



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

October 11, 2011

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

Pledge of Allegiance led by County Counsel Marshall Rudolph.

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**  
***No One Spoke.***

*Closed Session: 9:01 p.m.*

*Break: 10:31 a.m.*

*Reconvene: 10:36 a.m.*

*Lunch: 11:37 a.m.*

*Reconvene: 1:01 p.m.*

*Adjourn: 3:38 p.m.*

**CLOSED SESSION**

*There was nothing to report out of closed session.*

**BOARD OF SUPERVISORS**

- 1a) Closed Session--Conference with Real Property Negotiators - 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); Mono County Health Dept. (APN: 0080800700); Crowley Lake Community Center (APN: 060210020000); 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.
- 1b) 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:  
Implementation of Mountain Gate Project.

- 1c) Closed session--Real Property Negotiations - CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: 71 Davison St., Mammoth Lakes. Agency negotiators: Jim Arkens, Marshall Rudolph, Brian Muir, Ann Gimpel, and Kelly Garcia. Negotiating parties: Mono County and entities to whom the County will send a written offer to sell under Government Code section 54222. Under negotiation: price and terms of payment.
- 1d) 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.
- 1e) Closed Session--CAO - PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Administrative Officer.
- 1f) Closed Session--Performance Evaluation - PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Counsel.

**ADDITIONAL PUBLIC COMMENT SECTION:**

**Sgt. Craig Nelson:**

- Both he and Deputy John Pelichowski will be on Boat Patrol this weekend on Mono Lake.
- Extending an offer to the Board to accompany them. They want to showcase what response time would be and what the equipment does.
- All Board members have previous engagements for this Friday.
- Thought that the Board would benefit seeing the boat program in action so that when the Sheriff's Dept. comes to the board with grant requests, the Board would have a better idea of what they are asking for and what it entails.
- Offer for the Supervisors to join them on boat patrol is extended into next season, whenever they are available.

2) APPROVAL OF MINUTES

**M11-248 Action:** Approve minutes of the Regular Meeting held on September 20, 2011.

**Bauer moved; Hunt seconded**

**Vote: 5 Yes; 0 No**

3)

### **BOARD MEMBER REPORTS**

**Supervisor Bauer:**

- Tuesday night, CAC meeting. Six people from the Forest Service showed up to defend their position on road closures; got specific questions answered.

**Supervisor Hansen:**

- 10/5 – meeting with staff and BLM regarding fire road.
- 10/6 – Special board meeting; Antelope Valley RPAC.
- 10/8 – Ducks Unlimited Dinner, very well attended.

**Supervisor Hazard:**

- Office hours.
- While at RCRC meeting, he contacted Ray Nutting about their airport, its history, etc. A lot of their efforts have actually gone into the Reno-Tahoe Airport; discussions about potential partnership. How about a workshop at a Mammoth Board meeting? Supervisor Johnston: thinks the Town is a better participant than the County in airport discussion. Supervisor Bauer: wants full discussion; she doesn't think Tahoe is anything like Mono County.
- Conversation with Supervisor Johnston on Friday evening about reappropriating project monies regarding Owens Gorge Road. There are issues with traffic, dust, could be good for cycling, runners, asked Supervisor Johnston to contact cycling community, would they support? He's asked Scott Burns to place on a future LTC agenda.

**Supervisor Hunt:**

- No Board report.
- Flu Shot Clinic in Mammoth: Mammoth Elementary school today at 4:00 p.m.

**Supervisor Johnston:**

- Attended the two special board meetings.

### **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:**

- Continuing status reports with directors; attended special board meetings.
- Monday was a holiday.
- Has been dealing with personnel issues; investigation ongoing.

### **DEPARTMENT REPORTS/EMERGING ISSUES**

(PLEASE LIMIT COMMENTS TO FIVE MINUTES EACH)

**Lynda Roberts:**

- Last week there was an approval to the agenda template; upon contacting the vendor it looks like the change will be made by November. Costs currently covered by maintenance agreement.
- Sample ballots for the November Special Election have gone out. We have sent out notices about "going green" which will allow sample ballots to be available online.
- Draft agenda for next week's meeting: could end at 12:15 p.m., no lunch added yet. There was a question about whether or not to have an evening meeting. After discussion among Board members, it was decided to hold off on having an evening meeting at this time.
- Supervisor Johnston: May need to reword the location language at the beginning of the agenda; Lynda Roberts will look into this.

**Tom Perry:**

- Update on the Construction Stimulus Program. No more funding available for permit fees. There would need to be a revision to resolution on file to be able to use the plan check fund to use on permit fees as well. Could be brought back next week?
- Supervisor comments: would like to have this discussion next week; are people who are applying for fees ok to wait a couple weeks?

