



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 20, 2010

9:00 AM Meeting Called to Order by Supervisor Hazard, Vice Chair
Chairman Hunt was delayed in arriving; Supervisor Bauer was absent due to County business.

Pledge of Allegiance led by Supervisor Farnetti

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD
No one addressed the Board.

BOARD MEMBER REPORTS

Supervisor Farnetti:

1. Received a call from Sally Miller referred to by Supervisor Hazard (below).
2. Drove to the Bay Area on Wednesday of last week.

Supervisor Hazard:

1. Tonight's evening agenda will address three potentially difficult, emotional and sensitive items; the meeting could draw a big crowd.
2. July 14: Attended the Great Basin Air Pollution Control District meeting; the District entered into employee negotiations for an air pollution control officer.
3. Received a phone call from Sally Miller regarding a miscommunication about negotiations with the Forest Service pertaining to the Pacific Crest Trail. Hazard apologized for any misperceptions about this issue.
4. Last week, met with a representative from the Mammoth Times about their bid the Board considered at the July 13th meeting. Hazard would like staff to explore options for working with both papers on printing legal notices.
5. Acknowledged the two awards given to the County for their booth at the State Fair.
6. Volunteered to work at the jazz festival in Mammoth last Wednesday. Some local bands exploited the timing. Hazard suggested the organizers work with the Town to create an exclusive week for Jazz Jubilee.
7. July 17: Attended the pancake breakfast fundraiser in Lee Vining.
8. Yesterday: Met with CalFire and Public Works in Swall Meadows to view possible sites for a fire road. CalFire supports the concept, but there are many issues to be addressed.
9. The Crowley Lake Community Center has been double booked on July 28th for an event and an RPAC meeting; Hazard asked staff to check into this situation.

Supervisor Hunt:

1. Attended the Great Basin Air Pollution Control District meeting along with Supervisor Hazard.
2. Attended the Town-County Liaison meeting on Thursday. The County Clerk gave a presentation about the election certification process; it became clear that the Town can work from a preliminary budget until the election is certified. Also discussed air service (the environmental assessment is now complete for United flights), and ERAF (agreed to extend the lobbyist's contract).
3. Spent the weekend at the NACo conference; made contacts with the California delegation, which was positive. There are 2,300 counties involved in NACo and it is confusing to develop an agenda for Washington, DC, that will address all counties' needs.

Supervisor Peters:

1. July 14: Attended the Mono Basin RPAC meeting. The members discussed the farm cooperative, received a report from the Mono Lake Committee about the bird Chautauqua; adopted a resolution regarding the airport project; and established a new bylaws subcommittee.
2. July 15: Attended the Bridgeport RPAC meeting. The members discussed the scenic byway grant, the Walker River Irrigation Letter approved by Board on July 6th, and discussed the issue of adding terms in the bylaws.
3. On Friday, met with representatives from the Marine Warfare Training Center to talk about opportunities for various recreational events.
4. Attended the Jazz Jubilee; it was a great event.
5. On Saturday, attended the pancake breakfast fundraiser in Lee Vining. Also attended the Antelope Valley Summer Lions BBQ at Topaz Lake.
6. Yesterday met with a representative from California Edison to talk about their rate structures. Would like to have an analysis for next month's RPAC meetings.
7. Also received a phone call from Sally Miller regarding the issue mentioned by Supervisor Hazard (above).
8. Acknowledged Senator Cox's passing.

COUNTY ADMINISTRATIVE OFFICE

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

Dave Wilbrecht:

1. Currently working with management in the Public Works Department.
2. Continuing to hold status meetings with department heads.
3. Working on personnel rules.
4. Was invited to participate on the Measure R Committee.
5. Attended the Town-County Liaison meeting. Complimented the Clerk on her presentation about the election certification.
6. Received a request from Mark Levitan (attorney representing the Bridgeport Indian Colony) asking if one or two Supervisors could attend a meeting in Fresno on Friday to meet with staff members from Senator Feinstein's office and Senator Boxer's office to reaffirm County support of the Colony's Land Trust; referred email to the Board.

- 2) **APPROVAL OF MINUTES**

None

Closed Session: 9:03 a.m.

Break: 10:13 a.m.

Reconvene: 10:20 a.m.

Break: 12:15 p.m.

Reconvene: 12:23 p.m.
Lunch: 12:27 p.m.
Reconvene: 1:20 p.m.
2:31 p.m.: Adjourned regular meeting to 5:30 p.m.

