



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

**Regular Meeting
August 5, 2014**

Flash Drive	1003
Minute Orders	M14-140 to M14-147
Resolutions	R14-45 to R14-45
Ordinance	Ord14-03 NOT USED

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

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

Pledge of Allegiance led by Supervisor Alpers.

*Break: 10:27 a.m.
Reconvene: 10:41 a.m.
Closed Session: 11:53 p.m.
Reconvene: 1:31 p.m.
Adjourn: 1:31 p.m.*

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD
No one spoke.

2. APPROVAL OF MINUTES

A. Board Minutes

Departments: Clerk of the Board

Action: Approve minutes of the Regular Meeting held on July 8, 2014, as corrected.

Note

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Hunt moved; stump seconded

Vote: 4 yes; 0 no; 1 abstain: Alpers

M14-140

Supervisor Hunt:

- On p. 2 of draft minutes should read, "Great Basin meeting; working towards approving EIR on the Dunes (Keeler area)."

Supervisor Johnston:

- On p. 2 of draft minutes, he should have a comment saying, "Worked on 4th of July Parade float and clean up."

Supervisor Stump:

- On p. 2 of draft minutes, under his board report, first bullet point, it should read, "July 4, Volunteered as a dispatcher at impromptu command post; Sheriff's Dept. cancelled the command post due to overtime constraints."
- On p. 4 of draft minutes, under 7D, Desert Springs item, vote should read, "Fesko moved: Hunt seconded; Vote: 4 yes; 0 no; absent Alpers."

B. Board Minutes

Departments: Clerk of the Board

Action: Approve minutes of the Regular Meeting held on July 15, 2014, as corrected.

Hunt moved; Fesko seconded

Vote: 5 yes; 0 no

M14-141

Supervisor Alpers:

- On p. 2 of draft minutes, under his board report, second bullet point, the following should be added: "Discussed Cabin Fee Act and the Utility Corridor Issues as they relate to both Inyo and Mono counties".

3. PRESENTATIONS - NONE

4. BOARD MEMBER REPORTS

Supervisor Alpers:

- 7/23 – Attended seminar at Mono Lake Committee.
- 7/28 – Attended YARTS JPA meeting; going to be considering a rate increase on bus routes.
- 7/28 – meeting with Mammoth Unified School District administration and the Mammoth High School Booster Club at Mammoth High School regarding replacing the flooring in the gym.
- 7/30 – Attended the June Lake Main Street Project Design Fair Workshop, held at the Lune Lake Community Center.
- 7/31 – Attended the "Leveraging Digital 395" meeting held at the Mammoth Ski Museum after having lunch with Sunne Wright McPeak, President and CEO of the California Emerging Technology Fund), CAO Jim Leddy and Supervisor-Elect Stacy Corless.
- Requested letters for various entities participating in the Main Street meetings; indicated that Supervisor Stump could not attend as he was dealing with CalFire meeting and acknowledged him for doing that.

Supervisor Fesko:

- 7/16 – attended Eastern Sierra Area Agency on Aging meeting.
- 7/17 – attended Lion's monthly meeting in Walker at newly renovated community center.
- 7/26 – meeting with Owens Indian Housing at Camp Antelope regarding water system.

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- 7/26 – Attended the Antelope Valley Lions sponsored fund raiser at the Antelope Valley Community Center. This was the day of the hazardous materials spill in Bridgeport – hat's off to those that responded.
- 7/28 and 7/29 – Attended Main Street planning meeting in Antelope Valley with Scott Burns, Gerry LeFrancois, and Courtney Weiche. Also there was Stefan Pellegrini from Opticos.
- For that two day event, on Monday morning nearly every business attended; that evening had a walk about. Tuesday evening's meeting was well attended as well with a lot of new faces.
- 7/30 – Meeting with Department Head and constituents regarding issues about County Government.
- 7/31 – spoke in Gardnerville for Kiwani meeting; spoke about Eastern Sierra Jamboree and bi-state cooperation; same day drove to Mammoth for Eastern Sierra Broadband meeting. Sunne McPeak from the California Emerging Technology Fund was there as well as Supervisor Alpers, Jim Leddy, Alicia and Jeff from Economic Development and Inyo and Mono County representatives.
- 8/1 – Digital 395 completion ceremony; spoke on behalf of Mono County.
- 8/2 – attended June Lake Historical Society meeting.
- CalFire will be conducting defensible space inspections 8/5 through 8/8.
- Shout out to two friends having birthdays: Belen Koch and Anna Koch.
- Spoke about Fishing Derby.

