



MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified at far right.

Regular Meeting

MEETING LOCATION
Mammoth Lakes BOS
Meeting Room, 3rd Fl. Sierra
Center Mall, 452 Old
Mammoth Rd., Mammoth
Lakes, CA 93546

September 18, 2012

9:00 AM

Meeting Called to Order by Supervisor Bauer, Chair

- Supervisors present: Bauer, Hansen, Hazard, and Hunt
- Supervisors absent: Johnston

Pledge of Allegiance led by Brian Muir, Finance Director

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

- **John Wentworth, Mammoth Lakes Trails and Public Access:** Invited the Supervisors to attend the grand opening of the Mammoth Lakes Trails System on Saturday, October 20; this project has given new life to the trails system. Wentworth outlined the various activities associated with this event, and outlined the economic benefits of the trail system.

Closed Session: 9:05 a.m.

Break: 10:25 a.m.

Reconvened: 10:32 a.m.

Lunch: 11:35 a.m.

Reconvened: 12:50 p.m.

Adjourned: 4:25 p.m.

CLOSED SESSION

The Board had nothing to report from Closed Session.

BOARD OF SUPERVISORS

- 1a) Closed Session - 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: Benton Crossing Landfill compliance issues.
- 1b) Closed Session - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Subdivision (a) of Government Code section 54956.9. Name of case: U.S. v. Walker River Irrigation District, et al.
- 1c) 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.

- 1d) Conference with Legal 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.
- 1e) Conference with Legal 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. Facts and circumstances: Claim For Damages presented by Jesse Carroll.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

2) APPROVAL OF MINUTES

M12-199 A. Approve minutes of the Special Meeting held on August 27, 2012.

Hazard moved; Hunt seconded

Vote: 4 yes; 0 no; 1 absent (Johnston)

M12-200 B. Approve minutes of the Special Meeting held on August 28, 2012.

Hazard moved; Hunt seconded

Vote: 4 yes; 0 no; 1 absent (Johnston)

M12-201 C. Approve minutes of the Special Meeting held on August 29, 2012.

Hazard moved; Hunt seconded

Vote: 4 yes; 0 no; 1 absent (Johnston)

3) **BOARD MEMBER REPORTS**

Supervisor Bauer

1. Last Wednesday: Attended the June Lake Chamber meeting. Decisions have been made about how to use most of the \$100,000 allocated by the Board of Supervisors—70% will be used for promotional efforts; there is some difficulty deciding how to handle the last 30% (use of funds and who should manage them). Bauer outlined the proposed uses for the money and issues remaining to be resolved; she assessed the June Lake situation. For the record, this discussion took place in board chambers, not within the community.
 - Supervisor Hazard: Asked for an agenda item to update the Board about how the funds are being used.

Supervisor Hansen

1. Last Wednesday: Attended the Lee Vining RPAC meeting; they discussed the fire road, and a YARTS representative was in attendance.
2. Last Saturday: Attended Mark Twain Days at Mono Inn.

Supervisor Hazard

1. September 5: Attended the CSAC meeting. Updates: 1) Per direction from the Board

of Supervisors, Hazard's vote was neutral on Propositions 30 and 31; support for these propositions was primarily divided between urban and rural counties. A number of organizations are opposed to Prop 31. 2) AB 1098 was discussed (reallocation of vehicle license fees to support newly incorporated cities). CSAC voted not to support. 3) Met with RCRC staff. Also met with AT&T staff; they will do a site visit early next month.

2. Air pollution control regulations are going to be applied to the agricultural sector. These controls will have a negative impact on the business of agriculture.

Supervisor Hunt

1. Last night attended the Mammoth Lakes Housing Board of Directors meeting. Due to the recession, there is a question about whether or not a Housing Authority is needed; there is a lot of need in Mammoth Lakes.
2. At this time the Town is not planning to hire a community development director to replace Mark Wardlaw; other staff members are also leaving Town employment. An update about the Town's bankruptcy should be made public within two weeks.

