



AGENDA

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 County Courthouse, Bridgeport, CA 93517

December 11, 2012

TELECONFERENCE LOCATIONS: 1) First and Second Meetings of Each Month: Mammoth Lakes CAO Conference Room, 3rd Floor Sierra Center Mall, 452 Old Mammoth Road, Mammoth Lakes, California, 93546; 2) Third Meeting of Each Month: Mono County Courthouse, 278 Main, 2nd Floor Board Chambers, Bridgeport, CA 93517. Board Members may participate from a teleconference location. Note: Members of the public may attend the open-session portion of the meeting from a teleconference location, and may address the board during any one of the opportunities provided on the agenda under Opportunity for the Public to Address the Board.

NOTE: In compliance with the Americans with Disabilities Act if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (760) 932-5534. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (See 42 USCS 12132, 28CFR 35.130).

Full agenda packets are available for the public to review in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517), and in the County Offices located in Minaret Mall, 2nd Floor (437 Old Mammoth Road, Mammoth Lakes CA 93546). Any writing distributed less than 72 hours prior to the meeting will be available for public inspection in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517). **ON THE WEB:** You can view the upcoming agenda at www.monocounty.ca.gov. If you would like to receive an automatic copy of this agenda by email, please send your request to Lynda Roberts, Clerk of the Board : lroberts@mono.ca.gov.

UNLESS OTHERWISE SPECIFIED BY TIME, ITEMS SCHEDULED FOR EITHER THE MORNING OR AFTERNOON SESSIONS WILL BE HEARD ACCORDING TO AVAILABLE TIME AND PRESENCE OF INTERESTED PERSONS. PUBLIC MAY COMMENT ON AGENDA ITEMS AT THE TIME THE ITEM IS HEARD.

9:00 AM

Call meeting to Order

Pledge of Allegiance

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

Approximately thru **CLOSED SESSION**
10:00 a.m.

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: one.
- 1b) **Closed Session - Potential Litigation** - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to subdivision (c) of Government Code section 54956.9. Number of potential cases: one.
- 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) **Closed Session--Public Employment** - PUBLIC EMPLOYMENT. Government Code section 54957. Title: EMS Manager.
- 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 Inland Aquaculture Group.
- 1f) **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: dispute regarding Conway Ranch grant compliance.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

2) **APPROVAL OF MINUTES**

A. Approve minutes of the Regular Meeting held on November 20, 2012.

3) **BOARD MEMBER REPORTS**

The Board may, if time permits, take Board Reports at any time during the meeting and not at a specific time.

Approximately 10 Minutes **COUNTY ADMINISTRATIVE OFFICE**

- 4) CAO Report regarding Board Assignments (Jim Arkens)
RECOMMENDED ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

10:00 a.m. **DEPARTMENT REPORTS/EMERGING ISSUES** Approximately 15 minutes (PLEASE LIMIT COMMENTS TO FIVE MINUTES EACH)

Approximately 5 minutes for Consent Items

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.)

PROBATION

- 5a) **Evidence Based Probation Supervision Recovery Act Program Grant** - Seek approval to modify the Evidence Based Probation Supervision Recovery Act Program grant by extending it through March 31, 2013.

Recommended Action: Approve the modification and authorize the Chair of the Board of Supervisors to sign the California Emergency Management Agency Grant Award Amendment #4.

Fiscal Impact: None.

COUNTY COUNSEL

- 6a) **Ordinance amending County Code re public use of Conway Ranch** - Proposed ordinance amending sections 13.40.010 and 13.40.020 of the Mono County Code, pertaining to public use of Conway Ranch.

Recommended Action:

Adopt proposed Ordinance No. ORD12-___, amending sections 13.40.010 and 13.40.020 of the Mono County Code, pertaining to public use of Conway Ranch.

Fiscal Impact:

None.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

- 7a) **Appointment of Bridgeport Valley Regional Planning Advisory Committee Members** - Appoint one new member to the Bridgeport Valley Regional Planning Advisory Committee.

