



MEETING 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 13, 2011

9:00 AM Meeting Called to Order by Chairman Hazard.

Pledge of Allegiance led by Brian Muir.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

Closed Session: 9:01 a.m.

Break: 10:04 a.m.

Reconvene: 10:10 a.m.

Lunch: 12:48 p.m.

Reconvene: 1:34 p.m.

Adjourn: 2:59 p.m.

CLOSED SESSION

There was nothing to report out of closed session.

BOARD OF SUPERVISORS

- 1a) 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
None.
- 3) **BOARD MEMBER REPORTS**

Supervisor Bauer:

- Attended three-hour CAC meeting.
- AB210 (1387, EMS) and 1245 (allowing ski patrol to administer oxygen) – two new bills.
- Sunday, big hike.
- Conference call yesterday with Senator Boxer's officer regarding the Walker River issues.
- State Park Closure Info meeting over at RCRC in the next couple of days. Mono Lake is only park in county being looked at. Need follow up agenda item to become clear on what our options are.

Supervisor Hansen:

- Attended Budget Hearing meetings.
- LTC IMAAA pre, pre-meeting yesterday; conference call with Barbara Boxer's Office.

Supervisor Hazard:

- 9/8 – budget hearings and town/county liaison meeting.
- 9/9 – budget hearings.
- 9/12 – attended LTC meeting with Supervisors Johnston and Hansen. Afterward, met with geothermal folks – looking to hire a woman to find additional funding to move project forward. Would the county be willing to commit (\$30,000 - \$50,000) to assist in this venture? Supervisor Hazard asked him to contact Mary Booher to seek other funding, wasn't sure if our Board could put up general fund monies.
- Met with Bernadette Lovato at BLM regarding Solid Waste Fees; also met with Forest Service. Asst. County Counsel Stacey Simon to bring additional information back to the Board.

Supervisor Hunt:

- Town/County Liaison committee meeting last week; talked about various issues including potential air subsidy and the Town's lawsuit and budget issues.
- AOC having a grand opening of the court on September 23rd.
- Spent weekend watching the U.S. Open finals.

Supervisor Johnston:

- Last Saturday, attended Friends of the Inyo 25th Anniversary dinner event at June Mountain. Well attended.
- Attended LTC meeting yesterday. Discussed various ongoing projects.
- Last night: Mammoth Lakes Housing Board meeting. They are in good shape right now; only one unit not sold.

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:

- Budget Hearings took up most of last week.
- Continued with Dept. Head status reports and dealt with some employee problems.
- Going to Lodi next week to attend the Human Resources Director's Conference.

DEPARTMENT REPORTS/EMERGING ISSUES

Brian Muir

- PERS side funding update. Possibility to refund PERS side fund with a loan to save money. Needs to be an unsecured loan.
- Side Fund: PERS decided they wanted to form risk pools. We got combined with a bunch of different entities in this risk pool. Loan is at 7.50 %. If we can refinance this loan at 4.5%, there is a savings to us.
- Now we have the opportunity to put \$5 million onto our budget sheet; at some point it's going to become worth it for us to do this.
- Saving is \$528,000. Not just financial decision, it's also a political one.
- Board would like this agenda item for a more detailed discussion.

Jeff Walters:

- Reiterate motor pool special district requests. They've had three requests; will move forward to sell these at \$1 each at Board's recommendation and it is his understanding that no resolution is required.
- In regards to previous direction by the Board on filling full time mechanic position: one employee in District 4/5 road department would like to transfer which will create a vacancy in district 4/5 road. Decided full board discussion not needed due to these being previously approved positions.

Stacey Simon:

- Update on 2012 Appropriations Bill and inclusion in that bill that would eliminate the limitation on the use of federal funding thereby making the water purchase available to Mono County and other river basins that meet the criteria.
- Reason for removal of limitation was originally thought that it was deemed an earmark; that's not the primary reason, that's secondary. Primary reason for proposed change is there is a desire to enable some of \$88 million still to be spent elsewhere.
- She participated in a phone conference yesterday; they are interested in providing us assurances outside of the legislation such as an agreement indicating that no water acquisitions would occur in California without Mono County's concurrence. Reid's office stated they would also provide a letter indicating that their intention is not to expand the program into California but to meet the needs of other basins.
- Supervisor Bauer: She contacted Lynn from Boxer's office after call; she feels we are in a good spot.
- Stacey will be working with the parties.

