



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

October 19, 2010

9:05 A.M. Meeting called to Order by Chairman Hunt.

Pledge of Allegiance led by Chairman Hunt.

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

**Joe Parrino (Mammothmotocross.org):**

- Here to give an update.
- Detailed events that have occurred; explained that certain events are only in Bishop, not in Mono County due to problems with the Forest Service.
- Right now working on what it's going to take to get the Mammoth track open.
- Looking for support from Board; asking for a Board member to show up at an upcoming meeting on Tuesday November 9<sup>th</sup> at 4:00 p.m. in Suite Z in Mammoth; Supervisor Hunt will try to attend.

**BOARD MEMBER REPORTS**

**Supervisor Bauer:**

- Bill to name Mt. Andrea Lawrence went through Senate subcommittee on September 29<sup>th</sup>; no real objections but the name might be an issue.
- Last Friday – conference call with Phil McGuire regarding YARTS Short Range Transit Plan.
- Went over Yosemite pass yesterday and attended YARTS meeting; Short Range Transit Plans are out. She would appreciate Supervisor Peters staying involved with Yosemite Gateway Partners until the new Supervisor can get up to speed and involved.
- Christina DeGeorge asked about using Community Centers for employee related stuff i.e. benefit fairs, etc. She was directed to bring it to the Board.
- June Lake Trails Committee met again regarding Gull Lake Trail.
- IntraWest/Fortress sale.
- HR 5580 still waiting on this Bill.

**Supervisor Farnetti:**

- Last Wed., received a call from Linda Connelly regarding affordable housing issue: son works for Water District and they had been discussing raising rates; referred to Greg Norby who said that the District has not raised rates in 4-5

- years and these were preliminary discussions. Nothing has been decided yet.
- Thursday – Solid Waste Task Force meeting: reviewed facilities operations; Solid Waste Franchise Agreement, should be new contract by December; talked about reducing operational costs by \$180,000 this year; talked about consultants hired by the county; long term recommendation – develop long haul transfer station. Next meeting January 14<sup>th</sup> – new Supervisor should be in attendance.

**Supervisor Hunt:**

- Sierra Star and Snowcreek golf courses are now using recycled water; both closed now, however.

**Supervisor Peters:**

- 10/13 - taken on guided tour of the Bodie Hills. It was a fascinating trip. Area around potential mining sites is desert land. Seems a good candidate for non-WSA status.
- 10/13 evening – Mono Basin RPAC: Yosemite National Park made presentation; Public Works reviewed the Lee Vining sidewalk rehab; SCE made a presentation of visuals for a possible plant rebuild they are doing; Visioning Committee status report; Mono Lake Committee showed photos of the Mars Rover.
- 10/14 – Yosemite Gateway Partners Quarterly Meeting: presentation on youth/education programs; update on parks activities, etc.; passed on information about Tioga Pass working group meeting.
- 10/18 – Mono County Fisheries Commission meeting: discussed various species that will not have an impact on our county; Marshall Rudolph: in these other areas they don't need permits to stock fish but now they will need them which has triggered EIRs, etc. Supervisor Hazard: we should get the fish that won't be stocked elsewhere; Mill Creek diversion was discussed and presented by Marshall Rudolph; Visual presentation about Wilson Creek Habitat.
- Excess speed in various areas in the county is becoming an issue.

**Supervisor Hazard:**

- 10/7 left for short vacation; he had a great time.
- 10/13 – Attended a Tri-Valley Groundwater meeting. There was supposed to be guidelines out by now, they still haven't come out.
- Last Thursday, Planning Commission Meeting in Crowley involving Rock Creek Issue that was supposed to hit our Board for 11/19/10 meeting. They rescheduled for early November so the 19<sup>th</sup> is off for our Board. There is a lot of controversy brewing on this issue.
- Email from Swall Meadows woman regarding stone constructed mailbox, has a meeting with her in a couple days. Will get this worked out through Planning Dept.
- Leaving this week for more vacation.

**COUNTY ADMINISTRATIVE OFFICE**

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

**Dave Wilbrecht: ABSENT FOR TODAY'S MEETING.**

2) APPROVAL OF MINUTES

**M10-221 ACTION:** Approve minutes of the Regular Meeting of September 21, 2010.

**Hazard/Farnetti 5-0**

**M10-222 ACTION:** Approve Minutes of the Regular Meeting held October 5, 2010.

**Farnetti/Hazard 4-0; 1 abstain: Bauer**

**M10-223 ACTION:** Approve Minutes of the Regular Meeting held on October 12, 2010.

**Bauer/Farnetti 4-0; 1 abstain: Hazard**

*Closed Session: 9:12 a.m.*

*Break: 10:06 a.m.*

*Reconvene: 10:10 a.m.*

*Closed Session: 11:54 a.m*

*Adjourn: 12:52 p.m.*

CLOSED SESSION

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

BOARD OF SUPERVISORS

- 3a) 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.
- 3b) Closed Session -- County Counsel - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Subdivision (a) of Government Code section 54956.9. Name of case: Cortez v. Mono County et al. (Mono County Superior Court Case No. 16179).
- 3c) Closed Session -- Performance Evaluation - PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Counsel.
- 3d) Closed Session -- Performance Evaluation - PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Administrator.

