



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

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

Regular Meeting

Mammoth Lakes BOS
Meeting Room, 3rd Fl.
Sierra Center Mall, 452
Old Mammoth Rd.,
Mammoth Lakes, CA
93546

March 15, 2011

- 9:00 AM Meeting Called to Order by Supervisor Hazard, Chair
- Supervisor Hansen was en route from Bridgeport and arrived at 10:19 a.m.
 - Supervisor Hazard called for a moment of silence to remember the victims of the recent earthquake in Japan.

Pledge of Allegiance led by Marshall Rudolph, County Counsel

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

- No one spoke.

BOARD MEMBER REPORTS

Due to time constraints, Board Reports were deferred except for the following:

Supervisor Hazard

1. The Planning Commission met on March 10th and discussed motocross track use in an area zoned residential. The Commission determined this is not an appropriate use for a residential area. The property owners in question may bring this issue forward.

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**
1. Continuing status meetings with department heads.
 2. Met with Gary Boyd from Mammoth Hospital regarding the Bridgeport facility.
 3. Attended the MAG meeting last week in Mammoth.
 4. A public meeting is scheduled for next week to gather input about the Solid Waste Program.
 5. Working with Inyo County on moving the child support program out of Mono County.
 6. Working with the interim Town Manager on certain issues; Brian Muir will help with a financial analysis.
 7. At some point in the future will bring an item to the Board recognizing Bill Reid and his service to the community.
 8. Continuing to follow-up with budget issues.

9. The Town-County Liaison meeting is scheduled for this Thursday; they are planning to discuss solid waste. However, due to scheduling conflicts, the meeting will have to be rescheduled.

2) **APPROVAL OF MINUTES**
None

Closed Session: 9:03 a.m.
Break: 10:08 a.m.
Reconvened: 10:20 a.m.
Lunch/Closed Session: 12:03 p.m.
Reconvened: 1:09 p.m.
Break: 2:21 p.m.
Reconvened: 2:31 p.m.
Closed Session: 4:54 p.m.
Adjourned: 5:15 p.m.

CLOSED SESSION

- The Board had nothing to report from 9:00 a.m. Closed Session. The Board will reconvene in Closed Session during the lunch hour.
- The Board had nothing to report from 12:00 Noon Closed Session.
- The Board had nothing to report from 4:54 p.m. Closed Session.

BOARD OF SUPERVISORS

- 3a) Closed Session -- County Counsel - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Number of potential cases: one. Facts and circumstances: CalTrans' allegations of non-compliance with certain grant conditions applicable to Conway Ranch.
- 3b) Closed Session--County Counsel - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Number of potential cases: one.
- 3c) Closed Session--Human Resources - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Dave Wilbrecht, Marshall Rudolph, Brian Muir, and Jim Arkens. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

DEPARTMENT REPORTS/EMERGING ISSUES

Mary Booher, CAO's Office: 1) Distributed a press release regarding two community meetings to discuss the Solid Waste Program. 2) Two grants submitted to Sierra Nevada Conservancy last fall were not funded, nor was the Watershed Coordinator grant.

Scott Burns, Community Development: Census Data is now available; he will hold a workshop at an upcoming Board meeting in order to get direction about the redistricting process.

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.)

Supervisor Johnston pulled Item 7a.

HUMAN RESOURCES

4a) Human Resources - Economic Development temporary position -- Adoption of Resolution approving proposed contract with Sarah McCahill pertaining to temporary employment agreement.

R11-15 **Action:** Adopt Resolution R11-15 approving County entry into proposed contract with Sarah McCahill and authorizing the Board Chair to execute said contract on behalf of the County.
Hunt moved, Bauer seconded
Vote: 5 Yes; 0 No

CLERK OF THE BOARD

5a) Appointment of Denise Perpall to CSA #1 - Appointment of Denise Perpall to County Service Area #1's Board of Directors. She will fill the unexpired term of Deborah Preschutti who has resigned. Her term expires 11/30/11. Supervisor Hazard is aware of this item being put onto the consent agenda.

