



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 9, 2010

9:02 AM Call meeting to Order by Chairman Hunt.

Pledge of Allegiance led by Supervisor Peters

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Joe Parrino (Mammothmotocross.org):

- Update on Mammoth Motocross track; recently attended a meeting in Bishop. Concerned that Supervisor Hazard was not present; Mammoth Motocross track will be added to the agenda for the next meeting.
- The State wants to fund the track; he's here to ask for the blessing from the Supervisors to be the representative for OHV for our county. What does he need to do to make that happen?
- Newspaper: Cycle News – been around for 40 years; if we were to have the track going we could be using this paper for advertising.
- Supervisor Hunt: agendize a discussion before the Board regarding representing OHV.

BOARD MEMBER REPORTS

Supervisor Bauer:

- She passed out Third Quarter 2010 Wisconsin Counties Association, Washington Briefs report. She feels we are out of the woods on certain things at the moment.

Supervisor Farnetti: DEFERRED

Supervisor Hunt: DEFERRED

Supervisor Peters:

- Big Horn Sheep meeting.
- He gave Supervisor Farnetti his Certificate of Appreciation.

Supervisor Hazard: DEFERRED

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: DEFERRED.

- 2) APPROVAL OF MINUTES
None.

Closed Session: 9:09 a.m.

Break: 9:57 a.m.

Reconvene: 10:04 a.m.

Lunch: 1:07 p.m.

Reconvene: 1:50 p.m.

Closed Session: 5:30 p.m.

Adjourned: 6:55 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 Administrator.
- 3c) Closed Session -- Performance Evaluation - PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Counsel.

DEPARTMENT REPORTS/EMERGING ISSUES

(PLEASE LIMIT COMMENTS TO FIVE MINUTES EACH)

Lynda Roberts:

- November 23, 2010 will be the special meeting to certify election. Mammoth Board Room at 9:00 a.m. There will be a quorum.
- There is a run off election January 4, 2011 for Senate District 1.
- She got word from State recently that May 2009 election should be reimbursed soon (\$59,500) but hasn't seen a check yet.
- Board asked about the Senate District 1 certification. Not needed.
- Dave Wilbrecht: recommended Board NOT have their third meeting in December to relieve the Clerk's office of their workload. Board will wait to see what pressing business is outstanding at that time.

Mary Booher:

- Update on grants: submitted water shed coordinator grant with help from Inyo and Tony Dublino.
- Not successful in receiving the planning grant that was applied for.
- Received \$400,000 CDBG Grant.

Brian Muir:

- His office received the State Controller's award for excellence.
- Handed out copies of quarterly investment report; strategy going forward: stay short, nothing beyond three years – if market turns around, we're in a position not to get hung.

Sheriff Scholl:

- Update on court screeners: there are no storage facilities, no break room, etc. Asked about District 4 Supervisor's office as a possibility for them to have if it doesn't end up being used.
- Pursuit two nights ago in Coleville, CA up to Topaz – ended well with suspect in custody.
- Cory Custer, in Sheriff's Academy; another Deputy is moving out of State to live; Deputy Pelichowski is doing great and is almost off the FTO program.

Stacey Simon:

- Update on SB6 – Groundwater Monitoring Legislation; guidelines came out late last week.
- Two sets of draft guidelines. Comments due November 22, 2010. The guidelines go into significant detail about the work that is going to be needed.
- A monitoring plan will be submitted and then the actual monitoring will need to begin in 2011.
- Guidelines also address issues of confidentiality of well information.
- Who within the County will perform the monitoring?
- Second document – technical guidelines. Not applicable to any local monitoring entity but they are definitely guidance.
- Issues outstanding: comments on these guidelines – very short turn around time. She and Tony have a list of items to address which include: guidelines don't include "un-volunteering" for monitoring and "data gaps".
- She will draft up comments to guidelines and submit prior to November 22, 2010; other issue is whether or not we wish to serve as a monitoring entity? Is Tri-Valley going to be a monitoring entity or does Tri-Valley want to defer to Mono County?
- Need to bring back to Board by the second meeting in December.
- Supervisor Hazard – Tri-Valley really wants to be involved in the monitoring process but they don't have a lot of resources. He would like an update prior to the first of the year.

