

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

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

Teleconference Only - No Physical Location

# Regular Meeting May 17, 2022

9:03 AM Call meeting to Order By: Chair Gardner

Supervisors Present: Corless, Duggan, Gardner, and Kreitz (all attended via teleconference).

Supervisors Absent: Peters

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

Janet Dutcher, Mono County Director of Finance:

"Believe you can and you're halfway there"

- Theodore Roosevelt

Pledge of Allegiance led by Supervisor Kreitz

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

Opportunity for the public to address the Board on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.) Please refer to the Teleconference Information section to determine how to make public comment for this meeting via Zoom.

• No one called in.

#### 2. RECOGNITIONS

# A. Recognition of Alicia Vennos

Departments: CAO

(Robert C. Lawton, CAO) - Proposed proclamation in appreciation and recognition of Alicia Vennos, Mono County Economic Development Director/Film Commissioner.

- Chair Gardner Read Proclamation
- **Bob Lawton** Presented Item

#### **Supervisors and Staff:**

• Expressed their appreciation, admiration, and Alicia will be missed!

**Action:** Approved proposed proclamation recognizing Alicia Vennos.

Kreitz motion. Duggan seconded. Vote: 4 yes, 0 no, and 1 absent. M22-092

#### 3. COUNTY ADMINISTRATIVE OFFICER

**CAO Report regarding Board Assignments** 

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

#### Robert C. Lawton, CAO:

- Reminder 5/23, 9am Budget Workshops in Mammoth Civic Center
- Prepared with Department Heads for Budget Workshop
- Preparing for provisions after the workshop
- Thanks CAO, HR staff and Department Heads for all their work for Budget Workshop
- Met with Bryan Wheeler and Dr. Caryn Slack Tioyobe Clinic to discuss the needs of their clinic in Bridgeport
- Met with Wendy Sugimura, Community Development Director Requests for tax sharing arrangements
- Met with IT Director, Nate Greenberg California OES funding and options for radio system
- Public Works Solid Waste Parcel Fees
- Five new employees

#### **Supervisor Kreitz:**

• Would like to speak about update on ARPA funds – sometime in the future

#### 4. DEPARTMENT/COMMISSION REPORTS

Receive brief oral report on emerging issues and/or activities.

#### Scheereen Dedman, Clerk-Recorder-Registrar:

- JEDI Update Deferred to next meeting 6/7
- Ballots are out Voting 6/7

#### 5. CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

Kreitz motion. Duggan seconded. Vote: 4 yes, 0 no, and 1 absent.

Kreitz – To pull items B and F from Consent.

# A. Contract with Robert L. Marshall, Esq. for Criminal Defense Services

Departments: CAO

Proposed contract with Robert L. Marshall, Esq. pertaining to the provision of indigent services in the case of People v. Cory Scott Spurlock.

**Action:** Approved and authorized Chair to sign, contract with Robert L. Marshall for indigent defense services in the case of People v. Cory Scott Spurlock for the period May 1, 2022, through case termination and a not-to-exceed amount of \$560,000 total or \$180,000 per any 12-month period.

Kreitz motion. Duggan seconded. Vote: 4 yes, 0 no, and 1 absent. M22-093 Peters absent

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

**Departments: County Counsel** 

Proposed resolution making the findings required by AB 361 for the purpose of making available the modified Brown Act teleconference rules set forth in AB 361 for the period of May 17, 2022, through June 16, 2022.

Action: Adopted proposed resolution. Duggan motion. Gardner seconded. Vote: 3 yes, 1 no, and 1 absent. R22-41

Item moved from Consent (Kreitz)
Item heard after item #5E.

