



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

September 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 Tim Hansen

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

- **Judy Goldberg:** Talked about the proposed emergency access road in Mono City; this is an important issue to the community. She urged the Board to accept BLM's offer.
- **Tim Hansen:** Read a letter from the Mono Basin RPAC thanking Garrett Higerd, Public Works Department, for his work on the Lee Vining road improvement project. This has been a big improvement for the community.
- **Jim Dessert,** Manager of Snowcreek I, II, III: For several years, Snowcreek and other businesses in Mammoth Lakes have been using the snow pole straightening equipment that is owned by the County. He asked the Board to help expedite the MOU process.
 - Jim Leddy, CAO: As soon as the MOU is completed; he will bring it to the Board for approval.

CLOSED SESSION WILL FOLLOW REGULAR MORNING SESSION

Closed Session: 11:37 a.m.; Adjourned: 2:05 p.m.

CLOSED SESSION

The Board had nothing to report from Closed Session.

BOARD OF SUPERVISORS

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--exclusive 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.

2) APPROVAL OF MINUTES

M13-203

A. Approve minutes of the Regular Meeting held on September 3, 2013, as corrected.

Johnston moved; Stump seconded

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

- Supervisor Johnston: Correction to his comment under Item #14a, Conway Ranch Irrigation. "Need to not lose waterways..."; change to, "Need to not lose water rights...".

3) **BOARD MEMBER REPORTS**

Supervisor Alpers

1. Absent.

Supervisor Fesko

1. Flu-shot clinics have started; Walker had 30 people turn out.
2. Attended the Ducks Unlimited dinner last Saturday, and won a raffle prize.
3. Supervisor Alpers sends his regrets that he could not attend today's meeting due to his recent surgery.

Supervisor Hunt

1. Attended the Great Basin Unified Air Pollution Control District meeting. They appointed a three-member team to work with LADWP on issues regarding lawsuits.
2. Attended the Sierra Nevada Conservancy Board meeting. They discussed bio energy, funding cuts in the National Park budget and potential future cuts, and the black bear population. The annual report will be distributed in the near future.

Supervisor Johnston

1. Tioga Pass has re-opened.
2. Attended a Mammoth Lakes Housing special meeting. They plan to re-purchase a house to keep it in the affordable rental pool.
3. Attended the Great Basin Unified Air Pollution Control District meeting. They discussed the Town's EPA certified wood stoves and bringing them into compliance; approved burn barrels, however, it was not unanimous; and had a report on the clean air projects program. DWP discussed issues regarding their lawsuits.

Supervisor Stump

1. Attended the Tri Valley Water Commission meeting in Chalfant last week. Received queries about Digital 395 and the zip code issue, which Congressman Cook is looking into.
2. Received numerous calls about SRA fees; thanked Jim Leddy, CAO, for preparing a letter about this subject. A majority of Mono County residents receive no services but are assessed the fee. After the letter receives a response, it may be necessary to agendaize this topic for further discussion.

COUNTY ADMINISTRATIVE OFFICE

4) **CAO Report regarding Board Assignments**

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

Jim Leddy, CAO

1. Monthly management meeting was held last week. They reviewed the budget matrix and projects; Leddy will provide a revised copy to the Board.
2. Last Wednesday attended the Mono Basin RPAC meeting. They talked about the Mono City emergency access road; Leslie (Chapman, Finance Director), presented the budget and talked about the process.
3. Last Sunday met with the owner of Reverse Creek Lodge to discuss TOT.
4. US Fish and Wildlife has scheduled a meeting in Inyo County for next Monday, September 23rd, to discuss the yellow-legged frog issue. Supervisor Johnston will

attend on behalf of the Board. USFW is not planning to hold a similar meeting in Mono County but will come to a regular Board meeting. Leddy will follow-up after next week's meeting.