Jeff Walters:

- Back in October did some Geoprobos over at Social Services. LaHontan Water Quality Control Board said we need to submit a work plan to deal with issue. They will move forward with this.

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.)

ELECTIONS

- 4a) Appointments in Lieu of Election - Make appointments to special district governing boards in lieu of election pursuant to California Elections Code section 10515(a).

M10-236 **Action:** Make the following appointments in lieu of election pursuant to California Elections Code section 10515(a): (1) Bridgeport Fire Protection District: Jim Juede, Dan Love, and Juli Minder; (2) Chalfant Valley Fire Department (a Community Services District): Peter Pumphrey and Pete Korngiebel; (3) June Lake Fire Protection District: Kimberly Willingham and Paul McCahon; (4) June Lake Public Utility District: Jerry Allendorf and Ian Fettes; (5) Hilton Creek Community Services District: Kathryn M. VanStelle and Deborah Preschutti; (6) Long Valley Fire Protection District: John Rutkowski and Sharon Shaw; (7) Mammoth Community Water District: Dennis Domaille and Gordon Alper; (8) Wheeler Crest Community Services District: Glenn Inouye and Harvey Van Dyke.

Hazard/Farnetti 5-0

CLERK OF THE BOARD

- 5a) Reappointment of Paul Oster to the Assessment Appeals Board - Reappointment of Paul Oster to a three-year term as a member of the Mono County Assessment Appeals Board.

M10-237 **Action:** Approve reappointment of Paul Oster for a three-year term as member to the Mono County Assessment Appeals Board beginning November 9, 2010, and ending November 8, 2013.

Hazard/Farnetti 5-0

BOARD OF SUPERVISORS

- 6a) Resolution of Appreciation for Staff Sergeant Silvasantisteban - Resolution recognizing outstanding service of Staff Sergeant Edwin Silvasantisteban. Supervisor Peters agendized this item.

M10-238 **Action:** Approve resolution.

Hazard/Farnetti 5-0

- 6b) Resolution of Recognition for Douglas Northington - Resolution recognizing outstanding service of California Highway Patrol Officer Douglas Northington. Supervisor Peters agendized this item.

M10-239 **Action:** Approve resolution.

Hazard/Farnetti 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 OF THE BOARD

- 7a) Forest Service - Acquisition of Summers Meadow Property - Letter from Jeanne M. Higgins, U.S. Forest Supervisor dated October 27, 2010 regarding the Forest Service acquiring property within the Bridgeport Ranger District, Humboldt-Toiyabe National Forest known as Summers Meadows.

Supervisor Hazard:

- He's concerned with the Forest Service taking over more property; suggests the Board address this seriously with a letter opposing it.
- Agendize for further discussion.

The Board acknowledged receipt of the correspondence.

PUBLIC WORKS

- 8a) Results of Public Auction of Surplus Property (Jeff Walters) - With authorization of the County's purchasing agent (the CAO), Mono County recently contracted with TNT Auction, out of Reno Nevada, to conduct a live public auction of surplus county vehicles and heavy equipment. The items sold were found to be obsolete or no longer serviceable.

M10-241 Action: Authorize Finance Director to post deposits as appropriate.
Peters/Hazard 5-0

Jeff Walters:

- 21 items were up for sale, only 2 did not sell; these two will go into the next auction.
- \$67,070.00 in revenue.

BOARD OF SUPERVISORS

- 9a) Resolution of Appreciation for Robert Peters (Board Members) - Board will present a Resolution of Appreciation to Robert Peters, outgoing Supervisor of District 4.

M10-242 Action: Approve resolution of appreciation for Robert Peters.
Hunt/Bauer 4-0; 1 abstain: Peters

Supervisor Hunt:

- Formal resolution read and approved.

- 9b) Waiver of Fee for Use of County Facilities (Christina DeGeorge, Pre-Paid Legal Services) - Consider approving the use of County facilities at no charge when local vendors meet with Mono County Employees to discuss

their employee benefits and/or options . And/or implement employee benefits fairs for vendors to meet with County employees at County facilities. Supervisor Bauer sponsored this item.

Action: None.

Christina DeGeorge:

- Explained why a waiver of fees is requested.
- Talked a bit about Employee Benefits Fair.

