



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

March 9, 2010

9:02 AM Meeting called to Order by Chairman Hunt.

Pledge of Allegiance led by Chairman Hunt.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Allen Blumer (Mammoth):

- Announced his candidacy for Town Council; caretaker for Mammoth Church; is working toward getting grant monies, etc.

BOARD MEMBER REPORTS

Supervisor Hazard:

- 3/3/10 – met with Mark Drew and Sheriff Scholl at Tom's Place re: aquatic invasive species; there will be some informational paperwork to come out soon.
- 3/5/10 – met with Public Works re: Flood Mapping out in Tri-Valley area, he would like additional information regarding this brought to the Board as it is likely going to affect other districts in the County.
- 3/5/10 – Benton office hours: met with Mom and Pop operation regarding gas tank inspection.
- 3/8/10 – Met with BLM, Fish and Game, DWP, Southern California Edison, Board Representatives, Reps from Paradise and Swall Fire Department (and their commissioners) to discuss emergency fire road in Swall Meadows and where it would be.
- Since last meeting, he was contacted by White Mtn. Fire and asked if the County decided to remove the old Senior Center, we consider donating it to the Fire Dept. Seniors need to be allowed to continue using it until a new facility is provided. Needs to be brought back on a future agenda.

Supervisor Farnetti:

- 3/4/10 – Solid Waste Franchisee Meeting, questions regarding our agreement; Mammoth Disposal is storing its trash bins at Benton Crossing landfill, staff needs to look at why this is happening.
- Greg Norby – letter received re: LAFCO/various issues.

Supervisor Hunt:

- Spent last two ½ weeks in New Zealand; very exciting. They are under siege from a wet snail there; due to population on both islands, no need for police, etc.
- Over the weekend in Mammoth Lakes he was informed that the disposal company is thinking about stopping curbside waste pickup. Might be a good idea due to bear problems.

Supervisor Bauer: Absent.

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:

- Continuing to work on next week's agenda – very full and there is an evening meeting too; mammoth dog sled issue and then the budget review.
- Management meetings – focusing on budget.
- End of month, Ed Zylman and Kathy Watkins move into retirement.
- Attended Caltrans meeting - they are taking new approaches to how they do business.

- 2) APPROVAL OF MINUTES

PULLED ACTION: Postpone approval of minutes until March 16, 2010 meeting. Supervisor Bauer was not here and Supervisor Hunt had to abstain because he did not attend those meetings.

Closed Session: 9:07 a.m.

Break: 9:34 a.m.

Reconvened: 9:44 a.m.

Break: 10:15 a.m.

Reconvene: 10:20 a.m.

Lunch: 11:06 a.m.

Reconvene: 1:00 p.m.

Adjourn: 2:26 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, and Rita Sherman. Employee Organization(s): all.

- 3b) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Initiation of litigation pursuant to subdivision (c) of Government Code

section 54956.9. Number of potential cases: one.

DEPARTMENT REPORTS/EMERGING ISSUES
(PLEASE LIMIT COMMENTS TO FIVE MINUTES EACH)

Rick McMannis:

- Attended annual business meeting last week where new codes were discussed: California Residential Code (applies to house design) and Energy Code (dealing with roofing standards). As the legislators adopt these codes, the implementation comes to the county level. He plans to hold educational seminars. These codes will not be published until after July 2010.

Mary Booher:

- Introduced four new employees: Katie Armstrong (Public Health), Mark Brown (Public Safety Officer) , Bill Czeschin (Public Works), and John Hauter (Facilities Maintenance Worker).

Scott Burns:

- Fish and Wildlife decided to not list sage grouse, but the Mono Basin sub-species will be listed as a candidate; there will be a future presentation to the Board.

Tony Dublino:

- Naming county facility after Supervisor Reid – he’s received a lot of petitions, etc. and there is mostly unanimous support in Bridgeport; Antelope Valley wants to keep the community buildings names after the community itself, not a person; there should be a policy in place for future reference.
- To be agendized for future discussion.