M11-50 **Action:** Appoint Denise Perpall to County Service Area #1's Board of Directors, filling the unexpired term of Deborah Preschutti who has resigned. This term expires 11/30/11.
Hunt moved, Bauer seconded
Vote: 5 Yes; 0 No

5b) Appointment to Long Valley Fire Protection District - Approval by the Board of Supervisors for Ron Day to replace Mark Magit as Commissioner on the Board for the Long Valley Fire Protection District for the remainder of Mark Magit's term, which will expire 11/30/2012. The Long Valley Fire Protection District previously voted unanimously (3-0) at their February 9, 2011 Board meeting. This item was researched by Deputy County

Counsel Tara McKenzie and she confirmed that it needed to go onto the agenda.

- M11-51** **Action:** Approve the appointment of Ron Day to replace Mark Magit, finishing out his unexpired term (will expire 11/30/2012), as Board Commissioner for the Long Valley Fire Protection District.
Hunt moved, Bauer seconded
Vote: 5 Yes; 0 No

BOARD OF SUPERVISORS

- 6a) Citizens Redistricting Commission - Letter addressed to the Citizens Redistricting Commission requesting a public hearing be held in Mono County.

- M11-52** **Action:** Approve letter addressed to the Citizens Redistricting Commission, to be signed by each Board Member.
Hunt moved, Bauer seconded
Vote: 5 Yes; 0 No

Supervisor Bauer asked to agendize this topic for a discussion in April.

FINANCE

- 7a) Policy Regarding Officers and Employees Waiving Compensation - Proposed policy regarding officers and employees waiving compensation.

- M11-53** **Action:** Adopt policy regarding officers and employees waiving compensation; modify waiver form to allow for number of months to be determined by the individual.
Johnston moved; Bauer seconded
Vote: 4 Yes; 1 No (Hazard)

Board Comments

- Supervisor Johnston: The intent of this policy is to allow Board Members and County Staff to opt out of salary and/or benefits. The proposed policy includes a form that states the waiver will be irrevocable for a period of 12 months. Rather than having a formal policy, he thought a letter containing the pertinent information would suffice. Also, the individual should determine the amount of time for the waiver.
- Supervisor Hazard: Concerned about "politicizing" paychecks. Does not agree with the policy.
- Supervisor Bauer: Agrees with specifying an amount of time for the waiver rather than leaving it open ended (i.e. until cancelled).
- Supervisor Hunt: Agrees with having a mechanism to accomplish an opt-out request. Would prefer to let individuals decide how long to implement the waiver.
- Supervisor Hansen: Does not want the process to be a burden on the Finance Department.

Marshall Rudolph, County Counsel: The IRS has requirements about how this type of

policy is implemented, and requires the waiver to be irrevocable for a specified period of time, which is discretionary. The proposal follows the model used by other counties, and complies with IRS requirements. The auditor has no discretion about withholding pay unless there is a policy in place. "Donations" back to the County would be taxable; this method provides a way to deduct pay/benefits without taxing the recipient.

Brian Muir, Finance: Confirmed the IRS requirements. His thought was that an individual should not be taxed on pay or benefits they return to the County.

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 OF THE BOARD

- 8a) No Correspondence Received

BOARD OF SUPERVISORS

- 9a) Mammoth Gateway Community Project (Elizabeth Tenney, Volunteer Organizer) - Preliminary planning for the northernmost portion of the Mono County-owned parcel at the corner of Highway 203 and Thompsons Way in Mammoth Lakes, involving landscaping, irrigation, and signage. Supervisors Hunt and Hazard agendized this item.

- M11-54** **Action:** Support the Mammoth Gateway Monument in concept and commit the use of the County's land with the understanding that the project will require approvals as it proceeds; provide County assistance where feasible.

Hunt moved; Johnston seconded
Vote: 5 Yes; 0 No

Elizabeth Tenney: Initially presented the concept at the Board's February 8th meeting. She revised the plan based on feedback from Supervisors Hazard and Hunt, the Town Engineer, the Executive Director of Mammoth Lakes Tourism, and a representative of CalTrans. Reviewed the revised concept:

- The monument was moved about 20 feet west and reduced by about 2 feet in height to avoid blocking the view; the retaining wall was also redesigned.
- Showed proposed area for planting of trees.
- Currently checking on the possibility of bringing in dirt to create a rolling terrain (rather a mound around the monument) if the Board so desires.
- Mammoth Mountain is interested in donating a sculpture of a mammoth; the monument design may be revised to incorporate a mammoth rather than install a stand-alone sculpture.
- Landscaping would need a low-water-use, drip-irrigation system.
- Reviewed a rendering of the proposed project.
- This monument will serve as a photo op seen around the world, thus providing exposure for Mono County.

