



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

November 2, 2010

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

Pledge of Allegiance led by Supervisor Hazard.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

BOARD MEMBER REPORTS

Supervisor Bauer:

- After last board meeting she attended the Great Basin Water Forum – lots of discussion about Mono County; Mark Drew spoke for IRWM – a lot of information gathering; some new technology coming around. It was brought up the “judges” need to be educated on these water topics. The Walker Lake elephant in the room is still not being discussed. FERC issue discussed.
- ESTA meeting with Supervisor Hunt.
- Mono County/Town Liaison meeting, went well.
- Thursday night, went to USDA Rural Development meeting. CEQA/NEPA issue came up. Handouts online.

Supervisor Farnetti: ABSENT

Supervisor Hunt:

- 10/21 – attended the First Five Mono County Commission Meeting: Emergency Loan Program suggested, it was a long discussion; Mammoth Childcare center, the college is very interested in being involved in this.
- 10/22 – Board of Directors for ESTA – honored employees, discussed Mammoth Lakes Transit Hub (John Helm identified the new courthouse parking lot as a possible solution, needs to be on town/county liaison agenda), ESTA is doing well.
- 10/28 – Town/County Liaison Meeting – discussed Solid Waste Issues.
- 11/1 – Mammoth Lakes Housing Board of Directors Meeting.

Supervisor Peters:

- 10/26 – Tioga Pass Collaborative Team meeting; a lot of entities attended, held in Lee Vining; Jeff Walters put together the agenda and ran the meeting: was told there’s a new approach to getting Tioga Pass open at the end of the winter

- there was a lot of years of experience in that meeting, very productive. New plan will involve getting pass open as early as possible.
- Certificates of Appreciation given out to all other Supervisors; he presented one to each of them.

Supervisor Hazard:

- After last meeting, met on 10/20 with Judy Beard and Mr. Creasy regarding mailbox issue. They did an onsite visit with various individuals and this will be an item on next weeks agenda.
- 10/20 p.m. left for Sacramento, RCRC Joint Power Authority for Solid Waste meeting: out of all the different groups and special discussions, he went anticipating conflict but this was a very agreeable group; state policy mandate is currently working itself through the system regarding disposition of dead animals; mercury thermostat recovery regulations (household).
- Letter from Dick Noles from Fish and Game Commission regarding his proposal on Lower Rock Creek.

COUNTY ADMINISTRATIVE OFFICE

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

Dave Wilbrecht:

- Attended Solid Waste Task Force meeting with Supervisor Farnetti who is interested in staying on the committee once he retires from the Board.
- Attended Town County Liaison meeting.
- Public Works/CDD consolidation meeting – there were additional meetings; he wants to meet with new Supervisors regarding this and come back to the Board in December. Based upon where we are, we would then do recruitments in January.
- Local County Administrator Meeting – problems with the economy have certainly hit Mono County; he isn't seeing a direct relationship between reducing people/salaries and reduction of services and that probably needs to happen.
- Last Friday attended a meeting with Dan Lyster and Scott Burns regarding a Town request on the potential annexing of land (re: ORMAT). (Supervisor Hazard: it might be wise for the Board to have an update agendized for the future and in the Town/County liaison meetings.)
- Also had regular status/department meetings. Management meetings are now quarterly – they might be longer meetings that will incorporate training, etc.

- 2) **APPROVAL OF MINUTES**

M10-229 ACTION: Approve Minutes of the Regular Meeting held October 19, 2010.

Hazard/Peters 4-0; 1 absent: Farnetti

Closed Session: 9:03 a.m.

Break: 10:04 a.m.

Reconvene: 10:10 a.m.

Break: 10:46 a.m.

Reconvene: 10:50 a.m.

Break: 11:45 a.m.
Lunch: 12:02 p.m.
Reconvene: 1:00 p.m.
Closed Session: 2:30 p.m.
Adjourn: 4:30 p.m.

CLOSED SESSION

The Board had nothing to report out of 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 -- Performance Evaluation - PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Counsel.
- 3c) Closed Session -- Performance Evaluation - PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Administrator.
- 3d) Closed Session -- County Counsel - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to subdivision (c) of Government Code section 54956.9. Number of potential cases: one.
- 3e) 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.

