



**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
April 1, 2014**

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

*Supervisors Present: Fesko, Hunt, Johnston and Stump.
Supervisors Absent: Alpers.*

*Break: 10:02
Reconvene: 10:12 a.m.
Lunch/Closed Session: 12:29 p.m.
Adjourn: 2:02 p.m.*

Pledge of Allegiance led by Supervisor Fesko.

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

2. APPROVAL OF MINUTES

A. Board Minutes

Departments: Clerk of the Board

Action: Approve Minutes of the Regular Meeting held on March 11, 2014, as corrected.

Hunt moved; Stump seconded

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

M14-50

Supervisor Stump:

- On p. 15 of draft minutes, under item #13a (Political Activities Ordinance), his last bullet point should read, "He feels there is sufficient latitude in the ordinance to proceed but it appears that the consensus of the Board is otherwise".

Supervisor Johnston:

- Under corrections to the minutes of 2/11/14, his first bullet point, vote should say 3 yes; 2 no (not "0" no) in reference to NACO item.

B. Board Minutes

Departments: Clerk of the Board

Action: Approve Minutes of the Regular Meeting held on March 18, 2014, as corrected.

Fesko moved; Hunt seconded

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

M14-51

Supervisor Stump:

- On p. 7 of draft minutes, under item #9a (Tri-Club Road Closure), under his comments, sentence should read, "Would emergency vehicles have access"?
- On p. 7 of draft minutes, under item #9b (Active Transportation Grant Applications), first bullet point should read, ".....also does this include private schools and routes to school bus stops?" Also, delete words, "county wide?"

Supervisor Fesko:

- On p. 2 of draft minutes, under Board Report under last bullet point, Supervisor Fesko thought Sgt. Major Kirkland was retiring after 30 years, should read "29" years.

C. Board Minutes

Departments: Clerk of the Board

Action: Approve Minutes of the Special Meeting held on March 24, 2014.

Hunt moved; Stump seconded

Vote: 3 yes; 0 no; 1 abstain: Fesko; 1 absent: Alpers

M14-52

Supervisor Johnston:

- Asked County Counsel for clarification as to whether Supervisor Fesko was considered "absent" from this meeting.
- Marshall Rudolph: yes, the minutes should indicate that he was absent.

3. PRESENTATIONS - NONE

4. BOARD MEMBER REPORTS

Supervisor Alpers:

- Absent.

Supervisor Fesko:

- 3/20 – Bodie Road Meeting with Public Works, CAO, BLM; it was a good meeting. They're in agreement to disagree on whose responsible for the road so we can move forward and get something done; report to come back soon.
- Did some volunteer work at the Antelope Valley Community Center the week of the 21st on various days; everyone is working well together.
- 3/28 – attended the Changing of the Guard at MWTC; Sgt. Major Kirkland retiring after 29 years. Looks forward to working with new Sgt. Major, Brunner.
- Wished a happy birthday to Dennis Fowler; a friend of his.

Supervisor Hunt:

- 3/20 – Town/County Liaison Meeting; various issues discussed. Board members should not be part of Solid Waste task force. General discussion about Tbid and its effectiveness. Supervisor Hunt renewed ski pass yesterday; took a long time online.

- 3/21 – ESCOG meeting in Mammoth; brought up idea of a Legislative Platform. Update on Digital 395, Sage-Grouse listing, Inyo County collaboration process.
- 3/25 ESTA meeting.
- Spent three days in Death Valley; very warm.

Supervisor Johnston:

- ARC meetings past couple weeks.
- IMACA meetings; appointed Charlie Broten as Director.
- 3/24 attended Special Board Meeting.
- Met with representatives regarding Head Start access issues.
- Went to film festival in Bishop at Charles Brown Auditorium; it was very well attended.

