



MINUTES  
BOARD OF SUPERVISORS, COUNTY OF MONO  
STATE OF CALIFORNIA

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

County Courthouse,  
Bridgeport, CA 93517

Regular Meeting

September 6, 2011

9:01 AM Meeting Called to Order by Chairman Hazard.

Pledge of Allegiance led by Senior Deputy Clerk Shannon Kendall.

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

**Mark Drew:**

- Recently got funding in the amount of \$1, 075,000 to work on various projects. He is proud of what everyone has been able to accomplish. This is second round of funding.
- The board congratulated him on his efforts.

Closed Session: 9:04 a.m.

Break: 10:31 a.m.

Reconvene: 10:37 a.m.

Lunch/Closed Session: 12:15 p.m.

Reconvene: 1:11 p.m.

Closed Session: 3:41 p.m.

Adjourn: 5:44 p.m.

**CLOSED SESSION**

*The Board had nothing to report out of either closed session.*

**BOARD OF SUPERVISORS**

1a) - - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to subdivision (c) of Government Code section 54956.9. Number of potential cases: Three.

1b) Closed Session - County Counsel - CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Properties: certain road rights of way and parcels proposed to be licensed for Digital 395 Infrastructure: Benton Community Center (APN: 024133013000); Bridgeport Road Shop (APN: 008060046000); Mono

County Health Dept. (APN: 0080800700): Crowley Lake Community Center (APN: 060210020000); Lee Vining Airport Skid Pan (APN: 02109006000); Old Substation (APN: 037050006000); Dunderberg Meadow Road; Green Creek Road, Cunningham Lane, Benton Crossing Road, Crowley Lake Drive, Casa Diablo Mine Road, Virginia Lakes Road, Burcham Flat Road, Eastside Lane, and Eastside Road. Agency negotiators: Jim Arkens, Marshall Rudolph, Brian Muir, and Kelly Garcia. Negotiating parties: Mono County and California Broadband Cooperative, Inc. Under negotiation: Price and terms.

**Marshall Rudolph:**

- He and the clerk received an email (copies of which were then provided to the Board for it to read) from an attorney (Inyo Public Defender) regarding the closed session with real property negotiators pertaining to Digital 395. The attorney is opposed to the board having the closed session.
- The attorney is essentially saying you can't hold such a closed session until the CEQA review related to this is completed and certified and some type of open session decision-making is completed.
- This is not Marshall's opinion and he is comfortable with it going forward, but it's the Board's choice.

- 1c) Closed Session--CAO - PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Administrative Officer.
- 1d) Closed Session--County Counsel - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Subdivision (a) of Government Code section 54956.9. Name of case: United States v. Walker River Irrigation District, et. al.
- 1e) 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: Amended Claim For Damages filed by Theodore Rauh.
- 1f) 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: Claim For Damages presented by Brian Larsen, Esq. for M.C. Ellis.
- 1g) 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.

2) APPROVAL OF MINUTES

**M11-210 Action:** Approve the minutes of the Regular Meeting held on August 2, 2011, as corrected below.

**Hunt moved; Bauer seconded**

**Vote: 5 Yes; 0 No**

- Under Supervisor Bauer's Board Report, item #6 should read "Bike Path system", not "Bike Park system".

**M11-211 Action:** Approve the minutes of the Regular Meeting held on August 9, 2011, as corrected below.

**Hansen moved; Hunt seconded**

**Vote: 5 Yes; 0 No**

- Supervisor Hazard's Board Report, second bullet, change Mike "Orr" to Mike "Ort".
- Under item 12c, where it says "before anyone" to "before I knew".
- Under Larry's comments for the redistricting item: should read would not want to be "represented" not "presented".

**M211-212 Action:** Approve the minutes of the Regular Meeting held on August 16, 2011, as corrected below.

**Hunt moved; Hansen seconded**

**Vote: 5 Yes; 0 No**

- Redistricting item, under Supervisor Bauer's comments: should read, "I know of people in the Knolls area that would be happy to have the ear of a Bridgeport Supervisor on Federal Issues.

