



**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  
January 14, 2014**

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 Stump.

*Break: 10:34 a.m.  
Reconvene: 10:42 a.m.  
Lunch/Closed Session: 12:09 p.m.  
Adjourn: 2:21 p.m.*

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD  
*No one spoke.*
2. APPROVAL OF MINUTES - NONE
3. PRESENTATIONS - NONE
4. BOARD MEMBER REPORTS

**Supervisor Alpers:**

- Last Tuesday, attended June Lake CAC meeting; updated community on some of board's efforts including Legislative Platform and the Rules and Procedures. Discussed concept with continuing on with Area Plan; thanked staff for their efforts at the CAC meeting, they were very well prepared.
- Every Friday from 10 a.m. to noon, he will be holding office hours at Trout Town Joes in June Lake.
- Wednesday, attended Fish and Wildlife meeting; there were a lot of Alpine and Inyo

people in attendance.

- Wednesday night, Mono Basin RPAC – review of MOU, Conway Ranch discussion.
- Friday, YARTS meeting.

**Supervisor Fesko:**

- 1/8 - attended Mono County Fisheries meeting. Dire situation with current CFS amounts.
- Missed Frog and Toad meeting; attended CSA#5 meeting later that evening.
- Thursday, 1/9, held roundtable in Antelope Valley, over 20 attendees. No actual agenda. Thanked Bob Musil for showing up. Another roundtable tonight in Bridgeport.
- Attended LTC.
- Yesterday, meeting with Deborah Hess of SCE regarding electrical issues brought up by Fisheries Commission, a report will be generated.
- Shout out to Treasurer/Tax Collector's office for new counter, much friendlier.

**Supervisor Hunt:**

- 1/10 – Mono County Community Corrections Partnership Meeting; use of AB109 funds and how county is dealing with this; presentation coming to the Board.
- Last week, Yosemite Gateway Partners meeting; long trip this time of year. RIM fire review main topic of discussion. Spoke about Tioga Pass and possible early opening.
- Yesterday, YARTS board meeting, attended with Supervisor Alpers.

**Supervisor Johnston:**

- Agenda Review Committee meeting last Wednesday; commended staff for work being done.
- Yesterday, LTC meeting along with Supervisors Stump and Fesko.
- Would like to consider having a portion of board meetings out in other communities; maybe quarterly? He'd like to get this on the radar to pick some dates.
- Live streaming of board meetings, there are technical issues. Maybe begin with third meeting of the month using Town's resources? Asked staff to look into this.
- Brought up idea of hosting community work days – maybe ½ day to do community projects. Team building approach, three to four times a year.
- Governor's budget released: appears positive this year, hasn't been that way in a long time.
- A snow sports business in Mammoth brought to his attention the potential need to look at Mono County as a disaster area due to drought. We should watch weather and see if that is something to consider.

**Supervisor Stump:**

- Wednesday, attended Fish and Wildlife meeting.
- Thursday, Planning Commission meeting, approval of Lehman project discussed.
- Attended LTC meeting with Supervisors Johnston and Fesko.
- Meeting with Water District in Wheeler Crest and Fire Chief.
- Commended staff (IT and Public Works) for turnaround in conference rooms (in Bridgeport and Mammoth) for recent meetings.
- Commended Crowley Lake Crew for keeping roads free of rocks.

## 5. COUNTY ADMINISTRATIVE OFFICE

### CAO Report regarding Board Assignments

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

**Jim Leddy:**

- Mid-year budget review on February 11<sup>th</sup>; will be a mini hearing and a very full day focused on next fiscal year.
- Three-Department meeting with Clerk of the Board, Finance and CAO's office to see about pooling resources; will do on a regular basis.
- Declaration of disaster – Governor is about to declare the state in this type of disaster with

drought. He'll keep an eye on this; see how it would work countywide.

- Attended Fish and Wildlife meeting on 1/8.
- There are existing models on the idea of a Community Service Day for County Employees; he'll bring some ideas forward.
- Video streaming – Nate Greenberg is doing some research as Digital 395 rolls out; funding is always an issue. Working with the Town's system is a possibility. Something will be brought back to the board.
- Individuals involved with the Fireworks at Crowley Lake – asked that they submit for grant application process. The county is already putting in a lot of money in in-kind services.

