

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 June 17, 2014

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

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

Break: 10:25 a.m. Reconvene: 10:35 a.m. Lunch/Closed Session: 12:00 p.m. Reconvene: 1:35 p.m. Closed Session: 2:37 p.m. Reconvene: 2:51 p.m. Adjourn: 2:51 p.m.

Pledge of Allegiance led by Supervisor Hunt.

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD Christy Williams (Little League):

• Left a card to thank the Board for their donation to their program. Gave a brief update regarding status of program.

2. APPROVAL OF MINUTES

A. Board Minutes

Departments: Clerk of the Board

Action: Approve Minutes of the Regular Meeting held on June 3, 2014. Hunt moved; Fesko seconded Vote: 5 yes; 0 no <u>M14-103</u>

3. PRESENTATIONS - NONE

4. BOARD MEMBER REPORTS

Supervisor Alpers:

- Caltrans came to RPAC meeting last week. Spoke of upcoming project concerning rocks in the road and how traffic will be affected, etc. Will be a detailed project; Caltrans will most likely make a presentation to the board ahead of time.
- Meeting with Kathleen Morris from Park Service discussion about Merced/Tuolumne River plans; gave update on this. There will be more organization on trailheads and parking.

Supervisor Fesko:

- All last week taken up with 7th Annual ATV Jamboree in Antelope Valley; over 200 riders. It was a huge success; many expressed interest to return next year.
- Going to San Diego this weekend friends are getting married, he will be officiating. **Supervisor Hunt:**
- Attended Sierra Nevada Conservancy meeting; this organization is alive and well. **Supervisor Johnston:**
 - Attended both picnics; great attendance; gave out many pins of recognition.
 - Meeting regarding potential plastic bag ban, to be brought back later.

Supervisor Stump:

- Last Wednesday attended Tri-Valley Water Commission; Stacey Simon came and did an excellent presentation on water law.
- Thursday, attended meeting with Crowley Library Committee, CSA #1 and staff regarding future plans for site. Vianey White and Courtney Weiche attended, kept everyone on track; follow up meeting with Office of Education next week.
- Shout out to Crowley Road Yard a "slow" sign was put up on a particular road in a hurry due to citizen's request which they found in their inventory.
- Attended both county picnics; enjoys being in that venue.
- Approached by Mono County citizen doesn't have a business license. If there was a way to do this without penalties, he might do it.

5. COUNTY ADMINISTRATIVE OFFICE – NONE

Jim Leddy:

- Attended ATV dinner; great event.
- Two employee picnics, pictures to be posted.
- Strategic Planning on Thursday.

6. DEPARTMENT/COMMISSION REPORTS Stacey Simon:

- Phase II of Mountain Gate in Walker Canyon. Vianey White is pushing for Phase II; part of plans for this phase is some proposed vegetation. Potential source of water from river to irrigate new plantings pursuant to County's riparian water rights, still looking at whether Wild and Scenic River status is an issue.
- Has been over ten days for the LUNA Geothermal appeal to be filed; looks like it will not be.

Tony Dublino:

 Special meeting on June 27th – Lee Vining Community Center booked for another event. Not sure of location yet. If held at the Lee Vining Community center, we may need to adjust time from 5:00 – 7:00 p.m. MEETING MINUTES June 17, 2014 Page 3 of 12

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. Access Agreement for Asphalt Recycling at Pumice Valley Landfill

Proposed agreement with W. Jaxon Baker providing short-term access to Pumice Valley Landfill for the purposes of an asphalt recycling and diversion program.

Action: Approve County entry into proposed agreement and authorize Chairman to execute said contract on behalf of the County.

Hunt moved; Alpers seconded Vote: 4 yes; 0 no; 1 abstain: Johnston <u>M14-104</u>

B. Agreement with Mammoth Community Water District for Sludge Disposal at Benton Crossing Landfill

Proposed 2-year extension of the agreement with Mammoth Community Water District pertaining to sludge disposal at Benton Crossing Landfill.

Action: Approve County entry into proposed 2-year extension of existing agreement and authorize Chair to execute said contract on behalf of the County.

Hunt moved; Alpers seconded Vote: 5 yes; 0 no <u>M14-105</u>

C. Mono City Emergency Access Road

Adopt environmental document and authorize right-of way grant with BLM for Mono City Emergency Access Road.

