



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

**Regular Meeting  
October 20, 2015**

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Flash Drive	#1006
Minute Orders	M15-206 to M15-215
Resolutions	R15-71 to R15-72
Ordinance	ORD15-08 NOT USED

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

Pledge of Allegiance led by Chairman Fesko.

*Break: 9:52 a.m.*

*Reconvene: 10:00 a.m.*

*Break: 11:23 a.m.*

*Reconvene: 11:33 a.m.*

*Closed Session: 12:20 p.m.*

*Afternoon Session: 1:35 p.m.*

*Adjourn: 2:44 p.m.*

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

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

*No one spoke.*

**2. APPROVAL OF MINUTES**

**Note**

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

A. Board Minutes

Departments: Clerk of the Board

Approve minutes of the Regular Meeting held on October 6, 2015, as corrected.

**Stump moved; Corless seconded**

**Vote: 5 yes; 0 no**

**M15-206**

B. Board Minutes

Departments: Clerk of the Board

Approve minutes of the Special Meeting held on October 7, 2015.

**Stump moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**M15-207**

C. Board Minutes

Departments: Clerk of the Board

Approve minutes of the Special Meeting held on October 8, 2015.

**Corless moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**M15-208**

3. RECOGNITIONS - NONE

4. BOARD MEMBER REPORTS

The Board may, if time permits, take Board Reports at any time during the meeting and not at a specific time.

**Supervisor Johnston:**

- Noted that the Great Basin Unified Air Pollution Control District will be receiving the "Excellence in Environmental, Energy and Resources Stewardship Award" during the American Bar Association annual Fall Conference in Chicago. The award is for the Great Basin's work on dust control at the Owens Dry Lake.
- There was an LA Times article regarding the recent election in the Town for Measure Z
- We received a letter from the MCWD regarding the ORMAT/Geothermal Project

**Supervisor Stump:**

- 10-14: Attended the Long Valley Fire District Board meeting - Received a briefing from Town Public Works about proposed airport development. The Mammoth Airport is within the Long Valley Fire District and that Board wanted to make sure that communication lines are firm.
- 10-15: Met with the new Tribal Chair of the Utu Utu Gwaitu Paiute Tribe to discuss economic development on land in the Tribal Trust and other Tribe owned land in the Benton area.
- 10-15: Attended the EMS Committee meeting
- 10-18: Spent the day in Chalfant due to flooding in the Community. The area that flooded was the same area that flooded four months ago. This flood was more intense as it overtopped Hwy 6 and extended into Hammil Valley. Cinnamon Ranch Road was the worst effected there. Thanks to Public Works, the S.O., Social Services, Cal Fire, and DWP for assistance. Chalfant VFD did an outstanding job. Public Works had just finished cleaning the only County

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- responsible ditch in West Chalfant and the ditch did its job.
- I want to recognize the Wheeler Crest Fire Department, Chief Dale Schmidt and Robin Conners. Robin has written two regional FEMA Assistance to Firefighters grant requests. All the Departments in the Inyo and Mono Counties were invited to participate. Some choose not to. The first grant is for breathing air compressors to fill breathing air bottles. That grant was awarded and Lee Vining, June Lake, Chalfant, and Independence will receive compressors. A compressor costs between \$25,000 and \$40,000. The second grant is still pending and it will fund Self Contained Breathing Apparatus. Departments choosing to participate are Lee Vining, June Lake, Long Valley, Wheeler Crest, Paradise, White Mountain, Chalfant, Big Pine and Independence. This is an excellent example of people working together to address equipment needs on their own. All that they asked from the County was letters of support and recommendation from me.
- Requested an agenda item for Nov 3 to include- purchase of sandbags, sandbags in storage were rotten. Pre-stage sandbags; also have a discussion of avalanche forecasting. Exposed areas from Swall to Twin. LA County is to spend \$1m - \$2m on El Nino preparations. Mono County's prep should be taken out of contingency. Full discussion should be agenda item. Walker, Coleville, Bridgeport, June Lake, Crowley, and tri-valley area all have flood issues. Will work with staff. General consensus to place on agenda on the 3<sup>rd</sup>, regular meeting.

**Supervisor Alpers:**

- 10/14 - Attended the MBRPAC meeting held at the LVCC. The meeting did not muster a quorum so no business could be conducted. However, discussion was held during the meeting regarding the incursion of drones in the Mono Basin. Dave Marquart of the Tufa Reserve State Park was present and told the Committee of harmful drone activity over Mono Lake. Drones have been observed land on tufa towers and disturbing osprey nests around the Lake. Mr. Marquart is being told by his superiors that State legislation will be slow developing, however the best way to get the issue moving is for counties to take action through local ordinances.
- 10/15 - Attended the Mono County First 5 meeting held in Mammoth at the offices of the MCOE. The independent audit of First 5 produced no findings, which was good news. The First 5 Board was excited about the \$500,000 CDBG grant awarded to Mono County. There is great anticipation about Mono County and the ESUSD working together to create 2 new classrooms. Molly Debaillets is fully engaged and doing an excellent job in role as Director of Mono County First 5. Please see her attached Director's report under Department/Commission Reports.
- 10/16 - Attended the ESTA Board of Directors meeting held at the chambers of the Bishop City Council. 1) Jo Bacon was elected Vice-Chair of the Board to serve for the balance of 2015. 2) The ESTA Board voted to support the proposed Specific Plan grant to be awarded to Inyo County and the City of Bishop for a corridor plan for North Sierra Hwy from Wye Rd to the Paiute Palace Casino. 3) The Board voted to support the effort financially by contributing \$5,000 /year to the effort. This will help make up a \$310,000 shortfall in the grant to make the plan more comprehensive. A variety of local stakeholders are making the project financially whole. 4) The Board approved final adoption of an amendment to the ESTA JPA authorizing the member entities to appoint an individual from the public at large to fill one of the entities two positions on the authority's Board. 5) 2015 ESTA Annual Report will be distributed at the BOS meeting.