- Asked the Board to consider supplying water for the landscaping (i.e. irrigation pipe, in-kind labor to help install, and a water meter).
- Asked the Board to allow the monument to be built on a portion of County property.

Board Comments:

- Supervisor Hunt: Supports the project and the public/private partnership. Mammoth is the economic engine driving the County and the Board should support promotion of the Town. Would support County involvement with construction if it is feasible, but would like to see the Town involved in the long-term maintenance of an irrigation system.
- Supervisor Hansen: Supports the concept. Asked for more information about the water system. He suggested they could use reclaimed water.
 - Tenney: Plans to ask both the Town and Water District for assistance. The projected completion date is November so no water is needed until 2012.
- Supervisor Bauer: Supports the concept; water seems like a minor issue.
- Supervisor Johnston: Supports the monument as redesigned. Asked how all the entry signs will work together.
 - Tenney: The idea with this sign is to work with the existing sign across the street and create a gateway into the Town. The highway has room for a left-turn pocket so people could turn off the main highway in order to stop and take photos. People now take photos at this location as they are walking or biking. She will talk with the Town about the logistics of snowplowing. There are still other details to resolve.
- Supervisor Hazard: Supports the changes to the structure and supports the concept and use of the land, but does not support installing of waterlines by the County; this should be a Town project. Also does not want the County to accept maintenance costs for this project. And trees should not be planted in a location that will block the view of a future building.
- The Board expressed support for a water-resistant garden. Would like more information about how much County crew time would be needed, and whether or not a bidding process is required.

ECONOMIC DEVELOPMENT

10a) Eastern Sierra Wildlife Care (Dan Lyster) - Agreement between the County of Mono and Eastern Sierra Wildlife Care for wildlife rehabilitation services.

M11-55 **Action:** Approve a five-year agreement with Eastern Sierra Wildlife Care, with revisions as recommended by County Counsel, for the continued provision of wildlife rehabilitation services; approve County entry into proposed contract and authorize Dave Wilbrecht, CAO, to execute said contract on behalf of the County, to be funded from the Fish and Game Fine Fund.

Hunt moved; Bauer seconded

Vote: 5 Yes; 0 No

Dan Lyster, Economic Development: The Board has been providing support for a number of years, as recommended by the Fisheries Commission. The per annum cost of the contract is \$2,500, which is used for basic animal care, rescue, and storage, for a total of \$12,500 over five years. The program also relies on local contributions. A five-

year contract, with the option of not providing support, would allow for a better structure. On a related note, the Fisheries Commission requested to reimburse the fine fund by \$14,000, the amount of the SEC tie-in.

Marshall Rudolph, County Counsel: The proposed contract should be revised as follows: 1) include a 30-day cancellation provision; 2) include wording to address the issue of the fine fund; and 3) show the full amount of \$12,500 in the contract limit. Also, the \$14,000 reimbursement mentioned above will have to come before the Board as a separate agenda item.

Brian Muir, Finance: If no fine revenue is collected, the fund can continue to operate in the negative on a short-term basis and be replenished as fines are collected.

Supervisor Hazard related a personal experience about the success of this wildlife rehabilitation service. Supports the contract with the provision that funding will be provided if revenues are available.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

- 11a) Inyo-Mono Integrated Regional Water Management (Tony Dublino) - Receive update on progress and activities of the Inyo-Mono IRWMMG, including discussion of upcoming IRWMMG meeting on March 23.

No Motion Action: The Board directed staff to move forward with the upcoming action items on the IRWM agenda.

Tony Dublino, Community Development: Distributed a copy of the upcoming IRWM meeting agenda and provided information:

- The group received a \$230,000 planning grant, to be used for outreach and plan revision.
- At the next meeting, the group will discuss the MOU, but will take no action at that time. Stacey Simon is in the process of reviewing the document.
- Dublino is on a working group pertaining to hatcheries; there is nothing to report at this time.
- Asked for direction about how to address the two decision items on the upcoming agenda: the organizational chart and the letter to DWR regarding the Big Pine Paiute Tribe.

Supervisor Hansen: Asked for clarification about the DWR letter.

- Dublino: This is not meant to specifically address hatcheries or IRWM involvement. The purpose of the letter is to address a failure in the planning process; it does not commit the IRWM to any action other than forming a work group. Stacey Simon concurred with this assessment.

