



MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA

Regular Meetings: The First,
Second, and Third Tuesday
of each month

Regular Meeting

County Courthouse,
Bridgeport, CA 93517

February 2, 2010

Flash Drive	1004
Minute Orders	M10-16 to M10-20
Resolutions	R10-04
Ordinance	Ord10-01 (not used)

9:00 AM

Meeting Called to Order by Chairman Hunt.

Pledge of Allegiance led by Supervisor Farnetti.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Rick Phelps, Energy foundation:

- He's been working with Public Works on an energy efficiency program,
- A \$50,000 application has been submitted, might be close to some type of decision.
- They handed out paper weights as appreciation commemorating the High Energy Initiative.

Dan Brady, SCE:

- New Public Affairs Officer.
- His area is from Bridgeport to Cal City.

Grace Newell, USFS:

- New acting District Ranger for the Bridgeport Ranger Station
- Jeannie Higman, will be here on March 1st as new full time District Ranger for our area.

BOARD MEMBER REPORTS

Supervisor Bauer: DEFERRED DUE TO TIME CONSTRAINTS.

Supervisor Farnetti:

- 1/20 attended Mental Health Drug and Advisory Board.
- 1/21 attended Bridgeport RPAC; a lot of discussion about historical elements in the Bridgeport Park and how to preserve them; MWTC was in attendance and Evan Nikirk was there to go over snow removal priorities.

- 2/1 IMAA attended meeting with Supervisor Hazard; there's an article in newspaper about the Medicare items that were discussed.

Supervisor Hazard:

- 1/25 attended Great Basin meeting; to Mammoth for Sexual Harassment Training; then to Fire District meeting.
- 1/26 went to a Jobs Seminar with Sierra Business Council; discussion didn't really meet Mono County's needs.
- 1/27 – Crowley Lake RPAC meeting – Tony Dublino rolled out the concept of the cargo container ordinance, met with mixed reviews.
- 2/1 attended IMAA meeting with Tom Farnetti; it was a very cordial and well coordinated effort; a lot of business was taken care of.
- Ed Zylman has been in contact with Supervisor Hazard, there are a lot of community activities being planned in Supervisor Hazard's district.

Supervisor Hunt: DEFERRED DUE TO TIME CONSTRAINTS.

COUNTY ADMINISTRATIVE OFFICE

- 1) CAO Report regarding Board Assignments (David Wilbrecht)
Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

David Wilbrecht:

- With Mark Magit's help, the Personnel manual is almost complete.
- Dept. of F&G, Stockton plans– Farnetti would like them to come in March.

- 2) APPROVAL OF MINUTES

M10-16 A. Approve Minutes of the Regular Meeting held January 12, 2010.
Hazard/Farnetti 4-0

M10-17 B. Approve Minutes of the Special Meeting held January 19, 2010.
Farnetti/Hazard 3-0; Abstain (Vikki Bauer was absent)

Closed Session: 9:09 a.m.

Break: 9:30 a.m.

Reconvened: 9:41 a.m.

Break: 12:26 p.m.

Reconvened: 1:35 p.m.

Break: 3:15 p.m.

Reconvened: 3:24 p.m.

Break (video conference problem): 3:43 p.m.

Reconvened: 3:50 p.m.

Adjourned: 5:20 p.m.

CLOSED SESSION

The Board had nothing to report from Closed Session.

BOARD OF SUPERVISORS

- 3a) CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6. Agency designated representative(s): Dave Wilbrecht, Marshall Rudolph, Brian Muir, Mary Booher, Lynda Salcido, and Rita Sherman. Unrepresented employee(s): Public Health Officer.
- 3b) CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6. Agency designated representative(s): Brian Muir, Mary Booher, and Rita Sherman. Unrepresented employee(s): County Administrative Officer and County Counsel.
- 3c) CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6. Agency designated representative(s): Dave Wilbrecht, Marshall Rudolph, Brian Muir, Mary Booher, and Rita Sherman. Unrepresented employee(s): Public Health Director.

DEPARTMENT REPORTS/EMERGING ISSUES

Jan Priddy – Social Services

- Shelter discussion - Mono County has 10 functional shelters that are fully stocked; one is pending with MMSA; they've been opened periodically due to recent inclement weather; they have approximately 150 employees and volunteers working the shelters.
- At mid-year, Social Services share of cost is at 7.56% only costing the general fund 7.5 cents on the dollar. However, they will be asking for more dollars in overtime at the mid-year budget review.

Lynda Salcido – Public Health

- In regard to the shelters, each one also has Public Health supplies.
- Home Visiting Program: For 6-7 years, they have had a robust program; last year the budget was decreased to \$100,000. Last program employee has resigned; therefore this program is being revisited.
- WICK Program, currently being delivered to Mono County via cooperative in Inyo County. Discovered Mono County can pick up an entirely new contract; she met with the State and is pursuing it – probably not until October 1st.

