



**MEETING MINUTES  
BOARD OF SUPERVISORS, COUNTY OF MONO  
STATE OF CALIFORNIA**

Regular Meetings: First, Second, and Third Tuesday of each month. Location of meeting is specified below.

Meeting Location: Mono Lake Room, 1st Fl., County Civic Center, 1290 Tavern Rd., Mammoth Lakes, CA 93546

**Regular Meeting  
December 20, 2022**

9:10 AM Meeting called to order by Chair Gardner.

*Supervisors Present: Corless, Duggan, and Gardner. (All attended in person or via teleconference).*

*Supervisors Absent: Kreitz and Peters (Peters left the meeting after item #2a).*

The Mono County Board of Supervisors stream most of their meetings live on the internet and archives them afterward. To search for a meeting from June 2, 2015, forward, please go to the following link: <http://www.monocounty.ca.gov/meetings>.

Pledge of Allegiance led by Supervisor Corless.

*Barack Obama: "That's when America soars — when we look out for one another. When we take care of each other. When we root for one another's success. When we strive to do better and to be better than the generation that came before us and try to build something better for generations to come. That's why we do what we do. That's the whole point of public service."*

**1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

**Bartshe Miller, Mono Lake Committee Eastern Sierra Policy Director:**

- Mono Lake Committee submitted a letter requesting that the California State Water Resources Control Board take action to protect Mono Lake under emergency drought regulation.
- Offered to provide the Board with a presentation to continue the conversation on this issue.

**Dan Holler, Town of Mammoth Lakes Town Manager:**

- Discussed sending cards out to be "winter smart" aimed at driving; snow patrol; would like to provide cards in Spanish.
- Discussion on Capital Improvement Projects put on winter suspension, current, and upcoming projects.

**Jake Suppa:**

- Encourages the Board to lift the ban of the Industrial Hemp Ban Ordinance.

## 2. RECOGNITIONS

### A. Proclamation of Appreciation for Supervisor Stacy Corless

Departments: Board of Supervisors

Proclamation of the Mono County Board of Supervisors recognizing outgoing Supervisor Stacy Corless.

**Action:** Approved proclamation recognizing outgoing Supervisor Stacy Corless.

**Duggan moved; Gardner seconded**

**4 Yes, 0 No, 1 Absent**

**M22-245**

**Chair Gardner:**

- Presented item.

## 3. COUNTY ADMINISTRATIVE OFFICER

## 4. DEPARTMENT/COMMISSION REPORTS

**Robin Roberts, Behavioral Health Director:**

- Provided unintended overdose update.

**Wendy Sugimura, Community Development:**

- Provided an update on the Planning Commission meeting.

**Kathy Peterson, Public Health/Social Services Director:**

- Provided an update for Senior Services in Walker.

**Lauren Kemmeter, Community Health Program Coordinator:**

- Provided a tobacco update regarding flavored nicotine products.

**Sheriff Braun:**

- Recognized Phil West on his retirement.

## 5. 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. Resolution Making Findings under AB 361 - Related to Remote Meetings

Departments: County Counsel

Proposed resolution making the findings required by AB 361 for the purpose of making available the modified Brown Act teleconference rules set forth in AB 361 for the period of December 20, 2022, through January 19, 2023.

**Action:** Adopted proposed resolution R22-138, making findings under AB 361 for the period of December 20, 2022, through January 19, 2023.

**Duggan moved; Gardner seconded**

**3 Yes, 0 No, 2 Absent**  
**R22-138**

**B. Amendment to Contract with Fechter & Company for Special District Audit Services**

Departments: Finance

Proposed contract amendment with Fechter & Company pertaining to Special District Audit Services.

**Action:** Approved and authorized the County Administrator to sign contract amendment with Fechter & Company for Special District audit services for the period April 1, 2020, through December 31, 2023, and a not-to-exceed amount of \$145,000.