**Supervisor Corless:**

- Mammoth Lakes Broadband Task Force Meeting: The group has set a presentation date to Town Council on December 2.
- Inyo National Forest/Sierra Cascades Dialog Session in Bishop, seeking public comment/discussion around Wild & Scenic River and Wilderness identification/evaluation process, Species of Conservation Concern, and management of the Pacific Crest Trail. Note that Forest Plan Revision process has been considerably slowed down and next steps will happen in Spring 2016 (rather than this fall).
- Mono Arts Council News: The arts council was successful in applying for State-Local Partnership Program funding, for which our Board wrote a letter naming MAC as Mono County's local partner and giving our support for their application. MAC will be awarded at least

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\$16,000 toward administrative costs. Remember that MAC (such as Meet the Masters) serve schoolchildren throughout the county with free arts programs.

- This week: BOS/county update to town council on Weds. CSAC Institute course on law enforcement and behavioral health policy; making progress with appointments to the Behavioral Health board and should have recommendations for the board in December.
- Sending best wishes and healing thoughts to District 5 resident Fred Richter, who took a bad fall last weekend and injured his back and ankle, and is having surgery at Renown in Reno today.

**Supervisor Fesko:**

- October 15<sup>th</sup> – Attended the EMS Ad Hoc Committee. The Committee has boiled the options down to 2, one of which has preference over the other. Next meeting, November 5<sup>th</sup> at 1pm in Lee Vining, Committee members will be giving the committee an overview of the overall workings of Mono County's Paramedic program, along with their interaction with other agencies, such as the various Fire Districts in the county, MWTC, East Fork Fire and EMS, Symons, etc. The Ad-Hoc committee has requested that all of the Board of Supervisors be present at this meeting in order to hear how the entire EMS program, not just Paramedics, operate and interact together.
- Attended the Bridgeport RPAC. They adopted a resolution supporting "A Main Street Arch and Banner in Bridgeport". Talk again of trails and how better to promote a more diverse economy.
- October 17<sup>th</sup> – Attended the Bridgeport Ducks Unlimited dinner in Bridgeport. While electrical power was out for a good portion of the day in parts of Bridgeport, the Bridgeport Memorial was fully powered thanks to the backup generator. The dinner was able to continue as planned and the evening was a great success. Thank you Public Works and Mono County!
- October 19<sup>th</sup> – I met with Dr. Stacey Adler and Ms. Ana Danielson to discuss the situation with the Mono County Public Libraries. The meeting was successful with a great and open exchange of information and ideas on the current program and how ideas on how help the program in the future. I look forward to their presentation to our Board this afternoon.

## 5. COUNTY ADMINISTRATIVE OFFICE

**Lynda Salcido:**

- Wednesday the 14<sup>th</sup>, attended a management team meeting in Lee Vining, was well attended.
- Did not make the EMS meeting on the 15<sup>th</sup>. Learned of the floods on the way back into town. There was a debriefing meeting yesterday, another this Friday, will be to dealing with shelter issues,

## 6. DEPARTMENT/COMMISSION REPORTS

**Kathy Peterson:**

- Eastern Sierra Agency on Aging is beginning work on next 4 year plan, due May 1<sup>st</sup>. We have a needs assessment, 4 pages long, advertised, targeted to those age 60 and older. She will send out email, and she asks that it be distributed as necessary. Due Nov 6<sup>th</sup>, Jan 11<sup>th</sup> is the proposed date to be compiled. She will distribute when completed. Then Jean Turner will advise on results and four year process.

**Bob Musil:**

- Clerk's Board Report – October 20, 2015
- Elections
- Election Night – 1,228 votes cast
- Election +3            1,322 total votes
- 1 ballot not readable, final vote was 910 (68.89%) yes, 411 (31.11%) no.
- 2,900 Registered voters in Mammoth Lakes. Turnout was 45.59%
- 860 Voters (65.05%) Vote by mail
- 462 Voters (34.95%) Election Day ballots cast
- 77 Provisional ballots cast, 62 accepted and 15 rejected

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- There were a couple of small hiccups, nothing major. Fantastic job by Clerk-Recorder's Office, I.T., Public Works, Community Development.
- Clerk of the Board of Supervisors
- Brown Act requires agenda to be posted 72 hours in advance of regular meeting, 24 hours in advance of special meeting.
- Agenda Process – Agendas are reviewed by Board Chairman, CAO, County Counsel, Finance and Clerk's Office. Each individual agenda item must be approved by CAO, County Counsel and Finance. Because everyone is so busy, sometimes those approvals are delayed.
- We try to get agendas out on Thursday, because it gives us time if there are problems getting approvals, and also works for our department workflow.

