State Mineral and Mining Museum, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA6. Agricultural Commissioner RES-2014-298

Approve the Weighmaster Enforcement (Junk Dealers and Recyclers) Agreement Number 14-0078-SA for Fiscal Year 2014-15 with the California Department of Food and Agriculture (CDFA), and Authorize the Board of Supervisors Chair to Sign the Agreement

CA7. Board of Supervisors RES-2014-299

Approve the Administrative Match Agreement Between County of Mariposa and Area 12 Agency on Aging for In-Kind Legal Services in the Amount of \$31,281 for Fiscal Year 2014/2015; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA8. This item was considered separately

CA9. This item was moved to the Regular Agenda

CA10. This item was moved to the Regular Agenda

CA11. Human Services RES-2014-300

Approve Recruitment and Hiring of the Legal Secretary I/II (Legal Clerk)

CA12. Human Services/Behavioral Health & Recovery Services RES-2014-301

Approve an Agreement with Kings View Corporation to Provide Electronic Health Record Information System Technical Support and All Pay Sources Billing Services to Behavioral Health in an Amount Not to Exceed \$162,709.01, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA13. Human Services/Behavioral Health & Recovery Services RES-2014-302

Approve an Agreement with Clarity Social Research to Provide Evaluation Services for the Expanded Drug Court Program Conducted by Mariposa County Behavioral Health in an Amount Not to Exceed \$22,000, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA14. Human Services/Behavioral Health & Recovery Services RES-2014-303

Approve an Agreement with Community Social Advocates, Inc. to Provide Residential Recovery Services for Substance Abuse Clients Referred by Mariposa County Behavioral Health in an Amount Not to Exceed \$12,500, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA15. Human Services/Behavioral Health & Recovery Services RES-2014-304

Approve an Agreement with Milhous Children's Services to Provide Intensive Youth Treatment Services for Mariposa County Behavioral Health in an Amount

Not to Exceed of \$53,280, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA16. Planning RES-2014-305

Approve a Professional Services Agreement with Abbott & Kindermann, LLP, Providing On-Call Legal Consultation, and Authorize the Board of Supervisors Chair to Sign the Agreement

CA17. Planning RES-2014-306

Adopt a Resolution of Intention to Initiate Amendments to Mariposa County Code Title 17 to Implement General Plan Provisions for Processing Mining Projects

CA18. Probation RES-2014-307

Approve a Professional Services Agreement with Alliance for Community Transformations, Inc., to Operate a One-Stop Services and Rehabilitations Center for Probationers and Jail Inmates as Recommended by the Community Corrections Partnership in an Amount Not to Exceed Two Hundred Twenty-Five Thousand Dollars (\$225,000); and Authorize the Board of Supervisors Chair to Sign the Agreement

CA19. Public Works RES-2014-308

Approve Amending Resolution 81-3, Section IV, Paragraph B, Meetings and Quorum, for the Yosemite West District Advisory Committee

CA20. Treasurer-Tax Collector-County Clerk RES-2014-309

Approve Third Amendment to Agreement with Stradling Yocca Carlson & Rauth Increasing the Amount by \$16,300 to a Total Not to Exceed Amount of \$46,300 for Foreclosure Services Related to the Lake Don Pedro Sewer Bonds, and Authorize the Board of Supervisors Chair to Sign the Amendment

Considered Separately

CA8. Minutes of Tuesday, June 10, 2014

RESULT: ACCEPTED [3-0]

MOVER: John Carrier, District V Supervisor

SECONDER: Janet Bibby, District III Supervisor

AYES: Janet Bibby, Kevin Cann, John Carrier

EXCUSED: Merlin Jones

ABSTAINED: Lee Stetson

E. Departmental Presentation

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

Len DeJoria/Mariposa County Fire Chief reported that there was a structure fire in the Midpines area, and that it is under investigation. He also noted Hal Nolan was named the Volunteer of the Month because of his time and efforts in maintaining communication

equipment.

