



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

July 5, 2011

9:00 AM Meeting Called to Order by Supervisor Hazard, Chair

Pledge of Allegiance led by Lynda Roberts, Clerk of the Board

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

Closed Session: 9:01 a.m.

Break: 10:30 a.m.

Reconvened: 10:36 a.m.

Closed Session: 1:10 p.m.

Reconvened: 1:28 p.m.

Adjourned: 1:28 p.m.

CLOSED SESSION

The Board had nothing to report from morning Closed Session. The Board had nothing to report from afternoon Closed Session.

BOARD OF SUPERVISORS

- 1a) Closed Session - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Subdivision (a) of Government Code section 54956.9. Name of case: Lanpher, et al. v. County of Mono.
- 1b) Closed Session--Human Resources - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): 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.
- 1c) Performance Evaluation - PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Administrative Officer.

2) APPROVAL OF MINUTES

M11-146

A. Approve Minutes of the Regular Meeting held on June 14, 2011, as corrected.

Hunt moved; Hansen seconded

Vote: 4 Yes; 0 No; 1 Abstain (Bauer)

- Supervisor Hazard: Clarification to comment under Item #10a, bullet point #2. Comment should read, "I saw an email from RCRC indicating there was a Grand Jury report in Kern County recommending Maricopa be unincorporated. They are a city of 1200 people that is \$200,000.00 in debt, this shows how low the threshold of vulnerability to the cities are at this point."
- Supervisor Hansen: Clarification to comment under Item #12b, bullet point #2. The comment should specify that he asked if the County could make a trade with the Town and give them the airport road to maintain since they own the airport.

M11-147

B. Approve Minutes of the Special Meeting held on June 20, 2011.

Johnston moved; Hunt seconded

Vote: 3 Yes; 0 No; 2 Abstain (Bauer and Hazard)

3)

BOARD MEMBER REPORTS

Supervisor Bauer

1. Attended a 50-year anniversary party for a June Lake volunteer. Noted that there are many people using the public lands around June Lake.
2. Attended MCPE negotiations.
3. Participated in the July 4th Mammoth Lakes parade along with Supervisor Hunt. Later that evening attended events and fireworks display in Bridgeport.
4. The YARTS strategic plan addresses the issue of enlarging the board; Jim Arkens will bring this item to the Board of Supervisors at a future meeting.
5. The Devil's Postpile is holding celebration events this week.
6. Mentioned that her father is working with search and rescue in Baja.

Supervisor Hansen

1. Last Thursday: Attended a luncheon at the Marine Base. Later met with a building inspector in Walker to review a project; it appears the problem can be resolved without coming to the Board of Supervisors.
2. Last Saturday: Attended a family memorial service to honor his father and mother.
3. July 4: Participated in Bridgeport 4th of July events; there were many people in town. Stopped at a Twin Lakes campground that Forest Service didn't open due to snow; there was not a lot of snow and it could have been opened.

Supervisor Hazard

1. After June 21 meeting, spent a week in Monterey.
2. June 29: Attended a meeting with Inyo County and Kern County partners about Digital 395 and lack of communication by Praxis. The group will hold another meeting to include county staff members; they would like Praxis to attend a three-county meeting in order to outline the project and provide regular updates.
3. Attended a Crowley Lake RPAC meeting to discuss community visioning.
4. July 1: Attended the EMCC meeting. Held office hours in Benton; constituents talked about redistricting. Hazard's appointees to the redistricting committee have expressed dissatisfaction with the process.
5. July 4: Participated in a joint ride to Independence with the American Legion and United We Ride in order to participate in the parade.
6. Currently reinitiating discussions with the new Forest Service representative about a land exchange in Tom's Place.
7. Have not heard back from people involved in a Mono County personnel appeals board hearing; provided names to be considered for a third board member.

8. The patio area at Crowley Lake Community Center needs to have weeds removed and wood chips cleaned up.

Supervisor Hunt

1. June 22: Participated in a webinar meeting with RCRC and the US Forest Service regarding relations with counties. The Forest Service is holding a series of meetings.
2. June 22: Attended the Eastside Biomass Project team meeting. They have scheduled a workshop for July 13.
3. June 29: Attended the Alcohol-Drug-Mental Health Advisory Board meeting; discussed the sale of the Davison Street property, and Ann Gimpel's retirement.
4. July 1: Attended the EMCC meeting.
5. July 4th weekend: There were a lot of people in Mammoth Lakes. Many visitors were from California, which indicates that people are traveling more locally. Attended the fireworks display at Crowley Lake; cost will pose a problem for future displays.