Sheriff Scholl:

- Deputy Pete DeGeorge – he just got back from Haiti:
- Deputy DeGeorge gave a PowerPoint presentation
- He went there three weeks after earthquake and helped in removal efforts.

Marshall Rudolph:

- Jail Roof Issue: we can’t hold off on funds owed to the contractor; they need to be paid.

David Wilbrecht:

- Integrated Regional Water Management – information delivered now or when 4th district is filled? (Board decided that 4th district needs to be present.)

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 Consent Items.

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) Walker River Basin Acquisition Program - Notice sent to Mono County Board of Supervisors from U.S. Bureau of Reclamation, Lahontan Basin Area Office, regarding Walker River Basin Acquisition Program Revised Draft Environmental Impact Statement.

The Board Acknowledged receipt of the correspondence.

COUNTY COUNSEL

- 6a) Walker River Basin (Stacey Simon) - Update on Walker River Basin lease and acquisition programs.

Action: None.

There was nothing new to report this week.

BOARD OF SUPERVISORS

- 7a) State Budget (Board Members) - The Board of Supervisors may discuss issues pertaining to the California State budget.

Action: None.

Supervisor Farnetti:

- Limiting sales tax on gasoline; delayed payments and social services in mental health and those area, etc. Every week there is something new occurring.

Supervisor Hazard:

- It appears that cash flow issues are being worked on towards a balanced budget. They have not finalized anything yet but there MIGHT be light at the end of the tunnel for Mono County.
- All citizens need to pay attention to issues involving DMV fees, they are rising substantially.

Supervisor Hunt:

- He opposes a lot of the issues even though they are well attended.
- Mono County needs to be VERY conservative in their budgeting process.

Brian Muir:

- Most of the solutions are doing nothing to address the structural deficit. The deferrals are a one time thing but at some point there won't be anything left to defer.
- Next year will be worse for our County even if we get by this year.

CLERK OF THE BOARD

- 8a) Personnel Appeals Board (Lynda Roberts) - Request to schedule a hearing before the Personnel Appeals Board. The request was filed on behalf of a Sheriff Safety Officer.

M10-35 **Action:** Appoint Supervisor Hunt to sit on a Personnel Appeals Board for a hearing requested by a Sheriff's Safety Officer.
Hazard/Farnetti 3-0

Lynda Roberts:

- This item is in reference to a grievance made by a Sheriff's Safety Officer; one member of the Board needs to be appointed to sit on the Board.

Supervisor Hazard:

- He was informed that he was going to be subpoenaed as a witness for the DSA so he can't do it.

PUBLIC WORKS

- 9a) Authorization to Bid for the Paradise Streets Road Rehabilitation Project (Garrett Higerd) - Receive staff report regarding the proposed Paradise Streets Rehabilitation Project. Consider and potentially approve plans and specifications and authorize Public Works to issue the project for bid. Provide any desired direction to staff.

M10-36 **Action:** Approve bid package, including the project manual and project plans, for the Paradise Streets Rehabilitation Project. Authorize the Public Works Director to advertise an Invitation for Bids and to issue the project for bid.
Hazard/Farnetti 3-0

Garrett Higerd:

- Year long project.
- New paving for roads in Paradise except Lower Rock Creek Road. This would cover the deficiencies in asphalt, etc. in community there.
- Estimated to cost \$634,000 but will be covered by FY09-10 Prop. 1B program.
- Funds not disbursed yet; money is supposed to be coming, maybe by April 15th?
- Bids scheduled to be received on April 8th and back to Board on 13th to award bid.

Evan Nikirk:

- It is the Board's discretion as to the date we award bids, etc. We could wait to see if the funding comes first.

Board Comments:

- This particular road project was determined to be a priority; the road cracks are really bad now.
- What about the use of Prop 1B funds? Is it risky?

Brian Muir:

- He is not concerned about going forward with this project – he feels that this money WILL be coming to us.
- If it doesn't, the General Fund has bought a project; can also let a contract start dependant upon funding being in hand.