**Duggan moved; Gardner seconded**  
**3 Yes, 0 No, 2 Absent**  
**M22-246**

**C. Proposed Amendment to Southern Mono Healthcare District's Conflict of Interest Code**

Departments: Clerk of the Board

All local government agencies, including special districts, are required by state law to adopt their own conflict-of-interest codes and to review such codes once every two years. The last conflict-of-interest code for the Southern Mono Healthcare District was approved by the Board of Supervisors on October 20, 2020. The Board of Supervisors is the code-reviewing body for the conflict-of-interest codes for the County and all agencies in the county, including the Southern Mono Healthcare District, and must approve their code for it to take effect.

**Action:** Approved the new Conflict of Interest Code adopted by the Southern Mono Healthcare District.

**Duggan moved; Gardner seconded**  
**3 Yes, 0 No, 2 Absent**  
**M22-247**

**D. Appropriation Transfer Request for Temporary Clerk-Recorder Position**

Departments: Clerk-Recorder

Appropriation Transfer Request (ATR) to increase the Modernization and the Micrographics budgets each by \$15,200 for the funding of a temporary Fiscal and Technical Specialist II position in the Clerk-Recorder's office. Funding is already available, but the appropriation must be increased.

**Action:** Approved appropriation transfer request to the Modernization and the Micrographics budgets (requires 4/5ths vote).

**Duggan moved; Gardner seconded**

**3 Yes, 0 No, 2 Absent**

**M22-248**

**E. Antelope Valley Regional Planning Advisory Committee (RPAC) Term Reappointments**

Departments: Community Development

Reappointment of members to the Antelope Valley Regional Planning Advisory Committee.

**Action:** Reappointed Eric Edgerton, Arden Gerbig, Patti Hamic-Christensen, Mark Langner, Don Morris, and Bruce Woodworth, to four-year terms on the Antelope Valley Regional Planning Advisory Committee, expiring Dec. 31, 2026, as recommended by Supervisor Peters.

**Duggan moved; Gardner seconded**

**3 Yes, 0 No, 2 Absent**

**M22-249**

**F. Bridgeport Valley Regional Planning Advisory Committee (RPAC) Term Reappointments**

Departments: Community Development

Reappointment of members to the Bridgeport Valley Regional Planning Advisory Committee.

**Action:** Reappointed Jeff Hunewill, Justin Nalder, and Steve Noble to three-year terms on the Bridgeport Valley Regional Planning Advisory Committee, expiring Dec. 31, 2025, as recommended by Supervisor Peters.

**Duggan moved; Gardner seconded**

**3 Yes, 0 No, 2 Absent**

**M22-250**

**G. D & S Waste Contract Limit Second Amendment**

Departments: Public Works

Proposed contract second amendment with D&S Waste Removal pertaining to contract limit adjustment.

**Action:** Approved second amendment to adjust contract limit and authorized the County Administrative Officer to execute said contract amendment on behalf of the County.

**Duggan moved; Gardner seconded**

**3 Yes, 0 No, 2 Absent**

**M22-251**

#### **H. D & S Waste Contract Renewal 2023**

Departments: Public Works

Proposed contract with D&S Waste Removal, Inc. pertaining to trash and recycling collection services at facilities owned and/or operated by the County.

**Action:** Approved a new three-year contract for D&S Waste Removal, Inc. and authorized the County Administrative Officer to execute said contract on behalf of the County, as amended.

**Duggan moved; Corless seconded**

**3 Yes, 0 No, 2 Absent**

**M22-252**

Item pulled from Consent; item was heard after Consent Agenda.

**Stacey Simon, County Counsel:**

- Paragraph 3B – would like to add the language “Or any other location requested by the County”.
- Asked that the motion be to approve the contract as drafted with the revision.

Moved to item #6.

#### **I. Adoption of the 2022 California Building Code**

Departments: Community Development

Proposed ordinance on the 2022 California Building Code, modified as directed during the public hearing by the Board of Supervisors on December 13, 2022.

**Action:** Adopted proposed ordinance ORD 22-18, amending Title 15 of the Mono County Code pertaining to Building Regulations and Uniform Codes.

**Duggan moved; Gardner seconded**

**3 Yes, 0 No, 2 Absent**

**ORD22-018**

#### **J. Small Residential Rooftop Solar Energy Permit Expediting Ordinance**

Departments: Community Development (Building)

Proposed ordinance for Small Residential Rooftop Solar Energy Permit Expediting, as presented at the public hearing before the Board on December 13, 2022.