CLOSED SESSION

The Board had nothing to report from 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.
- 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: Facts and circumstances: Claim For Damages presented by Richard Gieser.
- 3c) 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: Facts and circumstances: July 13, 2010, letter from California Attorney General threatening litigation.
- 3d) Closed Session--Human Resources - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Dave Wilbrecht, Marshall Rudolph, Brian Muir, Jim Arkens, Rick Scholl, and Mary Booher. 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

Brian Muir, Finance: 1) Gave an update about the County's investment portfolio. CalPers had a gain this past year. 2) Provided copies of the Quarterly Investment Report, and briefly reviewed particular items. Muir is watching the market and looking for good values.

Dan Lyster, Economic Development: The County's booth at the State Fair won two ribbons (Silver Award in the Counties' Exhibit category for the booth, and Best in Show for use of artifacts). The map guide was available for visitors to take.

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.)

FINANCE

- 4a) Forest Reserve Payments - Proposed resolution electing under HR 1424 (PL110-343) that Mono County receive a share of the 25% payment.
- R10-55** **Action:** Adopt **Resolution R10-55** electing under HR 1424 (PL110-343) that Mono County receive a share of the 25% payment.
Farnetti/Hazard, 4-0

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

- 5a) Letter from Department of California Highway Patrol - Letter addressed to the Mono County Board of Supervisors reporting the accidental discharge (or threatened illegal discharge) of hazardous waste.

The Board acknowledged receipt of correspondence.

COUNTY COUNSEL

Additional Departments: CAO; Risk Management

- 6a) Claim for Damages (Marshall Rudolph) - Claim For Damages presented on or about June 16, 2010, by Richard Gieser.
- M10-161** **Action:** Reject the claim in its entirety; direct County Counsel to notify the claimant.
Hazard/Peters, 4-0

Marshall Rudolph, County Counsel: This was discussed in today's closed session. Rudolph recommended rejecting the claim in its entirety and directing County Counsel to notify the claimant.

SOCIAL SERVICES

Additional Departments: Probation

- 7a) Department of Social Services, Child Welfare and Juvenile Probation Services, System Improvement Plan and Three Year Plan, AB 636 (Julie Tiede, Director Social Services/Mary Stanley, Social Services, Program Manager) - Under current California Law, each County Child Welfare Department is mandated to prepare, in conjunction with the State Office of Outcomes & Accountability, a System Improvement Plan (SIP). They are additionally required to prepare in

conjunction with the Office of Child Abuse Prevention (OCAP) a Three Year Plan. These are prepared as one document. Once the SIP and Three Year Plan have been prepared they are required to be submitted to the County Board of Supervisors for approval. As part of this approval process the Board of Supervisors is also required to sign a NOTICE OF INTENT, CAPIT/CBCAP/ PSSF PLAN CONTRACTS, which confirms that the County is contracting with public or private nonprofit agencies to provide the services set forth in the Three Year Plan. Additional information is contained in the attached Staff Report.

- M10-162** **Action:** Approve and authorize the Chairman of the Board of Supervisors to execute the Child Welfare and Juvenile Probation Services System Improvement Plan and the Child Abuse Prevention Three Year Plan (one document); approve and authorize the Chairman of the Board of Supervisors to execute the NOTICE OF INTENT to provide Board Minutes of such action.
Farnetti/Peters, 4-0

Julie Tiede, Social Services: This System Improvement Plan and Three-Year Plan are mandated by the State of California and the Federal Government. The SIP and Three-Year plan present guidelines for meeting current challenges and dealing with challenges in the next three years. Social Services will be required to submit a yearly report to the State providing an update about the Plan. There is a need to hire an aid to perform administrative, low-level tasks; the fiscal impact to the County would be \$4,823. This is a policy item and is included in Social Service's proposed budget for 2010-11. Tiede asked the Board to approve the SIP and Three-Year Plan. Some services will be provided by Wild Iris and IMACA.

CLERK OF THE BOARD

- 8a) Inyo National Forest (Jim Upchurch, Forest Supervisor) - Briefing by Forest Supervisor, Jim Upchurch, regarding summertime projects and plans on the Inyo National Forest. This item was agendaized at the request of Nancy Upham, Public Affairs Officer, Inyo National Forest.

Action: None.

Jim Upchurch, Inyo National Forest: Provided information pertaining to the Forest.

- Revenue is generated from a variety of sources; recreation, such as Mammoth Mountain Ski Area, is the biggest producer of revenue.
- Regarding timber, the Forest will continue with fuels reduction, but does not anticipate the revival of logging. Currently meeting with other entities to address use of biomass.
- Will continue working on the travel-management rule. Last year brought roads into the system (about 1,000 miles added to the system); will now begin implementing this decision. Some routes will be closed.
- Implementing decisions pertaining to the wilderness bill passed by Congress.
- Will begin reviewing the entire system in order to determine the minimal necessary road system. This analysis will include a public process.
- The new transit planner will work with the County and local entities to review how to integrate mass transit into the existing transportation system. ESTA is under contract to operate the Reds Meadow shuttle, which made over \$95,000 last year. Anticipating more profit this year. Received a grant to purchase additional buses for ESTA, and submitted another grant for additional buses.
- Working with the National Park Service on joint planning agreements (Yosemite and Devil's Postpile).

