



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 just below.

MEETING LOCATION Mammoth Lakes BOS Meeting Room, 3rd Fl. Sierra Center Mall, Suite 307,
452 Old Mammoth Rd., Mammoth Lakes, CA 93546

**Regular Meeting
December 17, 2013**

- 9:00 AM Meeting Called to Order by Supervisor Hunt, Chair
- Supervisors present: Fesko, Hunt, Johnston, and Stump
 - Supervisors absent: Alpers

Pledge of Allegiance led by Marshall Rudolph, County Counsel

Break: 10:10 a.m.
Reconvened: 10:25 a.m.
Closed Session: 12:25 p.m.
Reconvened: 2:13 p.m.
Adjourned: 3:20 p.m.

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

- Rick Vahl, General Manager of Mammoth Disposal, introduced himself to the Board.
- Gary Nelson, Mono City: He is still working to get plots at the Mono Lake Cemetery. Nelson thanked Jim Leddy, CAO, and Vianey White, Public Works, for assisting with this issue.

2. APPROVAL OF MINUTES

A. Board Minutes

Action: Approve minutes of the Regular Meeting held on December 3, 2013, as corrected.

Stump moved; Fesko seconded

Vote: 4 Yes; 0 No; 1 Absent (Alpers)

M13-257

- Supervisor Johnston, Item #9c, Update on County Regional Transportation Improvement Program, Johnston's comment bullet point #1: Change "T" to transportation enhancement.

B. Board Minutes

Action: Approve minutes of the Regular Meeting held on December 10, 2013.

Johnston moved; Stump seconded

Vote: 4 Yes; 0 No; 1 Absent (Alpers)

M13-258

3. PRESENTATIONS - NONE

4. BOARD MEMBER REPORTS

Supervisor Alpers

1. Absent

Supervisor Fesko

1. Attended the South County potluck on December 11; it was well attended. Thanked Robin Roberts for acting as emcee and thanked Department Heads for their financial donations that helped fund the parties. Also thanked Teresa Neely, Sarah Messerlian, and Stacie Klemm for organizing the parties. Thanked staff members for bringing food.
2. Special thanks to Wendy Sugimura for providing liaison services to RPACs, and for dealing with Bodie Road issues. Also thanked Gerry Le Francois for his work with the Antelope Valley RPAC.
3. During the holiday potlucks, several people received years of service awards. Fesko acknowledged these employees for the record:
 - Five Year Awards: Jack Anderson, Joe Blanchard, David Campbell, Cory Custer, Matt Davis, Tony Dublino, Megan Foster, Alex Johnson, Tom Perry, Robin Roberts, Colin Tams, Carrie Taylor
 - Ten Year Awards: Nubia Dunn, Michael Geary, Scott Minder, Teresa Neely, Angelle Nolan, Anita Reeve
 - Fifteen Year Awards: John Almeida, Tim Minder, Brent Peterson, Rob Weber

Supervisor Hunt

1. Attended the Great Basin Unified Air Pollution Control District meeting on December 11. They adopted a revised maintenance plan for Coso Junction. GBUAPCD has been working with Perry Motors in Bishop and purchased vehicles at discount rates due to volume. The County may want to consider this option.
2. Hunt was appointed yesterday to serve for six months on the Yosemite Gateway Partners board.
3. Thanked those who organized the potluck parties.
4. Thanked the Board for doing a lot of good things this year and working well together. This is his last meeting as chair.

Supervisor Johnston

1. Attended both holiday potluck parties; thanked Robin Roberts. The parties were well attended and people enjoyed the games.
2. Attended the Great Basin Unified Air Pollution Control District meeting. They received \$10 million from DWP for the cost of Keeler Dunes mitigation, and discussed pending lawsuits. Some of the new DWP commissioners may work towards a settlement rather than pursue litigation.
3. Attended the IMACA meeting. They reviewed the budget and authorized grant applications.
4. Will be attending a biomass meeting and making a presentation at the Lions Club meeting.
5. Will be attending the ESCOG meeting in Bishop on Friday.
6. Thanked staff and fellow board members for a great year.