Peter Rei reported that CSAC has informed him that the County will be receiving approximately \$198,000 in diesel gas receipts from 2010-2011 that were not paid, which decreases his department's shortfall to a manageable level. Supervisor Bibby requested an update on the Catheys Valley well, and whether the fields are being irrigated now. Mr. Rei affirmed that the fields are being irrigated; discussed State procedures for well chlorination and testing; and noted receiving positive test results over the weekend. He also noted that the well is pumping enough silt that it is clogging restrooms and toilets; that they are working with the well driller and State to diagnose the problem but, in the meantime, the water is safe to drink, provided it is boiled; and that they have provided porta-potties. Supervisor Bibby stressed that a solution needs to be found as soon as possible as that is one of the County's busiest meeting halls. Supervisor Stetson inquired as to how the State was able to withhold the diesel gas receipts without protest. Mr. Rei responded, noting that it is difficult to gauge how much to expect annually due to year-to-year variability and that, apparently, the State Controller just recently discovered this problem. Supervisor Cann discussed the process on the State level.

Doug Binnewies/Mariposa County Sheriff reported: that Mariposa County Sheriff's Office recruits Matthew Gray and Timothy Lemons will be graduating from the Fresno City College P.O.S.T. accredited police academy and sworn into office during the Friday afternoon ceremony; that Deputy Kelly Maples graduated early from this academy due to her previous Federal law enforcement training and experience, and is currently in uniform and involved in her field training phase; that the fourth trainee, Josh Keheley, is currently enrolled in the Fresno Police Academy 12 week program to attain his Level One P.O.S.T. certificate and is on track to graduate in August; and that the fifth position was filled by Nicholas Harrison, who was the officer hired under the lateral deputy sheriff program. Sheriff Binnewies also thanked the Board for their support. Supervisor Cann inquired if the Friday ceremony is a public ceremony, and whether any staff from the Sheriff's Office will be attending. Sheriff Binnewies affirmed on both issues. Supervisor Bibby inquired if the new officers could be introduced some Tuesday, if they are assigned to day shift. Sheriff Binnewies affirmed.

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)

Marshall Long/District III candidate and local rancher noted that the lights are now on at the firehouse indicating that the power is hooked up, and he extended kudos for same. He also noted that today he noticed that they are doing some overlay work on Old Highway which he appreciates; that he would like to see them pull the ditches and backfill the shoulders while they are there since they have the workers and equipment; and he reported that the UC Cooperative Extension will be hosting a preliminary niche marketing/grass fed beef meeting at the UCC office in Merced tomorrow from 9:00 AM to 4:00 PM, and at McCay Hall on Thursday from 9:00 AM to 12:00 PM.

Mary Bass/Mariposa County Chamber of Commerce and Visitors Center reported that it has been very busy; that they have been placing lots of people into lodgings; and that they appreciate those lodging partners who call to advise of availability and rates. She also advised that: the Friends of the Fairgrounds' Sausage and Suds event is this Saturday, from 4:00 PM to 7:00 PM, at the Fairgrounds; that the 150th Anniversary of Yosemite celebration will be on Thursday and that there will be a variety of events; that the Chamber Board meeting is from 5:30 PM - 7:00 PM on July 3rd; and that the Business Expo is July 16th.

G. Board Information

Supervisor Carrier reported attending: a Public Works meeting on Thursday

regarding the airport and Yosemite West issues; the meet and greet with the new School Superintendent at the High School on Thursday afternoon; the Thursday evening School Board meeting; a Friday meeting with Tessa Pritchard our outgoing Human Resource Director to say goodbye; a Saturday meeting of the Yosemite Alpine Community District, in Fish Camp; and the Kids First dinner Saturday evening. Supervisor Carrier advised that he will be attending: the Integrated Regional Water Management Plan (IRWMP) meeting, noting that the IRWMP final plan is out and available on the Mariposa County Resource Conservation District, and that there is only a short comment period for it before it comes to the Board for final approval; a Wednesday GIS resource meeting with some County representatives and CALFIRE; the 150th Yosemite Anniversary dinner in Fish Camp at The Tenaya on Sunday; the Monday ribbon cutting ceremony for the 150th Anniversary at Mariposa Grove; a fire station meeting tentatively scheduled for July 2nd; a Public Works meeting on July 2nd; and the Area 12 JPA Board meeting on Thursday. He also noted that Caltrans is kicking off their annual Avoid the Cone Zone campaign; noted that there is good news on the Fed side as the Payment In Lieu of Taxes (PILT) money has tentatively come back; discussed the diesel taxes coming back from the State; and noted receiving a lot of inquiries regarding road projects this week and suggested that Public Works post something on their website regarding how the fiscal years go, and which major projects are posted. Supervisor Carrier also advised that his grandchildren are attending day camp; noted that it appears to be running successfully based on the number of children in the program; and congratulated Shannon Hanson on its success.

