



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### SUMMARY OF PROCEEDINGS

October 13, 2009



Time                      Description

**9:09 a.m.** Meeting Called to Order at the Mariposa County Government Center with Supervisor Aborn excused due to illness.

Pledge of Allegiance

Introductions

Vice-Chair Bibby advised of the addendum to the agenda; advised that the Closed Session for labor negotiations with SMA was pulled by the County Administrative Officer; and advised that Chair Aborn requested that the items relative to the reorganization of the Building Department and the Closed Session for performance evaluation of the Building Department Director be continued for the full Board to be present. Rick Benson, County Administrative Officer, asked that the Ordinance modifying the appendixes adopted within the 2007 California Building Code also be continued. The items relating to the Building Department will be rescheduled on October 20<sup>th</sup> or October 27<sup>th</sup> as the agenda scheduling allows.

Approval of Consent Agenda (See End of Summary of Proceedings)

**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.

**BOARD ACTION:** Supervisor Allen pulled item 8 for separate action. Supervisor Bibby pulled item 6 for separate action to excuse herself from the meeting due to a potential conflict of interest because she has a family member in the DSA. (M)Allen, (S)Turpin, Supervisor Cann was selected to serve as Chair pro-tem for item 6/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn. Supervisor Bibby was excused at 9:16 a.m. Rick Benson provided input on the labor negotiations with DSA and the agreement that was reached. (M)Turpin, (S)Allen, item 6 was approved/Ayes: Turpin, Cann, Allen; Excused: Aborn, Bibby. Supervisor Bibby returned to the meeting at 9:20 a.m. Supervisor Turpin pulled item 5 for discussion with Planning Director. (M)Allen, (S)Cann, the balance of items was approved/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Chair Aborn;

Proclaim October 23-31, 2009 as "Red Ribbon Week" (Sheriff)

**BOARD ACTION:** (M)Allen, (S)Cann, the Proclamation was approved and presented to Undersheriff Doug Binnewies, and he recognized those who serve on the working group for this event/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

#### **Consider Items Removed from the Consent Agenda**

Item 8 – (M)Cann, (S)Turpin, item 8 was approved/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn. Supervisor Allen presented the formal resolution to Cori Lucero, Federal Director of Government Relations for UC Merced and Angie Rios/The Rios Company. They

invited everyone to attend the community meeting on October 21<sup>st</sup> at 6:00 p.m. at the Government Center on the proposed UC Merced School of Medicine planning process and they recognized the committee members from Mariposa.

Vice-Chair Bibby referred to item 9 and invited everyone to attend the Alzheimer's and Dementia conference scheduled for October 22<sup>nd</sup>.

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

Bill Verley, representing the Mariposa County Contractors Association, provided input on problems they see with the Building Department, including interpretation of the Building Codes by the Building Director; and he expressed concern with the reorganization proposal.

Steph Sievert, Sievert Supply, referenced the letter he wrote relative to the Building Department and he expressed concern with the Building Director's actions.

Rob Hamilton, electrical contractor and member of the Contractors Association, expressed concern with the Building Director's actions.

Mark Harris, Yosemite Falls Well Drilling, expressed concern with the Building Department and the issue relative to permit requirements for installing pumps. He asked whether the Building Director was talked out of quitting. Rick Benson advised that any personnel discussion is not appropriate for this meeting.

Jerrod Twiss, Ranch Fence, read his letter into the record expressing concern with the Building Director's job performance.

Steve Lach, one of the owners of Mariposa Brewing Company, provided input on his concerns with the Building Department and expressed concern with the requirements they faced with their business.

Dick Hutchinson advised that the new truss was installed at the Mariposa Museum and History Center on Monday. He referred to the concerns that have been expressed this morning and read the County's public service policy; and he stated he does not feel that the Building Director has listened to anyone with patience.

Floyd Davis suggested that a private citizen committee be formed consisting of people from the building industry to help work on the issues that have been raised; and he volunteered his assistance with this.

#### Board Information

Supervisor Cann advised that he was in contact with WiFi access while he was out of town visiting his father who is being treated for cancer.