Supervisor Stump

1. Concurred with Fesko's comments about the potluck parties.
2. Attended the Tri-Valley Water Commission meeting; there are pending ground water disputes.
3. A Crowley Lake resident has purchased a structure and is remodeling it for employee housing. Thanked Louis Molina for expediting the permit process so this person could drill a well.
4. Would like to adjourn the meeting in memory of Billy Anderson who was a full-time and volunteer member of the Mammoth Fire Department; Anderson was also a safety officer on Mammoth Mountain. Thanked the Sheriff for bringing inmates to Mammoth to help prepare for the memorial service.
5. Thanked fellow board members for the past year and their willingness to compromise and take incremental steps to resolve issues and make decisions.

5. COUNTY ADMINISTRATIVE OFFICE

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

Jim Leddy, CAO:

1. Attended both holiday parties. Employees appreciated comments from the Board.
2. Attended a joint Rotary party; it was a good evening. This is a good community-based group.
3. The June Lake tree lighting ceremony was last Friday. Bill Van Lente has joined the June Lake ski patrol.
4. House Resolution 1241 (MMSA land exchange) has passed.
5. Supervisor Alpers is on his way back from an appointment in Sacramento.
6. Leddy will be meeting with Inyo County tomorrow to discuss shared services and potential cost savings. Other staff members attending include Nate Greenberg, Kathy Peterson, Robin Roberts, Lynda Salcido, Marshall Rudolph, Leslie Chapman, Jeff Walters, and Scott Burns.
7. Thanked the Board for the last six months; he is glad he joined the organization. Acknowledged Marshall Rudolph and Leslie Chapman for their support; acknowledged Bill Van Lent, Sarah Messerlian, Teresa Neely, and Stacie Klemm for their assistance. Leddy is looking forward to a great new year.

6. DEPARTMENT/COMMISSION REPORTS

- o Rob De Forrest gave an EMS update: 1) Intends to forego the purchase of a new ambulance unit at this time, which will save about \$77,000; an old unit will be used for parts. 2) Four vacant EMT positions have now been filled; this will reduce overtime costs. 3) The Department has 10 reserve employees starting in January to work the overtime shifts, which will save approximately \$28,000 per month. 4) Thanked Lynda Salcido; she is the "best boss in the world."

7. 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.)

A. County Medical Services Program Resolution

Departments: Public Health

Proposed resolution #R13-____, ratifying Resolution 2013-1 of the County

Medical Services Program Governing Board and the provisions set forth in Welfare and Institutions Code Section 17600.50(a).

Action: Adopt Resolution #R13-109, ratifying Resolution 2013-1 of the County Medical Services Program Governing Board and the provisions set forth in Welfare and Institutions Code Section 17600.50(a).

Johnston moved; Fesko seconded

Vote: 4 Yes; 0 No; 1 Absent (Alpers)

R13-109

B. HIV/AIDS Surveillance Contract Agreement #13-20142

Departments: Health Department

Proposed contract with the Office of AIDS pertaining to HIV/AIDS Surveillance Agreement Number 13-20142.

Action: Approve County entry into proposed contract and authorize the Chairman's signature on the contract documents for the 3-year period of July 1, 2013-June 30, 2016. Additionally, provide authorization for the Public Health Director to sign amendments that may occur during the 3-year contract period.

Johnston moved; Fesko seconded

Vote: 4 Yes; 0 No; 1 Absent (Alpers)

M13-259

C. HIV Care Program Contract Agreement #13-20060

Departments: Health Department

Proposed contract with the Office of AIDS pertaining to HIV Care Program Contract Agreement Number 13-20060.

Action: Approve County entry into proposed contract and authorize the Chairman's signature on the contract documents for the 9-month contract period of July 1, 2013-March 31, 2014.

Johnston moved; Fesko seconded

Vote: 4 Yes; 0 No; 1 Absent (Alpers)

M13-260

D. At will Contract for Kevin Christensen Deputy District Attorney II

Departments: District Attorney

Proposed resolution approving a contract with Kevin Christensen as Deputy District Attorney, and prescribing the compensation, appointment and conditions of said employment.

Action: Approve Resolution #R13-110, approving a contract with David Christensen as Deputy District Attorney II, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Johnston moved; Fesko seconded

Vote: 4 Yes; 0 No; 1 Absent (Alpers)
R13-110

- E. Maternal Child & Adolescent Health Agreement Funding Application FY 2013-2014

Departments: Health Department

Proposed Maternal Child & Adolescent Health (MCAH) Agreement Funding Application for FY 2013-14.