DEPARTMENT REPORTS/EMERGING ISSUES

(PLEASE LIMIT COMMENTS TO FIVE MINUTES EACH)

Shannon Kendall, Clerk-Recorder's Office:

- A brief report given regarding Vote by Mail ballots, the time it takes to get them from the sorting center back to the Clerk's office; the efforts put forth by the Clerk's office to alert voters of the mail issues (handout of information given to members).

Nancy Boardman

- Gave the Board information about an upcoming fundraiser called the Cary Shibley Memorial Golf Tournament: Swing 'Fore' Pets (flier in file folder for today's meeting). This tournament is on November 7, 2010 in Bishop, CA and all proceeds go to spay/neuter programs and I-Care and Mono County Animal Shelters in Cary's name.

CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

FINANCE

- 4a) Local Agency Investment Fund - Proposed resolution designating County officials authorized to deposit or withdraw funds in the Local Agency Investment Fund (LAIF)
- R10-76** **Action:** Adopt proposed resolution #R10-76 designating County officials authorized to deposit or withdraw funds in the Local Agency Investment Fund (LAIF).
Hazard/Bauer 4-0; 1 absent: Farnetti
- 4b) Mono County Investment Policy - Consider proposed revision to Mono County Investment Policy to allow the Treasurer to invest in investment-grade obligations of the other forty-nine United States.
- M10-230** **Action:** Approve revised investment policy.
Hazard/Bauer 4-0; 1 absent: Farnetti

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

- 5a) Beard Letter Regarding Mailbox Issue - Letter from Brad and Judy Beard (plus attachments) dated October 26, 2010 highlighting problems with the placement and construction of their mailbox and Mono County Code violations.
- Supervisor Hazard:**
- Let Board know that this issue will be on the Board agenda for next week. The correspondence is just a good opening to this item.
- 5b) Scoping Comments on E-Wind Proposal - Letter from various entities regarding scoping comments on the E-Wind proposal at Sagehen Peak in Mono County; comments on the proposal.

The Board acknowledged receipt of the correspondence.

PUBLIC WORKS

Additional Departments: CAO

- 6a) Consultant Services for Walker Community Center Area Master Plan (Kelly Garcia, Mary Booher) - Proposed contract with Ward-Young Architects pertaining to the Walker Community Center Area Master Plan.

M10-231 Action: Approve County entry into proposed contract and authorize Chairman of the Board of Supervisors to execute said contract on behalf of the County.

Peters/Bauer 4-0; 1 absent: Farnetti

Kelly Garcia:

- They chose a firm out of Truckee, CA that has done similar work and is ready to work. Are committed to having work done by end of June.
- The last cycle for CDBG (on first come first serve basis) – they need to be made aware of those soon.

Supervisor Comments:

- Concerned about next year's CDBG/other cycles – how does the June 30th date square with these cycles? Any possibility it could be done sooner to fit within the CDBG cycle?

COUNTY COUNSEL

- 7a) Energy and Water Development and Related Agencies Approp. Act, 2011 (Stacey Simon) - Language potentially affecting the Walker River Basin in Mono County contained in the proposed Energy and Water Development and Related Agencies Appropriations Act, 2011.

Action: None.

Stacey Simon:

- She had been awaiting a response from Senator Boxer's office which she did get.
- The 2011 Approp. Act has come out of the Senate Committee, no new action since July. When Congress back in session expect some action to be taken.
- Affecting Mono County: there is language in new bill that will extend the leasing demonstration program making it a program of no definite length. There is an increase of \$15 million dollars to go toward Walker River Basin. \$11 million allocated to the Bureau of Indian Affairs. \$2.5 to Federal Water Master for his work in overseeing work with Walker River Basin.
- She let Boxer's office know about Board's potential concerns; Lynn Abramson has drafted some language regarding these concerns.
- She is asking for direction from the Board – do they want Boxer's office to seek revision of any portion? Nothing in writing.
- If there are a series of separate leases, subject to CEQA?
- If you give yourself too much authority over the program then you are subject to CEQA. A fine line.
- Stacey will get additional information in the meantime and will advise Boxer's

office they are in support of longer language.