Action: 1. Adopt the proposed Mitigated Negative Declaration (MND). consisting of the BLM's Mono City Ingress/Egress Road Environmental Assessment (EA) and Finding of No Significant Impact (FONSI), and supplemental Mitigation Monitoring Plan (MMP) prepared by Mono County, finding that on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment; that the MND reflects Mono County's independent judgment and analysis; and that the record will reside with the Mono County Clerk. 2. Direct staff to agendize for Board action, the thirty (30) year renewable right-of-way grant from BLM for the Mono County Secondary Ingress/Egress Gravel Road, consistent with the project MND and Mitigation Monitoring Plan. 3. Commend the BLM, particularly Steve Nelson and Larry Primosch, for their significant efforts accommodating this important safety project for Mono City, and thank the Mono City Fire Protection District (FPD) for its persistence in advocating for and funding the project. Alpers moved; Fesko seconded Vote: 5 yes; 0 no

M14-106

Pulled from agenda for discussion. **Scott Burns:**

- Focus today is to adopt the CEQA; they've worked through the issues. Just wanted to make sure the recommended action is amended to accurately reflect what they are requesting.
- D. Rock Creek Road Rehabilitation Project and Southern California Edison (SCE)

SCE recently proposed a project to install 8.5 miles of new underground electrical lines in Rock Creek Road by trenching. SCE's project could negatively impact Rock Creek Road if SCE does not take action immediately to fast-track their project so that the lines may be installed during the Rock Creek Road Rehabilitation project now underway.

Action: Authorize the Chair's signature on a letter to SCE expressing concerns regarding their proposed project to install 8.5 miles of new underground electrical lines in Rock Creek Road.

Hunt moved; Alpers seconded Vote: 5 yes; 0 no <u>M14-107</u>

E. Letter in support of Paradise Estates' Effort to Resolve Phone Service Issues

The community of Paradise Estates has been experiencing issues with basic Verizon land-line telephone service for over a decade now. As a result of a long distance 'backhaul' and old copper phone lines residents experience static, dropped calls, and sometimes complete lack of service. Community member Liz O'Sullivan has collected 98 signatures from other residents, and the petition has been sent to the California Public Utilities Commission (CPUC). This letter supports the effort of resolving the service issues, and encourages the CPUC to take action on this matter.

Action: Approve letter and authorize signature by Board Chair. Hunt moved; Alpers seconded Vote: 4 yes; 0 no; 1 abstain: Johnston <u>M14-108</u>

F. UC Davis Training Services Agreement

Proposed contract with University of California, Davis pertaining to Eligibility and Child Welfare training services for FY 2014-15. These training services are arranged and approved by the State Department of Social Services for County Social Services Agencies that are too small to have staff development departments.

Action: Approve UC Davis Training Agreements EW#-2014-21 and CW#-2014-21 and authorize the Director of Social Services to execute said Agreements. Hunt moved; Alpers seconded Vote: 5 yes; 0 no <u>M14-109</u> G. Unanticipated Gas Tax Revenue

The Agricultural Commissioner's Department has received unanticipated gas tax revenue in the approximate amount of \$27,103.02, on which \$11,701 has already been requested to be reserved for the construction of the building. This is a request that the additional funds of \$15,402.02 be set aside for future construction of the building to house his Department.

Action: Reserve the remainder of the unanticipated gas tax revenue in the amount of \$15,402.02 for the Agricultural Commissioner's future use in constructing a building for his department.

Hunt moved; Alpers seconded Vote: 5 yes; 0 no <u>M14-110</u>

H. Employment Agreement of Vianey White as Public Works Project Manager

Proposed resolution approving an employment agreement with Vianey White as Public Works Project Manager, and prescribing the compensation, appointment and conditions of said employment.

Action: Approve Resolution #R14-37, approving an employment agreement with Vianey White, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Hunt moved; Alpers seconded Vote: 5 yes; 0 no <u>R13-37</u>

I. Fiscal Year 2014-15 Recommended Budget

Proposed Resolution #R14-____, a resolution of the Mono County Board of Supervisors adopting the recommended budget for Fiscal Year 2014-15.

Action: Adopt proposed resolution #R14-38, adopting the recommended budget for Fiscal Year 2014-15.

Hunt moved; Alpers seconded Vote: 5 yes; 0 no <u>R14-38</u>

Supervisor hunt:

- This is only an interim budget; not the final approved budget.
- J. Public Defender Investigator Contract

Proposed First Amendment to Agreement between the County and Tyrone Atwater dba Atwater Investigations for the provision of private investigation services for the Mono County Public Defenders.