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

### Sheriff Scholl:

- Reported on Jail Extraction training recently done; PSO's Jason Pelichowski and Shawn Minder were on hand to show some of the new equipment used in these trainings. Played a video example of the training. They will be having more training today; there may be loud explosion like sounds associated with it.

### Lynda Roberts:

- Confirmed that 11/16/10 meeting will be cancelled.
- She passed time off calendar around again for Board members.
- Senate District 1 race will need to be certified by November 12<sup>th</sup>. She is going to shoot for the November 9<sup>th</sup> meeting anyway.
- They have until the 30<sup>th</sup> of November to certify the rest but hope to have it done by the 23<sup>rd</sup>.
- She passed around a report on recordings dealing with foreclosures. She reported that 20 units were recently sold at the Westin, recordings done last week.

### Jeff Walters:

- Sale of heavy equipment up in Reno and they sold quite a few. They brought in \$67,000 and almost \$45,000 of that will go to the road fund. They plan to go with this operation in Reno again as they feel they could be missing revenue by only doing sales here.

## 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.)

### ASSESSOR

- 4a) Agreement between MLBOR and Assessor for access to MLS - Proposed agreement with Mammoth Lakes Board of Realtors and Mono County Assessor pertaining to access to Multiple Listing Service data for appraisal purposes.

**M10-224** **Action:** Approve County entry into agreement and authorize Jody Henning to execute said agreement on behalf of the County.  
**Hazard/Bauer 5-0**

### COUNTY COUNSEL

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

- 5a) Amendment to Arkens Agreement - Proposed Resolution Approving a First Amendment to the Agreement re Employment of James Arkens.

**R10-73** **Action:** Adopt proposed Resolution #R10-73 approving a First Amendment to the Agreement regarding Employment of James Arkens.  
**Hazard/Bauer 5-0**

**Additional Departments: CAO/HR**

- 5b) Management Compensation Policy Amendment - Resolution Updating and Amending the County Policy Regarding the Compensation of Management-Level Officers and At-Will Employees (aka the Management Compensation Policy).

**R10-74 Action:** Adopt Resolution #R10-74, updating and amending the County Policy regarding the Compensation of Management-Level Officers and AT-Will Employees (aka the Management Compensation Policy).  
**Hazard/Bauer 5-0**

BOARD OF SUPERVISORS

- 6a) World Polio Day - Consider approving proclamation regarding World Polio Day. Supervisor Hunt requested to have this item agendaized.

**M10-225 Action:** Approve proclamation joining the Rotary Clubs of Mammoth Lakes and Rotary International in proclaiming October 24, 2010, as World Polio Day in Mono County.  
**Hazard/Bauer 5-0**

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

- 7a) No Correspondence Received -  
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COUNTY COUNSEL

- 8a) FERC Comment Letter (Marshall Rudolph) - Southern California Edison (SCE) application to the Federal Energy Commission (FERC) to amend license for Lundy Hydroelectric Project in order to improve the Mill Creek return conveyance.

**M10-226 Action:** Approve and authorize the Board Chair to sign a comment letter to FERC regarding SCE's application. Authorize and direct County Counsel to file such other documents with respect to the FERC proceeding as the Board may deem appropriate. Authorize County Counsel to file motion to intervene.  
**Farnetti/Peters 5-0**

**Marshall Rudolph:**

- Handed out a draft letter to the Board.
- Latest installment in the ongoing saga in the efforts to build an enhanced return

water conveyance in place of the existing Mill Creek return ditch.

- SCE, back in 2004, had proposed a settlement agreement to FERC of which the county was not a party to. As part of that agreement, they asked FERC to require as part of SCE's license to put in this enlarged return conveyance. The conveyance could have been a ditch or pipeline and between 40 cfs and 52 cfs in capacity. FERC declined to require SCE to install such a conveyance but indicated that SCE could apply for permission to do so at a later date, and that's what SCE is now doing.
- Now they are only seeking to do a pipeline, not an enhanced return ditch.
- In our view, this requires an environmental impact statement. Has not been done yet. We are not satisfied with this.
- The bulk of this letter reiterates points we've written about in the past. Marshall has modified past correspondence.
- This letter is making three points that have been made before: (1) if you are going to put something in, we'd prefer a 40 cfs ditch not a 52 cfs pipe; (2) in their application, they have worded the proposed license language as a mandatory requirement which is contradictory to FERC's prior statement that it would not require such a conveyance (but rather would consider granting permission); (3) the need for the environmental impact statement.
- Letter labeled as "Protest and Comments", not just "Comments" in order to emphasize the County's opposition to the proposed license amendment.

