



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
Board Chambers, 2nd Fl., County Courthouse, 278 Main St., Bridgeport, CA 93517

October 8, 2013

9:00 AM Meeting Called to Order by Chairman Hunt.

*Supervisors Present: Alpers, Fesko, Hunt, Johnston and Stump.
Supervisors Absent: None.*

Pledge of Allegiance led by Supervisor Alpers.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Deborah Hess (SCE):

- Introduced herself, she's replacing Dan Brady.
- She worked here until 2010 and has since come back with this position opening up.

Break: 9:48 a.m.

Reconvene: 10:00 a.m.

Closed Session: 12:50 p.m.

Reconvene: 2:00 p.m.

Adjourn: 3:10 p.m.

CLOSED SESSION

There was nothing to report out of closed session.

BOARD OF SUPERVISORS

CLOSED SESSION WILL FOLLOW REGULAR MORNING SESSION.

1a) Closed Session--Human Resources - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph, John Vallejo, Leslie Chapman, Bill Van Lente and Jim Leddy. 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.

1b) County Counsel Performance Evaluation - PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Counsel.

2) APPROVAL OF MINUTES
9:00 a.m.

None

3) **BOARD MEMBER REPORTS**

Supervisor Alpers:

- Last Tuesday, attended June Lake CAC; asked John Urdi to make another presentation as people are terribly misinformed about how airport functions. Urdi has been in touch with Forest Service folks too. Fuels Reduction subcommittee also did a presentation.
- Saturday night – public showing of movie Oblivion at June Lake Community Center; no charge. Discussion of how the mechanics of the movie worked including the film shot with the trout. Spoke of economic impacts of having a major movie filmed in Mono County.
- Spoke about his retina surgery; has to use his eyes minimally.

Supervisor Fesko:

- Passed out a map of where he rode on his ATV trip. Just took a 10 day trip, approximately 1,430 miles roundtrip (to Utah border). Great trip, looking to do it again and perhaps go all the way to Idaho.

Supervisor Hunt:

- Took long walk up to Rock Creek/Mosquito Flat yesterday; still a lot of people. All campgrounds are closed, very sad.
- Went to Yosemite on Friday.
- Met with committee on Caltrans/Conway issues; more meetings to come.
- Met with Tom Hallenbeck and BLM regarding the escape route in Mono City; both all ears and wanting to come to a solution.
- Mentioned that Tioga Pass will close at 6:00 p.m. this evening due to eminent storm. The Parks Service does not know when it will reopen.

Supervisor Johnston:

- Attended Energy Summit, partially sponsored by the Eastern Sierra Council of Government. There is a trinket at each supervisor's spot. Took bus tour to a geothermal plant and several companies. Very enlightening. Second day was actual program – a lot of keynote speakers, Darryl Hannah was there pushing electric vehicles. Inyo County is ahead of us – has challenged Leddy to take on Carunchio; he believes County should set a goal for renewable on our own facilities here; see if we can't get to a point where we're 50% renewable. Incentives for people to install solar panels in their own homes (coming up on fee discussion). He's invited speaker to talk about solar collectives. If you're in a house that can't have solar, you can buy separate panels and buy-in that way. Encourages additional supervisors to attend this summit next year.
- Mammoth Lakes Housing meeting last night – met new Town Manager. Working on plan to get monies back into the program.
- Letter on next agenda to Congressman Cook supporting a clean continuing resolution.

Supervisor Stump:

- Another meeting with AT&T regarding cell service in Crowley and Chalfant;

news for Crowley not good. Chalfant has requested a presentation from AT&T.

- Saturday evening, attended community BBQ in Swall Meadows given by Fire Dept as thanks. Kudos to State Farm Insurance Co.
- Thursday/Friday toured the permit business in Rock Creek Canyon and Convict Canyon to ascertain impacts of campground service shutdown. Just trying to clarify rules for these vendors.
- Mono City Road – just received a copy of Community Fire Protection Plan (information to be given to Katie Bellomo).
- Kathy Peterson – issue of buying meals for tri valley residents will be \$14,000 - \$15,000 in savings over what we're currently spending; still some logistical considerations. Inyo has voted approval. There will now be a buffer in the senior program.