Supervisor Hunt:

- For the past few weekends, Mammoth has seen large crowds with recent events; 95% occupancy this past weekend. Bluesapalooza was a huge success.
- Attended digital 395 completion ceremony on Friday; very impressed with everyone.
- Defensible Space activities in Old Mammoth; one of highest risk spaces in Mono County; a lot of area has been cleared off.
- Kids' fishing derby, week ago Saturday was a total success.
- Finally camped at Green Creek; great spot.
- Attended YARTS meeting on 7/28. Executive Director is going to do some presentations soon.
- Last Thursday attended the Mammoth Collaborative Team meeting for Supervisor Johnston; there were a lot of entities represented.

Supervisor Johnston:

- Continued Agenda Review Committee meetings.
- Mammoth Lakes Housing meeting; new board.
- Treasury Oversight Committee meeting yesterday; Leslie doing good job with that.
- Resolution for Brent Harper Fire Chief in Mammoth Lakes – retiring. Big Bash this week. Asked that this be placed onto an agenda.

Supervisor Stump:

- Attended ESAAA meeting with Supervisor Fesko; clear that Inyo is having struggles with their program. Shout out to Jeff Hunter, new supervisor. Supervisor Kingsley was also there, they discussed energy corridors.
- RPACS in both Chalfant and Benton; discussion about cell service, RACE grant, road project. Issues relating to Benton, good turnout.
- Thursday – June Lake Fire Safe Council meeting with other agencies. CalFire didn't do a great job of coordinating with June Lake, worried about interference in grant process.
- Friday, spent time conversing with documentary team that might be coming to our area; Tri-Valley oriented. These folks were unfamiliar with our area. Friday afternoon, emailed her every document specific for Tri-Valley itself. May be here in a week and a half.
- Chalfant Roads – last day of paving has occurred. Was not able to get conduit into the ground. Mailbox system to be installed in Chalfant, will remedy mail theft. There has been feedback; positive and negative; special thanks to Garrett for dealing with negative

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- people.
- Illegal dumping on Lower Rock Creek Road; thanked Brett and Steven and entire crew for taking care of it.
- Ron Day – put in a lot of hours on Digital 395. He was not aware of celebration for Digital 395; he wanted to see completion part. Supervisor Stump is recognizing his efforts now.
- Attended party in Bridgeport Saturday night.
- Wendi Grasseschi (Mammoth Times) had knee surgery again; sending her best wishes.
- Great Basin Board: Supervisor Stump is on the verge of resigning as alternate of that board due to what was certified. He's not happy with this.

CAO Report regarding Board Assignments

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

Jim Leddy:

- 7/16 – County Energy Task Force meeting; solarization of facilities to promote savings. Also talking about reducing vehicle miles traveled.
- 7/21 – Strategic Planning Steering Committee meeting. Next meeting this Thursday.
- 7/28 – Benton RPAC; thanked Alicia Vennos and Jeff Simpson for their presentation.
- 7/29 – Checked in on Ambassador Training with Strategic Planning Facilitators.
- Thanked Supervisor Alpers for opportunity to go to meeting where he met Sunne McPeak.
- Digital 395 completion meeting/ceremony.
- Saturday – volunteered for Rotary for parking at Bluesapalooza. Increase in attendance.
- Nate Greenberg, unable to attend. He's on vacation. He's been an integral part in Digital 395. Missed being part of two day event. Thanks to him. (Supervisor Fesko asked that Nate give a presentation when he returns on Digital 395 overall.)
- Wood Stove Replacement Program – with Lisa Isaacs.
- North County Employee Roundtable, this Thursday at 8:00 at Memorial Hall; next week on 8/14 at 8:30 in BOS Chambers in Mammoth.
- Mentioned that the Blue Canyon Gang will be at the Board meeting next Tuesday for presentations.