**Supervisor Fesko and Supervisor Stump:**

- Thank you to the Clerk's office and staff.

**First 5 Mono Director's Report:**

**Local Meetings Attended:**

- Child Abuse Prevention(CAPC):
  - Elected officers (Molly is Chair and Sal Montanez, Behavioral Health is the vice-chair)
  - Reviewed First 5 and Wild Iris programs that receive CAPC funds
- Breastfeeding Task Force (BFTF):
  - Discussion: how to get participation from other agencies, dropping Babies on Parade insert in the Mammoth Times, potential new initiatives.
- Mono County Child Care Council (MCCCC):
  - Approved supply scholarships for local providers and adopted a 2014-15 Community Plan & annual report.
  - Got info on new TK stipend program
- Inter-Agency Coordinating Council (ICC):
  - Learned of virtual meeting opportunity for Inclusion Collaborative from Jenni Huh (MCOE Special Education Local Plan Area (SELPA) Director)
- Strengthening Families:
  - 2-1-1 discussion
  - Bookmark contest planning
- Safe Kids:
  - Health & Safety fair in Mammoth Lakes, May 21<sup>st</sup>
  - Hospital presentation in injury data

**Training:**

- Department of Social Services, Trauma Informed Practices: all employees except 3 participated
- F5 HIPPA training: all employees completed training with County Counsel (3 with Molly)
- Completed two new commissioner orientations

**F5 Association Summit Highlights:**

- Coordination of Statewide HV: Discuss development of a statewide collaboration for data, training, and advocacy purposes
- Common Indicators: Potential for cross county data collection on common indicators
- IMPACT open space meeting: Discussion with other counties and F5 CA about the IMPACT program development.

**Reports:**

- Completed the Quarter 1 report for Child Abuse Prevention Intervention and Treatment (CAPIT) grant from the Department of Social Services which funds the Parenting Partners home visiting program for families with children 1-5 years old
- Working on F5CA annual report and annual evaluation presentation

**Applications:**

- Working on the California State Preschool Program (CSPP) Expansion Funds Application

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Due November 24, 2015

- Working on the IMPACT Application, Due December 11, 2015

**Legislative Update:**

- Bills Vetoed by Governor:
  - AB 47, Preschool for all: Governor says will continue push to include preschool in the budget
  - AB 50, Evidence based HV for Medi-cal enrolled families: Governor says lack of funding provision
- Approved by Governor:
  - AB762 Integrated child care licenses: Child care sites licensed for preschool age & infants do not have to have a separate license for toddlers (18m-30m)
- Tobacco bills and initiatives:
  - Initiative for the 2016 Ballot: Filed by Save Lives Coalition (Labor and medical groups) to Tax e-cigarettes like other tobacco products and increase the CA state tobacco tax to \$2/pack. Funds would largely go to fund Medi-cal.
    - Impact on First 5 funding: F5 would get a rate equivalent to .50/pack as exist currently
    - Status: Needs enough signatures to get on the ballot.
  - In the legislature none of the 6 tobacco related bills were passed by the assembly, but have been approved for special session.
    - SBX2 5: add e-cigarettes to tobacco product definition
    - SBX2 6/ABx2 7: close loopholes in smoke-free workplace laws (hotel lobbies, break rooms, tobacco retailers, small businesses)
    - SBX2 7/ABx2 8: increase age of sale for tobacco prod to 21
    - SBX2 8: require all schools to be tobacco free
    - SBx2 9: allow local jurisdictions to tax tobacco
    - SBx2 10: establish an annual Board of Equalization (BOE) tobacco licensing fee program (increase licensing fee and change the current onetime fee for tobacco retailers to an annual fee)
  - Tobacco Tax related:
    - SBX2 14: (in senate appropriations) include e cigarettes in the definition of tobacco and raise tax to \$2, includes "backfill" meaning that First 5 funding would remain intact at .50/pack.

## 7. CONSENT AGENDA

### A. Maternal, Child, and Adolescent Health (MCAH) Agreement Funding Application

Departments: Health Department

Proposed Agreement with California Department of Public Health (CDPH) Maternal, Child, and Adolescent Health (MCAH) Program for FY 2015-16.

**Action:** Approve County entry into agreement and authorize Chair of the Board of Supervisors to sign the Agreement Funding Application (AFA)/Update Form for the Maternal Child and Adolescent Health (MCAH) Program for FY 2015-16. Additionally, provide authorization for the Public Health Director to approve amendments and/or revisions that may occur during the agreement period.

**Johnston moved; Stump seconded**

**Vote: 5 yes; 0 no**

**M15-209**

### B. Hiring Freeze Variance Request

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Departments: Probation

Probation Department request for a variance to the hiring freeze to hire a Deputy Probation Officer V (DPO V).

