



COUNTY OF MARIPOSA
 P.O. Box 784, Mariposa, CA 95338 (209) 966-3222
 5100 Bullion Street
www.mariposacounty.org/board

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DISTRICT I
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FEB 09 2005

Mariposa County Planning Dept.

AGENDA of the **BOARD OF SUPERVISORS**

Meetings convene at 9:00 a.m., the first four Tuesdays of each month, at the Mariposa County Government Center, Board Chambers at 5100 Bullion Street.

Board may take action sitting as the Board of Supervisors, and as the governing body of: County Service Area 1M (Don Pedro); Mariposa Pines Sewer Zone; Sewer Zone (Don Pedro); Coulterville Sewer and Water Zone; Mariposa Parking District; Wawona County Services Area 2-W; Hornitos Lighting District; Mariposa Lighting District; Coulterville Lighting District; Mariposa Air Pollution Control District; Yosemite West Maintenance District; Mariposa County Water Agency; Local Transportation Commission; Housing Authority of the County of Mariposa; Countywide Service Area; and the Mariposa County Public Finance Corporation.

Citizens wishing to schedule matters for Board consideration or to appear before the Board must contact the Clerk of the Board in writing stating the action requested. Appropriate requests will be scheduled before the Board as time allows. The deadline for submission of written materials is on Friday prior to noon (11 days in advance of meeting), so the Agenda can be processed and packages available on Tuesday for the following week's meeting. An original and 14 copies of all supporting materials must be submitted.

Public Presentations: The law provides the opportunity for the public to be heard on any item within the subject matter jurisdiction of the Board, before or during the consideration of that item by the Board. For items on the timed agenda, this will be at the time the item is called by the Chairman. For all other items, including items not on the Agenda, the public presentation time at the start of each meeting is appropriate. The Chairman may set time limits as appropriate to manage the Agenda. State law does not allow action to be taken on any item not appearing on the Agenda unless the action is otherwise authorized by Government Code Section 54954.2(b) which permits items not on the Agenda to be acted upon as delineated in Section 54954.2(b).

Agendas and supporting documentation are available for review on Wednesday at the Board office. Mailed requests for Minutes and Agendas must be accompanied by self-addressed, stamped envelopes. They are also available at www.mariposacounty.org/board.

February 15, 2005

<u>Folder</u>	<u>Time</u>	<u>Description</u>
	<u>9:00 a.m.</u>	Meeting Called to Order at the Mariposa County Government Center
		Pledge of Allegiance
		Introductions
		Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda
		Board Information
1		Approval of Minutes 12-21-04, Continued Meeting from 12-14-04 and 12-15-04
2		Approval of Minutes 12-21-04, Regular Meeting

In compliance with the American Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board's Office.

BOARD OF SUPERVISORS February 15, 2005 Page 2
 Folder Time Description

- 3 Approval of Minutes 1-4-05, Regular Meeting
- 4 Approval of Consent Agenda (See End of Agenda)
- 5 Cheryle Rutherford-Kelly, Human Services Director;
 Authorize the Human Services Department to Forward a Grant Application to the State Department of Mental Health Necessary for the Release of \$78,905 in Planning New Programs Under Proposition 63 Monies Set Aside for the County; Approve Budget Action Increasing Revenue through the Mental Health Services Account and Corresponding Appropriations (\$78,905); and Decrease Realignment (\$25,526) for a Net Increase of \$53,379 (4/5ths Vote Required); Upon Release of the Money, Approve Allocation of a Half-Time Office Technician Position, Effective Immediately; Allow the Department to Enter into Discussions with a Contractor to Draft the More Technical Language Necessary for the Release of Program Monies; and Approve Expenditures Necessary to Meet the Conditions of the Planning Process

12:00 Noon – Lunch

- 6 **1:30 p.m.** Tom Guarino, County Counsel;
 Discussion and Direction Relative to a Resolution Establishing an Amnesty Program for Yosemite West

ATTENTION:

