

MARIPOSA COUNTY

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



ROSEMARIE SMALLCOMBE, CHAIR
MILES MENETREY, VICE-CHAIR
VACANT
MARSHALL LONG
WAYNE FORSYTHE

DISTRICT I
DISTRICT V
DISTRICT II
DISTRICT III
DISTRICT IV

ACTION SUMMARY MINUTES

October 18, 2022

A. 9:00 AM Called to Order

Attendee Name	Title	Status	Arrived
Rosemarie Smallcombe	District I Supervisor	Present	9:00 AM
Marshall Long	District III Supervisor	Present	9:00 AM
Wayne Forsythe	District IV Supervisor	Present	9:00 AM
Miles Menetrey	District V Supervisor	Present	9:00 AM

B. Pledge of Allegiance

Chair Smallcombe led the pledge.

C. Introductions

None.

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

Chair Smallcombe noted that agenda item G.1 had been withdrawn and the County Administrative Officer would provide background during departmental presentations. No public comment.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Marshall Long, District III Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Rosemarie Smallcombe, Marshall Long, Wayne Forsythe, Miles Menetrey

CA1. **Health and Human Services RES-2022-595**

Resolution Continuing a Shelter Crisis Local Emergency in Mariposa County

CA2. **Health and Human Services RES-2022-596**

Resolution Continuing the Local Health Emergency Due to the Oak Fire

CA3. **Sheriff's Office RES-2022-597**

Resolution Continuing the Local Emergency Due to the Oak Fire

CA4. Administration RES-2022-598

Approve an Overfill of the Accounting Technician III Allocation; Approve Changing the Account Clerk I/II Allocation to an Accounting Technician I/II in the Auditor Department, Effective Immediately

CA5. Administration RES-2022-599

Approve an Agreement with the Mariposa County Arts Council in the Amount of \$71,000 to Provide Performing Arts, Visual Arts, Arts Resources and Education Services to the County; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA6. Administration RES-2022-600

Approve an Agreement in the Amount of \$70,000 with the Mariposa County Fire Safe Council (MCFSC) to Provide Access to Additional Funds to Support MCFSC Operations; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA7. Administration/Human Resources RES-2022-601

Approve Changes to the District Attorney Investigator Job Description by Converting This Classification into a Flexible Classification of District Attorney Investigator I/II; Set Salary Ranges for the Flex Classes; and Allocate Two District Attorney Investigator I/II Positions to the District Attorney's Office, Effective Immediately

CA8. Board of Supervisors RES-2022-602

Approve a Letter of Support to the Sierra Nevada Conservancy in Support of the American Indian Council of Mariposa County's (Southern Sierra Miwuk Nation) Sarah Priest Fuel Reduction Project; and Authorize the Board of Supervisors Chair to Sign the Letter

CA9. Clerk of the Board of Supervisors 2022-99

Receive the List of Agreements Entered into by the County Administrative Officer (CAO) (Purchasing Agent) Pursuant to County Code Chapter 3.08, Entered Into, Received and Processed in September of 2022

CA10. Clerk of the Board of Supervisors 2022-100

Receive the List of Agreements Entered into by the Mariposa County Department Heads (Assistant Purchasing Agents) Pursuant to County Code Chapter 3.08 Entered Into, Received and Processed in September of 2022

CA11. District Attorney/Victim Witness RES-2022-603

Approve a Memorandum of Understanding (MOU) Between the County of Mariposa, a Subdivision of the State of California, and Mariposa County Victim Witness Services, a Division of the Mariposa County District Attorney's Office, for Office Space at 5085 Bullion Street; and Authorize the Board of Supervisors Chair to Sign the MOU

CA12. Public Works RES-2022-604

Designate the Merry Mountain Christmas Parade and the Christmas Tree Lighting Events as County-Sponsored Events; Authorize the Public Works Director to Waive the Encroachment Application Fee of \$168.00 and Sign the Application for a Caltrans Encroachment Permit in Support of Closing Highway 140, Between Jones and Third Street, on December 10, 2022, at 5:00 PM for the Annual Merry Mountain Christmas Parade and Tree Lighting Event at the Courthouse

E. Departmental Presentation

Dallin Kimble/County Administrative Officer, noted item G.1 had been withdrawn as County Counsel advised that the interim urgency ordinance was announced to be the best route. He noted that the item would most likely come back in January as they are moving forward with the study. In response to questions from Supervisors Menetrey and Forsythe, Mr. Kimble noted that the draft Request for Proposals (RFP) would hopefully come before the Board by November 8th, 2022, and once awarded, the study should take up to 6 months to complete. Both Supervisors Menetrey and Forsythe expressed that they did not want to see the moratorium ordinance come back until the study was finished and there was a new board.

Dr. Eric Sergienko/County Health Officer, gave an update on the Oak Fire Recovery noting Kendra Boyer is back full time and debris removal has officially begun and has already completed at ten sites. There are five removal teams that average roughly two properties a day. In response to a question from Chair Smallcombe, Dr. Sergienko noted that there are 129 Right of Entries (ROEs) that have been submitted and two ROEs for hazard tree removal.

Dr. Kristina Allen/Health Services Division Director, noted Dave Conway's last day was the previous Friday and Kerri Gibbons was promoted to fill the position.

Steven Ward/Cal Fire/Mariposa Fire Division Chief, updated the Board and public that there are no volunteer firefighters in the Greeley Hill Area as there has not been a volunteer since December of 2021. He also noted that the last piece of equipment had been removed from the Barn. He noted there are still two volunteers in Coulterville and five in Don Pedro. In response to a question from Supervisor Menetrey, Chief Ward noted that one of the new trucks is being striped and should be ready for use in December.

Jeremy Briebe/Sheriff noted that his staff is donning the pink patches as they have partnered with Valley agencies to raise money for Breast Cancer Awareness Month. Sheriff Briebe announced that individuals could purchase the patches and all funds go to the Marjorie E. Radin Breast Care Center in Clovis. He announced that September was a less busy month with only 1999 calls but noted the Jail was busy with sixty-six bookings. He also noted that between June and September, the Marijuana Enforcement Team hit 64 locations, made 42 arrests, confiscated 19 firearms, and removed over 50,000 + plants.

Kerri Kisela/Mariposa County Chamber of Commerce noted 80 cars registered for Cruise night, which packed downtown, which was great for downtown businesses. She noted the car show, which took place the day following cruise night, had 170 cars registered and 148 judged. She announced the overall winner was a 1968 Plymouth Barracuda, and the car show drew in 1000 + people.

F. Public Comment on Non-Agenda Items

Jonathan Noel/Community member announced he was the Best in Class Winner of the Hot Rod and Custom Car show, he asked the Board to consider supporting him with a \$1000 donation. He also gave kudos to Keri Kisela for her work in putting the show together.

Robert Kroon/Community member noted he grew up in Yosemite Valley, and back then, the Board was trying to keep the youth in the community. He stated that if the Board is still considering the Moratorium on Vacation Rentals, he urged them to look at the position it would put many in, especially those who are in the beginning phases of construction.

Mike Bruso/Community member, quoted Milton Freedman "If you put the government in charge of the Sahara, there would be a shortage of sand." He noted it was no surprise that there is a shortage of housing due to government intervention and stated it was disingenuous to focus a study on the Vacation Rental industry when there are other reasons there is a housing shortage.

Lyle (?)/Community member moved here to get out of the city and hopes to open a fly-fishing business. He urged the Board to look at all the factors and look into excluding outside residents as those who live here and love the area may use vacation rentals as a side source of income to remain in the area.

G. Regular Agenda Items

1. Administration (ID # 13440)

Waive the First Reading and Introduce an Ordinance Restricting the Acceptance of Vacation Rental Applications And/Or Issuance of Vacation Rental Certificates; and Find that This Action is Exempt from the California Environmental Quality Act (CEQA)

RESULT: WITHDRAWN

H. Items removed from Consent Agenda

None.

I. Closed Session

9:41 AM Chair Smallcombe recessed the Board into closed session.

1. Board of Supervisors (ID # 13446)

CLOSED SESSION: Public Employee Performance Evaluation[Government Code Section 54954.5]-Building Director

No public comment.

RESULT: CLOSED SESSION HELD

Report Out

4:25 PM Chair Smallcombe reconvened and reported during closed session information was received and direction given.

J. Board Information

None.

K. Adjournment

4:26 PM Chair Smallcombe adjourned in memory of Roger Krik Conley, Pearl Kosareff Grin, and Stephen Phillip Radanovich.

Respectfully submitted,

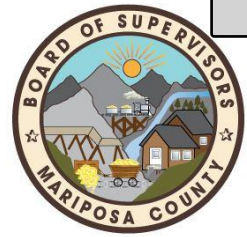
Danielle Bondshu
Clerk of the Board

Rosemarie Smallcombe
Chair, Board of Supervisors



MARIPOSA COUNTY

Health and Human Services • (209) 966-2000



D.1

RESOLUTION - ACTION REQUESTED 2022-595

MEETING: October 18, 2022

TO: The Board of Supervisors

FROM: Joe Lynch, Health & Human Services Agency Director

RE: Continue a Shelter Crisis Local Emergency in Mariposa County

RECOMMENDATION AND JUSTIFICATION:

Resolution Continuing a Shelter Crisis Local Emergency in Mariposa County.

California Government Code 8698, 8698.1 and 8698.2 allows for the governing body of a city or county to declare a shelter crisis. A shelter crisis declaration relaxes standards for building occupancy, limits liability and provides a legal basis for the use of certain facilities designated by the County as a shelter for the duration of the crisis.

In order to declare the shelter crisis, the County made findings at a public meeting and adopted Resolution 18-518 that (1) a significant number of persons within the county's jurisdiction are without the ability to obtain shelter; and (2) the situation has resulted in a threat to the health and safety of those persons.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On November 5, 2018, the Board of Supervisors adopted Resolution 18-518 declaring the existence of a Shelter Crisis Local Emergency in Mariposa County to allow Mariposa County to proceed with temporary homeless shelter solutions to meet the needs of our homeless community members.

Recognizing the prevalence of homelessness in California and the health and safety risks facing homeless persons, California law authorizes counties to declare a "shelter crisis" and avail themselves to attendant protections and powers. Specifically, upon declaring a "shelter crisis":

- A county may allow persons unable to obtain housing to occupy designated public facilities during the duration of the emergency (public facilities include parks, schools, and vacant or underutilized facilities which are owned, operated, leased, or maintained by the county);
- A county is immune from liability for ordinary negligence in the provision of emergency housing for all conditions, acts, or omissions directly related to, and which would not occur but for, the provision of emergency housing; and

- The provisions of any state or local law or regulation prescribing standards of housing, health, and safety are suspended to the extent that strict compliance would prevent, hinder, or delay the mitigation of the effects of the crisis.

If the County desires to construct and operate an emergency homeless shelter, it is recommended that the County Board of Supervisors first declare a “shelter crisis” in order to avail itself of the associated powers and liability protections.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

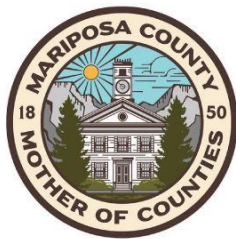
Do not continue the local emergency and the County may not be eligible for possible State or Federal assistance, or proceed with temporary homeless shelter solutions.

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

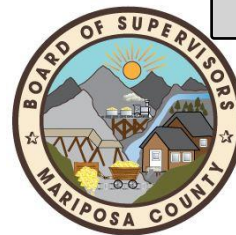
SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Wayne Forsythe, Miles Menetrey



MARIPOSA COUNTY

Health and Human Services • (209) 966-2000



RESOLUTION - ACTION REQUESTED 2022-596

MEETING: October 18, 2022

TO: The Board of Supervisors

FROM: Joe Lynch, Health & Human Services Agency Director

RE: Continue the Oak Fire Local Health Emergency

RECOMMENDATION AND JUSTIFICATION:

Resolution Continuing the Local Health Emergency Due to the Oak Fire.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On July 22, 2022, the Oak Fire began in the Midpines area of Mariposa County and grew into a major wildfire.

The County Health Officer declared a local health emergency under California Health and Safety Code Section 101080 on July 22nd, 2022.

On July 26, 2022, the Board of Supervisors adopted Resolution 22-435 ratifying a Proclamation of the existence of a local health.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not continue the local emergency and the County will not be eligible for possible State or Federal disaster assistance.

FINANCIAL IMPACT:

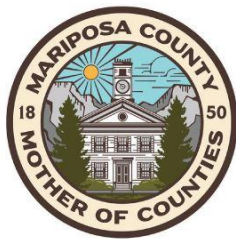
Not Applicable.

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Wayne Forsythe, Miles Menetrey



MARIPOSA COUNTY

Sheriff's Office • 209 966-3615



RESOLUTION - ACTION REQUESTED 2022-597

MEETING: October 18, 2022

TO: The Board of Supervisors

FROM: Jeremy Brieese, Sheriff

RE: Continue the Local Emergency Due to the Oak Fire

RECOMMENDATION AND JUSTIFICATION:

Resolution Continuing the Local Emergency Due to the Oak Fire.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On July 22, 2022, the Oak Fire began in the Midpines area of Mariposa County and grew into a major wildfire.

On July 23, 2022, Mariposa County received notification of the approval of a Federal Fire Management Assistance Grant (FMAG) to aid with the Oak Fire. Additionally, Gavin Newsom, Governor of the State of California, also proclaimed, on July 23, 2022, a state of emergency in Mariposa County due to the Oak.

On July 23rd, 2022, Sheriff Jeremy Brieese, acting as the Director of Emergency Services pursuant to Mariposa County Code Section 2.80.040, issued a Proclamation declaring a local emergency.

On July 26, 2022, the Board of Supervisors adopted Resolution 22-435 ratifying a Proclamation of the existence of a local emergency.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not continue the local emergency and the County will not be eligible for possible State or Federal disaster assistance.

FINANCIAL IMPACT:

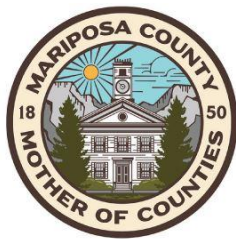
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RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

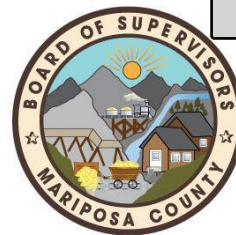
SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Wayne Forsythe, Miles Menetrey



MARIPOSA COUNTY

Administration • 966-3222



RESOLUTION - ACTION REQUESTED 2022-598

MEETING: October 18, 2022

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Approve Additional 1.0 Allocation and Change 1.0 Allocation in Auditor Department

RECOMMENDATION AND JUSTIFICATION:

Approve an Overfill of the Accounting Technician III Allocation; Approve Changing the Account Clerk I/II Allocation to an Accounting Technician I/II in the Auditor Department, Effective Immediately.

This item would increase the accounting technician I/II allocations from 1 to 2 and the accounting technician III allocations from 2 to 3 in the Auditor Department. This adjustment is requested for two reasons. The current accounts receivable accounting technician III plans to retire in the spring and we hope to bring her replacement on early in order to learn from the incumbent and in order to build accounts receivable functionality in Oracle.

The second request is being made because the job responsibilities are more consistent with the accounting technician I/II. We need that level of support in the Auditor Department, and the current account clerk I/II is functioning at the accounting technician I/II level.

The Auditor Department staff are working to maintain their regular responsibilities, build new functionality in Oracle, and support the rest of the County as they learn new procedures in Oracle. We believe this move will help to ensure that the Auditor team has the support that they need in order to manage their enormous workload.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Per current policy, the Board of Supervisors must approve changes in position allocations.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve the allocation. Auditor Department will experience a vacancy upon retirement and the current account clerk I/II will not be able to take on higher level job responsibilities.

FINANCIAL IMPACT:

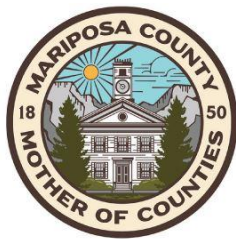
Funds will be added to the Auditor department salaries and benefits to cover these changes during balancing adjustments

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**

MOVER: Marshall Long, District III Supervisor

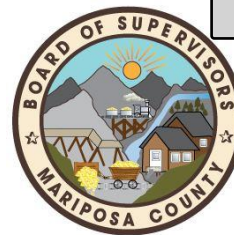
SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Wayne Forsythe, Miles Menetrey



MARIPOSA COUNTY

Administration • 966-3222



RESOLUTION - ACTION REQUESTED 2022-599

MEETING: October 18, 2022

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Mariposa County Arts Council Agreement

RECOMMENDATION AND JUSTIFICATION:

Approve an Agreement with the Mariposa County Arts Council in the Amount of \$71,000 to Provide Performing Arts, Visual Arts, Arts Resources and Education Services to the County; and Authorize the Board of Supervisors Chair to Sign the Agreement.