8b) Letter to Senator Boxer expressing appreciation for assistance (Stacey Simon) - Letter to Senator Boxer expressing the Board's appreciation for the assistance provided by her office in responding to proposed legislation affecting Bridgeport and Antelope Valleys within the Walker River Basin.

**M10-227** **Action:** Authorize the Chair to sign letter to Senator Boxer expressing the Board's appreciation for the assistance provided by her office in responding to proposed legislation affecting Bridgeport and Antelope Valleys within the Walker River Basin.

**Bauer/Peters 5-0**

**Stacey Simon:**

- Was informed that no formal resolution was needed but if we wanted to do something, a letter of appreciation would be appropriate.

#### COMMUNITY DEVELOPMENT - PLANNING DIVISION

**Additional Departments:** County Counsel

9a) Integrated Regional Water Management Agenda (Tony Dublino, Stacey Simon) - Consider items on the agenda for the October 27, 2010 meeting of the Inyo-Mono IRWM group. Provide direction to staff.

**Action:** No action.

**Tony Dublino:**

- Handed out copies of the agenda which was not submitted with the agenda preparation.
- Nothing really new on the agenda for October 27, 2010. He did include the draft of goals and objectives for the Board to review. If the Board has any thoughts

regarding this, he can take comments to the meeting.

- He doesn't think anything significant has changed from the last draft of goals and objectives that they've already seen but that things could change later.

**Stacey Simon:**

- Fiscal Agent – does not sound like a good idea for our county to be a part of. There is far more involvement than usual.
- Brown Act: They are going to adopt the policy statement (to comply with the Brown Act) that the Board has already discussed.

**Brian Muir:**

- He agrees with Stacey's assessment that we should not become involved with fiscal agent responsibilities.
- There are too many liabilities.

**Supervisor Hazard:**

- He brought up a public hearing by the California State Water Board on Senate Bill 855 (SB 855) and asked Stacey and Tony to review quickly for possible impacts to Mono County and to reply if necessary.

**Supervisor Bauer:**

- How is the Admin Committee going to be selected?
- Was there anything in the draft of goals and objectives that has changed?

**FINANCE**

10a) Eastern Sierra Transit Authority (ESTA) Joint Powers Agreement (JPA) (Brian Muir) - Consider proposed resolution approving amendment of section 2.2 of the joint powers agreement of the Eastern Sierra Transit Authority.

**R10-75 Action:** Adopt Resolution #R10-75 approving amendment of section 2.2 of the joint powers agreement to the Eastern Sierra Transit.  
**Farnetti/Bauer 5-0**

**Brian Muir:**

- This amendment allows additional individuals to do the work.
- In the past this was not something Brian said our county wanted to be a part of; if the Board directed him to be a part of it, he would just want to recover costs.
- He thinks it is probably much more expensive to have ESTA do payroll than one of the entities involved in ESTA. The concept of taking the clerical piece in-house makes sense, however the financial aspect could be done cheaper by a different entity.

**John Helm:**

- Resolution identifies three options. They definitely need to do something; their JPA was originally written very strictly.
- The clerical duties would be larger in-house but the financial aspect would be handled outside.
- They have through January 2011 to get something in place.

**Supervisor Comments:**

- Agrees that the JPA was not originally written well.

- This is just to revise the JPA wording so that changes can be made in the future.
- Would be favorable of our county having control over financial aspect but all the costs need to be taken into account.

CLERK OF THE BOARD

11a) CSAC Appointments (Lynda Roberts) - Selection from the Board of Supervisors of a member and alternate to serve on the California State Association of Counties (CSAC) Board of Directors for 2011.

**M10-228 Action:** Elect Supervisor Duane "Hap" Hazard to serve on the CSAC Board of Directors for the 2011 Association year beginning November 16, 2010; also elect Supervisor Byng Hunt as an alternate member.  
**Bauer/Farnetti 5-0**

**Supervisor Hazard:**

- He has no trouble staying involved; his only comment is that if they go back to splitting the RCRC and CSAC responsibilities, there is no cost savings to this. He thinks there should be a single representative for both groups.

**Supervisor Hunt:**

- He's willing to be an alternate.

**Supervisor Bauer:**

- She thinks Supervisor Hazard is doing great; she suggests taking new Supervisors with him.

ADJOURNMENT: 12:52 p.m.

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**BYNG HUNT**

Chairman

**ATTEST:**

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**SHANNON KENDALL**

Sr. Deputy Clerk of the Board

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