Recommended Action: Appoint Barry Beck to the Bridgeport Valley Regional Planning Advisory Committee (BVRPAC), with a term expiring January 2015, as requested by Supervisory Tim Hansen and recommended by current BVRPAC members.

Fiscal Impact: None.

COUNTY COUNSEL

Additional Departments: Sheriff, CAO, Finance

- 8a) **Approval of Contract with CDCR** - Proposed contract with California Department of Corrections and Rehabilitation (CDCR) pertaining to housing of inmates with serious medical conditions.

Recommended Action: Approve County entry into proposed contract and authorize Jim Arkens to execute said contract on behalf of the County. Provide any desired direction to staff.

Fiscal Impact: The fiscal impact will depend on whether or not services covered by this contract are utilized by the County. It is anticipated that services will be used very infrequently or not at all. However, should an inmate have a serious medical condition requiring substantial medical treatment and expenses, the County's liability for such expenses will be limited to 50% of the annual allotment of the County's Community Corrections Subaccount within the County Local Revenue Fund. That amount is currently projected to be \$140,602.00 spread over the next five years. The remainder of the allotment will be spent by the County as it would otherwise normally would.

- 8b) **Approve Wheeler Crest Fire Protection District Conflict of Interest Code** - On November 21, 2012, the Wheeler Crest Fire Protection District Board of Directors passed Resolution No. R12-0002 to approve and adopt, subject to the approval of the Mono County Board of Supervisors, a 2012 version of its Conflict of Interest Code pursuant to the Political Reform Act, which requires public agencies to conduct a biennial review, and if necessary an update, of its conflict of interest code. The Wheeler Crest Fire Protection District's new Conflict of Interest Code is now being brought before the code-reviewing body, which is the Mono County Board of Supervisors, for approval.

Recommended Action: Approve the new Conflict of Interest Code adopted by the Wheeler Crest Fire Protection District on November 21, 2012, and direct the Clerk to notify the District of the Board's action (attention Al Carson).

Fiscal Impact: None.

CLERK OF THE BOARD

- 9a) **Renewal of Appointments to the Mono County Child Care Council** - Renewal of appointment of Dyanna Hernandez to the Mono County Child Care Council which is due to expire on December 31, 2012. Supervisor Johnston is sponsoring this item.

Recommended Action: Reappoint Dyanna Hernandez to the Mono County Child Care Council for two more years. Her term will expire on December 31, 2014.

Fiscal Impact: None.

FINANCE

10a) CalPERS Healthcare Coverage - Proposed resolutions to clean-up CalPERS medical coverage for all employees including the Superior Court.

Recommended Action: Approve and Authorize the Chairman's signature on three (3) proposed resolutions electing to be subject to Public Employees' Medical and Hospital Care Act only with respect to members of a specific employee organization and fixing the employer's contribution at an amount at or greater than that prescribed by Government Code section 22892(b)(1).

Fiscal Impact: There is no additional fiscal effect to the County over and above what is currently calculated in employee benefits. At this time, the rate is \$112 per month included in the insurance premium paid for each employee and \$112 per month for each retiree. The Superior Court pays for their own employees and retirees.

10b) Surplus Fixed Assets - Consider declaring following fixed assets surplus:

Xerox Copier Model CC32C Serial Number KMM011462
Xerox Copier Model WCP40C Serial Number KMM011918
Xerox Copier Model WCP265C Serial Number UTU906611
Xerox Copier Model C-55 Serial Number NWL021946
Xerox Copier Model DC430 Serial Number UHG026623

Recommended Action: Declare the five copiers surplus and authorize disposal.