The Mariposa County Arts Council serves the people of Mariposa County through community programs, events and arts education initiatives. Programs include participation in the creative placemaking initiative, creative youth development, specialized art programs for adults, Music on the Green, Mariposa Theater Alliance, and technical advice for County staff.

During the Fiscal Year 2022-23 Budget Hearings, the Board of Supervisors approved funding of \$71,000 for the Mariposa County Arts Council. This is a return to Fiscal Year 2019-2020 funding levels. The Mariposa County Arts Council cannot receive the funding until an agreement has been approved and signed.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors adopted Resolution 14-508 on October 7, 2014, approving an agreement for Fiscal Year 2014-15 with the Mariposa County Arts Council in the amount of \$61,000.

The Board adopted Resolution 15-462 on October 6, 2015, approving an agreement for Fiscal Year 2015-16 in the amount of \$61,000.

The Board adopted Resolution 16-480 on September 20, 2016, approving an agreement for Fiscal Year 2016-17 in the amount of \$61,000.

The Board adopted Resolution 18-037 on February 6, 2018 approving an agreement for Fiscal Year 2017-18 in the amount of \$61,000.

The Board adopted Resolution 18-361 on July 24, 2018 approving an agreement for Fiscal Year 2018-19 in the amount of \$61,000.

The Board adopted Resolution 19-422 on July 23, 2019 approving an agreement for

Fiscal Year 2019-2020 in the amount of \$71,000.

In Fiscal Years 2020-2021 and 2021-2022, the county administrative officer approved agreements in the amount of \$47,570.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve the agreement. The Mariposa County Arts Council will be unable to receive county funds and the continuation of certain programs may be in jeopardy.

FINANCIAL IMPACT:

Funding for the agreement is budgeted in the Community Cultural budget.

ATTACHMENTS:

Mariposa County Arts Council FY23 (DOCX)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Wayne Forsythe, Miles Menetrey

AGREEMENT

The AGREEMENT is entered into on the last date written below in the Fiscal Year 2022-2023 and is between the County of Mariposa, a political subdivision of the State of California (“COUNTY”), and Mariposa County Arts Council (“COUNCIL”), pursuant to the following terms and conditions.

WITNESSETH

WHEREAS, COUNCIL provides art programming, integration and education services; and

WHEREAS, COUNTY has deemed it the public interest to provide a grant to COUNCIL for these services.

NOW THEREFORE, the parties hereto agree as follows:

1. COUNTY shall provide COUNCIL a sum not to exceed SEVENTY ONE THOUSAND DOLLARS (\$71,000) to be used by COUNCIL to implement art programs and activities, during the period from July 1, 2022 to June 30, 2023.
2. Grant funds shall be expended solely for the purpose(s) delineated in Exhibit A.
3. COUNTY will provide a lump sum payment on or before November 1, 2022.
4. COUNCIL shall provide an annual accounting or allow a representative of the COUNTY to conduct a review of financial records related to this Agreement.
5. COUNCIL is an independent organization and is not an officer, employee, agent, or servant of COUNTY.
6. COUNTY shall have authority to terminate this Agreement at any time by providing a notice in writing to COUNCIL that the Agreement is terminated. Said Agreement shall then be deemed terminated and no further work shall be performed by COUNCIL. If the Agreement is so terminated, the COUNCIL shall be paid for that percentage of the phase of work actually completed, based on a pro rata portion of the compensation for said phase satisfactorily completed at the time the notice of termination is received.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the last date written below.

COUNTY OF MARIPOSA

MARIPOSA COUNTY ARTS COUNCIL

Rosemarie Smallcombe Board Chair	Date
-------------------------------------	------

Cara Goger
Executive Director

Date

APPROVED AS TO LEGAL FORM:

Steven W. Dahlem
County Counsel
Date

Exhibit A

Mariposa County Arts Council - 2022/2023 SCOPE OF WORK

The Mariposa County Arts Council's work focuses on the development and implementation of artistic programming and creative placemaking policy designed to support the economic, social, ecological and cultural vitality of Mariposa County. Current projects, programs and policy work for 2022/2023 include:

Cultural Policy and Creative Placemaking

These projects, programs and initiatives are done in partnership with County Departments (Planning Department, Public Works/Parks and Recreation), the Mariposa County Office of Education/Mariposa County Unified School District/specific school sites, or other community organizations (Sierra Foothill Conservancy, American Indian Council of Mariposa County, etc.) and are fully informed and driven by the recently completed County's Creative Placemaking Strategy, community input and intended to support community goals and county priorities. Recent, current and upcoming work in these areas include:

1. Public Art along the Mariposa Creek Parkway Centering the Southern Sierra Miwuk Nation (SSMN) and Supporting Mariposa Creek's Landscape Restoration project.
2. Public art along Stockton Creek Preserve that supports the unique ecological features of the preserve, with special attention to the animals and ecosystems found on the preserve and the land management practices at work.
3. Student Mural Project
4. Collaborative active work with the Mariposa County Planning Department and a variety of community partners to develop the prioritized recommendations in the Creative Placemaking Strategy

Creative Youth Development, Arts Education and Specialized Art Programming for Adults

In partnership with the Mariposa County Office of Education, the Mariposa County Arts Council recently completed a planning process and development of the [Mariposa County Office of Education Strategic Arts Education Plan](#) that charts a course for arts education and creative youth development in Mariposa. Informed by extensive stakeholder input from teachers, students, counselors, parents, teaching artists and school administrators, this plan provides a solid path for growing arts education across the County and opens funding opportunities for recommendations within the plan (ex: the student mural projects mentioned above were a result of an implementation grant that was possible because of this planning process). All the following creative youth development initiatives and arts education programs are aligned with this plan. Programming for adults has been designed to serve specific needs in specific communities throughout Mariposa. Recent and current project include:

1. Creative Youth Development Working Group
2. [Artists in the Schools](#) - Artists in the School places trained teaching artists into all of Mariposa County's 5th grade classrooms for 8-week residencies that delivers standards-aligned, integrated curriculum that teaches art in concert with at least one other academic subject.
3. [JUMP StARTS](#) - JumpStArts is a visual literacy program for probation and foster youth, supporting a growing body of research indicating that exposing youth to art promotes emotional intelligence, a greater sense of self-worth, and critical thinking skills.
4. [Poetry Out Loud](#) - F/STOP is a lifespan learning photography program for Mariposa residents 55 years of age and older. It consists of a series of free digital photography classes focused on the artistic elements of photography and is designed to promote creativity, self-expression, and increase comfort with digital technology.
5. [Arts in Corrections](#) - Arts in Corrections is a program for system engaged individuals at the Mariposa County Adult Detention Facility and a partnership program with the Mariposa County Sheriff Office that offers poetry workshops to every inmate in the facility on an ongoing basis.
6. [F/STOP](#) - F/STOP is a free photography program aimed at Mariposa residents 55 years of age and older. This program consists of a series of free, multi-week digital photography workshops focused on the artistic elements of photography and is designed to promote creativity, self-expression, and increase comfort with digital technology.

Cultural Programming

These are traditional cultural programming the Arts Council produces for the general public.

1. [Music on the Green Summer Concert Series](#) - Music on the Green Summer Concert Series is held every Friday and Saturday night during the summer months and brings free, live music to Mariposa's outdoor Art Park.
2. [Mariposa Theatre Alliance](#) - Mariposa Theatre Alliance is an association of producing theatre artists formed to foster and promote theatre throughout Mariposa County through staged productions, theatre workshops, and technical assistance.

Technical Advice and Support

- The Arts Council regularly offers technical support, guidance and partnership to organizations in Mariposa looking to incorporate artists or artistic practices into their work.
- When government or privately funded grants are made available to eligible local artists, we work to make sure all interested artists receive all the necessary information, provide technical assistance with respect to the application process and write letters of support for their proposals.
- For the past year, we've been growing an initiative that supports young artists throughout the county with the opportunity to develop artwork for some of our program's communication materials. This initiative provides Mariposa's burgeoning artists with authentic learning experiences, a professional addition to their portfolio and resume, mentorship and a letter of recommendation.

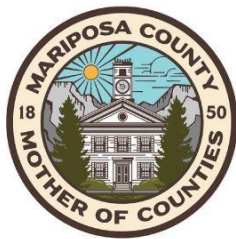
Service and Advocacy

The Arts Council's Executive Leadership and staff provide representation for Mariposa County with the following organizations:

- Californians for the Arts and California Arts Advocates
- Coalition of County Arts Agencies
- California Department of Education's Rural Arts Network
- CREATE CA Arts Now Community

Mariposa County Creative Placemaking Citizen Advisory Committee

- The Arts Council's Executive Director is Chair of this committee.



MARIPOSA COUNTY

Administration • 966-3222



RESOLUTION - ACTION REQUESTED 2022-600

MEETING: October 18, 2022

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Fire Safe Council Agreement

RECOMMENDATION AND JUSTIFICATION:

Approve an Agreement in the Amount of \$70,000 with the Mariposa County Fire Safe Council (MCFSC) to provide access to additional funds to support MCFSC operations; and Authorize the Board of Supervisors Chair to Sign the Agreement.

The Mariposa County Fire Safe Council works to, “preserve Mariposa County’s natural and manmade resources by mobilizing all Mariposa residents to make their homes, neighborhoods and communities fire safe.” In recent years they have received grants to remove downed trees, combat tree mortality and create defensible space at senior citizen residences. County funds are used to cover administrative costs and expenses not covered by grant funding.

The Mariposa County Fire Safe Council (MCFSC) has historically been funded through the federal Secure Rural Schools (SRS) program. Federal allocations of SRS funds have decreased dramatically over the last twenty years and a once-healthy reserve has been exhausted over the last decade. At the same time, the need for a variety of wildfire prevention efforts in Mariposa County has continued to increase.

MCFSC has used funding in the past for both wildfire prevention projects and to cover overhead expenses. It has been the County's ideal that nonprofit partners be self-reliant and support overhead expenses with administration grant funds (usually 5 - 10% of an awarded grant) and other revenue sources as much as possible. In the pandemic years, SRS funds were awarded on a project basis to refocus funds on the delivery of services with a benefit to public health and safety.

Understanding that grant funds can be volatile and unpredictable, however, and desiring continuous operation of MCFSC for the benefit of the community, the Board has agreed to provide access to additional funds to support MCFSC operations. SRS funds will continue to be awarded on a project basis, but this agreement is intended to ensure MCFSC is able to maintain an office with public access, appropriate technology, grant writing staff, and provide general education services that may not be included in available grant funds.

Accordingly, this agreement awards up to \$70,000 for MCFSC use on a reimbursement basis when other funds cannot be secured. The funds were already committed during the budget development process and staff recommends approval of

this agreement.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On June 11, 2013, the Mariposa County Fire Safe Council was awarded \$46,584 in SRS Title III funds to "use as a hard match when applying for grants". Specifically, the funds were used to offset salaries, rent, and office expenses.

On May 20, 2014, MCFSC was awarded \$59,380 in SRS funds to offset salaries, rent, insurance, and office expenses.

On July 14, 2015, MCFSC was awarded a two-year agreement supported by SRS funds valued at \$59,380 per year.

On August 22, 2017, MCFSC was awarded a one-year agreement supported by SRS funds in the amount of \$66,141.

On November 13, 2018, MCFSC was awarded a one-year agreement in the amount of \$66,141. This agreement required \$49,768 in General Fund support due to insufficient available SRS funds.

On August 20, 2019, MCFSC was awarded a one-year agreement in the amount of \$66,141. The agreement required \$21,277 in General Fund support due to insufficient available SRS funds.

On March 9, 2021, MCFSC was awarded \$18,500 in SRS funds to support grant writing for the Alta Vista fuel break and reflective house number signs for low income households.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve the Agreement. MCFSC will need to seek funding from another source or reduce the availability of services.

FINANCIAL IMPACT:

Sufficient funding is included in the adopted budget.

ATTACHMENTS:

Mariposa County Fire Safe Council FY23 (DOCX)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Wayne Forsythe, Miles Menetrey

GRANT AGREEMENT

The AGREEMENT is entered into on the last date written below in the Fiscal Year 2022-2023 and is between the County of Mariposa, a political subdivision of the State of California (“COUNTY”), and Mariposa County Fire Safe Council (“COUNCIL”), pursuant to the following terms and conditions.

WITNESSETH

WHEREAS, COUNCIL provides fire prevention services that benefit the public health and safety; and

WHEREAS, COUNCIL may not generate sufficient revenue to cover its expenses or provide all the desired services from year to year; and

WHEREAS, COUNTY is interested in supporting COUNCIL's desire to be accessible and deliver effective, continuous services including grant writing, wildfire prevention, and public information.

NOW THEREFORE, the parties hereto agree as follows:

1. COUNTY shall reimburse COUNCIL for eligible expenditures, as outlined in the scope of work, during the period of July 1, 2022, to June 30, 2023. The total sum of reimbursements is not to exceed SEVENTY THOUSAND DOLLARS (\$70,000) for the term of this agreement.
2. Grant funds shall be expended solely for the purpose(s) delineated in Exhibit A.
3. COUNTY will provide payment within thirty (30) days of receipt of an approved invoice and not more than once each month.
4. COUNCIL shall provide an annual accounting or allow a representative of the COUNTY to conduct a review of financial records related to this Agreement.
5. COUNCIL is an independent organization and is not an officer, employee, agent, or servant of COUNTY.
6. COUNTY shall have authority to terminate this Agreement at any time by providing a notice in writing to COUNCIL that the Agreement is terminated. Said Agreement shall then be deemed terminated and no further work shall be performed by COUNCIL. If the Agreement is so terminated, COUNCIL shall be reimbursed for work completed prior to the time the notice of termination is received.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the last date written below.

COUNTY OF MARIPOSA

MARIPOSA COUNTY FIRE SAFE COUNCIL

Rosemarie Smallcombe
Board Chair

Barbara Cone	Date
Executive Director	

APPROVED AS TO LEGAL FORM:

Steven W. Dahlem
County Counsel

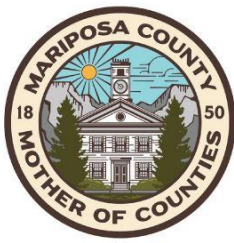
Exhibit A

The Mariposa County Fire Safe Council provides fire prevention services. This grant is intended to support those services by providing an office space with regular office hours and sustainable administrative support; providing matching funds or grant writer salary for three to six applications; and supporting public education and outreach including participation in a minimum of two public events.

Grant funds are provided on a reimbursement basis and are to be used only when Mariposa County Fire Safe Council cannot identify another funding source for a given service or use of these grant funds would secure additional funds from another source. Eligible reimbursement expenses include the following:

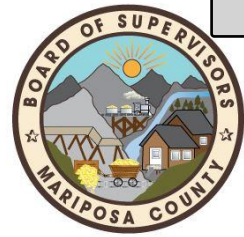
Lease or Rent for a Public Access Office Space	Up to \$1,500 per month (\$18,000)
Technology (computer upgrades, printers, etc.)	Up to \$5,000
Grant Writing (grant writer salary, matching funds)	Up to \$30,000
Project Planning and Collaboration	Up to \$5,000
Public Education	Up to \$3,000
General Administration (staff salaries, office supplies, insurance, HR support)	Up to 15% of an invoiced amount

Despite the categorical amounts listed here, the total amount paid under this agreement will not exceed the amount in Section 1 of the Agreement.



MARIPOSA COUNTY

Administration/Human Resources • 966-3222



D.7

RESOLUTION - ACTION REQUESTED 2022-601

MEETING: October 18, 2022

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Approve Amendments to the District Attorney Investigator Job Description

RECOMMENDATION AND JUSTIFICATION:

Approve changes to the District Attorney Investigator job description by converting this classification into a flexible classification of District Attorney Investigator I/II; set salary ranges for the flex classes; and allocate two District Attorney Investigator I/II positions to the District Attorney's Office, effective immediately.

The District Attorney has identified a need to add a second District Attorney Investigator to his department, and because it is the common professional standard of the Commission on Peace Officer Standards and Training (POST) to have a lead position established among employees of equal rank, it is recommended that a flex class is created to comply with this standard.

Staff recommends setting monthly salary ranges for the two levels as follows:

District Attorney Investigator I: \$5,919.05 - \$7,194.75

District Attorney Investigator II: \$6,511.09 - \$7,914.40

The proposed salary for the level I is the current District Attorney Investigator salary, and the level II is ten percent higher, which is consistent with the County's salary structure and spread between levels of supervision.

Funding for an additional District Attorney Investigator has already been approved when the Fiscal Year 2022-23 budget was adopted by the Board on June 28, 2022.

The increase to accommodate a level II will be covered by salary savings in the District Attorney's budget. The affected bargaining unit has been notified of the proposed changes to convert the current District Attorney Investigator classification into a flex class position.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On December 21, 2004, the Board of Supervisors approved the classification of District Attorney Investigator by Resolutions 2004-545 and 546. From time to time the Board approves amendments to job descriptions.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve the recommended changes to convert the job description to a flex class and the District Attorney's Office would have two investigators of equal rank, which is not consistent with POST standards.