Action: Approve and authorize the Chairman's signature on the proposed First Amendment to Agreement between the County and Tyrone Atwater dba Atwater Investigations for the provision of private investigation services for the Mono County Public Defenders increasing the maximum contract limit to \$67,000. **Hunt moved; Alpers seconded**

Vote: 5 yes; 0 no <u>M14-111</u>

8. CORRESPONDENCE RECEIVED (INFORMATIONAL)

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

A. County Service Area #1 Budget Request

Departments: Clerk of the Board

Letter from Kim McCarthy, CSA #1 Board President, dated June 3, 2014, requesting to budget \$12,000.00 for the upcoming fiscal year and all years to follow for use toward the Community Wellness/Recreation Classes.

B. LTC Letter to SCE Regarding Rock Creek Road Rehab Project

Departments: Clerk of the Board

Letter from the Local Transportation Commission dated June 9, 2014 to Southern California Edison regarding the status of Rock Creek Road Rehabilitation Project within Mono and Inyo Counties.

The Board acknowledged receipt of the correspondence.

9. REGULAR AGENDA - MORNING

A. Budget Workshop - Continued

Departments: CAO/Finance

9:30 a.m., 3 hours

(Jim Leddy, Leslie Chapman) - Presentation by Jim Leddy with subsequent discussion regarding budget status to date, along with input from departments and opportunity for the Board to ask questions, consider alternatives and provide input for development of the 2014-15 final budget. Budget workshop documents can be accessed online: http://monocounty.ca.gov/auditor/page/auditor-controller-budgets.

Action: None.

Jim Leddy:

• Gave opening remarks; explained schedule for today; continuing on with budget workshop.

Department Heads

The following Department Heads came before the board and summarized and answered questions about their budgets. Board members provided direction as necessary:

- Tom Perry Community Development (Building Inspector):
 - Gave overview of his budget. Gave some explanation as to why Jim takes his vehicle to Inyo every night both he and Jim are certified to be emergency responders, they need vehicle to be able to respond quickly; also they get a lot of requests. He understands Board's concern. These type of requests happen 5+ days a week. Maybe he could park at Paradise transfer or Crowley county

stations.

- Board: why does Jim takes a vehicle to Inyo County every night? Asked for justification. How many times does this happen? Is this how you want to spend your budget? Discussion about vehicles needing to be replaced; some have high mileage.
- Scott Burns Community Development (Code Enforcement):
 - Gave brief overview.
 - Nick Criss doesn't necessarily need his jeep; he could use something else.
 - Board: do you need your vehicle? Board thanked him for his code enforcement work.
- Scott Burns Community Development (Geothermal):
 - In relation to Code Enforcement, now have a geothermal budget. Used to be part of Economic Development Budget.
 - Megan Mahaffey: Explained how they need to work with County Counsel on a more formal agreement and would appreciate the board's support.
 - Board: what monitoring does BLM do now, if anything? What does it take to monitor? Asked about amount of money in budget, what's left to expend? They'd like to see some reports/summaries, something to account for all the money expended.
 - Leslie Chapman: explained the way the budget reads.
 - Jeff Simpson: explained his understanding of the billing.
- Scott Burns Community Development (Housing Development):
 - Most of budget is CDBG grants; pretty much status quo budget; falls under Housing Authority.
 - Board: Asked general budgetary questions. Is this a revolving program?
 - Leslie Chapman: It is a revolving program.
- Scott Burns Community Development (LAFCO):
 - Explained budget; is less than last year. Discussed main focuses. Trying to get away from paper. May have an annexation.
 - Board: There is now a north county representative? Expenditures vs. revenues?
- Scott Burns Community Development (Planning Commission):
 - Budget is status quo.
 - Board: Are there positions up for reappointments? We need to keep good people in there.
- Scott Burns Community Development (Planning & Transportation):
 - They've lost one planner; Wendy Sugimura has been successful in securing a grant regarding Sage Grouse which will bring money into the program, not the usual way this part of the department runs. They've been using the services of Dr. Paulus. Focus Sage Grouse and General Plan Update in coordination with committees, etc. Spoke about bumping office assistant into permit tech position which would relieve Brent and Wendy from some of that work.
 - Board: asked about salary savings with not filling planning position and moving office assistant to permit tech position? General questions about contract services, not happy that we pay individuals outside our county for services, we should get someone local. Pool car discussion. Thanked Scott and Department for all work done on Sage Grouse issue. Asked about trails.
- Alicia Vennos Economic Development (Fish Enhancement, Fish & Game, Tourism):
 - All budgets consistent with CAO/Finance recommended budgets. Gave some brief highlights.
 - Board: asked about policy items. Who tracks various budgets? She's reached out a lot to others which is why there aren't a lot of questions.
- Nate Greenberg Information Technology (Information Services, Technology Refresh Program):
 - Gave brief overview of budgets; thanked both Leslie and her team and Jami on

MEETING MINUTES June 17, 2014 Page 8 of 12

his team with budget process; has tried to streamline; reduced overall budget;