Supervisor Bibby extended her thanks and appreciation to all of the emergency cooperators; and noted that she hopes the damage to the airport runway is not significant. Supervisor Bibby reported attending a meeting with Veterans Services; noted she was unable to attend the meet and greet for Robin Shaw Hopper, the new School Superintendent, but extended congratulations to her. Supervisor Bibby noted that the following representatives are still needed: Mother Lode Job Training representative; the Community Action Agency private sector representative; a District III representative for the Commission on Aging; and a Mental Health Advisory Committee representative. She also urged interested parties to contact any Board member.

Supervisor Stetson reported attending: the Thursday presentation on the Pacific Fisher at the Midpines Community Hall, noting that they think the fishers are mainly threatened by rodenticides; a meeting with the CAO and John Mock on June 20th to discuss Yosemite West finances; and a Saturday meeting with members of the Bear Creek to work on the Midpines Park and ready it for a photography and creative writing workshop that will be held there next Saturday, and he extended special thanks to Angela Heiss, Ed Temple, and Gary Francisco for their work. He also advised that the workshop is free and will run from 10:00 AM to 2:00 PM, and is for 10-18 years olds.

Supervisor Cann reported: attending a CSAC mini summit in Fresno on Wednesday, noting a presentation on cost creep and scope creep by Vanir Construction Management; attending the Thursday meet and greet for the new School Superintendent; attending a Friday meeting with the Public Works Director and the District IV Planning Commissioner; attending the Kids First Event in Jerseydale on Saturday; participating in an RCRC officers call yesterday, noting that one of the main issues was the implementation of the endangered species declaration on the Yosemite toad and yellow legged frogs and discussed an issue regarding letters that were sent out regarding grazing permits in the Tahoe National Forest; and touring a BioMass Facility yesterday.

Supervisor Cann advised that he will be attending: the Executive Speakers Bureau in Sonora on Friday, noting that the Governor's Economic Development Coordinator will be there speaking on rural economic development; a tentative meeting with Caltrans scheduled for Friday morning; the Friends of the Fairground event on Saturday; the 150th celebration dinner at The Tenaya Lodge on Sunday; and a Monday meeting with people from the JC Fremont Hospital and our Congressman regarding bringing our hospital up to the seismic standard. Supervisor Cann also discussed the Parks and Rec Day Camp,

noting that he just found out that they had 58 kids last week and are now topping out, and that they have told the parents and guardians that they need to reserve time on Monday for that week.

H. Regular Agenda Items

1. Planning 2014-ORD-1106

Waive Second Reading and Adopt an Ordinance Amending Mariposa County Code Title 2 and Title 13 Pursuant to County Code Amendment No. 2014-005. Project Amends Code to Reflect Current Administrative Organization and Responsibilities for the Planning Department, the Building Department, the Health Department, the Public Works Department and the Planning Commission

Sarah Williams gave the staff report.

No Board or public input.

The item was moved by Supervisor Stetson, and seconded by Supervisor Carrier. The Clerk of the Board read the action, ordinance number, and ordinance title into the record. The motion passed 4-0, with Supervisor Jones excused.

RESULT: ADOPTED [4-0]

MOVER: Lee Stetson, District I Supervisor

SECONDER: John Carrier, District V Supervisor

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

EXCUSED: Merlin Jones

I. Items removed from Consent Agenda

CA10: District Attorney RES-2014-310

Approve an Agreement and Contract with Karpel Computer Systems, Inc. DBA: Karpel Solutions to Provide a Full Featured Case Management System, Prosecutor by Karpel, for the District Attorney's Office, and Authorize the Board of Supervisors Chair to Sign the Agreement and Contract; Approve Budget Action Transferring Funding from the Vertical Prosecution Grant Budget and the Victim Witness Grant Budget, to and Within the District Attorney Prosecution Budget for the Purchase of the Case Management System (\$72,521)

Thomas Cooke gave the staff report, noting that they had to file an amended budget action form due to a change from one of the grants programs. Mr. Cooke noted that the amended budget action form increased the monies from \$31,000 to approximately \$37,000 and decreased the Victim Witness Supervisors account by the same amount; and noted that they were able to fund this with salary savings.