FINANCIAL IMPACT:

Position has been funded in the new budget based on an estimate and any necessary adjustment will be covered within the District Attorney's budget.

ATTACHMENTS:

District Attorney Investigator I-II Draft (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Wayne Forsythe, Miles Menetrey

County of Mariposa

DISTRICT ATTORNEY INVESTIGATOR I/II**DEFINITION**

To conduct criminal investigations for the District Attorney's Office; to analyze, summarize and submit findings of investigations to the District Attorney for the purpose of filing criminal complaints; to prepare criminal cases for hearings and trial; to interpret and explain the provisions of laws, rules and regulations related to the purpose of an investigation; and to perform related duties and responsibilities as required.

DISTINGUISHING CHARACTERISTICS

District Attorney Investigator I/II is a flexibly-staffed class series. Positions allocated to the I/II levels are normally filled at the I level. Advancement from the I to the II level is at the discretion of the appointing authority, provided that the following criteria are met: (1) the minimum qualifications and time-in-grade requirements, (2) demonstration of the ability to independently perform the full scope of the assigned duties, and (3) assignment and performance of the duties of the journey level as defined in the Distinguishing Characteristics of the District Attorney Investigator II below.

District Attorney Investigator I is the entry-level classification in the series. Initially under close supervision, incumbents perform a variety of professional investigative duties while learning County policies and procedures.

District Attorney Investigator II is the journey-level classification in the series. Incumbents in this class perform the full range of duties and are expected to have a thorough knowledge of investigative procedures and of departmental procedures and policies. Incumbents in this class are expected to be able to exercise independent judgment while performing complex investigative work with limited supervision.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the District Attorney or higher-level professional staff .

May exercise lead direction and/or supervision over assigned staff.

EXAMPLES OF ESSENTIAL FUNCTIONS

Conducts investigations of persons charged with crimes.

Locates and interviews suspected persons, witnesses, employers, representatives of business and governmental organizations and other individuals, and evaluates their testimony.

Gathers, preserves, and reports facts, statements or affidavits and other evidence for use in criminal prosecution.

Examines a variety of public and private records to secure information concerning suspected violations.

Conducts surveillance activities.

Prepares and serves criminal process, including search warrants and arrest warrants.

Analyzes, summarizes, and presents findings of investigations to the District Attorney for the purpose of filing criminal complaints.

Appears in court as required.

Collaborates with other local and state agencies to locate suspects, witnesses, or responsible relatives.

Interprets and explains the provisions of laws, rules or regulations related to the purposes of the investigation.

Performs routine administrative and clerical work as required, including but not limited to typing or word processing reports and correspondence, compiling data for reports, entering, and retrieving computer data, copying, and filing documents, sending, and receiving faxes, etc.

District Attorney Investigator II: (In addition to the above)

Plans and organizes the investigative function of the District Attorney's Office.

Provides lead direction and/or supervision over assigned staff.

Directs and/or participates in the investigation budget process.

Serves as advisor to the Grand Jury on investigative matters.

Coordinates communication with other law enforcement agencies.

Oversees background investigations.

EMPLOYMENT STANDARDS

Knowledge of:

Pertinent federal, state, and local laws, codes, ordinances, and regulations.

Criminal investigative techniques and procedures.

Principles of identification, preservation, and presentation of evidence.

Sources of information used in locating suspects and witnesses.

Legal rights of citizens.

County of Mariposa
District Attorney Investigator I/II
Page 3

Rules of evidence and of court procedures.

Interviewing techniques, including effective methods of obtaining information from hostile or reluctant individuals.

Methods of resolving potential combative issues.

Safe use and care of firearms.

Modern office practices and technology, including the use of computers for word processing and records management.

Basic arithmetic.

English usage, spelling, grammar, and punctuation.

District Attorney Investigator II: (In addition to the above)
Budget development and expenditure control.

Principles of leadership and supervision.

Ability to:

Understand, interpret, and apply pertinent federal, state, and local laws, rules and regulations, policies, and procedures.

Learn the organization, procedures, and operating functions of the Criminal Division of the District Attorney's Office.

Use initiative and sound, independent judgment within established guidelines.

Plan, organize and set priorities for daily assignments and work activities.

Analyze problems, identify alternative solutions, determine consequences of proposed actions, and make and implement recommendations in support of goals.

Work effectively and meet deadlines under strict time demands.

Obtain information and evidence by observation, records examination, and interviews; secure physical evidence.

Analyze the statements of witnesses and suspected violators.

Formulate and evaluate possible solutions based on limited information, facts, or evidence.

Prepare clear, concise, and accurate records and reports.

Communicate effectively, both orally and in writing.

Understand and execute written and oral instructions.

Deal tactfully and effectively with the public and with others contacted in the course of work, including hostile, irate individuals.

Maintain the security and confidentiality of specified records, information, and files.

Perform mathematical computations with accuracy.

Use computers effectively for word processing and records management.

Work under stressful or dangerous conditions.

React quickly and calmly in emergency situations.

Properly use firearms and other work-related equipment.

Meet the physical requirements necessary for successful job performance.

District Attorney Investigator II: (In addition to the above)

Organize and direct the work of assigned staff.

Work independently in the absence of supervision.

Develop and implement investigative policies and procedures.

TYPICAL WORKING CONDITIONS

Work is performed in an office and field environment. Incumbent drives on surface streets and may be exposed to traffic and equipment hazards, adverse weather conditions, temperature and noise extremes, violence, heights, explosives, fumes, dusts, odors, toxic or caustic chemicals, pathogenic substances, vibration.

TYPICAL PHYSICAL REQUIREMENTS

Requires the mobility to work in an office and field environment. Requires the ability to sit at desk and intermittently walk, stand, run, climb, balance, bend, squat, twist and reach while performing office duties and/or investigative work; lift and/or move up to 50 pounds of weight; perform simple grasping and fine manipulation. Must be able to maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, and writing, and operating office equipment. Must be able to use a telephone to communicate verbally and a keyboard to communicate through written means, to review information and enter/retrieve data, to see and read characters on a computer screen. Requires

County of Mariposa
 District Attorney Investigator I/II
 Page 5

the strength and stamina to perform investigative and law enforcement duties, including handling firearms, making arrests, and driving a motor vehicle.

MINIMUM QUALIFICATIONS

Experience:

District Attorney Investigator I:

Three years of experience in law enforcement, with at least one year of investigative experience.

District Attorney Investigator II:

Four years of experience in law enforcement, with at least two years of investigative experience.

Education: *(Both District Attorney Investigator I and II)*

High school diploma or GED equivalent.

Additional Requirements: *(Both District Attorney Investigator I and II)*

Possession of a valid California driver's license. Under certain circumstances, Human Resources may accept a valid driver's license from another state if applicant acknowledges his/her intent to acquire a California driver's license within three months by signing an acknowledgement form.

Possession of a valid, current Basic Peace Officers Standards and Training (POST) certificate.

Must have the ability to pass the California State Department of Justice fingerprinting clearance.

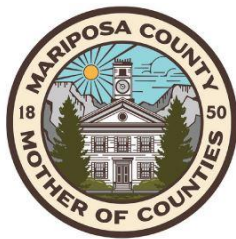
Must satisfactorily complete an 80-hour investigation and trial preparation course within 12 months of hire date.

District Attorney Investigator II:

Possession of a valid, current Intermediate Peace Officers Standard and Training (POST) certificate is desirable.

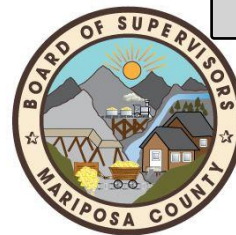
This class specification lists the major duties and requirements of the job and is not all-inclusive. Incumbents may be expected to perform job-related duties other than those contained in this document.

Creation Date: 09/22 (B/S 22-)



MARIPOSA COUNTY

Board of Supervisors • 209-966-3222



RESOLUTION - ACTION REQUESTED 2022-602

MEETING: October 18, 2022

TO: The Board of Supervisors

FROM: Rosemarie Smallcombe, District I Supervisor

RE: Sarah Priest Fuel Reduction Support Letter

RECOMMENDATION AND JUSTIFICATION:

Approve a Letter of Support to the Sierra Nevada Conservancy in Support of the American Indian Council of Mariposa County's (Southern Sierra Miwuk Nation) Sarah Priest Fuel Reduction Project; and Authorize the Board of Supervisors Chair to Sign the Letter.

The Sarah Priest Tribal Allotment is home to a large Native American community residing in an extremely high fire-risk area in the Midpines area. This community was hit hard during the Tree Mortality Crisis of 2015-2017 and is still dealing with numerous hazardous trees hanging over vital ingress and egress routes. The 2021 Mariposa County Community Wildfire Protection Plan identifies the Midpines community as a "Very High" wildfire risk. Removal of flashy fuels and standing dead trees around homes and ingress and egress routes is critical to protect this community.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has approved letters in support of other efforts that will benefit the County or its residents.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve the letter. Individual members of the Board may write their own letters of support as desired.

ATTACHMENTS:

SNC_Miwuk DRAFT_Sarah Priest Fuel(PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Wayne Forsythe, Miles Menetrey

October 18, 2022

Angela Avery
Executive Officer
Sierra Nevada Conservancy
11521 Blocker Drive, Ste. 205
Auburn, CA 95603

RE: Sarah Priest Fuels Reduction Project

Dear Mrs. Avery,

As Chair of the Mariposa County Board of Supervisors, I am glad to offer our support of the American Indian Council of Mariposa County (aka Southern Sierra Miwuk Nation) Sarah Priest Fuel Reduction Project. Due in large part to decades of extreme fire suppression and suppression of indigenous land management techniques, wildfires are now impacting almost every facet of life within Mariposa County, the Sierra Nevada Region, and the State of California. Without collaborative efforts to protect our communities and resources we stand little chance in the face of this growing and ever-present threat. Fuel-reduction projects designed to protect communities are a necessary tool to utilize to protect rural communities throughout the Region.

The Sarah Priest Tribal Allotment is home to a large Native American community residing in an extremely high fire risk area in the Midpines area of Mariposa County. This community was hit hard during the Tree Mortality Crisis of 2015-2017 and is still dealing with numerous hazard trees hanging over vital ingress and egress routes. The 2021 Mariposa County Community Wildfire Protection Plan identifies the Midpines community as a "Very High" wildfire risk. Removal of flashy fuels and standing dead trees around homes and ingress and egress routes is critical to protect this community. Yet the BIA has failed to assist in the maintenance of these lands, while local and state agencies have failed to cut through the red tape of treating lands held in trust by the BIA.

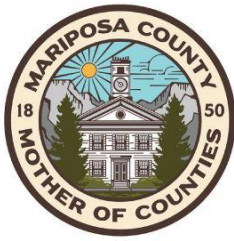
Midpines is included in District 1 and has been affected by a number of wildfires. Most recently the Oak Fire started in Midpines and burned close to 20,000 acres. We lost 127 homes and over 70 other structures, including some home businesses.

With funding from the Sierra Nevada Conservancy, the Southern Sierra Miwuk Nation through their non-profit "American Indian Council of Mariposa County", working with the Bureau of Indian Affairs, and the Sarah Priest Heirs will be able to implement fuels reduction on the property as well as providing much needed training and workforce development to the tribal community. This grant will pave the way towards crucial community protection and tribal economic opportunity. In behalf of the Mariposa County Board of Supervisors, thank you for your time and consideration. We urge you to fund the Sarah Priest Fuel Reduction Project.

Thank you,

Rosemarie Smallcombe, Chair
Mariposa County Board of Supervisors

Attachment: SNC_Miwuk DRAFT_Sarah Priest Fuel (RES-2022-602 : Sarah Priest Fuel Reduction Support Letter)



MARIPOSA COUNTY

Clerk of the Board of Supervisors • (209) 966-3222



D.9

MEETING: October 18, 2022

TO: The Board of Supervisors

FROM: Danielle Bondshu, Clerk of the Board

RE: CAO (Purchasing Agent) Signed Agreements

RECOMMENDATION AND JUSTIFICATION:

Receive the List of Agreements Entered into by the County Administrative Officer (CAO) (Purchasing Agent) Pursuant to County Code Chapter 3.08, Entered into, Received and Processed in September of 2022.

Per Resolution 05-400, the Board is to receive a monthly informational item with a synopsis of agreements entered into for that particular month.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board receives a synopsis of CAO Executed Agreements each month.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Board will be unaware of the contracts that the CAO has authorized.

ATTACHMENTS:

CAO approved agreements 10-18-22 (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Wayne Forsythe, Miles Menetrey

BOARD REPORT ON CAO EXECUTED CONTRACTS

Board Agenda Item for October 18, 2022

Contractor	Amount	Term	Service	Department
Robert Bendorf (digital)	\$11,500	3-1-22 to 2-28-23	Marijuana Roundtable Facilitation	Admin
Northern Mariposa County History Center (digital)	\$12,000	7/1/22 to 6-30-23	Historical Perservation and Education Services	Admin
Yosemite Renaissance (digital)	\$10,000	7-1-22 to 6-30-23	Art Programming and Services	Admin
PRISM	\$26,000	8-29-22 to 8-29-23	Member Agreement for Enterprise Risk Consultant Services	CoCo
Mariposa Sign and Print (digital)	\$52,000	9-1-22 to 1-31-23	Marketing Services	HHSA
Mariposa Portable Sanitation	\$15,000.00	7-1-22 to 12-31-22	Sanitation Services	HHSA
Mariposa County Unified School District (digital)	\$50,000.00	10-2-22 to 10-2-22	Oak Fire Rebuild Workshop	HHSA
San Joaquin Drug	\$50,000.00	10-1-22 to 6-30-23	Pharmaceutical Services	HHSA
Oppenheimer Investigations Group (digital)	\$25,000.00	9-1-22 to 12-31-22	Workplace Investigation	HR
Recology, Inc. (digital)	\$50,000.00	9-1-22 to 6-30-23	Equipment and Sanitation Services at Various County Facilities	PW
HCI Systems Inc. (digital)	\$49,999.00	7-1-22 to 6-30-23	Fire Safety Inspectons	SO
PA= Purchasing Agent (CAO)				
APA= Assistant Purchasing Agent (Department Head)				



MARIPOSA COUNTY

Clerk of the Board of Supervisors • (209) 966-3222



MEETING: October 18, 2022

TO: The Board of Supervisors

FROM: Danielle Bondshu, Clerk of the Board

RE: Department Head Signed Agreements

RECOMMENDATION AND JUSTIFICATION:

Receive the List of Agreements Entered into by the Mariposa County Department Heads (Assistant Purchasing Agents) Pursuant to County Code Chapter 3.08 Entered Into, Received and Processed in September of 2022.

Per Resolution 05-400, the Board is to receive a monthly informational item with a synopsis of agreements entered into for that particular month.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board receives a synopsis of Department Head Executed Agreements each month.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Board will be unaware of the contracts that the Department Heads have authorized as Assistant Purchasing Agents.

ATTACHMENTS:

Department Head approved agreements 10-18-22 (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Wayne Forsythe, District IV Supervisor

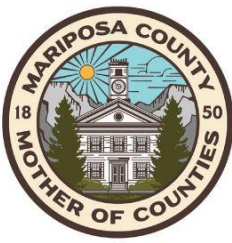
AYES: Rosemarie Smallcombe, Marshall Long, Wayne Forsythe, Miles Menetrey

BOARD REPORT ON DEPARTMENT HEAD EXECUTED CONTRACTS

Board Agenda Item for October 18, 2022

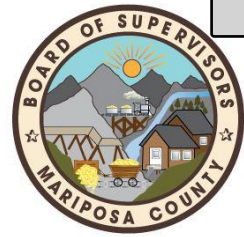
Contractor	Amount	Term	Service	Department
John Troxel, Verdict Resources Inc. (digital)	\$3,000	6-1-22 to 5-31-23	Expert Witness Services	DA
KM Moving Services	\$10,000	7-1-22 to 9-30-22	Moving Service	HHSA
Jorgensen Company	\$5,000	7-1-22 to 6-30-23	Fire Extinguishing Services	HHSA
District Agricultural Association	\$400	9-21-22 to 9-21-22	Rental Agreement for Flu Clinic	HHSA
E&E Transport LLC (digital)	\$15,000	8-1-22 to 12-31-22	Trailer Transportation (Oak Fire	HHSA
John K. Johnson (digital)	\$10,000	7-1-22 to 6-30-23	Specialized Forensic Intervention Services	HHSA
The Thomas Wilkins Company (digital)	\$6,500	8-1-22 to 1-31-22	Appraisal Services	HHSA
AJV Heating & Cooling (digital)	\$400	9-2-22 to 9-30-22	HVAC Repair at Courthouse	PW
Associates Lock & Safe (digital)	\$400	8-11-22 to 12-31-22	Lock Rekey DA's Office	PW
Associates Lock & Safe (digital)	\$10,000	10-1-22 to 6-30-23	Lock and Rekey Services at Various County Facilities	PW
Mariposa Portable Sanitation (digital)	\$10,000	7-1-22 to 6-30-23	Portable Sanitation and Septic Services at Various County Facilities	PW
Critical Reach (digital)	\$610	7-1-22 to 6-30-23	APBnet Annual Support Fee for Software Program	SO
DLB Associates for IBM Software Maintenance (digital)	\$2,696	9-11-22 to 9-10-2	IBM Software Maintenance	SO
University of Cincinnati Research Institute (digital)	\$8,000	8-1-22 to 12-31-22	Training for Custodial Deputies	SO
Naspo Value Point / Attenti (digital)	\$9,999	7-1-22 to 5-31-23	Home Detention Program Equipment	SO
PA= Purchasing Agent (CAO)				
APA= Assistant Purchasing Agent (Department Head)				

Attachment: Department Head approved agreements 10-18-22 (2022-100 : Department Head Signed



MARIPOSA COUNTY

District Attorney/Victim Witness • (209) 966-3626



RESOLUTION - ACTION REQUESTED 2022-603

MEETING: October 18, 2022

TO: The Board of Supervisors

FROM: Walter Wall, District Attorney

RE: MOU with Victim Witness for Office Space at 5085 Bullion Street

RECOMMENDATION AND JUSTIFICATION:

Approve a Memorandum of Understanding (MOU) Between the County of Mariposa, a subdivision of the State of California, and Mariposa County Victim Witness Services, a division of the Mariposa County District Attorney's Office, for Office Space at 5085 Bullion Street; and Authorize the Board of Supervisors Chair to Sign the MOU.