- Received over \$2 million from the State OHV program to invest in making roads, installing signage, mitigating problems, and disguising closed routes. Friends of the Inyo is doing work in cooperation with the Forest Service.
- Performing mitigation work at Hot Creek to keep routes in this area open.
- ARRA (American Recovery and Reinvestment Act) Inyo National Forest projects: \$1 million to improve Mono Lake Visitors' Center; \$3 million for the Mammoth Bike Trail extension (Twin Lakes to Horseshoe Lake); \$330,000 for the way-finding project (signage for trails throughout the Mammoth Lakes area). This is a good investment for Mono County.
- Recreation Site Improvement funds will be used for campgrounds and other facilities.
- Received over \$2 million to rebuild the visitors' center at Bristlecone Pine forest.
- Mammoth Mountain exchange is ongoing. Base parcel at Mammoth (about 18 acres) is proposed to be exchanged by the Forest Service for various parcels throughout California. This is a public process.
- Working with the County on the Lee Vining Airport issue. Construction work is not on National Forest land, but a small portion is in the scenic area. Assisting with mitigation efforts by providing a landscape architect.
- Working with County staff on land tenure projects.
- Reviewing permits for a wind energy testing project. The Forest has a policy that encourages alternative energy possibilities, but must work within laws and regulations, including NEPA.
- Recently moved a range permittee to another location due to Big Horn Sheep migrating to the Convict Lake and McGee Creek areas.
- New Conservation Corps is hiring local young people; one goal is to develop career interests in youth by providing training.

Response to Board Comments

- Concern about method of disguising roads by using branches: Board Members should take a tour of the project to see the work first hand and discuss pros and cons.
- Possibility of developing or redeveloping the area above Lee Vining for campgrounds: The Forest has a working agreement with Yosemite to discuss the possibility of campground development in Lee Vining Canyon; will be meeting about this next month. Also, there may be opportunities to work with the Park Service on seasonal employee housing in Lee Vining adjacent to Forest Service compound. Lee Vining could also be a hub for mass transit into Yosemite.
- Status of Mammoth Motocross Park: Previous use did not conform to national policy. The Forest wanted interested parties to manage the park consistent with national policy; Mammoth Mountain stepped forward. The 2004 decision only authorized the current annual event. The Town obtained a special use permit and the Mountain operated the park for the annual motocross event. In 2009-10, the permit was issued directly to Mammoth Mountain. Other interest groups would like the park opened for general riding; there are concerns with management and security. The Forest is willing to work with groups if they submit a viable proposal; however, changes in use would invoke the NEPA process. To date, no complete proposal has been submitted. There could be more than one permittee, but the Mountain owns the improvements so there would need to be coordination with a new user.

BOARD OF SUPERVISORS

Additional Departments: Planning, County Counsel

9a)

Discussion of decision-making process of Inyo-Mono Regional Water Management Group (Stacey Simon/Tony Dublino) - Discussion of decision making process of Inyo-Mono Integrated Regional Water Management Group.

No Motion **Action:** Board directed staff to agendize the IRWM agendas at least 3 weeks in advance of an IRWM meeting, thus allowing time for the Board to review the agendas and provide direction to staff. The Board also directed staff to vote no if an item comes up at the IRWM meeting that was not agendized.

Stacey Simon, County Counsel's Office: Staff needs direction from the Board about voting on issues raised at IRWM meetings. Simon provided a copy of draft guidelines regarding decision-making authority. The IRWM group is made up primarily of private entities that don't understand the decision-making process of a public agency. However, as a member, Mono County has veto power. One option is for the Board of Supervisors to review IRWM agendas in advance and provide direction to staff.

Tony Dublino, Community Development Office: Provided a copy of the agenda for an upcoming IRWM meeting and reviewed the action items. A common way counties participate is through a resource management agency or water agency that has been empowered to make decisions. Mono County does not have this type of representative.

Board discussed options:

- Agendize the IRWM agendas for Board review.
- Encourage other entities in Mono County to participate and give their input.
- Have the Board provide letters of support, opposition, or abstention on particular issues, or provide position papers.
- Direct staff to vote no on an issue if they are unsure; these issues can then come to the Board of Supervisors.