Lynda Roberts – Clerk/Recorder

- Update about the documents that have been recorded regarding foreclosures (handed out information).

Rick McMannis – Building

- Jim Shoffner – offered statistics relative to October 2009 - January 2010.
- Tom Perry – inspection activity information given out (June Lake to the Nevada State Line). Even in winter, there are individuals continuing to build. He is also involved with Public Works and their capital improvement projects.
- Rick McMannis – shows that even with a good snow season the contractors are staying busy; it's a good forecast to how the summer might go.

Scott Burns - Community Development

- New Application for Rodeo Grounds Development has been submitted. The proposal going forward now is much more general. Working with Intrawest on environmental review process.

Brian Muir – Finance Director

- Met with School District Management, they are interested in an easy way to forecast property tax revenues; they had a positive discussion even though forecasting such a thing is impossible.

Marshall Rudolph – County Counsel

- Had a discussion with Tehama County Counsel regarding allegations that when DMV reports registered vehicles to the State it is sometimes tied to Zip Codes. This could happen in our county too and Mono County might be able to collect back monies because of this issue. He will schedule for future closed session.

CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

CLERK OF THE BOARD

- 4a) No items on the Consent Agenda -

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

CLERK-RECORDER

- 5a) Inyo National Forest - Letter from Jim Upchurch, Forest Supervisor, acknowledging receipt of the Board's letter regarding coordination between the Inyo National Forest and Mono County.

Supervisor Bauer: initially requested an actual Board item to go on agenda but Stacey Simon addressed sufficiently during afternoon session.

Stacey Simon – Asst. County Counsel (issue brought back in afternoon):

- Lynda Roberts got a call from Carl Benz of the Fish and Wildlife Service in Ventura inquiring as to what prompted the letter regarding cooperation. Same question from Jim Upchurch. Stacey referred them to the Board.
- In the recent letter from Upchurch, there's a divergence between the tone and the law that he cites. His tone seems to indicate disagreement with the County's interpretation of the law, but she largely agrees with his interpretation of the law and the County's letter was consistent with this.
- He may be responding to some sort of position Inyo is taking since they have been more aggressive than Mono.
- Board authorized Stacey to let agencies know that the FIM matter did contribute to their letter regarding coordination.

- 5b) Mono Basin Historical Society - Letter signed by David Carle, Secretary, thanking the Board of Supervisors for the \$5,000 support grant.

The Board acknowledged receipt of the correspondence.

BOARD OF SUPERVISORS

- 6a) Memorial Ideas for Andrea Mead Lawrence (Supervisor Byng Hunt) - Consider the possibility of naming a facility or landmark in honor of Andrea Mead Lawrence, who was a Mono County Supervisor for 16 years.

M10-18 **Action:** Move that the Mono County Board of Supervisors submit a letter (to be agendaized and potentially approved at the February 16, 2010 board meeting) in support of Federal Legislation to rename Peak 12,223 to honor the lifetime achievements of Andrea Mead Lawrence.
Bauer/Farnetti 4-0

Supervisor Hunt:

- He put this item on the agenda and thinks it's appropriate to do some sort of Memorial for Andrea Mead Lawrence.
- Geographical peak vs. a park, there are time differences, etc. Would like to hear from the family.

Lawrence Family:

- Would like Peak 12,223 (the peak between Donahue and Dana) to be named after her. Maybe it could be called Mt. Andrea? They handed out pictures of the peak.
- They would like Board support and do understand that this is the start of a fairly lengthy process.

Supervisor Bauer:

- Barbara Boxer's office is not able to do anything right now, but maybe with it being an election year she might be able to do *something* soon.
- Vikki will be going to Washington and thinks this could be on her agenda. She is in support of a recommendation letter; this is a federal decision, not a community decision.
- She asked for a map to take with her to Washington.

Supervisor Hazard:

- He thinks it is appropriate to name this peak after Andrea.
- He pointed out that other community members were turned away from Board support on other dedications.
- He thinks this is disrespectful to name facilities after "Supervisors"; it should be about what Andrea did over the course of her life.

Supervisor Farnetti:

- Would still like to see a facility within county named after her in addition to the peak.

- 6b) Mammoth Eastside Motocross Organization (Joe Parrino) - Presentation outlining the potential benefits to Mono County by promoting recreational dirt bike riding. Mr. Parrino will discuss several ideas, including the possibility of opening the Mammoth motocross track from August through November.

Action: None.

Joe Parrino:

- Gave brief history of his growing up in Mammoth.
- He wants the Board's support/help to reach out to educate people about OHV

opportunities in our County.