Victim Witness is a program through which the District Attorney's office informs crime victims of their legal rights and provides a variety of services through partnership with local, state, and federal agencies.

Victim Witness previously leased space at 4975 9th Street, and 5080 Jones Street, but joined the District Attorney's Office when the property at 5085 Bullion Street became available last year due to the relocation of the Public Health Department. This location meets the needs of Victim Witness and the County.

Terms of the agreement include a base rent of \$49.41 per month-- the maximum allowable by law-- as well as itemized equal monthly payments for janitorial service, utilities and maintenance. The total monthly payment will be \$953.66. The term of the agreement will be for a total of thirty-six (36) months beginning July 1, 2022.

This MOU does not meet the parameters to be approved under purchasing Ordinance 1124, pursuant to Government Code Section 25350.51: No contract, purchase order, requisition, or lease by the purchasing agent shall be for a term longer than one year unless approved by the board of supervisors.

These terms are appropriate for a lease in this location at this time. Staff recommends approval.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On June 4, 2019, the Board approved the purchase of property at 5300 Highway 49 in Mariposa for use as a health clinic. After some renovations were completed, public health and behavior health functions began using this space.

On November 26, 2019, the Board approved renovations to County property at 5085

Bullion Street, which had been the prior home of the health clinic. The District Attorney's Office and Victim Witness moved into this space upon completion of the renovations.

On August 10, 2021, the Board approved a 12 month MOU, which expired on June 30, 2022.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve. The County General Fund will bear the cost of operating the Victim Witness unit at their current location.

FINANCIAL IMPACT:

The general fund will receive \$11,443.86 annually from this lease.

ATTACHMENTS:

Victim Witness Lease Agreement- 2022 (DOCX)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Wayne Forsythe, Miles Menetrey

**MEMORANDUM OF UNDERSTANDING
BETWEEN MARIPOSA COUNTY ADMINISTRATION
AND
MARIPOSA COUNTY DISTRICT ATTORNEYS' OFFICE**

THIS MEMORANDUM OF UNDERSTANDING (MOU) is made and entered into as of _____, by and between Mariposa County Administration ("Administration") and Mariposa County Victim Witness ("VW").

WITNESSETH:

WHEREAS, the County of Mariposa owns real property located in the County of Mariposa commonly known as 5085 Bullion Street, Mariposa, California ("Premises"); and

WHEREAS, the parties wish to provide for the leasing of the Premises to VW.

NOW, THEREFORE, IT IS AGREED between the parties hereto as follows:

1. **Term.** The term of this lease shall be for thirty-six (36) months, commencing July 1, 2022 and terminating June 30, 2025.
2. **Consideration.** VW shall pay to the County general fund, or as otherwise directed by the County Administration Officer, the sum of nine hundred fifty-three dollars and sixty-six cents, (\$953.66) per month for the use of space, utilities, janitorial, and facility maintenance. This amount does not include furniture or communications. Additional services may be obtained through the County or through a direct vendor at the cost of providing those services.

The amount represents 18% of the total costs associated with the District Attorney's offices, because the Victim Witness square footage is 18% or 622 square feet for Victim Witness out of 3,350 total square feet in the building.

Breakdown of Monthly Charges:

Charge	Monthly Cost	Annual Cost
Building Use Allowance	\$49.91	\$598.86
Janitorial Service	\$328.02	\$3936.24
Electricity	\$128.91	\$1,546.92
Water & Sewer	\$23.97	\$287.64
Propane	\$28.35	\$340.20
Maintenance	\$394.50	\$4,734.00
Total Costs	\$953.66	\$11,443.86

3. **Use.** The Premises shall be used by VW staff to provide victim witness related services to clients.
4. **Assignment.** VW shall not assign this MOU nor any right hereunder, nor sublet the Premises, nor any part thereof, or suffer any other person to occupy the Premises or any portion thereof without prior written consent of the County Administrative Officer, which consent shall not be unreasonably withheld. Any such assignment, subletting or occupation by any other person without such consent shall be void, and shall at the option of the County Administrative Officer terminate this MOU.
5. **Tenant Improvements and Alterations.** As an express condition of this Lease, Administration agrees to modify the leased Premises, to the satisfaction of VW, as set forth in Exhibit A. Costs associated to Exhibit A shall be borne by VW. VW shall not make any additional improvements or alternations to the Premises without the prior written consent of the County Administrative Officer, which consent shall not be unreasonably withheld.
1. **Maintenance and Repair.** VW shall keep and maintain the Premises in good condition and repair during the term hereof and as set forth herein. VW will be responsible for all maintenance and repairs, including but not limited to heat, air conditioning, water, and sewer up to a maximum cumulative amount of Ten Thousand Dollars (\$10,000) per fiscal year (July 1 through June 30). Routine cleaning, including but not limited to windows and carpeting, shall not be included in this amount.
2. **Abatement of Rent.** In the event of Partial Damage to or Total Destruction of the Premises, the rent payable by VW for the period of the repair, remediation or restoration of such damage shall be abated. The abatement shall be from the date of damage or destruction in proportion to the degree to which VW's use of the Premises is impaired.

Partial Damage shall mean damage or destruction to the Premises, other than VW's own alterations, which can reasonably be repaired in sixty (60) days or less from the date of the damage or destruction. Total Destruction shall mean damage or destruction to the Premises which cannot reasonably be repaired in sixty (60) days or less from the date of the damage or destruction. The Damage or Destruction may result from conditions of weather, flood, fire, earthquake, any other identifiable event of a sudden, unexpected or unusual nature, condemnation of the Premises to be uninhabitable, or due to a hazardous substance condition for which VW is not responsible under this Lease.

8. **Compliance with Law.** VW shall observe and comply with all applicable County, State, and federal laws, ordinances, rules, and regulations now in effect or hereafter enacted, each of which are hereby made a part hereof and incorporated herein by reference.
9. **Surrender of Possession:** At the expiration of this MOU, VW promises and agrees to deliver unto County the Premises in as good condition as at the date of execution of this MOU, reasonable wear and tear excepted.
10. **Modifications of MOU.** This MOU may be modified in writing only, signed by the parties in interest at the time of the modification.
11. **Nondiscrimination.** Neither VW, nor any officer, agent, employee, servant, or subcontractor of VW shall discriminate in the treatment or employment of any individual or groups of individuals on the grounds of race, color, religion, national origin, age, sex, or any other classification protected by law, either directly, indirectly, or through contractual or other arrangements.
12. **Notices.** All notices required or provided for in this MOU shall be provided to the parties at the following addresses, by personal delivery or deposit in the U.S. Mail, postage prepaid, registered or certified mail, addressed as specified herein below. Notices delivered personally shall be deemed received upon receipt; mailed or expressed notices shall be deemed received five (5) days after deposit. A party may change the address to which notice is to be given by giving notice as provided above.

Notice to Administration shall be addressed as follows:

County Administrative Officer
P.O. Box 789
Mariposa, California 95338

Notice to VW shall be addressed as follows:

District Attorney
P.O. Box 730
Mariposa, California 95338

IN WITNESS WHEREOF, each party to this MOU has signed this MOU upon the date indicated, and agrees, for itself, its employees, officers, partners, and successors, to be fully bound by all terms and conditions of this MOU.

MARIPOSA COUNTY BOARD OF SUPERVISORS:

MARIPOSA COUNTY DISTRICT ATTORNEY/
VICTIM WITNESS:

Rosemarie Smallcombe, Chair
Mariposa County Board of Supervisors

Walter Wall
District Attorney/
Victim Witness Project Director

Date _____

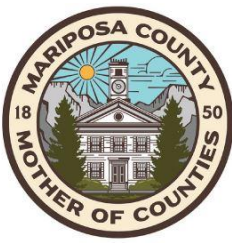
Date _____

Approved as to Legal Form:

Steven W. Dahlem
County Counsel

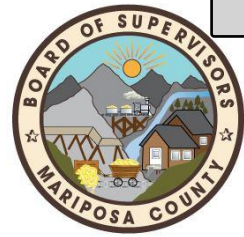
Countersigned:

Danielle Bondshu, Clerk of the Board



MARIPOSA COUNTY

Public Works • 209-966-2498



RESOLUTION - ACTION REQUESTED 2022-604

MEETING: October 18, 2022

TO: The Board of Supervisors

FROM: Shannon Hansen, Director of Public Works & Transportation

RE: Merry Mountain Christmas Parade & Tree Lighting Event

RECOMMENDATION AND JUSTIFICATION:

Designate the Merry Mountain Christmas Parade and the Christmas Tree Lighting events as County-sponsored events; Authorize the Public Works Director to waive the Encroachment Application fee of \$168.00 and sign the Application for a Caltrans Encroachment Permit in Support of Closing Highway 140, Between Jones and Third Street, on December 10, 2022, at 5:00 PM for the Annual Merry Mountain Christmas Parade and Tree Lighting Event at the Courthouse.

The County accepts a degree of responsibility because the events will be covered by the County's liability insurance.

The Mariposa County Chamber of Commerce has annually coordinated the Merry Mountain Christmas Parade which occurs in downtown Mariposa on Highway 140; and the Mariposa Lions Club has annually coordinated the Christmas Tree Lighting which occurs in front of the Courthouse and also includes a bonfire and a visit with Santa Claus.

The Merry Mountain Christmas events have proven to be a boost for local businesses as they attract visitors to downtown Mariposa.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has approved this annual event for many years.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve, these events will be cancelled.

ATTACHMENTS:

Letter to BOS22 (PDF)
 Encroachment Permit 22 (PDF)
 Encroachment Permit-Map Lions Tree Ltg (PDF)
 Parade route22 (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**

MOVER: Marshall Long, District III Supervisor

SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Wayne Forsythe, Miles Menetrey



5158 Hwy 140 | P.O. Box 425 Mariposa, CA 95338 | 209.966.2456 | www.mariposachamber.org

September 26, 2022

Mariposa County Board of Supervisors
PO Box 784
Mariposa, Ca. 95338

Subject: Merry Mountain Christmas Parade Request for Fee Waiver and Sponsorship

The Mariposa County Chamber of Commerce (MCCC) requests that the Mariposa County Board of Supervisors (BOS) grant permission for the MCCC to host The 40th Annual Merry Mountain Christmas Parade. MCCC also requests that the BOS provide county sponsorship of the event including a fee waiver, and county insurance coverage in conjunction with MCCC insurance policy. This is a family oriented event that the Mariposa community greatly anticipates. This event unifies the community with an opportunity to gather and celebrate holidays.

The schedule for the Merry Mountain Christmas Parade is as follows:

- Saturday, December 10th, 2022 | 4:00pm: The participants will stage at Coakley Circle.
- Saturday December 10th, 2022 | 5:00pm: Parade begins and participants will make their way South on Main Street Mariposa for judging. Please reference the attached map for the parade route.
- Saturday December 10th, 2022 | 6:00pm: Viewers will make their way towards the Mariposa County Courthouse to view Christmas tree lighting hosted by the Mariposa County Lions Club.
 - Mr. and Mrs. Clause will be at the courthouse for children to take photos and give their Christmas wishes to.
 - The Lions club will provide refreshments, snacks, and a bonfire on 9th Street. Please review the second attached map with the street closure for the bonfire.

Please review the attached permits and applications for Public Works/Cal Trans and other appropriate agencies to utilize should BOS grant permission. We appreciate your support and collaboration for this event.

Sincerely,

Kari Kisela

Membership, Communications & Event Coordinator
Mariposa County Chamber of Commerce

Attachment: Letter to BOS22 (RES-2022-604 : Merry Mountain Christmas Parade & Tree Lighting Event)

MARIPOSA COUNTY
APPLICATION FOR ENCROACHMENT PERMIT

TO: PUBLIC WORKS DEPARTMENT
4639 BEN HUR ROAD
MARIPOSA, CA 95338

DATE: 9-26-22 BUILDING PERMIT: _____

Applicant: Mariposa Co. Chamber of Commerce
Christmas Parade & tree lighting on 12/10/22

THE UNDERSIGNED HEREBY APPLIES FOR PERMISSION TO EXCAVATE, CONSTRUCT, AND/OR OTHERWISE ENCROACH ON A COUNTY RIGHT-OF-WAY ON Hwy 140 ROAD AND AGREES TO DO THE WORK IN ACCORDANCE WITH COUNTY RULES AND REGULATIONS AND SUBJECT TO COUNTY INSPECTION AND APPROVAL, BY PERFORMING THE FOLLOWING WORK: (PLEASE FILL IN ALL BLANKS THAT APPLY).

1. ☐ DRIVEWAY
☐ ROAD CROSSING
☐ WATER PIPE, CULVERT, ETC.
☐ LDA ROAD

2. ☐ NEW BUILDING/HOME
☐ REMODEL EXISTING
☐ NEW MAILBOX
☒ OTHER (EXPLAIN BELOW)

Christmas parade

3. DRIVING INSTRUCTION FROM A KNOWN LANDMARK TO LOCATION OF ENCROACHMENT, I.E., INTERSECTION OF COUNTY ROADS, STATE HIGHWAYS OR TOWN, ETC.

Hwy 140, town of Mariposa

4. ATTACH MAP SHOWING LOCATION AND SKETCHES SHOWING WHAT IS TO BE DONE, SHOW LOCATION OF THE STAKE MARKING PROPOSED ENCROACHMENT OR WORK TO BE DONE.

See Attached map

5. ASSESSOR'S PARCEL NUMBER: _____

6. ADDRESS OF PARCEL: State of Ca. right of way, local roads

APPLICANT IS **REQUIRED** TO STAKE THE ENCROACHMENT WITH THE **PINK CARD** PROVIDED AND/OR NEW MAILBOX LOCATION WITH THE **GREEN CARD** PROVIDED.

NO PERMIT WILL BE ISSUED UNTIL POSTING HAS BEEN COMPLETED AND APPROPRIATE FEES HAVE BEEN COLLECTED. WORK WILL NOT BE STARTED UNTIL AN ENCROACHMENT PERMIT HAS BEEN ISSUED BY THE DEPARTMENT OF PUBLIC WORKS.

PERMIT NO. _____

DATE ISSUED _____

Mariposa Chamber of Commerce
OWNERS NAME (Please print)

Kari Kisele
SIGNATURE OF OWNER/APPLICANT

Kari Kisele
OWNERS MAILING ADDRESS

PO Box 425

CITY STATE ZIP

Mariposa Ca 95338

PHONE NUMBER

209-966-2456

Attachment: Encroachment Permit 22 (RES-2022-604 : Merry Mountain Christmas Parade & Tree Lighting Event)

MARIPOSA COUNTY
APPLICATION FOR ENCROACHMENT PERMIT

TO: PUBLIC WORKS DEPARTMENT
4639 BEN HUR ROAD
MARIPOSA, CA 95338

DATE:

10/29/22

BUILDING PERMIT:

N/A

GENTLEMEN:

THE UNDERSIGNED HEREBY APPLIES FOR PERMISSION TO EXCAVATE, CONSTRUCT, AND/OR OTHERWISE ENCROACH ON A COUNTY RIGHT-OF-WAY ON 9th St. ROAD AND AGREES TO DO THE WORK IN ACCORDANCE WITH COUNTY RULES AND REGULATIONS AND SUBJECT TO COUNTY INSPECTION AND APPROVAL, BY PERFORMING THE FOLLOWING WORK: (PLEASE FILL IN ALL BLANKS THAT APPLY).