Supervisor Johnston

1. Absent.

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

1. Conducted Assistant Assessor interviews and made an offer; this will come before the Board soon.
2. Had a discussion about backlog of parcel maps; will be using Parcel Quest to help update maps.
3. The Eastern Sierra Council of Governments meeting was cancelled last week.
4. Arkens and Julie Tiede met with their counterparts in Inyo County yesterday. The senior services agreement is on today's agenda for Board approval.
5. Continues holding status meetings with departments.
6. Will be attending the CPAAC meeting in Lodi this week.

DEPARTMENT REPORTS/EMERGING ISSUES

- **Nate Greenberg, IT/GIS:** Update about Digital 395. Installation is progressing in Mono County; outlined the work in progress and work projected to be completed prior to winter. Will be holding a broadband forum in the near future.
- **Robin Roberts, Mental Health:** Update about a two-day leadership event held last week. They discussed issues associated with the state and the Town of Mammoth Lakes. It was a beneficial workshop.
- **Louis Molina, Environmental Health:** 1) Update about the social services building above-ground tank removal and water monitoring. The last water samples passed the test; the next step will be to abandon the wells. 2) Update about AB 885, on-site sewage disposal program. Final draft of implementation procedures has been adopted; overall impact will be minimal. Molina will start developing a local agency program, and will provide more information at a later time. 3) Reviewed the status of AB 1616, cottage food bill, which would allow homeowners to prepare food in their kitchens to sell to the public.

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) Fisheries Commission Appointment - Ralph Obenberger recently resigned from the Fisheries Commission. His term expires April of 2013. Recently, Gary Jones, from the June Lake area, attended a Fisheries Commission meeting and learned about the vacancy created due to Obenberger's resignation. Mr. Jones has completed and turned in an Application for Appointment to the Commission to fill this unexpired term. Dan Lyster of Economic Development has been in contact with the clerk's office to get this item onto the agenda.

M12-202 **Action:** Appoint Gary Jones to the Mono County Fisheries Commission, filling the unexpired term of Ralph Obenberger who recently resigned from his position. Jones' term will expire in April, 2013.
Hunt moved; Hansen seconded
Vote: 4 yes; 0 no; 1 absent (Johnston)

FINANCE

Additional Departments: County Counsel

- 6a) Lease and Agreement with Southern Mono Healthcare District - Proposed contract with Southern Mono Healthcare District for operation of the Bridgeport Family Medicine Clinic.

M12-203 **Action:** Approve County entry into contract with Southern Mono Healthcare District for operation of the Bridgeport Family Medicine Clinic, and authorize Chair to execute said contract on behalf of the County.
Hunt moved; Hansen seconded
Vote: 4 yes; 0 no; 1 absent (Johnston)

HEALTH DEPARTMENT

- 7a) Maternal Child and Adolescent Health Plan for FY 2012-13 - Proposed contract with California Department of Public Health pertaining to Maternal Child and Adolescent Health Plan for FY 2012-13.

M12-204 **Action:** Approve County entry into contract with California Department of Public Health pertaining to Maternal Child and Adolescent Health Plan for FY 2012-13, and authorize the Board Chair to execute said contract on behalf of the County.
Hunt moved; Hansen seconded
Vote: 4 yes; 0 no; 1 absent (Johnston)

COUNTY COUNSEL

- 8a) Personnel Appeals Board Appointment - Personnel appeals board appointment.

M12-205 **Action:** Appoint Clay Neely to sit on a pending personnel appeals board.
Hunt moved; Hansen seconded
Vote: 4 yes; 0 no; 1 absent (Johnston)

SHERIFF CORONER

- 9a) Sheriff's Department Boating and Waterways Grant: Equipment and Operations Contract - The Mono County Sheriff's Department has received a Grant Contract from the California Department of Boating and Waterways in the amount of \$30,000.00 for fiscal year 2012-2013. This grant funds the purchase of miscellaneous equipment and is an annual award granted to the Sheriff's Department.