COUNTY ADMINISTRATIVE OFFICE

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

Jim Leddy:

- Met with new Town Manager on Friday; got into discussions about Solid Waste, IT efforts and other shared services. New manager is open to being communicative and sharing information.
- Went to Mono Hills on Sunday; finally went out 182 to go shopping. Can't believe how low the Bridgeport Reservoir is.

DEPARTMENT REPORTS/EMERGING ISSUES (PLEASE LIMIT COMMENTS TO FIVE MINUTES EACH)

Marshall Rudolph:

- Handed out a new urgency item card; now laminated.

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.)

COUNTY ADMINISTRATIVE OFFICE

Additional Departments: Clerk of the Board

- 5a) Request to Cancel the November 19, 2013 Board of Supervisors Meeting - Request from the County Administrator asking the Board of Supervisors to approve cancelling of November 19th Board of Supervisors meeting in order to allow Board members to attend the California State Association of Counties Annual Conference.

M13-218 Action: Approve cancelling of November 19th Board of Supervisors meeting in order to allow Board members to attend the California State Association of Counties Annual Conference.

Johnston moved; Fesko seconded

Vote: 5 yes; 0 no

COMMUNITY DEVELOPMENT - PLANNING DIVISION

- 6a) Appointment of June Lake Citizens Advisory Committee Member - Consider appointment of one new member, Don Morton, to the June Lake

Citizens Advisory Committee, as recommended by Supervisor Alpers.

- M13-219** **Action:** Approve appointment of Don Morton to the June Lake Citizens Advisory Committee.
Johnston moved; Fesko 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

- 7a) Traynor Letter Requesting Relief for Local Businesses from Effects of the Rim Fire - Correspondence dated September 24, 2013 from Tim and Kimberly Traynor (owners of Yosemite Gateway Motel) requesting relief from the effects of the Rim Fire on local businesses. They are requesting additional time to make TOT payments as they become due.

Supervisor Johnston:

- Feels this is a reasonable request and worth board discussion. Some relief would be extremely beneficial.
- Last year we gave a lot of money to June Lake due to ski area closure, maybe someone else's turn?

Supervisor Fesko:

- They aren't asking for zero interest, just a break on late charges.
- Needs to be an agenda item added for next week; this is a payment plan request, not a loan in his opinion.

Supervisor Alpers:

- We need to be very careful about how we handle this having paid bed tax for decades.
- A discussion is needed and education is needed about TOT. See if there really is any relief to be provided; our funding sources are very tenuous.
- If you give relief to one, you have to give relief to all.

Supervisor Hunt:

- Agendize immediately and keep discussion broad. Disclosed that the Traynors are his family.

Supervisor Stump:

- Is there some type of parallel between this type of relief and property tax.

Leslie Chapman:

- This would be like approving a loan to a county person; not something provided for in the ordinance.
- If we are going to bring back, she can hold further comments for later.
- Leslie handed out a flier regarding loans available for this type of thing.

The Board acknowledged receipt of the correspondence.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

- 8a) General Plan Amendment 13-003 (a) (Courtney Weiche) - Public hearing

to amend the General Plan Land Use Designation Map to establish a Transient Rental Overlay District to allow for nightly rentals at 973 Lundy Lake Road (APN 019-140-011) and Addendum to General Plan EIR.

R13-87

Action: Approve Addendum #13-02 to the Mono County General Plan EIR; and (2) adopt proposed resolution #R13-87, approving a Transient Rental Overlay District for 972 Lundy Lake Road (APN 019-140-011).

