



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
December 15, 2015

9:00 AM Meeting called to Order by Chairman Fesko

Supervisors present: Alpers, Corless, Fesko, Johnston and Stump.
Supervisors absent: None.

Break: 10:00 a.m.
Reconvene: 10:10 a.m.
Closed Session: 1: 10 p.m.
Adjourn: 2:58 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>

Pledge of Allegiance led by Supervisor Alpers.

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Karl Teller (Mammoth Chevron):

- Here to discuss the power outage from this past weekend.
- Wants this as a discussion item sometime in the near future – to discuss working cooperatively with the Board.
- Outage lasted from 1:00 to 4:00 p.m. on Sunday.
- There was very minimal gas available in Mono County.
- Board agrees for a future agenda item.
- He will leave a business card.

2. APPROVAL OF MINUTES - NONE

3. RECOGNITIONS

A. Resolution – Phil Touchstone Retirement

Departments: Public Works

(Garrett Higerd; Board of Supervisors) - Presentation of Recognition/Appreciation for Phil Touchstone, retiring December 30, 2015.

Action: Approve Resolution of Recognition for Phil Touchstone.

Johnston moved; Corless seconded

Vote: 5 yes; 0 no

M15-246

Garrett Higerd:

- Thanked Phil for his service to the Public Works Department; he's been really competent and a great employee.

Supervisor Johnston:

- Mentioned how important the work that Phil has done; his work often goes unrecognized.

Supervisor Fesko:

- Thanked Phil.

Supervisor Stump:

- Read and presented resolution.

B. Resolution - Cathy Touchstone Retirement

Departments: Social Services

(Kathy Peterson; Board of Supervisors) - Presentation of Recognition/Appreciation for Cathy Touchstone, retiring December 30, 2015.

Action: Approve Resolution of Recognition for Cathy Touchstone.

Corless moved; Stump seconded

Vote: 5 yes; 0 no

M15-247

Kathy Peterson:

- Read a note of appreciation to Cathy from the Social Services Department.

Supervisor Corless:

- Read and presented resolution.

C. Resolution - Roberta Reed Retirement

Departments: Finance

(Leslie Chapman; Board of Supervisors) - Presentation of Recognition/Appreciation for Roberta Reed, retiring December 30, 2015.

Action: Approve Resolution of Recognition for Roberta Reed.

Alpers moved; Stump seconded

Vote: 5 yes; 0 no

M15-248

Leslie Chapman:

- Spoke of Roberta's remarkable work ethic.
- Thanked her for her service to the county.

Supervisor Alpers:

- Thanked Roberta for her work.
- Mentioned how missed she will be.

Supervisor Stump:

- Spoke about the service that she provided.

Supervisor Fesko:

- Thanked Roberta; her eye to detail is unsurpassed.

Supervisor Johnston:

- Read and presented resolution.

D. Resolution - John-Carl Vallejo

Departments: CAO

(Leslie Chapman; Board of Supervisors) - Presentation of Recognition/Appreciation for John-Carl Vallejo.

Action: Approve Resolution of Recognition for John-Carl Vallejo.

Johnston moved; Alpers seconded

Vote: 5 yes; 0 no

M15-249

Supervisor Alpers:

- Thanked John for his service.

Supervisor Johnston:

- Read and presented resolution.

Stacey Simon:

- Gave some history on the resolutions that were created for both John Vallejo and Marshall Rudolph.
- Explained the humorous nature of these resolutions.

Marshall Rudolph:

- Hiring John was one of the best things he's ever done; he is appreciative that John will be working by his side in Inyo County.

E. Resolution - Marshall Rudolph

(Leslie Chapman; Board of Supervisors) - Presentation of Recognition/Appreciation for Marshall Rudolph.

Action: Approve Resolution of Recognition for Marshall Rudolph.