COUNTY COUNSEL

Additional Departments: Public Works

- 12a) Solid Waste Franchise (Matt Carter) - Extension of Solid Waste Franchise Agreements.

M11-56 Action: Approve and authorize the Chair to sign proposed Agreements

and Amendments to the Primary Franchise Agreement between the County of Mono and its Franchisees for the Collection of Solid Waste from Residential and Commercial Customers in Unincorporated Mono County, extending the term of the existing agreements by up to three additional months.

Hunt moved; Johnston seconded

Vote: 5 Yes; 0 No

Matt Carter, Public Works: Asked the Board to approve the proposed agreement and amendments with franchisees to extend the contracts for three months. Doing so is beneficial to both the County and the haulers as they work to resolve issues pertaining to solid waste management. One potential issue still to be resolved concerns haulers taking waste out of state; Carter provided background information about how the waste has been hauled. He noted that previous amendments to these contracts were due to CPI increases, which allowed the haulers to remain competitive.

Stacey Simon, Assistant County Counsel: Confirmed that the haulers view their contract extensions as beneficial. The issue about hauling waste out of County is currently under discussion; the reasons for doing so have changed, so this issue needs to be re-addressed. She asked for direction from the Board about how to proceed with negotiations.

Board Comments

- Supervisor Johnston: Supports the concept of keeping waste in the County. Supervisor Bauer agreed.
- Supervisor Hazard: Haulers should have options, but default to the Benton Crossing Landfill and pay a premium to haul out of County.
- Supervisor Hansen: Agrees to extend the contracts and defer issues regarding negotiations to the Solid Waste Task Force.
- Supervisor Hunt: Supports the extension.

Board direction regarding negotiations: Keep the options of out-of-County hauling and charging a premium on the table during negotiations.

LUNCH

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Leigh Gaasch: 1) Sierra Valley Sites has a planning meeting scheduled; Gaasch encouraged people to attend. The area is represented by Larry Johnston. 2) Distributed cards with emergency phone numbers (rack cards). She asked the County to participate in a program that would distribute these cards widely for the benefit of visitors. Mammoth Fire Chief, Brent Harper, and Long Valley Fire Chief, Fred Stump, supported the concept. Gaasch asked for this issue to be agendaized for Board discussion; Supervisor Bauer suggested agendaizing the discussion for April 19. Supervisor Hazard suggested including a discussion about the 211 phone system and funding opportunities.

PUBLIC WORKS

13a)

Clean Harbors Environmental Contract Condition Waiver (Matt Carter) - The County's contract with Clean Harbors Environmental (CHE) pertaining

to solid waste management expired on 12/31/10. During the contract term, CHE performed necessary services in excess of the contract limit without prior authorization. However, the services were performed to the satisfaction of the County's Public Works Department (Department) and the Department would like to maintain a competitive environment for the types of services performed.

M11-57 **Action:** Waive the contract limit with regard to those services already performed by CHE under its expired contract with the County for which payment has not yet been made and authorize the County to pay CHE for said services.

Hunt moved; Bauer seconded

Vote: 5 Yes; 0 No

Matt Carter, Public Works: CHE cleans the hazardous household waste out of the Benton facility. The cost overrun was due to the influx of waste over the last two years; the County does not currently charge customers for the disposal of hazardous household waste. The contractor has been competitive and staff recommends continued use of their services. The waiver is necessary to allow for the contract limit to be exceeded. The total amount of the invoice is \$35,302.58; Public Works budgeted about \$50,000 for this contract.

Supervisor Hazard: Asked about the illegal disposal of computers and TVs; this issue needs to be resolved.

- Carter: Public Works is planning to bring this issue to the Board in the future. CHE does not cover disposal of computers and TVs.

HUMAN RESOURCES

14a) Human Resources - Management Compensation Policy (David Wilbrecht, Brian Muir, Marshall Rudolph, and Jim Arkens) – Board discussion regarding Mono County management compensation policies and principles, including proposed changes in standard terms of contracts with individual management employees.

No Motion **Action:** The Board directed the management group to continue discussing solutions.

Jim Arkens, Human Resources: Distributed copies of a PowerPoint presentation, and reviewed the following:

- History of the management compensation policy.
- Factors analyzed in the development of comparison agencies.
- The list of 23 counties used to determine compensation for management and members of bargaining units.
- The benchmark departments and positions. Benchmark positions are used to prevent compression problems (the percentage difference between department heads and assistants).
- Procedure used to bring survey information to the Board.
- Changing the benefit structure for union employees will change the benefit structure for management.
- The Board cannot legally make across-the-board changes to the amount of the

base salary or car allowance.