Alpers moved; Fesko seconded

Vote: 5 yes; 0 no

Courtney Weiche (powerpoint):

13-003(a)/Kibbee Transient Overlay District:

- Project Location.
- Background.
- Chapter 26 Regulations.
- Land Technical Advisory Committee.
- Planning Commission met and approved.
- Noticing – to date, no formal comments have been received in opposition to the project.
- Environmental Review.
- Staff Recommendation – Approve Resolution as submitted.

Supervisor Fesko:

- Asked about the different numbering.

Stacey Simon:

- Requested the Board approve the recommended action listed on cover sheet in packet; not on staff report.

PUBLIC HEARING OPEN: 10:07 A.M.

PUBLIC HEARING OPEN: 10:08 A.M.

Supervisor Alpers:

- Appears as if all approvals have been handled.
- Right now the process we're going through is appropriate.

Supervisor Stump:

- Asked for clarification on residence.

Supervisor Hunt:

- Happy with way the Transient Overlay process is working.

Supervisor Johnston:

- Wants to make sure we're not being overly burdensome in approving these.
- So far there have been minimal impacts to neighbors; maybe at some point revisit to see if it can be even less burdensome and more cost effective.

8b)

General Plan Amendment 13-003 (b) (Courtney Weiche) - Public hearing to consider the Planning Commission recommendation to approve General Plan Amendment 13-003 (b) to amend the General Plan Land Use Designation Map to add 9 Silver Meadow Lane (APN 016-096-005) and 93 Nevada St. (APN 016-098-011) to the established Transient Rental Overlay District at June Lake to allow for nightly rentals.

R13-88

Action: Adopt Addendum #13-003 (a & b) to the Mono County General Plan EIR; and (2) adopt proposed resolution #R13-88, adding 9 Silver Meadow Lane (APN 016-096-005) and 93 Nevada St. (APN 016-098-011) to the established Transient Rental Overlay District at June Lake to allow

for nightly rentals.

Alpers moved; Stump seconded

Vote: 5 yes; 0 no

Courtney Weiche (powerpoint):

13-003(b)/Anderson Transient Rental Overlay District

- Project Description (expands previous TROD).
- Project Location.
- Land Technical Advisory Committee.
- Planning Commission met and approved.
- Noticing – to date, no formal comments have been received in opposition to the project but a neighbor did voice some concern to her. Owners have discussed this; will have something included in the home rental permit/application regarding path.
- Environmental Review.
- Staff Recommendation as submitted.
- Code Compliance could ultimately address concerns.

Supervisor Stump:

- Conflict about access; how will it be resolved? Andersons will be required to inform renters about area not available?
- Could there be an issue where a deputy would have to respond?

Scott Burns:

- The general plan overlay district sets a strong preference that this occurs only in neighborhoods that are acceptable.
- They can be very liberal in having Code Enforcement respond.

PUBLIC HEARING OPEN: 10:19 A.M.

PUBLIC HEARING CLOSED: 10:20 A.M.

Supervisor Stump:

- How are we doing on GPA's?

Additional Departments: County Counsel, Public Works

8c) Easement Request for Lundy Return Conveyance System (Scott Burns) - Consider request by Southern California Edison (SCE) for easement on Mono County property (APN 019-100-000) for construction of a new Mill Creek Return Conveyance Facility.

M13-220 Action: Move to deny Southern California Edison (SCE) request for easement on Mono County property (APN: 019-100-008-000) for construction of a new Mill Creek Return Conveyance Facility.

Alpers moved; Stump seconded

Vote: 4 yes; 1 no: Johnston

Scott Burns:

- Gave background on this issue.
- If there is no intent to grant the easement, we can save county a lot of time.
- Either direct staff to pursue full CEQA process or deny request.
- CEQA could get triggered by a state agency.
- CEQA requires looking at the whole of the project.
- Not making decisions today, just seeing whether to go forward with CEQA.