Brian Muir:

- If we have vendors with whom we contract, we would provide them with space at no charge.
- This is not a vendor with whom we contract; the issue before the Board is more than the \$75 fee.

Supervisor Bauer:

- Wanted to have this discussion to determine whether or not Christina's services qualified for a waiver of fees for use of community centers.

Supervisor Hazard:

- He does not care for an individual group going in and using community centers, but likes the idea of the benefit fair.
- This is a policy discussion, not necessarily a discussion about Christina and her business; staff needs to go back and look at these types of policy issues.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

10a) PUBLIC HEARING: White Mountain Estates (Gerry Le Francois) - Consider and potentially amend the White Mountain Estates Specific Plan and Tentative Tract Map 37-46.

R10-77 Action: Adopt Resolution R10-77 Adopting an Addendum to the White Mountain Estates Final Environmental Impact Report, Amending the White Mountain Estates Specific Plan and Modifying Tentative Tract Map 37-46.

Hazard/Farnetti 5-0

(began at 10:46 a.m., taken before 8a, 9a, and 9b)

Gerry Le Francois (powerpoint presentation, copy kept in file folder for today's meeting):

- Gerry read the proposed amendment; discussed the two recommended options by the Planning Commission.

Stacey Simon:

- Second alternative considered by the Planning Commission not acceptable to the developer.
- Public Works has spent some time rewriting proposed language of first alternative so that it would be more easily applied, less uncertainty. She has a new version of the resolution.
- There was some discussion about substituting a different traffic calming measure; something different than originally discussed: an elongated speed

- bump. Has draft resolution which would incorporate that substituted measure.
- Fiscal impact: it would substitute in lieu fees of the 900 foot grind and overlay on White Mountain Estates Drive.
- Issue of fiscal impact comes down to method of construction. The county would pay more for the 900 foot portion than if the developer proceeded to finish it.
- Stacey offered to reword the proposed resolution to address the timing of installation of the speed bump.

Garrett Higerd:

- Went over estimate of County cost.
- Cost of table top speed bump: (a new list of figures handed out, copy kept in file folder).

Public Hearing Open: 10:59 a.m.

Steve Kappos, Attorney:

- Originally filed as request to eliminate the traffic calming measure of the 900 foot grind and overlay.
- Client was asked to make a compromise.
- It was thought that if road was all done at once, it would look better.
- The resolution before the Board adds things that his client had not thought about.
- There is not really a fiscal cost to the county in terms of what he was originally required to do.
- There hasn't really been a need for a traffic calming measure, if the Board feels it's necessary, Bob's preferred solution is to put small strip of bumps alerting individuals to slow down.
- In terms of the original island, it's extremely expensive, not appreciated and not effective. He asks at the very least that this is eliminated.

Board Comments:

- How much for table top speed bump.
- In lieu fees vs. county's costs?
- The island required = \$85,000?

Bob Stark (Developer):

- Felt put on the spot to accept the traffic calming measure.
- Grind and overlay standards didn't include any backing. Willing to negotiate a little on that.
- Economy has died; thought he could build tract for \$1.6 million, going to cost \$3 million; he is asking for some relief due to economical circumstances.

Public Hearing Closed: 11:17 a.m.

Supervisor Hazard:

- He is sympathetic to Bob's circumstances.
- People in this tract are going to work, live and spend money in Bishop, not Mono County.
- There is really no enforcement mechanism in place to protect this tract.
- He had originally suggested a round-a-bout.
- What was approved in print (a traffic meridian) has not proved effective in other locations.
- He feels the \$85,000 proposed island would be a waste of money. But he is in favor of some type of traffic calming measure.

- He doesn't have a problem with Bob paying what he was originally asked to and the county paying the difference, depending on what is put in.
- Should postpone tabletop until some of Bob's lots are sold.

Bob Stark:

- No speed limit signs now; no speed surveys done.

Gerry Le Francois:

- Put an additional map up on the screen.
- Planning Commission decision was unanimous.

Supervisor Peters:

- Are there any speed limit signs now?
- Seems logical to post signs/do speed survey.

Supervisor Farnetti:

- Asked for clarification from Garrett Higerd on anticipated costs.