**Action:** Approve hiring freeze variance and authorize the Probation Department Chief of Probation to initiate recruitment of a DPO V.

**Johnston moved; Stump seconded**

**Vote: 5 yes; 0 no**

**M15-210**

**Supervisor Fesko:**

- Just a reminder that while we are in a hiring freeze, it just means all requests have to come before the Board. This position is fully funded, not from general fund.

C. Amendment to Department of Health Care Services Substance Use Disorder Contract

Departments: Behavioral Health

Proposed contract amendment with Department of Health Care Services for Substance Use Disorder prevention, treatment and recovery.

**Action:** Approve County entry into proposed contract and authorize Director of Behavioral Health to execute said contract on behalf of the County. Provide any desired direction to staff.

**Johnston moved; Stump seconded**

**Vote: 5 yes; 0 no**

**M15-211**

D. Aggregate Crushing Bid Results and Contract Award

Departments: Public Works, Solid Waste Division

Proposed contract with Mamco, Inc. pertaining to Aggregate Crushing at Benton Crossing Landfill.

**Action:** Authorize Public Works Director to execute a contract with lowest responsible bidder (Mamco, Inc. dba Alabassi) for Aggregate Crushing Services at Benton Crossing Landfill, in the amount of \$81,200. Authorize Solid Waste Superintendent to approve any necessary change orders within statutory limits.

**Johnston moved; Stump seconded**

**Vote: 5 yes; 0 no**

**M15-212**

**Supervisor Johnston:**

- Would like to recognize Tony Dublino for his work on this.

E. Appointment of Mono County Economic Development, Tourism & Film Commissioner

Departments: Economic Development

Geoffrey McQuilkin has applied for the Mono County Economic Development, Tourism & Film Commission which involves a 4-year term, beginning October 20, 2015 through June 30, 2019. This appointment will fill the vacancy on the

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Commission left by the resignation of Bill Banta, District 3.

**Action:** Appoint Geoffrey McQuilkin to the Mono County Economic Development, Tourism & Film Commission for a 4-year term beginning October 20, 2015 and ending June 30, 2019.

**Alpers moved; Johnston seconded**

**Vote: 5 yes; 0 no**

**M15-213**

Item pulled by Supervisor Alpers

**Supervisor Alpers:**

- Introduced Geoff McQuilkin as new appointment.

**Geoff McQuilkin:**

- Introduced himself; he appreciates the opportunity to serve. It is an exciting opportunity to be more involved with Mono County. This is an impressive group, excellent staff, and very creative.

**F. Response to Grand Jury Report**

Departments: Board of Supervisors, CAO, County Counsel

Response by Board of Supervisors to 2014-15 grand jury final report. (This matter was discussed at the last Board meeting and the Board directed staff to make various revisions to a draft response, which have been incorporated into this "final" version of the response.)

**Action:** Approve and authorize Board Chair to sign proposed letter to presiding judge regarding the Board of Supervisors' response to the 2014-15 grand jury final report, as amended.

**Johnston moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**M15-214**

Item pulled by Supervisor Johnston

**Supervisor Johnston:**

- Minor suggestion, on the last page, item 2 under recommendations, referencing creating a counter partition in probation. He feels the Board's response applies to the first, not second, sentence only. Maybe we should add that we are also looking at security measures in Probation.

**Marshall Rudolph:**

- Will add sentence; "security measures will also be assessed by the end of this fiscal year".

**8. CORRESPONDENCE RECEIVED (INFORMATIONAL)**

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

**A. Letter from Department of Transportation**

Departments: Clerk of the Board

Correspondence dated October 6, 2015 received from the Department of Transportation regarding a Commission Vacation Resolution for Vacation #215 covering a portion of Material Site 190, Baseline Pit.

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B. Letter from Bureau of Land Management

Departments: Clerk of the Board

Letter and information dated October 6, 2015 received from the Bureau of Land Management regarding the implementation of sagebrush restoration in the Bodie Hills.

C. Firefighter of the Year Awards

Departments: Clerk of the Board

Flyer received from Bridgeport Christian Fellowship announcing their Firefighter of the Year Awards to take place on October 29, 2015.

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9. REGULAR AGENDA – MORNING

**Motion to Add “Urgent” Agenda Item**

Move that the Board determine that there is a need to take immediate action with respect to the proposed agenda item, Ratification of Proclamation of Local Emergency, that the need for action came to the County’s attention subsequent to the agenda being posted and therefore, that the Board add the item to the agenda.

**Stump moved, Fesko seconded**

**Vote: 5 yes; 0 no**

**M15-215**

**Action:** Ratifying a Proclamation of Local Emergency and Continued State of Local Emergency.

**Stump moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**R15-71**

A. Plastic Bag Ban Ordinance

Departments: Public Works, Solid Waste Division

(Tony Dublino) - Presentation by Tony Dublino regarding potential Mono County Ordinance banning single-use plastic bags.