Marshall Rudolph:

- Gave background as legal staff with respect to county's participation.
- In a nutshell, two concerns : (1) the nature of enhanced conveyance and Winter

flow is a problem; allegations that winter water rights were lost due to non-use (before County acquired property) and (2) County up until this point has found environmental analysis inadequate

- As practical matter, there is no way to get our winter water over to Mill Creek; purpose of the pipe is to transport winter flows. Now facing a conveyance means that could be used for this.
- No one has stated intent to file a claim against our winter water rights; but with the pipe it might make it more attractive. This has always been a concern to the county. Could set the stage for legal challenges in the future.
- At this point (after FERC decisions), we thought that this pipe would be built, didn't know it was to be on county's property and an easement would be requested.
- Agreements can help reduce risk. At the end of the day you can't completely eliminate the possibility of litigation.
- Legal point: through Conway Ranch, under California law, an easement for a ditch does not give you any rights to line it, expand it, put a pipe in, it's just for what it is.
- The county is one of several water rights holders.
- Putting aside CEQA issues, from the county's standpoint, ANY pipe is a concern to us.

Supervisor Johnston:

- 40 CFS vs. 50 CFS – what's the difference?
- How long has existing conveyance ditch been there? Has it ever been unused or abandoned?
- Has maintenance ever been done on this ditch?
- How do you cross the road without an easement?
- You can't change anything not related to easement?
- The part we're talking about already has a huge flow of water across our property.
- Disagrees with "getting back" at SCE especially when we don't have jurisdiction.
- In his humble opinion, SCE has an easement right now. He feels the board is jousting at windmills.
- This has nothing to do with the water rights. This is inconsistent with what we did with the Pipeline on Conway Ranch. He's in favor of protecting our water rights. Granting this easement wouldn't change that, however.
- He thinks we should do an environmental document and see what happens.
- He disagrees with his fellow Supervisors.

Supervisor Alpers:

- Everything that can be said has been said since 1998.
- We've got no water up there right now.
- At this particular time, he can't support the easement.
- The environmental expense would be monumental.

Supervisor Hunt:

- Getting an operating plan? Can issue be settled separately? Could this be challenged separately?
- Discussion of Settlement Agreement.
- Is the existing ditch compliant with settlement agreement terms?
- At this time, he votes to deny this request. SCE can come back at any time and reapply.

Supervisor Stump:

- Have you done any cost analysis?
- Asked about CEQA requirements?
- How does SCE's need for water pressure become the citizen's of Mono County's problem? How does the cost become the problem of the citizen's of Mono

County?

- He has too many questions to approve this at this time.

Supervisor Fesko:

- Asked about CFS option in agreement?
- County's concerns were previously dismissed; he finds this disturbing.
- At this point he could not approve this. Maybe a smaller pipeline, he might be open to that.
- If CEQA gets triggered, what area does that cover?
- Like's Katie's suggestion to ask SCE to indemnify the county.
- Brought up again how long this item took; it was estimated for 45 minutes and has been going on 2 hours.

Stacey Simon:

- All affects of CEQA would be required to be analyzed.
- Discussed constraints on decision in regards to CEQA.
- Spoke about exemptions.

PUBLIC COMMENTS:

Dan Golden (SCE):

- Feels the return conveyance system is the best choice.
- Not proposing any water allocation changes with the approval of this.
- Existing ditch has been there for about 100 years. Water hasn't gone into this ditch for six years. Maintenance is done on the ditch.
- When Edison originally looked at modification, in order to make system work it needs to begin over county easement; there is a modification that has to take place. Pipe can't start below county property.
- Reducing the size of pipe with least amount of impact is the goal.

Geoff McQuilkin (Mono Lake Committee):

- Asks that this be approved; should be relatively easy to approve.
- County needs good planning at this point; not battles over water rights.
- USFS and BLM are settling partners.

Brad Wyatt (SCE):

- Laying a larger pipe in that canal will not work. The physics would prevent us from moving the water with a larger pipe.
- The pipe will only push 52 CFS, not additional.