6. DEPARTMENT/COMMISSION REPORTS

Leslie Chapman:

- She'd like to pull the Ordinance scheduled for a future agenda to do some additional work on it. She'll bring this back again as a first reading.
- She will do this after final budget is adopted.

Garrett Higerd:

- June Lake Streets project is out to bid; working on finalizing things. Will give update at tonight's June Lake CAC. Tentative schedule is to move forward with construction of drainage improvements this fall.
- Mountain Gate Project bid was too high. They will need to reject bids and re-advertise.
- Topaz Bridge Project out to bid; small project.
- Thunderstorm activity; generated some localized flash flooding. Crews have been doing clean up.
- Supervisor Johnston: asked about finding out who did illegal dumping of construction debris? (There is no clue.)

Stacey Simon:

- Here for groundwater issues: legislation pending which is likely to be enacted, waiting for things to stabilize, many versions of bill and changes recently. As it stands now, creation of groundwater sustainable agency to applicable agencies – any local agency that has certain characteristics to quality. Critical date – January 1 2017 for creation of agency.

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Drafting of groundwater sustainability plan. Will come back to board with full presentation. Board direction: keep us updated, come back with full presentation when bill language final.

- New case regarding groundwater extraction out of Siskiyou County. Currently just a superior court case, will watch on appeal. Court held that county has obligation to consider public trust doctrine when issuing permits for groundwater wells.

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. USFS Lease/Permit for Hunewill Communications Site

Departments: County Counsel, CSA #5

USFS Lease/Permit for Hunewill Communications Site for use as a telecommunications site by CSA #5.

Action: 1. Approve and authorize the County Administrative Officer, in consultation with County Counsel, to submit an Application for Utility Systems and Facilities on Federal Lands to the Humboldt-Toiyabe National Forest for the purpose of securing a new 30-year lease for the Hunewill Communications Site, with an annual fee not exceeding \$3,000 for 2014 and, each year thereafter, not exceeding approved Forest Service rates. 2. Authorize the CAO, in consultation with County Counsel, to approve and execute Site Lease.

Fesko moved; Hunt seconded

Vote: 5 yes; 0 no

M14-142

B. Certificates of Compliance

Departments: Veterans Service

This is a standard renewal of the Certificates of Compliance as filed in the past by the County. They certify to the State that in fact a Veterans Service Officer has been appointed and the duties of the VSO are in compliance with code.

Action: Approve and authorize the Chairman's signature on the Subvention and Medi-Cal Certificates of Compliance for 2014/2015 fiscal year.

Fesko moved; Hunt seconded

Vote: 5 yes; 0 no

M14-143

C. Mono City Right-of-Way Grant with BLM

Departments: Public Works and Community Development

Right-of-Way Grant for Mono City Secondary Ingress/Egress Gravel Road with BLM.

Action: 1. Approve, and authorize the Chairman to sign, thirty (30) year renewable right-of-way grant from BLM for the Mono City Secondary Ingress/Egress Gravel Road, consistent with the certified Mitigated Negative

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Declaration and Mitigation Monitoring Plan. 2. Approve, and authorize the Chairman to sign, Certificate of Acceptance authorizing the right-of-way grant to be recorded.

Alpers moved; Stump seconded

Vote: 5 yes; 0 no

M14-144

Pulled by Supervisor Alpers:

- Really good that we are finally getting closure on this project.

Supervisor Stump:

- Singled out Steve Nelson for getting this moving forward.

D. Request for Approval to Recruit for Public Works Maintenance Worker II

Departments: Public Works; Human Resources

Due to a resignation of the Maintenance Worker II John McKnight, Public Works (PW) has followed the Mono County Public Employees MOU protocol to fill that vacancy. Road Area 3 is responsible for supervising staff that maintain over 170 miles of roadways in and around LeeVining and June Lake areas During summer months this employee will supervise road maintenance staff and maintenance and snow removal on approximately 27 miles of paved and 143 miles of dirt roads. During winter 27 miles of snow removal and 4.34 miles of spring opening snow removal are under their responsibility. This position is critical in ensuring day-to-day operations of road maintenance and snow removal operations in Lee Vining and June Lake areas. If this position is not filled it will require additional help from other districts (if possible) during winter and summer for snow removal, traffic control, road maintenance and other tasks. One fewer snow removal operator directly results in slower response times and a reduction in level of service to constituents.