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.)

PUBLIC WORKS

- 5a) Letter of Support for Caltrans Efforts on Local Highways - Consider draft language for letter of support for Caltrans efforts to maintain local year-round and seasonal highways. The proposed letter requests Caltrans supply adequate equipment and manpower to maintain local year-round highways and keep them open during winter as well as open as early as possible for seasonal highways. Provide any desired direction to staff.

- M11-223** **Action:** Authorize the Chair to sign the proposed letter.
Bauer moved; Hansen seconded
Vote: 5 Yes; 0 No

MENTAL HEALTH

- 6a) Mono County Children and Families Commission: Peapod Contract Amendment - Proposed contract with Mono County Children and Families Commission pertaining to an amendment of the Peapod project.

- M11-224** **Action:** Approve County continuation of its contract with the Mono County Children and Families Commission (MCCFC). Extend the contract through 7/31/12, add \$25,000 in FY 11-12 funds, and authorize the Board Chair to sign said contract amendment.
Bauer moved; Hansen seconded
Vote: 5 Yes; 0 No

Supervisor Hazard:

- Didn't "pull" item but wanted to make a comment prior to consent agenda motion.
- He attended an event about this, very good turnout and a very positive step.
- He feels that it's extremely worthwhile to make sure the parents have the support they need, etc.
- He's happy to see this project come out, be funded and move forward.

COUNTY COUNSEL

- 7a) Ordinance amending County Code Section 2.68.040 - Proposed ordinance amending Section 2.68.040 of the Mono County Code, pertaining to application of Chapter 2.68.

- ORD11-12** **Action:** Adopt proposed ordinance #ORD11-12, amending Section 2.68.040 of the Mono County Code, pertaining to application of Chapter 2.68.
Bauer moved; Hansen seconded
Vote: 5 Yes; 0 No

HEALTH DEPARTMENT

- 8a) WIC Local Agency Agreement, FFY 2012-2014 - WIC Funding Application for Federal Fiscal Years (FFYs) 2012-2014.

- M11-225** **Action:** Approve and authorize the Chair to sign the WIC Funding Application for Federal Fiscal Years (FFYs) 2012-2014.
Bauer moved; Hansen seconded
Vote: 5 Yes; 0 No

FINANCE

- 9a) Actuarial Services - Proposed contract with Milliman, Inc. pertaining to valuation of other post employment benefits (OPEB).

M11-226 **Action:** Approve County entry into proposed contract and authorize Chairman to execute said contract on behalf of the County.
Bauer moved; Hansen seconded
Vote: 5 Yes; 0 No

9b) 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.

ORD11-13 **Action:** Adopt proposed ordinance #ORD11-13, repealing Chapter 2.40 of the Mono County Code Pertaining to Health and Human Services.
Bauer moved; Hansen 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

10a) Bureau of Land Management - Letter regarding Bodie Hills Upland Vegetation Restoration Project field trip on September 21, 2011, at 9:00 a.m.

10b) Fish and Game Commission - Notice of proposed regulatory action, public hearings, and deadlines for receipt of written comments relating to abalone sport fishing.

Supervisor Johnston:

- He feels the language in this is ridiculous and was appalled by it.
- Not very factual.

The Board acknowledged receipt of the correspondence.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

Additional Departments: County Counsel

11a) General Plan Amendment 11-002 Workshop (Tony Dublino) - This is a continuation of the General Plan Workshop held on August 16. The Board will discuss and provide input on various aspects of proposed General Plan Amendment 11-002.

M11-227 **Action:** As stated in the staff report for letter "R": 'Based on Commission direction, the sentence 04.040 permitting "RV Storage on Vacant Land" will be deleted.'
Johnston moved; Hunt seconded

Vote: 2 Yes; 3 No: Bauer, Hansen and Hazard
MOTION FAILS

M11-228 **Action:** As stated in the staff report for letter “Q”: Based on Commission direction, roosters will be prohibited from residential designations. Roosters will only be allowed where “animal husbandry” is permitted. General Plan regulations related to hens will not be affected by this change.

Johnston moved; no second, no vote

MOTION FAILS

M11-229 **Action:** As stated in the staff report for letter “I”: Specific planning regulations for Cargo Containers will be created under Development Standards, Chapter 4 – General. This is the result of community outreach already performed.