3) **BOARD MEMBER REPORTS**

**Supervisor Bauer:**

- Working the week with RCRC and CSAC to the National Association of Counties Rural Action Caucus meeting in Mono County. Going to be next year, after elections; maybe November 10<sup>th</sup>? Not sure of location, may the geothermal plant.
- ESTA meeting – John is doing an excellent job.
- Met with June Lake citizens, interested in bringing the single family T.O.T. issue back to the Board.
- A guy in June has bought an airstream and is turning it into a food truck. She's been working with Scott Burns and John Vallejo on an ordinance that will deal with food trucks as we don't have anything like that. He will be at June Mtn. this winter to start as the mountain is covered by a different permit.
- Attended Bev's retirement party last week.
- Peterson Tract Roads: she's gotten some complaints, but Public Works is addressing them.
- YARTS – Dick Whittington was in the hospital for surgery, already back at his desk. Meeting this month is in the park which is kind of historical.

- Mt. Andrea is going to hearing this week; it should move forward.

**Supervisor Hansen:**

- 8/17 – Sat on interview board for the Director of the Master Gardener Program.
- 8/18 – Bridgeport RPAC.
- 8/22 – Fisheries Commission Meeting.
- 9/01 – Antelope Valley RPAC.

**Supervisor Hazard:**

- 8/18 - Broadband Conference in Mammoth.
- 8/19 – Met with Veteran’s ceremony group (ceremony coming up on 11/11/11).
- 8/22 – Chalfant RPAC Meeting.
- Legislation Amendments for Veterans – had all support, no opposition. Was told there was political maneuvering inside capitol (not related to the bill) that caused it to fail. Maybe for next year?
- 9/26 – Senator Gaines making the rounds in our County.
- To Sacramento for RCRC. After Sacramento went to Monterey.
- 8/30 – met with Clay Neely and Nate Greenberg regarding I.T. staffing. He recommended restructuring of the department.
- 9/1 – Meeting with Digital 395 regarding advancing program and moving it forward.
- 9/2 – Office Hours in Benton.
- 9/3 – Mental Health had a Pea Pod get together at Crowley Lake Community Center.

**Supervisor Hunt:**

- 8/19 - ESTA Board meeting.
- Spent last week in Hawaii (on Molokai Island).
- Would like to see the Constitution, etc. back up on the bare walls in the board room.
- Visited Arts Festival on Monday; best and most successful one ever.

**Supervisor Johnston:**

- 8/17 – attended the Eastside Biomass Group meeting.
- 8/21 – SAR Golf Tournament.
- 8/22 – met with staff regarding comments about geothermal.
- 8/29 – DSA negotiations.
- 9/4 – took CSAC course as part of new supervisor training.
- Future agenda item: discussion of what the county does. Schedule that for a mammoth meeting this month? What the County does vs. what the Town does?

**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:**

- Attended Skelly hearing.
- Various employee meetings.
- Status meetings.
- Trip to Nevada City.
- Small county CAO/HR Director’s meeting.
- Attended Violence in the Workplace training.
- Met with consultant on Jail issues.

- DSA negotiations.
- Naming Tracie Neal as Interim Acting Chief Probation Officer, effective 9/9/11.

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

**Mary Booher:**

- They've identified who is eligible for DIF refunds; aware of one that owes the county money. Postcards will be sent, etc. There are 81 parcels. Total \$125,000.
- Supervisor Bauer: can we see the spreadsheet?

**Jeff Walters:**

- Retro reflectivity for signs? Those requirements are going to be dropped. (Supervisor Hansen, how much of current signs can you use?)
- Surplus auction – would like to use TNT auction out of Reno. CAO can approve so not necessary to go in front of the board. He does have a list available for anyone that wants to see surplus items. Auction scheduled for 10/15.

**Lynda Roberts:**

- DVD received in the mail; draft EIR statement for Merced to Fresno section train. Plans to keep on file in Clerk's office.

**Kelly Garcia**

- Bridgeport and Lee Vining Streets Project monies have been awarded; moving forward with contracts.
- Aspen Road – came to Board last month to put out to bid. Received two bids which were very high. Will be back to Board again.

**Susan Rizzo (Eastern Sierra Child Support):**

- Benefits of Child Support handout.
- Went over some statistics and how monies are used, etc.
- Still in Sierra Center Mall but will now be hearing court cases in the new courthouse located in Mammoth near the McDonalds.