Alpers moved; Fesko seconded

Vote: 5 yes; 0 no

M15-250

Supervisor Fesko:

- Read and presented resolution.
- He echoes what everyone else has said.
- Thanked him.

Stacey Simon:

- Spoke a few words about Marshall and her experience working with him.

Supervisor Alpers:

- Told story of when Marshall was first hired.

Supervisor Johnston:

- Marshall has always been a solid rock for all county employees to turn to.

Supervisor Corless:

- Thanked Marshall and entire County Counsel's office for their patience when she first started.

Marshall Rudolph:

- He's forever grateful to Mono County to hiring him when he was so young.
- It's been an honor and a privilege to work with Mono County.
- Especially thanked Stacey Simon, couldn't have done it without her.

4. BOARD MEMBER REPORTS

Supervisor Alpers:

- Employee Christmas party was the finest one he's attended. It was fantastic.
- All jurisdictions (federal, state, county, etc.) are all fighting same issues (budgets, revenues, etc): he's sad to report that the Chairman of the June Lake PUD was unceremoniously presented with a recall petition last Wednesday night. Upsetting because a lot of people in and out of that community have done everything to promote good will. Sees this as a move back to the decisive actions. No good deed goes unpunished. Very unfortunate – in this day and age we have cell phones, etc. and it doesn't appear as if any of this was used prior to the Chairman being served with petition.
- This coming Thursday PUC meeting in San Francisco. He was hoping he could be there to testify but he cannot attend due to surgery. Any assistance that can be given to Nate Greenberg will be appreciated.

Supervisor Corless:

- Great county holiday party—many thanks to organizers and all who participated.
- June Mountain opening day Saturday—best in years, over 800 skiers and riders.
- Monday: Customer service training session with Murray Banks, part of the grant-funded Peak Performance program, thanks to our economic development staff and Mammoth Lakes Chamber of Commerce.
- Would like to work to refine next year's legislative platform.
- Working on next county newsletter, please send items, deadline Thursday.
- ESCOG and town-county liaison committee this week.
- Sharing a copy of "Calliope," a journal of art by students of Mono County, produced by the Office of Education. She's happy to serve on the board of the Mono Arts Council, which provides free art education to students throughout the county.

Supervisor Fesko:

- 12/9 – RCRC Board of Directors meeting in Sacramento. Quiet over there right now because the legislation is out of session right now.
- 12/10 – attended the Environmental Services JPA, also in Sacramento. AB 1063
- 12/11 – attended Special meeting of Alpine BOS in Markleeville.
- 12/12 – post happy birthday to his sister, Susan Tharan.
- 12/14 – attended LTC.
- 12/23 – shout out to oldest brother Mike Fesko's birthday.

Supervisor Johnston:

- Attended the Local Transportation Commission meeting on Dec 14th. Items considered included the Regional Transportation Improvement Plan; discussion included the fact that the State has very limited transportation

funding and projects are likely to be postponed. The Regional Transportation Plan was also adopted. Additionally, amended the Overall Work Program; there were some changes to the Rural Planning and Planning Programming and Monitoring Work Programs. There was a transit update by ESTA; they noted the huge Thanksgiving transportation impacts with ridership up as much as 150% in the Town.

- Reported that the "Fixing America Surface Transportation" (FAST) Act was finally passed by the federal government. It includes an average of \$56.2 billion over five years, which is about 20.2 billion over the previous "MAP 21" highway legislation. Bridge funding was also included as well as a pilot program for CEQA/NEPA "reciprocity".
- Will be attending the upcoming Town-County Liaison Committee meeting and the Eastern Sierra Council of Governments meeting this week.

Supervisor Stump:

- 12-9: Attended the County Party - Of the three I have been to this was the best.
- 12-9: Attended a joint meeting of the Tri Valley Water Commission and the Inyo County Water Department to take public comment on potentially splitting the Tri Valley portion of the contiguous Owens Valley Water Basin. Primary concerns expressed were for the environmental health of Fish Slough.
- 12-10: Attended the Planning Commission Meeting - The reconfiguration and clean up of the County Community Center Property Site Plan in Crowley was approved and included room for a skate park.
- 12-14: Attended the Local Transportation Commission Meeting: Regional Transportation Plan and Regional Transportation Improvement Program were approved.