- 7 Approve the Friends of the Red Cloud Library St. Paddy's Weekend Dinner as a County Sponsored Event for Insurance Purposes and the Waiving of Fees for the Use of the Greeley Hill Community Club (Supervisor Turpin)
- 8 Adopt a Resolution to Ratify Payments to Cotton Bridges Associates in the Amount of \$23,309.08 (County Counsel)
- 9 Review the Status of Each Board Committee and Its Membership and Update as Appropriate (Clerk of the Board)
- 10 CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Significant Exposure to Litigation for a Case Pursuant to Subdivision (b) of Government Code Section 54956.9 (Continued from 2-8-05) (County Counsel)
- 11 CLOSED SESSION: Conference with Legal Counsel; Existing Litigation: California Government Code Section 54956.9(a); Dean v. County of Mariposa (County Counsel)
- 12 CLOSED SESSION: Conference with Legal Counsel Relative to Anticipated Litigation/Initiating of Litigation for a Case Pursuant to Subdivision (c) of Government Code Section 54956.9 (Continued from 2-8-05) (County Counsel)

BOARD OF SUPERVISORS February 15, 2005 Page 3
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CONSENT AGENDA:

- CA-1 Action to Continue Emergency Findings of the Interim Operation of the Mariposa County Landfill by County Staff is Necessary to Continue an Essential Public Service Until the Bidding Process is Completed (Public Works Director)
- CA-2 Adopt a Resolution Approving an Industrial Disability Retirement for Deputy Sheriff William A. Hunt, Effective February 1, 2005 (County Administrative Officer)
- CA-3 Approve the Proposed Job Description of Senior Agricultural and Standards Inspector and Set at Salary Range 242 (\$3,153 - \$3,832) (County Administrative Officer)
- CA-4 Approve Agreement between John C. Fremont Healthcare District and Mariposa County Probation Department Covering the Period of 7-1-04 through 6-30-06, for Routine Medical Screening for Detained Juveniles and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Chief Probation Officer)
- CA-5 Delete a Social Worker III Position and Add an Office Technician Position within the Human Services Department, Effective Immediately and Approve Budget Action Transferring Funds within the Human Services Budget to Fund the New Position (\$16,723) (Human Services Director)
- CA-6 Authorize Behavioral Health to Enter into a Lease Agreement with Pitney Bowes Credit Corporation for Postage Equipment in the Quarterly Amount of \$442.98 (Human Services Director)
- CA-7 Approve Certificate of Recognition and Congratulations to be Presented to George Young, Known to Many as "Pop", on Celebrating His 99th Birthday (Community Services Director)

**MARIPOSA COUNTY
BOARD OF SUPERVISORS**

**AGENDA
ACTION FORM**

DATE: 4/15/05
AGENDA ITEM NO. 6

DEPARTMENT: County Counsel **BY:** Thomas P. Guarino **PHONE:** 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Discussion and direction relative to a Resolution establishing an Amnesty Program for Yosemite West.

Based upon direction from the Board of Supervisors, County Counsel has prepared a draft Resolution for your review regarding establishing an Amnesty Program for Yosemite West. Pursuant to Ordinance No. 934 (copy attached) and the Cease and Desist Order of the Regional Water Quality Control Board (RWQCB) of November 15, 2004 certain processes must be undertaken in order to ensure compliance with both the Ordinance and the Cease and Desist Order of the RWQCB.

This draft Resolution has been reviewed by the County Administrative Officer, Building Director, Planning Director, Public Works Director, and the Treasurer/Tax Collector. Their comments and requested revisions have been incorporated into the draft.

Also, attached is a copy of the Public Works Director's written notification to the RWQCB with respect to this action. As the amnesty is only for existing connections to the system it does not appear that any technical report would be required by the RWQCB Cease and Desist Order of November 15, 2004 (at page 11, item 7). Should such a report be required for any permit paragraph 3 of the Resolution addresses that issue.

The earliest effective date for the Amnesty Program would be 60 days from the date of the Public Works Director's written notification to the RWQCB. The purpose of this agenda item is to request the Board's direction with respect to bringing this matter back before the Board for action should it be the Board's decision to proceed in that manner.

Financial Impact? () Yes () No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted in Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		
Source:		Draft Resolution
Internal Transfer		Cease and Desist Order
Unanticipated Revenue	4/5's vote	Ordinance No. 934
Transfer Between Funds	4/5's vote	Public Works Director's letter of 1/20/05 to RWQCB
Contingency	4/5's vote	
() General () Other		

CLERK'S USE ONLY:

Res. No.: _____ Ord. No. _____
Vote - Ayes: _____ Noes: _____
Absent: _____
() Approved
() Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments:

CAO: *PTG*



MARIPOSA COUNTY RESOLUTION NO. _____

**A RESOLUTION ESTABLISHING AN AMNESTY PROGRAM
FOR YOSEMITE WEST**

WHEREAS, the Board of Supervisors enacted Ordinance No. 934 prohibiting the hook-ups to the Yosemite West Maintenance District's water and sewer services, and