Roll Call: Corless – Y Duggan- Y Gardner- Y Kreitz- N Peters- Absent

#### **Supervisor Corless:**

Hybrid meeting are still a good idea, are we going notice meetings in Bridgeport and Mammoth?
 One in person and one teleconference

#### **CAO Lawton:**

• Would like to have a discuss when all five Supervisors are available for discussion

# C. Sierra Nevada Conservancy Grant - Dispersed Camping Collaborative Action

Departments: Public Works

The regional Dispersed Camping Collaborative seeks to build upon the initial grassroots success of the "Camp Like a Pro" program with targeted investments from the Sierra Nevada Conservancy that support the region's tourism-based economy, protect resources, and reduce risk of human-caused wildland fire surrounding communities through managed use of front-country recreation areas. Application for funding includes a three-year budget request of \$150,000 to better delineate dispersed camping areas, install educational and regulatory signs and kiosks, pilot waste management solutions for the region, restore areas impacted by legal and illegal dispersed camping, and continue distribution of "Camp Like a Pro" educational tools and public outreach strategies. This project was identified as a priority for funding by the Eastern Sierra Sustainable Recreation Partnership (ESSRP) – Sustainable Recreation and Tourism Initiative (SRTI) and a full proposal for was submitted by Mono County to the Sierra Nevada Conservancy, January 31, 2022. This application will be considered by the Sierra Nevada Conservancy Governing Board June 1-2, at their regularly scheduled quarterly meeting, hosted in Mono County.

#### **Action:**

- 1) Authorized the filing of an application for Sierra Nevada Conservancy (SNC) Vibrant Recreation and Tourism grant funding to implement Dispersed Camping Collaborative/Camp Like a Pro Action Plan;
- 2) Found that the project is categorically exempt from review under the California Environmental Quality Act under 14 CCR 15301 Minor Alterations to Land and 14 CCR 15333 Small Habitat Restoration Projects and direct staff to file a notice of exemption; and
- 3) Delegated authority to the County Administrative Officer, in consultation with County Counsel, to conduct all negotiations, sign and submit all documents, including but not limited to applications, agreements, amendments, and payment requests, in support of the Grant Scope, provided they are substantially consistent with the staff report and agenda attachments.

Kreitz motion. Duggan seconded. Vote: 4 yes, 0 no, and 1 absent. M22-094

# D. Off-Highway Motor Vehicle Grant for Restoration Activities

Departments: Public Works

Request for Authorization to apply for grant funds from the California Off-Highway Motor Vehicle Recreation Division, for off-highway vehicle restoration efforts. State Parks OHMVR Division funding is provided from fuel taxes which are attributable to the recreational use of vehicles off highway, OHV registration fees (commonly referred to as "California Green Sticker" registration), and fees collected at State Vehicular Recreation Areas. These revenues are used for acquisition of new OHV areas, development and operation of existing OHV areas, enforcement of rules and regulations, and protection of natural resources.

#### **Action:**

- 1) Adopted proposed Resolution authorizing the filing of an application for CA State Parks Off Highway Motor Vehicle Recreation (OHMVR) Division grant funding for Off-Highway Vehicle (OHV) "Restoration" activities in Mono County. The three-year restoration grant will not exceed \$374,275, which includes \$329,357 of grant funding and \$44,918 of local matching funds.
- 2) Found that the activity is exempt from review under the California Environmental Quality Act under 14 CCR 15301(c) (Minor Alterations to Land) and direct staff to file the prepared Notice of Exemption.

Kreitz motion. Duggan seconded. Vote: 4 yes, 0 no, and 1 absent. M22-095 R22-039

# E. Resolution Approving Pension Rate Stabilization Trust with Public Agencies Retirement Services (PARS)

Departments: Finance

(Janet Dutcher, Finance Director) - Pursuant to the workshop conducted on March 15, 2022 illustrating the use of the Pension Rate Stabilization Trust (PRST) as a strategy mitigating CalPERS pension contribution rate volatility and periodically reducing the County's unfunded pension liability, this item effectuates establishment of the PRST by proposing a resolution approving the adoption of the Public Agencies Post-Employment Benefits Trust administered by PARS to establish an irrevocable Section 115 PRST to pre-fund CalPERS pension obligations.

