



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.

Special Meeting

January 22, 2013

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

9:00 AM

Meeting Called to Order by Supervisor Hunt, Chair

- Supervisors present: Alpers, Fesko, Hunt, Johnston, and Stump
- Supervisors absent: None

Pledge of Allegiance led by Supervisor Fesko

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

- **Richard Luman:** Distributed and read a copy of a letter from Katie Bellomo, attorney representing Mr. Luman in a personnel matter. Also distributed and read a copy of his letter pertaining to the cost of the administrative record prepared for his legal case.
 - Supervisor Fesko: The Board can't make a decision today because this is not agendaized. If Mr. Luman picks up the record tomorrow, he will have to pay the balance due.
- **Raven Angeles, Conway Ranch:** Distributed a copy of a letter dated January 9, 2013, regarding an overdue invoice; asked the Board to provide direction to staff.

Closed Session: 9:15 a.m.

Break: 10:32 a.m.

Reconvened: 10:38 a.m.

Closed Session: 12:00 Noon

Reconvened: 1:08 p.m.

Break: 2:50 p.m.

Reconvened: 3:02 p.m.

Closed Session: 3:20 p.m.

Reconvened: 4:55 p.m.

Adjourned: 4:55 p.m.

CLOSED SESSION

The Board had nothing to report from morning or afternoon Closed Session.

BOARD OF SUPERVISORS

- 1a) Closed Session - CAO Position - PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Administrative Officer.
- 1b) Closed Session - 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.

- 1c) Closed Session - Conference with Real Property Negotiators - CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: 71 Davison Street, Mammoth Lakes, CA. Agency negotiators: Marshall Rudolph, Robin Roberts, and Jim Arkens. Negotiating parties: Mono County and Alek Cvetkovic. Under negotiation: terms of payment.
- 1d) Closed Session - Existing Litigation - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Subdivision (a) of Government Code section 54956.9. Name of case: Luman v. Mono County *et. al.*
- 1e) Closed Session - Finance Director Position - PUBLIC EMPLOYMENT. Government Code section 54957. Title: Finance Director.
- 1f) 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.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

2) APPROVAL OF MINUTES

M13-08 A. Approve minutes of the Regular Meeting held on January 8, 2013.
Fesko moved; Johnston seconded
Vote: 5 Yes; 0 No

M13-09 B. Approve minutes of the Regular Meeting held on January 15, 2013, as corrected.
Johnston moved; Stump seconded
Vote: 5 Yes; 0 No

- Supervisor Alpers: Agenda Item #6a, Board of Supervisors Strategic Planning Workshop, use the exact language from his list.
- Supervisor Johnston: Board Member Reports, Johnston's report, 1) bullet point two should read, "Talked to people at City of Tracy about how they handle the investment pool; 2) bullet point four, should be **Andrea** Lawrence.
- Supervisor Fesko: Agenda Item #6a, Board of Supervisors Strategic Planning Workshop, Closing Comments, Fesko bullet point two, should be directives **log**.

3) **BOARD MEMBER REPORTS**

Supervisor Alpers

1. Attended YARTS and ESTA board meetings.
2. Attended RCRC conference. Membership includes 33 counties, and this organization

does great things for the counties. Items discussed: 1) Three bills are pending to terminate the SRA fees; they will most likely fail. 2) Upcoming legislation that will impact various taxes and fees.

Supervisor Fesko

1. RCRC follow-up: Concurred with Supervisor Alpers, there is tremendous passion amongst the legislative staff. Visited the state capitol building; spoke with Ted Gaines. There is concern about the supermajority in the legislature; the SRA fee may be turned into a tax.
2. The Antelope Valley CERT training is completed; 34 people certified.
3. The Eastern Sierra Jamboree is progressing; about 70 people have signed up so far.
4. Will be attending a meeting to discuss Bodie Road paving.
5. Complimented ESTA; bus stops have been installed in Walker and children can use them while waiting for the school bus.
6. The courthouse has been really cold; heat doesn't seem to be circulating.