**Stacey Simon:**

- Update on Appropriations Bill for 2012.
- Water Purchasing Program was strongly opposed by our Board.
- Her office contacted by Senator Boxer's office alerting us to new legislation. After review, it would be similar to 2009's proposal.
- She will keep Board updated as she learns more.

**Sheriff Scholl:**

- Law Enforcement flew county and found marijuana fields in Lobdale Lake area – in coordination with 10 or 11 agencies, they eradicated the grow. No arrests, however, but \$67 million dollars worth of marijuana was destroyed.
- Campground thefts over the last few years – typical targeted items were generators. Through ongoing efforts, they put together a plan and have gotten the main suspect in custody.

**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

- 5a) 2011-12 Appropriation Limit - Establishing the 2011-12 Appropriation Limit.
- R11-60** **Action:** Approve and authorize the Chairman's signature on proposed Resolution # R11-60 setting the Appropriation Limit for Fiscal Year 2011-12.  
**Johnston moved; Hunt seconded**  
**Vote: 5 Yes, 0 No**
- 5b) 2011-12 Tax Rates - 2011-12 Tax Rates.
- R11-61** **Action:** Approve and authorize the Chairman's signature on proposed Resolution # R11-61 approving the Tax Rates for Fiscal Year 2011-12.  
**Johnston moved; Hunt seconded**  
**Vote: 5 Yes, 0 No**
- 5c) Ordinance Repealing Chapter 2.40 of the Mono County Code Pertaining to Health and Human Services - Proposed ordinance Repealing Chapter 2.40 of the Mono County Code Pertaining to Health and Human Services.
- M11-213** **Action:** Introduce, read title, and waive further reading of proposed ordinance.  
**Johnston moved; Hunt seconded**  
**Vote: 5 Yes, 0 No**

## COUNTY COUNSEL

### **Additional Departments:** CAO/HR

- 6a) Ordinance Amending Section 2.68.040 of the County Code - Proposed ordinance amending section 2.68.040 of the Mono County Code, pertaining to application of chapter 2.68.
- M11-214** **Action:** Introduce, read title, and waive further reading of proposed ordinance.  
**Johnston moved; Hunt seconded**  
**Vote: 5 Yes, 0 No**

## ECONOMIC DEVELOPMENT

- 7a) Reappointment of Tourism Commissioner - Reappointment of Danna Stroud (District 1) to the Mono County Tourism & Film Commission.
- M11-215** **Action:** Reappoint Danna Stroud to the Mono County Tourism & Film Commission in order that she may continue to represent District 1 for a 4-year term, ending June 30, 2015.

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

COUNTY ADMINISTRATIVE OFFICE

**Additional Departments:** Public Works

- 8a) Bodie Chapter of E. Clampus Vitus Event - Request by the Bodie Chapter of E. Clampus Vitus (Clampers) for the closure of the Bridgeport Marina picnic grounds from 6 pm Friday, September 9 through 10 am Sunday, September 11 for their private event.

**M11-216 Action:** Authorize the closure of the Bridgeport Marina picnic grounds to public from 6 pm Friday, September 9 through 10 am Sunday, September 11 for a private function of the Bodie Chapter of E. Clampus Vitus (Clampers).

**Johnston moved; Hunt 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

- 9a) Wildlife Conservation Board - Letter dated 8/15/2011 from the Wildlife Conservation Board regarding the Wheeler Ridge, Expansion 4 Land Acquisition Project and upcoming proposals.

**Supervisor Hazard:**

- Asked to pull this for a moment to point out to newer board members that this is a process that we were able to develop down in Swall Meadows rather than turning over to State. Keeps on tax rolls, not tied up.

- 9b) Mammoth Gateway Community Project - Letter from Elizabeth Tenney, volunteer organizer, regarding Superior Court monument sign.

**Supervisor Hansen:**

- Concerned that Elizabeth Tenney is upset after all the work that's gone into this. He defers to Mammoth Supervisors on this issue.
- There is an agenda discussion later today.

- 9c) Chamber Music Unbound - Letter from the Chamber Music Unbound dated August 8, 2011 giving a final report for the \$10,000 grant that our County awarded to them and expressing their gratitude for the grant money.