## 6. DEPARTMENT/COMMISSION REPORTS

### **Sheriff Obenberger:**

- Assisted the Town Saturday night for several incidences.
- Over past several weeks, the MONET team has done several search warrants creating a multiple arrest situation. Press release to follow.
- Discussion about how much financial assistance is being given to Town and how it is/isn't tracked.

### **Leslie Chapman:**

- Community Grant Program, she has received five applications. Deadline tomorrow; will come to Board in February.
- Events vs. local program based applications. This community based grant is different than past years. As there has been some confusion on where to apply, she can help direct people.

### **Bob Musil:**

- Update on 2014/2015 Assessment Roll.
- Starting to do reviews of properties under Prop 8.
- He's anticipating the roll will be down this year.
- Board asked for short one page summary sheet with all figures he discussed.

### **Scott Burns:**

- Endangered Species Sage Grouse issue: requesting letter to withdraw request for public hearing – board's preference?
- Jim Leddy: gave some additional information. He'd rather build upon the work we're doing through our staff, we can still help facilitate public comment.
- Overall Board agreed to deal with this at a staff level.
- January 30<sup>th</sup>, public hearing on Frogs and Toads in Sacramento; intent is to send Wendy and a board member (Supervisor Johnston said he could go).
- February 4<sup>th</sup>, final comments from Board on Sage Grouse; March 11<sup>th</sup> deadline for Frogs and Toads – targeting March 5<sup>th</sup> board meeting.

## 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. Mono County Board of Supervisors Rules of Procedure

Departments: County Administrator

Second review of proposed Mono County Board of Supervisors Rules of Procedure.

**Action:** Adopt Mono County Board of Supervisors Rules of Procedure, with language modified as per discussion. Direct staff to schedule annual review at first meeting in January of each year for update.

**Alpers moved; Fesko seconded**

**Vote: 5 yes; 0 no**

**M14-10**

**Jim Leddy:**

- Tried to capture all changes previously consented.
- Outstanding proposed suggestions will be addressed outside of these rules, as separate board items.
- Can get pro-tem election on for next meeting probably.
- There are first amendment rights as far as endorsements during an election.

**Supervisor Fesko (pulled item from consent agenda):**

- Referring to board report; the wording in item 3 sounds odd. (Marshall, there's a missing "that" but in the revised rules itself its corrected).
- P. 20 of rules: outside agencies getting items on the board. Seems confusing.

**Marshall Rudolph:**

- There were past practices of people just putting themselves on the agenda; it's the board's agenda.

**Lynda Roberts:**

- Gave example of Ag Commissioner's items: they are a county entity whereas a citizen or outside agency is not. Clerk always checks with a board member.

**Supervisor Alpers:**

- Discussion about positions being filled on the board, how this works on the first day of the year.

**Supervisor Hunt:**

- Doesn't think tightening the process for filling positions is necessary.
- Discussion about roll call voting.

**Supervisor Stump:**

- Thinks the Chair Pro-Tem position is most important to tighten up.
- Spoke about election process; doesn't think elected officials should endorse other people running for county offices.

**Supervisor Johnston:**

- Agrees with a rotational succession.
- Rule 8 – p. 2; was to be done by chair but then decided by concession of the board.
- Rule 16 – similar language added with concession of the board.
- Rule 33 – discontinuity of logic between this and Rules 8 and 16; this one says "at the sole discretion".

**Stacey Simon:**

- Board's current procedure already complies with "roll call" style voting.

**8. CORRESPONDENCE RECEIVED (INFORMATIONAL)**

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

**A. State Board of Equalization Annual Report for FY 12-13**

Letter from State BOE dated 1/2/14 enclosing the Annual Report for Fiscal Year 12/13. The actual report, consisting of a booklet, is on file in the clerk's office.

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*The Board acknowledged receipt of the correspondence.*

## 9. REGULAR AGENDA – MORNING

### A. Ordinance Re Board Authority to Waive T.O.T. Penalties

Departments: County Counsel; Finance

(Marshall Rudolph, Leslie Chapman, Rose Glazier) - Proposed ordinance adding Section 3.28.145 to the Mono County Code pertaining to waiver of transient occupancy tax (TOT) penalties in extraordinary circumstances. The ordinance would clarify the Board's discretionary authority to waive any penalty that would otherwise be imposed by County Code on the operator of a hotel, motel, or other transient occupancy facility when the Board finds that, due to extraordinary circumstances, imposition of the penalty would be inequitable or contrary to public policy. "Extraordinary circumstances" would be defined as including but not limited to natural disasters such as fires and floods impacting an operator.