Supervisor Hunt

1. January 18: Attended the Eastern Sierra Transit Authority meeting, 1) Honored an employee of the quarter. Would like the County to start doing that; it is important to recognize people for their hard work. 2) The ESTA employee organization has reorganized without outside labor unions; they will negotiate for their own benefits. 3) Considered a short-range transit plan.
2. January 17: Danna Stroud made a presentation at Rotary about the Sierra Nevada Conservancy. She was very informed and is a good speaker.
3. Last Saturday night: Attended a performance at the Mammoth Lakes Reparatory Theatre; they do incredible work.
4. Sunday: The San Francisco 49ers won their game and will be going to the Super Bowl.
5. Went skiing yesterday morning and the snow conditions are good.

Supervisor Johnston

1. Attended the RCRC installation of officers.
2. Attended a meeting along with Supervisor Alpers in June Lake about opening of the ski area.
3. Attended an Inyo Advocates meeting; it was well attended. State tourism gave a presentation about promoting the State of California.

Supervisor Stump

1. Last week: Met with the owner of Benton Hot Springs. He is considering long-term planning for the property, such as constructing a small hotel and brewery, and is working on habitat creation, studies of fresh-water snails, economic development, and is considering creating a non-profit. He feels a strong sense of stewardship for the land and plans to solicit support from the County for the planning process. At the appropriate time, Scott Burns will send a planner to look at the property.
2. Chalfant citizens would like to get a bus stop installed. Citizens have also brought up the \$5.00 dump fee for manure. Since the fee covers any amount, people are letting it accumulate, which attracts flies. Manure dumping should be free in order to avoid this problem. Also, the wood waste voucher should be year round.

COUNTY ADMINISTRATIVE OFFICE

4)

CAO Report regarding Board Assignments
Receive brief oral report by County Administrative Officer (CAO) regarding work activities.

Jim Arkens

1. Continued with status meetings with direct reports.
2. Started MCPE negotiations last Friday.

DEPARTMENT REPORTS/EMERGING ISSUES

- Ralph Obenberger, Sheriff: 1) Last Thursday, Wes Hoskin graduated from the academy in Riverside; he finished first in his class. 2) Will be moving forward with the purchase of the sprung structure at the Mammoth Lakes Fire Department; the offer is fair.

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.)

PUBLIC WORKS - SOLID WASTE DIVISION

- 5a) Adjustment to Service Fee floors for Solid Waste Haulers - Proposed amendment to contracts with Mammoth Disposal and D&S Waste, increasing service fee floors following December 11, 2012 gate fee increase.

M13-10 **Action:** Approve County entry into amendments to contracts with Mammoth Disposal and D&S Waste, increasing service fee floors following December 11, 2012 gate fee increase, and authorize CAO, Jim Arkens, to execute said amendment on behalf of the County.
Johnston moved; Stump seconded
Vote: 5 Yes; 0 No

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

- 6a) Jim Arkens Resignation Letter - January 9, 2012 letter from Jim Arkens to the Board of Supervisors giving his resignation as CAO of Mono County.
- The Supervisors expressed their appreciation for the service Arkens provided over the last 3 years, and wished him the best of luck.

The Board acknowledged receipt of the correspondence.

SHERIFF CORONER

- 7a) Approval of the Mono County Emergency Operations Plan (Sergeant Jeff Beard) - The Mono County Emergency Operations Plan was revised per the guidelines set forth by the Federal Emergency Management Agency (FEMA) and the California Emergency Management Agency (CalEMA). The plan was written with input from all co-operators with a review process by the co-operators and CalEMA. The current plan was revised to include: Access and Functional Needs; Animal Care and Shelter; and Incident Command System (ICS) during any Mono County event.

