



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

April 13, 2010

9:00 AM Call meeting to Order by Chairman Hunt.

Pledge of Allegiance led by Supervisor Peters.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Tim Fesko:

- He had a couple meet and greets last week. Question arose: with the amount of rain we've had, a big fire season could be in store: Antelope Valley Fire Department had their budget cut by \$30,000, maybe speak to that at the April 20th special meeting?
- Is the County going to do the vouchers for the dump again this year?

Brian Muir (in response to Tim Fesko):

- Wanted to know about the \$30,000 cut? Out of the \$100,000 fund?
- There is a conference call tomorrow; Brian Muir will call and talk to the chief about how Property Tax allocations work.

BOARD MEMBER REPORTS

Supervisor Bauer:

- Elections - precinct issues: Mammoth is hard to precinct due to the overlapping areas. It will be great to have this GIS project worked on by Mary Booher.
- March Town County Liasion Mtg - Air service had been extended not only for summer but for one of the shoulder seasons. The subsidy amount has not been mentioned. She felt strongly that the wrong shoulder season had been picked up: October should have been included. This is on agenda for next week for the possibility of the County covering part of that subsidy.
- Still under the annual \$6,000 travel budget. Year up in July, annual meeting will be in Reno.

From trip to Washington D.C. one month ago:

- NACO conference: summit was very helpful. If we can find meaningful uses for it now, money can be funneled to people.
- Virtual servers coming to fruition; you need to be very proactive on how data is stored. Just need to make sure Clay is running every contract by Marshall.

- Final draft of Transit and Parks Proposal was passed by all committees and it's on the platform.
- ESTA and YARTS got approved for bus funding.
- She is going back to Washington D.C. in two weeks, she's on Rural Caucus. They cover all expenses.
- Going to Town Council to get support regarding Tuolumne County.
- Transportation stuff, all in holding pattern. By next December, new Bill will need to be in place.
- Attended CSAC Congressional Breakfast.
- Went to McKeon's Armed Services Committee Hearing.
- Leah Russin at Feinstein's Office – said Supervisor Bauer was a very organized Supervisor.
- Obama has a list of National Monuments out now and Bodie is on the list. The Board should have open session discussion about this. She will bring it back at the second meeting in May.
- YARTS meeting – she's not the chair anymore; there's a new person from Merced County.
- Geothermal fees restored

Supervisor Farnetti:

- 3/18 attended Bridgeport RPAC: discussed vandalism at Park and the idea that maybe in the winter, we reduce the restroom area hours but in the summer, keep it open 24 hours. Speed sign limits, north end of town – CalTrans looking at it, might make some changes; MWTC, Colonel Cooling gave presentation of number of troops and expansion, commissary, etc.- new Commander coming in June; Kelly Garcia talked about streetscape improvements they will be doing in Bridgeport; Benny Romero spoke about Economic Development and lack of economic activities, did some brainstorming and a committee was formed; various issues of community were discussed and addressed; CA5 funds being used for Economic Development? CSA looking at digital 395 as possibility for funding; next meeting 4/15.
- 3/25 met with Public Works and Mike Grossblatt from the Town of Mammoth regarding new consultant for Solid Waste Program; scope of work: efficiency of how waste is handled. They picked H&R consulting and their work may carry into next fiscal year.
- 4/12 attended LTC, went over projects. Garrett Higerd went over some projects going forward.
- Hasn't been able to devote a lot of time into county business; has been dealing with family issues.

Supervisor Hunt:

- 3/15 Great Basin meeting, public hearing, etc.
- Ha been working on Indian Colony MOU, will review next week; is agendized for Special Meeting in Walker next week.
- 3/19 Transit Authority Meeting in Mammoth, business as usual. 6 month review of ESTA services. Things holding steady, not looking as bad as last year.
- 3/25 – LADWP discussion.
- 3/25 Collaborative Planning Team meeting, good turn out. Looking to add Parks Service and Fish and Wildlife Service; meetings every 3 months instead of every month; revising MOU. Discussed various ongoing projects.
- 3/26, attended Mental Health/Drug and Alcohol meeting: didn't have enough attendance to vote on anything.
- 3/23 meeting in Bishop of old CURES group, meeting was to decide what to do

with the organization. Only \$3,000 in bank account, no active board in place, looking for new direction. Impetus now, using this organization to promote tourism regionally; funding may have originally been received from the State.