WHEREAS, the Board of Supervisors prohibited issuance of permits for new bed and breakfasts or transient occupancy facilities as well as permits for new construction or conversion of single family dwellings; and

WHEREAS, the Board of Supervisors prohibited acceptance of any application for processing which required a new sewer or water hook-up or caused any flow increase into the District's system; and

WHEREAS, repairs have been made to the system such that it can handle existing flows and there are individuals desiring to bring themselves into compliance with Mariposa County rules and regulations for permitting and conversion of facilities; and

WHEREAS, section three item G of Ordinance 934 permits the Board of Supervisors to allow issuance of permits under certain conditions.

NOW, THEREFORE BE IT RESOLVED by the Mariposa County Board of Supervisors, a political subdivision of the State of California, does hereby resolve as follows:

1. That if the Public Works Director can verify that the structures that existed at the time Ordinance No. 933 was enacted and uses will not increase the flow into the current wastewater treatment system at Yosemite West and the RWQCB does not object to such permits, and the Mariposa County Health Officer concurs permits may be issued as set forth below.

2. That for three months from the date of this Resolution the County of Mariposa will accept and process applications for bed and breakfast and transient occupancy permits, and applications for building permits for constructed or converted buildings which are otherwise in compliance with County Code if the Public Works Director can verify that they are currently discharging to the existing treatment system in Yosemite West and will not increase the flow or otherwise threaten the integrity of the system; and

3. That any applicant for any permits, including but not limited to, building permits, bed and breakfast permits, and transient rental permits, shall, prior to the issuance of the permits, submit all plans for approval, where applicable, and pay all appropriate fees and penalties. Inspections will be conducted after permit issuance based upon the Uniform Building Codes. Any applicant will be required to furnish or pay for any technical or other reports required by the California Regional Water Quality Control Board pursuant to its order of November 15, 2005; and

4. That any applicant shall pay an additional amnesty processing fee of \$100 for each permit; and

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5. For all construction or conversions of residences for rental or other purposes for which a building permit is sought to bring the structure into compliance with County Code, the owner or party requesting the permit shall pay staff costs for additional inspections that are beyond those normally allowed under the permit being applied for; and

6. All permits shall be processed in accordance with all codes and policies in effect at the time the application is accepted and the permit is issued; and

7. Any person who has been utilizing the property for rental purposes shall provide to the satisfaction of the County Tax Collector documentation to support any past transient occupancy taxes owed and any and all penalties normally assessed for such delinquent taxes, all of which shall be paid prior to the issuance of a bed and breakfast or transient occupancy permit; and

8. This Amnesty Program shall expire of its own accord at 5:00 p.m. on _____, 2005 after which time no additional applications will be accepted under this Resolution. All such applications must be at the County office wherein the application is normally filed no later than the date specified hereinabove. Mailed or otherwise transmitted applications which have not arrived in the County office by the specified date and time will not be accepted.

PASSED AND ADOPTED this _____ day January, 2005, by the Board of Supervisors of Mariposa County by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAINED:

, Chairman

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

MARGIE WILLIAMS, Clerk of the Board

THOMAS P. GUARINO, County Counsel

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CEASE AND DESIST ORDER NO. R5-2003-0070
MARIPOSA COUNTY YOSEMITE WEST MD WWTF
MARIPOSA COUNTY

-11-

- h. Submit certification from a California registered civil engineer that the modified WWTF is capable of providing adequate treatment and disposal capacity for 15-year projected wastewater flows, design seasonal precipitation, and ancillary inflow and infiltration. 15 Nov 2004
6. Submit written progress reports by the 1st day of the second month following the end of each calendar quarter beginning with the third quarter of 2003. Progress reports must summarize all actions taken to comply with this CDO during the calendar quarter, and discuss whether uncompleted tasks remain on schedule for completion by the deadlines specified in the CDO.
7. Submit a written technical report within 30 days granting any exemption to the connection ban, and written notification at least 60 days preceding any proposed actions by the Discharger to remove or modify the ban.

All **technical reports** required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be (a) prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code, sections 6735, 7835, and 7835.1; and (b) subject to written Executive Officer Approval. To demonstrate compliance with Title 16, CCR, sections 415 and 3065, all technical reports must contain a statement of the qualifications of the responsible registered professional(s). As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.