Supervisor Bauer:

- Was the Planning Commission decision unanimous?
- Did they not want a traffic calming measure?

Steve Kappos:

- Won't the speed bump be an irritant right now with the community not finished?
- The benefit for it should be coordinated with the need for it.

Additional Departments: CAO, Finance

10b) Appeal of Development Impact Fee (Brent Calloway, Scott Burns) -
Appeal by Jim Gonzales of Development Impact Fee

M10-240 **Action:** Find that the construction to be done on the property owned by Jim Gonzales in the June Lake area is considered "new construction" and that all of the Development Impact Fees apply (\$4,999.96).
Hazard/Farnetti 3-2 against: Bauer/Hunt

Scott Burns:

- Introduced Brent Calloway
- Handed out a Memo from Mark Magit to Jim Gonzales.
- Have been consistent the past four years with who paid DIF and who didn't; first appeal in four years.

Brent Calloway (power point – copy kept in file folder for today's meeting):

- Appeal of Developmental Impact Fees.
- Maps shown.
- Chronology of events.
- Gave brief history of Development Impact Fees.
- There is an ordinance in place to waive DIF fees although wording is not very clear.
- Staff Determination – should not be considered reconstruction and the DIF fees should be collected in full.
- Staff Recommendation: The Board may waive the fees or require owner to pay full DIF fees of \$4,999.96.

FURTHER DISCUSSION:

- He believes that Mr. Gonzales was notified in September about the fees

although maybe not the exact amount.

Board Comments:

Supervisor Hazard:

- These types of issues are going to keep coming up. What is decided here will definitely affect future issues.
- We applied the same standard for new construction vs. remodels for many years. The definition has been clear. This has to be considered new construction. He comes down on the side of paying the full fees.

Supervisor Bauer:

- Was Mr. Gonzales made aware of fees back in May?
- There is an ordinance in place and it needs to be followed; thinks a compromise should be made - maybe just the extra square footage is applied. A prorated amount.

Supervisor Farnetti:

- Finds it hard to agree with owner; should be interpreted as new construction.

Supervisor Peters:

- He has sympathy for Mr. Gonzales' position. Have we been consistent with past DIF fees?

Supervisor Hunt:

- We should stick with an ordinance once it's in place but agrees that the wording is fuzzy. A compromise is in order for this issue. We should mitigate some of the fees.

Marshall Rudolph:

- We can revise the ordinance to include the definition of reconstruction.
- The DIF fees are only applicable to new development, not existing development. The issue here is whether the construction should be viewed entirely as "new construction" and subject to the full impact fee, or whether it should be viewed in part as reconstruction of existing development.
- It might be a good idea to look at how different jurisdictions handle this issue; maybe bring back at a different date.
- Board has no jurisdiction over school fees, but the fire fee is the county's fee.

Jim Gonzales:

- Owners of property, purchased in 2007. At that time, there was no structure, only remnants of the previous property.
- Previous owner didn't feel that any of the old structure could be salvaged; he then decided to sell.
- He thought that there might be some adjustments to be made to his impact fees; was told by Mr. Calloway that he didn't believe there was but that any waiving of fees would have to be determined by the Board.
- He contact Mark Magit himself and explained his circumstances; Mark said he'd look into the matter and get back to him.
- At that time, he was asked if he would consider paying the fees based on additional square footage. He was ok with that.
- He was then contacted by Scott Burns who informed him that the fees stood as previously discussed.
- Discussed cases where fee was waived due to tax issues, etc.
- He argues that the county has not been consistent with owners paying DIF fees.

LUNCH

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD
No one spoke.

Additional Departments: County Counsel

- 10c) Integrated Regional Water Management Agenda (Tony Dublino, Stacey Simon) - Consider items on the agenda for the November 17, 2010 meeting of the Inyo-Mono IRWM group. Provide direction to staff.

Action: None.

Tony Dublino:

- Handed out some updated documents.
- Sense of urgency due to the funding cycle; individuals are becoming more willing to compromise.
- The whole LaHontan region has \$6 million dollars available for funding (for projects).