9b) Crowley Community Entrance Sign (Jeff Walters) - Receive staff report on various designs submitted for a community entrance sign in Crowley Lake. Discuss final sign design selected by Crowley community and funding source for sign purchase and installation. Provide any desired direction to staff.

M10-37 **Action:** Authorize Public Works to acquire sign after identifying funding sources other than the County General Fund; Public Works to install the sign which is to be located at the island at South Landing Road.
Hazard/Farnetti 3-0

Jeff Walters:

- Crowley Lake entrance sign.
- Handed out sign design. Price \$780 – for sign and post only, not including installation. \$1500 for everything.
- We need to find funding source and either move forward or not.

Board Comments:

- Possibly CSA to fund? Other community groups (as opposed to taxing the general fund).
- Suggests the Board approves the sign itself and having the community find the funding.
- What about maintenance?
- Supervisor Hazard will donate \$500 for this sign.

9c) Review of Snow Removal Priorities (Jeff Walters) - Receive staff report regarding current snow removal priorities and recommended changes to those priorities. Provide direction to staff regarding modifications to snow removal priorities. Consider and potentially adopt resolution to re-establish snow removal policies and priorities. Provide any desired direction to staff.

R10-11 **Action:** Adopt Resolution No. R10-11, "A Resolution of the Mono County Board of Supervisors Re-Establishing Snow Removal Policies, Procedures, and Priorities for County-Maintained Roads." Continue to leave Adobe Ranch Road as Class V road.
Farnetti/Hazard 3-0

Jeff Walters:

- Handed out a new Map
- Policies and procedures were previously approved but priorities were still being looked at. Here to discuss priorities today (for specific priorities, see Staff Report).

- No fiscal impact change, lower priorities

Board Comments:

- Does fiscal impact change?
- With new snow removal equipment even the lower priorities roads shouldn't be impacted too much, correct?

LUNCH

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Tim Fesko:

- Eastern Sierra ATV Jamboree – he handed out a new publication giving information about this event which is June 16-19, 2010. This is a permitted ride on US Forest Service Land. They are expecting 125 riders this year.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

Additional Departments: County Counsel

10a) PUBLIC HEARING 1:00 p.m., Lynn Naymik-Campbell Appeal of Planning Commission Decision (Nick Criss and Mark Magit) - Lynn Naymik-Campbell (Endless Trails Racing Siberians) appeal of the December 10, 2009, Planning Commission decision to revoke her land use permit.

M10-37 **ACTION:** (This Minute Order was Rescinded by M10-38) Affirm the Planning Commission's decision and revoke the use permit previously issued to Lynn Naymik-Campbell.
Hazard/Farnetti: 2-1 / No (Supervisor Hunt)

(NOTE: County Counsel Marshall Rudolph opined after this motion that the action may not be valid due to a state law generally requiring at least three affirmative votes for a county board of supervisors to take any action.)

M10-38 **ACTION:** Move that first motion (Minute Order M10-37) be rescinded and have Board reconsider it.
Hazard/Farnetti 3-0

M10-39 **ACTION:** Move that the Board move towards amending the current use permit by incorporating the bullet points in sample agreement (these points are attached to this Minute Order); Ms. Naymik-Campbell is to move towards removing six dogs from her property as soon as possible; County Counsel and Attorney Tim Sanford are to get together to negotiate a new final agreement by April 2, 2010 and this issue be back on as an agenda item in April.
Hazard/Farnetti 3-0

Nick Criss:

- Since Ms. Naymik-Campbell's land use permit was allowed, there have been over 80 complaints of her dogs running around.
- Planning Commission would like to revoke her use permit.
- Several times the gates have been left open, allowing the dogs to escape easily.
- How will a new agreement be streamlined if she violates again?

Public Hearing opened: 1:06 p.m.