1. ☐ DRIVEWAY
☐ ROAD CROSSING
☐ WATER PIPE, CULVERT, ETC.
☐ LDA ROAD
2. ☐ NEW BUILDING/HOME
☐ REMODEL EXISTING
☐ NEW MAILBOX
☒ OTHER (EXPLAIN BELOW)
3. DRIVING INSTRUCTION FROM A KNOWN LANDMARK TO LOCATION OF ENCROACHMENT, I.E., INTERSECTION OF COUNTY ROADS, STATE HIGHWAYS OR TOWN, ETC.
Annual Christmas Tree Lighting on 12/10/22
4. ATTACH MAP SHOWING LOCATION AND SKETCHES SHOWING WHAT IS TO BE DONE, SHOW LOCATION OF THE STAKE MARKING PROPOSED ENCROACHMENT OR WORK TO BE DONE.
9th Street between Bullion St + Jones St.
5. ASSESSOR'S PARCEL NUMBER:
6. ADDRESS OF PARCEL:

APPLICANT IS **REQUIRED** TO STAKE THE ENCROACHMENT WITH THE **PINK CARD** PROVIDED AND/OR NEW MAILBOX LOCATION WITH THE **GREEN CARD** PROVIDED.

NO PERMIT WILL BE ISSUED UNTIL POSTING HAS BEEN COMPLETED AND APPROPRIATE FEES HAVE BEEN COLLECTED. WORK WILL NOT BE STARTED UNTIL AN ENCROACHMENT PERMIT HAS BEEN ISSUED BY THE DEPARTMENT OF PUBLIC WORKS.

PERMIT NO. DATE ISSUED

Mariposa Lions Club

OWNERS NAME (Please print)

Heunfah
SIGNATURE OF OWNER/APPLICANT

PO Box 801

OWNERS MAILING ADDRESS

Mariposa Ca 95338

CITY

STATE

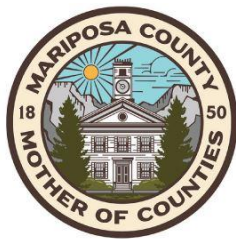
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209 617-9134

Packet Pg. 45

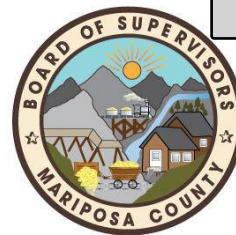






MARIPOSA COUNTY

Administration • 966-3222



ORDINANCE

MEETING: October 18, 2022

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Vacation Rental Prohibition (Moratorium) Ordinance

RECOMMENDED ACTION AND JUSTIFICATION:

Waive the first reading and introduce an ordinance restricting the acceptance of vacation rental applications and/or issuance of vacation rental certificates; and find that this action is exempt from the California Environmental Quality Act (CEQA).

This action is the first step toward enacting a prohibition or moratorium on the issuance of new vacation rental certificates in Mariposa County. The moratorium is intended to allow further study and discussion of the role of vacation rentals in our community.

Mariposa County, like many other communities across the country, is experiencing a shortage of available housing and a rapid increase in housing prices. As a result, many community members are unable to find housing or afford the homes for purchase or rent that are available. Changes in our housing market are also impacting staffing for local businesses, nonprofits, special districts and governments.

There is not one solution for our housing challenges, but this action acknowledges that the conversion of single-family dwellings to vacation rentals reduces the number of homes available to serve as a local residence. It also recognizes that vacation rentals have a different impact on the character of many of our neighborhoods and more time is needed to more fully understand these impacts.

Consistent with the General Plan (Program 4.2 established in Section 8.6.04.D.2 of the Housing Element), further study is intended to comprehensively study and determine the nexus between the reduction in the County's supply of housing and the conversion of units to vacation rentals. Once the study is complete, staff will return to the Board with the results of the study and to invite additional public input.

As directed, this ordinance does not apply to vacation rental applications received before the ordinance goes into effect or those that were damaged or destroyed by the Oak Fire. It also will not affect applications for bed and breakfasts, which include on-

site residents, nor will it restrict any transfer or sale of existing certificates (though current inspection requirements will still apply for the new owner).

If approved, a second reading of this ordinance will be scheduled in two weeks. Approval of the second reading will result in the ordinance taking effect on December 1, 2022.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On June 19, 2018, the Board of Supervisors adopted Resolution 2018-292, approving the Comprehensive Housing Program Implementation Study with notes about the increase and influence of the vacation rental conversion on the local housing supply.

On August 20, 2021, the Board approved the General Plan Housing Element and State Certification with Resolution 2019-49. Program 4.2 Section 8.6.D.2 in the Housing Element directs the County to evaluate the potential relationship of vacation rental conversions and the supply and other impacts on housing for all economic segments. The study is also to consider appropriate mitigations for any adverse effects that may be found.

On January 11, 2022, staff presented on housing market trends and priorities to the Board. Staff was directed to return with an item providing more information related to vacation rentals.

On October 4, 2022, staff returned to the Board with additional data related to our local housing market and vacation rentals in Mariposa County. The Board directed staff to prepare an ordinance enacting a moratorium on new vacation rental certificates while more study is completed.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives: The Board could direct staff to modify language in the ordinance. Future revisions will restart the ordinance approval process.

Negative action would result in the no adoption of the ordinance. Applications for vacation rentals would continue to be accepted and processed.

ATTACHMENTS:

Vacation Rental Ordinance Summary (DOCX)

CEQA Notice of Exemption (DOCX)

Vacation Rental Prohibition Ordinance(FINAL) (DOCX)

Birk - PC (PDF)

Cerles - Public Comment Item #G 1 (PDF)

Cook - FW_ Proposed STR Moratorium (PDF)

Cook - Nov 1 board meeting vote (PDF)

Coyle - Public Comment Item #G 1 (PDF)

Coyle 2 - Public Comment Item # G1, Oct 18 meeting (PDF)

Fielding-Letter to the BOS. Proposed Moratorium on New S... (PDF)

Fretz-Scott - Public Comment Item #G 1 (PDF)
Hindes - Public Comment Item #G 1 (PDF)
Kastner - Public comment item 1 G (PDF)
Lambert - comment on STR ordinance (PDF)
Monroe - Public Comment for Agenda Item #G1 (PDF)
Perkins - Public Comment Item #G (PDF)
Stevens - Online Form Submission #12524 for Public Commen... (PDF)
Sugarman - Comment on STR Discussion (PDF)
WAPPOA Public Comment Mariposa BOS 10-17-22-- (PDF)
Webb - Public Comment Item G1 (PDF)
Wolf - Public Comment for Oct 18th_ G) Regular Agenda ... (PDF)

RESULT: WITHDRAWN

**MARIPOSA COUNTY BOARD OF SUPERVISORS
SUMMARY OF PROPOSED PROHIBITION (MORATORIUM) ORDINANCE
RESTRICTING THE ACCEPTANCE AND PROCESSING OF ANY NEW APPLICATION
FOR AND/OR THE ISSUANCE OF ANY NEW TRANSIENT OCCUPANCY TAX
CERTIFICATES WITHIN THE COUNTY FOR A VACATION RENTAL**

Notice is hereby given that on Tuesday, November 1, 2022, at 9:00 a.m., or as soon thereafter as the matter may be heard, at its regularly scheduled meeting, the Mariposa County Board of Supervisors will consider adoption of an ordinance prohibiting the issuance of any new transient occupancy certificate to a short-term rental

Section I: Outlines impact of vacation rentals on community housing stock.

Section II: The purpose of this Ordinance is to prohibit the continued conversion of residential housing units to vacation rental use while the county conducts a study of the impacts of short term rentals on the county's housing supply.

Section III: Restricts acceptance and processing of new vacation rental applications. Allows processing of complete vacation rentals applications submitted before this ordinance takes effect. Allows for a vacation rental destroyed by the Oak fire to reapply to a TOT certificate with in three (3) years.

Section IV: This Ordinance shall become effective thirty (30) days after final passage pursuant to the provisions of Government Code Section 25123.

Section V: Penalty of Violation of any provision of this Ordinance shall constitute a misdemeanor and shall be punishable under Chapter 1.20, the General Penalty provisions, of the Mariposa County Code.

A certified copy of the full text of this ordinance is posted for public review in the Office of the Clerk of the Board of Supervisors at 5100 Bullion Street, Mariposa, California, and is available for public inspection and copying in that office in accordance with the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1.

Danielle Bondshu
Clerk of the Board

MARIPOSA COUNTY

NOTICE OF EXEMPTION

TO: County Clerk, County of Mariposa
P.O. Box 247
Mariposa, CA 95338

FROM: Mariposa County
Board of Supervisors
P.O. Box 784
Mariposa, CA 95338

Project Title: A Prohibition (Moratorium) Ordinance Restricting the Acceptance and Processing of any New Application for and/or the Issuance of any New Transient Occupancy Tax Certificates within the County for a Vacation Rental

Project Location: Ordinance applies countywide

Description Of Project: This ordinance will establish a temporary moratorium on the acceptance and processing of vacation rental applications and the issuance of transient occupancy tax certificates for vacation rentals (short term rentals) while a comprehensive study regarding vacation rental impacts on housing is pursued.

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Name of Proponent Carrying Out Project: Mariposa County

Exempt Status: General Rule Exemption; Section 15061(b)(3) and 15060(C)(2), CEQA Guidelines

Reason Why Project Is Exempt: This action is exempt from environmental review pursuant to Sections 15060(c)(2) and 15061(b)(3), CEQA Guidelines. The action will not result in a direct or reasonably foreseeable indirect physical change in the environment and there is no possibility that the action may have a significant effect on the environment. The ordinance will temporarily prohibit the processing of applications and issuance of permits for new vacation rentals (short term rentals) in the County, while a comprehensive study regarding vacation rental impacts on housing is pursued.

The action will not result in any new construction on the ground. The amendment does not propose a specific development project.

Lead Agency Contact Person: Sarah Williams, Planning Director

Phone Number: (209) 966-5151

Mariposa County Board of Supervisors by:

Sarah Williams
Planning Director

Date

Attachment: CEQA Notice of Exemption (13440 : Vacation Rental Prohibition (Moratorium) Ordinance)

MARIPOSA COUNTY ORDINANCE NO. _____
(Not to be Codified)

**A PROHIBITION (MORATORIUM) ORDINANCE RESTRICTING THE
 ACCEPTANCE AND PROCESSING OF ANY NEW APPLICATION FOR
 AND/OR THE ISSUANCE OF ANY NEW TRANSIENT OCCUPANCY TAX
 CERTIFICATES WITHIN THE COUNTY FOR A VACATION RENTAL**

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 DECLARATIONS

The continued conversion of single-family residential housing (single-family dwelling units) to transient occupancy use may be exacerbating the loss of residential housing in Mariposa County. It may also be negatively impacting the affordability of available housing.

Like many California counties, Mariposa County is experiencing a shortage of residential housing for purchase or long-term rental and a significant change in the affordability of available housing. There are many possible causes for this phenomenon including homes lost in wildfires,

Housing production has not kept pace with the conversion of housing to short term rental use. From 2010 to 2020, the County added 364 housing units to its overall community housing stock. From 2010 to 2020, the County issued 452 transient occupancy tax certificates (TOT certificates) for a total of 695 TOT certificates. In 2020, the county added 89 housing units. In 2021, the county added 48 housing units. As of the date of this ordinance, the County has 746 TOT certificates for vacation rentals, and 110 applications accepted for processing for vacation rentals. By the end of 2022 the County expects to have over 850 active TOT certificates for vacation rentals.

The County has previously identified the potential for and discussed the nexus between the reduction in the County's supply of housing and the conversion of residential dwelling units to transient occupancy units; this issue isn't new. However, the availability of housing has been recently significantly impacted by the July 2022 Oak Fire, which destroyed 127 residential dwelling units. The 2017 Detwiler Fire destroyed 68 residential dwelling units, and most have not been rebuilt.

The lack of availability of affordable rental housing and housing for purchase has impacted local businesses and local governmental entities, which can't find available employees.

Mariposa County Government currently has 4% of its permanent full-time positions unfilled. The workforce must have locally available housing in order to work for local businesses and governmental entities.

Because of a workforce shortage, local businesses and governmental entities are increasingly limiting their hours of operation and providing fewer services.

It is the intent of the Board of Supervisors of the County of Mariposa, based upon Program 4.2 established in Section 8.6.04.D.2 of the Housing Element of the Mariposa County General Plan, to comprehensively study and determine the nexus between the reduction in the County's supply of housing and the conversion of units to vacation rentals. This ordinance to prohibit the acceptance and processing of new applications for vacation rentals and/or issuance of any new Transient Occupancy Tax Certificates will allow the County the time to carry out Program 4.2 section 8.6.04.D.2 without further and continued conversion of single-family residences to vacation rental use.

This prohibition shall also apply to newly constructed housing, which hasn't yet been used for residential or transient occupancy purposes.

This prohibition shall be effective until such time that the Board of Supervisors takes formal action to rescind this ordinance.

The ordinance is exempt from environmental review pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3). The ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and there is no possibility that the ordinance will have a significant effect on the environment.

SECTION II: PURPOSE

The purpose of this Ordinance is to prohibit the continued conversion of residential housing units to vacation rental use. The Board of Supervisors intends to pursue a detailed study of the issue, to objectively document and establish the impacts of the vacation rental program on housing availability and affordability and to establish appropriate measures that can be taken to address those impacts, should the study determine that the annual or cumulative number of conversion of units adversely affects the supply for housing for any economic segment of the community. This Ordinance will provide time for that study to be conducted.

SECTION III: RESTRICTIONS

There are hereby passed and adopted restrictions on the acceptance and processing of applications for and/or the issuance of transient occupancy tax certificates for vacation rentals as defined by County Code Section 17.148.010. During the effective period of this Ordinance and continuing until action is taken by the Mariposa County Board of

Supervisors to rescind the ordinance, the following restrictions are established and shall be implemented:

- A. There shall be no new applications accepted and processed for vacation rentals. There shall be no transient occupancy tax certificates issued for vacation rentals for any existing dwelling or for any newly constructed dwelling, except as allowed by Section III.B of this ordinance.
- B. Applications for vacation rentals which have been accepted as complete for processing as of the effective date of this Ordinance, shall continue to be processed and may be issued a transient occupancy tax certificate pursuant to County Code Title 17, Section 17.108.180 and County Code Title 3, Section 3.36.060.
- C. If a property that has an active transient occupancy tax certificate (or certificates) for a vacation rental(s) is transferred to a new owner, the new property owner is eligible to apply for a vacation rental and transient occupancy tax certificate(s) under the current application process to replace the number of certificates that existed on the property before title was transferred. The application must be submitted within three (3) months of the transfer.
- D. If a property that had an active transient occupancy tax certificate (or certificates) for a vacation rental(s) was destroyed by the Oak Fire, and the property is rebuilt, the certificate holder/property owner is eligible to apply for a vacation rental and transient occupancy tax certificate(s) under the current application process to replace the number of certificates that existed on the property before the fire. The application must be submitted within three (3) years of the effective date of this ordinance.
- E. No expansion in use (expansion of square footage or expansion in facility occupancy) is permitted for any existing vacation rental/transient occupancy tax certificate, including a facility under new ownership and a facility rebuilt following the Oak Fire.

SECTION IV: EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after final passage pursuant to the provisions of Government Code Section 25123.

SECTION V: PENALTY

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

Ordinance No.

SECTION VI:

If any provision of this ordinance is held to be unconstitutional, preempted by federal law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this __day of _____ 2022 by the following vote:

AYES:**NOES:****ABSTAINED:****ABSENT:**

Rosemarie Smallcombe, Chair
Board of Supervisors

ATTEST:**APPROVED AS TO FORM:**

Danielle Bondshu,
Clerk of the Board of Supervisors

Steven W. Dahlem
County Counsel

From: [Jaspreet Birk](#)
To: [Danielle Bondshu](#)
Date: Monday, October 17, 2022 3:43:52 PM

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Board of Supervisors,

Please accept my comments below regarding the changes to the current Mariposa County TOT certificate ordinance which the Board of Supervisors will discuss at its meeting on November 1, 2022.

Section I: I disagree with this statement because there is not evidence that vacation rentals impact community housing stock. Please provide evidence or remove this statement.

Section II: Same as above. The rate of housing shortage increase is way out of proportion of vacation rental increase. The two are not parallel.

The rest of the sections are based on Section I and Section II, which again have not been proven.

While I appreciate the housing shortage, different communities within the Mariposa County need to be investigated instead of clumped in together. Instead of passing the ordinance without evidence, please study the impact prior to making the change.

Thank you for your consideration,

Jaspreet Birk

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Attachment: Birk - PC (13440 : Vacation Rental Prohibition (Moratorium) Ordinance)

From: [REDACTED]
To: [Board Clerk](#)
Subject: Public Comment Item #G 1
Date: Monday, October 17, 2022 10:22:56 AM

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

Re: Exempt Wawona from any moratoriums for short-term rentals.