**Action:** Introduce, read title, and waive further reading of proposed ordinance.

**Johnston moved; Hunt seconded**

**Vote: 2 yes; 3 no: Stump, Fesko, Alpers**

**Motion Fails**

#### **Marshall Rudolph:**

- Introduced and gave history and background on the item; creates a basis called "extraordinary circumstances". His goal is to always maximize the board's flexibility.
- This is only talking about penalties; not interest.
- Discussion about declaring emergencies and the system that goes along with that.
- Most revenue streams are state law that can't be changed.

#### **Supervisor Johnston:**

- Gave his perspective on this; thinks this would rarely happen but would like to have the option to assist citizens if necessary.
- Wondered if Supervisor Fesko might have a conflict of interest? (Marshall: doesn't see one.)
- TOT is not a significant source of revenue. Government should be used to help in dire situations because we are able to.
- He supports this.

#### **Supervisor Hunt:**

- Likes term "extraordinary circumstances". This doesn't direct board to assist but gives them flexibility to be able to if they need to. He supports the way it's written.
- It would behoove us to support businesses, allowing them to recover faster in situations like this.

#### **Supervisor Alpers:**

- He cares about this, but if we use this type of language in our ordinance, we will see folks seeing board as discriminatory if they aren't given a break.
- Feels we already have a mechanism for people; doesn't support this ordinance/language.

#### **Supervisor Stump:**

- Although he initially supported the idea of this, he's also aware that this could have negative consequences. Not sure how to mitigate these.
- There is always the potential for misuse. Is there a way to further restrict this to guard ourselves and still accomplish the goal? He'd be willing to discuss in more detail but is not ready to support as-is.
- Asked Assessor about property loss, what applies, etc? Does smoke damage? Loss of value due to loss of business?

#### **Supervisor Fesko:**

- Surprised to see this back in front of the board; didn't think there was enough support for it.
- This proposed ordinance only supports a very minimal number of people; this mechanism is not necessary.
- This would encourage other people to go to the board and ask for relief on their property taxes.
- He can't support this; it doesn't create fairness.
- There is a cost to the county; is it government's duty to make sure a business is whole? He doesn't think so.
- Asked Marshall about declaring emergencies.

**Bob Musil:**

- Smoke damage could be considered but would be based on the cost associated with it.
- Loss of value due to loss of business could trigger a review.

**B. Tax Appeal Impound Fund**

Departments: Finance

(Leslie Chapman) - Establishment of a tax appeal impound fund and authorization to impound funds associated with pending appeals.

**Action:** Approve and authorize the Auditor-Controller to establish a tax appeal impound fund and to impound \$2,000,000 of secured taxes to offset anticipated tax appeal results covering fiscal years 2010, 2011, 2012 and 2013.

**Hunt moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**M14-11**

**Leslie Chapman:**

- Thanked Roberta, Bob and Aimee for being here; they all worked on it.
- Has biggest concern about little districts and schools.
- Due to pending appeals, the amount at risk is close to \$3.5 million.
- They have chosen \$2 million as the amount to impound, asking board for approval on this.
- Most people affected would choose to have money in impound; there are not penalties involved. All entities across county will be affected.
- Letters will be sent to smaller districts explaining the impound.
- December distributions were already held back.
- She's trying to mitigate against all outstanding appeals; she's not sure how districts *can* plan for this.
- Explained what happens if they don't impound now.

**Supervisor Fesko**

- Are there penalties involved?

**Supervisor Stump:**

- Regarding outstanding appeals: who are appellants and is that public information? Any anticipated date of resolution for these?
- What kind of outreach will we have with other smaller districts to give them awareness?
- Is it the school board's preference to receive full monetary amount this year knowing that next year could be much worse?

**Bob Musil:**

- Appellants are Mammoth Mountain Ski Area, Casa Diablo Geothermal Plant, Sierra Nevada Lodge and CRE Landco.
- In anticipation of requested budget cuts, all work on these appeals have been halted. Will have to wait until next budget cycle.

- We have some waivers in place to deal with outstanding appeals.
- Corrections to the roll can be made for up to four years.

**Supervisor Fesko:**

- A 5% cut in budgets are being asked for at mid-budget?
- By putting appeals on hold, does this cause a problem legally with timing?
- Is it better if money is given this year but withheld next year?