November 17, 2010 Agenda items discussion:

- Approve RFP
- List of eligible projects – he went over the list and explained that these projects will be ranked. All items will be included on the list, the order will vary and the amount of money spent on each project could vary.
- Approve strategies and objectives.
- Approve Central Sierra Resources Conservation & Development Corp. as fiscal agent.
- Other: funding request, plan outline, project list/Mono County role as project applicant, Brown Act/Regular meetings.
- Board request that IRWM request be put on Mid-Year budget meeting.

Supervisor Hazard:

- He got calls from various water districts concerned about his previous opposition to this group. These districts are all involved at the moment.
- He agrees that we should pursue whatever we can pursue.

COUNTY COUNSEL

Additional Departments: Public Works

- 11a) Solid Waste Franchise Negotiations (Stacey Simon and Matt Carter) - Discussion of issues and direction to staff regarding county solid waste franchise.

Action: None.

Stacey Simon:

- County has two Solid Waste Franchise haulers – Mammoth Disposal and D&S Waste.
- Supervisor Peters and Supervisor Farnetti had been designated to assist with the negotiations
- Timing issue: both Supervisors Peters and Farnetti will be off the board by

January; they don't think they need new designated board members at this time; they have enough feedback right now.

- Recommendation for now: continue as-is and keep the Board apprised.
- They might come in December and ask to extend the period of the existing franchise in order to allow additional time for negotiations.

Matt Carter:

- Will look to have Supervisor Farnetti as part of the Solid Waste Task Force in the future.
- It is very important to enter into a good agreement, not a fast agreement which speaks to the timing issue with the negotiations.

COUNTY ADMINISTRATIVE OFFICE

- 12a) Budget Committee Report (Mary Booher) - Presentation by Mary Booher regarding Budget Priorities and Tiers. The Board may also discuss the California State budget.

Action: None.

Item deferred until later date.

ECONOMIC DEVELOPMENT

- 13a) Request Board of Supervisors' Support for Change in Fishing Regulations for Lower Rush Creek (Dick Noles / CDFG Staff) - The Mono County Fisheries Commission (MCFC) is requesting the Board of Supervisors support a change in the fishing regulations for Lower Rush Creek from the current catch-and-release to catch-and-keep.

- M10-243** **Action:** Move that the Board of Supervisors, with the assistance of Dan Lyster and Dick Noles, send a letter to the California State Fish & Game Commission requesting the aforementioned change in fishing regulations for Lower Rush Creek and bring back on a future consent agenda for approval.

Bauer/Peters 5-0

Dan Lyster:

- Introduced those that will be speaking/addressing the issue.

Dick Noles (Mono County Fisheries Commission):

- Handed out photos
- Explained the history of the fishing regulations, catch and release program.
- Did some research to see how many fishermen were fishing this particular creek.
- He called Fish and Game in Sacramento to see if it's reasonable to make this creek catch-and-keep. He went to the Advisory Board and asked same issue.
- He's here to ask that the Board consider asking the Fish and Game Commission to look at two-trout harvest by way of a support letter – should be written as soon as possible.

Board Comments:

- Any issues in terms of current restoration?
- Is this unique opportunity for the experienced angler?
- Any way for there to be a “deer tag” type system for fish?
- There is a point and time where the Board should send a letter to the Fish and Game Commission – when is the right time to send the letter?
- Dan Lyster in conjunction with Dick Noles to draft letter and bring to Board on Consent agenda for approval.

Steve Parmenter, Biologist, Ca. Dept. of Fish and Game:

- His inclination is to support this type of opportunity; the restoration order supports “termination criteria” – the fisheries need to have responded to a certain quantitative threshold.
- The DWP has invested a lot of money.
- He is in a conflicted position.
- Termination criteria would need to be revised with a “deer tag” type system.
- Water boards are appointed to different scientists; he’d like to hear from them to see how any changes in regulation might affect their work.

13b)

Information on Fish Stocking in Mono County (Tim Alpers/Tom Jenkins/Dan Lyster) - Presentation of information regarding the stocking of trout in Mono County by California Dept. of Fish and Game, Conway Ranch and Bridgeport Fish Enhancement Foundation over the last several years.

Action: None.

Dan Lyster:

- Introduced to Tim Alpers
- The Fish and Wildlife Service is willing to support what Fish and Game can tolerate; once we get our “foot in the door”, he feels other funding opportunities will come along.
- The Fish and Wildlife Service is still on board to assist Mono County with a recreational program.