R13-04 **Action:** Adopt Resolution #R13-04, a resolution of the Mono County Board of Supervisors authorizing and approving a revised Mono County Emergency Operations Plan.
Alpers moved; Fesko seconded
Vote: 5 Yes; 0 No

- Sergeant Jeff Beard, Sheriff's Department: Talked about the update process; various agencies have had the opportunity to give input.

Board Comments

- Supervisor Hunt: This is an extensive document.
- Supervisor Stump: Requested the inclusion of an informational addendum about Rock Creek Lake Dam and Convict Lake Dam; the Town EOC also needs to be mentioned in the report. The Sheriff's Department should consider providing training to pertinent County staff.
 - Beard: CalEMA offers training; he can look at grant funding to provide training.
- Supervisor Alpers: It has been good to see this evolve and grow. Asked 1) who makes the call to bring in other agencies; 2) why was there no notice to the residents of Lee Vining about the areas the Forest Service planned to occupy; 3) what is the Board's role in an emergency.
 - Beard: The call to bring in other agencies is a joint effort based on complexity of the event and personnel needs; escalation is usually determined when Beard gets to the scene, but on-site agencies can make the call as needed. The Forest Service determined what they needed to do in Lee Vining; the County made the Community Center available for their use. Their PIO should have been in contact with the Sheriff's Department; Beard will work on communication efforts between the two agencies. The Board's role in an emergency is to be present to make decisions that require Board action.
- Supervisor Johnston: The document is thorough and well done. Would like to make sure that lessons learned from other disasters (i.e. Superstorm Sandy) are incorporated, such as the need to ensure access to sufficient supplies of fuel.
- Supervisor Fesko: Complimented the work, and made the following notes, 1) page 25 mentions distribution of natural gas, which is not an energy source in Mono County; fuel deliveries should be pertinent to Mono County; 2) acknowledge the CERT teams; 3) page 48, the "Walker Community Center" is actually called the "Antelope Valley Community Center", which is on the sign.

PROBATION

- 8a) Appointment of Supervisor to the Community Corrections Partnership (Karin Humiston, Chief Probation Officer) - With the recent election in November 2012, the Board of Supervisors committee member on the Community Corrections Partnership is vacant. An appointment needs to be made to fill the Board of Supervisors membership on this committee.

No Motion

Action: Supervisor Hunt will fill the vacancy on the Mono County Community Corrections Partnership; Supervisor Stump will be the alternate.

- Karin Humiston, Probation: Hap Hazard had previously served on the Community Corrections Partnership. Since he is no longer a Supervisor, the Board needs to appoint another member. The program is running smoothly. Humiston reviewed the background of this committee, which was established as part of AB109, and outlined the responsibilities of the executive committee. She outlined the impact of realignment to Mono County; in 2011, the CCP had submitted a plan to the Board addressing the realignment act.
- Supervisor Hunt volunteered to be appointed, and Supervisor Stump volunteered to be appointed as an alternate.

FINANCE

- 9a) Quarterly Investment Report (Rose Glazier) - Report on the Mono County Investment Report for quarter ending 12/31/2012.

Action: None (informational only).

- Rose Glazier, Auditor/Tax Collector: Distributed a copy of the investment report, and reviewed the portfolio as of December 31, 2012.
 - The yield includes the accrued interest.
 - Her office is notified about a week in advance when a bond is called, so she can shop for a comparable investment.
 - The Auditor's Office has historically overseen this function.
 - Reviewed the cash flow report. Bonds mature at various times so the cash flow comes in gradually.
 - Discussed LAIF; the bank pays more interest than LAIF.

Board Comments

- Supervisor Johnston: The City of Tracy manages over \$200 million in funds; their opinion is that smaller amounts should be managed in LAIF due to handling costs.
- Supervisor Stump: Would like ideas about how Glazier's office can bring in a "second set of eyes".