**Joe Blanchard:**

- Brief update regarding Crowley Lake Road Shop move.
- Yesterday began tearing off roof. Goal to have all materials there by Friday.
- Hopefully start install next Tuesday.

**Brian Muir:**

- Update regarding refunding the PERS side funds: there was some discussion with the bank that has become a deal breaker. Their commercial dealer is going to go back to the drawing board. He will keep the Board updated.

**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.)

**CLERK OF THE BOARD**

- 5a) No Items on the Consent Agenda

**REGULAR AGENDA**

**CORRESPONDENCE RECEIVED  
(INFORMATIONAL)**

All items listed are available for review and are located in the Office of the Clerk of the Board

**BOARD OF SUPERVISORS**

- 6a) California Fish and Game Commission - Notice about process to amend Section 632, Title 14, California Code of Regulations, regarding south coast marine protected areas. The CD referenced in the letter is on file in the office of the Clerk of the Board of Supervisors.
- 6b) Wildlife Conservation Board Minutes, Wheeler Ridge Wildlife Info. - Excerpt from the June 2, 2011 Wildlife Conservation Board minutes referring to Wheeler Ridge Wildlife Area, Expansion 3, Mono County. A complete copy of these minutes (108 pages) is on file with the Mono County Clerk's office.

\*\*\*\*\*

*The Board acknowledged receipt of the correspondence.*

**CLERK OF THE BOARD**

- 7a) Domestic Violence Awareness Month (Susi Bains, Wild Iris) - Brief

presentation providing general information and local statistics about domestic violence; request for Board support of a proclamation recognizing October as Domestic Violence Awareness Month.

- M11-249**     **Action:** Approve proclamation recognizing October as Domestic Violence Awareness Month.  
**Hunt moved; Johnston seconded**  
**Vote: 5 Yes; 0 No**

**Susi Bains:**

- Here to request that the Board proclaim October as Domestic Violence Awareness Month.
- Went over some statistics and gave history of domestic violence in Wild Iris.
- Spoke about an upcoming county-wide exhibit.

**Supervisor Byng Hung read proclamation and presented it to Susi Bains who accepted it on behalf of Wild Iris.**

**PUBLIC WORKS - ENGINEERING DIVISION**

- 8a)     Design Services for Bridgeport Streets Rehabilitation (Mary Ellen Halpin) - Proposed contract with Nichols Consulting Engineers pertaining to Design Services for Bridgeport Streets Rehabilitation.

- M11-250**     **Action:** Authorize James Arkens to execute and administer an agreement with Nichols Consulting Engineers in the amount of \$175,749 for design services associated with the Bridgeport Streets Rehabilitation Project and School Street Plaza.  
**Hunt moved; Hansen seconded**  
**Vote: 5 Yes; 0 No**

**Mary Ellen Halpin:**

- Also includes the School Street Plaza project.
- Funding largely covered through the STIP program. 2012 STIP monies could hopefully cover the unfunded portions.
- May need general fund monies to ultimately complete.
- In 2009 a RFQ was put out and the consultants were picked at that time.

**Supervisor Hunt:**

- Are funding for these rehabilitation projects in jeopardy?

**Supervisor Johnston:**

- Was concerned whether or not LDTAC has looked at this?
- Out of town consultant? How was he selected?

**Supervisor Hazard:**

- Concerned about entry point. Make part of LDTAC discussion?

- 8b)     Design Services for Lee Vining Streets Rehabilitation (Mary Ellen Halpin) - Proposed contract with Triad/Holmes Associates for Design Services for the Lee Vining Streets Rehabilitation project.

**M11-251**      **Action:** Authorize James Arkens to execute and administer an agreement with Triad/Holmes Associates in the amount of \$166,000 for right-of-way acquisition assistance and design services associated with the Lee Vining Streets Rehabilitation Project.

**Bauer moved; Hunt seconded**

**Vote: 5 Yes; 0 No**

**Mary Ellen Halpin:**

- Very similar to Bridgeport Project.
- Fully budgeted under STIP.
- Looking for authorization to execute.

\*\*\*\*\*

## **LUNCH**

\*\*\*\*\*

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

*No One Spoke.*

## **FINANCE**

- 9a)      Requests for Funding from Non-County Agencies and Organizations (Brian Muir) - Consider requests for financial support for the activities of non-county agencies and organizations that promote economic development, enhance the lives of County citizens or improve the operation of County government.

**M11-252**      **Action:** Move to accept the final version of the budget, as approved by the Board of Supervisors (copy of the final budget to be attached to the minute order).