5. COUNTY ADMINISTRATIVE OFFICE

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

Leslie Chapman:

- Mentioned Employee Christmas party, it was a huge success.
- Continues to try to meet with different staff people and Department Heads to understand issues and provide support where needed.
- Yesterday – had opportunity to meet with Sgt. Seth Clark in Crowley Substation to begin to understand what her role would be should we have a countywide emergency; will also attend some training in February.
- She's going to be firing back up the coffee with the CAO.

6. DEPARTMENT/COMMISSION REPORTS

Ingrid Braun (Sheriff):

- Spoke of February training in SLO with Leslie Chapman.
- Shop a Cop in Bishop. A lot of law enforcement involved. Kids had fun, special thanks to Santa.
- Power Outage on Sunday: transformer blew somewhere near Mammoth Mountain. There were at least five cars that rolled over. People need to slow down.

Nate Greenberg:

- Power outage – affected various county offices. Generator issues still being resolved. We should be in a much better place after this week and on "redundant power".

- County phone system also had some issues yesterday; resolved.
- He will be travelling to San Francisco tomorrow to make public comment at CPUC on Thursday; they are reissuing a resolution minus Lee Vining.

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. **Hiring Freeze Variance - Admin Services Specialist**

Departments: Sheriff

Effective November 20, 2015, our Administrative Services Specialist resigned to accept a position in another state. This position also has an ancillary function of Public Information Officer. This position is an essential function of the daily operations of the Sheriff's Office, and we do not have any other administrative personnel who can assume the responsibilities of this position.

Action: Approve a variance of the hiring freeze to allow the Mono County Sheriff's Office to recruit and hire one Administrative Services Specialist.

Johnston moved; Corless seconded

Vote: 5 yes; 0 no

M15-251

B. **Hiring Freeze Variance - PSO**

Departments: Sheriff

Effective October 20, 2015, a Public Safety Officer resigned to accept a position with the California Highway Patrol. Our Public Safety Officers serve both as Dispatchers and Jailers and are essential to maintaining the safe and secure operation of the Mono County Jail and providing emergency dispatch services to Mono County.

Action: Approve a variance of the hiring freeze to allow the Mono County Sheriff's Office to recruit and hire one Public Safety Officer.

Johnston moved; Corless seconded

Vote: 5 yes; 0 no

M15-252

C. **Resolution Authorizing the MCDA to Participate in the Edward/Byrne JAG Grant**

Departments: District Attorney

Resolution authorizing the MCDA to participate in the Edward/Byrne Memorial Justice Assistance Grant Program and authorize the District Attorney to sign for and administer the grant.

Action: Adopt proposed resolution #R15-84, authorizing the Mono County District Attorney's Office to Participate in the Edwards Memorial Justice Assistance Grant Program and Authorize the District

Attorney to Sign for and Administer the Grant.

Johnston moved; Corless seconded

Vote: 5 yes; 0 no

R15-84

D. Fish and Game Fine Fund Expenditure

Departments: Economic Development

On Friday, November 13, 2015, the Mono County Fisheries Commission approved a \$4,000.00 expenditure from the Fish and Game Fine Fund to help support the "Trout in the Classroom" educational program. Through a classroom experience of hatching live fish, "Trout in the Classroom" introduces students to the value of aquatic environments, the balance that must be met to maintain, protect and enhance California's fisheries and aquatic habitats, and enables students to understand how their actions affect these valuable resources. Teachers and their students set up an aquarium in the classroom, receive fish eggs under a special CDFW permit, and observe the fish as they hatch and develop. The experience may culminate in a field trip to a local stream or river where the fish are released. This is a hands-on, interdisciplinary project for grades K-12. If approved, this money will be used to sponsor the "Trout in the Classroom" program throughout local schools in Mono County.