Supervisor Comments:

- Thinks that they need to oppose the indefinite length to the leasing demonstration program and to make a request regarding this.
- Is there a possibility to specifically spell out future cooperation in the language? IF they cross the state line.
- Need to wait until the end of tonight to see how election pans out; this is a Harry Reid thing.
- Need an updated item after the election; first meeting in December.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

Additional Departments: Public Works, Environmental Health

- 8a) Public Hearing--Haber Tentative Tract Map 10-001 (Courtney Weiche) - Public hearing regarding the proposal to subdivide Assessor's Parcel 064-090-034, totaling 49.51 acres, into six lots. The property is located along Ridge View and Cougar Run in the community of Swall Meadows. The Mono County Land Use Designations for the site are Estate Residential (ER 2) and Specific Plan (SP). Five of the six lots, two acres each, are included in the approved 2001 Rimrock Ranch Specific Plan. The southern lot, totaling 39.5 acres with an existing single-family residence on site, would remain Estate Residential 2.

M10-232 **Action:** A. Find that the impacts associated with the project have been analyzed, that all other conditions have been met, and that the project is exempt from additional review pursuant to Public Resources Code section 21083.3. In adopting the CEQA documents:

1. Find that the proposed project is consistent with the Mono County General Plan and Rimrock Ranch Specific Plan.
2. Find that the Mono County General Plan EIR (1993) and the General Plan Land Use Element Update Environmental Impact Report (2000) and the Rimrock Ranch Environmental Impact Report (2001) (the "prior EIRs") analyzed the potential impacts of development provided for in the Wheeler Crest Area Plan, including the development proposed for the subject parcel.
3. Find that there are no environmental effects associated with the project that are peculiar to the project or the site which were not addressed as significant effects in the Mono County General Plan EIRs or the Rimrock Ranch EIR, and that there is not substantial new information which shows that those effects will be more significant than described in the prior Environmental Impact Reports, and that there are no potentially significant cumulative or off-site effects that were not addressed in the prior EIRs. (Public Resources

Code Section 21083.3 and CEQA Guidelines Section 15183.)

4. Find that feasible mitigation measures identified in the prior EIRs and the Rimrock Ranch Specific Plan have been applied to this project as design elements or conditions of approval.
5. Find that, where applicable, uniformly applied development policies or standards (e.g., General Plan/Area Plan policies or other development standards) have been applied to the project and that the policies or standards will mitigate potential environmental effects that are peculiar to the project or site and which were not addressed as significant effects in the prior EIRs to a less-than-significant level.
6. Approve and adopt the Environmental Analysis for the Tentative Tract Map 10-001, which was prepared in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

B. Adopt the following Findings for Tentative Tract Map 10-001:

1. The proposed tentative parcel map, including the provision for its design and improvement, is consistent with the county General Plan because:
 - a. The division is consistent with the county General Plan Land Use Designations of the parcels, Specific Plan (SP) (proposed lots 1-5), and Estate Residential (ER2) (proposed lot 6).
 - b. The land use designations of ER and SP encourage residential development in areas adjacent to existing development.
 - c. The development would be subject to conditions, policies and requirements of the General Plan with respect to design, development, and use.
2. The design or improvements of the proposed tract map is consistent with the existing Specific Plan, which applies to the areas proposed as lots 1-5, because:
 - a. Lots 1-5 would be subject to all conditions and requirements of the Specific Plan.
 - b. Lots 1-5 are in conformance with, and were specifically analyzed in, the Rimrock Ranch Specific Plan.
3. The site is physically suitable for the type of development because:
 - a. Each lot contains an area suitable for residential development.
 - b. The lots are of sufficient size to allow development (minimum two-acres).

- c. The site is adjacent to existing roads and utilities and adjacent to existing residential development.
4. The site is physically suitable for the proposed density of development because:
 - a. The parcel has suitable area and topography for the development of six residential lots with an overall project density of 1/2 dwelling unit per acre for lots 1-5 and one dwelling unit per 39.5 acres for lot 6.
5. The design of the tentative tract map or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat because:
 - a. The division is within an area presently developed with residential structures, and the two-acre minimum lot size with designated building envelopes, within the Specific Plan land use, provides for wildlife movement through the area.
 - b. Although unavoidable impacts have been identified in the Rimrock Ranch EIR regarding the Round Valley deer herd, impacts have been proposed to reduce potential impacts to the lowest feasible levels through the adoption of extensive mitigation measures. A Statement of Overriding Considerations was adopted by the Mono County Board of Supervisors through Resolution 01-23, as required by CEQA.
6. Neither the design of the subdivision nor type of improvements is likely to cause serious public health problems.
 - a. Potential impacts related to public health were analyzed in the prior EIRs and mitigation measures related to public health and contained in those EIRs, as well as development policies and requirements applicable to all development in the county, have been applied to the project. All potential impacts have been reduced to a level that is less than significant.
7. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision because:
 - a. There has been no evidence, presented thus far, for this project indicating that the design of the division or any improvements proposed in conjunction with the approval of the division will have a substantial impact or conflict with easements acquired by the public, for access through or use

of the property, within the proposed subdivision.