Glazier's Response

- The County is currently collecting more than double what LAIF collects. Her administrative costs are deducted from the interest, and are calculated to be about \$11,000 per quarter. Even with this cost, her office still apportions over \$200,000 each quarter. However, she will contact the City of Tracy and get more information. She will also make an interest comparison chart between the current system and LAIF.
- Regarding an oversight committee, there has been a committee in the past. Glazier will agendaize this issue for discussion.
- As a courtesy, a PMF advisor reviews the County's quarterly investment report and portfolio, and makes recommendations.

SOCIAL SERVICES

Additional Departments: HR

10a) Approval to fill vacant Program Manager Position and Make Limited Term Appointment prior to filling Vacancy (Julie Tiede and Kathy Peterson) - Request for approval to hire Program Manager and make a Limited Term Appointment under Mono County Personnel Rules Section 170.F.5 prior to hiring said Program Manager.

M13-11 **Action:** Approve the Department of Social Services hiring a Program Manager and allow a Limited Term Appointment for the Program Manager position prior to such hiring.

Stump moved; Johnston seconded

Vote: 5 Yes; 0 No

- Julie Tiede, Social Services Director: The Program Manager has resigned, so this is a request to fill that vacancy. Social Services is required to use the state personnel system, but they also go through the County system. After Board approval, Tiede will get state approval. The cost to fill the position is \$132,939 benefits and wages; this is a union position so the salary must conform. The County share of cost is 8%, which is considered to be low. While the department is in the process of filling the vacancy, they need to hire a limited-term employee for 6 months since it is not feasible for existing staff to take on these extra work duties. Tiede requested approval to hire the limited-term employee. After completing the recruitment for the Program Manager, the contract will come to the Board for approval.

BOARD OF SUPERVISORS

Additional Departments: CAO, Public Works

- 11a) Bridgeport Board Chambers Renovation - Discuss status and details of Bridgeport Board Chambers renovation. This item was requested by Supervisor Johnston.

Action: None.

- Supervisor Johnston: Over the last several years, the County has been bringing the Board chambers back to historic conditions. A recent proposal is to upgrade the dais with a new wooden countertop; apparently new microphones have already been purchased at the cost of \$5,000. Johnston wanted to find out if new microphones are necessary.
- Jim Arkens, CAO: Since becoming CAO, he has been working with staff to upgrade the Board room. The current countertop does not fit with the period of the building. Rita Sherman has been researching this project, but they do not yet have a design or cost information. Money was budgeted in the facilities budget for this purchase. Also, the prior Board expressed a preference for wireless microphones; the cost of ten microphones came to \$4,500. Arkens authorized the purchase of the microphones about 3 months ago so it is not likely they can be returned, but the County should be able to use them in other areas, such as community centers.

Board Comments

- Supervisor Hunt: Questioned the need to replace the countertop at this time. This should be a long-term project; there are other short-term needs right now.
- Supervisor Stump: It is not essential at this time to replace the countertop, so he would like to defer this purchase. There are higher priorities for County facilities.
- Supervisor Fesko: The new Board didn't authorize the purchase of new microphones. The current countertop is sufficient and is a want, not a need. The larger issue is how the County decides to spend money and who decides. He is responsible to his constituents and the County as a whole. In talking with Rita, she clarified that money for a new countertop would have to be approved by the Board.
- Supervisor Alpers: Concurred with Stump about a new countertop. He is not opposed to having a period countertop installed as included with the overall restoration of the building and plaza, when the budget warrants these upgrades.
- Supervisor Johnston: Agrees with the idea that the room should be brought back to historic design, but he was concerned about the purchase of new microphones when it didn't seem necessary. He would like to discuss this again with the mid-year budget.

Staff Comments

- Marshall Rudolph, County Counsel: The Board has delegated spending authority (up to a certain amount) to the CAO and it is specified in County code, so legally the CAO is designated as the County's purchasing agent. However, the Board can revise this authority if they so choose.

Additional Departments: County Counsel

- 11b) Lin Koester Employment Agreement (interim CAO) (Marshall Rudolph) - Proposed resolution approving a four-month at-will employment agreement with Marlin L. "Lin" Koester as Interim County Administrator, commencing January 30, 2013.