**Hunt moved; Bauer seconded**

**Vote: 5 Yes; 0 No**

### **Summary of Contributions to Non-County Organizations for 2011-2012:**

- Chamber Music Unbound - \$8,000 (\$10,000 last year)
- Friends of the Inyo - \$5,000 (\$10,000 last year)
- Jazz Jubilee Festival - \$13,350 (\$20,000 last year)
- Mammoth AYSO - \$2,700 (\$2995 last year)
- ML Sierra Summer Festival - \$6350 (\$10,000 last year)
- ML Swim Team - \$3,000 (\$3,000 last year)
- ML Trails and Public Access - \$5,000 (none last year)
- Mono Basin Historical Society - \$5,000 (\$5,000 last year)
- Mono Council for the Arts - \$13,000 (\$20,000 last year)
- Mono County Little League - \$3600 (\$3600 last year)
- MWTC Historical Society - \$500 (none last year)
- June Lake Loop Historical Society – none requested (\$9450 last year)
- Ombudsman Advocacy Services - \$2,000 (\$2,000 last year)
- Southern Mono Historical Society - \$5,000 (none last year)
- UC 4H Science Camp - \$500 (\$1,800 last year)
- Yosemite Gateway Partners - \$2,000 (\$5,000 last year)

**Brian Muir:**

- The Board appropriated \$75,000 in the budget for funding support for non-county agencies and organizations.
- Requests total \$161,000.
- A late request has been included from the Forest Service; Board can consider or not.
- Policies set by the Board can be changed at their discretion.

**SUPERVISOR COMMENTS:**

**Supervisor Hunt:**

- What about inner agency rule currently in place? Can policy be changed?
- These funds were initially seen as “seed money”; now a lot of these agencies are in dire need of money. Comes down to how Mono County can assist.
- He feels some agencies are more in need than others.
- Thinks the two new requestors should need to come back before the Board with a presentation.
- Explained his process for deciding on funding for this year.

**Supervisor Bauer:**

- Start with no increases?
- Mentioned the four additional events that the Board helps fund in our county.
- She has categorized them; explained her reasoning.
- All youth, historical societies and Ombudsman should be kept as requested.

**Supervisor Hazard:**

- Any suggestions on dealing with these requests?
- It was originally decided that the Board would address an amount during a budget session that they were comfortable with.
- Suggested a 2/3 cut from all requests excluding the new requests which would be handled differently.
- He feels strongly that the previously approved \$75,000 should be the cap.

**Supervisor Johnston:**

- We are in a budget crisis. He thinks the cap set at \$75,000 is a good amount. He’s leaning toward sticking to the cap.
- What was the basis for non-county agencies being funded?
- Agrees with Supervisor Hansen; we should get the message out there that this type of funding will be diminishing in the future.
- There are some on the list – youth oriented ones – that we should fund at some level. Maybe take only a 10% cut off sports/youth programs.
- We are not in a position to entertain new requests.

**Supervisor Hansen:**

- Agrees with Supervisors on some of their determinations.
- He thinks we should try to wean everyone off of this funding; he realizes these are all services to the community.
- Only fair way is to divide in some way.
- Can’t leave Yosemite out; defends the Historical Society.

**PUBLIC COMMENT:**

**Chamber Music Unbound - Brian Schuldt**

- Gave overview of their organization and funding requested.

**Forest Service (E.S. Avalanche Center) – Sue Burak**

- Explained why their request was received late; because it’s coming directly from the Forest Service.
- Her organization has not grown; she is still running it alone.
- She is trying to do a lot of outreach to schools, agencies, etc.

- Board comments: why is the county funding a forest service organization?  
Maybe this should be a line item through Public Works/Public Safety?

**Friends of the Inyo – Stacy Corless**

- Explained program and upcoming cuts; asked Board to please consider.

**Interagency Visitors Center – No funding, request should be through tourism.**

**Jazz Jubilee – Ken & Fossie Coulter**

- Last year they worked at a budget reduction of 25%.

**Mammoth AYSO – funded at requested level.**

**ML Sierra Summer Festival - Susanne Stokes**

- Explained where this organization has lost funding.
- Pete Watercott is stepping down as Chair; the organization is looking for another Chair.

**ML Swim Team – funded at requested level.**

**MLTPA - John Wentworth**

- Gave overview.

**Mono Basin Historical Society –Steve Barager**

- Thinks all Historical Societies should coordinate together.
- Sees this as seed money.
- Tourism and Film Commission funded the Historical Society \$2,000 so they would understand if the county needed to award less.