**Action:** None (informational only). Provide any desired direction to staff.

**Tony Dublino:**

- This was first brought up in 2012, but was not supported at that time. TOML did not want to participate at that time. Not much support from business owners at the time, so was dropped. Without TOML support, he did not want to proceed. In 2014, the State passed SB270. That law will apply to any stores that generate more than \$2m in annual sales. Will pre-empt any local ordinances if it goes forward. Referendum challenging ban to be on November 2016 ballot. Ordinance applies to all retailers in TOML, can use existing stock of plastic bags thru holidays. As state legislation is written, would include ABC type 20-21

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licenses, beer and wine. Who do we want it to apply to? When should this go into effect?  
Needs direction on outreach; we should reach out to all business owners affected by this.

- Does not see this effort as a huge time commitment. Outreach would involve minimal hours. He would not be here unless he thought it was possible to pull off.
- His personal feeling is we should align with State's ordinance.

**Supervisor Fesko:**

- He has been following this at the state level. Biggest concern is limited staff, so many other things on our plate. Wants to let the process go through the State and see what happens after November 2016. Could be a waste of time, a duplicate effort if it passes in November.

**Supervisor Johnston:**

- He asked this be placed on agenda; has been on his radar for 10 + years. Wants this board to take action on this. Congratulates the Town on taking a stand on this. Inappropriate to ignore this issue. Should be a collaborative effort within the jurisdictions.
- The town has taken a bold step. We should follow their lead. Town and County would be on the same page.

**Supervisor Stump:**

- Tony made some staff commitments to Conway Ranch. How do you perceive availability to work on this?
- Does support, but wants business owners contacted before we do anything. Should we fastrack this prior to November election, only to have efforts mitigated by vote? Please clarify 20-21 issue and see if it applies to restaurants. Don't want to be in a position where we do a lot of hard work and the voters repeal it. Cognizant of work load.

**Supervisor Corless:**

- She wants to move forward with this. Fine to follow state guidelines.

**Supervisor Alpers:**

- Outreach is important. Doesn't want to cause confusion if we do one thing and the state does something else. Wants to align with state proposal.

**Michael Raimondo, TOML Mayor:**

- The Town kicked this around for awhile; restaurants are excluded. It was a Council decision to move forward.

A general consensus was reached to move forward with outreach to businesses prior to November 2016 vote, and move forward with the model of the state.

**B. Appeal of Variance 15-001**

Departments: Community Development Department

Public Hearing - 10:00 a.m. / 1 hour

(Courtney Weiche) - Appeal by Matthew Lehman, Lehman Investments LLC, of the Planning Commission's approval of noise Variance 15-001/Lower Rock Creek Mutual Water Company.

**Action:** Conduct a public hearing to receive all relevant testimony in considering the appeal by Matthew Lehman and Lehman Investments LLC of noise Variance 15-001/ Lower Rock Creek Mutual Water Company (LRCMWC), and affirm the Planning Commission's decision granting the variance, making appropriate findings.

**Stump moved; Alpers seconded**

**Vote: 4 yes; 0 no; Johnston absent**

**R15-72**

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Supervisor Johnston has recused himself.

**Courtney Weiche:**

- Gave general background on the variance; went through her power point presentation (please see additional documents on website).
- Everyone in the area was noticed for the variance; properties within 300 feet of the site for the appeal.
- The nature of the appeal is only the noise variance.

**Supervisor Stump:**

- How was the 300 foot addressed to top of canyon?
- We could decide not to hear the appeal because of the inaccuracies.
- The noise variance does not expire?

**Supervisor Fesko:**

- Looking at the appeal application, the only item we can address today because of 15-001 is the noise variance.

**Stacey Simon:**

- Noise variance and CEQA finding. The well itself is beyond time limit for appeal. Staff took liberal approach in accepting this appeal. The line where the applicant is supposed to describe what is being appealed was not filled out correctly. The issues stated were approved years ago, or administratively. Board could find the appeal is inadequate.
- Noise variance would expire 30 days from when drilling starts. Would still be in effect if not drilled until spring 2016.

**Matthew Lehman:**

- He finds it convenient that his inaccurate appeal application wasn't brought up to him earlier if it was a concern. He has more concerns than just the noise. Read a prepared statement. He was initially denied noise variance when he drilled his well. As required by county code, has to buffer noise with hay bales, etc. He was finally only given a 10 day variance, not a 30 day. Questions the community's sudden acceptance of noise. Feels one property owner is being treated differently than another. Feels it's a display of favoritism.
- Concern – proposed well to replace existing well, without capping existing well, when will this be done? Otherwise he objects to the potential to take 2x water from aquifer. He invested more than \$1.3m in drilling his wells. How does the community plan to contain the water needed to drill? Public safety issues?
- Feels Mono Co did not address same issues with this well that were addressed when he drilled. LRCMWC should have to mitigate.
- He feels frustrated. Simply wants same fair treatment for his property as being given now.

Mr. Lehman refused to give clerk a copy of his statement.