Supervisor Peters:

- Explained origin of this item; where we are and where we want to go.
- Because of what’s changed in the world of fishing, we need to look at a new way of doing business with private investors in Mono County; a whole new way of looking at Conway Ranch.
- He wants the County to identify what it would take to put this plan into action. Maybe at mid-year budget? He doesn’t know exactly what’s required.

Tim Alpers (Powerpoint presentation, copy kept in file folder for today):

- Total DFG Rainbow Trout Plants (1991-2009) – shows a significant drop.
- Probable causes of decline.
- Trophy Trout Plants –DFG (1991-2009)
- Trophy Trout Plants-IAG/ALPERS (1998-2009)
- Trophy Trout Plants Mono County (1998-2009)
- Probable Causes of Trophy Trout Decline.
- Future Protection of Mono County Fisheries.

- Conway Ranch Development.
- Saving Mono County's Sport Fishing Industry:
- Commit to financing the creation of a plan that will provide the direction to develop Mono County Aquaculture Programs with Conway Ranch as the Center Point.

Steve Marti:

- Critical issues he faces at Twin Lakes Resort if reduction in fish; it is very important to continue to replace fish.
- He likes that this plan includes Cage Culture; feels that anyone involved with fish needs to be interested in this program.

Marshall Rudolph:

- Explained how he understands the Safe Harbor issue works: he thinks these work on an individual basis.
- He offered to talk to Steve Marti separately.

COUNTY ADMINISTRATIVE OFFICE

14a)

Walker Senior Center Retail Space Use (Dave Wilbrecht) - Presentation by Dave Wilbrecht regarding the future use of the retail space in the Walker Senior Center including a review of the current use, discussion about whether or not rent should be charged for the lease or license, term, and next steps in the process.

Action: None.

Dave Wilbrecht:

- This has been rattling around the Walker community for about five years.
- Parts of past MOU have changed and reconfigured; over the years, the County has been cooperating with the seniors to make things better.
- What are our next steps? We'd like to settle the relationship with the workshop and have some definitives.
- Does the Board want to have some type of financial element to the lease or agreement? What is the value?
- Staff's point of view is that they want certainty, not ambiguity.
- This does not have to be rent in money, could be services, etc.
- He will go back and get the RFP out there and draft a proposed MOU, etc.

Supervisor Peters:

- Has come to appreciate the workshop; the mission of the workshop is to provide humanitarian services to seniors and others who can't otherwise get these services.
- There are a variety of services they offer; the value of those exceeding \$100,000.
- Mono County should enter into a new MOU with the workshop allowing them to continue in their current space rent free, including utilities.
- He does not want rent to be tied to a dollar value; the longer the term of the agreement, the better for those involved.

Marshall Rudolph:

- Signing or entering into a new MOU is not on the table today.
- The main purpose of the previous MOU was to figure out how everyone could

use the space most efficiently.

- Many years later, things have changed and the issue has come up repeatedly that the Workshop should now be in a lease or license agreement, which is not only appropriate from a legal standpoint but also would frankly be in their best interests.
- For public property that we own, we can't negotiate a lease without having first put a notice in the paper soliciting offers (essentially a request for proposals). We haven't done that yet here and need to before entering into any type of lease or license agreement.
- Regarding rent, it may be that the Workshop's specified services could be consideration in lieu of monetary rent.
- The notice/RFP process is not a competitive bid process; the highest bidder doesn't win. The County can select or reject any proposal and negotiate further with one of the proposing parties as it sees fit.

Supervisor Farnetti:

- We need to go through the steps and do the RFP.
- We should advertise that there is rent, whether or not the seniors actually pay rent, etc.

Supervisor Hazard:

- He thinks we should do a rent type process and establish what fair rent would be in the case of different future use.
- He thinks the rent would be waived for the seniors as long as they continue to provide the services they have been providing.

Supervisor Hunt:

- Is there a recommendation for a rent amount?

Brian Muir:

- The Board just made contributions to all the agencies that requested public funds.
- He strongly recommends that they set rent for this facility and set out the services being provided.

Lynn Katusich:

- She handed out a packet that gives additional information about the Workshop.