**Mono Council for the Arts – Gaye Mueller**

- This money is totally directed to arts classes for the kids, not for the running of the council. It's used to get as many arts to as many kids as possible.
- Asked for as much as possible this year; plan to keep going forward and will look for additional funding sources elsewhere. Grants are available; it takes time to apply for them.
- Annie Reavy, art teacher for the schools, explained the importance of this funding.
- Supervisor Comments: Why no funding from the Town?

**Mono County Little League – funded at requested level.**

**MWTC Historical Society – Dave Brillenz**

- This funding request is hopefully a one-time request. They need to get up and running.
- Explained why the Marine Corp cannot be integrated at all with this historical society.

**June Lake Historical Society – not asking for any funding.**

**Ombudsman Advocacy Services – funded at requested level.**

**Sierra Bounty – no representative, no funding given.**

**Southern Mono Historical Society - funded at requested level.**

**University of California 4H Science Camp – funded at requested level.**

**Yosemite Gateway Partners**

- Only real regional organization in Yosemite.
- Discussed the various programs.
- Would be considered seed money.

**FINAL COMMENTS:**

**Supervisor Hazard:**

- Wanted to make sure everyone knew how hard this decision is.

**Supervisor Johnston:**

- Very hard process; is proud to be standing beside their budget.

**Supervisor Bauer:**

- Would like some of the left over items (E.S. Avalanche Center and Sierra Bounty Produce) to be on a future, separate agenda.

## 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.

### **ADDENDUM AGENDA ITEMS TO FOLLOW:**

- 10b) Mono Lake Tufa State Natural Reserve (Board Members) – Discussion and consideration of options with respect to continued operation of the Mono Lake Tufa State Natural Reserve, including but not limited to creation of a Board subcommittee and taking action to support or oppose one or more proposals regarding such continued operation.

**M11-253** **Action:** Move to support the proposal submitted by Dave Marquart, Mono Lake Tufa State Natural Reserve, that secures funding from the Bodie Foundation and establishes a parking fee at the marina. Authorize a letter to be drafted and signed by the Board Chair (supporting same) which will be approved at the October 18, 2011 meeting and then delivered by Supervisor Hansen at the Joint Legislative Hearing scheduled for November 1, 2011.

**Johnston moved; Bauer seconded**

**Vote: 5 Yes; 0 No**

#### **Dave Marquart – Mono Lake Tufa State Reserve:**

- There is an agreement in the works with the Bodie Foundation that could enable the Tufa State Natural Reserve to remain open.
- Agreement would take into account a per car fee.
- It is the hope that this agreement would get us off the closure list. Might know within a month to six weeks.
- Copies of Letter of Intent handed out to Board.
- Agreement could get us off closure list, but the ranger position could get moved to Bodie.

#### **Geoff McQuilkin (Mono Lake Foundation):**

- The park has run on very little for a long time. The goal is to get off the closure list.
- The Forest Service might be more responsive in the long run if there were entry fees coming into Mono Lake Reserve.

#### **Janet Carle:**

- Has been talking to friends with state park connections; need to look at this proposal (the old marina parking fee).
- Handed out information about meeting on November 1<sup>st</sup>.
- This Bodie Foundation agreement is a stepping stone.
- Can report back after November 1<sup>st</sup> to see what next step is.

#### **Charlotte Lange:**

- Indian community; they are still willing to write and send a proposal.
- She handed out a draft proposal.

**SUPERVISOR COMMENTS:**

**Supervisor Bauer:**

- Still sees a large gap with this.
- She's totally in support of this agreement; she's not sure it's enough. Need to have in place what it would take to have county sign onto an agreement if necessary.
- Why couldn't we have a discussion with the state about giving those lands up to the feds?

**Supervisor Hansen:**

- Went over handout, made suggestions for board action.
- Seems like a very simple solution.
- Asked Dave Marquart who gets film production monies?

**Supervisor Johnston:**

- If successful, we could get off closure list.

10c) Crowley Lake Road Shop (Board Members) – Review emergency action to repair or replace roof structures at the Crowley Lake Road Shop.

**M11-254** **Action:** Move to continue the state of emergency at the Crowley Lake Road Shop in order to repair/replace roof structures.

**Hunt moved; Johnston seconded**

**Vote: 5 Yes; 0 No**

**Jeff Walters:**

- Goal is to have roof off by tomorrow and to have materials from three different locations delivered by Friday.
- Small storm this weekend, possible chance of rain Saturday and Sunday.

**Marshall Rudolph:**

- Explained to the Board that they needed to make a motion to continue the state of emergency in regards to the Crowley Lake Road Shop but that they needed to terminate it as soon as they are able to.

ADJOURN: 3:38 p.m.

ATTEST:

---

DUANE "HAP" HAZARD  
CHAIR

---

SHANNON KENDALL  
SR. DEPUTY CLERK OF THE BOARD

§§§§§