- 4/1 chosen as Judge for Mono County Spelling Bee in Lee Vining.
- Dana Stroud, the woman that tried to put together Mammoth Region Recreation Council – let the Board know she no longer needs their services.
- 4/6 – Mammoth Lakes Housing meeting.
- Attended the Local Solid Waste Task Force meeting for Supervisor Farnetti.

Supervisor Peters:

- 4/18 Bridgeport RPAC, couldn't say much at that time.
- Met with Stacey Simon on all water issues; looking forward to being part of these issues.
- Lions Club meeting on Saturday morning – impressed with Walker Community; met with some locals up there after meeting regarding thrift store, etc.
- Senior Center, trying to get MOU together for County.
- Took lots of calls regarding fish stocking situation.
- ATV Event in Walker, it's very important to that community; really will help tourism there. Creates a template on how to do things for other events. Chamber of Commerce put together an Encroachment permit via CalTrans; yesterday, met with Sheriff, new CHP Commander and Lt. Dave O'Hara regarding what law enforcement can/will do for this event. He hopes that the Board will support this effort.

Supervisor Hazard:

- 3/17 attended Tribal Negotiations meeting .
- 3/17 to RPAC in Chalfant, shooting ordinance discussed.
- Meeting regarding Community Center; trails in community, issue of what improvements will look like; another RPAC the 28th of this month;
- S. Richardson in Industrial Park wonders if the county has any interest in obtaining/leasing a rental unit in that location. Area where Mammoth Brewing Co. will relocate? He doesn't see a good use for that property from County standpoint. Property on Lupin Street was brought up that's been offered before.
- 3/24, left for RCRC (he handed out the printed talking points). 26 of 31 county members present; gas tax will not impact counties short term. Next week, well water ordinance – conceptual agreement not yet in written form to be considered; AB32 will be explained in more detail.
- Met with Governor's staff on cumulative effects of DMV fees (handed out information)
- Request for Supervisor Bauer – contact Senator Feinstein regarding Bill; also Legislation under Carchiari – Bill regarding tribal land exemptions. Need to drop the term "Tribal Gaming" and use the words "Economic Development". Need a letter with Boxer and Feinstein to ask that they support this.
- CALPERS Reforms discussion.
- 4/2, held office hours had people asking about flood channel; met with Rick Williams IMAAA employee up there; wanted to know where his office would be in Senior Center due to confidentiality issues; he was a bit confrontational regarding this issue, it is inappropriate for him to be contacting citizens on this; ran into Eric Schat at Schat.net, said he has a hole dug in Crowley Lake to establish internet service (Mast); there's been no talk about permits, etc.
- 4/7 met with Daniel Grady of SCE, he replaced Debbie Hess.
- Down south to attend to family issues.
- 4/12 – LTC, redoing 392/Hwy 203 project; asked about "Thanking Veterans"

sign project - Memorial Day was target date to have those signs done; sounds like the project has fallen into Caltrans dark hole; was told permitting is taken care of.

- Walked property with Mammoth Dog Teams: wedge piece is inside existing fence line where creek comes across lot; there were two manufactured homes on that site; Mammoth Dog Teams think they could put a modular unit and dog shelters on there with stacking storage units.
- Pharmacist at Rite-Aid discouraged Supervisor Hazard's wife from getting a NACO card because "she already has insurance".
- Heading over to RCRC, any concerns? Update on Williamson Act.
- Would like to revisit energy bill; (Brian says it doesn't make sense in a county like ours unless we piggybacked on another county like Sonoma). Can be brought back at a later date.
- He's been approached by Tim Sanford who represents various tracts of homes regarding land trades.