Wawona has been a vacation destination well before we built our cabin and remains so. Our family built our home in Wawona in 1948. We have used it for our family vacations and never rented it for short- or long-term rentals until 2003 as our family needs changed. The Redwoods is our agent for short term rentals only from April through November. It is not available for rent from December through March since the cost of heating is very expensive.

My concern is that our family will not be able to keep our existing cabin when ownership passes onto the next generation or build a second family vacation home on our adjacent lot without short-term rental income.

Please **exempt Wawona from any temporary or full moratoriums on short-term rentals**. Thank you for your consideration.

Marty Cerles
[REDACTED]

From: [Theresa Cook](#)
To: [Board Clerk](#)
Subject: FW: Proposed STR Moratorium
Date: Sunday, October 16, 2022 6:28:40 PM

Some people who received this message don't often get email from [REDACTED].
[Learn why this is important](#)

Sent from [Mail](#) for Windows

From: [Theresa Cook](#)
Sent: Sunday, October 16, 2022 6:28 PM
To: wforsythe@mariposacounty.org
Subject: Proposed STR Moratorium

As a District 4 constituent, I am asking for you to vote no on the STR moratorium.

I have looked at the graphs provided at the last meeting and heard many points for and against the moratorium and at this time, there is no evidence to suggest a moratorium is the solution to our on-going housing need. I am convinced there is agreement to this point on both the pro and con side.

The solution to solving the housing crisis is new housing. It would serve everyone to focus our attention on getting housing built. Another option would be to provide incentives for builders to want to build here in Mariposa. While I say this, it is also imperative that our community can sustain new housing via water, septic, fire mitigation, etc.

In 2001 we bought our property here in Mariposa, it was because Oakhurst had too many CCR's, rules and regulations. Since that time we have built our 2000sq ft. home, a 1500 sq ft shop and a 750 sq ft in-law cabin on our property. As we approach retirement we are currently building 2 str's on a 13 acre piece of land we bought. They were built specifically for that purpose and to subsidize social security. These 2 new houses have been a nightmare to build in the wake of covid, material shortages, permits and new building codes. What we thought would be a 1 year project is going on 2 ½ years. As we are nearing completion we are hit with this moratorium and quite frankly it scares me. We have applied for tot certificate but I fear any little thing will kick us out of contention and put us in the moratorium state. These homes were built specifically as str and would not be conducive to ltr.

With that being said, what can we do that is more proactive than more studies and hurting existing tot tax income to the county and fellow "Little guys", trying to make enough to live and retire? I agree with many of our fellow community members when they suggest using a percentage of TOT tax to go to a housing fund. Even if we raised tot tax to 15%, the county could use 2-5% for this fund and still allow us to be somewhat competitive in the str market. I do not believe anyone is getting rich from str but I welcome any details to the contrary.

How many housing units are needed to satisfy the immediate need for housing? Does the county have any land they own that could be utilized for housing projects? And another subject for another day is the proposed KOA / Terramor project. How that that affect resources and housing issues?

I do not know if you had the opportunity to read a letter sent in by David Holland-Mortiz. He very eloquently writes what many of us constituents are feeling. I encourage you to read through it. It is very well written.

Again, I am asking you to fight for us, the average Joe property owner's who just want to earn a little extra income and vote against this moratorium.

Sincerely
Theresa Cook

10/2/22 From: David Holland-Moritz, Fish Camp To: All members of the Board of Supervisors Re: Vacation Rental Discussion 10/4/22 (Part 2)

After having reviewed the documents County Admin has posted online, I am compelled to write to you yet again. It is absolutely clear to me that County Admin has already reached their conclusion, and their only purpose for the October 4th "discussion" is to seek additional justification from the opinions of a few county residents.

For that discussion, Mr. Kimble and Mr. Goger have provided us their "Short-Term (Vacation) Rental Discussion and Possible Direction" memo to support their (draft) Urgency Ordinance which would "

...prohibit issuance of any new Transient Occupancy Certificates that would convert a residentially used housing unit to vacation rental use. imposes a moratorium on all new vacation rental permits."

The Urgency Ordinance itself declares as its very first Finding and Declaration that:

"The continued conversion of residential housing to transient occupancy use has exacerbated the loss of community housing stock in Mariposa County. It has also negatively impacted the affordability of community housing stock

." Their memo is filled with unsupported assertions and alarmist rhetoric such as:

"This business revolution has converted thousands of residences in destination communities and increased pressures on the availability and affordability of local housing markets.

" A comprehensive critique of their memo would take far more effort and pages than anyone could possibly provide at this time. So let us focus instead on the core assertions here; specifically that the singular entity of the "vacation rental industry" in Mariposa County has:

- decreased the affordability, and
- decreased the availability of the local housing market to such a dramatic degree as to require an Urgency Ordinance that wholly prohibits any and all new vacation rentals in the county. This is heavy stuff!

Yet even a casual review of their memo finds a notable lack of actual, factual, quantitative data supporting those two bullets above. Might we be able to add some of those facts to this discussion? Indeed we can.

Affordability

In the heated national debate over the “Airbnb Phenomenon,” two often-cited research papers focus on specific U.S. markets: Lee (2016) looks at the Los Angeles market while Horn and Merante (2017) use Airbnb listings data from Boston in 2015 and 2016 to quantify the effect of Airbnb on rental rates. And most recently Barron (2020) uses “comprehensive data from across the United States” and goes to rather extensive lengths to control for local variability in that data – including the “touristiness” of an area.

Page 1 of 4 All these efforts are careful, peer-reviewed research and their results are both qualitatively and quantitatively pretty consistent. They all find that an increase in Airbnb listings in a given market does in fact result in

- higher rents, • higher housing prices, • and fewer long-term rentals.

Yet as County Admin itself acknowledges many times, this is a complex issue with no easy solutions. So it seems only reasonable that we also ask “by how much?” Let’s do that now with the quantitative results from the Barron research (see https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3006832).

First I will note that in a Harvard Business Review article (<https://hbr.org/2019/04/research-when-airbnblistings-in-a-city-increase-so-do-rent-prices>) about their research, Barron himself states that:

“Under this assumption, we show that a 1% increase in Airbnb listings is causally associated with a 0.018% increase in rental rates and a 0.026% increase in house prices. While these effects may seem very small, consider that Airbnb’s year-over-year average growth is about 44%.

” And from that growth rate he asserts:

“This means that, in aggregate, the growth in home-sharing through Airbnb contributes to about one-fifth of the average annual increase in U.S. rents and about one-seventh of the average annual increase in U.S. housing prices. By contrast, annual zip code demographic changes and general city trends contribute about three-fourths of the total rent growth and about three-fourths of the total housing price growth.

” There is one obvious flaw in that conclusion: Airbnb’s 44% listing growth rate is global, not just across U.S. markets. And note that according to All The Rooms (<https://www.alltherooms.com/analytics/airbnb-statistics/>), Airbnb’s listing growth rate in California for 2020 actually decreased from 2020 (359,045) to 2021 (329,283).

Therefore we should all be cautious before making a sweeping generalization that Barron’s “one-fifth” estimate is accurate for Mariposa County itself. Yet we can still apply Barron’s results that a 1% increase in Airbnb listings is “causally associated” with

• a 0.018% increase in rental rates, and • a 0.026% increase in housing prices. to the actual real-world data that County Admin shares with us in its memo. So let’s do the math.

County Admin shows 804 STRs in 2022 vs 708 in 2020. That is 13.6% increase over 2 years. (I’ll note in passing that the 804 figure includes “64 submitted” applications; those have yet to become actual operating vacation rentals. So why they chose to include them here is a mystery to me. But regardless; we’ll stick with their numbers.)

13.6% times 0.018% = a 0.245% increase in rental rates over two years, due to the actual increase in STRs in Mariposa County over those two years. Therefore, for every \$1000 of rent paid, the “vacation rental industry” in Mariposa County likely caused a whopping \$2.45 increase in those rents

OMG! That’s half a Starbucks.

Page 2 of 4 Similarly, $13.6\% \times 0.026\% = 0.354\%$ increase in housing prices. So for every \$100,000 in the price of a house in the Mariposa County single-family residential real estate market, STRs likely caused that price to increase by about \$354

OMG again.

Meanwhile, as Barron himself notes:

“By contrast, annual zip code demographic changes and general city trends contribute about three-fourths of the total rent growth and about three-fourths of the total housing price growth.” So at the very least, 75% of the actual growth in rental rates and housing prices in Mariposa County over the same period of time were due to factors wholly other than the “vacation rental industry.”

Availability

Barron’s excellent research also applies their rigorous methods to quantify the effect of Airbnb listing growth to the actual conversion of long-term rentals to short term (see his Table 10). Barron then uses Table 10’s results to conclude qualitatively that yes, an increase in Airbnb listings does cause some proportion of long term rentals to become short term rentals.

No surprises there; of course it does. But by how much?

Unfortunately he does not anywhere distill Table 10 results into a similarly convenient formula of the form “a 1% increase in Airbnb listings is causally associated with a x.xxx% increase in conversion from long term to short term rentals.” And sadly, I do not have the statistical skills necessary to do that myself. Perhaps someone in County Admin does?

Still, simply comparing their index values presented in Table 10 to those in Tables 5 and 6 (e.g. -0.036 vs 0.044 and 0.077 respectively) should strongly suggest to any rational mind that the actual conversion rates from long term to short term rentals are of a magnitude that is at most similar to, and likely somewhat less than the actual quantitative causal effect that STRs have on rental rates and housing prices.

In no way could they possibly be so massive as to require an “Urgency Ordinance” prohibiting any new STRs. Yet that is the exact conclusion that County Admin has already arrived at.]

What about the Good?

Despite a notable lack of any serious discussion about it, County Admin’s memo also sheds some light on the positive impacts the “vacation rental industry” has on our community. Let’s just look at one or two of them now.

Park visitation was 3,951,393 in 2011, rising to 4,422,861 in 2019. COVID forced the park to limit visitation to cut that in half in 2020. By 2021 it was back up to 3,287,595. In a county with a steady total of about 18,000 residents and 10,000 homes, the demand for short term rental accommodations is clearly staggering.

STRs have stepped in to meet that demand and in doing so provided literally hundreds of county property owners the ability to run their own business, generate a modest income (news flash: none of us little guys are Page 3 of 4 getting rich on this!), and satisfy an incredible market demand. For better or worse, this is Free Market Economics at work – the natural, predictable consequence of basic Supply vs Demand.

Admin’s “Transient Occupancy Tax Growth in the last decade” table shows the history of Transient Occupancy Tax since FY 2011, separated into “Hotel TOT” and “STR TOT.” There we see that STRs growth over the last decade, as measured by taxes collected, has clearly been remarkable – from \$354,781 in 2011 to \$5,146,860 in 2022. That’s nearly 5 million dollars more (annually) added to the county’s bottom line, from STRs alone!

Of course it does beg the question: how much of that new annual windfall is County Admin

now proposing to use to ease the county's very real housing deficit? But I digress.

Meanwhile, TOT revenue from hotels in the county has been remarkably stagnant – from \$10,234,128 to \$13,840,874 over the same period. What's up with that? And to what degree have these traditional sectors of the hospitality industry been aggravating the demand for housing, or perhaps helping to ease it?

The stagnation is surprising to say the least. Might the traditional hotel industry have been too slow to expand their offerings to accommodate this massive unsatisfied market demand? Or are they simply offering a product that many customers no longer prefer?

Perhaps the larger hotel chains have focused their deep pocket resources on efforts nationally to eliminate their competition; to prevent once and for all those individual property owners from asserting their constitutional rights, in pursuit of their small piece of the American Dream. I'm not sure. But County Admin addresses none of this.

Putting aside the community value of the \$5 million annual tax windfall itself, what can this growth in TOT also tell us? Even at a very rough, first-pass approximation we can easily see that when compared to the "Hotel TOT" sector, the "STR TOT" sector has added at least 50% more growth to the local economy by delivering those new, previously unserved STR guests directly to the county's local businesses – the grocery stores, restaurants, and yes (indirectly) even the plumbers and construction contractors that we hire regularly to maintain those (often aging) vacation rentals. For better or worse, this is Free Market Economics in action. And look what good it can do!

More TL:DR

Why do individual property owners, exercising their free market, constitutional rights, get all of the blame for the county's housing deficit? Why should we individual property owners alone bear the burden of solving problems that large chain hotels and other deep-pocket businesses make worse with every new hire they seek? (The park service has owned and operated its own collection of rental housing for years. What a novel idea!)

In its memo and draft ordinance, County Admin has not even remotely attempted to answer these questions in any substantive way. The most they do is pay brief lip service to acknowledge the "complexity" of the issues, and then launch back into their steadfast march toward the conclusion they have already reached long ago: STRs must be stopped! Emergency!

Do not get me wrong: I am absolutely sure County Admin are good people, just trying to do their job. I am grateful for that. And I will be the first to admit that while Free Markets are the best option we have, still ever more Free does not mean ever more better. Sensible, effective regulation is essential. But this proposed action before us is neither. Dearest Board of Supervisors: we are counting on you.

Sent from [Mail](#) for Windows

From: [REDACTED]
To: [Board Clerk](#)
Subject: Nov 1 board meeting vote
Date: Friday, October 14, 2022 12:08:43 PM

[Some people who received this message don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I am so completely disgusted by the Board right now and feel my thoughts rights and position on str is not being considered in the least.

Why was there a meeting on the Oct. 6th? Just to pacify the community and say, "Oh, we listened" BS, your minds were made up already.

For those supervisors who did not or are not voting for this new moratorium (and undoubtedly new taxes on existing str) I support and appreciate you.

We pay property tax, outrageous building permits, high tot taxes and bring money to the community through employment, tourists and more taxes. We deserve to be heard and I mean really heard!!!!

When you figure out that the market is leveled out and high interest rates kill the housing up here, I hope you are satisfied with your decision.

When you institute your moratorium and implement whatever else you have in store for str's, and it doesn't fix your housing problem, I hope you are ok with the stress and financial strain you have put on your community members.

I can only hope and pray that it is not too late and you make the right decision to support a large portion of your community members who are contributing to our economy in Mariposa County and DO NOT vote a moratorium and DO NOT go crazy with additional fees and taxes.

Theresa Cook
Active county member and voter.

Sent from my iPhone

From: [REDACTED]
To: [Board Clerk](#)
Subject: Public Comment Item #G 1
Date: Saturday, October 15, 2022 3:25:28 PM
Importance: High

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Please consider:

1. Making certain areas exempt because most of the area is lodging for Yosemite NP visitors; i.e. Wawona, Fish Camp, & Yosemite West. These are not areas suitable for long term rentals.
2. When current properties in these same areas are passed on to children in trusts, the current 'short-term' rental permits will pass on with the property.

Thanks for your consideration,
Carol Coyle

From: carolicoyle@verizon.net
To: [Board Clerk](#)
Subject: Public Comment Item # G1, Oct 18 meeting
Date: Saturday, October 15, 2022 6:30:06 PM
Importance: High

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I found out I used the wrong subject line below.

From: [REDACTED]
Sent: Saturday, October 15, 2022 3:25 PM
To: board-clerk@mariposacounty.org
Subject: Public Comment Item #G 1
Importance: High

Please consider:

1. Making certain areas exempt because most of the area is lodging for Yosemite NP visitors; i.e. Wawona, Fish Camp, & Yosemite West. These are not areas suitable for long term rentals.
2. When current properties in these same areas are passed on to children in trusts, the current 'short-term' rental permits will pass on with the property.

Thanks for your consideration,
Carol Coyle

From: [REDACTED]
To: [Board Clerk](#)
Subject: Letter to the BOS. Proposed Moratorium on New STR Applications
Date: Friday, October 14, 2022 8:02:46 PM

Some people who received this message don't often get email from [REDACTED].
[Learn why this is important](#)

If I recall the numbers correctly, North County District 2 only has about 45 Str's. The closure of the Hotel Jeffery AND the motel in Coulterville leaves us with 45 STR's plus the motel/cabins in Buck Meadows. PERIOD. When we send our visitors to Buck Meadows you can be absolutely certain visitors will spend most their \$\$ in Tuolumne County.

People who have invested in property with the idea of STR but have NOT applied yet will be kicked in the teeth. When they bought their property, did the real estate agent suggest the STR possibility to them? Have they been preparing their property? Hmmmm.....

The impact of a moratorium will reach much farther than a few months. It could likely impact our spring/summer season, and years beyond. If moratorium is eventually lifted any new STR's likely will not make it through the permitting process in time for the important tourist season next year.

We might as well tell our Yosemite Mariposa Tourism Bureau to stop promoting our North County if we don't have enough rooms. (ROOMS are where their \$\$ comes from.) Rooms provide not just TOT tax, but also sales tax and a boost to our local economy. Without rooms we can't keep visitors in our area.

We have allowed B&B'S for years. Some travelers still prefer that. Other customers (especially larger size families/groups) prefer Air B&B or STR'S. It is rather new and has become very popular. When we run out of supply those travelers will go elsewhere. Yosemite West has had vacation rentals for many DECADES.