Action: None.

- Marshall Rudolph, County Counsel: Mr. Koester has decided not to accept the position.
- Supervisor Fesko: Spoke with Mr. Koester last night; he sends his apologies

LUNCH

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

COUNTY COUNSEL

- 12a) Contract with Rossmann and Moore, LLC for Legal Services (Stacey Simon) - Proposed contract with Rossmann and Moore, LLP pertaining to legal representation related to the Mammoth Pacific Replacement Project.

- M13-12** **Action:** Approve County entry into contract with Rossmann and Moore, LLC for legal services, and authorize the County Counsel to execute said contract on behalf of the County.
Fesko moved; Johnston seconded
Vote: 5 Yes; 0 No

- M13-13** **Action:** Modify the previous motion to add the stipulation that the final agreement will specify logistics concerning reimbursement of costs.
Hunt moved; Johnston seconded
Vote: 5 Yes; 0 No
 - Stacey Simon, Assistant County Counsel: She is working with legal counsel for Ormat regarding reimbursement of cost, which will avoid confusion and conflict later. County Counsel will sign the final agreement when the payment logistics have been included.

- 12b) Emergency Standby Officials (John Vallejo) - Consider nominations and appoint standby officials to serve as members of the Board of Supervisors and key County positions in the event of a disaster where a Board Member or key County officer is unavailable as a result of the disaster.

- M13-14** **Action:** Approve nominations and appoint standby officials to serve as members of the Board of Supervisors and key County positions in the event of a disaster where a Board Member or key County officer is unavailable as a result of the disaster. Direct the Sheriff, as Director of the Office of Emergency Services, to aid in the background investigation of the nominees.
Johnston moved; Alpers seconded
Vote: 5 Yes; 0 No
 - Jim Arkens, CAO: The stand-by officials are appointed for emergencies when the regular official is incapacitated; the standby fills in for crises situations when needed.
 - John Vallejo, Deputy County Counsel: Standby officers can be from outside the County. The Board can approve additional appointees via the consent agenda.

Board Comments

- Supervisor Stump: Has added Dale Schmidt as his 2nd backup.
- Supervisor Hunt: Changed the order of his standby appointments to, Don Sage, #1; Norman Anthony Taylor, #2; and Neil McCarroll, #3.
- Supervisors Stump and Fesko: Would like a 2nd and 3rd standby for the Sheriff's Department.
- Supervisor Alpers: Will be designating two additional standby appointments.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

13a) Initiation of a Comprehensive General Plan Update (Scott Burns, Wendy Sugimura) - Adopt Resolution 13-__ initiating General Plan Amendment 13-1 to comprehensively update the General Plan and approval to sign a Grant Agreement which will partially fund the update.

M13-15
R13-05

Action: Adopt Resolution #R13-05 initiating General Plan Amendment 13-1 for a comprehensive update of the General Plan with public engagement through the Regional Planning Advisory Committees. Approve the County Administrative Officer as the authorized official to sign the Grant Agreement and future grant documentation required by the State.

Alpers moved; Johnston seconded

Vote: 5 Yes; 0 No

- Scott Burns, Community Development Director: Prop 84 made \$94 million of funding available for planning. Community Development received funding so this is an opportunity to make updates to the General Plan and focus on an environmental plan that will allow for a more streamlined process. Per mandate by the Attorney General, elements are supposed to be updated so none of them are over eight years old.
- Wendy Sugimura, Community Development Department, outlined the following:
 - Most of the updates pertain to on-going policy work, such as the energy policy.
 - The Mono Basin Community Plan will be incorporated into the General Plan. CDD's procedure is to develop policies after the community work has been done.
 - The Regional Transportation Plan will incorporate applicable parts of the Bridgeport Main Street project.
 - Each task in the work plan includes a budget page, which must be submitted as part of the grant agreement; however, they retain flexibility.
 - This grant does not require a match.
 - Costs for updates to the Regional Transportation Plan, Noise Element, and CEQA Analysis will be paid by other funding sources and in-kind contributions.