- Board: pool car discussion.
- Lynda Salcido Public Health (Public Health/Health Education, Bioterrorism):
 - Explained her budgets; pretty status quo this year. Discussed policy item requests which concern the WICK program and its personnel.
 - Board: asked about pool cars. Asked about food permits for the cottage food program? Food carts? Asked about comparison reports. Asked about Foster Care line item. How's the roll out of the Affordable Care Act going? Asked why certain items are policy items.
 - Leslie Chapman: explained why policy items in this Department are policy items.
- Robert DeForrest Public Health (Paramedic Program):
 - Lays out with CAO/Finance recommendations. Discussion about needing reserve EMTs, at least six. Thanked Leslie, Roberta and Megan.
 - Board: asked about policy item request. Overtime discussion. Subsidy discussion, there are very big cuts this year. Asked about pool cars.
 - Leslie Chapman: There is a government code on how you surplus county equipment.
- Kathy Peterson Social Services (Aid Department, General Relief, Senior Programs, Workforce Investment Act (ETR), WRAP Foster Care, CCTF-Children's Trust Fund):
 - Power point presentation Mission, the Department, Main Program Divisions, Funding Sources, Goal Highlights FY 2014-2015, Organizational Chart, Questions.
 - Mentioned they'd be able to reimburse Sheriff's Department for the person that's been working in their office. Gave overview of how their pool cars are used.
 - Board: Asked about Trailers being used, how they're tracked for reimbursable purposes; asked about our relationship with Red Cross; does she feel she has the staff beneath her to maintain control of supervision; asked about policy items. Pool car discussion. Thanked her and her staff.
- Robin Roberts Behavioral Health (Alcohol & Drug Program, Mental Health Services Act Funds):
 - Thanked Leslie and her staff, they have been remarkable. Thanked her own staff as well. Her department uses the least amount of general fund monies; mostly state and federally funded plus revenue; now eligible to collect on Medicare; restructuring case management, hoping to decrease mileage on the road; policy items included in her budget. Encouraged the Board members to attend a staff meeting to see what her staff does, it would be a way to let staff know they're appreciated.
 - Board: asked about number of drunk driving arrests by MLPD why so much lower? Asked if Town Council has been contacted about this issue? Voiced how lucky we are to have Robin and her staff on board, her Department is becoming more important from a public standpoint. Do we need some sort of a summit to put some of these issues into the forefront?

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD *No one spoke.*

11. CLOSED SESSION There was nothing to report out of closed session.

A. 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: Inland Aquaculture Group, LLC. v. Mono County et al.

B. 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: Luman v. Mono County Personnel Appeals Board.

C. 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.

REGULAR AFTERNOON SESSION COMMENCES AT 1:30 P.M.

12. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD Allen Berrey, Attorney

- Represents Boulaalam who filed a claim. Explained history.
- Here to update Board on Claim that they rejected.
- After evidentiary hearing, the court ruled that the officers lacked probable cause; motion to suppress evidence was granted; DA then requested that criminal matter be dismissed.
- By resounding majority, the voters elected a new Sheriff.
- Mr. Boulaalam still remains damaged; he will be delivering a settlement proposal; asked Board to seriously consider this, hoping to avoid lengthy litigation.
- It's clear that his client's rights were violated.

13. REGULAR AGENDA - AFTERNOON

A. Public Hearing: Sierra Business Park Specific Plan Amendment 14-001

Public Hearing: 1:30 p.m. (10 minutes presentation; 10 minutes discussion)

(Courtney Weiche. Nick Criss) - Public hearing regarding Sierra Business Park Specific Plan Amendment 14-001, which would: 1) make minor technical changes, 2) require any proposed use to be reviewed by the Land Technical Advisory Committee, 3) clarify requirements for on-site storm water retention and oil/water separator, 4) consolidate references to fencing and screening requirements into one section and clarify appropriate construction, design and applicability, 5) require Verticrete (or similar material) to screen any use along property frontage, 6) require areas devoted for vehicular access and storage to be paved to facilitate on-site retention system, and 7) require snow storage to equal 25% of the area from which the snow is to be removed. In accordance with the California Environmental Quality Act, an addendum to the existing Specific Plan EIR is being utilized. **Action:** The Planning Commission recommends approval of Resolution R14 -Sierra Business Park Specific Plan Amendment 14-001, adopting the Amendment and approving and adopting the Addendum to the Sierra Business Park EIR.

Fesko moved; Alpers seconded Vote: 5 yes; 0 no <u>R14-39</u> Public Hearing opened: 1:41 p.m.