Supervisor Cann required clarification of whether there is an annual fee associated with this service. Mr. Cooke responded, noting that this is a one-time cost for the most part as most of the expense, including the peripheral devices, are funded by grants; and that the ongoing funding is already budgeted and is about the same as they are paying now.

Supervisor Bibby and Mr. Cooke discussed the interaction with the State on the

expenditure of grant funds. Supervisor Bibby inquired if there was something in writing, and discussed a past incident where the County had to pay as the approval documentation in that case had been lacking. Mr. Cooke responded that he has an email. Supervisor Bibby urged supplying a copy of the email to the CAO, Auditor and County Counsel to show that there is confirmation that it's been approved. Mr. Cooke noted that he can supply a copy of the email today. Supervisor Bibby noted that training costs are covered, and required clarification that the ongoing data costs won't escalate. Mr. Cooke noted that their annual maintenance now is about \$5800 and this will be about the same amount; that we own all of the information that we put in there; and that he went to a hosted solution on IT's recommendation. Mr. Cooke discussed other programs that were considered; discussed the order that file conversions will be implemented; and discussed that this will be better as they will be able to save information on thumb drives. Mr. Cooke noted that his vision is to convert everything to the new system over a period of three or four years, as well as all court minute orders, and conditions of probation.

Supervisor Carrier required clarification of the ownership of the fixed assets. Mr. Cooke responded that as far as he understands, they will stay with the County. Supervisor Carrier noted the mention of wireless and thumb drives, and urged consideration of a security policy. Mr. Cooke remarked that the thumb drive is only an emergency backup in case the network goes down for a day or two, and that they will be storing them in a secured area.

Supervisor Cann inquired if the information on the thumb drive is encrypted. Mr. Cooke responded that anything from Karpel would be encrypted.

CAO noted that he normally discourages the use of salary savings as that money does roll over and become part of the Fund Balance; but that this instance is different in that by doing this now, it will leverage and use grant funds that would otherwise go away; and if not done, the County would ultimately have to carry more of the funding.

Chair Cann noted that the corrected budget action is available on the table in the back of the room.

Supervisor Carrier moved the item with the revised budget action form. The motion was seconded by Supervisor Bibby with the reminder to send the documentation to the Auditor.

RESULT: ADOPTED [4-0]

MOVER: John Carrier, District V Supervisor

SECONDER: Lee Stetson, District I Supervisor

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

EXCUSED: Merlin Jones

CA9: District Attorney RES-2014-311

Approve Budget Action Transferring Funds Within the District Attorney Vertical Prosecution Budget to Cover Year End Shortages and for the Purchase of Miscellaneous Office Equipment and Supplies (\$20,000)

Supervisor Bibby noted that she has no issues with this item now that CA10 has been discussed and approved.

RESULT: **ADOPTED [4-0]**

MOVER: Janet Bibby, District III Supervisor

SECONDER: John Carrier, District V Supervisor

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

EXCUSED: Merlin Jones

J. Closed Session

1. **County Counsel (ID # 3703)**

**Closed Session: Conference with Legal Counsel; Existing Litigation;
Richard Hanna V. County of Mariposa, Et Al.; U.S. District Court Case No.
1:12-CV-01885-AWI-BAM**

No Board or public input.

This closed session was held at 10:34 AM.

RESULT: CLOSED SESSION HELD

Report Out

10:50 AM Chair Cann reported out that information was received and direction was given during the closed session.

K. Adjournment

10:50 AM Chair Cann adjourned the meeting in memory of Rose Varney and G. Russell Sutherland.

Respectfully submitted,

RENÉ LaROCHE
Clerk of the Board

KEVIN CANN
Chair, Board of Supervisors