Hansen moved; Bauer seconded

Vote: 5 Yes; 0 No

M11-230 **Action:** As stated in the staff report for letter “G”: Construction equipment, agriculture equipment and heavy equipment will be defined by Gross Vehicle Weight, and a certain amount will be permitted within LUD’s, “for on-site personal use.”

Johnston moved; no second, no vote

MOTION FAILS

M11-231 **Action:** As stated in the staff report for letter “G”: Construction equipment, agriculture equipment and heavy equipment will be defined by Gross Vehicle Weight, and a certain amount will be permitted within LUD’s, “for on-site personal use” *with the addition of a grandfather clause to be included.*

Hunt moved; Bauer seconded

Vote: 4 Yes; 1 No: Johnston

Tony Dublino:

- He redesigned his staff report and exhibits based on information received at last board meeting in the hope to expedite discussion.
- Is there a need to go into the history? Can we move right into discussion?
- Would like to go over some items that affect Nick Criss as he needs to leave.

Recap of outreach that HAS been done:

- He has visited all the RPACS and given them the list. He told them at the time that there was no way they could come up with a general consensus right then. They would need to go online, etc. He’s heard from some citizens, not all.
- Taking all of this back to the RPACS again might not be the best use of time.
- Today we are here to hear what the board thinks about the different items. For example both a removal of the language about RV storage AND considering a camping overlay could be part of future discussions.

Letter “R”, (RV storage on Vacant Land):

- Supervisor is in favor for keeping this on the table.
- Supervisor Bauer is conflicted on this, asked Nick for some clarification.

Nick Criss:

- The GP allows for RVs to be stored on vacant property and what's happening (in Virginia Lakes area) is that people are living in the RVs on this vacant land.
- He feels this clause needs to be removed from the GP, at least from an enforcement perspective.
- Homeowners vs. trailer owners are at odds. It's countywide, not just Virginia Lakes.
- Right now camping, even on private property IS illegal. He needs a way to enforce this.

Scott Burns:

- What is proposed here is a simple clarification.
- You can make four GP amendments a year.

Supervisor Comments:

Supervisor Hunt:

- What about designated camping areas?

Supervisor Hansen:

- Asked about avalanche areas.
- One size doesn't fit all.
- Maybe the Virginia Lakes people need some outreach.

Supervisor Hazard:

- He thinks much more discussion needs to be had on this. It needs refinement from the RPACs.

Supervisor Bauer:

- If we provide a camping overlay, would that solve the enforcement issue?
- We need to protect existing uses. She is for the private property rights.

Supervisor Johnston:

- He thinks it should be taken to the Planning Commission. The public should have a say.

Letter "Q" – Roosters (allowed in all designations):

Tony Dublino:

- Most RPACS think roosters should be allowed in all designations.
- Should be left in to be considered.

Letter "I" – Cargo Container Ordinance:

Tony Dublino:

- This has gone to the public quite a few times.

Supervisor Comments:

Supervisor Hazard:

- We need to figure out enforcement issues on lawn sheds that people buy that are over 120 sq. feet. These are showing up all over the county. Have we resolved how these?
- Nick Criss – these are solved on a case by case basis.

Letter "P" – Sage Grouse Policies – Regulations vs. Guidelines:

Tony Dublino:

- We don't have policies drafted yet, there's not a clear answer on this.
- Talking about mitigation strategies.

- Will work with staff for further discussion.

Supervisor Comments:

Supervisor Hansen:

- Thinks Tony is doing a good job; doesn't think anything needs to be changed.

Supervisor Hazard:

- Doesn't know what regulations are vs. what guidelines are.

Supervisor Bauer:

- O.k. with moving forward with guidelines.

Supervisor Johnston:

- He doesn't think guidelines are enough.

Supervisor Hunt:

- Doesn't think this is ready to move forward.

Supervisor Hansen:

- Doesn't think it's the county's job to nitpick this.

Letter "J" – Communications:

Tony Dublino:

- Advantageous to have infrastructure in the ground with Digital 395.
- Looking at having Communications Conduit.
- Antelope Valley suggested that they are trying to make a move towards off-the-grid, wireless communications.

Supervisor Hazard

- This concept predated Digital 395. This simply requires that conduit is put into the ground while it's open.
- His concern – try to structure language to also leave door open to modify this later.