Board Comments

- Supervisor Johnston: Questioned the need for the General Plan Update at this time since some state requirements do not apply to small counties, and nothing is really happening in various communities (Benton, Chalfant, Paradise, Crowley, Antelope Valley). The community of June Lake needs the "fire power", and some things need to be done right away, such as 1) revising the downtown parking ordinance so people can take advantage of street parking, 2) completing the biomass feasibility study, 3) completing a campus plan in Bridgeport to determine need for public facilities, 4) implementing solarization, 5) addressing the Benton Crossing landfill. Johnston expressed uncertainty about whether or not Community Development had enough people to get the work done. Believes the priority work should be done first separate from the work that would be funded by the grant. They need to consider sustaining service levels and focus on issues that create jobs.
- Supervisor Hunt: The General Plan is a dynamic document; he supports getting underway.
- Supervisor Alpers: June Lake is a top priority.
- Supervisor Stump: Agrees that June Lake is a priority. However, Benton Hot Springs may become an issue in the future.
- Supervisor Fesko: Agrees with the previous comments. Asked staff to be sure that the list showing dates of Plan updates is not accurate.

Staff Responses

- Scott Burns: 1) Some of the projects have been completed, such as the Mono Basin plan and Bridgeport Main Street project. 2) Work can be redirected to a consultant if necessary. 3) The grant is configured so they can focus on community needs, such as June Lake. 4) The Planning Commission had a workshop about the parking ordinance. 5) Wendy spoke with department heads about space needs for Bridgeport. 6) This is an opportunity to assist RPACs and the Board with planning priorities. 7) Adjustments are made yearly, but some updates need to be made now to address mitigation issues. 8) The update will allow for environmental coverage so the County can avoid challenges. 9) Solarization could be addressed at the mid-year budget. 10) Some past activities are being shown as a match for purposes of the grant.
- Wendy Sugimura: 1) Most of the General Plan is sufficient, but policy areas mandated by the state need to be updated; these will be targeted updates. 2) The Department has an aggressive internal deadline to complete the housing and EIR elements by next June. 3) Particular projects are currently underway (i.e. biomass feasibility). 4) They will have flexibility to focus their efforts on areas of higher priority. 5) A lot of the grant money will go for environmental work. 6) Funding is available for consultants. 7) They intend to continue moving forward on individual projects. 8) Within six months, they can probably update the downtown parking ordinance; the biomass process will be well underway within 6 months; the Bridgeport facilities study is in progress—progress will depend on Board direction; the June Lake Area Plan will be completed within the next 6 months; they can incorporate the opening of June Mountain into the Plan when they have more information. 9) The process will remain flexible enough to divert staff time to top priorities.
- Stacey Simon, Assistant County Counsel: There is not a specific time frame about the age of a general plan document, but over time it becomes legally inadequate. This creates a potential challenge for project opponents. The County's General Plan needs to stay in compliance with state laws.

PUBLIC WORKS - FACILITIES DIVISION

14a) Old Sheriff's Sub-Station Property (Joe Blanchard/Rita Sherman) - Review of estimates for sub-station remodel.

M13-16 **Action:** Allow the current tenant use of the interior of the Old Sheriff's Substation for equipment storage (such as sleds and related equipment); and use of the existing restroom (non public access), with appropriate indemnification. Proceed with solicitation of a new lease at the appropriate time.

Johnston moved; Fesko seconded

Vote: 5 Yes; 0 No

- Rita Sherman, Director of Facilities: The Board packet includes the history of this issue. Several local contractors have reviewed the proposed project. There is also a bid showing the cost to do some of the work in-house; roofing and a new well would have to be contracted out. The substructure of the roof is a problem and four different contractors have recommended redoing it. The internal bid includes the breakout costs for staff labor and materials; the bids from local contractors are not much more than the internal bid. The cost for materials (approximately \$46,000) could be higher due to unknown factors, such as asbestos. The problem with doing the job in-house is staff has other duties for which they are responsible, so this may double the amount of time needed to complete the project. The information presented does not address DWP's concerns. Also, when a public entity creates space to be rented, the law requires ADA compliance.