M12-206 **Action:** 1) Authorize the Sheriff's Department (on behalf of the County) to enter into the contract with the California Department of Boating and Waterways for fiscal year 2012-2013. 2) Authorize Sheriff Richard C. Scholl to sign the contract and all reimbursement forms for said contract.
Hunt moved; Hansen seconded
Vote: 4 yes; 0 no; 1 absent (Johnston)

MENTAL HEALTH

- 10a) Behavioral Health Advisory Board Appointments (Robin K. Roberts) - The Behavioral Health Advisory Board bylaws allow for nine members on the board. Adding these two qualified candidates would bring our numbers up to 7. Robin Wingett and Lisa Thompson have been active at our meetings for some time. Both are engaged and important members of our community and our board.

M12-207 **Action:** Appoint Lisa Thompson and Robin Wingett to the Behavioral Health Advisory Board.
Hunt moved; Hansen seconded
Vote: 4 yes; 0 no; 1 absent (Johnston)

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

- 11a) BLM Notice of Proposed Action - Letter from Bernadette Lovato, Bishop Field Manager for BLM, informing the public/interested parties about a Notice of Proposed Action regarding the Bishop Field Office's (BIFO) intent to remove graffiti that may occur with Wilderness. The comment period for this ends on September 30, 2012.

Board acknowledged receipt of correspondence.

COUNTY ADMINISTRATIVE OFFICE

Additional Departments: Mono County Superior Court Judges

- 12a) Chief Probation Officer - Appointment (Jim Arkens) - Proposed resolution

approving a contract with Karin Humiston as Chief Probation Officer, and prescribing the compensation, appointment and conditions of said employment.

R12-65 **Action:** Adopt Resolution #R12-65 approving a contract with Karin Humiston as Chief Probation Officer, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Bauer moved; Hazard seconded

Vote: 4 yes; 0 no; 1 absent (Johnston)

- Jim Arkens, CAO/HR Director: This is a standard contract. Regarding the cost of PERS, the amount reflects the bargaining unit and not the individual.
- Karin Humiston was present in the Bridgeport Board Chambers.

Additional Departments: Behavioral Health

12b) Amendment to Employment Contract - Robin Roberts (Jim Arkens and Robin Roberts) - Proposed resolution approving an amendment to the employment agreement with Robin Roberts as Director of Behavioral Health.

R12-66 **Action:** Adopt Resolution #R12-66 approving an agreement and first amendment to the employment agreement with Robin Roberts, and prescribing the compensation, appointment and conditions of said employment.

Hazard moved; Hansen seconded

Vote: 4 yes; 0 no; 1 absent (Johnston)

- Jim Arkens, CAO/HR Director: This amendment reflects a change in the department title and the salary. Robin Roberts initially was going to work under the Social Services Director, but Roberts has become the department head and should be compensated accordingly. The recommended compensation is the same that Ann Gimpel received when she filled this position.

Additional Departments: County Counsel, Finance, Sheriff

12c) New PSO MOU and Personnel Rules (Jim Arkens, Marshall Rudolph, Brian Muir) - Proposed resolution adopting and approving a memorandum of understanding between the County and the Mono County Public Safety Officers' Association (PSO) bargaining unit and adopting new personnel rules applicable to that bargaining unit.

R12-67 **Action:** Adopt Resolution #R12-67 approving a memorandum of understanding between the County and the Mono County Public Safety Officers' Association (PSO) bargaining unit and adopting new personnel rules applicable to that bargaining unit.

Hazard moved; Hunt seconded

Vote: 4 yes; 0 no; 1 absent (Johnston)

- Marshall Rudolph, County Counsel: The resolution will adopt a new MOU with the Public Safety Officers Association, along with the personnel rules that are applicable to other County bargaining units including MCPE, Probation, and the Deputy Sheriffs Association. Rudolph's staff report outlines the changes in the MOU, consisting of concessions, reductions, and freezes that are consistent with the negotiations of other bargaining units. Rudolph addressed two minor changes in Articles 24 and 25.
- Supervisor Hazard: Acknowledged the efforts of the bargaining unit, and how well the process went.

