



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

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

Meeting Location: Board Chambers, 2nd Fl., County Courthouse, 278 Main St., Bridgeport, CA 93517

**Regular Meeting  
November 1, 2022**

9:08 AM Meeting called to order by Vice Chair Duggan.

*Supervisors Present: Corless, Duggan, Gardner, and Peters (all attended in person or zoom).*

*Supervisors Absent: Kreitz.*

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

Pledge of Allegiance led by Supervisor Peters.

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

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

- Community Rec Center.
- Tesla set up has begun.
- Parcel - Units being set on foundation.
- Whitmore Ball Park – supply chain issues discussed.
- Parcel – Child Care – Preschool.
- Broadband Grant Update - \$500,000.
- Outdoor Ice Rink.
- Lift of Local Fire Restrictions.

**Mike Godbe:**

- Make the board aware – remote workstation rollout (Bridgeport, Walker, Lee Vining).

**2. RECOGNITIONS - NONE**

**3. COUNTY ADMINISTRATIVE OFFICER**

**Robert C. Lawton, CAO:**

- Year-end close out.

- Met with Dan Holler.
- Attended CSAC.

#### 4. DEPARTMENT/COMMISSION REPORTS

**Paul Roten, Public Works Director:**

- Provided update on jail project – will have a Board presentation next week.
- Eastern Sierra Sustainable recreation – Marcela has been in contact with Forest Service, BLM, several groups at the Town of Mammoth Lakes.
- Other project updates. Courthouse Paint – discussed challenges; Tennis Court – Walker and Bridgeport and Mono Lake Playground.

**Justin Nalder, Public Works - Solid Waste:**

- Provided update on closure of Benton Landfill.
- This Sunday – 11/6 – Free Dump Day with Clean California.
- Conway Ranch - grazing season is now complete.
- Mountain View Fire – data consolidation period.
- Still working on the Solid Waste Workshop.

**Sanjay Choudhrie, Housing Opportunities Manager:**

- Provided update on Gull Lake Lodge Property.
- Mono Lake Lodge – offer was not accepted.

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

- AAA received Senior Nutrition Infrastructure monies from CDA to support the capacity and infrastructure of senior nutrition programs. Mono will be allocated about \$105,227.
- Will be receiving funds from the CDA to implement an Access to Technology program for older adults in the county, if the BOS approves the project.
- Acknowledged Jen Burrows with Public Health for her efforts for the PSPS shutdown. Due to her actions, we did not have to replace vaccines worth hundreds of thousands of dollars.

**Marjoree Neer, Public Health:**

- Provided update on vaccinations for the flu and Covid.

#### 5. CONSENT AGENDA

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

##### A. Board Minutes

Departments: Clerk of the Board

Approval of the Board Minutes from July 19, 2022, August 9, 2022, August 16, 2022, and September 6, 2022, Regular Meeting of the Board of Supervisors.

**Action:** Approved the Board Minutes from July 19, 2022, August 9, 2022, August 16, 2022, and September 6, 2022, Regular Meeting of the Board of Supervisors.

**Peters moved; Gardner seconded**

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

**M22-205**

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

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 November 1, 2022, through December 1, 2022.

**Action:** Adopted proposed resolution R22-115, 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 November 1, 2022, through December 1, 2022.

**Peters moved; Gardner seconded**

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

**R22-115**

**C. Resolution Adopting Clarified Travel, Per Diem and Meal Policy**

Departments: Human Resources

Proposed resolution clarifying and restating the Amended Mono County Travel, Per Diem (Meal) and Food and Beverage Policy adopted by Resolution R22-111.

**Action:** Adopted proposed resolution R22-116, Clarifying and restating the Amended Mono County Travel, Per Diem (Meal) and Food and Beverage Policy adopted by Resolution R22-111.

**Peters moved; Corless seconded**

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

**R22-116**

**Stacey Simon, County Counsel:**

- Presented Item.
- Reviewed the revised policy - Page 6 policy rates.

**D. Appointment to June Lake Public Utility District**

Departments: Clerk of the Board of Supervisors

Pursuant to Public Utilities Code section 16003, the June Public Utilities District (JLPUD) informed the Mono County Clerk of a vacancy on its governing board. Notice was made within 15 days of the effective date of the vacancy and was posted in three conspicuous places as required by Government Code section 1780. No applications were received by JLPUD within the 60-day time frame in which JLPUD board could have made the appointment. Subsequently, the JLPUD received one application, from Bruce Logan. The JLPUD is asking that the Board of Supervisors appoint Mr. Logan as a member of the JLPUD governing board for a term ending November 30, 2022.