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:

- Training requirements – Other counties might have same training budget issue and it would be helpful to see what they are doing in regards to training requirements and budget cuts.
- Still working on Digital 395 project.
- He has a list of stuff for new HR Director, James Arkens, who comes in May.
- Mary Booher will work very closely with Julie Tiede to get her up to speed as Social Services Director.
- Elections records project: addresses where voters live relative to where they are registered. Mary Booher will be working on this. They will go through a GIS process, specifically in Mammoth Lakes.
- Has been having follow up discussion regarding fish issues.
- Follow up with housing sub-committee next week.

- 2) APPROVAL OF MINUTES

None.

Closed Session: 9:05 a.m.

Break: 10:20 a.m.

Reconvene: 10:28 a.m.

Lunch: 12:24 p.m.

Reconvene: 1:27 p.m.

Break: 2:34 p.m.

(went into Housing Authority meeting next and then came back to Board meeting for Board Reports)

Reconvene: 3:34 p.m. (3:57:13 after Housing Authority)

Adjourn: 5:34 p.m.

CLOSED SESSION

The Board had nothing to report out of 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, Rita Sherman, and Mary Booher. Unrepresented employee(s): County Clerk/Recorder/ Registrar/Clerk of the Board.
- 3b) **CONFERENCE WITH LABOR NEGOTIATORS** - Government Code Section 54957.6. Agency designated representative(s): Dave Wilbrecht, Marshall Rudolph, Brian Muir, Rita Sherman and Mary Booher. Unrepresented employee(s): Director of Human Resources.
- 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): Social Services Director.
- 3d) **CONFERENCE WITH LABOR NEGOTIATORS** - Government Code Section 54957.6. Agency designated representative(s): Dave Wilbrecht, Marshall Rudolph, Brian Muir, Rita Sherman, and Mary Booher. Employee Organization(s): Local 39/Mono County Public Employees.
- 3e) **CONFERENCE WITH LABOR NEGOTIATORS** - Government Code Section 54957.6. Agency designated representative(s): Dave Wilbrecht, Brian Muir, Marshall Rudolph, Mark Mikulicich, Rita Sherman. Employee Organization(s): Mono County Paramedic Rescue Association.

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

Rick McMannis:

- Good news: they have exceeded permanent applications this year for single family dwellings. This has added a lot of extra work to the already limited building staff.
- Compliance – cargo containers on site. Was able to assign a non-building structure for these.
- LRA/SRA issues – local/state responsibility areas. An evaluation has been conducted, input will be submitted to the Dept. of Forestry.
- Supervisor Hazard: What about stacking cargo containers? McMannis: should fit into exemption as stacking is usually temporary.

Kelly Garcia:

- Status report on lighting fixtures that are being designed for the Board of Supervisors Chambers/Court House. She showed old vs. new fixtures by elevators and hallway.
- Board Comments: Estimates as to operational costs – she anticipates there won't be a major savings with new lights as they are fluorescent (which is what is currently in the Board Chambers). The Board is o.k. with what has been picked; authorized Kelly to proceed.

Sheriff Scholl:

- 'Outside Area' training for Deputies: Mono County is very limited in available training; he proposes to work with San Bernardino County Sheriff's Office and have our deputies go down there and ride along as second officer with them; should not increase training budget.
- Board Comments: Supervisor Hazard had, in the past, wanted paramedics to do this type of training; it's good that the Sheriff is thinking in this direction for Deputies. From an officer safety standpoint, a very good program.