SHERIFF CORONER

Additional Departments: County Counsel, HR

13a) Resolution Regarding Additional Deputy Sheriff Compensation (Sheriff Rick Scholl, Marshall Rudolph) - Proposed resolution authorizing additional compensation for deputy sheriffs performing special assignments pertaining to narcotics enforcement (MONET), care of a law-enforcement canine ("K-9"), and lead worker/supervisor for court security and bailiff functions.

R12-68 **Action:** Adopt Resolution #R12-68 authorizing additional compensation for deputy sheriffs performing special assignments pertaining to narcotics enforcement (MONET), care of a law-enforcement canine ("K-9"), and lead worker/supervisor for court security and bailiff functions.

Hazard moved; Hansen seconded

Vote: 4 yes; 0 no; 1 absent (Johnston)

- Marshall Rudolph, County Counsel: The Board is familiar with this item from previous discussions. Rudolph outlined the three forms of compensation for deputy sheriffs engaged in different enforcement assignments: 1) narcotics enforcement; 2) care of the trained canine; 3) additional pay for the deputy supervisor/lead worker court security/bailiff functions. This will memorialize work that has been done for several years.

COUNTY COUNSEL

Additional Departments: Risk Management

14a) Carroll Claim for Damages (Marshall Rudolph) - Claim for Damages presented on or about August 17, 2012, by Jesse Carroll (County Claim No. CL12-12).

M12-208 **Action:** Take no action and direct county counsel to return the claim to claimant because it was not presented within the time required by law.

Hazard moved; Hunt seconded

Vote: 4 yes; 0 no; 1 absent (Johnston)

- Marshall Rudolph, County Counsel: This item was discussed in closed session. The claim was misdirected to the County because it involves Mammoth Hospital; also, it is untimely. The recommendation is for the Board to take no action and return this to the claimant.

LUNCH

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

- **Sally Miller, Lee Vining resident:** Lee Vining residents received a letter about potential closure of their post office. Miller asked the Board to support keeping the Lee Vining Post Office open.
 - Supervisor Hazard: Will bring this up when he attends RCRC this week.

BOARD OF SUPERVISORS

- 15a) Sierra Business Council (Steven R. Frisch, Sierra Business Council President) - Sierra Business Council will present its recent publication, "Eastern Sierra Innovation and Prosperity: An Industry Cluster Approach to Economic Sustainability in California's Inyo and Mono Counties". A copy of the report is available in the Clerk of the Board's Office (74 School Street, Annex 1, Bridgeport, CA). A copy is also available online: <http://www.monocounty.ca.gov/bos.html>. This item is being co-sponsored by Supervisors Hunt and Bauer.

Action: Informational only.

Steve Frisch, President of Sierra Business Council: Reviewed the Eastern Sierra Innovation and Prosperity Report. Discussed findings and recommendations.

- The sluggish economy is expected to last for another 3-5 years.
- Economic development for the east side of the Sierra is timely now and needs to be ongoing.
- A steering committee of about 40 people participated in creating the report, including County staff. They also conducted 80 interviews with business and industry leaders locally, and people at state and federal agencies, and nongovernmental agencies.
- The Sonoran Institute provided an economic analysis and profile.
- The most disturbing finding is that business income adjusted for inflation has been declining since 1970. Need to focus on local place-based businesses.
- The group used a cluster-based analysis approach, which is suited to rural regions. Focused first on progress that can be seen in 3-5 years; analyzed each segment of the economy and those with potential for job growth.
- Five clusters for investment: 1) internet and broadband; 2) renewable energy; 3) tourism, hospitality, and arts; 4) diversified recreation; 5) value-added agriculture.
- Outlined the opportunities available in each cluster, and the necessary planning, training, and implementation activities.
- Reviewed the next steps for the first two clusters (internet/broadband and renewable energy). Need to prioritize activities, convene the applicable community groups, and find funding. The process should be driven by the private sector with some local government participation, and activities should be dealt with one at a time.
- Board discussion about, 1) CPUC requirement regarding underserved communities; 2) slaughterhouse capabilities; 3) geothermal tourism; 4) opportunity for local colleges to provide technology skill-related courses; 5) creation of home businesses that can use internet for marketing and sales; 6) benefits of Digital 395 and positive impact on business and potential for creation of new businesses; 7) creating private/public partnerships; 8) align zoning ordinances with development strategies.