DEPARTMENT REPORTS/EMERGING ISSUES

- **Marshall Rudolph**, County Counsel: Introduced Christy Milovich, recently hired as a Deputy County Counsel. Milovich thanked the Board for this opportunity.
- **Garrett Higerd**: Update about construction work around the County. 1) Lee Vining road project is complete and within budget; 2) Aspen Road paving in June Lake will start next week; 3) Bryant Field project is finalized; 4) Construction has begun on Sinclair and Emigrant Streets in Bridgeport, and should be finished by the end of the month.

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.)

- Marshall Rudolph, County Counsel: Pulled Item #8a due to Supervisor Alpers' absence; action requires the full Board.
- Supervisor Stump pulled Item #5a.
- Supervisor Johnston pulled Item #7a.

FINANCE

Additional Departments: Inyo-Mono Agricultural Commissioner

5a) Agricultural Maintenance Facility - Proposed resolution authorizing the transfer of funds in trust to the Inyo County construction fund when appropriate.

R13-75 **Action:** Adopt Resolution #R13-75 authorizing the Agricultural Commissioner to transfer funding from the Mono County Building Trust to a construction fund for the purposes of constructing a department maintenance facility.

Fesko moved; Stump seconded

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

- Supervisor Stump: Asked for clarification about the funding.
 - Leslie Chapman, Finance Director: Over the years excess gas tax has been set aside for this project. As written in the resolution, Finance will oversee the transfer process.
 - Nathan Reade, Ag Commissioner: The excess gas tax can only be used for agricultural programs and purposes. Since the first bid was too high, they plan to re-bid within the current fiscal year.

SOCIAL SERVICES

6a) Approval of Contract between First 5 Mono County Children and Families Commission and County of Mono - Proposed contract with First 5 Mono County Children and Families Commission pertaining to Child Abuse Prevention, Intervention, and Treatment (CAPIT) funds.

M13-204 **Action:** Approve County entry into contract with First 5 Mono County Children and Families Commission pertaining to Child Abuse Prevention, Intervention, and Treatment (CAPIT) funds, and authorize Kathy Peterson, Social Services Director, to execute said contract on behalf of the County. This authorization shall include making minor amendments to the agreement from time to time as the Department of Social Services Director may deem necessary, provided such

amendments do not substantially alter the scope of work or contract costs and are approved as to form and legality by County Counsel.

Johnston moved; Stump seconded
Vote: 4 Yes; 0 No; 1 Absent (Alpers)

HUMAN RESOURCES

Additional Departments: County Counsel

7a) Amendments to Employment Agreements (Bill Van Lente) - Resolutions approving Agreement and Amendment to Agreement re Employment of the following:

1. Garrett Higerd
2. Richard Johnson
3. Wade McCammond
4. Roberta Reed
5. Lynda Roberts
6. Lynda Salcido
7. Franklin W. Smith
8. Stacey Westerlund

Action: Adopt the following resolutions approving Agreement and Amendment to Agreement regarding employment of the following:

R13-76 Resolution #R13-76, Garrett Higerd, second amendment
R13-77 Resolution #R13-77, Richard Johnson, second amendment
R13-78 Resolution #R13-78, Wade McCammond, second amendment
R13-79 Resolution #R13-79, Roberta Reed, second amendment
R13-80 Resolution #R13-80, Lynda Roberts, third amendment
R13-81 Resolution #R13-81, Lynda Salcido, fourth amendment
R13-82 Resolution #R13-82, Franklin W. Smith, second amendment
R13-83 Resolution #R13-83, Stacey Westerlund, second amendment

Johnston moved; Fesko seconded
Vote: 4 Yes; 0 No; 1 Absent (Alpers)

- Supervisor Johnston: Some of these contracts have been extended three times. The Board needs to resolve issues pertaining to management compensation. Supervisors Fesko and Hunt voiced their agreement.

7b)
Addendum

Amendments to Tom Perry Employment Agreement – Proposed Resolution approving an agreement and first amendment to the employment agreement of Tom Perry. The amendment will simply extend the agreement’s expiration date until November 30, 2013.

R13-84 **Action:** Adopt Resolution #R13-84, approving Agreement and First Amendment to the employment agreement of Tom Perry.
Johnston moved; Stump seconded
Vote: 4 Yes; 0 No; 1 Absent (Alpers)

FINANCE

Additional Departments: Bridgeport Fire Dept.