Supervisor Allen advised that he attended the Habitat for Humanity event and the Farm Bureau dinner on Saturday. He has attended a few meetings relative to keeping the Wawona School open. He plans to attend the San Joaquin Valley Regional Association of California Counties conference in Stockton on Wednesday and Thursday. He noted the Fire Fighters Appreciation picnic is scheduled for Sunday at the Fairgrounds; the Valley Coalition for UC Merced Medical School community meeting is scheduled for October 21<sup>st</sup>; and the Alzheimer's and Dementia conference is scheduled for October 22<sup>nd</sup>.

Supervisor Turpin advised that he met with the Public Works Director on Thursday and they looked at the Coulterville transfer station to see how it could be made more customer-friendly. He attended a tour the Planning Department had relative to addressing grading issues above the Old Highway. He attended the Station 26 open fire house event on Saturday. He plans to attend the SWIFT meeting in Moccasin and the Airport Advisory Committee meeting on Wednesday. He advised that the Soap Box Derby is scheduled to be held in Coulterville on Saturday. He plans to attend the Fire Fighters Appreciation picnic on Sunday. He advised that he missed the Farm Bureau dinner due to illness.

Supervisor Bibby advised that she toured property off Old Highway on October 8<sup>th</sup> for a possible fire station site for Yaqui Gulch/Bridgeport area, and that she has kept the School District informed of the item on today's agenda. She met with Human Services regarding Community Action Agency. She attended the Habitat for Humanity event; she visited the open houses for

Mormon Bar and Mt. Bullion and Catheys Valley Fire Stations; and she attended the Farm Bureau Dinner on Saturday. She attended the First 5 Commission meeting on Monday and advised that they are looking at funding for future years and she noted that Judy Yaras/First 5 and Juvenile Justice Committee member passed away; and she plans to attend a wedding and the 4-H Achievement Night on October 17<sup>th</sup>.

**10:02 a.m.** Recess

**10:11 a.m.** Kris Schenk, Planning Director;

PUBLIC HEARING to Consider Appeal No. 2009-114, an Appeal of the Planning Director's Determination Regarding a Portion of Certificate of Compliance Application No. 2007-093 for Twelve (12) "Fractionalized" Patents. Applicants and Appellants: Jeff Miller and Layne Clifton. Project Site for Certificate of Compliance Application No. 2007-093 was APN 016-080-002 (Now a Retired APN); 871 Highway 140, Le Grand (Merced/Mariposa County Line).

**BOARD ACTION:** Kris Schenk advised of a request that was received to continue this hearing, and he advised that the appellant concurs. He advised that Tony Toso, Farm Bureau, requested that the hearing be continued as they have not had a chance to review all of the comments and they will meet on October 20<sup>th</sup>.

Jeff Miller, appellant, stated he concurs with the continuance; and he referred to additional deed information that he submitted that shows that 1/4<sup>th</sup> of the property was received from his mother and 3/4<sup>th</sup> came from the Chase estate.

(M)Allen, (S)Turpin, the hearing was continued to November 3, 2009 at 3:00 p.m./Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

**Consider Items Removed from the Consent Agenda**

Item 5 – Following discussion with Kris Schenk relative to the SilverTip Resort project, (M)Turpin, (S)Cann, item 5 was approved/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Dana Hertfelder, Public Works Director;

Discussion and Direction Regarding Continuing Operations of the Don Pedro, Hornitos, Coulterville and Fish Camp Transfer Stations

**BOARD ACTION:** Discussion was held with Dana Hertfelder and Dr. Michelle Miller/Solid Waste and Recycling Manager relative to the operation of the transfer stations, schedules, costs, rates, and options for providing services, including possible consideration of increasing the rate at the transfer stations to \$6.00 per bag to fund continued operations to keep all of them open.

Input from the public was provided by the following:

Karen Glendenning, Fish Camp, noted that their October Advisory Committee meeting was rescheduled and that will delay their further consideration of this matter. She does not feel that it is fair to close their transfer station until there is a viable alternative.

Dick Hutchinson asked for clarification of how the trash collection is handled in Wawona, and asked whether there could be coordination with Fish Camp.