Scott Burns, Community Development Department: The Board has relaxed restrictions on home businesses so they are ahead of the curve.

Ron Day, Eastern Sierra Connect: Website is up and running.

MENTAL HEALTH

Additional Departments: Social Services, Public Health, Probation

- 16a) Mono County Wraparound Program (Robin K. Roberts, Ellen Thompson, Julie Tiede, Linda Salcido, Tracie Neal) - Presentation by Ellen Thompson and Robin Roberts regarding Mono County Wraparound Program.

Action: None

- Robin Roberts, Mental Health, and Julie Tiede, Social Services: The goal of this program is to keep children out of placement and provide concentrated services from the County. A comprehensive plan has been developed, and all staff involved will be trained. Services will include a variety of things such as mental health services, sports clothes, and access to summer camp. This will be a good program for the courts, probation, school districts, and social services. This is a good program for the County.

16b) Contract Amendment, Name Change for Position of Maria Lourdes Gonzalez (Robin K. Roberts) - Amendment to employment contract with Maria Lourdes Gonzalez. This is a name change only. In the original contract with Maria Lourdes Gonzalez her title and position was called, "Mental Health Counselor II". This position does not require a California License or a graduate degree as does "Licensed Clinical Therapist-Bilingual". This position's duty will remain the same as in the original contract.

R12-69 **Action:** Adopt Resolution #R12-69 approving an agreement and first amendment to the employment agreement with Maria Gonzalez, and prescribing the compensation, appointment, and conditions of said employment.

Hazard moved; Hunt seconded

Vote: 4 yes; 0 no; 1 absent (Johnston)

- Robin Roberts, Mental Health: The job title in the contract needs to be clarified; that is the only change. The Human Resources Department has reviewed the contract.

PUBLIC WORKS - ROAD DIVISION

17a) Bus Shelter Encroachment Fee Waiver (Jeff Walters) - The Eastern Sierra Transit Authority (ESTA) wishes to install a new bus shelter in Bridgeport near the tennis courts on Emigrant Street. The shelter would be of the same design as is already located in other communities in Mono County. ESTA wishes to have the encroachment fee waived by Public Works.

M12-209 **Action:** Authorize the Public Works Director to waive encroachment fees associated with the installation and operation of an Eastern Sierra Transit Authority bus shelter on County property and in County right-of-way in the community of Bridgeport.

Hazard moved; Hansen seconded

Vote: 4 yes; 0 no; 1 absent (Johnston)

- Jeff Walters, Public Works: ESTA would like to install a bus shelter next to the tennis courts in Bridgeport; there are no issues with this location. John Helm, ESTA, requested a fee waiver since the bus shelter is in the County right of way.
- John Helm, ESTA: A benefit of this location is accessibility to public restrooms. ESTA will maintain the shelter.
- Supervisor Hunt: Two members of the Board of Supervisors sit on the ESTA board, but they do not stand to gain in any way by supporting this item.

FINANCE

18a) California Public Employees Pension Reform Act of 2013 (Brian Muir) - Presentation by Finance Director regarding California Public Employees

Pension Reform Act of 2013.

Recommended Action: None (informational only).