**Supervisor Hunt:**

- Will request be modified? Is \$2 million enough?

**Supervisor Johnston:**

- Asked for clarification on assessed values in Mono County.

**Roberta Reed:**

- She usually holds two meetings per year with special districts; there will be one in the next month or so about all of this.

**Don Clark, Superintendent ESUSD:**

- Not a stranger to financial hardship; asked supervisors for a chance to plan for hardships.
- Could be potentially \$400,000 withheld from his \$8 million budget; asking for a delay for this fiscal year.

C. Resolution for Recreational Trails Program Grant Application

Departments: Economic Development

(Alicia Vennos) - Proposed resolution to approve the application for grant funds from the State of California Recreational Trails Program in order to update, print, promote and distribute 50,000 Mono County "Motor Touring in the Eastern Sierra" Guides.

**Action:** Adopt proposed resolution #R14-02, approving the application for grant funds from the State of California Recreational Trails Program in order to update, print, promote and distribute 50,000 Mono County "Motor Touring in the Eastern Sierra" Guides.

**Fesko moved; Stump seconded**

**Vote: 5 yes; 0 no**

**R14-02**

**Alicia Vennos:**

- Gave brief explanation of item.
- In order to apply for this grant, they need a resolution from the board. If application successful, they would revise the guide somewhat.

D. Baxter's Contract Extension

Departments: Public Works

(Joe Blanchard) - Proposed contract extension with Don Baxter dba Baxter's pertaining to custodial, snow removal, and campground management.

**Action:** Approve County entry into proposed contract extension and authorize Jim Leddy to execute said contract on behalf of the County.

**Hunt moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**M14-12**

**Joe Blanchard:**

- Gave explanation of item.
- Need to extend contract or else it will expire.
- Worked with Stacey Simon and Bill VanLente on this item.
- Mr. Baxter has been working for county for many years.

**Supervisor Johnston:**

- When this comes due again, asked for an open bidding process.

**E. Convict Lake Road Rehabilitation Project Agreements**

Departments: Public Works

(Garrett Higerd) - This project would rehabilitate 2.75 miles of Convict Lake Road and add bicycle lane improvements.

**Action:** Approve County entry into proposed Reimbursable Agreement, Statement of Work, and Memorandum of Agreement and authorize the Public Works Director to execute said agreements on behalf of the County.

**Stump moved; Hunt seconded**

**Vote: 5 yes; 0 no**

**M14-13**

**Garrett Higerd:**

- Gave brief explanation of item.
- This has been previously discussed with all other road projects.
- Action needs to be taken on the project now.
- There is slight risk of timing of reimbursement but agreement needs to be signed now.
- Down payment not due until the end of the calendar year.

**Supervisor Fesko:**

- Asked Leslie if we have money to spend now and to wait for reimbursement?

**Supervisor Johnston:**

- This is a great project; there is some but not much risk.

**Leslie Chapman:**

- We do this type of thing all the time; so far the county has been able to cash flow these projects.

**F. 2014 Airport Capital Improvement Plans (ACIPs) for Lee Vining Airport and Bryant Field**

Departments: Public Works

(Garrett Higerd) - ACIPs are submitted to and approved by the FAA annually to allow for grant funding for improvements at local airports.

**Action:** Approve submittal of 2014 ACIPs for Lee Vining Airport and Bryant Field, with necessary changes to exhibits to be made by staff.

**Hunt moved; Fesko seconded**

**Vote: 5 yes; 0 no**

**M14-14**

**Garrett Higerd:**

- Every year the county submits a plan in January; it's always in flux.
- Status of airport projects: we're in the process of updates.
- Conference call yesterday; he has changes to exhibits that were submitted.
- Allow staff to submit with changes as necessitated by the meeting with FAA.



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--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

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

C. Conference with Legal Counsel

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one.

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

12. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

**Lynda Roberts:**

- At the request of attorney Allen Berrey, she was asked to make a letter addressed to the Board (on behalf of Mr. Youssef Boulaalam and his claim against the county) part of the public record. A copy of said letter will be posted to the web under additional documents.

13. REGULAR AGENDA – AFTERNOON - NONE

ADJOURN 2:21 p.m.

ATTEST:

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LARRY JOHNSTON  
CHAIR

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SHANNON KENDALL  
SR. DEPUTY CLERK OF THE BOARD