Supervisor Johnston

1. Along with Supervisor Hunt, attended the phone conference with the Forest Service; talked a lot about water quality issues.
2. Attended the biomass meeting; the group was formed to decide what to do with biomass cleared out of the forest. The Air Pollution Control District has been invited to attend upcoming meetings.
3. Met with constituents of Sierra Valley Sites and attended a planning meeting; people are concerned about high density developments.
4. Participated in the Mammoth Lakes July 4th parade by entering a float.

COUNTY ADMINISTRATIVE OFFICE

4)

CAO Report regarding Board Assignments (Jim Arkens)

ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

Jim Arkens

1. The County has, in principle, reached an agreement with MCPE; negotiations with DSA are scheduled to begin.
2. Attended the EMCC meeting.
3. Working on the budget and capital improvement plan.
4. Continuing status meetings with department heads

DEPARTMENT REPORTS/EMERGING ISSUES

- **John Vallejo, County Counsel's Office:** The redistricting committee has completed their community meetings, and the three recommendations are listed on their website (<http://www.monocounty.ca.gov/redistricting/alternatives>). These recommendations will be presented to the Board on July 19; the Board is required to hold two public hearings. Supervisors will complete their terms within their district number as defined by the new boundaries. The public can make comments on the website and can also make general comments that won't appear on the web but are forwarded to staff.
- **Jody Henning, Assessor's Office:** 1) The tax roll was closed on June 24; no roll corrections are anticipated. The decrease will be 2.5%, partly due to utility lines taken over by state and partly due to Prop 8 decline in value (4,200 properties out of approximately 17,000 parcels had a decline in value). Values will be reviewed each year until restored to the base year value. 2) Triad completed 10 of 26 maps. Their contract will not be renewed since the work is expected to be done in-house when the vacant position is filled.
- **Ralph Obenberger, Sheriff's Office:** 1) There were very few problems over the 4th of July weekend. 2) A search and research effort started on Sunday in the Minaret area; the lost hikers were found. 3) The state budget as passed looks good for public safety funding. 4) There are flooding issues in Lundy Canyon (water spilling over the dam); Public Works is working on the issue. It is unknown at this time whether or not the dam has sustained damage.

**URGENCY
ITEM
M11-148**

- **Lynda Roberts, Clerk's Office:** 1) The fee charged for copying scanned recorded images onto a CD has been reduced from .34 per image to .05 per image, which more accurately reflects the actual cost.
- **Scott Burns, Community Development:** 1) The County's General Plan contains an energy policy, which mainly addresses geothermal energy but also refers to hydroelectric, solar, and alternative sources that promote conservation; the policy does not address biomass.
 - The Board asked Burns to agendize a workshop in order to discuss this policy.2) Regarding Verizon's overhead lines (Bridgeport and McGee Creek), the California PUC is about to render a decision on Verizon's request for a variance. In granting the variance, the PUC would impose a condition that Verizon provide broad band services to Swall Meadows and Crowley Lake. A citizen requested a letter of support for the settlement since it will extend service. The letter can be completed at the staff level since the deadline is July 12. The Board made a motion to add this as an urgent agenda item.

Action: The Board determines that there is a need to take immediate action with respect to the proposed agenda item, that the need for action came to the County's attention subsequent to the agenda being posted and therefore, that the Board add the item to the agenda.

Bauer moved; Hunt seconded

Vote: 4 Yes; 1 No (Johnston)

Supervisor Hazard: Reviewed the history about the overhead fiber optic lines (designed to go into Mammoth with the idea that at a certain population threshold point, service could be provided to Crowley). Hazard supports the settlement since it gives the County an opportunity to provide fiber optic service to Crowley and Swall Meadows. He suggested that staff prepare a letter for the Board to review at their next meeting.

The Board directed staff to send a letter of support prepared by staff, and also draft a letter of support from the Board for approval at the July 12 meeting.

- **Brian Muir:** 1) Asked the Board if they want to hold the budget workshops on August 29-31. Due to scheduling issues with those dates, the Board decided to hold hearings on September 7- 9, to begin at 9:00 a.m.
 - Muir: This schedule may necessitate a special meeting during the last week of September in order to approve the budget.

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 Hazard pulled Item #7b

FINANCE

Additional Departments: County Counsel

- 5a) Employment Agreement with James Arkens - Proposed third amendment to employment agreement with James Arkens.