Supervisor Stump:

- Attended Town/County Liaison meeting.
- Same week and following week, attended two meetings regarding ICEMA/EMS system; kudos to Lynda Salcido, Dr. Rick Johnson and Rob DeForrest. Good meeting; hopefully ICEMA follows through.
- Meeting regarding Water system in district; thanked Louis Molina and John Drozd for helping to developing an action plan.
- RPAC Meeting in Long Valley – standard agenda; update from ESTA, Forest Service, General Plan update, Jim Leddy update on issues.
- IT report update: There is a lot of thought by Nate and Peter going into new IT office. Email service switchover: this was a big job that was slightly underestimated. IT worked through the weekend to try and make it work. This can be a thankless job, he gave them all thanks.
- Park in Chalfant – thanked Joe Blanchard and Steve Worabel for addressing the stickers and weeds out there.
- Spoke with Supervisor Alpers last night after surgery; appears successful, will have follow-up today.

5. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

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

Jim Leddy:

- 3/20 – attended Bodie meeting with Supervisor Fesko, thanked Jeff Walters.
- Attended Town/County Liaison meeting; agrees that communications are improving.
- 3/21 -Attended ESCOG meeting; trying to track down Legislative Platform information.
- Attended 3/25 meeting and expressed thanks to CAO Kevin Carunchio regarding Inyo redesign.
- 3/24 – thanked Leslie Chapman and Gerald Frank who met with Dan Holler regarding PACE; Town is on board. Resolution to come to our board on 4/8.
- 3/26 – Energy Task Force meeting; continuing to track board items. Thanked Joe Blanchard.
- Attended Long Valley RPAC - gave quick budget update.
- 3/27 – Toiyabe Clinic dedication in Antelope Valley. This is a community facility, not just for tribal individuals.
- Attended MWTC Changing of the Guard.
- Saturday – attended subcommittee meeting with Mono Basin RPAC; discussion about Conway/Fisheries.
- Bridgeport coffee with CAO is this Thursday and Mammoth's is next Thursday.
- Realignment Funding Handout, Shannon will get copy to Board. Ensuring Rural Counties get funding they need.

6. DEPARTMENT/COMMISSION REPORTS

Lynda Roberts:

- Brought up evening meeting dates that were discussed; doesn't think 11/4 will work since its election day. Any other suggestions? She'll bring up again at future 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. Lee Vining Fire Protection District Conflict of Interest Code

Departments: County Counsel

Lee Vining Fire Protection District Conflict of Interest Code.

Action: Approve Conflict of Interest Code adopted by the Lee Vining Fire Protection District and direct the Clerk to notify the District of the Board's action (attention Steve Barager).

Hunt moved; Stump seconded

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

M14-53

B. Reappointments to the Mono County Child Care Council

Departments: Mono County Child Care Council

The Mono County Child Care Council (MCCCC) is requesting two reappointments by the Board of Supervisors: Sandra Pearce and Barbara Miller. Both terms expired on 12/31/14 and these new two year terms will expire on 12/31/15. This item is being sponsored by Chairman Larry K. Johnston.

Action: Reappoint Sandra Pearce and Barbara Miller to another two year term on the Mono County Child Care Council. These two year appointments will expire 12/31/15.

Hunt moved; Stump seconded

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

M14-54

C. February 2014 Transaction Report

Departments: Finance

Treasury Transactions for the month of February 2014.

Action: Approve Treasury Transaction Report for the month of February 2014.

Hunt moved; Stump seconded

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

M14-55

D. Local Agency Investment Fund Designated Officials

Departments: Finance

Proposed resolution designating officials authorized to deposit or withdraw funds in the Local Agency Investment Fund (LAIF).

Action: Adopt proposed resolution #R14-17, designating officials authorized to deposit or withdraw funds in the Local Agency Investment Fund (LAIF).

Hunt moved; Stump seconded

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

R14-17

E. Assembly Bill 1970 - Request for Support

Departments: County Administrator's Office

Request for the Board to send letter of support for Assembly Bill 1970 (Gordon) re: Creation of the Community Investment and Innovation Program grants funding for local governments Green House Gas (GHG) reduction projects through competitive grant program.

Action: Authorize the Chairman to send the attached letter of support for AB 1970.

Stump moved; Fesko seconded

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

M14-56

Pulled from agenda by Supervisor Stump:

- Asked if this could potentially help with the CARB compliance issue.

Jim Leddy:

- It could potentially help.

F. At-Will Contract for Stacey Simon, Assistant County Counsel

Departments: Human Resources and County Counsel

Proposed resolution approving a contract with Stacey Simon as Assistant County Counsel, and prescribing the compensation, appointment and conditions of said employment.