Action: The Board consider and approve the recommendation by the Mono County Fisheries Commission to allocate \$4,000.00 from the Fish and Game Fine Fund to support the "Trout in the Classroom program." This action is permissible use of the Fish and Game Fine Fund money per the Fish and Game Code Section Section 13103(a). Expenditures from the fish and wildlife propagation fund of any county may be made only for the following purposes: (a) Public education relating to the scientific principles of fish and wildlife conservation, consisting of supervised formal instruction carried out pursuant to a planned curriculum and aids to education such as literature, audio and video recordings, training models, and nature study facilities.

Alpers moved; Stump seconded

Vote: 5 yes; 0 no

M15-253

Pulled by Supervisor Alpers:

- Asked for clarification on what money is being spent on.

Jeff Simpson:

- Explained the funding request more fully.

E. Letter to Town Council and Mammoth Lakes Housing

Departments: CAO

Letter to inform the Town Council and Mammoth Lakes Housing Board of Directors about citizen concerns around deed restricted properties in the Town of Mammoth Lakes.

Action: None.

Pulled by Supervisor Corless:

- In the spirit of cooperation, wants to omit some of the language. Went over proposed changes.
- Disagrees with Supervisor Stump. She wants to distance this Board as far as possible from false statements previously made about property values.
- She agreed to take comments made in the discussion and revise letter to be brought back to our board.

Supervisor Stump:

- Feels first bullet point should stand as-is but agrees with her other suggested changes.
- If additional language needs to be added that equivalent, that's acceptable to him.

Supervisor Johnston:

- He has to abstain because the letter is more or less getting written to him.

Supervisor Alpers:

- Agrees with Supervisor Corless.

Supervisor Fesko:

- He needs to see a revised letter before he moves on it at all.

F. Ordinance Updating Chapter 10.16 Noise Regulation of the Mono County Code

Departments: Community Development

Proposed ordinance ORD15-09 amending Chapter 10.16 of the Mono County Code pertaining to Noise Regulation.

Action: Find that the action is analyzed in the certified Final Environmental Impact Report on the 2015 Mono County Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates (2015 Updates); and adopt Ordinance ORD15-09 which makes clarifying and consistency changes to the existing noise ordinance.

Johnston moved; Corless seconded

Vote: 5 yes; 0 no

ORD15-09

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. ESAAA Four Year Plan

Departments: Social Services

(Kathy Peterson, Mono County Social Services and Jean Turner, Director of ESAAA and Inyo County HHS) - Presentation by Kathy Peterson and Jean Turner regarding Eastern Sierra Area Agency on Aging Four Year Plan process and timelines.

Action: None.

Kathy Peterson:

- Thought it would be a good idea to have Jean come here and give an update to the board.
- Gave a little background information.

Jean Turner, Director of ESAAA and Inyo County HHS:

- Thanked Board and Kathy Peterson for the working relationship.
- Handout (CDA Allocation by Category). Gave snapshot of funding.
- Needs Assessment has just been completed and is being tallied.
- Asked for any questions she can take to her board.

Supervisor Stump:

- Asked various questions. Requested additional information from Jean at some point.
- Asked Jean Turner to request that the Inyo BOS do all they can do to keep the Bishop kitchen open.
- Closing of Southern Inyo Hospital raises health concerns – any comments on this?

Supervisor Fesko:

- Thanked Jean for what she does, There has been a good collaboration.

B. Transient Occupancy Tax Research Report

Departments: Economic Development

(Jeff Simpson/Alicia Vennos) - Receive presentation on current California and Nevada Transient Occupancy Tax (TOT) and Tourism Business Improvement Districts (TBID) rates at local and regional levels.

Action: None.