**Jim Moyer, President of Board of LRCMWC:**

- Read statement into record (please see additional documents on website). Intent and responsibility to have replacement well before the current well fails. Fire requires working well for fire suppression. Volunteer fire department relies on well. Once replacement well is up and running, generator will be purchased for backup power.
- Lehman suggested the board purchase his property for \$600k. Board declined.
- Board has decided to postpone drilling until spring. Winter conditions are not conducive to drilling.
- The driller explained to LRCMWC that there was no room at the site for hay bales, would have needed to have been between the drill site and the top of the canyon. Houses are there; would need to build a hay wall high enough. Not a feasible solution.

**Supervisor Alpers:**

- Due to the location of site, the noise is unmitigatable. How was it determined that it was unmitigatable?

**Tim Sanford, Attorney for LRCMWC:**

- Assertion that since ML was treated unfairly, the water co should be, too. Telling with ML by

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acknowledging the only relevant issue is the noise variance but then spoke of CEQA issues. Back in 2010 should have been brought up. Noise is only issue now. Lehman does not own a lot within jurisdiction of water co, he is not a resident. Lehman is not a shareholder of water co. in order to have a standing in court, has to show actual financial impact, where is the impact to Lehman? His property does butt up to property where well is being drilled but is bare land right now. The well is failing, water is needed for domestic use and water flow.

- Well would be down in deep canyon. In normal situation you can put a hay bale fence around driller to help mitigate noise. Reason for variance is because it can't be done any other way. Loud conversation levels of 60-70 decibels is what we're talking about. Driller has to be able to come in and do this quickly or they can't do it, too many other projects backed up. 2-3 weeks estimated completion, 30 days variance was to be safe.
- Unfair treatment – the reason for his appeal because there is no tangible impact to Lehman. Presupposes his drilling situation was the same as the water co is now. Differences – purpose now is to preserve status quo. Residents are entitled to have water, as they have for decades. Lehman is a private party trying to develop a property to make a profit. Lehman has mitigation available to him and water co does not. Lehman got his variance after he violated his permit and drilled through the night. Conclude – the intent is to protect the community from excessive noise. The community has agreed to the excessive noise as evidenced by signed petition and numerous letters and emails in support, and attendance today. Only person against is Lehman. His client was threatened that if they went ahead, they would have to spend their well money on attorneys. Without the appeal, drilling would be happening right now. Because of appeal, drilling has to be postponed until spring, and hopefully there won't be a water emergency. Appeal has cost the shareholders of water co.

**Steve Fredricksen, recent director of water co:**

- Served on June Lake water board,
- With regard to the statement by Lehman about sealing existing well – the water co does intend to keep both wells, but can only use one at a time, only to meet demands of community. Not selling water to outside user. Any good public water system is looking to provide a safe, reliable continuous source of water for users. New well means: Prevent existing well from failing. Able to refurbish existing well, adding redundancy to system.

**Mark Daniel, Asst Chief on Paradise Fire Dept:**

- Read Paradise Fire letter into record. Please see additional documents on website.

**Liz O'Sullivan:**

- Grateful to water board on behalf of community. Community should be able to provide ourselves with basic utilities. Lehman is a developer, not a resident. The well is essential to the community.

**Deanna Campbell:**

- Please consider the comments of neighbors, need 2<sup>nd</sup> well for safety and security of our community. Have not heard about rationale for noise variance, only other issues.

**Denyse Racine:**

- Emphasize points – noise ordinances discuss impacts to sensitive receptors. The community are the sensitive receptors; there are none on his property. Potential impacts to recreation? Other ways to enter canyon besides that location, plenty of opportunities to access trail during the 30 days. Unfair treatment? CEQA, local lawmakers, recognize different situations. Paradise residents are not only people in support. Also Wheeler Crest Fire, we work as a team.

**Mike O'Sullivan:**

- Redundancy and status quo. Has gotten sick from creek water, originally was only water supply to homes. After well drilled, new status quo was well water. Need redundancy to protect well water. Request the approval of variance to maintain public health.

Hearing closed to public @ 11:10 a.m.

**Supervisor Fesko:**

- We would not be here if not for noise variance. Why was one given 30 days, another given

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10 days?

- It is interesting that 60 decibels is speaking voice, but limit at night is 50.
- Apologizes to Lehman for what he had to go through, as the process can seem overbearing and unfair at times. Does not seem to be a way, in this canyon, to mitigate the noise. For benefits stated today, getting this well in outweighs other issues. Has to uphold Planning Commission's ruling.

**Courtney Weiche:**

- Both projects referred to have different circumstances. Lehman asked for a 10 day variance, not a 30 day.

**Supervisor Stump:**

- District 2 is his- it is important to look at what happened to Lehman 10 years ago. However, there are significant differences between projects. Connections in the community are dependent on this drilling. Noise mitigation in the canyon is not practical. Learned that if Paradise is upset about something, he will know, but he has not heard of any objections to this. Notes the need for redundancy. Urges supervisors to deny appeal and uphold noise variance.

**Supervisor Corless:**

- Agrees with Supervisor Stump's comments, we need to look at prior situation for ways to improve processes, and perhaps learn from mistakes. What's at hand is uphold Planning Commission noise variance.