Action: Approve Resolution #R14-18, approving a contract with Stacey Simon as Assistant County Counsel and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Hunt moved; Stump seconded

Vote: 3 yes; 0 no; 1 absent: Alpers; 1 abstain: Fesko

R14-18

G. At-Will Contract for Tony Dublino, Solid Waste Superintendent/Environmental Services Manager

Departments: Human Resources and Public Works

Proposed resolution approving a contract with Tony Dublino as Solid Waste Superintendent / Environmental Services Manager, and prescribing the compensation, appointment and conditions of said employment.

Action: Approve Resolution #R14-19, approving an employment agreement with Tony Dublino and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Hunt moved; Stump seconded
Vote: 4 yes; 0 no; 1 absent: Alpers
R14-19

- H. At-Will Contract for Louis Molina, Environmental Health Manager
Departments: Human Resources and Public Health

Proposed resolution approving a contract with Louis Molina as Environmental Health Manager, and prescribing the compensation, appointment and conditions of said employment.

Action: Approve Resolution #R14-20, approving a contract with Louis Molina as Environmental Health Manager and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Hunt moved; Stump seconded
Vote: 3 yes; 0 no; 1 absent: Alpers; 1 abstain: Fesko
R14-20

- I. Safety Seat Checkup Week Proclamation
Departments: Clerk of the Board

Stephanie M. Tombrello, LCSW, Executive Director, SafetyBeltSafe USA, has requested the Board adopt a proclamation recognizing the week of March 30 – April 5, 2014, as Safety Seat Checkup Week. This item is being sponsored by Chairman Larry K. Johnston.

Action: Approve proposed proclamation, recognizing the week of March 30 – April 5, 2014, as Safety Seat Checkup Week.

Hunt moved; Stump seconded
Vote: 4 yes; 0 no; 1 absent: Alpers
M14-57

8. CORRESPONDENCE RECEIVED (INFORMATIONAL) - NONE

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

9. REGULAR AGENDA - MORNING

- A. Public Works Project Approval Policy

Departments: Public Works, Community Development, CAO, County Counsel (Joe Blanchard) - Presentation by Joe Blanchard regarding the implementation of a Project Approval Policy which will create a process that a project must go through from project idea through project completion.

Action: Approve the Project Approval Policy which will provide a clear progression from project concept through completion, deleting any Supervisorial role on any committee.

Stump moved; Fesko seconded

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

M14-58

Joe Blanchard:

- Gave background information on item.
- He feels emergency items are covered in this general list.

Supervisor Stump:

- He feels the staff needs to have ability to prioritize projects.
- Doesn't think a Supervisor should sit as a member of a committee.

Supervisor Fesko:

- This is a nice "general" list but he can think of things that could go over budget. This is just a starting point for discussion, correct?
- Appreciates work of all staff on this.

Supervisor Hunt:

- Thanked staff for the comprehensive list; very helpful. Should make things move more smoothly.

Supervisor Johnston:

- Feels it's a good list. Thanked staff for work done on it.
- Asked about monetary amounts.

Leslie Chapman:

- Explained that amounts are policy and the policy would need to be changed if amounts changed.

B. Authorization to Bid for the Chalfant Streets Rehabilitation Project

Departments: Public Works

(Garrett Higerd) - This project will rehabilitate 5.5 miles of local streets and roads in Chalfant and White Mountain Estates. The Plans and Project Manual associated with this project are too large to attach to the agenda; however you may view these attachments separately by visiting the Board of Supervisor's web page at: <http://www.monocounty.ca.gov/bos/event/board-supervisors-52>. Additionally, hard copies of both the Plans and Project Manual are available for viewing in the clerk's office.

Action: Approve bid package, including the project manual and project plans, for the Chalfant Streets Rehabilitation Project. Authorize the Public Works Department to advertise an Invitation for Bids and to issue the project for bid.

Stump moved; Hunt seconded

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

M14-59

Garrett Higerd:

- Project that's been in the works for a long time; explained item briefly.
- Answered general board questions.

Supervisor Fesko:

- Voiced concern about getting cost up front.