Fiscal Impact: FY 12/13 \$500

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) No Correspondence -

SHERIFF CORONER

12a) Appointment of Undersheriff Ralph Obenberger to Fill the Unexpired Term of Sheriff-Coroner Richard Scholl (Sheriff Richard C. Scholl) - Sheriff Richard C. Scholl has decided to retire from his elected position as Sheriff-Coroner of Mono County effective December 20, 2012. The unexpired term continues until December 2014. It is imperative that the County have a person in place as the Sheriff-Coroner to perform all mandated functions and responsibilities as required in the Government Code.
10:30 a.m.
15 minutes

Recommended Action: Recommend that the Board of Supervisors appoint Undersheriff Ralph Obenberger fulfill the remaining unexpired term of Sheriff-Coroner upon the current Sheriff's retirement to be effective at 5:00 p.m. on December 20, 2012.

Fiscal Impact: There is no increase or decrease to the current budget for the position of Sheriff-Coroner; however, there could be savings realized with the realignment of the management positions within the Sheriff's Office. Actual costs savings are unknown at this time.

12b) Swearing In of Newly Appointed Sheriff-Coroner, Ralph Obenberger (Judge Eller and Ralph Obenberger) - Swearing in of newly appointed Sheriff-Coroner Ralph Obenberger. Judge Stan Eller will administer the oath of office.
10:30 a.m.
5 minutes

Recommended Action: No action requested from Board of Supervisors. Judge Eller will administer Ralph Obenberger's oath of office.

Fiscal Impact: None.

BOARD OF SUPERVISORS

13a) Recognition of Out-going Board Members (Byng Hunt, Vice Chair) - Acknowledge the out-going

15 minutes Board Members and recognize their years of service.

Recommended Action: None.

Fiscal Impact: None.

FINANCE

Additional Departments: Administration, County Counsel

14a) **New Level of Retirement Benefits – 3.0% @ 55 Full Formula Second Tier for Sheriff Safety Members** (Brian Muir) - Proposed ordinance authorizing an amendment to contract between the Board of Supervisors Mono County and Board of Administration California Public Employees Retirement System. Provide any desired direction to staff.
5 minutes

Recommended Action: Adopt proposed ordinance.

Fiscal Impact: No immediate employer rate contribution rate impact. Ultimately, employer normal cost will decrease in the ratio of the second tier annual payroll to the total annual plan payroll up to a maximum decrease of approximately 2.7%. Due to the PERS actuarial schedule, changes to the employer normal cost will lag payroll changes by two and a half years.

SOCIAL SERVICES

Additional Departments: HR

15a) **Approval to fill Vacant Program Manager position with Social Worker Supervisor II and backfill any vacancy created by such** (Julie M. Tiede) - Request for approval for the Department of Social Services to under fill the vacant Program Manager position with a Social Worker Supervisor II. Additionally to allow the Department of Social Services to back fill any vacancy created by the filling of such position with a Social Worker I/II.
10 minutes

Recommended Action: Approve the Department of Social Services to under fill the vacant Program Manager position with a Social Worker Supervisor II. Additionally to allow the Department of Social Services to fill any vacancy created through an internal recruitment of a Social Worker Supervisor II with a Social Worker I/II.

Fiscal Impact: The annual cost of the Social Worker Supervisor II (Range 80 E), salary and benefits, is estimated to be \$137,502.48 (\$86,760.00 salary, \$50,742.48 benefits). Based on an estimated County share of cost of 8.5% the annual impact to the County General Fund for salary and benefits would be \$11,688.00 with the remainder paid by the Department of Social Services. It should be noted that higher position of Program Manager was fully budgeted for in Fiscal Year 2012-2013. In the event the filling of this position creates a vacancy and approval is given to fill such vacancy the annual cost of the Social Worker I/II, salary and benefits is estimated to be \$64,153.00 (\$36,672 salary, \$27,481.00 benefits). Based on an estimated County share of cost of 8.5% the annual impact the County General Fund would be \$5,453.00 with the remainder paid by the Department of Social Services.