**Action:** Adopted proposed resolution.

Kreitz motion. Duggan seconded. Vote: 4 yes, 0 no, and 1 absent. R22-040

#### F. Out-of-State Travel Authorization

Departments: Clerk of the Board of Supervisors

Per Resolution 20-27, travel outside of California and Nevada by elected officials must be approved by the Board of Supervisors. This item seeks travel approval for members of the Board of Supervisors to travel to the National Association of County's Annual Conference in Adams County (Aurora), Colorado, scheduled for July 21-24, 2022.

**Action:** Approved out-of-state travel for all Supervisors to the National Association of County's Annual Conference in Adams County (Aurora), Colorado, scheduled for July 21-24, 2022.

• Supervisor Kreitz will not be attending

Kreitz motion. Duggan seconded. Vote: 4 yes, 0 no, and 1 absent. M22-096

Item pulled from Consent – Kreitz Item heard after item #5B.

#### 6. CORRESPONDENCE RECEIVED – NONE.

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

#### 7. REGULAR AGENDA - MORNING

# A. Mammoth Hospital Cares Community Engagement Presentation

Departments: Board of Supervisors

(Tom Parker, CEO Mammoth Hospital) - Mammoth Hospital Cares Community Engagement Presentation by Tom Parker, Mammoth Hospital CEO. The presentation aims to provide information about the current state of the hospital and receive feedback.

**Action:** None

# Tom Parker, CEO Mammoth Hospital:

- Presented Item
- Thanked the community for survey participation
- Clarifies the District Boarder, residents can still utilize services

#### **Supervisor Duggan:**

• What are the district boarders?

# B. Mono County Child Care Council - Zip Code Priority Report for 2022-2023

Departments: Mono County Office of Education

(Courtney Walsh, Mono County Child Care Council Coordinator) - Presentation on 2022-2023 Zip Code Priority Report by Courtney Walsh, Mono County Child Care Council Coordinator. Pursuant to Welfare and Institutions Code (WIC) 10486. (b)(3)(3) the Mono County Child Care Council is mandated to set zip code priorities each year. This report sets the priority in which a zip code would receive funding should funding coming available for subsidized General Child Care (CCTR) for infant and toddler care or after school care and the California State Preschool Program (CSPP).

**Action:** Approved, and authorized Chair to sign, Local Planning Council (LPC) County Priorities Report Form.

# **Courtney Walsh, Mono County Child Care Council Coordinator:**

• Presented Item

Duggan motion. Kreitz seconded. Vote: 4 yes, 0 no, and 1 absent M22-097

# C. COVID-19 (Coronavirus) Update

Departments: CAO, Public Health

(Robert C. Lawton, CAO, Bryan Wheeler, Public Health Director, Dr. Caryn Slack, Public Health Officer) - Update on Countywide response and planning related to the COVID-19 pandemic.

Action: None.

#### Bryan Wheeler, Public Health Director:

- Presented Item
- Biden approved 8 Covid Tests per household provided the link for free tests
- Boosters Civic Center, North County
- Optium Serve has Test to Treat need a doctors prescription

#### **Chair Gardner:**

• Vaccinations could have saved many lives

#### **Supervisor Coreless:**

• Discusses availability of anti-viral medicine

# D. Employment Agreement with Christopher L. Beck

**Departments: County Counsel** 

(Stacey Simon, County Counsel) - Proposed resolution approving a contract with Christopher L. Beck as Assistant County Counsel, and prescribing the compensation, appointment and conditions of said employment.

# **Stacey Simon, County Counsel**

- Presented Item
- Introduced Chris Beck and provided background
- Ask that the motion be contingent upon background check approval

**Action:** Announced Fiscal Impact. Approved Resolution #R22-042, approving a contract with Christopher L. Beck as Assistant County Counsel, and prescribing the compensation, appointment, and conditions of said employment. Contingent upon successful complete

Background Check Policy. Authorized the Board Chair to execute said contract on behalf of the County.