**Action:** Appointed Bruce Logan to the June Lake Public Utility District governing board for a term ending November 30, 2022.

**Peters moved; Gardner seconded**

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

**M22-206**

**E. Amendment to Contracts for Indigent Defense Services**

Departments: CAO

Proposed contract amendments with The Law Office of Sophie Bidet, Inc./Sophie Bidet, Esq., Brad Braaten, Esq. and Josh Hillemeier, Esq. pertaining to the provision of indigent defense services upon appointment by the Court.

**Action:** Approved, and authorized the County Administrative Officer to sign, contract amendments with The Law Office of Sophie Bidet, Inc./Sophie Bidet, Esq., Brad Braaten, Esq. and Josh Hillemeier, Esq. for indigent defense services to modify provisions related to reimbursement for transcription services and increase monthly rate by \$750, commencing November 1, 2022.

**Peters moved; Gardner seconded**

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

**M22-207**

**F. Staff Request for Administrative Leave Without Pay**

Departments: Social Services

Request for the Board of Supervisors to approve Administrative Leave Without Pay for Social Services Integrated Caseworker Yvon Guzman-Rangel.

**Action:** Approved request by Yvon Guzman-Rangel, Integrated Caseworker in the Social Services Department, for Administrative Leave Without Pay in accordance with MCPE Personnel Rules Section 370, for the period October 28, 2022, through December 4, 2022.

**Peters moved; Gardner seconded**

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

**M22-208**

**G. Revised Antelope Valley Regional Planning Advisory Committee (RPAC) Bylaws**

Departments: CDD

The Antelope Valley Regional Planning Advisory Committee (RPAC) revised its operating Bylaws and is recommending approval to the Board of Supervisors.

**Action:** Approved the revised Antelope Valley RPAC Bylaws as recommended.

**Peters moved; Gardner seconded**

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

**M22-209**

**H. Bridgeport Jail Project - HazMat Abatement**

Departments: Public Works

Invitation for Bids and Request for Proposals to remove and monitor potentially hazardous materials from Bridgeport old hospital site, to allow demolition of hospital in preparation for upcoming construction of the Mono County Jail.

**Action:** (1) Approved entry into the attached agreements; (2) Authorized the Public Works Director to advertise the attached Invitation for Bids for hazardous materials abatement and award the contract to the lowest responsive bidder, (3) Authorized the Public Works Director to advertise the attached request for proposals for hazardous materials abatement monitoring and award the contract to the most qualified responsive consultant; and (4) Authorized the Public Works Director to make minor amendments to said agreements from time to time as approved by County Counsel.

**Peters moved; Gardner seconded**

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

**M22-210**

**I. Contract for the Provision of Custodial and Campground Management Services**

Departments: Public Works

Agreement Between County of Mono and Jessica Coronado for the Provision of Custodial and Campground Management Services.

**Action:** Approved and authorized Public Works Director to sign the Agreement Between County of Mono and Jessica Coronado for the Provision of Custodial and Campground Management Services for the period November 1, 2022, through June 30, 2025, and a not-to-exceed amount of \$131,720 per fiscal year.

**Peters moved; Gardner seconded**

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

**M22-211**

**J. Proposed Amendment to Mammoth Community Water District's Conflict of Interest Code**

Departments: Clerk of the Board

All local government agencies, including special districts, are required by state law to adopt their own conflict-of-interest codes and to review such codes once every two years. The last conflict-of-interest code for the Mammoth Community Water District was adopted by their Board of Directors on July 19, 2018 and was due for an update to account for recent changes in some staff job duties and practices. The Board of Supervisors is the code-reviewing body for the conflict-

of-interest codes for the County and all agencies in the county, including the Mammoth Community Water District, and must approve their code for it to take effect.

**Action:** Approved the new Conflict of Interest Code adopted by the Mammoth Community Water District.

**Peters moved; Gardner seconded**

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

**M22-212**

#### **K. FY2021-22 Budget Close Out**

Departments: CAO, Finance

During the year-end process of closing the accounting records, approval from the Board of Supervisors is required when budgeted appropriations are estimated insufficient to cover actual spending incurred by County Departments and where other administrative remedies to reallocate budgeted amounts within budget units are not available or inefficient to do so.