- 8a) Bridgeport Fire Department Financial Audit - Bridgeport Fire Department requests a waiver of the annual audit requirement to be replaced by a biennial audit in accordance with Government Code Section 26909.

No Motion Action: Pulled; move to future agenda.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

- 9a) Letter to US Fish and Wildlife opposing Sage Grouse Listing - Letter to US Fish and Wildlife opposing Sage Grouse Listing.

M13-205 Action: Authorize Chair's signature on letter opposing listing of the Bi-State Sage Grouse by the US Fish and Wildlife Service
Johnston moved; Stump seconded
Vote: 4 Yes; 0 No; 1 Absent (Alpers)

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

- 10a) Mono County Fisheries Commission Letter - Correspondence from Steve Marti, Chair of the Mono County Fisheries Commission regarding acquiring Board Approval to spend Fisheries Commission monies for drilling a well and installing a pump.
- Supervisor Fesko: The Fisheries Commission has set money aside for this project so the issue needs to remain in the forefront of agenda items to come to the Board.
 - Marshall Rudolph, County Counsel: Received the consultant's draft plan, which will come back to the Board. Rudolph will inform Dan Lyster (Economic Development) about the Board's interest in moving forward on this issue.
- 10b) Sharon Clark Appreciation Letter - Email correspondence dated September 4, 2013 from Sharon Clark thanking all the Supervisors for initiating the Economic Development Strategic Plan for Mono County that was presented in July.
- Supervisor Hunt: Read the last paragraph of this letter, "Thanks for all that you do for Mono County citizens. It is reassuring to witness a governing body that truly serves us. Each of you epitomize a genuine public servant instead of the typical 'politician'."

Board acknowledged receipt of correspondence.

PUBLIC WORKS - ROAD DIVISION

- 11a) Mono City Emergency Access Road Workshop (Jeff Walters) - The community of Mono City has expressed concern over the lack of a safe egress road in the event of a wildfire. In 2010, after receiving Board authorization, Public Works

applied to the Bureau of Land Management (BLM) for an Application for Facilities on Federal Land. The BLM has completed an Environmental Assessment through the NEPA process. This data can be used by Mono County to complete the necessary CEQA process.

No Motion

Action: Direction to staff: 1) Meet with BLM to review and negotiate the mitigation measures; express the Board's concerns, and investigate the possibility of a phased work plan. 2) Circulate the reclamation plan for CEQA purposes so the Board can take action. 3) Pursue purchase of crash gates. 4) Review the current cost estimates for the project.

- Supervisor Johnston declared that he no longer owns property in this area so does not have a conflict of interest.

Jeff Walters, Public Works, presented the following information:

- The concept for the project dates back to a fire that occurred in 2003.
- Several designs for an emergency access road have been reviewed.
- Caltrans has completed the required reclamation of a pit.
- If the Board authorizes the project, Community Development—Planning will use prior information to move forward with the required environmental document.
- Prior estimate for construction was \$75,000 to \$100,000.
- An engineer will need to verify the route and construction plan.
- There is a sensitive issue with Sage Grouse habitat.
- This road is not intended to become a regular entry/exit road for Mono City.
- Reviewed the required mitigation efforts (information included in agenda packet). Until mitigation efforts are completed and crash gates installed, the boulders blocking the road will not be removed.
- BLM already prepared an environmental assessment (EA) which saves the County money.

Scott Burns, Economic Development, presented the following information:

- Sage grouse mitigation efforts will be required; the measures seem reasonable.
- Since BLM paid for the environmental assessment, they would like some concessions from the County. The environmental report determined there is habitat disturbance, hence the mitigation.
- There is ongoing effort to make the area fire safe by mowing sagebrush.
- The current dirt road needs to be brought up to a higher standard as an emergency road.
- The County has a role in ensuring restoration of the pit, including the dirt road. This is why BLM has required certain mitigation measures.
- The Mono Basin RPAC discussed a phase-in plan and BLM seemed to be supportive.
- CEQA actions need to be concluded before the County can act.