Board recommends they move forward as written in staff report.

Letter "G" – Heavy Equipment

Tony Dublino:

- GP doesn't provide for storage of this on residential property.
- Code Enforcement issues related to this.
- Makes sense to tie restrictions to gross vehicle waste.
- Right now there is nothing in the GP that says they can store heavy equipment but individuals do it which is why some clarification in the GP is desired.

Supervisor Comments:

Supervisor Hazard:

- He'd like to see an addition of a grandfather clause; whatever current use would be allowed.

Supervisor Hansen:

- We should delete totally or do something like Supervisor Hazard said. Doesn't seem like a huge problem.

Supervisor Hunt:

- Include for environmental review with grandfather clause.

Supervisor Johnston:

- Not comfortable having large equipment on residential sites.

Supervisor Bauer:

- Why is this being brought forward? Are there complaints?

Asst. County Counsel Stacey Simon:

- Flexibility and discretion is o.k. but you need enough clarity for it to be enforceable by a court.
- Needs to be constrained to some degree.

Letter "H" – Home Occupations

Tony Dublino:

- Currently very restrictive.
- Allows very restrictive business activity on your home property.
- Suggesting a case-by-case review; an expansion to the existing restrictions.
- What they are proposing would not include signage.

Supervisor Comments:

Supervisor Bauer:

- Thinks we should move this forward.

Supervisor Hazard:

- Needs to be moved forward.

Supervisor Johnston:

- O.k. with moving it forward, not certain about significant modifications.

Supervisor Hansen:

- Customer visits? That's already going on a little bit; should be part of a home occupation.

Supervisor Hunt:

- Signage?

Tony Dublino:

- Where do we go from here? He's not clear on exactly what the Board wants.
- Emerging Items – another workshop?

Scott Burns:

- Next meeting there is an overview of the general plan.

Supervisor Comments:

Supervisor Johnston:

- Take this new list out to RPACS. Indicate schedule for Planning Commission, ask for official comments, take to Planning Commission for couple meetings and then a recommendation back to us.

Supervisor Hunt:

- Keep a working list going; there are issues.

LUNCH

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

COUNTY COUNSEL

12a)

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.

M11-232 **Action:** Approve County entry into proposed contract and authorize Chairman of the Board of Supervisors to execute said contract on behalf of the County.

Hunt moved; Johnston seconded

Vote: 5 Yes; 0 No

Marshall Rudolph:

- Issue last time: who picks up the cost of relocating the sign?
- This is a changed agreement in front of the board that might be ready to be signed.

Supervisor Hansen:

- He's still not comfortable with the location; etc. He wants it on the record that he's deferring to the Mammoth Supervisors.

Supervisor Hunt:

- The sign is large.

HUMAN RESOURCES

Additional Departments: Social Services

13a) Human Resources - Social Services Vacancy (Julie Tiede and Jim Arkens) - Proposed resolution allowing the Mono County Department of Social Services to fill an Eligibility Worker I/II (FTS I/II) that has recently become vacant. In requesting to fill this position it is critical to point out that because this is a position where the employee's time is charged to the State through the process of time studies the vacancy creates a potential loss of revenue for Social Services. This loss of revenue can translate to a higher share of costs for the County. Just as critical, it creates a hardship for the remaining Eligibility Workers who are taking over the vacant position's case load. It has resulted in increased overtime costs as staff struggle to maintain an appropriate level of customer service. In requesting this position be filled it is also important to recognize that commencing in January 2012 the State will implement the first phase of Health Care Reform. The Department of Social Services has been identified as the initial point of entry for the application process and is preparing to see a significant increase in case work. Having the Department staffed to the fullest extent possible will be critical to insuring proper delivery of services. This position is allocated and budgeted for in

the FY 11-12 budget.

- R11-63** **Action:** Adopt proposed resolution #R11-63, allowing the Mono County Department of Social Services to fill an Eligibility Worker I/II (FTS I/II) that has recently become vacant.
Hunt moved; Hansen seconded
Vote: 5 Yes; 0 No

Julie Tiede:

- This position is a revenue generating position. If not filled, the overtime is not time studied and will become expensive.
- She's working at getting fully staffed.
- There are processes to terminate this position if funding goes away.

Supervisor Hazard:

- Can this position be terminated or let go if funding doesn't stay whole?