**Supervisor Alpers:**

- Regulatory compliance at some point may paralyze all incentives to move forward. We as a government need to keep it reigned in, keep it realistic. The two properties have different issues. One property had mitigatable noise, the other does not. There is a need for quality water and to have infrastructure in place. The community is willing to put up with noise for 30 days to make that happen. Supports upholding Planning Commission decision.

## C. Mammoth Lakes Town Council Update

Departments: Board of Supervisors

30 minutes (15 minute presentation; 15 minute discussion)

(Michael Raimondo, Town Mayor and Dan Holler, Town Manager) - Mammoth Lakes Town Council Update from the Town Mayor and Town Manager to the Mono County Board of Supervisors.

**Action:** None. Informational Only.

**Michael Raimondo, TOML Mayor:**

- Update on TOT, record year. June is up 14.5% from last year. Up 103% from 5 years ago. July is up 12%, Aug was flat, Sept expected to be strong, Oct looking good too.
- Air service: thanks to the Board for support. Feels it's a critical economic component. April – Aug was flat, 8,000 passengers in summer into airport. Data shows visitors are staying longer. Next year, will shift to 4 days a week service. Seeing usage from Inyo and Bishop. As of Nov 1, 6 and 10 air packs on sale again. Still on track for new terminal in 2019.
- Thank you for support of youth sports.
- Looking forward to economic development through new parking areas, internet infrastructure, airport road being done and paved, new parking area for Whitmore.
- Growing partnerships of chief and sheriff explorer program, working well together.
- Completed strategic alignment workshops. November 17 next meeting in Suite Z.

**Supervisor Johnston:**

- Pleased with NGO alignment.
- \$700m received for forest service and fire fighting. Great Basin wrote a letter about smoke issue.

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**Dan Holler:**

- Lots of partnership work going on, model for state and LTC work being done. Lots of work with forest service, looking to joint project for trails next summer, approximately \$60-100k worth of work. Capital projects going forward, like a new parking lot at elementary school, concession stand, and gym floor at High School.
- Volcom Brothers wants to stay on as corporate sponsor of skate park.
- Ongoing IT partnership between Town and County is going well. New phone system in place by end of year.
- Expanding transfer station, working with County staff for 5 year agreement, parcel fee in place.
- Ongoing work on communication, reliability and upgrades. Updating emergency operations plan.
- Challenges with forest plan revision and impacts of wildfires. Looking into how to enhance funding, concerned with building a coalition across the west. Mudslides on I-5 created more people here in town.
- Draft of the Solid Waste Flow agreement should be out this week.

**Supervisor Corless:**

- Thanks for coming. Commends the town on working with Forest Service to improve trails. Solid Waste Flow agreement, where are we?

**D. Budget Amendment - Senior Program**

Departments: Social Services

30 minutes (10 minute presentation; 20 minute discussion)

(Kathy Peterson) - The Department wishes to amend the Senior Services budget and request the use of contingency funds to purchase the services of Community Service Solutions, a non-profit organization located in Walker, to provide part-time assistance with Senior Service program operations until the full-time Mono County Site Coordinator returns from extended leave.

**Action:** Approve budget amendment request in the amount of \$11,580 and appropriate funds from contingency by decreasing contingencies and increasing operating transfers out by \$11,580 in the general fund and increasing operating transfers in and increasing contract services by \$11,580 in the Senior Program budget (4/5ths vote required).

This item was pulled from the agenda.

**Supervisor Fesko:**

- Kudos to Kathy Peterson for having developed a way not to use contingency fund for this.

**Supervisor Stump:**

- Best wishes to Sandi Rustin. She has dedicated years to the seniors in Walker, she deserves our support as she strives to recover.

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

*No one spoke.*

**11. CLOSED SESSION**

**A. Closed Session - Human Resources**

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CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph, John Vallejo, Leslie Chapman, and Lynda Salcido. 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 Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Risk Manager.

C. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Administrator.

D. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: HR Manager.

E. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Counsel.

REGULAR SESSION TO RECONVENE AFTER CLOSED SESSION.

*Nothing to report out of closed session.*

12. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

*No one spoke.*

13. REGULAR AGENDA - AFTERNOON

A. Library Funding

Departments: Clerk of the Board

Discussion regarding library finances and funding options. The questions included in the agenda packet were provided by the Bridgeport Friends of the Library.

**Action:** Provide any desired direction to staff.

**Ana Danielson, Library Director:**

- The library system is operated by Mono County Office of Education. We have 7 libraries in county: Benton, Crowley, Mammoth, June Lake, Lee Vining, Bridgeport, and Coleville. Coleville, Lee Vining, and Benton also function as school libraries.

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- Prep work done in library = ordering materials, cataloguing, prepping, shelving materials, researching, no direct contact with public.
- Relooked at financials and realized deficit is closer to \$33k. The proposed changes would help to reduce the deficit and/or help add to reserve funds.
- If we accept State library funds, we cannot charge for public services. Internet service is not covered, and is something we're looking at for potential revenue.
- Tax revenue went down, library costs did not.