I am outraged that our BOS has requested this draft Moratorium. IT HAS NO TERMINATION DATE and leaves people hanging. I believe if passed, this ordinance should have an end date. If the County has not completed their study by then they should have to be accountable to our citizens.

I believe the BOS is disrespecting our property rights. The right to self determination and the right to earn a living.

I do not believe the STR's are a significant contributor to our housing shortage. The housing shortage is not a new problem. It has been a problem for years, long before the increase in STR'S. The County should look for ways to incentivize affordable housing. Look to developers of multi-unit dwellings (duplex, fourplex, apartments.) Offer tax relief and streamline permitting. Build communities where resources are available. Build where the jobs are.

I believe this moratorium is a distraction and the BOS should be focused on correcting the real issue: their failure to encourage the development of affordable housing.

I also request that the vote on any moratorium be postponed until District 2 has

representation. You can conduct your study without being disruptive.

Respectfully,
Karin Fielding Bickford
Coulterville
209-878-3880
Karinf00007@gmail.com

FYI. I live in the house my great-great grandmother built at the turn of the century. I do not rent it. I live in it. I do not plan on renting short or long term in the future. However if my heirs should need to do that in order for them to afford the taxes and other expenses I want them to have the right to do so!

Thanks for hanging in with me...
Karin

From: [REDACTED]
To: [Board Clerk](#)
Subject: Public Comment Item #G 1
Date: Saturday, October 15, 2022 4:57:45 PM

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SIXTY years ago, my parents purchased a cabin on Koon Hollar Road in Wawona. Over the years, we have enjoyed lazy summer days, long hikes exploring the mountains, afternoons of swimming at the river, and countless evenings singing around the campfire. When we were growing up, our family cabin was a haven for our immediate family, and for our friends and relatives.

However, once my parents got older, they made the decision to have our cabin managed by The Redwoods in Yosemite. Having the cabin under rental management reduced maintenance chores for my parents, and enabled our family to share our peaceful place in the woods with others who wanted to experience the wonders of Yosemite.

At this point, we could not afford to keep our cabin in the family, if we did not have the income that we generate from renting the cabin on a part-time basis.

I understand that the need for housing is acute in many California counties, including Mariposa. However, it is also true that many of the cabins in and near Yosemite, have served, for generations, as part-time residences for cabin owners, and as much-needed lodging for visitors to the park.

I request that a plan be developed that recognizes the unique character of the areas of Mariposa County, like Wawona, which have historically been used for vacation homes and accommodations for tourists.

Attachment: Fretz-Scott - Public Comment Item #G 1 (13440 : Vacation Rental Prohibition (Moratorium) Ordinance)

From: [Judy Hindes](#)
To: [Board Clerk](#)
Subject: Public Comment Item #G 1
Date: Monday, October 17, 2022 10:19:00 AM

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Mariposa County Board of Supervisors,

We have been property owners in the community of Wawona for many years. Wawona is a very unique and special area inside Yosemite National Park. Very few properties even go on the market to be sold, instead they are usually held by multiple generations of family members or if sold, to a family friend. Wawona is loved by many and holds strong emotional ties.

I heard that the County of Mariposa is researching the feasibility of not allowing vacation rentals in the future in this area. We feel this is very wrong for this community where people own 2nd homes. The property owners have strong ties to the area and love coming to the mountains to enjoy the beauty. Not allowing them to rent to short term renters will not motivate them to sell or rent out their property to long term renters. They want to be able to visit the beautiful mountains and make use their second home! We do not feel that this oppressive moratorium would open up more long term rentals or house sales.

We feel that our freedom of property ownership is being taken away along with the enjoyment of so many people being able to experience the beautiful Yosemite National Park. We strongly urge you to reconsider any action of restricting vacation rentals in the Wawona area and infringing on our freedoms.

Michael and Judy Hindes

[REDACTED]

[REDACTED]

[REDACTED]

From: [Eric Kastner](#)
To: [Board Clerk](#)
Subject: Public comment item 1 G
Date: Saturday, October 15, 2022 4:03:54 PM

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We have owned a home at 8085 Loop Rd in Wawona for over 20 years. Having grown up in Fresno, Wawona was a special place. When we first bought the home we used it as a rental to accrue a passive losses against passive income from other rental property we owed. Without the tax advantage, which we think is nonsense in the first place, whether we would have bought the home is not clear. Now for over 10 years we do not rent the home. So, this moratorium will have no effect on us or our neighbors. But we a doubt it will have any significant effect on available homes for others the buy or rent long term. The people we know will just take their home out of the rental market so they may use it. How does that help the problem sought to be solved? Eric and Anne Kastner 8085 Loop Road.

Kastner Kim is attempting to adhere to government guidelines to shelter in place and work from home. While we are doing so, our communications may be delayed, but we are making every effort to handle our clients' needs on a timely basis. Most of us can see our emails on our cell phones. Thank you and please be safe.

Eric C Kastner Kastner | Kim LLP [REDACTED]
[REDACTED]

Attachment: Kastner - Public comment item 1 G (13440 : Vacation Rental Prohibition (Moratorium) Ordinance)

Dear Supervisor Smallcombe and Board of Supervisors,

As a rental owner, the proposed ordinance on short-term rentals is like a Christmas gift to me. It prevents future competitors from entering the market and inflates the value of my house by only allowing permits to be issued for houses that already have them. I should be thrilled, especially if the temporary ordinance becomes permanent, but I think it is a flawed solution.

1. It eliminates an important path to affordable housing, the one I myself took to become a homeowner
2. It will drive up the cost of existing homes that are already rentals.
3. It creates a difficult situation for people who have already started building and are planning on obtaining a permit to help pay their mortgage, which was vital for me in becoming a homeowner
4. It does nothing to increase housing supply, promote long-term rentals and reduce costs

At the very least, I would **propose that anyone who builds a two-unit house, be allowed to have a single short-term permit in order to make the other unit more affordable**, either to themselves as a live-in owner or to a long-term renter.

There is no question that the long-term housing shortage is a problem. Due to a shortage of long-term rentals, it is now virtually impossible to do what we did 20 years ago and move to Yosemite West as renters and then become homeowners a few years later. However, much of that is driven by market forces greater than just the conversion to short-term rentals.

Current construction costs make it impossible for regular people with regular jobs to build a home here today. The only way to do it is, as we did, to build a two-unit home that includes a residence and a short-term rental. Every single home that I know of built this century that currently has a full-time resident also has a rental unit. Barring that, the only people who will build here at current costs are very wealthy people building second homes, which does not help our community or solve the housing crisis.

Though the ordinance as drafted would be a tremendous boon to me personally, I think it closes an important avenue to home ownership, one that two people who I already think of as members of our community are attempting to follow right now with active building permits, permits that become unusable if they cannot have a rental component. Even the moratorium puts their future at risk and will force them to stop construction until the question is resolved.

At the very least, I would like this ordinance **amended to state that if people build a two-unit house, they can obtain a single permit**. This would actually help people do what we did twenty years ago and settle in Mariposa County, which for me has been like a dream come true.

I have made several assertions that may or may not sound convincing. I have not gone into detail because I know your time and patience is limited, but for the record, I give my full argument below on each point.

1. Eliminating an important path to affordable housing.

We moved to Mariposa County in 2003 and spent our first years here as renters. We were able to build and own a home because we built a home with an Accessory Dwelling Unit (ADU) that we used as a short-term rental. That was our plan all along and vital to our ability to afford our home. We bought our land during the eight-year moratorium on new construction and rental permits, so the price was minimally affected by the short-term rental market. But the cost of construction was simply prohibitive for the jobs we had at the time.

That has only gotten worse in the interim, not to mention that the cost of insurance has gone up 9-fold, interest rates have risen, and the higher costs mean more property tax. The ability to have a short-term rental makes these staggering prices more affordable. To the best of my knowledge, **every home built in Yosemite West this century that has a full-time occupant, also has a rental component** attached to it. These full-time residents contribute significantly to the community and include the only two on-site snowplow drivers we have.

1a. Why People Cannot Convert New Homes to Long-Term Rentals

Some people have said that if short-term rentals were prohibited, people would convert to long-term rentals. This is simply not possible with the current costs. My house is very Plain Jane, nothing fancy, about 2,000sf total for both units. But it now costs more just for the soils engineering than we paid for soils, excavation, and foundation. Between construction costs, interest rates, extremely high insurance costs, property tax, utilities and basic ongoing maintenance, I calculate that the monthly cost of our house if built today would be a staggering \$7100/month, almost triple what it cost us. Our rental rate would have to be a crushing \$3000/mo for a one-bedroom and \$4100 for a two-bedroom apartment. Rents like that do not increase affordable housing. But if you can rent it out at \$200/night, you actually have a pretty affordable place for your share.

I would not want to see this path to affordable housing closed off, even though closing it off would benefit me financially. It is more important to me that our community continue to have long-term residents and I think one of the best way to do that is to **allow a single permit in one of the two units on properties that have ADUs**. Doing that would effectively subsidize the other unit for either owner occupancy or long-term tenancy.

2. Preferential Treatment of Existing Permits Increases Prices of Existing Homes

Though it would again benefit me greatly if this ordinance were made permanent, I do not think that preventing new construction from obtaining short-term rental permit while essentially grandfathering in existing rentals solves anything. Traditionally in America we have created affordable housing not by building it, but by building fancy new houses and letting the older

housing stock get sold at a discount as it ages. It makes more sense to me to find some other way to allocate permits. As it is, as an owner of two of the precious permits, my house suddenly increases dramatically in value, though it is a simple, aging house. Many of the older houses are ones that create problems due to inadequate parking or other issues. My own house will likely have to have the HVAC revamped to meet current code.

My reading of the TOT regulations is that the **permit belongs to the owner, not the property**, and I have made my retirement plans based on the idea that when I sell the house, the new owner might not be issued a permit or might be faced with high costs to bring our home into compliance with whatever code is in force at the time. This law is already on the books, but the **new ordinance seems to overturn that by effectively grandfathering in those homes (that is, my home) when the home is sold**. Again, that's great for me personally, but is it good for the community?

3. This ordinance creates serious problems for people who have projects already under construction.

In our case, we broke ground in September 2006, built through the winter, and got our Certificate of Occupancy in June 2007. At this point in the year, we were rough framed and about ready for roof and windows. In the middle of the winter, I was carrying in the dishwasher in thigh-deep snow and going to the building site after working all day at Badger Pass and lacquering and painting. We had already pulled substantial sums from our relatively high-interest construction loan and were already making payments. If this ordinance had been passed that year, we would probably have had to finish construction as quickly as possible, put the house on the market and move out of Mariposa County. Our vision simply was not sustainable, at our salaries at the time, without a short-term rental component.

I know two people in that situation now. **This creates huge uncertainty for them. Is it worth continuing to build?** I know that neither can afford to own the home without at least one short-term rental permit for their two-unit home. For reasons already explained, I also know that local people will not be able to afford to buy or rent these houses at cost (forget about profit). The only option is to hope some very wealthy person from out of county wants an oddly divided, two-unit second home.

4. It does nothing to increase housing stock

For the reasons mentioned, this ordinance creates a disincentive to new construction, creates a boon for those of us who already have rental permits, and, while it may push land prices down a bit, it does nothing to decrease the high costs of construction.

5. A Serious Structural Problem

The root problems are that demand exceeds supply and construction costs are exorbitantly high today. We will not be able to have it all. **We cannot have infinite visitation and limited development and nothing but low-density development.** We will have to decide. Do we want to have high-density development? This is how most rural communities in Europe handle it. Multi-story apartment blocks are common in relatively small, rural towns. Do we want to limit visitation and thereby limit jobs so people have to move away even though there are plenty of houses?

I don't have an answer to those questions. They are big, philosophical questions that require a lot of thought, but I don't believe this ordinance is moving us toward a solution. Above all, though, I would like to see it add a provision for people who are hoping to use their short-term rental permit to help them pay an otherwise crushing mortgage so they can do like I did 20 years ago and settle here in the mountains where I have never been happier.

Thanks for your time
Tom Lambert

From: [BRUCE & YOLI MONROE](#)
To: [Board Clerk](#)
Subject: Public Comment for Agenda Item #G1
Date: Monday, October 17, 2022 2:58:30 PM

Some people who received this message don't often get email from [REDACTED]
[Learn why this is important](#)

Dear Supervisors:

I am one of the owners of a vacation rental property in Wawona, Mariposa County. At tomorrow's meeting you will consider a proposed temporary moratorium on issuance of TOT permits for vacation rental property. The basis for this proposal is a shortage of housing for employees and prospective employees in Mariposa County, and a belief that denying future TOT permit applications will reduce this shortage. Even though my own property has long had its own TOT permit and thus would not be affected by passage of the proposed moratorium, I strongly urge you to vote against the moratorium for the following reasons:

1. Individual owners of property in Mariposa County did not cause the employee housing shortage, and therefore should not have use of their property restricted in response.
2. It is uncertain that owners of property subject to a TOT moratorium will make their property available for employee housing.
3. Part of the housing shortage results from destruction of housing units by fire, having nothing to do with issuance of TOT permits.
4. Encouraging construction of new housing units or replacement of units destroyed by fire and streamlining related approval procedures would seem to be better ways of responding to the housing shortage.
5. Owners of undeveloped property who intended to build vacation rental units prior to enactment of the proposed moratorium may delay or forego development of the property in response to the moratorium, thus depriving the County of additional property tax revenue.
6. If the County decides to approve the proposed temporary moratorium, private property that is accessed by entry into Yosemite National Park should be exempted from the moratorium because a large percentage of the County's vacation rentals are located in Yosemite. Those vacation rentals are necessary to accommodate visitors to Yosemite, an important source of tourism business for the County.

Thank you for your consideration of my input,
 Bruce Monroe [REDACTED]

From: [Barry Perkins](#)
To: [Board Clerk](#)
Subject: Public Comment Item #G
Date: Monday, October 17, 2022 4:01:32 PM

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[Learn why this is important](#)

Thank you for appropriately forwarding the following public comment respectfully submitted for the County Supervisor's consideration.

IIIA/B.

It would seem most fair to continue to also accept new applications for TOT certificates for any residential building permit application currently submitted into the County's approval process.

Why?

Owners have invested in and designed structures with the goal of obtaining a TOT certificate and submitted plans to do so in good faith.

IIIE.

Please clarify that expansion of square footage prohibitions only apply to the existing vacation rental/transient occupancy tax certificate holding structures. Conversely, other approvable square footage can still be added on a parcel that is not part of the designated and previously approved vacation rental nor ever will be per current criteria and codes.

For example, a garage lost in the Mono wind event or lack of a garage in Wawona might generate the desire of the owners to build a workshop/art studio/office/utility/storage or other multi use space attached or detached from the structure previously designated as the approved vacation rental structure.

Why?

Needs change over time and we may wish to make improvements now during the term that our residence is serving as a vacation rental, for a later post retirement benefit to aid our eventual year round owner occupancy.

General other comment

Consider ADU and/or JADU allowance on a case by case approval process in Wawona to help community housing issues on parcels of 3/4 acre or greater, served by private wells, and ability to retrofit for low flow appliances to cause near zero net increase of water or sewer usage.

Thank you for your work on this complex issue.

Barry Perkins

[REDACTED]

Wawona

Attachment: Perkins - Public Comment Item #G (13440 : Vacation Rental Prohibition (Moratorium) Ordinance)



From: noreply@civicplus.com
To: [Rene LaRoche](#); [Tracy Gauthier](#); [Danielle Bondshu](#)
Subject: Online Form Submission #12524 for Public Comment on Board Items
Date: Saturday, October 15, 2022 1:11:46 PM

Public Comment on Board Items

Public comment on Board of Supervisors agenda items can be provided via this form or from the meeting website located at <http://www.mariposacounty.org/bosagendas>.

***Please indicate the item that this comment applies to, and keep your comments to under 2000 characters (approximately 400 words.)*

***Please note that all comments received will be distributed to the Board members and attached to the Minutes following our normal procedures.*

***The County bears no responsibility for delays caused by lapses in internet service, consequently, we suggest that you submit your comments early to allow for potential delivery lags.*

NAME (Not Required but helps with the Minutes)

Mark Stevens, Wawona

Please Indicate the Item this comment pertains to:

Proposal to ban or limit new short term rentals

Your position on this item:

Oppose

Your comment for this item:
 (Please note: This form is limited to 4000 characters which equals approximately 500 words. Longer communications should be emailed to board-clerk@mariposacounty.org.)

The County should NOT adopt a county wide new short term rental ban as it would be very bad for the economy of the county. And if any ban has to be done, it should be only for communities where short term rentals are a true problem.

For example in our town of Wawona such a ban would actually destroy the community instead of improve it. In Wawona the only source of income there is tourism. All resident housing is provided at NPS, Concessionaire, and rental management owned housing. Limiting short term housing there would therefore do nothing to open up housing for these type of residents but it would actually cause LESS people to be able to live there because there would be less local tourism for them to service.