- 9d) Inyo County BOS Correspondence to IMAAA Governing Board - Letter

from Inyo County BOS to IMAAA Governing Board dated August 4, 2011, discussing proposed budget and requesting a revised budget no later than October 1, 2011.

**Supervisor Bauer:**

- Would like discussion about this; not sure if today is the time or if we agendaize it.

**Supervisor Hazard:**

- Thinks we should acknowledge it but it should be discussed in detail at a later meeting.
- Board to have full discussion on September 13, 2011.

- 9e) Long Valley Fire Protection District - Resolution No. R11-06 from the Long Valley Fire Protection District asking the Mono County Board of Supervisors to continue funding the Fire District First Responder Fund.

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***The Board acknowledged receipt of the correspondence.***

**PUBLIC WORKS**

- 10a) Public Hearing - Potential Agreement with Dean's Plumbing & Heating (Mary Ellen Halpin) - Proposed Resolution 11-\_\_ [A Resolution of the Mono County Board of Supervisors Making Findings in Accordance with Government Code Section 4217.12 and Approving an Energy Service Contract with Dean's Plumbing & Heating for Energy-Related Improvements Associated with the Annexes Heating, Ventilation, and Air Conditioning (HVAC) Project].

- R11-62** **Action:** Approve and Authorize the Chairman's' signature on Resolution No. 11-62 "A Resolution of the Mono County Board of Supervisors Making Findings in Accordance with Government Code Section 4217.12 and Approving an Energy Service Contract with Dean's Plumbing & Heating for Energy-Related Improvements as Part of the Annexes I and II HVAC Upgrade Project."

**Hunt moved; Johnston seconded**

**Vote: 5 Yes; 0 No**

**Mary Ellen Halpin:**

- Gave brief background on nature of this item; regarding updating the Annexes HVAC system. It was determined that Dean's Plumbing was the most qualified.
- Here to have a public hearing.

**Public hearing open: 11:08 a.m.**

**Public hearing closed: 11:09 a.m.**

**Supervisor Hazard:**

- He feels obligations have been met in this project.

**Supervisor Johnston:**

- County should be involved; saves a lot of money.

**BOARD OF SUPERVISORS**

- 11a) Resolution of Appreciation, Beverlee Bryant - Resolution of appreciation honoring Beverlee Bryant upon her retirement from Mono County.

**Action:** None.

**Supervisor Hunt read the resolution for Beverlee Bryant in appreciation for all her years of service to the county.**

- 11b) Devils Postpile National Monument General Management Plan (Deanna M. Dulen, Superintendent, Devils Postpile National Monument) - Presentation on Preliminary Alternatives Newsletter and Comment Period for Devils Postpile National Monument General Management Plan. This item was sponsored by Supervisor Byng Hunt.

**Action:** None.

**Deanna Dulen, Superintendent, Devils Postpile National Monument:  
POWERPOINT (copies kept with file folder for today's meeting)**

- Purpose of the Presentation: update on GMP Progress, Preliminary GMP Alternatives and Highlights of Newsletter.
- Establishment of Devils Postpile.
- Geographic Context.
- Collaborative Planning.
- GMP Progress.
- Scoping – What we heard people value most.
- Elements Common to all Alternatives.
- Preliminary Alternatives.
- Management Zones.
- Management Zoning Comparison.
- Highlights of GMP Actions.
- Devils Postpile Ranger Station.
- Devils Postpile Campground.
- Maintenance and Administration Facilities (NPS and USFS).
- Minaret Vista (USFS).
- Devils Postpile Viewing Area.
- Rainbow Falls.
- Commercial Activities in Wilderness.
- Wild and Scenic River Eligibility.
- Boundary and Designations.
- Schedule and Next Steps.
- Comments and Questions? Invited any of the Supervisors to visit.

**Board Comments:**

**Supervisor Johnston:**

- Thinks Deanna presented a great case for expanding the Devil's Postpile, etc.
- He thinks there are some inefficiencies that could be solved by some new boundaries.

**Supervisor Bauer:**

- If there were ten different portals to meet, the experience would be better (alternative C).

**Supervisor Hazard:**

- He's disappointed about highway discussion not being part of this. Even though it's controversial at this time, the language should not be removed.