8. The division and development of the property in the manner set forth on the approved or conditionally approved tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right of way or easement.
 - a. The project is designed to provide paved roads for access to the proposed lots.

The TTM is subject to conditions and other requirements to provide a public entity and/or public utility rights of way and/or easements.

C. Approve Tentative Tract Map 10-001, subject to the Conditions of Approval.

Hazard/Peters 4-0, 1 absent: Farnetti

M10-233

With respect to Tentative Tract Map 10-001 (Haber), adopt Housing Ordinance Option B as recommended by the Planning Commission and set forth in Section VII of the Staff Report.

Bauer/Peters 3-0; 1 oppose: Hazard; 1 absent: Farnetti

Courtney Weiche (powerpoint, detailed copy kept in agenda folder for today):

- Project Location and Land Use
- Project Description
- Project History
- Approved Rimrock Ranch Specific Plan
- Rimrock Ranch Phasing
- Existing Site Conditions
- Utilities and Services
- Rimrock Ranch Specific Plan Project Description
- Design Guidelines for the Specific Plan
- Tentative Tract Map 10-001
- Access
- Site Photos
- Environmental Review
- Explanation of Environmental Review
- Effects Found Not to be Significant
- Unavoidable Significant Environmental Effects
- CEQA 15183 Overview
- Highlighted Conditions of Approval for TTM 10-001
- Modified Conditions
- Condition added at Planning Commission
- Housing Mitigation Ordinance Requirements and Applicants Alternative Proposal
- The Planning Commission recommended the Board of Supervisors take certain actions.

Board Comments:

- Why were 5 acres withdrawn?
- 20% Build out in other phases?
- Is there a problem with two septic systems by approving affordable housing piece?

Public Hearing Opened: 11:10 a.m.
Public Hearing Closed: 11:14 a.m.

Ralph Haber:

- When Rimrock proposal came forth 10 years ago, there were some problems and it was decided to withdraw certain acres.
- All lots were originally sold.
- He knows there are at least three units in the Swall Meadows area similar to what is being proposed.
- He really doesn't want Option C (Hap's suggestion).

Note: Two email letters were included with this presentation: one from John Wilson and one from Glenn Inouye (already included in the packet)

Board Comments:

Supervisor Hazard:

- Thanks staff for all information in packet and for their last minute work in addressing problems he had.
- With build out that has taken place, looks to be on target.
- Lots 1 – 5 were addressed initially.
- Who raised the issue of re-vegetating the airport? Not really an issue.
- He got a lot of phone calls over the existing solar panels on the property. Is there some mechanism to review size, etc?
- Housing Ordinance: wants to consider Option C – collect mitigation fees from both homes and collect them up front.
- Dog fencing issues, was addressed by staff.
- What's been done is that you have a developer that stands to make a profit; there's no speculation that those properties could be sold. The housing issue needs to be addressed.
- He wants the housing mitigation issue to be dealt with at a future meeting.

Supervisor Bauer:

- Since there is something working in that area like what's proposed, why not support it? She is fine with Option B, which is what Planning Commission proposed.

Supervisor Peters:

- He's supports what's already working. He supports Planning Commission's Option B.

Supervisor Hunt:

- He puts a lot of faith in Planning Commission due to the filter they use to figure out this stuff. He supports Planning Commission Option B.

Stacey Simon:

- There is a formula to determine what housing mitigation is required. The applicant can propose an alternative to the formula which they did by proposing two units instead of one unit and a partial fee.

Scott Burns:

- Approving the five lots would trigger other things.
- We are pre-empted in our review of the solar panels.

- Planning Commission was basically ok with applicant's request.

Marshall Rudolph:

- If we don't have control over the solar panels because of state pre-emption, then neither does Wheeler Crest.

HUMAN RESOURCES

- 9a) Human Resources - vacancy report/position approval (Jim Arkens) - Presentation by Jim Arkens regarding Vacancy Report and possible authorization to fill positions.

Action: None.

Jim Arkens:

- Gave brief review of vacancies, salary savings, etc.
- Pushing approval on positions in Julie Tiede's office which are mostly State funded.