Supervisor Stump:

- Brought up several comments/questions; mailboxes touched on.
- Safe routes to schools brought up at last meeting; have to cross Highway 6; very dangerous.

Supervisor Hunt:

- Glad to see this addressed; asked about mailbox situation.

Supervisor Johnston:

- Still need to get an approved bid to go forward.
- This project has been in the making for six years; good to see it moving forward.

Jeff Walters:

- Mailbox ordinance and whole process is on the priority list.
- A calculation of all mailboxes in the county is being done.

C. Bureau of Land Management Inyo National Forest OHV Grant Review and Comments

Departments: Board of Supervisors, Community Development, and County Administrator's Office

This item was requested by Supervisor Stump to review a recent grant application for OHV planning funds submitted jointly by the INF and BLM for an access feasibility study for areas east of Hammil Valley. The online application to the California OHV Recreation Division proposes studying the feasibility of road(s) construction to access 14,000 acres of public land, approximately 20 miles of primitive OHV routes and the existing roads and opportunities within those lands. The enclosed grant application notes that the only motorized access to the BLM and Forest Service land is through private property.

Action: None.

Scott Burns:

- Introduced item.
- Grant application for OHV Planning Funds; comments due by April 7, 2014.
- This will potentially allow for better public access in certain areas.
- Introduced Rich Williams from BLM, here today to answer any questions.
- This is due before next Board meeting; just need direction by the board to make and clarify points. The comments will be submitted electronically.

Rich Williams (BLM):

- There will be no NEPA; this is just to take a look at the area to see if BLM can provide access. This is really only a study.
- Explained why certain boxes are not checked on the application. Explained this is only a study to take a look.
- Biggest part will be public outreach.
- He will go back and make sure all future actions taking place in Inyo and Mono County get proper notification.
- We are only preliminarily looking at this point to see if public access can be provided.
- Pointed out area where "comments" can be directed.
- This portion is to see whether or not we even CAN move forward with this project.

Supervisor Stump:

- Has actual grant package, will work through questions.
- Evaluation Criteria: asked about things not addressed under this list. Pointed out where certain boxes should be checked/unchecked.
- This is state money being asked for: Mono County is having difficulty obtaining its PILT funding from the government and state of California. Causes him to look at this very carefully.
- Asked what the definition of "road" is?
- Need to make sure that in the future our county is notified; that all the collaborators are notified.
- What about stakeholder input?
- Scott Burns will be drafting our comments.
- Feels there is a disconnect in their documentation.
- He thinks we need a comment letter addressing all his questions; he's not opposed to

the study, he just wants issues addressed and boxes either checked or unchecked.

Supervisor Johnston:

- They realize Rich is the “messenger”; not trying to attack him. Just trying to get some things answered.
- Issue at hand – landowners have chosen to exclude people trespassing across their properties, essentially? Therefore there are areas that are not accessible to the public at this point, correct?
- Looking at ways to make this access legal?

Supervisor Fesko:

- Asked about the term “substantial” stakeholder involvement; what does that mean?
- Made clarification as to the term “road”.

D. RPAC Workshop

Departments: Community Development

(Planning Staff) - Workshop on status of Regional Planning Advisory Committees.

Action: None.

Scott Burns:

- Introduced item; this comes back to the Board periodically. There are three staffers down in Mammoth Lakes to also answer questions.
- Brought up various issues that have come up regarding RPAC policies/procedures.
- Changes discussed today could be brought back at a later meeting.

Supervisor Johnston:

- Feels this group is quite important as issues frequently get brought back to the board.
- The Antelope Valley RPAC has members appointed for life, there are no terms, needs to be remedied.
- RPAC members sometimes recommend a future RPAC member; for him that is not appropriate.
- Feels it's not right that Supervisor Fesko sits on the AV RPAC.
- Doesn't think county employees should be on RPACs as they are frequently the staff.
- Explained his thoughts on Engineers being a conflict of interest to RPACs.
- We should be running Government like a business. He doesn't feel we're being business-like without ironing out these issues.
- How many Supervisors should be on an RPAC? Could he be on the AV RPAC? He owns property there. Would that be ok? This is a rhetorical question as he does NOT think this would be appropriate.
- This discussion does not have to do with constitutional rights. He feels Supervisors can create intimidation when it comes to voting in RPACs.