- He wants to do camps/public recreation on existing Mammoth track; not races. He would like it kept open between July and November.
- He sees this as another recreational activity people can do in our County; this will bring money into the County.
- Also the opportunity to open up possible NEW tracks.

Supervisor Comments:

- Has he talked to the Forest Service?
- If you get opposition from agencies, what about the community support?
- Would be in supportive of Economic Development putting out trail maps for OHV riding.
- Board is supportive overall of using Mammoth track but feels the Town of Mammoth is the lead on this, not the County Board of Supervisors and feels Mr. Parrino's proposal would be more appropriate as a private use permit between Joe and the Forest Service.
- This is an educational process for the Board.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

7a) PUBLIC HEARING General Plan Amendment 09-02 Technical Update to the General Plan (Tony Dublino) - Hold public hearing regarding General Plan Amendment 09-02, which will make technical corrections, update and add clarification to the Mono County General Plan.

R10-04 **Action:** Adopt Resolution R10-04 adopting General Plan Amendment 09-02 and correlating EIR addendum.
Bauer/Hazard 4-0

Tony Dublino: Powerpoint presentation on General Plan Technical Update (copy included in Board folder):

- New Land Use Designation Maps from GIS
- New Language to reinforce certain provisions.
- Various corrections.
- NO new policies included. They have a large list of policy items to be changed but this is not included with this update.

Supervisor Hazard: asked for clarification on several issues.

Public hearing opened; no testimony given. Public hearing closed.

LUNCH

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

PUBLIC WORKS

Additional Departments: Community Development

- 8a) Final Approval of Parcel Map 35-36, Comeau (Garrett Higerd) - Receive staff report regarding approval of Parcel Map 35-36, which will subdivide an 8.00-acre parcel (APN 024-110-009-000) on Clark Ranch Road in the community of Benton into three parcels of 3.93, 1.75, and 1.75 net acres in size, and an offer of dedication of 0.57 acres. Consider and potentially reject an offer of dedication for a street right-of-way and direct Public Works to record a Notice of Development Conditions.

M10-19 **Action:** 1. Reject on behalf of the public the offer of dedication for street, drainage, and public utility purposes that right-of-way for transportation and utility purposes as designated on said map; and, 2. Direct and authorize the Public Works Director to file and record a Notice of Development Conditions on Property for the project in the office of the County Recorder.
Hazard/Bauer 4-0

Garrett Higerd :

- Here for final approval of Parcel Map 35-36, Comeau.

COUNTY ADMINISTRATIVE OFFICE

- 9a) Human Resources Vacancy Review (Mary Booher or Rita Sherman) - Presentation by Mary Booher or Rita Sherman regarding current County vacancies.

Action: None.

Mary Booher – CAO

- Detailed new employees
- Detailed open positions
- To date, we have over \$600,000 salary savings (\$250,000 of this is not general fund money).

COUNTY COUNSEL

- 10a) **Walker River Basin (Stacey Simon) - Update on Walker River Basin lease and acquisition programs.**

Action: None.

Stacey Simon – Asst. County Counsel

- Trying to gather info about the proposed leasing program because of its applicability here; not the same as the acquisition program which is in Nevada.
- Met with Walker River Irrigation District last week, it was a very positive.
- We are probably not anywhere close to having this program rolled out anywhere; it probably won't occur in Nevada until next irrigation season.
- She learned that the proposed program is the same as the leasing program that was discussed in the mediation.
- Still looking for something in writing. The Irrigation District was sympathetic with our need to get more information.
- Senator Boxer's office continues to contact Stacey often; recently got an email saying that a new bill is going to be worked on; does our County need anything?

- Her recommendation: start with baby steps to the public letting them know where we are.
- Suggested that she should attend next RPAC meeting coming up in Walker. Board agreed.
- \$25 million dollars is appropriated already; Senator Reid has been a guiding force but if he doesn't get re-elected, it would be square one for new Senator to get up to speed on the issues, but the money wouldn't go away.

Additional Departments: Economic Development

- 10b) Letters to U.S. Forest Service and USFWS re authorization of grazing by F.I.M. Corporation (Stacey Simon) - Letters to the U.S. Forest Service and the U.S. Fish and Wildlife Service discussing the applicability of the National Environmental Policy Act to the authorization of grazing on certain allotments within the Humboldt-Toiyabe National Forest by F.I.M. Corporation, and requesting cooperating agency status.

- M10-20** **Action:** Authorize the Chair to sign letters to the U.S. Forest Service and the U.S. Fish and Wildlife Service discussing the applicability of the National Environmental Policy Act to the authorization of grazing on certain allotments within the Humboldt-Toiyabe National Forest by F.I.M. Corporation, and requesting cooperating agency status **subject to** F.I.M's request and direction; otherwise, it will not be sent.