R11-43

Action: Adopt Resolution R11-43, approving an agreement and third amendment to the employment agreement with James Arkens, and prescribing the compensation, appointment, and conditions of said employment.

Hunt moved; Johnston seconded

Vote: 5 Yes; 0 No

PUBLIC WORKS

- 6a) Program Supplement Agreement for Bridge Preventative Maintenance Program - Proposed resolution "A Resolution of the Mono County Board of Supervisors, State of California, Approving Program Supplement Agreement No. 015-N for the Bridge Preventative Maintenance Program.

R11-44 **Action:** Adopt Resolution R11- 44 "A resolution of the Mono County Board of Supervisors, State of California, Approving Program Supplement Agreement No. 015-N for the Bridge Preventative Maintenance Program."

Hunt moved; Johnston seconded

Vote: 5 Yes; 0 No

COUNTY COUNSEL

Additional Departments: Public Works

- 7a) Solid Waste Franchise Ordinance - Proposed ordinance amending Section 12.10.021 of the Mono County Code pertaining to exemptions from the County's franchise requirement for certain solid waste handling.

ORD11-08 **Action:** Adopt Ordinance ORD11-08 amending Section 12.10.021 of the Mono County Code pertaining to exemptions from the County's franchise requirement for certain solid waste handling.

Hunt moved; Johnston seconded

Vote: 5 Yes; 0 No

- 7b) DIF Resolution Repeal - Proposed Resolution repealing Resolution R05-093 pertaining to development impact fees for capital improvements in the south county area.

R11-45 **Action:** Adopt Resolution R11-45, repealing Resolution R05-093 pertaining to development impact fees for capital improvements in the south county area.

Johnston moved; Bauer seconded

Vote: 5 Yes; 0 No

In response to a question raised by Supervisor Hazard, Marshall Rudolph, County Counsel, clarified that the question at issue was about money that had already been collected.

- 7c) Ordinance Repealing DIF - Proposed ordinance repealing chapter 3.60 of the Mono County Code pertaining to public facilities fees (aka development impact fees).

M11-149 **Action:** Introduce, read title, and waive further reading of proposed ordinance repealing chapter 3.60 of the Mono County Code pertaining to public facilities fees (aka development impact fees).

Hunt moved; Johnston seconded

Vote: 5 Yes; 0 No

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

HEALTH DEPARTMENT

9a) CMS Plan FY 2009/2010 (Lynda Salcido, Public Health Director, Katie Armstrong, CMS Director) - That the Board of Supervisors approve and authorize Chairman to sign the Mono County Children's Medical Services (CMS) Plan for fiscal year 2009-2010.

M11-150 Action: Approve and authorize Chairman to sign the Mono County Children's Medical Services (CMS) Plan for fiscal year 2009-2010.

Hunt moved; Hansen seconded

Vote: 5 Yes; 0 No

Lynda Salcido, Public Health Department: Each year the Board of Supervisors approves the County's CMS plan. The 2009-10 contract was late, so both 2009-10 (Item #9a) and 2010-11 (Item #9b) are before the Board for consideration today.

Katie Armstrong, Public Health Nurse: The CMS plan is mandated by the State. The California Children's Services program (CCS) provides medical services to children with serious conditions that meet financial eligibility; the Public Health Department coordinates arrangements for services. The California Health and Disability Prevention Program (CHDP) provides services for children (up to 20 years of age) that have no insurance; the Public Health Department works with families to coordinate services when doctors make referrals. The Health Care Program for Children in Foster Care (HCPCFC) ensures that children receive services no matter where they are placed. No general funds are used for these programs. Regarding 2009-10, the money was received, this action finalizes the paperwork.

9b) CMS Plan FY 2010/2011 (Lynda Salcido, Public Health Director, Katie Armstrong, CMS Director) - That the Board of Supervisors approve and authorize the Board Chairman to sign the Mono County Children's Medical Services (CMS) Plan for fiscal year 2010-2011.

M11-151 Action: Approve and authorize the Board Chairman to sign the Mono County Children's Medical Services (CMS) Plan for fiscal year 2010-2011.

Hunt moved; Bauer seconded

Vote: 5 Yes; 0 No

BOARD OF SUPERVISORS

10a) Federal and State Budgets (Board Members) - The Board of Supervisors may discuss the Federal budget and the California State budget and potential impacts to Mono County.