- Management has already demonstrated their willingness to work with the Board by freezing salaries for two years in a row; union employees have received their raises.

Brian Muir, Finance: The at-will employee group is asking the Board to assign two of its members to work with management representatives on revisions to the compensation policy. He asked the Board to approve upcoming at-will contracts and make changes to the compensation policy effective next fiscal year. Benefit changes made with bargaining units will also impact management, so the question is really about pay. Management employees are more than willing to sit down with Board Members to figure out how to make adjustments; individuals should not be singled out to have their contracts adjusted. The Board should not be arbitrary

Board Comments:

- Supervisor Bauer: There should be a separate process to deal with management compensation as a whole, and not treat individual contracts differently. The Board should not make arbitrary decisions; she would not want to undo the hard work that has taken place to improve the management team. Supporting management supports the electorate since managers keep the County moving forward. The Board should move forward with expired contracts until there is a global process in place, as well as an outcome of union negotiations and understanding of State budget impacts.
- Supervisor Hansen: He does not want to hold up contracts or necessarily change benefits, but would like to see the at-will contracts open for negotiation. The Board needs a way to negotiate with management. He does not want to single out individuals; the process needs to be fair and equitable. Believes all employees' compensation should be reduced by a certain percentage.
- Supervisor Johnston: The current policy was put in place in 2005 when the economy was good for everyone. No one working for the County has been impacted by the bad economy while others in the community have been adversely affected. Public sentiment is negative about public employees' salaries and benefits, and it is difficult to be responsive to constituents and fair to employees. His election platform included a promise to look seriously at benefit packages. Recent contract renewals raised questions about how to resolve issues without perpetuating the status quo. The Board should stop renewing contracts at this time and add language about the option to decrease salaries. Management should not receive performance pay or a car allowance; County cars should only be used for business and not commuting. He expressed concern about potential economic changes and State budget issues. The Board should work with management, but add language to contracts to allow for flexibility.
- Supervisor Hunt: Appreciates the work done by management. The County needs flexibility to address financial crises as they arise, and needs to determine how to best manage affairs in a financial crisis. He supports a fair compensation system, which the 23-county survey provides. The Board needs to work with management as a team player so issues can be resolved together. Hunt is willing to cut his own salary to help the situation; everyone will have to sacrifice. The County is facing difficult issues and the Board will need to move forward with changes. He will vote to renew contracts with the understanding that management compensation needs to be addressed.
- Supervisor Hazard: The financial situation in California is changing constantly and the Board needs flexibility. The Governor will make severe budget cuts unless the voters support tax extensions. Regarding expiring at-will contracts, he

suggested extending the terms until issues are resolved. He is not currently feeling pressure to make salary adjustments at this time, and agrees that management and the Board should work together on issues. The Board should determine how to proceed after the union negotiations are settled. Mono County is ahead of the curve by having management with at-will contracts, which has given the County the ability to improve. These are highly specialized people performing difficult tasks, and he believes the County is working for the citizens. Management has been cooperative on this compensation issue.

Employee Comments

- Tim Kendall, Assistant District Attorney: This is a difficult issue for the Board and for the at-will employees. The at-will contract structure was implemented many years ago in order to give the County the ability to fire bad managers. As a result, the County has developed a competent and efficient management team. It is not fair to defer approval of at-will contracts while the Board works with management to resolve issues. The Board is not asking the bargaining groups to do anything before their contracts are resolved.
- Ralph Obenberger, Undersheriff: Changes need to be fair and equitable to all employees; management is here to help work through the issue. No one knows how State problems will impact the County, so we need to work together to move the County forward. Management employees have not taken raises for two years, and his recent contract renewal negatively impacted his pay. If management contracts include wording about decreasing pay, will the Board ask all other employee groups to do the same? Is it equitable to management if other employees aren't expected to do the same?

14b) Human Resources - County Counsel (Jim Arkens, Marshall Rudolph) - Proposed resolution #R11-____, approving an employment agreement with Stacey Simon and prescribing the compensation, appointment, and conditions of said employment.

R11-16 **Action:** Adopt Resolution R11-16 approving an employment agreement with Stacey Simon and prescribing the compensation, appointment, and conditions of said employment.