Action: Authorize Public Works Director, in consultation with Human Resources, to recruit in-county to fill an existing 9/3 shared Maintenance worker II vacancy in Facilities/Road district 3 (Lee Vining).

Fesko moved; Stump seconded

Vote: 5 yes; 0 no

M14-145

Pulled by Supervisor Fesko:

- In light of the hiring freeze, wanted to point out that both Item C and D are already in the budget and need to be filled.

E. Request for Approval to Recruit for Public Works Maintenance Supervisor

Departments: Public Works; Human Resources

Due to a resignation of the Road Area 4/5 (Bridgeport/Walker) Supervisor, Public Works (PW) has followed the Mono County Public Employees MOU protocol to fill that vacancy. Road Area 4/5 is responsible for supervising staff that maintain over 173 miles of roadways in and around Bridgeport and Walker/Coleville areas and supporting administration in time keeping, project management and annual staff evaluations During summer months this employee will supervise road maintenance staff and maintenance and snow removal on approximately 42

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miles of paved and 131 miles of dirt roads. During winter 31 miles of snow removal and 29 miles of spring opening snow removal are under their supervision. This position is critical in ensuring day-to-day operations of road maintenance and snow removal operations in Bridgeport and Walker/Coleville areas. If this position is not filled it will require additional help from other districts (if possible) during winter and summer for snow removal, traffic control, road maintenance and other tasks. One fewer snow removal operator directly results in slower response times and a reduction in level of service to constituents. If you have any questions regarding this item, please contact Jeff Walters at 932-5459.

Action: Authorize Public Works Director, in consultation with Human Resources, to recruit in-county to fill an existing Maintenance Supervisor vacancy in Road Area 4/5 (Bridgeport/Walker).

Fesko moved; Hunt seconded

Vote: 5 yes; 0 no

M14-146

F. Approval of At-Will Contract for David Anderson, Assistant District Attorney

Departments: County Administrator

Proposed resolution approving a contract with David Anderson as Assistant District Attorney and prescribing the compensation, appointment and conditions of said employment.

Action: Approve Resolution #R14-45, approving a contract with David Anderson as Assistant District Attorney, 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; Hunt seconded

Vote: 3 yes; 2 no: Fesko and Alpers

R14-45

Pulled by Supervisor Fesko:

- Received email information from Attorney Allen Berrey today; need to pull this contract and look into accusations that are being made.
- Feels investigation needs to be conducted. Need to determine *if* wrongdoing occurred concerning ADA Anderson.
- He's not passing judgment but because things were brought up he feels the approval of the contract should be put off.

Supervisor Alpers:

- How do we go about investigating?

Jim Leddy:

- Right now this attorney is operating with no contract; being at-will, however, we can still discipline him at a later time.
- Ratification of this contract goes back to July 25th.

Supervisor Stump:

- Has a concern that the email was sent at 7:25 a.m. Why so late?
- Appears to be a slight intent to manipulate.
- Has the contract expired?

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Supervisor Hunt:

- Appears there are things going on that may be personal.
- This is an at-will contract; we need to give employees the benefit of the doubt. An investigation can proceed under old or new contract.

8. CORRESPONDENCE RECEIVED (INFORMATIONAL)

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

A. American Lung Association

Departments: Clerk of the Board

Correspondence received from Kimberly Amazeen, Vice President, Programs and Advocacy for the American Lung Association regarding the State of Tobacco Control Report - Updated Grading Methodology.

B. JRP Historical Consulting, LLC

Departments: Clerk of the Board

Letter from Christopher McMorris, Partner of JRP Historical Consulting ,LLC, regarding Convict Lake Road Rehabilitation.

The Board acknowledged receipt of the correspondence.

9. REGULAR AGENDA - MORNING

A. Ordinance Amending Mono County Code Section 2.36.030 Related to Votes Required for the Transaction of Business by the Planning Commission

Departments: Community Development, County Counsel

(Scott Burns, Stacey Simon) - Proposed ordinance Amending Section 3.36.030 of the Mono County Code Relating to Votes Required for the Transaction of Business by the Planning Commission.