Nick Criss:

- Introduced item.
- This amendment initiated in consultation with Sierra Business Park establishment.
- Went over all proposed amendments.

Power Point:

- Comments Received.
- Planning Commission.
- Environmental Review.
- Recommendation.

Additional comments:

- Staff concurs with Planning Commission requirements.
- Verticrete will now be required on all lots.

Supervisor Stump:

- Asked questions about paving requirements?
- The access gates are an interior function, not exterior. He's fine with requirements.
- We cannot let the perfect be the enemy of the good; in this case it's good.

Supervisor Hunt:

- Asked questions about zoning.
- He was the biggest thorn in Mr. Morgan's side several years back; he gives him kudos for his persistence and work on this.

Supervisor Johnston:

- What are staff recommendations?
- Questions about 8 foot entrance gate and slat requirements.
- Asked how Verticrete is doing?
- Asked about water quality.
- Problem with this park is the sewer; maybe there's a possibility to pursue a CDBG grant to get the park hooked up to the sewer in town to realize its full potential.
- Asked about exhibit reference.
- Recognized Rob Morgan for the best outcome for such a sticky situation. Thanked him for his hard work.

Supervisor Alpers:

- Thanked staff for the well done, well-orchestrated job. Amendments like this can easily be done and be positive to the end result.
- Used to be an eyesore; now a positive to the county inventory.

Supervisor Fesko:

• He thinks this is a good looking project.

Public Comments:

Rob Morgan (Sierra Business Park Developer):

- Discussion about gates.
- Verticrete is doing good; working well.
- Just put in a new water filter system.

Public Hearing Closed: 1:56 p.m.

B. Re-Authorization and Extension of Solid Waste Parcel Fees for FY14-15

MEETING MINUTES June 17, 2014 Page 11 of 12

> (Tony Dublino, Solid Waste Superintendent) - Resolution Extending and Re-Establishing the Mono County Solid Waste Fee Program for Fiscal Year 2014-2015, and Resolution Authorizing the Implementation of a Solid Waste Fee Agreement with the Town of Mammoth Lakes for Fiscal Year 2014-2015.

Action: 1. Approve and authorize the Chair's signature on Resolution No. R14-40, "A Resolution of the Mono County Board of Supervisors Extending and Re-Establishing the Mono County Solid Waste Fee Program for Fiscal Year 2014-2015." 2. Approve and authorize the Chair's signature on Resolution No. R14-41, "A Resolution of the Mono County Board of Supervisors Authorizing the Implementation of a Solid Waste Fee Agreement with the Town of Mammoth Lakes for Fiscal Year 2014-2015."

Hunt moved; Alpers seconded

Vote: 4 yes; 1 no: Fesko

R14-40 R14-41

Tony Dublino:

- Introduced item; status quo renewal.
- Restaurants are not included in receiving a discount.
- His intent is to see these revisited every year and considered on an annual basis.
- He's been involved in county-wide audit; he'd like to alter Schedule "A".
- He'd like to see rates based on their occupancy.
- It's legally adequate the way it's been done but it can be approved.
- We need to take action before June 30th. The word "restaurants" could be added.

Supervisor Fesko:

- On page 3 of 5 of document: asked about restaurants only opened part-time; shouldn't they get a lower rate for only being opened part-time? He's not o.k. with this. Should be based on number of months opened.
- He does not feel he has a conflict any more than anyone else that owns a home.
- Looking at Schedule "A", the way things are broken down, feels there is a problem.
- He'd be willing to sit down with Tony to try to figure out a way it could be better.
- There have been people complaining in the past; it's very wide in the county.

• Staff was directed to work on refining resolutions to clarify this section for next year.

Supervisor Stump:

- Asked about equivalent factor in relation to restaurants.
- What happens if we don't take action today?
- Can we adopt today and readdress later?
- Can we add some words to this section?
- Brought up Tony's workload.

Supervisor Johnston:

- Does Supervisor Fesko feel like he has a conflict?
- How could Supervisor Fesko's concerns be addressed?
- We can do some refinements, but we should approve it and then have Tony work on refinements over next six months; be prepared for next year.
- Someone with a restaurant could make an appeal.
- Could add an entirely separate sentence.

Marshall Rudolph:

- Addressed conflict of interest issue; does not think there is one.
- This can be revisited; they are done in conjunction with the Town. These are collected on the tax bill. Has to be done in conjunction with the tax bill cycle.
- You could add in "restaurants" to Section 5c1.

MEETING MINUTES June 17, 2014 Page 12 of 12

ADJOURN

ATTEST:

LARRY K. JOHNSTON CHAIRMAN

SHANNON KENDALL