Bauer moved; Hansen seconded
Vote: 4 Yes; 1 No (Johnston)

Jim Arkens, Human Resources: This action will renew Stacey Simons' (Assistant County Counsel) employment contract. The agenda shows the fiscal impact for the remainder of the current fiscal year [\$50,280.96], and shows the total yearly fiscal impact [\$151,842.90], which includes benefits.

14c) Human Resources - District Attorney (Jim Arkens, George Booth) - Proposed resolution #R11-____, approving an employment agreement with Timothy Kendall and prescribing the compensation, appointment, and conditions of said employment.

R11-17 **Action:** Adopt Resolution R11-17 approving an employment agreement with Timothy Kendall and prescribing the compensation, appointment, and conditions of said employment.

Bauer moved; Hunt seconded
Vote: 4 Yes; 1 No (Johnston)

Jim Arkens, Human Resources: This action will renew Tim Kendall's (Assistant District Attorney) employment contract. The agenda shows the fiscal impact for the remainder of the current fiscal year [\$65,495.44], and shows the total yearly fiscal impact [\$200,998.42], which includes benefits.

COMMUNITY DEVELOPMENT - BUILDING DIVISION

Additional Departments: Board of Supervisors, Finance

- 15a) Construction Stimulus Proposal (Larry Johnston) - Presentation by Supervisor Johnston regarding Construction Stimulus Proposal, which would involve the following components: (1) elimination of Development Impact Fees; (2) elimination of building permit fees for energy-related improvements, such as solar panels, energy efficient water heaters and window replacement, etc.; and (3) for a limited time period, such as 12 months, waive building permit fees for single family homes completed within an 18-month period.

No Motion Action: Direct staff to effectuate the following: the elimination of building permit fees for energy-related improvements, such as solar panels, energy efficient water heaters and window replacement, etc.; and for a limited time period, such as 12 months, waive building permit fees for "stick built" single family homes completed within an 18-month period. This item will include a fiscal impact when it is brought back to the Board for approval.

Supervisor Johnston: The construction sector of the economy is in despair, and many people have had to leave the area. His proposal is a three-part package: 1) eliminate the DIF; 2) eliminate building permit fees for green construction (i.e. solar, energy efficiencies, etc.); 3) implement a short-term waiver of building fees for single-family, stick-built homes started within the next to 12-18 months. Construction projects will employ people and put properties on the tax rolls. Regarding DIF, development should have an adverse impact before implementing an impact fee; lack of development has a negative impact as much as over development. There was no analysis done initially to prove an impact that taxes wouldn't cover.

The Board discussed issues pertaining to development impact fees (DIF):

- The pros and cons of DIF, and refunding of DIF.
- Demands placed on services due to development.
- The list of projects established when DIF was implemented—many of which won't be developed.
- Whether or not eliminating DIF will actually stimulate the economy. This did not occur when the Town reduced their DIF.
- Implementing a different method to ensure that development contributes fairly.
- Revising the existing study.
- Reviewing the existing project list.
- Reviewing how fees are determined.

Staff Comments

- Scott Burns, Community Development: Reviewed the history of the DIF, which was implemented during a strong economy when 70-80 homes per year were

under construction, now down to 17 homes.

- Brent Calloway, Community Development: Distributed and reviewed information about fees associated with construction of single-family homes in the different communities. The County has no discretion over school fees or PUD fees.

Public Comments

- Fred Stump, Long Valley Fire Chief: Supports a review of the fee structure, which the public perceives as being discriminatory. He does not know if waiving fees will stimulate the economy, but the fee structure is an impediment and he would like to see fees modified in order to accommodate the building season. Fire district fees are based on a study about needed projects; the Fire District Board may adjust their fees if they negatively impact development.
- Tim Flynn, Mammoth Lakes Contractors Association: The economy needs to be stimulated so projects will be developed. Fees should be reviewed to determine whether or not they are effective; it may be more cost effective to have contractors and subcontractors working and employing people. He is currently working on remodel projects but no new homes; five permits for construction of single-family homes have been pulled in the Town.