Dana Hertfelder responded to the input, and further discussion was held. Supervisor Bibby asked that staff help with having a community meeting in Hornitos to discuss this matter.

(M)Turpin, (S)Allen, direction was given to staff to take this matter back to the Solid Waste Task Force for further consideration of the issues that were raised before going to the communities. The motion was amended by the second, agreeable with the maker, to include having individual Board members going to their own affected communities to review this matter and to work on solutions/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn. Rick Benson noted that there will be an ongoing revenue problem for the Department in the interim of resolving the issues.

Authorize the Board of Supervisors Chair to Sign a Letter of Support for Adjusting the Yosemite National Park Boundaries by Adding Several Parcels of Land Owned by the Pacific Forest Trust to the Park (Supervisor Cann)

**BOARD ACTION:** Supervisor Cann initiated discussion relative to the request, including timber management and location and environmental review. Dana Hertfelder responded to questions. (M)Allen, (S)Turpin, Res. 09-494 was adopted approving the letter as recommended/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

**11:45 a.m.** Recess

**11:55 a.m.** Select the California State Association of Counties (CSAC) Director and Alternate(s) for 2010 (Supervisor Turpin)

**BOARD ACTION:** (M)Cann, (S)Allen, Supervisor Turpin was selected to continue to serve as the Director and the remaining four Board members to serve as alternates/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Approval of Summary of Proceedings of October 6, 2009, Regular Meeting (Clerk of the Board)

**BOARD ACTION:** (M)Turpin, (S)Allen, the minutes were approved/Ayes: Turpin, Bibby, Allen; Abstained: Cann; Excused: Aborn.

Approve an Agreement with the Mariposa County Chamber of Commerce to Manage the Mariposa and Coulterville Visitors' Centers in the Amount of \$150,000, and Authorize the Board of Supervisors Chair to Sign the Agreement (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** Rick Benson initiated discussion relative to the agreement, and he advised that the Courthouse tour program was deleted from this agreement and will be brought back to the Board during the mid-year budget review.

Input from the public was provided by the following:

Peter Schimmelfennig, Executive Director of the Chamber of Commerce, provided input on their review of options for Courthouse tours, including using docents. He provided input on the discussion held during the final budget hearing relative to the location of the Visitors Center in Coulterville and advised of the benefits of the current location.

Following discussion, (M)Turpin, (S)Cann, Res. 09-495 was adopted approving the agreement as recommended/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

Fred Lustenberger, Building Director;

A) Waive First Reading and Introduce Ordinance Revising Chapter 15.10 of the Mariposa County Code Modifying the Appendixes Adopted within the 2007 California Building Code to Correct Inconsistencies between County Code and Building Code; and

B) Request Board Direction Concerning Proposed Reorganization of the Building Department to Include Coordination of Shared Responsibilities with the Planning Department and the Creation of a New Senior-level Inspector/Code Enforcement Officer Position

**BOARD ACTION:** These items were continued for the full Board to be present.

Appoint Richard J. Benson, County Administrative Officer, as County's Negotiator Concerning Possible Acquisition of Property Located at 4158 Old Highway (Supervisor Bibby)

**BOARD ACTION:** Supervisor Bibby initiated discussion relative to the request and reviewed the history of trying to find property for a fire station in the Yaqui Gulch/Bridgeport area since the mid-1990's and of current work with the School District. Rick Benson advised of his visit to the property with the Fire Chief.

Input from the public was provided by the following:

Laurel Siebecker stated she owns property adjacent to the school property off Yaqui Gulch Road, and she questioned whether the garage on the Old Highway property could be converted to house a fire engine. She agrees with exploring this option.

(M)Allen, (S)Turpin, the Board appointed Rick Benson as the negotiator as recommended/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

CLOSED SESSION: Conference with County Labor Negotiator; Name of Employee Organization: SMA (Sheriffs' Management Association); Name of County Designated Representative: Richard Bolanos (County Administrative Officer/Personnel/Risk Manager)  
**BOARD ACTION:** This closed session was not held.