**Action:** Adopted proposed ordinance ORD22-019, setting forth procedures for expediting permitting processing for small residential rooftop solar energy systems.

**Duggan moved; Gardner seconded**

**3 Yes, 0 No, 2 Absent**

**ORD22-019**

#### **6. CORRESPONDENCE RECEIVED - NONE**

Direction may be given to staff regarding, and/or the Board may discuss, any item of correspondence listed on the agenda.

## 7. **REGULAR AGENDA - MORNING**

### **A. Resolution Implementing Cost of Living Adjustment for Unrepresented Employees**

Departments: CAO

(Robert C. Lawton, CAO) - Proposed resolution establishing and adjusting the base compensation for unrepresented at-will employees to implement a 2% cost of living adjustment (COLA) for calendar year 2023.

**Action:** Adopted proposed resolution R22-139, establishing and adjusting the base compensation for unrepresented at-will employees to implement a 2% cost of living adjustment for calendar year 2023.

**Duggan moved; Corless seconded**

**3 Yes, 0 No, 2 Absent**

**R22-139**

**Robert C. Lawton, CAO:**

- Presented item.

*Break: 10:36 AM*

*Reconvened: 10:47 AM*

### **B. Resolution Approving Essential Worker Pay**

Departments: CAO

(Robert C. Lawton) - Proposed resolution approving essential worker pay for specified employees as described in the American Rescue Plan Act of 2021.

**Action:** Adopted proposed resolution R22-140, approving essential worker pay for specified employees as described in the American Rescue Plan Act of 2021.

**Corless moved; Duggan seconded**

**3 Yes, 0 No, 2 Absent**

**R22-140**

**Robert C. Lawton, CAO:**

- Presented item.

### **C. Employment Agreement - Seth Clark**

Departments: Human Resources and Sheriff

(Sheriff Braun) - Proposed resolution approving a contract with Seth Clark as Sheriff's Lieutenant, and prescribing the compensation, appointment, and conditions of said employment.

**Action:** Approved Resolution R22-141, approving an employment agreement with Seth Clark and prescribing the compensation, appointment, and conditions of said employment.

**Fiscal Impact:** The full cost of salary and benefits for an entire fiscal year is approximately \$271,435, of which \$157,042 is salary, \$11,778 is education incentive pay, \$22,735 is one time retention pay, and \$79,880 is benefits. Of this amount, approximately \$207,000 is included in the FY22/23 adopted budget.

**Duggan moved; Corless seconded**

**3 Yes, 0 No, 2 Absent**

**R22-141**

**Sheriff Braun:**

- Presented item.

#### **D. Employment Agreement - Mark Hanson**

Departments: Human Resources and Sheriff

(Sheriff Braun) - Proposed resolution approving a contract with Mark Hanson as Sheriff's Lieutenant, and prescribing the compensation, appointment, and conditions of said employment.

**Action:** Approved Resolution R22-142, approving a contract with Mark Hanson and prescribing the compensation, appointment, and conditions of said employment.

**Fiscal Impact:** The full cost of salary and benefits for an entire fiscal year is approximately \$271,435, of which \$157,042 is salary, \$11,778 is education incentive pay, \$22,735 is one time retention pay, and \$79,880 is benefits. Of this amount, approximately \$207,000 is included in the FY22/23 adopted budget.

**Corless moved; Duggan seconded**

**3 Yes, 0 No, 2 Absent**

**R22-142**

**Sheriff Braun:**

- Presented item.

#### **E. Amendments to Franchise Solid Waste Agreements with D&S Waste Removal and Mammoth Disposal**

Departments: Solid Waste

(Justin Nalder, Solid Waste Superintendent) - Amendments extending the terms of the current solid waste franchise agreements with D&S Waste Removal, Inc. and Mammoth Disposal, Co. for an additional 6 months to allow for the negotiation of longer-term franchise agreements.

**Action:** Approved and authorized entry into amendment to Primary Franchise agreement between the County of Mono and D&S Waste Removal, Inc. in substantially similar form to that attached, with minor adjustments as reviewed and approved by County Counsel, and at a price term that is calculated to reflect actual costs.