If, in the opinion of the Executive Officer, the Discharger violates this Order, the Executive Officer may refer the matter to the Attorney General for judicial enforcement or, alternately issue a formal complaint for Administrative Civil Liability.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 25 April 2003.



THOMAS R. PINKOS, Executive Officer

HA:jlk: 25 April 2003

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MARIPOSA COUNTY ORDINANCE NO. 934AN ORDINANCE RESTRICTING WATER AND/OR SEWER HOOK-UPS
AND THE ISSUANCE OF BUILDING AND OTHER PERMITS FOR ANY PROPERTY
WITHIN THE YOSEMITE WEST MAINTENANCE DISTRICT
AND RESCINDING URGENCY ORDINANCE NO. 933

The Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, does hereby ordain as follows:

SECTION I: FINDINGS AND DECLARATION

On or about May 15, 1998, the leachfield which services the sewer system for the Yosemite West Maintenance District (District) suffered a total failure, causing treated and untreated sewage to flow from the leachfield to open ground. In the opinion of the County Health Officer and the Director of Public Works, the failure has resulted from an extremely wet winter and spring causing water infiltration into the sewer system, together with the possibility of reaching the normal capacity of the sewer system.

Emergency measures are being taken to help reduce the discharge, however, because of the topography of the location of the leachfield and the extremely saturated ground, it is currently impossible to get equipment to the location.

It is the intent of the Board of Supervisors of the County of Mariposa, upon the recommendation of the District Board of Directors, the appropriate permitting authority, and the Public Works Director to take action to prohibit additional hook-ups and to prohibit the issuance of permits which could in any way add to the flow into the District sewer system, until such time as the appropriate permitting authority determines that the system can accommodate increased flow and the Board of Supervisors takes formal action by Resolution or Ordinance allowing hook-ups or issuance of permits.

SECTION II: PURPOSE

The purpose of this Ordinance is to prohibit water and/or sewer hook-ups and prohibiting the issuance of permits for property within the District which could in any way add to the flow into the District sewer systems, until adequate repairs are made or inflow has decreased to a satisfactory level as determined by the Board upon recommendation of staff.

(4)

(39) 1

SECTION V: PENALTY

Violation of any provision of this Ordinance shall constitute a ~~misc-memeanor~~ and shall be punishable under Chapter 1.20, the General Penalty provisions, of the Mariposa County Code.

SECTION VI: RESCISSION OF URGENCY ORDINANCE NO. 933

Upon the effective date of this Ordinance, Urgency Ordinance No. 933 shall be rescinded in its entirety.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 23rd day of June 1998 by the following vote:

AYES:	Reilly, Balmain, Stewart, Pickard
NOES:	Parker
ABSTAINED:	None
ABSENT:	None

Patti A. Reilly

 PATTI A. REILLY, Chair
 Board of Supervisors

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ATTEST:

Margie Williams

 MARGIE WILLIAMS
 Clerk of the Board

Jeffrey G. Green

 JEFFREY G. GREEN
 County Counsel

(5)
 (41) 3

COUNTY OF MARIPOSA

Dana S. Hertfelder
Director

4639 Ben Hur Road
Mariposa, CA 95338
(209) 966-5356

**DEPARTMENT OF
PUBLIC WORKS**

Divisions of:
• Design & Construction
• Administration
• Operations

January 20, 2005

FILE COPY

Ms. Jo Anne Kipps
Senior Engineer
California Regional Water Quality Control Board
Central Valley Region
1685 E. Street
Fresno, CA. 93706-2020

Subject: Yosemite West Amnesty Program

Dear Ms. Kipps:

In accordance with the notification requirements of Section 7 of Cease and Desist Order No. R5-2003-0070 for Yosemite West Maintenance District WWTF, Mariposa County, the Mariposa County Board of Supervisors are considering passage of a resolution establishing an amnesty program for the Yosemite West Subdivision located in Mariposa County. The purpose of this amnesty program is to correct longstanding building permit and transient occupancy rental violations. The amnesty program will only correct permitting issues for existing facilities, it will not allow for the construction of any new facilities. The amnesty program will not result in an increase in wastewater flows to the Yosemite West Wastewater Treatment Facility.

If you have any questions or comments regarding this matter, please do not hesitate to contact me at (209) 966-5356.

Sincerely,

Dana S. Hertfelder, P.E.
Public Works Director

(6)