Larry Primosch, BLM, presented the following information:

- The proposal was brought to the Board in 2010.
- After analyzing alternatives and holding public meetings, BLM selected the fire station alternative.
- The road right-of-way document is ready for the County's signature. BLM cannot issue a decision until the document is signed and returned, after which time there will be a 30-day appeal process.
- The idea was that the road would be adequate if improved, including some new construction; the EA talks about an improved road to be used for emergency access.
- Primosch talked about 1) the issue with the boulders and break-away gates; 2) mitigation requirements and the possibility of phasing the work; 3) uncertainty about negotiating changes to the mitigation requirements.

Public Comments

- **Tim Hansen:** Reviewed the situation with the boulders blocking the access road; talked about prior engineering estimates and break-away gates; said the County has equipment and can do the work; there have been several meetings about this issue; environmental work has been completed; talked about opposition and possible solutions. The project needs to move forward.
- **Judy Goldberg:** Briefly reviewed the history of first responders' concerns about lack of a second access for Mono City.
- **Katie Bellomo:** The RPAC has been reviewing this issue for several years. Reviewed the history of the community and how needs have changed. The EA includes a history of fire and fire behavior in Mono Basin. Reviewed the nature of the fire that occurred in 2003 causing alarm about having an emergency exit. BLM attended last week's RPAC meeting; boulders can't be removed until mitigation of short connecting roads is completed and crash gates are installed. Showed photos of the proposed exit that is blocked with boulders. The project should proceed in a phased way. Prior engineering work and estimates may be a slightly different since the current project includes mitigation measures. The proposed road is most desirable because it is an existing road. The community must have this secondary exit road.
- **Deanna Dulen:** The purpose of the road needs to be clarified—it is an emergency road and not a secondary access. There needs to be a comprehensive emergency plan for Mono City; it is imperative to manage an emergency. Reviewed a copy of a map showing the proposed route with gates.
- **Molly DesBaillets:** Appreciates efforts to have this access available. Supports the development of an emergency plan. Would like to move forward with the chosen route, which has been discussed extensively in community meetings. Regarding funding, Mono City Fire may be able to partner with the County.
- **Randy DesBaillets** (via telephone message): The community needs the road and the Fire District supports it.

Board Discussion

- **Supervisor Fesko:** Concerned about BLM mitigation requirements; seems to be work they want completed at County expense. Does not support mitigation measure #1 to rehab ½ acre of dirt roads, or measure #3 to remove the old road base in the eastern most pit since this does not impact the County road.
- **Supervisor Stump:** Concurred with Fesko. Suggested taking immediate action by removing the boulders and installing crash gates, and then working on the other issues. The area has been made less safe with boulders blocking the road. Pointed out that the fire path is the same as the proposed emergency road. No emergency access will be ideal, it is only one tactic. Another tactic is to develop a shelter and place zone. The mitigation requirements are onerous; BLM already mows sage grouse habitat for fire safe reasons. The County will be agreeing to all the mitigation requirements if it signs the right-of-way agreement. This project needs to move forward.
- **Supervisor Hunt:** BLM should be reminded that this is a safety project. Staff should contact the BLM field manager to discuss how the County can phase the mitigation measures over time. Would like to hear about alternatives to the proposed road, and establishing a safe area around the fire house.
- **Supervisor Johnston:** Suggested resolving the issue with the boulders, negotiating costs, phasing the project, and considering an emergency access from 395. This road project is as beneficial for BLM as it is for the County, so the project should be a collaborative effort. If BLM authorizes the right of way, the County can move forward.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

**ADJOURN TO CLOSED SESSION UPON
COMPLETION OF REGULAR AGENDA**

ADJOURN: 2:05 p.m.

Adjourned in honor of 12 people murdered on Monday, September 16, in Washington, D.C.

ATTEST:

BYNG HUNT
CHAIR

LYNDA ROBERTS
CLERK OF THE BOARD

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