**Action:** Approved and directed the Mono County Budget Officer to make the FY 2021-2022 year-end budget clean-up adjustments as recommended in Attachment A, or as amended (requires 4/5ths approval).

**Gardner moved; Peters seconded**

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

**M22-213**

**Robert C. Lawton, CAO:**

- Presented item.

#### **6. CORRESPONDENCE RECEIVED**

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

##### **A. State of California Wildlife Conservation Board Agenda Item: Project for consideration in Mono County**

Departments: Clerk of the Board

Read and discuss letter regarding an agenda item for State of California Wildlife Conservation Board on November 15, 2022, for a Project Consideration in Mono County, Mammoth 395 Wildlife Crossing Plan (Project ID: 2021183).

**Supervisor Corless:**

- Introduced item.
- Encourages everyone to attend the meeting – Mammoth 395 Wildlife Crossing Project Implemented.

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

## **A. PUBLIC HEARING: Electric Vehicle Charging Station Permit Expediting Ordinance**

Departments: Community Development Department

**Action:** Introduced, read title, and waived further reading of the proposed ordinance to adopt an expedited, streamlined permitting process for electric vehicle charging stations; Found that the project qualifies as a Categorical Exemption under CEQA Sections 15303(d).

**Peters moved; Corless seconded**

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

**M22-214**

**Tom Perry, Community Development:**

- Presented item.

*Public Hearing Opened: 10:27 AM*

*Public Hearing Closed: 10:29 AM*

*Break: 10:31 AM*

*Reconvened: 10:42 AM*

## **B. Consider Waiver of Voter-Approved Mono County Cannabis Cultivators Tax**

Departments: Finance, CAO

(Janet Dutcher, Finance Director) - Cannabis taxation was premised on keeping the tax burden for operators at or below 30%. At the time Mono County adopted its taxing ordinance the produce price was \$800 per pound. Now it has fallen to \$300 or less per pound, increasing the tax burden above the 30% threshold. In response, the state has waived its cultivation tax for a period of three fiscal years. This item is a consideration whether Mono County should likewise waive its cultivation tax or consider other alternatives.

**Action:** Directed staff to return to the Board with an item to temporarily waive the cultivation tax for a period of three fiscal years ending June 30, 2025.

**Peters moved; Corless seconded**

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

**M22-215**

**Janet Dutcher, Finance Director:**

- Introduced item and provided background.

**Jeff Simpson, Economic Development Director:**

- Has worked with this cultivator and others.

**Stacey Simon, County Counsel:**

- Provided a preliminary legal clarification on whether the Board can unilaterally wave, eliminate or reduce the tax.

**C. Establishment of Office of Public Administrator - Public Guardian; Repeal of Existing Code Sections**

Departments: CAO

(Robert C. Lawton, CAO) - Proposed ordinance amending the Mono County Code to establish the Office of the Public Administrator - Public Guardian for Mono County; to repeal Chapter 7.91 related to Conservatorships; and unconsolidated the Office of the Public Administrator from the Office of the District of Attorney.

**Action:** Introduced, read title, and waived further reading of proposed ordinance.

**Peters moved; Gardner seconded**

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

**M22-216**

**Robert C. Lawton, CAO:**

- Presented item.

**Stacey Simon, County Counsel:**

- Discussed Timing – Many moving parts and that there is a transition - changes to occur (February 2023).

**D. Designate the County Administrative Officer as the County's Representative to the California Broadband Cooperative**

Departments: CAO

(Robert C. Lawton) - Designation of County representative to serve on the Board of Directors of the California Broadband Cooperative (CBC).

**Action:** Designated the County Administrative Officer, or his or her designee, to represent the County as a Class A member of the CBC Board of Directors pursuant to Section 4.05(a)(i) of the Bylaws of California Broadband Cooperative, Inc. (Amended and Restated October 4, 2018).

**Peters moved; Gardner seconded**

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

**M22-217**

**Robert C. Lawton, CAO:**

- Presented item.

**Stacey Simon, County Counsel:**

- Provides clarification - Does align with CAO Lawton expertise.
- There are some issues (CDC) that will be discussed in Closed Session.

**E. Resolution Amending the At-Will Employee Salary Matrix**

Departments: CAO

(Robert C. Lawton, 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 Reclassify the District Attorney Operations and Program Supervisor Position, and Superseding and Replacing R22-98.