Jeff Simpson:

Power point:

- History
- Surrounding Areas
- California Destinations
- Nevada Destinations
- California TBID
- TBID Pros
- TBID Cons
- Handout of all 95 TBIDS throughout the State (post to web).
- Conclusion

Supervisor Stump:

- One of complaints is that there is no governmental oversight.
- One of the ideas coming out of EMS Ad Hoc Committee meetings to increase revenue is TOT increase.

Supervisor Fesko:

- He's also in lodging business – an increase in TOT or TBID doesn't increase business cost, it's a cost to the customer.

Supervisor Johnston:

- Asked why this topic is before the Board?
- On TBID/Non-Profit, can you tell us makeup of board in Mammoth?
- There are 95 of these TBIDS – something must be working.
- The EDD Department has a pulse on what Mono County businesses are interested in.

Bill Bramlette (Benton Hot Springs):

- His business is not in Mammoth, they have a very remote situation.
- Shares some of same concerns as Supervisor Stump.
- We probably have more control of TBIDS if they are part of county process.

Supervisor Alpers:

- He thinks the non-profits work; he feels the accountability is there.

Supervisor Corless:

- Thanked them for information; thinks Mono County needs to be thinking about this in the future.
- May need to take a step back and ask and answer some questions. We need to figure out what we want. We need a plan and use processes we have available to us.

C. Temporary Chief Information Security Officer

Departments: Information Technology

(Nate Greenberg) - Establish and retain (on a temporary, part-time basis) the position of Chief Information Security Officer.

Action: 1. Adopt resolution #R15-85, authorizing the CAO to amend the County of Mono list of allocated positions to reflect the addition of a Chief Information Security Officer, and approving an exception to the 180-day wait period to appoint Gary Coverdale into this position as a part-time retired annuitant employee. 2. Amend the 2015-16 Board Approved budget to decrease contingencies by \$20,000 and increase salaries in the Information Technology budget by \$20,000 (4/5ths vote required).

Alpers moved; Johnson seconded

Vote: 5 yes; 0 no

R15-85

M15-254

Nate Greenberg:

- Item before Board is to request contingency funds as well as allocation change to bring on a Chief Security Officer.
- There are several things driving this request.
- There has been a concern about personal security, etc. by the Board; asked IT to look at this.
- They currently do not have security specialty on their staff.
- Spoke about individual they have in mind for this position.
- The \$20,000 would cover him for ¼ time.

Leslie Chapman:

- Contingency is about \$300,000.

John Vallejo:

- John explained that the resolution and all the various whereas clauses address the CalPERS issues.
- We've allowed other counties to take the lead and we've followed with our resolution.
- Built into this process is notifying CalPERS that we're doing this. We won't put anyone into a position where anyone's retirement would be jeopardized.
- Staff report is an attachment to the resolution – needs to be

included.

- This is a special type of employee. Employment can cease at county's pleasure.

Supervisor Stump:

- How do we get around CalPERS issues?

Supervisor Fesko:

- Asked Nate to explain the hourly rate, etc.
- This is temporary vs. contract?
- It's important that we do what we can security wise, he supports this.

Supervisor Johnston:

- This is something he can support.

Marshall Rudolph:

- This wouldn't satisfy an independent contractor position.

D. Medical Marijuana Workshop

Departments: CAO, County Counsel, DA, Sheriff, Health, Community Development

(Leslie Chapman, Christy Milovich, Tim Kendall Ingrid Braun, Lynda Salcido, Louis Molina, Scott Burns) - Medical Marijuana Workshop.

Action: None.

Christy Milovich:

- Goal for her is to provide board with overview of new medical marijuana legislation.