Action: Approve and authorize the Chairman's signature on the proposed MCAH Agreement Funding Application (AFA)/Update Form for FY 2013-14.

Johnston moved; Fesko seconded

Vote: 4 Yes; 0 No; 1 Absent (Alpers)

M13-261

- F. Part-Time Temporary Position - Class Coordinator for CSA #1

Departments: Human Resources/Risk Management

Proposed Resolution #R13____, authorizing the County Administrative Officer to Amend the County of Mono List of Allocated Positions to Reflect the Addition of a Temporary Appointment Community Center Class Coordinator for CSA #1 in the County Administrative Office and to Authorize the County Administrative Officer to Fill Said Allocated Position.

Action: Adopt Resolution #R13-111, authorizing the County Administrative Officer to Amend the County of Mono List of Allocated Positions to Reflect the Addition of a Temporary Appointment Community Center Class Coordinator for CSA #1 in the County Administrative Office and to Authorize the County Administrative Officer to Fill Said Allocated Position.

Johnston moved; Fesko seconded

Vote: 4 Yes; 0 No; 1 Absent (Alpers)

R13-111

- G. Part-Time Temporary Position - Wellness Center Associates

Departments: Human Resources and Behavioral Health

Proposed Resolution R-13-__ Authorizing the County Administrative Officer to Amend the County of Mono List of Allocated Positions to Reflect the Addition of up to Three Temporary Appointment Wellness Center Associates in the Behavioral Health Department and to Authorize the County Administrative Officer to Fill Said Allocated Positions.

Action: Adopt Resolution R13-112, Authorizing the County Administrative Officer to Amend the County of Mono List of Allocated Positions to Reflect the Addition of up to Three Temporary Appointment Wellness Center Associates in the Behavioral Health Department and to Authorize the County Administrative Officer to Fill Said Allocated Positions.

Johnston moved; Fesko seconded

Vote: 4 Yes; 0 No; 1 Absent (Alpers)
R13-112

8. CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are located in the Office of the Clerk of the Board, and are available for review. The Board acknowledged receipt of the correspondence.

A. Fettes Letter Regarding Sage-Grouse Issue

Correspondence dated 12/5/13 from Ian Fettes in June Lake, CA providing comments after attending the recent 12/3/13 Board meeting and specifically, the Sage-Grouse agenda item.

B. Town of Mammoth Lakes Request for 4th of July Funding

Letter from Rick Wood, Mayor for the Town of Mammoth Lakes, requesting funding support for the 4th of July celebration and fireworks show.

- Supervisor Johnston: Supports funding of this program by continuing to provide assistance with traffic control, and wants to direct the Town to apply for County funds that are designated for community programs. The Town should consider possible funding sources such as the TBID, and Measures R and U.
- The Board discussed agendizing this issue for further discussion, or not agendizing and maintaining status quo. The Board decided to not agendize this item.
- Leslie Chapman, Finance Director, will send a letter inviting the Town to apply for a community grant. Jim Leddy, CAO, will prepare a letter specifying the points raised by the Board, and will agendize the item in the future if necessary.

9. REGULAR AGENDA - MORNING

A. Allocation and Appointment of Case Manager I/II

Departments: Behavioral Health

15 minutes (5 minute presentation, 10 minute discussion)

(Robin Roberts) - Resolution #R13-_____, authorizing the county administrative officer to amend the County of Mono list of allocated positions to reflect the addition of a Case Manager I/II in the Behavioral Health Department and to authorize the County Administrative Officer to fill said allocated position.

Action: Adopt Resolution #R13-113, authorizing the county administrative officer to amend the County of Mono list of allocated positions to reflect the addition of a Case Manager I/II in the Behavioral Health Department and to authorize the County Administrative Officer to fill said allocated position.

Robin: request position to hire full time case manager, moving towards case management and less therapy. Increase full case load 55% and case management by 38% since fiscal year. Can bill medical for the position, will pay for about half; no impact on general fund.