Email not displaying correctly? [View it in your browser.](#)

From: [Sarah Sugarman](#)
To: [Board Clerk](#)
Subject: Comment on STR Discussion
Date: Friday, October 14, 2022 12:50:01 PM

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[Learn why this is important](#)

Hello,

My name is Sarah Sugarman, I am a resident and employee in Mariposa County. I work in Yosemite and live (renting) in Foresta currently, and have for the past five years. I love the vibrant community of Mariposa and Yosemite and hope to have a family here in the near future. I also love the work I do and would love to continue doing that for a long time. However, the lack of affordable housing options due to the vacation rental industry in Foresta and vacation home ownership makes it challenging to consider a future here.

I have a few thoughts and opinions about the ongoing STR discussion that the county is having. I read about what was discussed in the meeting and I think it is great that this issue is being discussed. I would like to advocate for a law similar to other counties that referenced in that you can only vacation rent a primary residence and/or only for a certain number of days per year. I think this would most effectively discourage non-local business operators from owning and managing rentals in the area in order to foster strong local community and employee retention. At the same time, it would provide options for local lower income folks who want to buy a house but may need assistance with the mortgage payments from time to time.

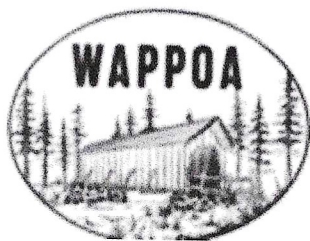
Additionally, I think it's important to address the housing wealth inequalities on a local level by passing laws about unoccupied vacant homes owned by wealthy land investors. There are lots of vacation rentals in Foresta, but also a lot of homes that are one of many homes owned by wealthy land investors who only come to Yosemite once or twice per year. The purpose they serve is only collecting mice (for which they use poison that harms bears and other local wildlife) and building wealth for non-local individuals. It does not contribute to a strong community dynamic or add in any way to the local housing stock.

In conclusion, I love this place and the work I do, and fundamentally just want to be a part of a strong, vibrant, community with others who love their work and the place they live. I am an advocate for a more strict vacation rental policy that considers community first, and business profits second. Please reach out if you need any clarification on any of my points.

Thank you so much for taking the time to read my comment.

Best,
Sarah
[REDACTED]

Attachment: Sugarman - Comment on STR Discussion (13440 : Vacation Rental Prohibition (Moratorium) Ordinance)



WAPPOA -WAWONA AREA PRIVATE PROPERTY OWNERS ADVOCATES

PO. Box 2023 • Wawona, CA 95389

October 17, 2022

Board of Directors:

To: Clerk to the Mariposa County Board of Supervisors

Subject: WAPPOA Public Comment October 18, 2022, Meeting agenda item G. 1

Cheryl Kanaan

President

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P.O. Box 4046 Bellflower,
CA 90707

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Beki Simon

Gene Spindler

The Wawona Area Private Property Owners Advocates (WAPPOA) Board reviewed and discussed the October 4, Mariposa County Board of Supervisors Agenda item D'1, which consists of a staff recommendation to return with an ordinance placing a moratorium on new transient occupancy certificates for Board action on October 18, 2022.

The WAPPOA Board provides the following comments to the Board of Supervisors for consideration as the Board moves forward to enact this ordinance, and further programs and actions, which may consider restrictions or prohibitions on short term rentals as a solution to the current housing shortages in the County. Like the balance of the County, the Wawona Community suffers from a lack of housing to attract employees. We recognize that the housing crisis is a complex problem which was exacerbated by pandemic created labor and materials shortages, the regulatory climate in California, rural zoning, and the County's location adjacent to Yosemite. We are supportive of the need for intervention and solutions.

WAPPOA also recognizes that the proposed ordinance enacting the moratorium is not time limited. According to the staff report it will be in effect while the Board retains a consultant to analyze housing shortage contributing factors and develop and propose new programs, investments, incentives, and solutions—for an unknown period of time. The scope of the proposed study was not included in either agenda report. WAPPOA would like the study to consider the following:

- Communities like Wawona were developed as vacation residences rather than year-round residences. So, prohibiting new rentals in a vacation residential community will likely increase the amount of housing stock available for year-round rental.
- Employers in Mariposa needing housing for employees would not be viable in Wawona; it is a 50-mile drive to Mariposa.
- Moratorium will introduce significant economic risk to those with vacant property or those in the middle of a project. It may lead to appeals of assessed valuation for those properties. It may create significant challenges for those in the middle of project, with vacant property or properties that were taken off the rental market for an interim period.
- The Moratorium may create more challenges in transferring property within families or selling property if it cannot happen in the prescribed time period.
- Section III Restrictions, E. states "no expansion in use, including adding square footage, permitted for existing vacation rental transient tax certificates" seems unnecessarily restrictive.

WAPPOA asks the Board of Supervisors to consider incorporating a built-in sunset of the ordinance and outline a schedule for developing alternatives. In any case we ask the Board of Supervisors to expedite staff's research and analysis about whether vacation communities like Wawona are in the same category as other residential communities.

Respectfully,

Cheryl Kanaan
Cheryl Kanaan
WAPPOA President

From: [Holly Webb](#)
To: [Board Clerk](#)
Subject: Public Comment Item G1
Date: Monday, October 17, 2022 4:10:28 PM

Some people who received this message don't often get email from [REDACTED]
[Learn why this is important](#)

Dear Mariposa County Board of Supervisors,

My husband and I are Mariposa County residents. We operate one property in Yosemite West as a nightly rental (TOT) with two TOT units, and one property in El Portal, as a monthly rental, to NPS permanent employees, with two units. Incidental to the bigger conversation, we had a very hard time in 2022 finding full time renters. While there is a sentiment that there is “no housing”, when we listed these units for rent well below market value, including below NPS rental rates, it was with great difficulty that we installed tenants. There seems to be a lot of interest in complaining, yet we see units listed for rent regularly, and they are not quickly rented.

We all value community, housing, the opportunity to be employed, the opportunity to be self-employed, and of course the wonderful options in Mariposa County for recreation and pursuit of happiness. We respect the board’s discussion and the community’s concerns on finding a balance between these objectives.

Our comments today are solely focused on the Board’s implementation of a very thoughtful set of **temporary measures**, and we **strongly oppose any blanket “one-size-fits-all”** complete temporary moratorium on all issuances of new TOT permits during any temporary regulation period.

The issue at hand is not simple- it is complex. The board will spend time collecting data, analyzing that data, and even doing studies. Eventually we expect a proposed final rule regarding TOTs that will have a lot of information and support behind it. The board will look at how this issue has been addressed in other communities, as well as how our specific situation, as a county that prides itself on world-class tourism, impacts our response. At this moment, we do not have an opinion on how TOTs should be handled in the future, and we welcome this investigative process.

We expect no less from a temporary measure. We request from the board a thoughtful and balanced approach to any proposed temporary measure that carefully considers what serious impacts will result from the measure. Any time these temporary regulations are in place is very significant to anyone directly affected, so “temporary” is not an excuse or substitute for being thoughtful and specific. We have enough information to implement temporary measures that are not just a knee-jerk reaction.

We recommend that the board consider ideas of what the final regulations “might” look like, and keep those considerations in mind when designing any temporary moratorium. Our specific suggestion, is that if the board suggests any changes or cessations, however temporary, in new TOT permits, that issuance of new TOT permits would not stop in the following situations:

- New permits will be available inside the boundaries of Yosemite National Park,

- New permits will be available for addresses with a recent history of TOT remittances to any new owner/operators at those addresses, and
- New permits will be available for addresses where a current active building permit is in place where the applicant listed “vacation rental/TOT” as one of the intended uses of the construction project, and this project has already started construction

The above suggestions recognize the following circumstances:

- Yosemite National Park does not offer the type of affordable housing that is a prime concern in this investigation, nor does it represent the heart of community life with which many county residents are concerned about preserving. For example, there are no children or schools in Yosemite West, and the TOT operations in the area do not erode the community of that development. There are no schools in Wawona or Foresta. Rather, the areas of commerce inside Yosemite National Park represent the heart of the INDUSTRY and ECONOMY of our county. For all the concerns about the number of TOT units, it does not seem that those concerns apply to the tourist-oriented lodging operated inside the park. So, if that is the case, even if restrictions might eventually be imposed based on more information, data and studies, why impede business and commerce to this degree during the temporary period? Will county residents seriously consider housing options in Wawona if they became available due to a halt in TOT permit issuances? Likely they will not. We reference our own experience in having extreme difficulty in placing tenants in El Portal in 2022. We suggest allowing Yosemite National Park activities to continue as they are now, with consideration of what the TOT regulations to be for those areas addressed in the final measures, but leaving business and commerce unimpeded in this tourist area during the period of study and investigation.
- For addresses throughout the county where an active TOT permit currently exists, there are needs of hard-working and long-standing business owners of those businesses to be able to sell that business. A temporary measure still in effect cuts off the ability of 100% of TOT owners to retire or otherwise sell a business that in many cases is their life’s work. It is in effect a BAN ON BUYING AND SELLING a type of tourism business in our county. How does this impact our real estate professionals in this county? How does this effect our decades-long loyal residents and taxpayer who are ready to retire? How does this harm all owners who need a refinance and find there are no comp-sales to get an appraisal? If the board decides that this is appropriate in the future, that addresses used for TOT activities in the past should be subject to caps, that may be the case, but during this temporary phase, when it appears the intention would be to not further grow this sector, allowing proven long-term businesses to continue, even if there is a change in ownership, means recognizing the rights of these owners to retire or change their personal investment. This may be a time to stop expanding TOT permits, while the subject is investigated, but a temporary measure should not impede the ability for existing businesses to continue in the hands of new owners, who should be allowed to get a new TOT permit.
- For building projects already in progress, where the applicant clearly listed vacation rental/TOT as the purpose of the project, and Mariposa County approved this permit, and the owners and investors are already actively engaged in a serious financial investment of construction, to not allow those projects to proceed to TOT application is both an act of bad faith on the part of the county as well as another serious halt to business and commerce in our county. These projects that are already in progress are not taking away housing opportunities for long-term residents- they are brand new approved investments, which also provide jobs, retail revenue and sales tax revenue during the period of construction. Life is uncertain and we do not oppose blocking these properties from the TOT process simply because it creates temporary stress and uncertainty for those owners and builders, but rather because of the implicit promise made in issuing the permit, as well as the small number of these projects in progress at the time of any temporary enactment is really inconsequential in the big picture, yet unfairly catastrophic to the few people that it would impact.

The whole point of temporary regulations is that they are temporary. So, the board should take steps to make an attempt at envisioning what things they absolutely picture or do not picture

occurring with final regulations, and reflect those ideas in temporary regulations. They can always be changed. But for example, if the board does not anticipate limiting TOT permits inside Yosemite's boundaries in the final regulations, why would they limit them during temporary regulations? A permanent blanket ban to TOT activity would provides the worst possible impact, unnecessarily, and is not something the county can even afford to enact. So, a blanket temporary ban is similarly not supportable – if we are not going to have an absolute ban in the future, then don't put in an absolute ban for the short-term. Instead, come up with something – anything- that has some logical basis to the board, to achieve the apparent goal,, which is limited growth of this activity during a period of investigation and consideration, and perhaps specifically in particular geographic areas that are of concern.

The business and property owners in our county deserve a very careful consideration and design of any temporary regulations, and not a simple one-size-fits-all ban, since these regulations, even when "temporary" can have a very serious and long-lasting impact on people's lives and livelihoods.

Sincerely,

Holly B Webb, CPA

Holly B Webb, CPA, CMA

[REDACTED]
[REDACTED]
[REDACTED]

From: [Hope Wolf](#)
To: [Board Clerk](#)
Subject: Public Comment for Oct 18th: G) Regular Agenda Item- Short Term Rentals
Date: Monday, October 17, 2022 12:44:26 PM

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17th October 2022

Mariposa County Board of Supervisors

Subject: Housing
PO Box 784
Mariposa, CA 95338

Dear Ms Smallcombe, Mr Jones, Mr Long, Mr Cann, and Mr Menetrey,

Our County of Mariposa is included in the affordable and available housing issues plaguing most of California. It is with relief that Mariposa County is striving to try to remedy our own local housing issues that have been growing over the last decade or more.

Three housing points have been brought up for consideration:

1.
Shortage of long term housing opportunities
2.
Lack of affordable housing
3.
Preserving sense of community

The board has proposed that an emergency temporary moratorium on new applications for short term rentals be imposed to remedy the traumatic and tragic loss of homes in the recent Oak fire.

Although amending the short term rental program and zoning of short term rentals within Mariposa is a much needed discussion, the response to cure housing issues by stopping all new short term rental applications in Mariposa County feels short sighted. I fear long term unintended consequences if this decision is made without regard to the individual needs of unique communities within Mariposa County, such as those within Yosemite National Park.

Even a temporary moratorium to gather data can cause long term harm to our communities

and County as a whole.

For instance many in my community that are in the process of building have budgeted and planned for short term rentals to offset the cost of building their home (affordable housing for the builder). The uncertainty of the future could put this construction to a halt. This not only affects the owner and their ability to have a home, but also affects the construction crews, the hardware stores, and employment opportunities in our community.

Winter is still construction time for builders. Planning, supply ordering, scheduling work crews and internal home building continues despite snowfall. Even a one week delay in a construction process exponentially delays all other parts of a build. Six months delay could add years to a build process.

In high percentage short term rental areas, there are still permanent residents. These residents are instrumental to keeping up the community. They do the snow plowing, they assist fellow homeowners who may need assistance with a problem at their home while they are away. Ironically, as I type this, a neighbor called asking for me to go over to help her renter with a heating issue. I was here to do that. If a moratorium was enacted, it would force me and many of my neighbors to move out of our community. This would harm our sense of community for the long term. Many of us can not afford to live here without the support of short term rentals. A temporary or long term moratorium would take away our affordable housing, long term housing, and community.

Housing costs are high. Building costs are high. Permit fees are high. Fire insurance is high. Interest rates are rising quickly. Supplies are expensive. I plan to use short term renting in part of my home to make housing affordable and available for me and my family. If this moratorium were enacted I would no longer be able to be part of the community or live close to my dear friends - where I had hoped to live for the next 30 years.

We have a housing problem. It is complex. Let us be smart and thoughtful with our solutions rather than reactive.

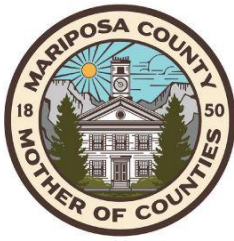
There are neighborhoods in Mariposa County where there is not a demand nor need for long term rentals. These locals thrive both within themselves and Mariposa county by having a focus on Short Term Rentals. If this moratorium was enacted in my community, it would not increase the availability of long term rentals. There is not a large need or desire for long term rentals in the Yosemite National Park communities because we are a tourist and vacation destination. This blanket moratorium would disproportionately affect my community and communities like it that thrive off of (and provide tax dollars from) short term rentals and tourism.

I urge you to take the time to consider the unique needs of individual communities in our

county before enacting a county-wide short term rental moratorium. While attempting to assist in a current crisis, we do not want to cause unintended long term harm to our county and its residents.

Thank you for your thoughtful consideration,

Hope Wolf



MARIPOSA COUNTY

Board of Supervisors • (209) 966-3222



I.1

MEETING: October 18, 2022

TO: The Board of Supervisors

FROM: Miles Menetrey, District V Supervisor

RE: Closed Session - Building Director

☐ **CONFERENCE WITH LEGAL COUNSEL:**

☐ **Existing Litigation:**

☐ Disclosure will jeopardize existing settlement negotiations.

☐ **Anticipated Litigation**

☐ Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9.
Number of cases to be discussed:

☐ Initiating of litigation pursuant to subdivision (c) of Government Code section 54956.9.
Number of cases to be discussed: 1

☐ **CONFERENCE WITH COUNTY LABOR NEGOTIATOR**

Name of Employee Organization: _____

Name of County Designated Representative: _____

Title(s) of unrepresented individuals with whom negotiations are being conducted: _____

☐ **PUBLIC EMPLOYEE EMPLOYMENT TITLE OR POSITION TO BE FILLED:**

(Government Code Section 54957 (b) (1))

☒ **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Position of employee under review: Building Director (Government Code Section 54954.5)

☐ **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE** (Government Code Section 54954.5)

☐ **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Description of real property: _____

Agency negotiator: _____

Closed session will concern: () price; () terms of lease/purchase.

☐ **THREAT TO PUBLIC SERVICE FACILITIES**

Name of law enforcement agency involved: _____

Title of officer of law enforcement agency: _____

☐ **LICENSE/PERMIT DETERMINATION**

License or Permit applied for: _____

Number of license or permit applicants: _____

Name of applicant(s): _____

Agenda Item - No Resolution Requested

RESULT: CLOSED SESSION HELD