Board Discussion

- Supervisor Hunt: In January of 2010, the Board received a breakdown of options for the property, specifying what could and couldn't be done with it. Hunt reviewed the history of Board actions; cost and liability have been contentious issues among Board members. The Board needs to determine the best use of the property. Other groups have expressed an interest in using the building for storage, so there are options. However, the dog team is valuable to the recreational aspects of the County. He can support allowing Ouimet minimal use of the building. Eventually, he would like to see the museum operational again.
- Supervisor Stump: Wondered if DWP would look at all County leases, including the dump, if the Board takes action contrary to DWP.
 - Sherman: The County owns two parcels; one has water rights. Stump agrees about the uniqueness of the business and finding a way to accommodate it, but does not agree with spending \$79,000+ to remodel the building. The housing money is intended to fund housing in general and not fund housing for a specific person; this is close to the line of subsidizing one particular business. He would like to see a plan allowing Ouimet to develop on the County's other parcel, but will consider a work-around so he can store equipment in the building and use the bathroom. Stump expressed concern about DWP and opening up to their scrutiny. The Board should put aside the remodel discussion and focus on a work-around solution for storage and bathroom use. He wants to keep the building on the bottom of the demolition list; at this time it's not worth the money to demolish. Stump thanked Sherman, Joe Blanchard and all the contractors who took time to submit bids.
- Supervisor Johnston: This site is the best place for this particular use. The County's substation is a solid structure. If they tear it down, it should be because there is another intended use for the site. In the meantime, the County has leased the site for a recreational use, and the Board needs to figure out how to accommodate the use without a lot of cost. Ouimet wants to be able to make minimal improvements for office space, and store dogsleds and equipment inside; also the lease designates Ouimet as the caretaker, but he doesn't have access to the building. Johnston outlined the enhancements made by Ouimet. There has been no vandalism since he has been on the property. He should be allowed limited use of the interior for storage of equipment, tools, dog food, etc., and should be allowed to access the bathroom. The latest water test shows no problems with arsenic or coliform. The County can use housing funds to upgrade the space so there would be no impact on the general fund. Lastly, the lease should be a five-year lease. Johnston would like to revisit the museum idea at some point, but that needs more discussion.
- Supervisor Alpers: Ours is a unique county with unique recreational opportunities, and the County uses Ouimet's business in its marketing information. It would be difficult to get a new facility; Ouimet is paying rent, so Alpers would like to see if the Board can accommodate his basic request.
- Supervisor Fesko: This is a unique business. The building already contains office space so he can support that use; Ouimet should also have access to a flushable toilet and should be able to store his equipment and tools inside. Fesko would like to view the roof structure from the inside. He does not agree with spending a lot of money on remodeling the space.

Staff Response

- Scott Burns, Community Development Director: The public facilities designation gives the landowner a lot of flexibility. The Planning Commission could repeal the use permit if the Board so desires.
- Marshall Rudolph, County Counsel: Ouimet has remained on site under an expired lease. A new lease will require a public process so others can bid on use of the space. Rudolph's office would need to research some of the public land issues and review the original lease.
- Stacey Simon, Assistant County Counsel: Briefly reviewed the history of the lease

arrangement. As part of the public process of getting proposals for lease of the property, the Board can put reasonable limits on the acceptable types of uses. Ouimet is a hold-over tenant, but at some point the County needs to go through the public process and issue a new lease. The existing, hold-over lease allows the Public Works Director to authorize uses; storage is an allowed use. Building code issues will require research.

ADJOURN: 4:55 p.m.

ATTEST:

BYNG HUNT
CHAIR

LYNDA ROBERTS
CLERK OF THE BOARD

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