**Duggan moved; Corless seconded.**

**3 Yes, 0 No, 2 Absent**

**M22-253**

Approved and authorized entry into amendment to Primary Franchise agreement between the County of Mono and Mammoth Disposal in substantially similar form to that attached, with minor adjustments as reviewed and approved by County Counsel, and at a price term that is calculated to reflect actual costs.

**Duggan moved; Corless seconded.**

**3 Yes, 0 No, 2 Absent**

**M22-254**

**Justin Nalder, Solid Waste Superintendent:**

- Presented item.

**F. Agreements for the Provision of Solid Waste Transfer, Transport and Disposal Services**

Departments: Solid Waste

(Justin Nalder, Solid Waste Superintendent) - Proposed contracts with D&S Waste Removal, Inc. pertaining to integrated solid waste management within unincorporated Mono County, including (1) Master Contract for Integrated Solid Waste Management; (2) Transfer Services Contract; (3) Satellite Transfer Station Operations Contract; (4) Transport Services Contract; and (5) Disposal Services Contract (the "Contracts").

**Action:** Approved and authorized the Board Chair to sign Contracts with D&S Waste Removal, Inc. for the transfer, transport and disposal of solid waste generated within unincorporated Mono County for the period January 1, 2023, through December 31, 2033, with a County option to extend for up to ten additional years and a not-to-exceed amount of \$425,000 for the first year, adjusted annually based on a formula set forth in the contracts.

**Corless moved; Duggan seconded.**

**3 Yes, 0 No, 2 Absent**

**M22-255**

**Justin Nalder, Solid Waste Superintendent:**

- Presented item.

**Stacey Simon, County Counsel:**

- Addressed the formatting issues and lack of signatures in the contracts.

Moved to item #9.

**8. CLOSED SESSION**

*Closed Session: 11:05 AM*

*Reconvened: 11:58 AM*

Nothing to report out of Closed Session.



## **A. Closed Session - Labor Negotiations**

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Bob Lawton, Stacey Simon, Janet Dutcher, Patty Francisco, and Oliver Yee. 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 Correctional Deputy Sheriffs' Association. Unrepresented employees: All.

## **B. Closed Session - Exposure to Litigation**

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: 1.

## **C. Closed Session - Public Employee Evaluation**

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

## **9. BOARD MEMBER REPORTS**

### **Supervisor Corless:**

- 12/9 – Attended SCE Government Advisory meeting.

### **Supervisor Duggan:**

- 12/14 - Attended a NACo – Environment, Energy and Land Use meeting.
- Attended the Chalfant Social.
- Attended the Crowley Christmas tree lighting.

### **Supervisor Gardner:**

- On Wednesday, Dec. 14 I met in Los Angeles with President Cynthia McClain-Hill of the Los Angeles Department of Water and Power Board of Commissioners. We discussed pending Mono County issues and concerns and agreed to hold three to four meetings a year to build a better relationship with the Board. President McClain also agreed to consider selling DWP land to Mono County for housing purposes.
- Also, on Wednesday the 14<sup>th</sup> I participated in the monthly meeting of the Mono basin RPAC. Topics at that meeting included a review of the proposed amendments to the County General Plan and updates on other activities.
- On Thursday Dec. 15 I participated with Supervisor Kreitz in the Dept. of Social Services meeting for Stakeholder Sharing on the Mono Children's System of Care. This was an opportunity for the Dept. to get input from various stakeholders involved in the County's many children's programs and services.
- Thursday afternoon I had a call with Kristi More of the Ferguson Group to discuss my suggestions for their advocacy work on behalf of the County in Sacramento and Washington.
- On Friday Dec. 16 I participated in a meeting of the Eastern Sierra Avalanche Center for various officials about their programs for the winter season. It was very interesting to learn about their work and about avalanches in general.

**Supervisor Kreitz:**

- Absent.

**Supervisor Peters:**

- Absent.

Moved to item #8.

**ADJOURNED in honor of departing Supervisor Corless at 12:00 PM**

**ATTEST**

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**BOB GARDNER  
CHAIR OF THE BOARD**

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**DANIELLE PATRICK  
SENIOR DEPUTY CLERK OF THE BOARD**