**Stacey Adler, County Superintendent of Schools:**

- Property tax has decreased or remained flat, but their costs have increased, which led to a decline in reserves. Decisions need to be made. 90% of budget is people: personnel, salaries, and benefits. Library Board Authority has 4 action items on their agenda for Thursday in Coleville (See additional documents on website). They feel they can balance the budget for 15-16 school year, and recognize the need to operate differently than in past.
- 14-15 chart (see additional documents on website), how each hypothetical factor would equate to funding.
- Cuts to Mammoth library hours are the least patronized hours, late Tuesday and early Saturday.
- She made the spreadsheet to see what the numbers were showing. Has to figure out how to manage what each branch received versus what they require. Working hard to balance it out. Employees left that were not replaced, they have done some things with internet to lower costs, making steps all along. Would not say this is new, they have been addressing this all along. Taking a harder look now than in the past, but were not without the knowledge or concern.
- Ana is operating under a waiver, completely legal. Disagrees that the MCOE has mismanaged the libraries. They are keeping libraries open and serving the communities. This is a challenge but an opportunity to do things better, moving forward, to keep this from happening again.

**Supervisor Stump:**

- Asked Stacey to explain options 1-6 on her handout; are all 6 on the table?
- The Bookmobile is valued in the Tri-Valley area, many constituents rely on it.
- Two major questions regarding Ana's credentials and mismanagement by the MCOE.

**Supervisor Fesko:**

- Do all four options on the handout need to be adopted to balance the budget?
- The financial spreadsheet looks like most would stay same.

**Supervisor Corless:**

- Last Tuesday, we heard a lot of concern about cuts to Bridgeport service hours, but see that cuts to Mammoth are on the table.
- The library is a source of internet for those who can't afford it or don't have their own computer. Pleased to hear starting a planning process of library friends' group and committees. Encouraged the library groups to solicit funding from CSA groups.

**Supervisor Johnston:**

- No reaction from library on how to deal with this all along? We forgot we were dipping into reserves?
- Providing free Wi-fi for non-residents? Is charging for Wi-fi a consideration to increase revenue? Thinks people would be willing to pay a nominal fee to use internet.

Supervisor Fesko opened the item to public comment.

**Dr. Brian Laren, resident of Twin Lakes, member of Friends of Library in Bridgeport:**

- Gratifying that things have changed since this issue came up. The Friends cares, but we didn't know. We only found out when it became a crisis, in about August. Communication could be improved, but this is a good start. Wonderful we're as close as we are to balancing the budget, but still need a basis for funding. We are going to work with CSA #5, they are open to an application from the Friends of the Library. Also looking to philanthropic families in the area for help. Spoke to Clerk-Recorder about initiative process, we average 1.68% of

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tax for library school districts. If 1.68 isn't enough, maybe 2 is. When people drive into town to use free internet, it directly benefits the businesses and town. Perhaps they should contribute to the shortfall as well.

**Supervisor Fesko:**

- CSA #5 meets Nov 3<sup>rd</sup>, 5 pm at Twin Lakes annex. Suggest going to their meeting. Has requested it be on the agenda. CSA does not support funding on a permanent, maintenance basis, but willing to look at it.
- The 1.68% of property taxes can't change, but changing a parcel fee could be a referendum.
- Initial thought is we don't want the library back. What's the best, most efficient way to run this? MCOE subsidizes the library at \$200k. He feels the community needs to get ranting and raving to get movement. Happy to hear that the MCOE does not need the big cuts talked about earlier. Minimal cuts this year appears to save the program. What about next year? Appreciates everyone coming today.
- Wants to talk with Abbie about Visitors' Center idea. Thank you, look forward to being updated. Library meeting in Coleville is 10 am Thursday.

**Stacey Simon:**

- Regarding CSA funds, there are limits to how these funds can be used. Funds can be used to support library; there are restrictions, but can be done. CSA makes a recommendation to the BOS, BOS would decide to ratify or not.
- 1.68% is pre-Proposition 13.

**John Schoonover, resident of Bridgeport, member of Friends:**

- Wants to ask, why we are the only one that the library is not run by the BOS out of 58 counties in CA. Feels the library under the MCOE has been troublesome. Has been in deficit for 7 years. Lack of transparency. Going thru his handout (see additional documents).
- Questions that the waiver is true, hasn't seen evidence of that. Wants to know if the BOS would consider taking the library back over.
- He is not sure how other counties do it, he's just asking to look at pros and cons.

**Supervisor Stump:**

- He would entertain people asking for funding if they can identify where the money will come from. County is running in deficit. Congrats for working on how to balance current budget. What would the County cut in order to take it over? Has not heard how that could happen. Immediate problem is \$30-40k. Given what Mono Co has to do, he is not in favor of taking the libraries back over.

**Supervisor Johnston:**

- Idea is to take 1.68% as county revenue, then operate county library with it?

**Abbie Bridges, Bridgeport Librarian:**

- Bridgeport library wants to play a bigger role in the community. Wants to become a visitor center also. Entry area has room for visitor information. Visitors already use the library for information. CSA funds might help pay internet bill.

ADJOURN

ATTEST

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TIMOTHY E. FESKO  
CHAIRMAN

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HELEN NUNN  
SR. DEPUTY CLERK OF THE BOARD

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