LUNCH

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

HEALTH DEPARTMENT

- 10a) 2010-2011 Public Health Emergency Preparedness Agreements (Lynda Salcido, Richard Johnson) - This agreement is entered into between the California Department of Public Health and the County of Mono pertaining to the 2010-11 CDC Public Health Emergency Preparedness (PHEP), State General Fund (GF) Pandemic Influenza and the HHS Hospital Preparedness Program (HPP) Funding Agreements.

- M10-234** **Action:** 1) Approve and authorize the Chair's signature on the NON-SUPPLANTATION CERTIFICATION FORM for the AGREEMENT outlined below, and (2) Authorize the Chairman of the Board to sign the 2010-11 CDC Public Health Emergency Preparedness (PHEP), State General Fund (GF) pandemic influenza, HHS Hospital Preparedness Program (HPP) Funding AGREEMENT and CERTIFICATION REGARDING LOBBYING, and any additional contract amendments.
Bauer/Peters 4-0; 1 absent: Farnetti

Dr. Rick Johnson:

- Dr. Johnson outlined the agreement up for signature by explaining it. Requested the approval and signature of said contract.
- Discussed the H1N1 decrease and impacts on staff.

Board Comments:

- Asked about H1N1 – decrease over last year? Would this have an impact on staff if there were a surge of it now?
- Asked about relationships with pharmacies.
- Question about fiscal impacts.

FINANCE

11a) Funding Support for Non-County Agencies and Organizations (Brian Muir) - Consider applications for funding support from local non-County agencies and organizations.

M10-235 Action: Approve all submitted funding requests in the amount of \$102,845 from local non-County agencies and organizations.
Bauer/Peters 3-1: Hazard; 1 absent: Farnetti.

Brian Muir:

- Explained nature of the item. They had \$102,000 in requests and have pre-authorized \$92,000.
- Requests have been submitted to the Board with all supporting documentation. Everything is in alphabetical order.
- The deadline was extended; the Finance Office has accommodated everyone to the best of its abilities.

Public Comments:

- Stacy Corless, Friends of the Inyo: staff time, salary, planning for the 2011 Trails Day Event on June 4, 2011; also to support interpretative and trail host programs in the Mammoth Lakes Basin.
- Gaye Mueller – Mono Council for the Arts: funding to continue programs they have been doing.
- Annie Reavey (Miss Annie) Mono Council for the Arts: art teacher in the schools: did an art camp in Bridgeport and Walker – there was 15-20 kids each day, produced wonderful pieces of art.
- Kathryn Williams, Ombudsman Advocacy Services Application: past funding has allowed them to protect frail seniors.
- Dan Roberts, Mono Basin Historical Society – thanked the Board for their past support and requested the same for this year.
- Don Neubacher, Yosemite Gateway Partners, explained their role. Are going to be building a website.
- Serena Dennis – 4H Youth Program: interesting in doing a summer science camp.
- Brian Schuldt – Chamber Music Unbound: all programs they do each year require contributions.
- Jazz Jubilee – Ken and Flossie Coulter: This year's event was not great due to bad weather; they are scaling down for next year but are still planning a wonderful event and need contributions to make it happen.
- Pete Watercott – Sierra Summer Festival: Very much appreciates the support from Mono County and very much needs it.
- Debbie Perlman – June Lake Historical Society: have been approved for their 501 (c) 3 and are extremely interested in raising money for their group.

- David Mammoth Lakes Swim Team, requested support.
- Antonette Ciccarelli, Mono County Little League: has very much appreciated funding support in the past – is asking for additional funding this year.

Board Comments:

Supervisor Hazard:

- We obviously have more requests than approved funding. He doesn't want to increase over what they've done in previous years at all.
- Does not agree with other Board members; it's an issue of priorities.

Supervisor Peters:

- He read each application; we are so blessed as a community to have so many people volunteering for so many programs.
- He thinks that all applications should be awarded in full, going over the \$92,000.

Supervisor Hunt:

- These volunteers are the fabric that make our communities what they are.
- Agrees with Supervisor Peters; we need to fund all of these organizations.

Supervisor Bauer:

- Suggested to refine the guidelines for next year's funding but to support all of them now.

ADJOURNMENT

BYNG HUNT

Chairman

ATTEST:

SHANNON KENDALL

Sr. Deputy Clerk of the Board

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