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Building Department Director (County Administrative Officer/Personnel/Risk Manager)  
**BOARD ACTION:** This closed session was continued for the full Board to be present.

**12:37 p.m.** CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Name of Claimant or Case Number and Name of Adverse Parties: County of Mariposa v. Barbara Adams; Case No. 9604, County of Mariposa v. Connie Ankenbruck; Case No. 9602, County of Mariposa v. Richard & Susan Clark; Case No. 9596, County of Mariposa v. Don Endress; Case No. 9310, County of Mariposa v. Kerry Fisher; Case No. 9605, County of Mariposa v. Marvin & Leona Jones; Case No. 9543, County of Mariposa v. Steven & Candis Mason; Case No. 9603, and County of Mariposa v. Paul Vasquez; Case No. 9203 (County Counsel);

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation Pursuant to Subdivision (b) of Government code Section 54956.9. Number of Cases to be Discussed: 1 (County Counsel);

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 Relative to a Workers' Compensation Case; Number of Workers Compensation Cases to be Discussed: 1 (County Administrative Officer/Personnel/Risk Manager); and

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: 4158 Old Highway, Mariposa; Agency Negotiator: Richard J. Benson; Name of Party who will Negotiate with County (Not Party's Agent): George Heiss; Closed Session will Concern Price and Terms of Purchase (County Administrative Officer/Personnel/Risk Manager)

**BOARD ACTION:** (M)Turpin, (S)Allen, the closed sessions were held/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

**1:19 p.m.** Vice Chair Bibby announced the following as a result of the closed session matters: action was taken by motion of Turpin, seconded by Allen, to ratify County Counsel's action to proceed with enforcement on the existing litigation for the code enforcement cases with a vote of four ayes and Supervisor Aborn excused; information was received from staff relative to the anticipated litigation case; authorization was given for settlement negotiations on the Workers' Compensation case; and direction was given to staff on the real property item.

### **CONSENT AGENDA:**

- CA-1 Resolution Continuing the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Administrative Officer); Res. 09-487
- CA-2 Resolution Continuing the Local Emergency Due to the Oliver Fire (County Administrative Officer); Res. 09-488
- CA-3 Resolution Continuing the Local Emergency Due to the Telegraph Fire (County Administrative Officer); Res. 09-489
- CA-4 Resolution Continuing the Local Emergency Due to the Big Meadow Fire (County Administrative Officer); Res. 09-490

- CA-5 Approve First Amendment to Professional Services Agreement with J.B. Anderson Land Use Planning, Increasing the Amount by \$20,534 and Revising the Scope of Work; Approving Budget Action Increasing Revenues and Appropriations to Pay for the Consultant (\$20,534) (4/5ths Vote Required) (Planning Director); Res. 09-493
- CA-6 Approve the Memorandum of Understanding (MOU) with the Deputy Sheriff's Association (DSA) for the Term of October 1, 2009 through September 30, 2010 and Authorize the Board of Supervisors Chair to Sign the MOU; Authorize the Auditor to Transfer Appropriations to each Affected Budget Unit in order to Implement Provisions of the MOU (County Administrative Officer/Personnel/Risk Manager); Res. 09-486
- CA-7 Approve the Memorandum of Understanding (MOU) Between Mariposa County and Tuolumne County Outlining Implementation of the Household Hazardous Waste Grant Received from the California Integrated Waste Management Board and Authorize the Board of Supervisors Chair to Sign the MOU (Public Works Director); Res. 09-491
- CA-8 Adopt a Resolution Supporting the Continued Planning of UC Merced's Medical School (Supervisor Allen); Res. 09-485
- CA-9 Approve an Agreement with 35-A District Agricultural Association for the Alzheimer's and Dementia Conference on October 22, 2009 and Authorize the Board of Supervisors Chair to Sign the Agreement (Community Services Director); Res. 09-492

**1:22 p.m.** Adjournment in memory of Jeannetta E. Matthys, Judy Yaras, and Carol Tomlinson-Keasey/former Chancellor for UC Merced.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

JANET BIBBY  
Vice-Chair, Board of Supervisors