Additional Departments: County Counsel

9b) Response to July 6, 2010, letter from Walker River Irrigation District (Stacey Simon/Supervisor Peters) - Supervisor Peters has requested that the Board consider the attached response to the Walker River Irrigation District's July 6, 2010, letter to the Board of Supervisors.

M10-163 **Action:** Approve and authorize Chair to sign a letter to the Walker River Irrigation District responding to their letter presented and the presentation made to the Board by the District at the Board's July 6, 2010, meeting. Along with the Board's letter, include a copy of the WRID's letter dated July 6, 2010, and send to the same list of recipients.

Peters/Hazard, 4-0

Stacey Simon, County Counsel's Office: At their meeting of July 6th, the Board approved a letter expressing concerns about a lack of information provided to the County and its constituents regarding the Walker River Water Leasing Demonstration Program. Representatives from the WRID attended the July 6th meeting and answered most questions and concerns, but not all; the Board elected to send their letter as drafted. After subsequent conversations with the Walker River Irrigation District, Supervisor Peters requested a follow-up letter, which is before the Board today.

Supervisor Peters: A copy of the WRID's July 6th letter should be included as an enclosure and sent to the same distribution list. The main issue concerns the County's desire to be involved in the process.

LUNCH

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

COUNTY ADMINISTRATIVE OFFICE

Additional Departments: Economic Development

10a) CDBG Economic Development Bid Award (Mary Booher) - Presentation by Mary Booher regarding bids received for development of Business, Marketing and Job Creation plan for GEO Project.

M10-164 **Action:** Award bid for GEO Business, Marketing and Job Creation plan to the Harvey Foundation in an amount not to exceed \$35,000.
Hazard/Farnetti, 4-0

Mary Booher, CAO's Office: Provided a copy of the RFP and spreadsheet summary.

- Last year, staff at GEO expressed interest in developing a plan for themselves.
- CDBG process requires a bid for the work.
- County received three proposals; checked references for the top two proposals (the third proposal was incomplete). Both bids are within budget range.
- Staff recommended awarding bid to EPS, even though the bid is about \$2,000 higher than Harvey Foundation. The EPS bid provided more detail.
- CDBG requires that the County present the final product to the Board in a public process.

Dave Harvey, Harvey Foundation: Provided copies of his prepared comments, which he read. Having an outside agency prepare the plan for the GEO project would be difficult since they don't know the project as well as the Harvey Foundation.

Booher addressed Board questions:

- Either bidder seems capable of doing the work. Even though EPS provided more detail, Harvey Foundation has more knowledge so perhaps didn't need to provide the same level of detail. Who is awarded the bid is determined by the Board.

Board Members supported awarding the bid to the Harvey Foundation, which is a local organization, has the necessary expertise concerning the project, and is the lower bid.

PUBLIC WORKS

11a) Approval of Contract Award - Lee Vining Streetscape (Mary Ellen Halpin) - Consider cancellation of contract with R & J Joy and award contract to Marzano & Sons for the Lee Vining Streetscape project.

No Motion **Action:** Adjourn the regular meeting to 5:30 p.m. to allow time to complete a settlement agreement with R & J Joy.

Mary Ellen Halpin, Public Works: Distributed an updated staff report and documentation. Some issues with R & J Joy are still outstanding but may be resolved by 5:00 p.m. this evening.

Overview of issues:

- After the contract was awarded to R & J Joy (low bidder), they proposed a construction

method that was not acceptable under the bid. They opted to cancel the contract.

- Staff recommends awarding the bid to Marzano and Sons, the second lowest responsible bidder.
- This is a federally-funded project, so contractors are required to submit paperwork about their employees.

Staff recommended that the contract with Joy Engineering be cancelled pursuant to a settlement agreement. That the terms of the settlement agreement include the County assuming some items previously acquired by Joy Engineering for use on the project; and that other items, including trees and other items, will not be assumed by the County.

Mark Magit, County Counsel's Office: Suggested adjourning the regular meeting to later this evening to allow time for him to complete a settlement agreement with R & J Joy. The Marzano bid has minor irregularities, but "minor bid irregularities" don't impact the bidding process or the integrity of the bidding process.

BOARD OF SUPERVISORS

- 12a) State Budget (Board Members) - The Board of Supervisors may discuss issues pertaining to the California State budget.

Action: None.
No new developments to report.

2:31 p.m.—Adjourned the regular meeting to 5:30 p.m., Paradise Fire Station, 5300 Lower Rock Creek Rd., Paradise, CA, 93514
Adjourned in memory of Senator Dave Cox and Edith Buchanan, Mammoth resident.

ATTEST:

BYNG HUNT, CHAIR

LYNDA ROBERTS
CLERK OF THE BOARD

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