Bauer/Hazard 4-0

Stacey Simon – Asst. County Counsel

- She went over history of the bighorn sheep issue.
- She has calls into the Fish and Wildlife Service and would like discussions with Grace Newell of the Ranger District.

Fred Fulstone, Smith, NV –

- He's been to Congress, they've directed him back to the Board
- Went through permit process, explained how the process got held up.
- They were accused of disease transmission between domestic sheep and bighorn sheep.
- Their F.I.M. permits were denied this summer.
- Asked for Board to appoint point person to work with them.
- He thinks multi-use should be used. Thinks it can be handled by management.

Floyd Rathbun, Ranch Consultant –

- Explained how the consultation process was supposed to work but the Endangered Species Act was NOT adhered to.

Board comments:

- What was the reason for the delays?
- What's the motivation? To capture more land?
- Who asked him to come back to the BOS?
- What can the Board do today?
- Maybe the Fulstones need to file a lawsuit on their own behalf?

Marshall Rudolph – County Counsel

- Feels that Stacey Simon and Dan Lyster have worked on it and feels they are the most logical choice.
- We don't have jurisdiction over federal land; there really is only so much the county can do.

Grace Newell – Acting District Ranger for Bridgeport

- She's also waiting for a letter from Monning's office.
- She is in the process of gathering information, not here to refute.
- This issue has her full attention and she's awaiting direction from her Supervisor's Office.

BOARD OF SUPERVISORS

- 11a) State Budget (Board Members) - The Board of Supervisors may discuss issues pertaining to the California State budget.

Action: None.

Due to time constraints, this item was not discussed but will continue as a standing item.

- 11b) Supervisor District 4 (Board Members) - Monthly report by Board of Supervisors pertaining to issues in Supervisor District 4. Update on the Governor's appointment to fill the supervisor vacancy in District 4.

Action: None.

Due to time constraints, this item was not discussed with the exception that Supervisor Hunt mentioned that the Governor's Office had narrowed the District 4 Appointee candidates down to three and hoped to be making a decision by the end of February

ELECTIONS

- 12a) Voter Registration Workshop (Lynda Roberts, Marshall Rudolph, and Mark Magit) - Presentation regarding Mono County's voter registration rolls and options (if any) to address concerns regarding potential registrations by persons not domiciled in the County. The Board of Supervisors requested this presentation as a follow-up to the Grand Jury's 2008-2009 report, which addressed and made certain recommendations regarding sending informational letters to registered voters with out-of-county mailing addresses.

Action: No Action.

PowerPoint Presentation(copy of presentation included with Board folder for 2/2/10):

Lynda Roberts: This workshop was requested by the Board due to a complaint filed with the Grand Jury (#08-04).

- Part One: ongoing maintenance (additional information given by Linda Romero regarding this).
- Part Two: Residence or Domicile?
- Info. on Mono County Housing Occupancy.
- Discussed Voters with out-of-county mailing addresses and why someone might have

one.

- The Mono County Registrar of Voters sent letters to certain, newly registered voters in 2008 due to an article in one instance and an email in another.
- Other Registrars don't police the out of county issues; people sign their registration cards under Penalty of Perjury.
- It would cost \$4,612 to send letters out to ALL registered voters explaining the domicile/residency issue.

Mark Magit – Asst. County Counsel (PowerPoint continued)

- Residence and Domicile – he went over this in detail.
- Affidavit of Registration.
- Residency.
- Cancellation of a voter's registration.
- Case law examined regarding residence vs. domicile.
- Discussed how a domicile would be determined if a person had multiple residences.
- Who decides domicile? The voter under penalty of perjury; the Secretary of State; Clerk; individual challenger.
- Range of legal options.
- What else can be done? Ask that the Secretary of State guidelines be changed; closer scrutiny of voter index, investigation.
- Post Investigative Options.
- Be prepared for Challenge to Vote; Board Direction.

The following questions were asked by June Lake residents and some discussion followed:

- What type of documentation is received for voters who are no longer valid registered voters?
- What about the Grand Jury investigation?
- Where is the County with the D.A.'s investigation on Voter Fraud?

Board Comments:

- Supervisor Bauer – clarified that the verification is state to state; we might need further checks of driver's licenses actually showing domicile; would like additional voter education.
- The consensus in general is that the Board intends on deferring the administration of elections and domicile issues to the clerk and does not want to manage the clerk's responsibilities in this area.

ADJOURN: 5:20 p.m.

DUANE "HAP" HAZARD

Vice-Chairman

ATTEST:

SHANNON KENDALL

Sr. Deputy Clerk of the Board

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