Supervisor Stump:

- Agrees with Supervisor Johnston on “terms for life” being inappropriate although it says that the Board appoints the RPAC members.
- Most of what RPACs do is planning recommendations; only really pertains to Community Development Staff. Maybe they would be only group to be excluded. Maybe expand out to County Engineers.
- Since each RPAC can establish its own membership requirements, if Supervisor Fesko is comfortable being on the RPAC, he should be allowed to. He wouldn't choose to serve on an RPAC but that doesn't mean Supervisor Fesko shouldn't be able to.
- There are communities that don't have formal RPACs, they just have community meetings where people can weigh in; they don't want that formal structure. They should have that right.
- Doesn't feel there is consensus of support to make the changes that Supervisor Johnston is suggesting.
- He resigned from his RPAC when he got elected and he did NOT have a lot of those

folks asking him to stay; was different in Antelope Valley.

Supervisor Fesko:

- Where is a conflict of interest if a County Engineer wants to be on an RPAC?
- RPACs are only advisory committees. Nothing generally comes to the Board from the RPACs directly.
- Just because someone takes an office does not mean you should have to give up constitutional rights, one being your property rights. If Supervisor Johnston wanted to join the AV RPAC (and it got approved), he has a right to voice his opinion.
- He will leave it to the RPAC members to decide whether he should be on the RPAC or not. He will also ask the AV RPAC about staggered terms.

Supervisor Hunt:

- Suggested we take public comment, then staff comment and finally address the issues Supervisor Johnston has brought up to see if Board can reach a consensus.
- Every citizen/resident in the county does have a right to voice their opinions; does a person have to be a sitting member ON an RPAC to do that? Can't they just voice their opinions?
- Should the board set up an RPAC structure?
- Need to ask whether or the system is broken? Should we just proceed as-is? We have such diversely different RPACs in each community.
- He wouldn't encourage Supervisors to be official members but we need flexibility.

PUBLIC COMMENT

Tim Alpers (via conference call):

- Doesn't feel RPACS can be micromanaged.
- Feels Supervisor Fesko should be able to decide whether he'd sit on the RPAC or not.
- Agrees that there needs to be terms, staggered, for all RPACs.
- He feels benefits of the members outweigh conflicts.
- Integrity of these RPACs are very important; doesn't want to discourage participation or membership.
- He doesn't have a problem who serves; it's a matter of judgment. We can't really afford to be choosy. He could support staggered terms but thinks each community should decide.

Dan Anthony (Chair, AV RPAC):

- RPAC members are volunteers only; they get no pay or reimbursement.
- They are only an advisory committee; all final decisions go through Planning Department and finally to the Board of Supervisors.
- RPAC is simply an avenue for the community to give their opinions.
- Pertaining to Supervisor Fesko: he's been a member for 15 years. He was asked not to resign when he came to them after being elected with his resignation papers. He has a right to give his input on issues that affect him, his business and his community.
- He has refrained from voting on issues that may have a conflict.
- He wants Supervisor Fesko to remain on RPAC.

Bruce Woodsworth:

- Gave handout to Board (will go on web as additional documents).
- Went over various points on AV RPAC.
- He feels it's appropriate and beneficial for Supervisor Fesko to be on the AV RPAC.
- He doesn't want the RPACs to be intruded upon by Board involvement; it's working as it is. He is not in favor of imposing terms, doesn't feel it's necessary.

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 - 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.

C. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Public Works Director.

D. Closed Session - Conference with Legal Counsel

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Inland Aquaculture Group LLC v. Mono County et al.

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

12. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

13. REGULAR AGENDA AFTERNOON- NONE

ADJOURN at 2:02 p.m. in memory of Victor Musil: born May 1, 1932; died March 31, 2014. Survived by sons John, Bob & Steven; daughter's in law Michele, Brenda & Dawn and grandchildren Katherine and Justin.

ATTEST:

LARRY K. JOHNSTON
CHAIRMAN

SHANNON KENDALL
SR. DEPUTY CLERK OF THE BOARD