Brian Muir, Finance Director, PowerPoint presentation:

- Outlined the impacts of the Pension Reform Act.
- New employees are those who will be hired after January 2013. For new employees:
 - There will be a cap on the amount of annual retirement earnings.
 - There is a change to the retirement formulas.
 - Employees hired within 6 months after leaving a PERS agency can participate in the plan in effect as of December 2012, so changes won't impact lateral transfers amongst agencies.
- Reviewed unfunded liability.
- Mono County does not pay the employee's share of retirement.
- Reviewed changes to become effective January 1, 2018.
- Reviewed changes that will impact retired annuitants.
- Eliminates "air time" (purchase of PERS credit).
- Management benefits will be the same as other employees.
- After January 1, 2013, no retroactive benefit increases; plans will be blended.
- Elected officials can't use the highest salary from other PERS employment.
- Eliminates contribution "holidays".
- Any person committing a felony in connection with their official duties will lose their PERS benefit.
- The effect on current employees will be minimal unless the Board takes action associated with the change in 2018.

Supervisor Hazard: Reviewed the history of PERS and returns on investment that led to plans such as 3% at 50 for public safety. The changes in PERS will eventually create a surplus in the fund. Problems were caused at the state level, not the local level.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

19a)

Inyo-Mono Integrated Regional Water Management Group (Heather deBethizy)- Presentation by Heather deBethizy regarding recent activities of the Inyo-Mono IRWM group.

Action: None

Heather deBethizy, Community Development: Provided a copy of Round 2 Prop. 84 IRWM Implementation document. Projects will be submitted in winter/spring of next year.

- The group used the DWR draft proposal to develop the IRWM document.
- Reviewed the document; it is a decision item on next week's IRWM agenda.
- The document outlines the process that will be used to rank projects.
- There will be points given for disadvantaged communities.
- The management group decided not to use "bins" (categories) when ranking projects.
- The Board's decision point has to do with how funding is allocated. Projects are currently being solicited and once the implementation document is adopted, the IRWM group will rank the projects. That ranking will then be approved by all member agencies before the list goes to DWR.
- Projects from Round 1 can be resubmitted in Round 2.
- The County submitted a block grant request to fund well projects; other projects in the County have been submitted by other agencies.
- Technical advisors will suggest rankings; in order to help create consensus, justification has to be given about why a project is ranked low or high.
- The Board of Supervisors needs to decide if they are comfortable with staff ranking projects.

- **The Board is comfortable with staff ranking projects, but will assist if staff has any questions.**
- Addressed the opportunity to act in the role of fiscal agent.
 - **The Board is not interested in having the County act as fiscal agent.**
- The IRWM received \$480,000 in Round 2 funds, which will fund the support office and three projects. One project is in Mono County (West Walker).
- Next step will be to update the Inyo-Mono IRWM plan.

SOCIAL SERVICES

20a) Eastern Sierra Area Agency on Aging Contract Status Update (Julie M. Tiede) - Presentation by Julie Tiede regarding the status of the proposed subcontract contract between Inyo County and Mono County for the delivery of Senior Services in Mono County. Review of proposed subcontract terms and conditions for approval.

M12-210 Action: Approve Subcontract Agreement between Inyo County and Mono County for the delivery of Senior Services in Mono County, and authorize the CAO to sign on behalf of the County.

Hunt moved; Hansen seconded

Vote: 3 yes; 1 no (Hazard); 1 absent (Johnston)

Julie Tiede, Social Services Director: The 90-day contract approved by the Board expires on September 30; the Board provided direction at a previous meeting to pursue a sub-contract relationship to commence October 1. The item before the Board is the approval of the sub-contract. Tiede reviewed the contract:

- Four-year agreement with a 90-day cancellation provision, with our without cause.
- Referred to Exhibit A that sets forth minimum services. Service units reflect the amount of available funding.
- Attachment B is the schedule of fees. This year will be different from the remaining three years.
- Funding is based on utilization; this brings stability and provides a starting point for future negotiations.
- Even though “utilization” is not an ideal criterion, if Mono County does not move forward with the proposed agreement, Inyo County will provide direct services. This will eliminate employees and services will be as they are set forth in Exhibit A.
- This program will require continual review.
- Tiede received Board comments and answered questions about: 1) utilization formula; 2) needs assessment; 3) ramifications of not entering into the sub-contract; 4) lack of state intervention; 5) services in the Benton community, and the minimal number of requests countywide for services; 6) objective measures.