Katie Maloney Bellomo:

- Speaking for People for Mono Basin Preservation in opposition to this; asks that anyone here in support of this request speak first.
- She's spent years working on this issue; gave historical background on this issue.
- Her group is concerned with the north end of the basin.
- With this request, the county is being asked to approve an easement that will spark litigation at some point.
- Discussion about water rights and why they matter.
- She's asking that the Board deny this request; give the Water Board an opportunity to do its job.

COUNTY COUNSEL

Additional Departments: Public Works, Risk Management

9a) Masonic Gun Range MOU (Marshall Rudolph) - Proposed Memorandum of Understanding (MOU) with the Bridgeport Gun Club regarding operation of the Masonic Gun Range.

M13-221 Action: Approve County entry into proposed MOU regarding operation of

the Masonic Gun Range, and authorize the Board Chair to sign said MOU on behalf of the County.

Fesko moved; Alpers seconded

Vote: 5 yes; 0 no

Marshall Rudolph:

- This is an item that has been in the works for decades.
- He inherited this project with Joe Blanchard and they've kept it moving forward. They are not experts; they're doing the best they can.
- Albert Pegorare from Bridgeport Gun Club is here and has all historical information; BLM cannot be here due to federal shutdowns. Didn't seem prudent to postpone this item at this point.
- What's before the board relates to an existing public shooting facility; there have been many tests and processes already done on this.
- Written into lease that Gun Club operates this facility; today the Board has an MOU in front of them that will allow the facility to be completely open to the public.
- All prerequisites have been met for it to be open to the public. As such, we need this written arrangement, the MOU.
- Once this facility is open, BLM plans to close other facilities that are open. BLM also intends to come to Board at some point to consider a no shooting area where the range is by Travertine.
- Lease from BLM requires it to be open to the public.

Tony Dublino Questions via email:

- Does current configuration allow for more people to use it than when it was originally configured?
- How will range be closed during migration period?

Albert Pegorare (Bridgeport Gun Club):

- Original design for range included trap fields in canyon; subsequently they realized there wasn't enough room. BLM gave more acreage but there is actually less shooting in the canyon.
- There are gates used during migration period.
- This is not a private gun club.
- Hat's off to the late Bill Reid who really made this happen.

Supervisor Johnston:

- Bishop Gun Club is private and this is not?

Supervisor Fesko:

- Hats off to the gun club; it's been a long road to get here.
- BLM asked about status of this; they are ready to move forward with the closing of Travertine gun club due to safety issues.

**MOVE INTO CLOSED SESSION UPON
COMPLETION OF REGULAR MORNING AGENDA
REGULAR SESSION WILL COMMENCE AT 2:00 P.M.**

FINANCE

10a) Prop 172 Revenue Allocation (Leslie Chapman) - Proposed resolution, A Resolution of the Mono County Board of Supervisors changing the Allocation of Proposition 172 Funds Received by Mono County.

R13-89 Action: Adopt the proposed resolution #R13-89, changing the allocation

of Proposition 172 Funds Received by Mono County and approve related budget changes (4/5ths vote required).

Stump moved; Alpers seconded

Vote: 4 yes; 1 no: Johnston

Leslie Chapman:

- Item came about during budget hearings; a lot of discussion on whether or not to reallocate Proposition 172 funds.
- Back now – take 25% of Proposition 172 revenue put into medics budget, then \$150,000 of remaining balance to the First Responder's Fund, 75% to Sheriff, 15% to D.A. and 10% to Probation.
- For this year monies will be a wash.
- She doesn't want to give any impression that future allocations will be exactly the same as this year.
- The reallocation doesn't change the \$150,000 going to first responders.

Supervisor Fesko:

- Will the Departments that are losing money get backfilled with general fund monies?

Susan Mohling (Probation):

- Asked how Medics are funded now.
- Why not keep backfilling Medics from General Fund monies?
- She just had a general finance question; she's not questioning whether or not the medics deserve any Prop. 172 funding.