**CHILD SUPPORT SERVICES**

- 12a) Appointment of a member of the Board of Supervisors to Eastern Sierra Child Support Region Oversight Committee (Julie Tiede) - Appointment of a member of the Board of Supervisors to the Eastern Sierra Child Support Regional Oversight Committee in accordance with Paragraph C of the Memorandum of Understanding between Mono County and Inyo County establishing the Eastern Sierra Child Support Region.

\*This item was taken prior to item 11b\*

- M11-217** **Action:** Appoint Supervisor Larry Johnston to the Eastern Sierra Child Support Regional Oversight Committee.  
**Johnston moved; Bauer seconded**  
**Vote: 5 Yes; 0 No**

- M11-218** **Action:** Appoint Supervisor Byng as the alternate member to the Eastern Sierra Child Support Regional oversight committee.  
**Bauer moved; Hansen seconded**  
**Vote: 5 Yes; 0 No**

**Julie Tiede:**

- Explained that she was looking for a supervisor to be appointed to the Eastern Sierra Child Support Regional Oversight
- **Supervisor Johnston volunteered to be on this committee.**
- **Supervisor Hunt volunteered to be the alternate on this committee.**

\*\*\*\*\*

**LUNCH**

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**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

*No one spoke.*

**BOARD OF SUPERVISORS**

- 13a) Public Lands Administered by the Bureau of Land Management (Supervisor Hazard) - Two items pertaining to public lands administered by the Bureau of Land Management (BLM): 1) Letter from James Wesley Abbott, California State Office, United States Department of the Interior, Bureau of Land Management, regarding a proposal by Secretary of the Interior, Ken Salazar, for a bipartisan wilderness agenda to designate areas of public lands that have strong local support for permanent protection as wilderness under the Wilderness Act. 2) H.R. 1581: Wilderness and Roadless Area Release Act of 2011.

**None.** **Action:** Discuss Salazar proposal and H.R. 1581; consider opposing both proposals. Direct staff as needed.

**Supervisor Hazard:**

- This is an item requested by him.
- HR 1581 (release of all WSA's not designated) and two pieces of correspondence.
- Asking to use this opportunity to respond to this information to legislators, etc.
- Issues and lands to be resolved and our people would quit fighting about it. Let the correct individuals deal with it.
- There are still 11-13 WSAs up for discussion.

**Supervisor Hansen:**

- Discussed RPAC resolution, etc. He received another letter (handed out to the board).
- He supports HR 1581. It mandates the BLM to do their job which they've been reluctant to do.
- He is against the "Crown Jewels" but does support HR 1581.

**Supervisor Hunt:**

- He is totally opposed to HR 1581 and he feels he's made himself clear on that.
- Other question: "Crown Jewels". With short time frame, he wanted to get a handle on non-controversial areas.
- Given comment time has expired, he supports Salazar's efforts but doesn't think our Board should take any action. We can individually let congress members know how we feel.

**Supervisor Johnston:**

- Haven't we resolved this? We have already opposed this. He appreciates Salazar's letter in that at least we've been asked.

**Supervisor Bauer:**

- At least it provides a discussion platform. She doesn't think it matters at this point if we oppose these or not.
- She thinks HR 1581 is too broad.

**Public Comments:**

Sally Miller:

- Being in the middle of congressional redistricting means we have no assurance

- that anyone is going to do what they say.
- She doesn't see the public banging down the doors for legislation.
- She would love the Board opposing HR 1581 but can appreciate there are disagreements.
- What's happening with the economy? There's work to be done.

## ECONOMIC DEVELOPMENT

- 14a) Monthly Agenda Item for Tourism & Film Commission (Alicia Vennos / Tourism Commissioners) - Pursuant to Minute Order # M11-152, the Mono County Tourism & Film Commission representative(s) and/or the Economic Development Manager will appear before the Board of Supervisors at the first meeting of each month to convey and discuss information and strategies relevant to tourism and economic development.

**Action:** None.

**Danna Stroud:**

Three areas of interest:

- Information from Conway Ranch about a survey they are putting out – intended to gather information about the future use of Conway Ranch.
- Wanted to advise Board that AB 42 passed, will be up for signature at the end of the month. Management of state parks. They were asked to provide a letter of support but they chose not to take any action. The Board might want to look at what this implication has for us. Who will take on responsibility?
- Update on the Economic Development sub-committee. During budget hearing tomorrow, will discuss EDD 5 year strategic plan. The commission is willing to take on additional responsibilities to move plan(s) forward, with or without additional funding.
- Will be looking for direction at the budget hearing, not necessarily a decision.