Johnston moved; Fesko seconded

Vote: 4 Yes; 0 No; 1 Absent (Alpers)

R13-113

B. Treasury Oversight Committee

Departments: Finance

30 minutes (10 minute presentation, 20 minute discussion)

(Rose Glazier/Leslie Chapman) - Proposed resolution of the Mono County Board of Supervisors Establishing Treasury Oversight Committee.

Action: 1. Adopt Resolution #R13-114, establishing Treasury Oversight Committee; 2. Nominate Supervisor Johnston to sit on Treasury Oversight Committee, and nominate Supervisor Stump as alternate member; 3. Confirm/approve the following members to sit on Treasury Oversight Committee: Leslie Chapman, Finance Director, Rose Glazier, Treasurer/Tax Collector, Caty Ecklund, Eastern Sierra Unified School District, Michael Grossblatt, Long Valley Fire District, Olga Gilbert, Antelope Valley Fire District, George Savage, retired CPA, and Brooke Bien, Mammoth Unified School District; 4. Approve mileage reimbursement for board members for quarterly meetings at the IRS rate (currently \$.565 per mile), the estimated cost is \$260.00 quarterly or \$1,040.00 annually.

Johnston moved; Fesko seconded

Vote: 4 Yes; 0 No; 1 Absent (Alpers)

R13-114 and M13-262

- Rose Glazier, Treasurer/Tax Collector, reviewed the following:
 - The original committee was dissolved in 2007, so today's action would re-establish a committee.
 - Requesting the Board to nominate a Supervisor to sit on the committee; the prior committee included one of the Supervisors.
 - Confirm or approve the following members: Leslie Chapman, Finance Director, Rose Glazier, Treasurer/Tax Collector, Caty Ecklund, Eastern Sierra Unified School District, Michael Grossblatt, Long Valley Fire District, Olga Gilbert, Antelope Valley Fire District, George Savage, retired CPA, and Brooke Bien, Mammoth Unified School District. The committee can have 3 to 11 members; the committee has proposed will have 8 members.
 - This committee will meet quarterly and is subject to the Brown Act. Meetings will rotate between Bridgeport and Mammoth, and will last approximately 1-2 hours.
 - The purpose of the committee is to help review the investment policy, make suggestions about the treasury pool, and ensure compliance with the investment policy. There is an annual audit requirement that will cost about \$2,000-\$2,500 for outside auditors, and will be paid before funds are apportioned.
 - Depending on the location of meetings, the mileage reimbursement could be approximately \$1,500 per year.
- Supervisor Fesko nominated Supervisor Johnston to sit on the committee. Johnston agreed and suggested the appointment rotate annually. Supervisor Stump volunteered to act as an alternate member.
- Supervisor Johnston: This committee will allow for an additional layer of oversight.

C. Cemetery Update and Budget Amendment

Departments: Finance/Public Works

20 minutes (5 minute presentation, 15 minute discussion)

(Vianey White) - Status updates for all Mono County cemeteries and request for budget amendments to achieve road structure and drainage system improvements at the Bridgeport cemetery.

Action: 1. Amend the 2013/2014 CSA #5 budget (fund 735) by increasing Land & Improvements (Object Code 5201) and decreasing contingencies (9101) by \$20,000 (4/5s vote required); 2. Amend the 2013/2014 Cemetery budget (fund 610) by increasing Donations & Contributions (Object code 1705) and Land & Improvements (Object Code 5201) by \$38,000 (4/5s vote required). There is sufficient fund balance available in the Cemetery fund to cover the \$18,000 difference. 3. Accept contribution of \$20,000 from CSA #5 for improvements to the road structure and drainage system at the Bridgeport cemetery.

Stump moved; Fesko seconded

Vote: 4 Yes; 0 No; 1 Absent (Alpers)