Evan Nikirk:

- Follow up to Fuel Management System – a vendor out of San Antonio, Texas. They were \$30,000 under budget; will be in place by May 28th. Although everything is up and running now, this will be much more efficient.
- Board Comments: How many locations? (all five road shops)

Sarah McCahill:

- Bodie Foundation brought an application (for a calendar) to them awhile back to be printed; transportation wanted to help Bodie but sent application back as it didn't meet the goals of the program. The foundation resubmitted their application for the State Fair Group which is a much better use of the transportation program funds; Mono County will now be represented at the State Fair via the Bodie Foundation. Will attend State Fair July 14 – August 1, 2010.
- Dan Lyster: as point of clarification, they didn't know about this potential application, etc. when they previously went to the Board to ask for funding for the State Fair.

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.)

COMMUNITY DEVELOPMENT - PLANNING DIVISION

- 4a) **Reappointment / Appointment of Mono Basin Regional Planning Advisory Committee Members** - New members recommended for appointment are Steve Connett and Ilene Mandelbaum. Current members recommended for reappointment are Bill Banta, Lisa Cutting, Tim Hansen, Mark Logan, and Lucy Parker.

- M10-73** **Action:** Reappoint five existing members (Bill Banta, Lisa Cuttling, Tim Hansen, Mark Logan, and Lucy Parker) and appoint two new members (Steve Connett and Ilene Mandelbaum) to the Mono Basin Regional Planning Advisory Committee, as recommended by Supervisor Peters. Farnetti/Hazard 5-0

COUNTY COUNSEL

- 5a) **Reappointment of Dr. Rick Johnson to First 5 Mono County Children and Families Commission** - Reappointment of Dr. Rick Johnson, MD., to the First 5 Mono County Children and Families Commission.

- M10-74** **Action:** Appoint Dr. Rick Johnson, MD., to a subsequent three-year term as a member of the First 5 Mono County Children and Families Commission. The new term would begin on May 1, 2010 and expire on April 30, 2013.
Farnetti/Hazard 5-0

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

- 6a) **Letter from Senator Dave Cox** - Notifying Dave Wilbrecht, County Administrative Officer (cc: Board of Supervisors), about a \$70,000 allocation awarded to Mono County by the State Community Development Block Grant (CDBG) Program.

The Board acknowledged receipt of the correspondence.

MENTAL HEALTH

- 7a) **Contract With Mono County Children and Families Commission** (Ann Gimpel, Ph.D.) - Proposed contract with Mono County Children and Families Commission pertaining to Mental Health Services Act Innovation Project.

- M10-75** **Action:** Approve County entry into proposed contract with Mono County Children and Families Commission pertaining to Mental Health Services Act Innovation Project and authorize the Board Chair to execute said contract on behalf of the County.
Bauer/Farnetti 5-0

Ann Gimpel:

- Mental Health Services Act Innovation Project.
- Trying to come up with innovative way to reach under-served group with mental health services which is what this money would be used for.
- First Five Mono will get additional monies if all is not needed for mental health services.

Board Comments:

- Great way to maximize efforts.

HUMAN RESOURCES

Additional Departments: County Counsel

- 8a) **County Counsel Position Review** (Rita Sherman, Marshall Rudolph,

Mary Booher) - Review of the vacant support position in the County Counsel's Office.

No Action **Action:** PULLED FROM AGENDA

BOARD OF SUPERVISORS

9a) **State Budget** (Board Members) - The Board of Supervisors may discuss issues pertaining to the California State budget.

Action: None.

Board Comments:

- Revenues are coming in higher than projected; won't solve the problem but will certainly help it.
- Tony Oliveira, President of CSAC and Financial Mgr. of PERS has said that PERS has taken an active position to restructure their organization and generally tighten up their operation; his belief is that PERS will turn itself around.
- Larger modular homes are going up in place of smaller mobile homes and is giving Chalfant a whole different feel.
- Doesn't seem to be any improvement in the North end of the county.
- Brian Muir: It's too early to say whether collection of Property Taxes has helped this year. Yesterday, he put in \$4.5 million dollars, looks to be on schedule. Assessor is still busily doing Prop. 8 reductions.
- We'll see some change in contribution rates, 1 or 2%.

COUNTY COUNSEL

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

Action: None.