**Vikki Bauer:**

- Thanked everyone for showing up and appreciates their efforts. Anticipates not having a budget decision tomorrow.

**Tim Hansen:**

- Spoke to John Frederickson and he has been packed all season. Shows that fishing is not a dead sport. There are still problems at Conway Ranch with DFG permit.
- Thanked them for their recent efforts.

**Byng Hunt:**

- These discussions on tourism, economic development strategies, etc. are very timely right now. Not only strategizing improvements now but for the future as well.
- He is very supportive of this process.

## FINANCE

- 15a) Two Years Additional PERS Retirement Service Credit (Brian Muir) - Receive report on cost of providing two years additional service credit to create an incentive to promote early retirement of a lieutenant in the Sheriff's Department and permanently eliminate the position.

**Action:** None.

**Brian Muir:**

- The government code requires a disclosure of the potential cost if we were given an additional two years retirement service to an individual.
- The salary savings = over \$200,000.
- Two weeks from now, there will be a resolution approving this PERS Retirement Service Credit.

**Sheriff Scholl:**

- He feels this is a benefit to both the county and the employee.

COUNTY COUNSEL

- 16a) Amended Claim For Damages (Marshall Rudolph) - Amended Claim For Damages filed on or about August 3, 2011, by Theodore Rauh (County Claim CL11-05/CL11-08).

**M11-219 Action:** Direct County Counsel to return amended claim to Mr. Rauh and notify him that no action was taken because the amended claim was not timely filed.

**Hunt moved; Bauer seconded**

**Vote: 5 Yes; 0 No**

**Marshall Rudolph:**

- This was discussed previously in closed session; he recommends no action.

- 16b) Claim For Damages (Marshall Rudolph) - Claim For Damages presented on or about August 9, 2011, by Brian Larsen Esq. on behalf of M.C. Ellis (County Claim No. CL11-10).

**M11-220 Action:** Reject the claim in its entirety and direct county counsel to notify claimant and his attorney of such action.

**Bauer moved; Johnston seconded**

**Vote: 5 Yes; 0 No**

- 16c) License Agreement with Administrative Office of the Courts (Tara McKenzie) - Proposed contract with Administrative Office of the Courts, State of California pertaining to a license to use County land for the purpose of erecting a sign for the Superior Court of California, Mono County.

**None.**      **Action:** None.

**Tara McKenzie:**

- Explained the item.
- Both exhibits have been provided for the Board's review.
- She can take MOU back to the State regarding the "term of termination" paragraph, making the adjustment that *they* will remove the sign at their own cost.
- Elizabeth Tenney wants the option where the sign is 64 feet from 203.
- On page 1, there should be a hard break between numbers 1 And 2. She has handed a new draft to the clerk.
- She understands from the Board that they feel AOC should pay for changes to the sign under all circumstances.

**Supervisor Hunt:**

- Term of termination – second paragraph is troubling.
- He doesn't want county to be responsible for funding the future removal of the sign.

**Supervisor Bauer:**

- Asked about exhibits – which one does Elizabeth Tenney want?

**Supervisor Johnston:**

- Asked for clarification on Exhibit C.
- He doesn't think we should be worried about future county offices we may or may not ever build or be able to fund.

**Supervisor Hazard:**

- Isn't too happy with the hold harmless language.
- What about our needs for adding to the sign for future county offices?
- Supports what County Counsel recommends.

**Marshall Rudolph:**

- Gave further explanation of the mutual hold harmless clause.
- In reality, while the wording is mutual, the AOC is the only party taking any action so the risk of having to defend or indemnify is really on them.

To be brought back at next meeting (9/13/11) for further discussion.

**Additional Departments:** Community Development

16d)

Update re Verizon CPUC proceedings re undergrounding deviation (Marshall Rudolph, Scott Burns) - Receive update by staff regarding current status and developments in California Public Utility Commission (CPUC) proceedings pertaining to Verizon's request(s) to deviate from certain undergrounding requirements in the highway 395 scenic corridor.