Supervisor Stump:

- Proposition 172 is approved by the voters for Public Safety. Historically all this money has been taken by D.A., Sheriff and Probation.
- By moving this money, what this is saying to citizens is that we support the Medic program.
- His job is to think of the county as a whole.
- This money should have always been shared with the medics.
- This should be a yearly review; he completely supports a trigger point put into budget discussions every year.
- He's not interested in cutting the D.A.'s budget; he is suggesting an alternate way to do business. Logical arguments will be required by each Department head.
- The D.A. has not addressed the voter issue.
- He feels the Prop. 172 funding allocation has been broken for a long time. This is not a punishment to anybody; it's a chance to make things equitable.
- AB 109 – the county has an obligation to make medic services available to inmates. Medics provide blood draws and don't charge. If we continue to fund the medic deficit there will be competition for general fund money in the future.
- If we can approve this resolution today, with Supervisor Fesko's suggested changes, let's do it.

Supervisor Alpers:

- How does the D.A. know what the Board is going to do in the future? All the board is asking is that each Department come back to the Board with an argument about future funding.
- Suggested the D.A. come back with a much better argument.
- He supports the proposed resolution; gives management flexibility.

Supervisor Fesko:

- Asked D.A. what his fear was, since he's going to be whole this year? Cut to the chase?
- Is it just a numbers game? Yes, but the medics have just been at the bottom of the barrel.

- He's been reading up on Prop. 172. Disagrees with Supervisor Johnston in what's most important. Most of the public values the Sheriff and medics. He thinks all four are equally important.
- Torn between reallocating or not; feels D.A.'s fear is unfounded. He's on the fence.
- Suggested a different percentage breakdown; with that formula he'd accept it.

Supervisor Hunt:

- The D.A. is setting this up for future years; he's worried about cuts in the future.
- As far as future budgets go, this is a wise step. Especially since we'll be reviewing every year.
- He likes equity and control and he supports it.
- Would Supervisor Fesko be willing to approve resolution as presented today and then re-address at mid budget?

Supervisor Johnston:

- Read from Proposition 172; "paramedics" weren't included specifically in the original language. But the Board can expand perimeter of who's included.
- The paramedics are not the ones dealing with jail issues; he doesn't support change. It's only a paper shift.
- Priorities for him are Sheriff, Probation and District Attorney.
- Don't medics get TOT money?

District Attorney Tim Kendall:

- He respects what Supervisor Stump is doing; he sees this issue a bit differently.
- He understands his Department will be made whole this year; he's worried about future years.
- He's here to advocate on behalf of the District Attorney's office.
- Down the road, this shift in money will have major impacts on his office. He's general fund dependent and this shift makes him more so.
- Prop. 172 is his only revenue source; it's extremely important to him.
- His fear is that the shifting of this money in future years will impact his office more than this year.
- He's not saying that the Board doesn't have discretion on how this money is spent or on what public safety is. He's asking that the future impact be minimal. He's already taken a huge budget cut this year.
- What is broken that this proposal will fix? What justifies this action by the board?
- Question about the way the resolution is written. Why aren't the medics just included in the total revenue?

Rick Mitchell (Paramedic Association):

- Understands the District Attorney's position regarding the General Fund monies.
- Looking for a viable medic program for the future.
- Thanked the Board for what they've done so far. He thinks this restructuring will be beneficial.

Karin Humiston:

- She was upset initially because she has been trying to reduce dependence on general fund monies.
- Shouldn't everyone be required to reach objectives?

Dale Schmidt (Wheeler Crest Fire Protection District):

- He's advocating for his department.
- They are a post Prop 13 Department.
- They need this reallocation to operate in their small district.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

ADJOURNMENT 3:10 p.m.

BYNG HUNT
CHAIR

SHANNON KENDALL
SR. DEPUTY CLERK OF THE BOARD

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