**Fiscal Impact:** Total cost of salary and benefits for FY 2021-22 is \$14,292, of which \$11,673 is salary, and \$3,256 is benefits. This is included in the FY 2021-22 budget. The cost for an entire fiscal year would be approximately \$179,143 of which \$140,077 is salary and \$39,066 is the cost of benefits and is included in the Department's proposed budget for FY 2022-23.

Kreitz motion. Duggan seconded. Vote: 4 yes, 0 no, and 1 absent R22-042

# E. Employment Agreement with Valentine Vega

Departments: Public Works

(Tony Dublino, Director of Public Works) - Proposed resolution approving a contract with Valentine Vega as Project Manager for the Public Works Department, and prescribing the compensation, appointment, and conditions of said employment.

**Action:** Announced Fiscal Impact. Approved Resolution #R22-043, approving a contract with Valentine Vega as Project Manager, and prescribing the compensation, appointment, and conditions of said employment. Authorized the Board Chair to execute said contract on behalf of the County.

**Fiscal Impact:** Total cost of salary and benefits for FY 2021-22 is \$18,519, of which \$13,000 is salary, and \$5,519 is benefits. This is included in the FY 2021-22 budget. The cost for an entire fiscal year would be approximately \$111,113 of which \$78,000 is salary and \$33,113 is the cost of benefits and is included in the Department's proposed budget for FY 2022-23.

#### Tony Dublino, Public Works Director:

- Presented Item
- Introduced Val and provided background

Corless motion. Kreitz seconded. Vote: 4 yes, 0 no, and 1 absent. R22-043

### F. Employment Agreement with Jason Davenport

Departments: Public Works

(Tony Dublino, Director of Public Works) - Proposed resolution approving a contract with Jason Davenport as Parks and Facilities Superintendent, and prescribing the compensation, appointment, and conditions of said employment.

**Recommended Action:** Announced Fiscal Impact. Approved Resolution #R22-044, approving a contract with Jason Davenport as Parks and Facilities Superintendent, and prescribing the compensation, appointment and conditions of said employment. Authorized the Board Chair to execute said contract on behalf of the County.

**Fiscal Impact:** Total cost of salary and benefits for FY 2021-22 is \$10,652, of which \$7,901 is salary, and \$2,752 is benefits. This is included in the FY 2021-22 budget. The cost for an entire fiscal year would be approximately \$127,827 of which \$94,809 is

salary and \$33,018 is the cost of benefits and is included in the Department's proposed budget for FY 2022-23.

# Tony Dublino, Public Works Director:

- Presented Item
- Introduced Val and provided background

Duggan motion. Kreitz seconded. Vote: 4 yes, 0 no, and 1 absent R22-044

# G. Solid Waste Tipping Fee Adjustment Proposal - Workshop and Board Direction

Departments: Public Works - Solid Waste

(Justin Nalder, Solid Waste Superintendent and Tony Dublino, Director of Public Works) - Presentation of a proposal to adjust Solid Waste Tipping Fees charged at County Transfer Stations and Landfills. The proposed adjustment is intended to balance the Solid Waste Enterprise Fund which has operated at a deficit for the last 3 years. There have been no increases to the tipping fees on major waste streams since 2012. If tipping fees are not increased, future General Fund subsidies to the Solid Waste program are expected.

**Action:** Directed Staff to prepare public noticing and adopting resolution in support of Alternative A.

# Justin Nalder, Solid Waste Superintendent:

- Presented Item
- 3 Supervisors in support of. 1 not in support

#### **Chair Gardner:**

• Clarifies that the increase is per ton

Break Session: 11:15am Reconvened: 11:22 am

# H. Mountain View Fire Update and Review of Emergency Declarations

Departments: Mountain View Fire Emergency Operations Center

(Justin Nalder, MVF EOC Director) - Review of continuing need for Board of Supervisor's November 17, 2020, Declaration of Local Emergency of and Mono County Health Officer's November 19, 2020, Declaration of Local Health Emergency for the Mountain View Fire.