**Action:** None.

**Scott Burns:**

- Wanting to know county's position on this.
- Go ahead and grant deviation?

**Steven Kalish:**

- Talked to PUC people this morning. Item has been pulled from the consent agenda by various individuals.
- He feels we have the tiger (Verizon) by the tail.
- No urgency to take much action at this point although he is sure the PUC would like to hear from the County.
- Explained differences in north and south county violations.
- South County letter is due Friday.

**Marshall Rudolph:**

- Verizon's position is that the PUC does not have the authority to order it to provide broadband service.
- Mono County could continue to take position that we support the order as written and leave it at that.

**Supervisor Hansen:**

- When did the line going north happen?
- He would probably support the PUC's decision.

**Supervisor Johnston:**

- Given weather situations we have in this county, any time we can have underground operations he supports it.

**Supervisor Hazard:**

- He thinks it's important to keep north and south separate.
- The issue of who has authority to enforce who and how people get services in Crowley etc. is between Verizon and PUC.
- He's worried that they might be missing something.
- He thinks we go back on record that we want to see it completed in 18 months.
- For the north end, the cable is up and functional. The ground should be opened up for Praxis.
- For south county: we need to restate our original position and oppose request for rehearing.
- For North County, underground it if at all possible but don't cut off any service in place.

**PUBLIC WORKS**

- 17a) Contract Award for the White Mountain Estates Road Rehabilitation Project (Garrett Higerd) - Receive staff report concerning bids received in response to solicitation for bids and responsibility of the apparent low bidder.
- M11-221** **Action:** 1) Waive Granite Construction Company's bid irregularity; 2) identify Granite Construction Company as responsible bidder submitting the lowest responsive bid; 3) award contract to Granite Construction

Company, for Rehabilitation of White Mountain Estates Road in an amount not to exceed \$320,217.00; 4) 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, and authority to approve and issue change orders to the contract in accordance with Public Contract Code §20142, in a cumulative amount not to exceed \$28,510.85, provided such amendments do not substantially alter the scope of work and are approved as to form and legality by County Counsel.

**Hunt moved; Bauer seconded**

**Vote: 5 Yes; 0 No**

**Kelly Garcia:**

- Garrett came to the board a little over a month ago; this is a project under Prop 1B program.
- Received two bids: one from Granite and one from Qualcomm. Granite had a slight deviation but wasn't substantive. She's asking this deviation be waived and that Granite be deemed the lowest responsible bidder.
- In the past Granite has been historically high but because they have won several bids in the area, it is cost effective for them to be in the area.
- She feels that the outcome for this specific project is good due to how easy of a paving project it is.
- She will come to the Board with an updated Prop 1B schedule due to it coming in under bid.

**Supervisor Hazard:**

- He has expressed concerns about Granite Construction. He is not impressed with various projects they've worked on.
- He met with Garrett and Kelly last week; our standards are CalTrans standards. He is worried with the expense of this and the outcome he thinks we will get.
- Should we write a revision to our standard for the future saying "no grinders involved in the project"?

**Supervisor Hansen:**

- Doesn't think a no grind spec is very reasonable. How would it be fixed if it needed to be fixed?

**Supervisor Bauer:**

- Could the county do some of the work?

**BOARD OF SUPERVISORS**

18a) 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 Hazard:**

- At RCRC meeting: discussion of State Responsibility Area (SRA) fees.
- Cap on Assessments was to be \$150. New orders = Cap on Assessments \$90.
- After RCRC, had a meeting regarding problems with their fee schedule.
- The SRA fee issue is a mess right now.
- You might want to make sure your constituents are aware of this issue; not a county issue, it's a fire protection district issue.

**Brian Muir:**

- They tried this six years ago; they wanted Tax Collectors to collect money.
- Not very appealing to the Department of Finance.

**Supervisor Bauer:**

- AB 210 to be renamed and to be a two year bill.
- She thinks Mono County might have made L.A. County aware of this.

ADJOURNMENT 5:44 p.m.

ATTEST:

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DUANE "HAP" HAZARD, CHAIR

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SHANNON KENDALL  
SR. DEPUTY CLERK OF THE BOARD

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