Action: None

Supervisor Bauer: Since the State has passed a budget, things feel more stable. Bauer referred to the SRA piece (CalFire State Responsibility Areas) and the State's desire to include a fee on local tax bills. She suggested that the Board have a workshop to discuss this.

Supervisor Hazard: The Williamson Act is not funded and there are still other questions about how the State budget will impact the County and its citizens.

Brian Muir, Finance Director: The results of the State budget are favorable for the County; law enforcement funding will ultimately be provided. Muir will email a summary to the Board Members describing how the State budget will impact the County.

HUMAN RESOURCES

Additional Departments: Public Health

11a) Human Resources - Public Health (Jim Arkens, Lynda Salcido) - Marjoree Neer served Mono County as a Nurse Practitioner beginning in May, 2003, ending November 12, 2010. The approval of this new contract allows for Marjoree's part-time, as-needed employment in the capacity of a Nursing Professional through June, 2013.

R11-46 **Action:** Approve Resolution R11- 46, approving an employment agreement with Marjorie Neer, and prescribing the compensation, appointment, and conditions of said employment.

Bauer moved; Hunt seconded

Vote: 5 Yes; 0 No

Jim Arkens, CAO: This is a part-time public health nurse contract. Neer left County employment and this will allow her to return on an as-needed basis.

Lynda Salcido, Public Health Department: This is a part-time, non-benefitted professional staff position. The department needs this person to help fill in when short-term vacancies occur, which should be no more than 6 months out of the year. The funding is currently budgeted.

ECONOMIC DEVELOPMENT

12a) Request for Standing Agenda Item and Establishment of Economic Development Subcommittee (Alicia Vennos / Tourism Commissioner) - Request from Mono County Tourism and Film Commission (MCTFC) for establishing a recurring agenda item for the first meeting of each month to allow an interchange of information between the Board and the MCTFC regarding updates on marketing, emerging issues related to tourism, and advisement of visitor trends and metrics. The MCTFC is also requesting the Board to appoint two Supervisors to a subcommittee comprised of 3 MCTFC members to develop the framework, scope of work, timeline and deliverables for an economic development strategic plan.

M11-152 **Action:** Approve the request for a place holder on the Board's agenda for the first meeting of each month to provide the Mono County Tourism and Film Commission with the opportunity to give the Board of Supervisors regular updates.

Hunt moved; Bauer seconded

Vote: 4 Yes; 1 No (Hazard)

M11-153

Action: Approve the creation of the Development Advisory Committee, consisting of three Mono County Tourism and Film Commission members and two County Supervisors, for the purpose of helping to develop the framework, scope of work, timeline and deliverables for an economic development strategic plan; appoint Supervisors Hunt and Hansen to serve on the Committee. Said Committee will be subject to the Brown Act.

Bauer moved; Johnston seconded

Vote: 5 Yes; 0 No

Dan Lyster, Economic Development: The Board of Supervisors has previously indicated a desire to open a line of communication with the Tourism Commission and the Economic Development Department; a standing agenda item would facilitate open communication. Past discussions have also included the idea of creating a subcommittee, including two Supervisors, to discuss economic strategy, including job creation.

- Marshall Rudolph, County Counsel: A subcommittee would be subject to the Brown Act.

Board Comments

- Supervisor Hunt: Supports having a standing monthly agenda item, and would like to be a member of the subcommittee.
- Supervisor Bauer: Supports both ideas, and will act as an alternate committee member if needed. Having Board Members serve on a committee will help keep the entire Board informed.
- Supervisor Hansen: Volunteered to serve on the subcommittee. Having Supervisors serve on the committee would allow for first-hand information to be provided to the entire Board. This request shows that the Commission wants to work with the Board to make progress, and he supports regular reports.
- Supervisor Johnston: Supports having a regular agenda item, but questioned whether or not Board Members need to serve on a subcommittee. He would like to see a subcommittee address environmentally aware job creation outside of recreation.
- Supervisor Hazard: Supports inclusion of Board Members on a subcommittee in order to provide a broad point of view; home businesses should be one of the first issues reviewed. He does not support a standing agenda item since the Board needs to have flexibility with agendas. However, the department could agendize an item as needed, or report during the public comments or emerging issues portion of the agenda.

Jimmy Little, Tourism Commission Member: The idea of having a standing agenda item is to facilitate open communication and get feedback/guidance from the Board. He understands the Board's need for flexibility, but wants to formalize communication. The subcommittee would assist with working on a broad scope of economic development in order to be proactive rather than reactive.