Using CSAC's powerpoint presentation

- Core County Policy Principles
- 2015 Medical Marijuana Legislative Package
- Long Twisty Road to get to a Legislative Package
- Key Aspects of Package – local control provisions, licensing scheme
- Local rules supersede the State
- Dual Licensing
- Locals Go First for Cultivation
- Mobile Deliveries
- Local Role in Enforcement
- Employer Restrictions of Medical Marijuana Use
- Transportation Standards
- Other Aspects of Legislative Package
- Regulatory Efforts
- Key Elements
- The Saga Continues – didn't pass: Cultivation Tax, State Banking, Ballot Measures
- Key Takeaways

Marshall Rudolph:

- If you have a drug free workplace, that's what you have. This is what Mono County has.
- Even if you want to see what the State does, there is an opportunity to carve loopholes. Board could do an express ban. Something to think about. Otherwise you're sitting on the permissive zoning arguments.

Sheriff Braun:

- Is not in favor of mobile dispensaries – invites crime in her opinion.

- Explained she and the D.A. are of the same mind on this, will let him speak to this.
- Caretakers are able now, legally, to deliver marijuana to patients.
- The Town did pass an ordinance prohibiting mobile deliveries.
- There is still a lot of work to be done; making decisions to day would be putting the cart before the horse.

Supervisor Stump:

- Concerned about mobile deliveries, they aren't available now. Should they be?
- Asked about the consequences to local enforcement?
- If there is any indication that March 1st is hard and firm, the Board needs to know right away.
- Asked County Counsel to get more information on safety issues, etc. in our county regarding mobile deliveries.

Supervisor Fesko:

- Spoke to issue of this being a cash business.
- If patients are at a point in their life where they can't drive, they may need it brought to them.
- He understood that "caregivers" were growers that then delivered to patients.
- The March 1st deadline is what pushed this item – that date is off the table now. This was a good first discussion; he's not personally willing to make any decisions today. There is still a lot of work to be done by the State.
- There will be no licensing with the State for at least two years.

Supervisor Corless:

- Did the Town just pass an ordinance prohibiting mobile deliveries?
- Safety and mobile deliveries: is there evidence that crime has increased in counties that allow these? Or how much it's costing?

District Attorney Kendall:

- He thinks a lot of these issues being addressed by Board can be clarified.
- He thinks the Board's concerns can be worked around.
- His concern is from a safety, enforcement and environmental aspect.
- Even though this legislature forms enforcement in the state, it will fall to local law enforcement.
- What will the Board do to help locally enforce this?
- Feels these new laws will be a tremendous burden on local law enforcement.
- This only addresses commercial aspect, not recreational.
- If county does nothing, then county will get tasked to follow state law. If county chooses to enact ordinance that proposes some regulation, there will still be some regulation; if the board restricts grows locally, it's easier to enforce, more black and white.
- This new legislation will not change law for current medical marijuana patients. Anything Board does is not going to affect access of medical marijuana.
- The March 1st date IS in the law now; it's supposed to be taken off the table. He'd hate for the Board to do nothing IF that date remains valid.

Supervisor Johnston:

- What would happen with legal grows? Would it reduce the illegal grows?
- Should we wait to see what happens on the initiative before having

the Board making any decisions?

Bill Bramlette (Benton Hot Springs):

- It appears there is a grow going on immediately adjacent to his property.
- He's trying to get as much information as possible to make future decisions.

Scott Burns:

- Prohibition zoning definition is currently a little fuzzy.

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 - Public Employment

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

B. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Finance Director.

C. Closed Session - Public Employment

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

D. Closed Session--Human Resources

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

E. Closed Session – Conference with Real Property Negotiators

CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: APNs 008-111-012-000 and 008-111-013-000. Agency negotiator: Garrett Higerd. Negotiating parties: Mono County and Ventura Hotel corporation, and Nelle Price, L&Adams, L& J Sur. Tr. et al. Under negotiation: price and terms of payment.

ADJOURN: 2:58 p.m.

ATTEST

TIMOTHY E. FESKO
CHAIRMAN

SHANNON KENDALL
ASSISTANT CLERK OF THE BOARD