**Action:** Heard report from Incident Command and involved staff regarding status of Mountain View Fire response and recovery efforts. Find that there is a need to continue the local state of emergency declared on November 17, 2020 and/or the local health emergency declared on November 19, 2020 (ratified by the Board on November 24, 2020).

Duggan motion. Kreitz seconded. Vote: 4 yes, 0 no, and 1 absent. M22-98

# I. Proposed Waiver of County Fees for an Approved Residential and Commercial Project in June Lake

Item Skipped, heard after Item 7K.

**Departments: Community Development** 

(Bentley Regehr, Planning Analyst) - Discussion of potential fee waiver for fees associated with Use Permit 20-003 - which approved the development of twelve residential units and associated commercial space on Cherokee Lake off Highway 158 in June Lake.

# **Bentley Regehr, Planning Analyst:**

- Presented Item
- Clarifies

#### **Supervisor Kreitz:**

- In support resolution and staff recommendations
- Staff needs to work with applicant and then bring it back to the board

#### Chair Gardner:

- Concerned about short term rentals
- Perhaps we wait and come back with a full proposal: **CAO Lawton** works fine for staff

#### **Supervisor Corless:**

• In support today

#### **Stacey Simon, County Counsel:**

• Fee Waiver could be structed as a loan

Direction – Encouraged staff to bring this item back Heard Item 8 – Closed Session

**Action:** 1) Adopted proposed resolution waiving staff time costs/permit fee for Use Permit 20-003, in the amount of \$3,910.50, consistent with Housing Element Program 2.10; 2) Discussed potential options for fee waivers for other projects in the future.

# J. FY2021-22 Budget Third Quarter Adjustments

Item heard after Item 7H.

Departments: CAO

(John Craig, Assistant CAO; Megan Mahaffey, Accountant III) - This item is to approve Third Quarter budget adjustments requested by departments and project year end Fund Balance that can be used to balance the FY2022-23 budget.

**Action:** Received report and approved recommended budget adjustments. (4/5ths vote required).

# John Craig, Assistant CAO:

Presented Item

Duggan motion. Corless seconded. Vote: 4 yes, 0 no, and 1 absent. M22-099

# K. Adopting a Revised Salary Matrix Applicable to At-Will Employees and Elected Department Heads to add Three Positions within Human Resources and Superseding and Replacing R21-45

Item heard after Item 7J.

Departments: CAO

(John Craig, Assistant CAO) - A Resolution of the Mono County Board of Supervisors Adopting a Revised Salary Matrix Applicable to At-Will Employee and Elected Department Heads to add Three Positions Within Human Resources, Reclassify One Position, and Superseding and Replacing R21-45

Action: Adopted proposed resolution.

#### John Craig, Assistant CAO:

Presented Item

Kreitz motion. Duggan seconded. Vote: 4 yes, 0 no, and 1 absent. R22-045

#### 8. CLOSED SESSION

Closed Session: 12:01 PM Reconvened: 1:32 PM

#### A. Closed Session - Labor Negotiations

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Bob Lawton, Stacey Simon, Janet Dutcher, John Craig, Patty Francisco, and Oliver Yee. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39 - majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Correctional Deputy Sheriffs' Association. Unrepresented employees: All.

#### B. Closed Session - Initiation of Litigation

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one.

• Direction was given to staff to initiate litigation. The action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

# C. Closed Session - Public Employee Evaluation

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

THE AFTERNOON SESSION WILL RECONVENE FOLLOWING CLOSED SESSION OR, IF TIME ALLOWS, ITEMS MAY BE TAKEN UP DURING THE MORNING SESSION PRIOR TO CLOSED SESSION.