BOARD OF SUPERVISORS

15a) Beard Mailbox Placement and Landscaping in the County right of way (Judy and Bradley Beard) - Board appearance by Judy and Bradley Beard regarding placement of a certain mailbox and landscaping in the County right of way at 294 Ridge View Drive.

M10-244 **Action:** Move that County request the applicant to apply for an encroachment permit and move boulders out of right of way as soon as possible; request that the base of the mailbox is saw cut to enhance ability to be breakable; County will post snow stakes per county policy as needed around/near mailbox. These would be part of an agreement with the property owner under which they would hold harmless and indemnify the County.

Hazard/Peters 5-0

Judy Beard:

- Lives in Swall Meadows.
- Referred to correspondence that was included in the board packet.
- When they received the notice of violation, she was shocked. One of the statements was that she was required to move the encroachment. She states she never received a previous letter.
- If not removed by a certain date (she has been given an extension) she will have Administrative fines = \$200 /day – after five days = \$1,000/day. Then she might get an appeal hearing.
- She has talked to Supervisor Hazard, Jeff Walters, etc. to try to come up with a solution that doesn't involve moving her mailbox.
- She states that the "policy" Public Works has on mailboxes, is not in writing. She feels there is a contradiction between policy and what's written regarding encroachment permits.
- She states that she was not told she needed an encroachment permit for her mailbox.

Robert Creasy:

- He handed out a letter to the Board of Supervisors, dated today. This will be included with the file folder for today's agenda.
- He went over his letter.
- He doesn't remember if he spoke to Evan Nikirk or an Associate; it was over two years ago.
- Discussed a few of Jeff Walter's points.

Supervisor Hazard:

- Asked if he remembers who he originally talked to in the Public Works Department.
- He thought the last time this issue surfaced the Board came up with some solutions; why are we dealing with this again?
- There is a problem with the way the public gets notified, etc. Our websites should be much more user friendly.
- He believes moving box back and extending apron would suffice; but it will be expensive.
- Another option: make the mailbox more "break away".
- Suggests that with any action taken, we take more time with return receipt to insure that individuals are served. Start the clock over?
- He is sympathetic to the Beard's situation but feels the box needs to be moved out of the right of way.
- He's concerned about possible damage to a snow plow.

Supervisor Bauer:

- Did Public Works make the initial complaint?
- Did the Post Office have a problem with this specific box prior to the complaint?
- She thinks the Board needs to be flexible.

Supervisor Farnetti:

- You can argue that things might not have been handled right on either end.
- In the future, if we allow a mailbox in the right of way, it needs to be extremely specific as to what that means.
- He would like to find a solution that doesn't cost the Beards a ton of money.
- Ask the Beards to snow stake the mailbox and to make them responsible for any damage that occurs because of having the mailbox there?

Supervisor Peters:

- Any fines at this point need to be stayed from this point forward.

- Agrees with Supervisor Farnetti about snow staking.

Supervisor Hunt:

- Agrees with freezing fees.
- Snow staking seems like a good solution; remove the boulders.

Jeff Walters:

- Handed out photos to the Board.
- First became aware of this back in April when Mrs. Beard called the Public Works Department because the postal service would not deliver mail due to snow poles being in front of the mailbox.
- He handed out Residential Mailbox Standards.
- He has spoken to his staff and can't find anyone who spoke to the Beards telling them they could build whatever they wanted for their mailbox. There's always been a right of way policy.
- Code Enforcement moved the deadline to move the mailbox to November 15th.
- Why does their mailbox not have a break away design?
- Discussed his suggestions to move the mailbox, etc.
- Will new owners assume the same responsibility as the Beards if they sell?

Marshall Rudolph:

- You can't put anything in the County's right of way without an encroachment permit. That is the way the ordinance is written.
- At any point, the county can enforce these violations when they become apparent to the Code Compliance Officer.
- The encroachment policy still stands, whether or not Code Enforcement cites people.
- There is a request for Public Records and all the Departments are in the process of gathering them.
- Suggested further discussion regarding the wording of the ordinance.

ADJOURNMENT: 6:55 p.m.

BYNG HUNT

Chairman

ATTEST:

SHANNON KENDALL

Sr. Deputy Clerk of the Board

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