CLERK OF THE BOARD

- 14a) Personnel Appeals Board (Lynda Roberts) - Two appointments to the Personnel Appeals Board to hear two different appeals by employees regarding discipline. One employee resides in Supervisor District 4, and the other employee resides in Supervisor District 3.

- M11-233** **Action:** Appoint Supervisor Vikki Bauer to the Personnel Appeals Board for the appeal by the employee that resides in District 4; Appoint Supervisor Duane "Hap" Hazard to the Personnel Appeals Board for the appeal by the employee that resides in District 3.
Hunt moved; Johnston seconded
Vote: 5 Yes; 0 No

Lynda Roberts:

- Two boards need to be chosen.

Marshall Rudolph:

- The board can appoint anyone, board member or not, as a member on the Personnel Appeals Board.
- In the past, Supervisors have not been appointed to a board where the appellant might live in their district.

BOARD OF SUPERVISORS

- 15a) Inyo County Correspondence to IMAAA Governing Board (Board Members) - Letter dated August 4, 2011, from Inyo County Board of Supervisors to IMAAA Governing Board discussing proposed budget and requesting a revised budget no later than October 1, 2011. This letter was on the Mono County Board of Supervisors' September 6, 2011, agenda as correspondence. The Board of Supervisors agenda'd this letter for discussion at the September 13, 2011, meeting.

Action: None.

NONE Approve Chairman of the board to draft a letter to IMAAA opposing Inyo County's August 4, 2011 letter and its terms. This letter will be delivered to the meeting on Monday, September 19, 2011.

Julie Tiede:

- Went over Budget flowchart handed out at meeting.
- Explained all the services that we offer to Mono County senior citizens.

Supervisor Hazard:

- Not sure what to say about this.
- Gave a brief history of IMAAA and Inyo/Mono County split of monies.
- Letter received which is Inyo's attempt to level the playing field regarding IMAAA.
- Critical issue was that the counties could not come to an agreement on how to split.
- Idea was originally to split money when census came out but we don't have the 2010 data yet.
- We don't really know what our "most needy" is in regards to our senior citizens.
- We are a subcontractor in this agreement, not an equal player.
- Feels that our seniors deserve their fair share of this grant amount.
- Thank them for letter but decline to do what they are asking. They have been suggesting that if we don't comply with requests, they might dissolve IMAAA.
- They attribute a lot of their administrative costs to A87 costs.
- He would like both Brian Muir and someone from County Counsel's office at the table when IMAAA meets on Monday.

Supervisor Bauer:

- Letter basically says that Inyo is tired of dealing with IMAAA.
- We just need to say no to what they are requesting in their letter.
- Their letter mostly focuses on IMAAA.

Supervisor Johnston:

- In the end, we can't go with what Inyo is proposing.
- Right now we just say no to their letter recommendations; we're not dissolving JPA, we're waiting to see what they're going to do.

Supervisor Hunt:

- What are our options long term? Can we go out on our own?
- Any recent analysis on real needs for senior citizens in our county?

Brian Muir:

- He agrees that Inyo wants to blow up this program; they want to get someone else to run IMAAA. If we say no, it's back in their court.
- Is the Board just going to say no to the letter?
- If IMAAA gets dissolved, the program will still be funded during the wind down period.
- Brian recommends a letter.

Jim Arkens:

- Even the Inyo County CAO has gone on the record that Mono County would be

foolish to accept what Inyo is suggesting in their letter.

- They always refer to their overhead as a problem. We still don't really know what their overhead is.

Marshall Rudolph:

- If the County backs out of agreement, the JPA can be dissolved. We can't really do anything with IMAAA.

15b)

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:

- SRA Fee update – bill passed, signed and is the law in California. Two others failed to move forward; to be sent back to Board of Forestry. Will be readdressed in January 2012. Doesn't look like they're off the table, they're just delayed.
- Thinks project previously approved should be delayed – Owens River Road is a last priority now. This paved road should just live out its life expectancy at this point.

Supervisor Johnston:

- If Obama's job proposal goes forward, for the county to be in the position to have shovel ready projects – we need to make sure our project list is ready to go.
- CAO Jim Arkens – he has spoken to Kelly Garcia, our project list is going to be ready.

ADJOURNMENT

ATTEST:

DUANE "HAP" HAZARD, CHAIR

SHANNON KENDALL
SR. DEPUTY CLERK OF THE BOARD

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