M13-263

- Vianey White, Public Works, reviewed the following:
 - Hired a consultant to look at unmarked gravesites.
 - Received a preliminary map for Bridgeport and Mono Lake cemeteries, and transferred reserved plots to one map so all family plots are shown on the same map.
 - In the process of contacting owners to confirm records pertaining to plots. Once this is done, she can confirm the Bridgeport and Mono Lake maps.
 - Goals: 1) Finalize maps, determine an appropriate fee, finalize an ordinance and fee resolution. 2) Take this information to the RPACs and Board of Supervisors.
 - Roads and drainage need to be improved, especially at the Bridgeport cemetery; CSA #5 has approved the allocation of \$20,000 for this purpose.
- In response to questions from the Board, White provided the following answers:
 - There are approximately 100 plots available at Mono Lake and enough room for future plots. Gary Nelson is 1 of 8 on the reservation list and will be notified when Public Works starts taking reservations; there are only 3 requests for the Mono Lake cemetery.
 - Currently there are no restrictions if someone needs to be buried right away. The only restriction was in 2007 when the County temporarily stopped taking reservations.
- Leslie Chapman, Finance Director: Some of the \$38,000 of proposed funding may be restricted for Mt. Morrison; she may have to make a budget change at the mid-year budget review.
- Supervisor Fesko: Commended Steve Noble, CSA 5, for setting aside money for Bridgeport.
- An audience member asked about putting a cemetery in Mammoth; Supervisor Hunt said that would be a Town issue.
- Supervisor Johnston: Asked if the County owns Mt. Morrison cemetery.
 - Marshall Rudolph, County Counsel: The County leases the land from BLM, and the lease is about to expire. Some of the land currently included in the lease is on the other side of the road so BLM may not want to include it in a future lease.
 - White: Mt. Morrison is 10 acres in size, and there are 50 plots still available so it will be some time before there is a need to expand.
 - Fesko: The possibility of critical habitat in Mt. Morrison may affect the ability to expand; a new lease needs to be adjusted accordingly.
- Johnston thanked White for her work on this issue.

D. Contract Amendment with Triad-Holmes Associates for Engineering, Inspection, and Surveying Services

Departments: Public Works - Engineering Division

15 minutes (5 minute presentation, 10 minute discussion)

(Garrett Higerd) - Amendment of existing "as-needed" contract with Triad-Holmes Associates to increase contract limit and remove annual dollar limitations to accommodate engineering and surveying work for the June Lake Streets project.

Action: Amend "as-needed" contract with Triad-Holmes Associates for engineering, inspection, and surveying services to increase the contract limit from \$183,000 to \$250,000 for services provided over the next three years and to eliminate the annual dollar limit. Authorize the Public Works Director, in consultation with County Counsel, to administer that contract, including making minor amendments to said contract from time to time as the Public Works Director may deem necessary, provided such amendments do not cause spending on any project to exceed the budgeted authority.

Johnston moved; Stump seconded

Vote: 4 Yes; 0 No; 1 Absent (Alpers)

M13-264

- Garrett Higerd, Public Works: The requested action is an amendment to the as-needed contract so a scope-of-work letter related to the June Lake streets project can be issued. Higerd outlined the process of issuing the RFQ to retain a firm that can provide engineering, inspection and surveying services. The as-needed contract provides flexibility in obtaining consulting help when needed and issuing scope-of-work letters for projects. The June Lake letter is in place for surveying, but the engineering work exceeds the CAO approval limit so requires Board approval to increase the contract limit.
- In response to questions from the Board, Higerd provided the following answers:
 - Funding will come from the STIP funds (State Transportation Improvement Plan).
 - The requested increase is a goodly amount and should cover the cost of upcoming work; the proposal is well within budget.
 - This contractor performed design work for the Lee Vining streets project, which was very successful. This process will also be used for the Chalfant streets project.
 - The June Lake and Chalfant streets projects have aggressive timelines for completion.
- Supervisor Johnston: Glad to see that the County is using a local contractor.
- Supervisor Fesko: Thanked Higerd for the good job he is doing managing a heavy workload.

E. Inflationary Increase to Service Fee Floors for D&S Waste and Mammoth Disposal

Departments: Solid Waste Division

15 minutes (5 minute presentation, 10 minute discussion)

(Tony Dublino) - Proposed amendments to Franchise Contracts with D&S Waste and Mammoth Disposal in response to their request for inflationary increases to the service fee floors.

Action: Directed staff to re-agendize this item for January 7, 2014, and ask the two waste haulers to present justification for the requested increase.