Board Comments

- Supervisor Hazard: Supports elimination of fees for energy efficient projects and supports waiving building permit fees for 12 months. Also supports reviewing the DIF and freezing the housing mitigation cost and process.
- Supervisor Bauer: The return of property tax would cover eliminated fees.
- Supervisor Johnston: Would like to eliminate building permit and planning fees for green construction, and would like to waive fees for single-family, stick-built homes started within 12 months and completed within 18 months. He would like to re-evaluate the waiver after 12 months and phase in the building permit fees. He believes this approach will pay for itself and put people to work.
- Supervisors Hunt, Hansen, and Hazard agreed with Johnston's suggestions; Hazard suggested removing the housing mitigation fee.

15b) Building Code Outreach and Research Workshop (Jim Shoffner, Tom Perry) - Conduct workshop on 2010 California Building Code outreaches and limited-density owner-built rural dwellings code provision research.

No Motion Action: Direct staff to 1) monitor the progress of SB 726, and 2) draft an ordinance pertaining to limited-density rural dwellings in order to address construction in certain locations and situations (i.e. "cabin in the woods").

Tom Perry, Building Division, reported on recent activities:

- Reviewed information provided in the staff report about public outreach and education efforts to discuss new codes; and reviewed information pertaining to the limited-density, owner-built rural dwellings code provision, including five allowances provided for in the code.
- Distributed a map showing other counties that have a limited-density ordinance, and outlined provisions contained in these ordinances. Two counties have an amnesty program that allows people to legalize un-permitted projects; this has generated revenue.
- Reviewed proposed legislation pertaining to opting out of fire sprinkler requirements (SB 726).

Board Comments

- Supervisor Hazard: SB 726 is an attempt to modify the sprinkler requirements for rural counties. A waiver is appropriate for certain kinds of properties, such as seasonal cabins, but these properties would need to be flagged as non-compliant.
- Supervisor Johnston: Supports the idea of a limited-density residential proposal; there are areas in the County where this would be appropriate. Uncertain about the issue regarding fire sprinklers, but there are situations where opting out would be appropriate.
- Supervisor Bauer: Supports the idea of having a limited-density ordinance.

Public Comments

- Tim Flynn, Mammoth Lakes Contractors Association: Reviewed the Health and Safety Code which says local agencies can opt out of the fire sprinkler requirement based on jurisdictional findings. Supports adoption of an ordinance addressing this option.
- Brent Harper, Mammoth Lakes Fire Chief: Light-weight construction causes structures to collapse faster in a fire, so the sprinklers provide a measure of safety. However, sprinklers at this altitude can cause problems due to freezing and breaking. Debate about this issue will probably continue.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

16a) Development Impact Fee update (Mary Booher, Scott Burns) -
Development Impact Fee Update.

No Motion Action: Update the DIF using in-house resources, and bring the update back to the Board.

Scott Burns, Community Development: Reviewed information about updating the DIF program; \$20,000 is currently budgeted for the update. Originally the program had ambitious goals that were never pursued, so there is only a partial program in place. Burns distributed a packet describing projects intended to benefit from the DIF, and answered questions.

- Kelly Garcia, Public Works, pointed out that the \$20,000 was the minimum amount needed to meet the requirement, but the update could be costlier.

Board Comments

- Supervisor Johnston: The current DIF should be eliminated and revised in 1-3 years; believes the staff can accomplish this in-house through a public process that will eliminate misperceptions. Does not believe there is enough development in Mono County to justify an impact fee.
- Supervisor Bauer: Fees collected to date cannot complete any of the projects. She would like to know which communities generated the fees. Supports the idea of refunding DIF and starting over at a future date when needed. Revising the DIF in-house will take a great amount of staff time.
- Supervisor Hazard: Fees collected could be used as match money. The Board needs to review which areas generated fees, review projects, and review the DIF.
- Supervisor Hunt: Supports revising the program and not refunding fees pending a new plan. Agrees with the idea of an in-house, transparent process. The Board needs to plan ahead for future development in Mono County.
- Supervisor Hansen: Agrees with working on revisions in-house.
- The Board discussed pros and cons of the DIF, and making the revisions versus

eliminating DIF and refunding the money. Discussed use and collection of DIF in relation to specific plans.

- Marshall Rudolph, County Counsel: The Board will use the fees legitimately as long as funds are spent on projects within the range of specified projects. He also noted that DIF can only be collected for new development projects.

ADJOURN: 5:15 p.m.

Adjourned in memory of John Sweeny, long-time fire chief of Mammoth Lakes and Crowley Lake.

ATTEST:

DUANE "HAP" HAZARD
CHAIR

LYNDA ROBERTS
CLERK OF THE BOARD

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