#### 9. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

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#### 10. REGULAR AGENDA - AFTERNOON

# A. Public Hearing - Resolutions Declaring Intention to Become Groundwater Sustainability Agency

Departments: County Counsel, Community Development

PUBLIC HEARING: 1:30P.M. (20 minutes)

Public Hearing Session: 1:40 PM Public Hearing Closed: 1:45 PM

#### **Stacey Simon, County Counsel:**

- Presented Item
- Did publish public notice for hearing
- No barrier in regard to Mono Basin

**Supervisor Duggan:** 

Thanked staff for their efforts

#### **Public Comment – Lynn:**

- In support of, recommend that we proceed with this
- Why wouldn't you include Mono Basin?

#### **Public Comment - Carol:**

- 40-year resident of Mono County in support of
- Believe that this is the best solution and encourages to pass the resolutions

(Stacey Simon, County Counsel; Wendy Sugimura, Community Development Director) - Declaration of intent to serve as groundwater sustainability agency (GSA) for portions of the Owens Valley groundwater basin and for the Long Valley groundwater basin.

**Action:** Conducted public hearing and adopted proposed resolutions (1) declaring the County's intention to become the groundwater sustainability agency for all portions of the Owens Valley groundwater basin within Mono County but outside the boundaries of the Tri-Valley Groundwater Management District; and (2) declared the County's intention to become the groundwater sustainability agency for the Long Valley groundwater basin of Mono County. Find that adoption of the resolutions is not a project under the California Environmental Quality Act (CEQA) because it would not result in any physical change to the environment; and alternatively, that it qualifies for an exemption from CEQA under 14 CCR 15307; 15308 (actions to protect the environment and natural resources); and 15320 (changes in organization of local agencies).

Duggan motion. Corless seconded.

Vote: 4 yes, 0 no, and 1 absent.

R22-046

R22-047

#### 11. 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 Duggan:**

- Met with Sanjay Choudhrie, Housing Opportunities Manager
- Attended the Eastern Sierra Transit Authority Board of Directors meeting

#### **Chair Gardner:**

- On Wednesday May 11 I participated in the monthly meeting of the Mono Basin RPAC. The main topic at that meeting was a proposal to create the Bodie Hills Conservation Area.
- On Friday May 13 I participated in the monthly meeting of the Eastern Sierra Transit Authority Board of Directors meeting. Besides the regular review of operations and financial reports, the Board discussed ESTA's proposed sixmonth service recommendations. This included continuation of the Reds Meadow Shuttle and termination of the Bishop Creek Shuttle. The Board

- decided to not terminate the Bishop Creek Shuttle but continue it for a year and seek opportunities for additional funding and savings.
- On Sunday May 15 I participated in the June Lake Chamber of Commerce Clean-up Day event. Thanks to the many residents who turned out to help our community look better.
- Yesterday I participated in a special meeting of the Yosemite Area Regional Transportation Authority Board of Directors. We approved a new contract for operations and maintenance for the YARTS bus system and approved the YARTS budget for the upcoming 2022-23 fiscal year. YARTS has a structural deficit dilemma which must be addressed in the next year if it is to continue in its present status. The Board will be reviewing possible options this fall to respond to this problem. Fare increases and some service reductions have already been implemented, but other revenue or savings are needed to support current operations.
- Last night we held the second session of the Citizens Wildfire Academy. Our topic was fire ecology and we had two excellent speakers, Malcolm North, and Craig Thomas. There were just under 50 participants in this session. Thanks to Queenie Barnard for her help in supporting the session, ands for the ongoing help from Justin Caporusso for the publicity about the Academy sessions.

**ADJOURNED AT 1:46 PM** 

**ATTEST** 

Bob Gardner

**BOB GARDNER CHAIR OF THE BOARD** 

**DANIELLE PATRICK** 

ASSISTANT CLERK OF THE BOARD