No Motion

- Tony Dublino, Solid Waste Division, presented the following information:
 - Pursuant to their contracts, D&S Waste and Mammoth Disposal are allowed annually to request an increase to the fee floor based on the Consumer Price Index (CPI) and the Producer Price Index (PPI).
 - If the Board approves this request, it will be implemented January 1, 2014.
 - The last increase was implemented in April of 2011. The current request will only apply to this last year and not retroactively to April of 2011.
 - The period used to calculate the increase is this last year.
 - The CPI is base on garbage/trash services, and PPI is for #2 diesel fuel.
 - The Board is not obligated to increase the floor.
- Stacey Simon, Assistant County Counsel, provided background information:
 - The fees in question are a floor set by the County so haulers don't do predatory pricing. Haulers can set whatever rates they want above the floor.
 - Years ago the County recognized the positive benefit of setting a floor. Setting a floor is a common practice.
 - Simon described the various models of pricing. The County's model came into being in response to requests from haulers.
 - The haulers tend to follow the floor rates.
 - Rates set by the Town of Mammoth Lakes are a separate issue.
 - In response to a question about why the garbage business has a floor, Simon explained that the County limits the number of franchisees to two, and requires them to use the landfills, thus protecting the tipping fees.
- Board Discussed Various Aspects Pertaining to the Issue
 - Add clarifying language on the bill so people know the haulers have requested the increase and they don't pertain to the landfill fees.
 - Don't give an automatic increase if it is not warranted. Haulers should justify why they need the increase by providing documentation, which will provide the ability for Supervisors to justify the increase to the public.
 - Find out from the haulers if they only charge the floor rate.
 - The floor rate only stops the potential for predatory pricing; it does not stop a hauler from raising their rates.
 - The requested amount is small.
 - The floor rate tends to be the *de facto* rate charged by the haulers; the rate has been more or less acceptable to the haulers.
 - Arguably the County sets the rates if the haulers are charging only the floor amount.
 - Not a lot of businesses want to become waste haulers in the County, so this arrangement helps limit the costs.
 - By approving the increase, maybe people will understand that the County wants to stay ahead of the actual costs.
 - The floor allows smaller haulers to compete with bigger haulers.
 - Re-agendize for January 7 to allow time to review the requested documentation.
- Rick Vahl, Mammoth Disposal: In considering the rate change, they only took a portion of the CPI increase. Mammoth Disposal provides curbside service throughout the County. Increasing the floor allows a smaller hauler to be more competitive.

F. U.S. Fish and Wildlife Service (USFWS) Sage Grouse Listing Update and Comment Letter

Departments: Community Development

25 minutes (10 minute presentation, 15 minute discussion)

(Scott Burns, Wendy Sugimura, Stacey Simon) - Receive update on U.S. Fish and Wildlife Service (USFWS) Sage Grouse listing and comment period.

Action: None

- Scott Burns, Community Development, reviewed the following:
 - This agenda item is in response to the Board's request and the public's request from the December 3rd meeting.
 - USFWS granted a 45-day extension to the comment period.
 - Briefly reviewed the staff report: 1) Dr. Paulus continues his research and assessment of habitat around communities. There will be significant cumulative impact to Mono County with various critical habitat designations. 2) The agricultural exemptions need to be clarified. 3) Staff is still assuming strong opposition to the listing. 4) Bi-state planning takes care of the problem without the need to list. 5) Need to provide scientific data to exclude community areas and point out impacts to local governments.
- Stacey Simon, Assistant County Counsel, provided an overview of legal restrictions and the potential impact on County projects and private property.
 - Reviewed the Endangered Species Act and three methods used to protect a species: 1) land acquisition; 2) require federal agencies to consult with Fish and Wildlife Services; 3) prohibition on take of endangered species, which includes habitat modification.
 - Reviewed prosecutions of people/agencies that violated ESA within the last several years (prosecuted after notified and activity continued).
 - People have to know if a species is endangered, and what activity will be considered habitat modification.
 - The uncertainty about knowing is concerning to people.
 - Takings law will most likely become more developed; will probably see more takings litigation under the ESA. The standard for takings is if no activity can be performed on the land because of the listing, this constitutes a taking.
 - Reviewed impact to CEQA; will see incremental changes if the species is listed.
 - Reviewed the CEQA checklist that is used by planners.
 - Reviewed how the broadness of habitat impacts private property/County projects.
 - The burden will be on the property owner to show how a project impacts habitat; eliminating community areas from critical habitat will help mitigate this burden.
 - There will be more scrutiny under CEQA and higher levels of review.
 - Discussed the Section 10 permit obtained by DWP.
 - Their permit only applies to certain lands (i.e. landfill).
 - LADWP worked with Fish and Wildlife to develop a habitat conservation plan to show how their net overall activities are beneficial to the species; in exchange they received an incidental take permit.
 - Simon has requested a copy from LADWP.
 - Mono County can negotiate its own plan with Fish and Wildlife to get a permit.
 - Spoke with a deputy county counsel in San Diego about their decision to be proactive by issuing permits at the local level in order to avoid over-federalization. However, a county following a similar practice was sued.
- Wendy Sugimura, Community Development, provided the following information:
 - Attended a Great Basin consortium conference in Reno, at which they discussed sage brush habitat conservation and grouse.