Dana Stroud, Tourism Commission Member: Quarterly reports before the Board would be sufficient, and could be scheduled as needed; it is important to communicate regularly with the Board.

12b)

Vacancy on Mono County Fisheries Commission (Dan Lyster) - There is a vacancy on the Mono County Fisheries Commission. The term of this position as Commissioner is from date of appointment until April 2013. The commissioner who recently vacated this position resides in the Bridgeport Area.

M11-154

Action: Appoint Ralph Obenberger to fill the vacancy on the Mono County Fisheries Commission, with the term to expire in April of 2013.

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

Dan Lyster, Economic Development: The Fisheries Commission did not make a recommendation about the appointment; they just expect the appointee to attend the meetings, and be dedicated and committed to resolving issues. Current members represent the north and south ends of the County, but currently there is no member that represents the June Lake area. The intention is that each Supervisor will appoint someone from their district, with the remaining two appointments at large. There is only one vacancy at this time.

Board Comments

- Supervisor Bauer: June Lake needs a voice on the Commission. She encouraged both candidates to participate in the meetings whether or not they are appointed. Even though Obenberger is a County employee, he is also a member of the public.
- Supervisor Hansen: Dan Anthony is from Walker; he would be a good Commissioner, but the Commission already has a member from the Walker area. Each community should be represented.
- Supervisor Hunt: Agrees with having an even distribution of representation. Likes Dan's background in agriculture and teaching. Would like the person who is not appointed to be on a waiting list.
- Supervisor Johnston: Both Anthony and Obenberger are strong candidates. Johnston supports appointing people who are not County employees since this broadens the scope of public participation in County affairs.
- Supervisor Hazard: Both candidates are qualified, but the middle of the County is not represented; he supports Supervisor Bauer's position. Hazard also supports the idea of creating an alternate position or increasing the number of members.
 - Lyster: The Board can consider amending the bylaws to reflect these changes.

Candidates' Comments

- Dan Anthony: Asked to be considered for appointment; a copy of his resume was included in the Board's packet. Mr. Anthony is a property owner in Mono County, previously taught college level agriculture and biology, is a member of the Antelope Valley RPAC, an active member in many fishing clubs and organizations, and supports improvement of local waters and enhancement of fishing. He is retired so has time to devote to the Commission.
- Ralph Obenberger: Has been a Mono County resident for 11 years; Paul McCann from June Lake suggested he apply. Obenberger recognizes that fishing is important to Mono County.

The Board directed staff to agendize this item in order to discuss changing the bylaws.

COUNTY COUNSEL

Additional Departments: Mental Health, Finance

13a) Sale Process for Davison Property (Marshall Rudolph, Ann Gimpel, Brian Muir) - Presentation by staff regarding options and process for selling certain County-owned property on Davison Street in Mammoth Lakes.

M11-155 **Action:** Direct staff to obtain an appraisal of the Davison Street property (71 Davison Street in Mammoth Lakes) and return to the Board in open or closed session (if permissible). Once the appraisal is done, Board's intention at this time is to agendize this item in order to declare the property surplus, offer to sell this property to local entities pursuant to Government Code section 54222 (in

said offer state a minimum price for purposes of negotiation), and, in the event the property is not sold pursuant to Government Code section 54222, to sell the property pursuant to Government Code section 25520—Public Bidding Sale.

Bauer moved; Hunt seconded

Vote: 5 Yes, 0 No

Marshall Rudolph, County Counsel: Outlined the prior use of the property. The staff report summarizes various sale alternatives that include holding a public auction, requesting sealed bids or sending a written notice to certain housing agencies that offer low to moderate income housing, as allowed by Government Code. Proceeds from the sale will return to the accounts that originally provided funding for the purchase (Mental Health and General Fund). The County will need to have the property appraised before proceeding.

Brian Muir, Finance Director: Asked the Board not to sell the property at public auction since the bid process will maximize the potential return to the County and the Mental Health budget.

Supervisor Bauer: Suggested the County first contact the housing agencies to notify them about the pending sale and give them the opportunity to negotiate. Supervisors Johnston and Hunt agreed.

Supervisor Hazard: Does not want the County to have any liability once the property is sold.

ADJOURN: 1:28 p.m.

ATTEST:

DUANE "HAP" HAZARD
CHAIR

LYNDA ROBERTS
CLERK OF THE BOARD

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