Attorney Tim Sanford –

- Representing Lynn Naymik-Campbell, hired after the Planning Commission meeting.
- Without going over all details, expressed that Ms. Campbell knows now she cannot handle 12 dogs, she has had health issues. She comes to hearing today much better willing to accept her situation.
- Has been working with Mark Magit on amending her use permit (not revoking it) to allow six dogs, instead of four. She would get rid of the six dogs that causing the problems.
- She's willing to agree to stringent enforcement issues by the County and this agreement would streamline bureaucratic hassles.
- Lynn has been trying to relocate but the market is not good right now.
- Sanford is asking for 90 days to put this agreement into affect, to find homes for the dogs, etc.
- Speaking for neighbors – he knows they will all say she's had plenty of chances. He will not refute that.
- He read the sample conditions. Wasn't sure what covered dog runs means or entails.
- Updated agreement would be a "stipulated judgment", or automatic enforcement. Ms. Campbell is willing to sign off on this.

Board Comments:

- Asked that Tim read the 15 conditions imposed in this new agreement.
- Established that one item of contention was the meaning of the "covered dog runs".
- Was wondering why she needed to keep six dogs.

Lynn Naymik-Campbell:

- She desires to have six dogs because that is the minimum required to race.
- Extended an apology to neighbors for any distress, worry or fear that her dogs have caused.
- Her measures have been ineffective with four of the dogs; she has had serious health issues contributing to her effectiveness.
- She is willing to do whatever it takes to keep the six dogs; they are her family.

Nancy Boardman (Animal Control):

- In reference to the "covered dog runs" they had asked Lynn put some type of screen over the top of the kennel for shade, etc. because her dogs don't use their doghouses.
- All of the County employees involved feel they've given Ms. Campbell plenty of opportunity to come to terms with the fact she has a problem with the kennel.
- Animal Control's goal is to try to educate people first and encourage them to

make corrections.

- Due to no complaints for a period of time, nothing more was done.
- The dogs started running again putting other dogs, property and even livestock in jeopardy.
- The community just wants peace and quiet back. Complaints are from a large number of people, not just one or two.

Mark Magit:

- He learned about this at the Planning Commission.
- The issue seemed to center around a few dogs, not all of them. It seemed reasonable to explore removing only the problem dogs.
- Ms. Campbell exercised the right to appeal.
- With the new agreement, this could be reviewed before the Planning Commission every six months to see if it's working.
- Might be faster than having to go through the County Code enforcement process.
- Concept was to come up with an efficient resolution.

Comments from neighbors Gunn, Anthony and Ansberry:

- All of them have had issues with Lynn's dogs running on their properties.
- In some cases they have threatened other dogs and/or livestock.
- They all feel this issue has gone on too long and needs to be resolved.
- Doesn't feel she should get any more chances.

Supervisor Hazard:

- Wanted to know and established that Ms. Campbell feels the use permit is a privilege not a right owed to her.

Public hearing closed: 2:01 p.m.

Board Discussion:

Supervisor Farnetti:

- Doesn't see how the Planning Commission's decision can't be upheld.
- Has gone on too long.

Supervisor Hazard:

- He wanted to hear from Ms. Campbell before making an opinion.
- This report disturbed him; has gone on long enough.
- He doesn't buy that Ms. Campbell just "didn't get it" up to this point.
- He's concerned that Ms. Campbell doesn't have control of her dogs.
- The citizens have certain rights in this community.
- Asking that we review our policies and correct them if necessary; he wants to make sure we were dealing with this appropriately for the many years this has been going on.
- Feels we need to support the Planning Commission decision.

Supervisor Hunt:

- The history of this bothers him.
- 8 years is way too long for a problem like this to exist; we need to be more expedient on these issues.
- Needs to look at public safety issue, what's going to be best for the dogs?

- Mrs. Campbell is at a point in her life where taking some type of action is going to help her.
- He's leaning toward the amended use permit. It gives her a chance to do what's right.

ADJOURNMENT 2:26 p.m.

BYNG HUNT

Chairman

ATTEST:

SHANNON KENDALL

Sr. Deputy Clerk of the Board

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