- Reviewed her conversations with several major agency heads.
 - Need for more data about grazing.
 - Potential strategy of demonstrating through the Bi-State Action Plan that the listing is not warranted. Ted Koch could substantiate this strategy if the plan is more specific and is funded.
 - The two biggest threats are invasive species (cheatgrass) and juniper encroachment. Funding would be used to mitigate the invasive species.
 - Private land owners are already implementing some of the actions outlined in the Bi-State Plan.
- Board Discussion
 - Not knowing whether a traditional activity will be considered habitat modification puts land owners in a difficult situation.
 - The taking of private property is disturbing; this issue needs to be addressed.
 - Terminology used in this process, such as “significant”, can be problematic because who determines what it means?
 - Concerned about overbroad regulation; maps need to be drawn as accurately as possible.
 - Ted Koch, USFWS, mentioned the importance of agricultural land; this indicates that private land will be impacted.
 - There needs to be targeted mitigation to avoid taking of private property rights. USFWS should acquire private property if they are concerned about a particular site.
 - Hardly any of the threats specified apply in Mono County.
 - There is compelling evidence that the species has done better due to agriculture. The bird should stop being hunted if it is considered to be a threatened species.
 - Concern that USFWS does not have the resources to do a good job of determining what is actually critical habitat.
 - The legal information provided by Simon needs to be included in the comment letter.
- Scott Burns follow-up
 - All resources will be used to assist in preparing this comment letter, including County Counsel.
 - The required economic study is due in March and will open another comment period. Concerned that FWS won't do enough research on the impacts to local economies.
 - Next steps: Will continue communicating with the USFWS and will bring the comment letter to the Board at their first meeting in February.
- Public Comment
 - Benny Romero: The project is so broad in scope that he is concerned about issues involving water rights. The comment letter should strongly emphasize the importance of agricultural rangelands; this species would not survive without grazing activities. Provided a copy of a letter from Nevada Governor Sandoval.
 - Drew Foster, Lee Vining: Comments about existing exemptions should be included in the letter. Supported the strategy of using the Bi-State Plan to implement actions in lieu of listing.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

- Rick Vahl, Mammoth Disposal: Will work with Tony Dublino to provide more information to the Board about the inflationary fee adjustment.

11. CLOSED SESSION

- **The Board had nothing to report from Closed Session.**

A. 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.

B. Closed Session - Public Employee Performance Evaluation: County Administrator

Departments: County Administrator

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Administrator.

C. Closed Session

CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: Pumice Valley Landfill. Agency negotiator: Tony Dublino, Jim Leddy, Marshall Rudolph, Stacey Simon. Negotiating parties: Mono County and LADWP. Under negotiation: Price.

D. Closed Session - County Counsel Performance Evaluation

PUBLIC EMPLOYMENT. Government Code section 54957. Title: county counsel.

E. Closed Session - Conference with Legal Counsel

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Fritsch workers compensation claim.

REGULAR AFTERNOON SESSION COMMENCES AT 2:00 P.M.

12. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

- Aleksandra Gajewski, Publisher/Editor of the Mammoth Times: Provided copies of Sierra Magazine, a supplemental publication that was distributed directly to 35,000 subscribers to the Orange County Register. She hopes to partner with the LA Times and a San Diego paper so the magazine can be distributed more widely. This quarterly magazine promotes the area and various activities, and will be distributed in the markets that visit Mono County. They also distributed 15,000 copies in the Eastern Sierra.