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OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

PUBLIC WORKS - SOLID WASTE DIVISION

16a) **Solid Waste Fees--Public Hearing** (Tony Dublino) - Public hearing regarding increase of Solid Waste gate fees.
Public Hearing

1:00 p.m.
30 minutes

Recommended Action: Conduct public hearing. Approve preferred alternative, as presented or as amended, or reject all alternatives. Consider and possibly approve proposed resolution. Provide any desired direction to staff related to additional actions necessary to address budget issues with the Solid Waste Enterprise Fund.

Fiscal Impact: Will depend on Board direction. A rejection of fee increases or other appropriate action

could result in additional funds being needed from the General Fund in excess of \$200,000 per year. Fee increases as presented could result in as much as \$346,000 revenue to the Solid Waste Enterprise Fund which would be generated from system users.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

17a)

Public Hearing
1:30 p.m.
30 minutes

Public Hearing: General Plan Amendment 12-04, Transient Rental Overlay District & Transient Rental Standards and Enforcement & Accessory Dwelling Units (Brent Calloway, Nick Criss) - Public hearing and consideration of proposed General Plan Amendment allowing for the creation in the future of transient rental overlay districts; providing uniform standards and permit requirements for transient rentals within overlay districts; implementing enhanced enforcement for unpermitted rentals outside overlay districts; and restricting the size of accessory dwelling units on parcels less than 1 acre.

Recommended Action: Adopt Resolution R12-xx, taking actions necessary to approve General Plan Amendment 12-004, including approving Addendum 12-01 to the Mono County General Plan EIR.

Fiscal Impact: None; additional transient occupancy taxes may be generated.

BOARD OF SUPERVISORS

Additional Departments: CAO/HR,

18a)

10 minutes

Marshall Rudolph employment agreement (Jim Arkens) - Proposed Resolution approving an employment agreement with Marshall Rudolph and prescribing the compensation, appointment, and conditions of said employment.

Recommended Action: Adopt proposed Resolution R12-___, approving an employment agreement with Marshall Rudolph and prescribing the compensation, appointment, and conditions of said employment.

Fiscal Impact: Approximate cost for the remainder of FY 12-13 is \$147,357 of which \$97,964 is salary; \$20,743 is the employer portion of PERS, and \$28,650 is the cost of the benefits and is included in the approved budget. Cost for a full year is \$263,125, of which \$178,116 is salary; \$31,936 is the employer portion of PERS, and \$53,073 is the cost of the benefits.

COUNTY COUNSEL

19a)

5 minutes

Claim For Damages by Inland Aquaculture Group (Marshall Rudolph) - Claim for damages presented on November 2, 2012, by Inland Aquaculture Group, LLC (County Claim No. C112-13) and any amendments thereto.

Recommended Action: Consider said claim (as amended) and take such action, if any, as the Board deems appropriate. Direct County Counsel to notify claimant (through their attorneys) of the Board's decision.

Fiscal Impact: None if the claim is rejected and/or if no action is taken.

PUBLIC WORKS - FACILITIES DIVISION

20a)

10 minutes

Old Sheriff's Sub-Station Property (Joe Blanchard) - Review of estimates for sub-station remodel.

Recommended Action: Review and discussion of the estimates for the remodeling of the sub-station. Provide any desired direction to staff.

Fiscal Impact: Fiscal impact in the form of both revenue and expenses will be determined by any future construction and or leases entered into for the sub-station property.

INFORMATION TECHNOLOGY

Additional Departments: Community Development

21a)

40 minutes

Digital 395 - Last Mile Provider Plan (Nate Greenberg) - Provide an update to the Board regarding the development of the Digital 395 Last Mile Provider Plan. Report on the outcome of public outreach performed at RPAC meetings, discuss outstanding items, and final steps for creation and adoption of the plan.

Recommended Action: Provide additional feedback or direction to staff for development of Last Mile

Provider Plan.

Fiscal Impact: Unknown at this time.

ADJOURNMENT

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