Stacey Simon:

- Regular meeting update – keep as regular item since there is a new supervisor?
- She met with Supervisor Peters and gave him background on these issues.
- Based on discussions, he will follow along with doing public outreach to RPACS, Chamber of Commerce, Ranchers organizations, etc. See if he can get some folks to participate in local committee.
- The WRID's intention is that the leasing program be up and running by next March.
- Spoke with Irrigation District – working on a written document outlining the lease program. They only have a broad outline right now.
- Supervisor Peters: forming of a citizen's ADHOC committee is necessary at this time to get ahead of the curve.
- She has talked to Tony Dublino about getting item on upcoming RPACS.
- Continue regular updates or as needed? Supervisor Peters can report on this in his Board reports.
- Board: decided to pull off agendas as an ongoing update, with the exception of the upcoming Special Evening Meeting in Walker, CA.

PUBLIC WORKS

- 11a) **Contract Award for the Swall Meadows Road Rehabilitation Project** (Garrett Higerd) - Receive staff report concerning bids received in response to solicitation for bids, bid protests received (if any), and responsibility of the apparent low bidder for the Rehabilitation of Swall Meadows Road. Consider and potentially authorize the Public Works Director to enter into and administer an agreement for the work. Provide any desired direction to staff.

M10-76 Action: Based on staff report concerning bids received in response to solicitation for bids, bid protests received (if any), and responsibility of the apparent low bidder: 1) identify QUALCON CONTRACTORS, INC. (Minden, NV) as responsible bidder submitting the lowest bid; 2) award contract to QUALCON CONTRACTORS, INC. for Rehabilitation of Swall Meadows Road including the base bid and bid alternates #1 and #2, in an amount not to exceed \$339,854.00 3) authorize the Public Works Director, in consultation with County Counsel, to administer that contract, including making minor amendments to said contract from time to time as the Public Works Director may deem necessary, 4) direct Public Works Director to return to the Board, if necessary, for authorization to approve and issue change orders in an amount to be determined at that time, and as authorized by law, provided such amendments to not substantially alter the scope of work and are approved as to form and legality by County Counsel.

Hazard/Peters 5-0

Garrett Higerd:

- Very competitive bid process; they have selected Qualcon Contractors, Inc.; funded by the American Reinvestment and Recovery Act.
- Might come back to Board with potential Prop 1B fund revisions.
- Once given notice to proceed, contractor must complete within 30 days.

Board Comments:

- Project initiation date? Need to give community a head's up.

Brian Muir:

- Wants to make sure the Board knows that this motion does not include Change Orders – if Change Orders become necessary, the General Fund would be impacted. (Slight change in Motion/Minute Order suggested and implemented.)

COUNTY ADMINISTRATIVE OFFICE

- 12a) **Human Resources-Social Services Director** (Mary Booher or Rita Sherman) - Proposed resolution approving an employment agreement with Julie Tiede and prescribing the compensation, appointment and conditions of said employment.

R10-19 Action: Adopt proposed resolution R10-19, approving an employment

agreement with Julie Tiede as Social Services Director and prescribing the compensation, appointment and conditions of said employment.
Hazard/Farnetti 5-0

Mary Booher:

- Here with the Employment Contract for Julie Tiede as Social services director.

Julie Tiede:

- Is looking forward to the challenge. She will do everything in her power not to disappoint.

12b)

NACO Prescription Drug Discount Program Update (Mary Booher) - Presentation by Mary Booher regarding NACO Prescription Drug Discount Program.

Action: None.

Mary Booher (Powerpoint):

- Provides discount prescriptions to county residents.
- Greatest savings are generic brands.
- They are getting information out to as many locations as possible.
- This can be used for Inmate prescriptions which will be extremely beneficial.
- Could also be used for juveniles in custody.
- Could be used for pet's prescriptions too.
- No application, take card to pharmacy.

Board Comments:

- Supervisor Bauer – maybe do a radio spot? She'll look into that.
- Supervisor Hunt: this program is big enough that it will benefit our county but someone IS paying for it; it's not free.