13. REGULAR AGENDA - AFTERNOON

A. Workshop on Resource Efficiency Plan and County Energy Efforts

Departments: Community Development with CAO, Public Works, Finance, Fleet

1 hour (15 minute presentation, 45 minute discussion)

(Wendy Sugimura) - Conduct workshop on Resource Efficiency Plan and related County energy efforts.

Action: None

- Wendy Sugimura: The Board reviewed this concept as part of the General Plan update; the County is legally required to address greenhouse gas emissions. The proposed Resource Efficiency Plan deals with greenhouse gas emissions, and addresses the Board's desire to find ways to reduce operating expenses and energy consumption. Sugimura reviewed the following:
 - This workshop represents the middle of the policy development process.
 - The Plan addresses reduction targets and measures, and energy and resource reduction initiatives.
 - Government emissions are those generated by Mono County, and community emissions include residential and other governmental agencies.
 - Data on the different types of energy uses or generators of greenhouse gas emissions has been collected.
 - There are generally accepted standards for compiling government and community emissions.
 - Solid waste is largely the biggest sector of greenhouse gas emissions; "waste in place" is considered Mono County emissions because the County operates the landfill.
 - The community inventory includes Mono County, and the governmental inventory (which is only Mono County) is a subset. These combined emissions are a small percentage of that which is generated in California; but because of the small population in Mono County, the per capita figure is a little higher.
 - Reviewed the proposed targets, and possibility of finding mechanisms to incentivize reductions in community emissions.
 - Solid waste doesn't offer a lot of opportunity for savings.
 - The table attached to the staff report outlines best practices.
 - The REP needs to be consistent with AB 32, but this plan becomes part of the General Plan, and is not a regulatory document. There is no penalty if targets aren't achieved.
 - The County will get reduction credits for ongoing efforts.
 - Staff intent is to roll policies into the General Plan. Program-level staff will have specific initiatives to work on based on Board directives.
 - Reviewed Tables 1 (easy measures), 2 (challenging measures), and 3 (difficult measures); asked for direction from the Board.
 - The Plan will eventually come back before the Board for additional review.

Board Comments

- **Supervisor Stump:** The County may need to lobby about the community emissions component since the County has no control over these emissions. Staff should make notations in the documents about this lack of control and shouldn't be held accountable for others' actions. Asked how this would integrate with the mandatory CARB compliance. Asked if the County can use previous improvements, such as the new solar systems installed on community centers.
 - Sugimura: Projects completed starting in 2010 will count.

- **Supervisor Fesko:** Mono County represents a tiny fraction of the problem in California (31/1000ths of 1%); he is concerned with the cost of complying.

The Board discussed various measures presented in Tables 1-3:

- Capital funding
- Energy collectives
- Transportation and commuting
 - Could possibly be achieved by having flex schedules for all employees
- Telecommuting to eliminate road trips
- Ground source heat pumps
- Green procurement policy
- Utilities-scale renewable generation
 - This should be changed to small-scale renewable energy generation
- Strike the word “require” and use “encourage” in the challenging measures
- Employee/contractor incentives to use fuel efficient vehicles
 - Strike this bullet point
- Under Resources (Table 1), the concept of using community packages rather than septic tanks needs clarification
- Off-road fleet vehicles best practices
 - The County currently practices this concept
- Green building
 - Don’t impose on citizens
- Solid waste measures should follow state requirements
 - Explore the possible elimination of one-use bags
- Pay parking
 - This concept is not conducive to Mono County
- Recycle water use for County landscaping
 - Has potential but is limited
- Geothermal projects are not addressed; CEQA might be inhibiting the development of some projects

As a result of this workshop, Sugimura will do the following: 1) Leave targets where they are; 2) Take the Board’s feedback regarding the measures to the consultants; 3) Continue the discussion at the staff level; 4) Remove Table 3 with the exception of exploring the possibility of eliminating one-use plastic bags; 5) Will present the Plan again to the Board at a future meeting.

ADJOURN: 3:20 p.m.

- Adjourn in honor of Billy Anderson and Dan Dennis.

ATTEST:

BYNG HUNT
CHAIR

LYNDA ROBERTS
CLERK OF THE BOARD

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