INFORMATION TECHNOLOGY

Additional Departments: County Counsel

21a) Digital 395 Project and Technology Prioritization and Incentivization (Nate Greenberg; John Vallejo) - Update the Board of Supervisors on Digital 395 Last Mile Provider Plan concepts as they relate to the prioritization of technology, projects (by community), and an incentive based approach to accomplish desired outcomes.

NO MOTION Action: Authorize Nate Greenberg to draft and sign letters of support for the October round of grant applicants.

Nate Greenberg, IT/GIS, PowerPoint presentation Last Mile Provider Plan:

- Intention for today is to get Board approval to write letters of support for grants coming forward, and get direction with respect to the DIVCA ordinance. The deadline for CASF funding is October 1.
- County involvement with Digital 395 is important in order to help resolve unanswered questions and provide a common-operating plan.
- Reviewed discussions with last-mile providers and their need to understand County's intentions and level of support.
- Digital 395 is the construction of the backbone from Barstow to Reno; last mile will break off Digital 395 for local distribution. This presents issues for communities not adjacent to the backbone.
- Staff would like to see implementation of wireline before wireless, and before satellite; wireline is more stable and is still the industry standard. Would also like to see distribution underground wherever possible.
- Many communities already have wireline infrastructure.
- Last mile projects will be built in a variety of ways due to differences in existing infrastructure and access to the backbone.
- Discussed the concepts of wireline vs. wireless and underground vs. overhead construction, and the situations when the various options may be used. The General Plan has a framework that addresses the underground/overhead issue. Feedback from last-mile providers about cost may also direct which option is used.

John Vallejo, Deputy County Counsel: Talked about the County's authority to require undergrounding. The County can require telecom lines to be installed underground, but there will be a practical issue about cost and project delays; talked about requirements for undergrounding of existing lines. Need to balance the issue of cost and delay with the underground requirement. The cost of undergrounding may be prohibitive, so the Board needs to consider revenue-raising options, such as DIVCA provisions (Vallejo distributed a copy of a draft ordinance); DIVCA is built in to the state franchise agreements. Talked about different mechanisms for raising revenue. Reviewed the draft ordinance and potential incentives to provide service to outlying communities.

Scott Burns, Community Development Department: There are current policies and design standards for overhead installation. Answered questions about cases for director review and use permits. The hierarchy of priorities needs to be specified.

Supervisor Hazard: 1) There will be situations that require overhead lines; all communities should have access, but some communities will require wireless service. The preferred method should be fiber to home for best quality and access to the most services; satellite is currently not an acceptable standard. 2) Need to prevent "cherry picking" of communities by providers. 3) County should be able to collect a fee for future broadband services. 4) Priority needs to be underground fiber optic to home, then wire, and lastly wireless. Providers would need to justify why they should be exempted from the first priority, with cost being the lowest justification. Additional requirements may be needed for lower levels of infrastructure in order to preserve quality of service.

Board and staff discussion about the various aspects of the project: 1) ways to incentivize providers, 2) issue of feasibility of undergrounding, 3) process of directors review. The goal is to get the best service possible to all communities.

Board consensus: 1) priority should be underground fiber to home; 2) develop a process to review cases when undergrounding isn't feasible; 3) send fee structure back to staff for further review; 4) craft a policy for further discussion.

Greenberg: Discussed the California Advanced Services Fund (CASF) that can be used for unserved communities, such as Twin Lakes. A potential provider will be awarded 5 bonus points if

a letter of support from the agency accompanies their funding request. Due to time constraints, Greenberg asked for Board approval authorizing him to write those letters.

- Supervisor Hazard: The short time frame requires quick action. Letters should support providers with grants and not specify CASF grants.

The discussion about DIVCA (Digital Infrastructure and Video Competition Act) will be continued at a future meeting.

ADJOURN: 4:25 p.m.

ATTEST:

VIKKI BAUER
CHAIR

LYNDA ROBERTS
CLERK OF THE BOARD

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