12c)

Community Development Block Grant Design Phase Public Hearing (Mary Booher and David Nelson) - Public hearing regarding the design phase of the Community Development Block Grants for FY 2010-11. Grant writer David Nelson will provide an overview of the types of programs that can be funded by CDBG.

Action: Conduct public hearing.

Mary Booher:

- Background – today is to get overview of different application types and decide which one(s) to submit.
- She introduced Dave Nelson, previous CDBG Employee.

**Dave Nelson (Powerpoint Overview, full copy kept with agenda packet):
DESIGN PHASE PUBLIC HEARING -**

- DESIGN PHASE PUBLIC HEARING: Held annually, covers all CDBG activities; allows for public input into potential CDBG applications
- APPLICATION PHASE PUBIC HEARING: Must be conducted before

- application submitted, 30 days between Design and Application public hearings.
- STATE CDBG PROGRAM ELIGIBILITY: General/Economic Development, Colonias, Native American
 - CDBG Allocations
 - General/Colonial/Native American Allocations: Eligible Activities
 - Eligible Native American Tribes
 - Benefit Low Income Persons Targeted Income Group: TIG
 - Housing Rehabilitation
 - First-Time Homebuyer
 - Public Facilities
 - Public Facilities: Examples
 - Public Services
 - Examples of Public Services
 - Public Improvements
 - Enterprise Fund: Business Lending; Microenterprise
 - Over the Counter (similar to Enterprise Fund Business Lending)
 - Planning Grant Allocations: General (housing) and Economic Development
 - Planning Grants: Non-specific Housing Examples, Specific Housing Examples, Non-Specific Economic Development Examples, Specific Economic Development Examples
 - Grant Administrative Allowances: Activity Delivery
 - Program Income
 - Mono County CDBG Examples: Planning – Walker Community Study, GEO, Walker Mobile Home Park Water Study, June Lake Economic Development Study; Community Facility – Lee Vining Childcare/Indian Center, Bridgeport Courthouse Elevator

Dave Nelson General Comments:

- This is federal HUD money. It should keep coming in for awhile.

Board Comments:

- Had question about public facilities – a community center being used for multiple uses. It affects funding, etc.
- Only for government entities or non-profit too?
- Implementation process?
- Utilities: have they ever been the subject of grant applications?
- Interested in local economic development planning.
- Come back at first meeting in May for further discussion.

Public Hearing Opened: 12:14 p.m.

Public Hearing Closed: 12:14 p.m.

Mary Booher:

- What about a joint effort grant with other entities or the Town?
- General allocation – going to be coming out – first time homebuyer, housing rehab, public facilities for Memorial Hall? Economic Development Area – re: dog sleds and sub-station – any connection on Economic Development side? Worth looking into? Start with income survey?
- Usually have 90 days from when general allocation comes out is when the “list” would need to be formulated.

Dan Lyster:

- Mammoth Brewing Co. might be relocating to the industrial park – their well

water supply and waste water discharge will need to be looked at, maybe a grant opportunity?

Tim Fesko:

- Study of 395 Corridor would be good.
- Economic Development Study of Bridgeport and Antelope Valley together, combining the two.
- Community study for Antelope Valley being done; he has ideas for location for new community center that would house county functions i.e. social services, mental health.

LUNCH

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

ECONOMIC DEVELOPMENT

13a)

Status of Fish & Game Stocking Permits (Dan Lyster) - Discussion of CA Fish & Game prescribed evaluation process for sensitive species presence and the effect on trout stocking in Mono County waters.

Action: None.