Action: Introduce, read title, and waive further reading of proposed ordinance, including the wording about the three-vote clarification.

Hunt moved; Alpers seconded

Vote: 5 yes; 0 no

M14-147

Stacey Simon:

- Gave history and reason for item.
- She suggested this to Planning Commission so that they could act solely under state law, but they are wanting to strengthen current policy of having three votes.
- They were also concerned about vote shopping.
- Asking our Board to adopt ordinance that an affirmative vote of the majority of members be required (3).
- Discussed possible failsafe measures.
- Three vote affirmative already in place; this just makes it easier on staff.
- Board could also repeal existing language in county code.

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- Maybe we should table this for now. There are certain provisions in the law for approval vs. disapproval that we may not be able to override.
- Board needs to clarify language and maintain status quo; give Planning Commission a chance to do some cleaning up. If they don't, then this Board comes back and makes further changes. She recommends going forward with what's presented. As a separate matter, address the proponent that may want a continuance due to a three member board.

Scott Burns:

- Fail safe measures.
- Could be clarified in operating procedures.

Supervisor Hunt:

- This is a good idea.

Supervisor Fesko:

- Thinks putting "3 out of 5" keeps things clear. Suggests adding that type of wording.
- If there ends up not being a quorum, the people involved should get automatic appeal, no charge. Need to be proactive, not reactive.
- Agrees there should be a failsafe method.

Supervisor Johnston:

- Agrees with the 3 votes and adding the wording to clarify further.

Supervisor Stump:

- He has seen a project not be approved because there wasn't three votes for yes. He feels there needs to be failsafe measures.
- In theory he has no problem with suggested changes.
- Could even say it takes 3 to deny as well.

Marshall Rudolph:

- The discussion is coming down to what "no action" means.

B. Quarterly Investment Report

Departments: Finance

(Leslie Chapman) - Treasury Status report for the quarter ended June 30, 2014 and monthly transaction report for June, 2014.

Action: None.

Leslie Chapman:

- First time around presenting the Treasury Report; she has made a few changes to the format. Went through the changes, giving explanations as necessary.
- She will be tweaking several reports going forward.
- Addressed two areas that county has been out of compliance. Is wanting to let things self correct as necessary.
- Mentioned Intern working in her office; paid for by grant. Publicly thanked him for work on this.

Supervisor Fesko:

- He likes the new report.

Supervisor Stump:

- Complimented Leslie on her cover letter.
- He feels reports are much more enlightening than previous reports.

Supervisor Alpers:

- Much better reporting this month.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Patrick Hayes, General Manager at MCWD:

- Here seeking support from Board regarding water drought.
- Proposed Casa Diablo Geothermal Facility – will represent a considerable change from

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how it's been handled in the past. They're not opposed to the project; just want to make sure no harm is done.

- Thinks the Board need to be aware if there is a threat to the water supply. He went over recent actions taken by various entities.
- Not happy with project proponent.
- Asking for sets of wells for warm, cold and hot.
- He's wanting the Board to help inform and ask appropriate questions.

Supervisor Johnston:

- What support is he asking for?
- Mentioned Jury Duty Summons for next Tuesday.
- He doesn't agree with Mr. Schade's approval.

Supervisor Stump:

- He would like to see this agendized for third meeting in Mammoth with a potential action of a board letter of support. Jim Leddy to work with Mr. Hays on creation of this item.

Supervisor Hunt:

- Agrees this needs to be addressed; time is of the essence.

11. CLOSED SESSION

There was nothing to report out of 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, 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 -- Human Resources

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Human Resources Director/Risk Manager.

C. 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.

D. 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: Mono County v. Mono County PAB.

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

12. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD
No one spoke.

13. REGULAR AGENDA AFTERNOON- NONE

ADJOURN meeting at 1:31 p.m. in memory Alice Campbell, Coleville resident that recently passed away.

ATTEST

LARRY K. JOHNSTON
CHAIRMAN

SHANNON KENDALL
SR. DEPUTY CLERK

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