Dan Lyster:

- We've been intensely discussing this; not a lot of change in past week.
- He's constantly in contact with Dept. of Fish & Game down in Bishop.
- Things seem to be as normal as possible for a fishing opener.
- Information read from article in Outdoor News by Brad Henderson that says there are plenty of trout in the waters; Dan still has desire to implement a volunteer program.
- June and Convict are likely to be cleared/stocked before Opening Day.
- He can only convey information he has access to.
- He's open to going to Sacramento if that's what the Board wants however it may derail the process to do that now.
- They are not looking to see how the Willow Fly Catcher interacts with fish per se.
- In determining which waters to clear, reservoirs in general are not impacted. It comes down to some of the other lakes really, not the streams or rivers.
- He is as involved with Fish and Wildlife Services and the recovery process as he can be.
- We are made aware of lakes that are cleared by going online and checking.
- He came back at 4:46 p.m. to say that the reservoirs not being cleared don't include ours; they are in San Diego.

Board Comments:

- Was an exact date given for clearing waters?
- Biggest challenge is getting the word out that we do have fish.

- Doesn't think we're better off than we were a few weeks ago; the idea of "as soon as possible" doesn't really mean much. If they know where the Willow Fly Catcher is, why not focus on those waters, not so many other waters?
- Might it be a good idea to go to Sacramento to push the clearing of waters?
- This is now a legal process, not a political process.
- In the EIR, Appendix K, is where the Willow Fly Catcher is addressed. Even though we've won the war, in that they are going to stock fish eventually, the issue is when?
- Hazard believes that Fish and Game has a gut feeling as to where this is going to go. Ms. Bellomo brings up interesting issues; will stocking programs eventually get shut down?
- Biodiversity is never going to go away; we need to be proactive.
- This all came down through Federal Legislation.
- In the EIR, AB7 played into it.
- Burden should be put back on Biodiversity people to manage the problem.
- Two phases to clearing: research on literature and then the presence of the Willow Fly Catcher.
- Maybe start with state legislation?
- What about Attorney General's office legally challenging last lawsuit?
- How do we take this forward? How do we come up with an option that the courts will consider?

John Frederickson, June Lake Marina:

- By not stocking the lakes, how does that change the process associated with the Willow Fly Catcher?
- A lot of time has been spent on the phone trying to figure this out; it is a little ridiculous.
- Would it make sense for the Board to send a resolution to the Fish and Game?
- This has been very mishandled by Fish and Game.

Katie Bellomo:

- Attorney.
- She's been contacted by various individuals trying to understand how this happened.
- She is wondering if Fish and Game can't stock until they deal with the Willow Fly Catcher issue – is this a protocol or court order?
- On 2/10/10, another lawsuit filed against the Dept. of Fish and Game by Center of Biological Diversity. She thinks Marshall's office should track this lawsuit; who knows where this might lead?

Marshall Rudolph:

- He does not necessarily know any more regarding the history of this litigation than everyone else but can do more research if the Board desires.
- He agrees it makes sense to monitor any future litigation.
- This litigation doesn't just affect Mono County, but many other counties in the State of California as well.
- In response to a question regarding the possible creation of new tools or alternatives for judges handling cases under the Endangered Species Act, it may be that legislation needs to be changed at the Federal level.
- In response to a question regarding seeking the assistance of the Attorney General's office, it may be that their office is already involved in this litigation since it pertains to a state agency. Other than that, the Attorney General's office would not generally be a legal resource for Mono County in this particular

situation.

Steve Marti:

- Comment about Cutthroat Trout: is there a direct correlation between some of the waters having this species and the waters that have been cleared?
- One logical step is to get more involved with Fish and Wildlife on the recovery process.

Tim Hansen:

- At the fisheries meeting, there was talk of doing the inspection in June or July, but now there is talk of a pre-inspection.

John Web, Virginia Lakes Resort:

- If they find the Willow Fly Catcher in some of these areas, will they discontinue stocking? Fish and Game didn't know.
- Reservoirs are now going back on the same criteria as other lakes.
- Deborah from Dept. of Fish and Game is extremely cordial and will answer questions and talk to anyone that calls.

ADJOURNMENT at 5: 34 p.m. in memory of Carrie Shibley

BYNG HUNT

Chairman

ATTEST:

SHANNON KENDALL

Sr. Deputy Clerk of the Board

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