**Action:** Adopted proposed resolution R22-117, Adopting a Revised Salary Matrix Applicable to At-Will Employee and Elected Department Heads to Reclassify the District Attorney Operations and Program Supervisor Position, and Superseding and Replacing R22-98.

**Gardner moved; Corless seconded**

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

**R22-117**

**Robert C. Lawton, CAO:**

- Presented item.
- Correction – 7/2021 Salary Matrix.

#### **F. Employment Agreement - District Attorney Chief Investigator**

Departments: District Attorney

(Tim Kendall, District Attorney) - Proposed resolution approving a contract with Chris Callinan as District Attorney Chief Investigator, and prescribing the compensation, appointment, and conditions of said employment.

**Action:** Announced Fiscal Impact. Approved Resolution R22-118, Approving a contract with Chris Callinan as District Attorney Chief Investigator, 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:** The full cost of salary and benefits for an entire fiscal year is approximately \$172,709, of which \$131,112 is salary and \$41,597 is benefits. This is included in the adopted budget. Additionally, this item includes ARPA spending of \$5,132 as the cost of essential worker pay, which was not included in the adopted budget.

**Peters moved; Gardner seconded**

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

**R22-118**

**Tim Kendall, District Attorney:**

- Presented item.

#### **G. Employment Agreement - District Attorney Investigator II**

Departments: District Attorney

(Tim Kendall, District Attorney) - Proposed resolution approving a contract with John Estridge as District Attorney Investigator II, and prescribing the compensation, appointment, and conditions of said employment.

**Action:** Announced Fiscal Impact. Approved Resolution R22-119, Approving a contract with John Estridge as District Attorney Investigator II, 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:** The full cost of salary and benefits for an entire fiscal year is approximately \$154,511, of which \$120,186 is salary and \$34,325 is benefits. This is included in the adopted budget. Additionally, this item includes ARPA spending of \$5,132 as the cost of the one-time essential worker pay, which was not included in the adopted budget.

**Peters moved; Gardner seconded**

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

**R22-119**

**Tim Kendall, District Attorney:**

- Presented item.

#### **H. Employment Agreement - District Attorney Operations and Programming Supervisor**

Departments: District Attorney

(Tim Kendall, District Attorney) - Proposed resolution approving a contract with Sarah Gillespie as District Attorney Operations and Programming Supervisor, and prescribing the compensation, appointment and conditions of said employment.

**Action:** Announced Fiscal Impact. Approved Resolution R22-120, approving a contract with Sarah Gillespie as District Attorney Operations and Programming Supervisor, 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:** The full cost of salary and benefits for an entire fiscal year is approximately \$121,189 of which \$85,995 is salary and \$35,194 is benefits. This is included in the adopted budget.

**Corless moved; Gardner seconded**

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

**R22-120**

**Tim Kendall, District Attorney:**

- Presented item.
- Salary 100 % funded by the Victim-Witness Grant.

#### **I. Employment Agreement - Deputy District Attorney III**

Departments: District Attorney

(Tim Kendall, District Attorney) - Proposed resolution approving a contract with Todd Graham as Deputy District Attorney III, and prescribing the compensation, appointment, and conditions of said employment.

**Action:** Announced Fiscal Impact. Approved Resolution R22-121, approving a contract with Todd Graham as Deputy District Attorney III, 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:** The full cost of salary and benefits for an entire fiscal year is approximately \$162,273, of which \$127,054 is salary and \$35,219 is benefits. This is included in the adopted budget.

**Peters moved; Gardner seconded**

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

**R22-121**

**Tim Kendall, District Attorney:**

- Presented item.

## **J. Communications Site License Agreement with New Cingular Wireless**

Departments: Various

(Milan Salva, Interim IT Director and Stacey Simon, County Counsel) - Proposed communications site license Agreement between the County of Mono and New Cingular Wireless PCS, LLC for the development of a cellular tower on property owned by the County at the Chalfant Transfer Station.

**Action:** Approved, and authorized Chair to sign, communications site license agreement with New Cingular Wireless PCS, LLC, as amended, to develop a telecommunications site at the Chalfant Transfer Station for an initial license term of 10 years, with four automatic 10-year renewals, for a total of up to 50 years, and payment of an annual license fee starting at \$1,500 for the first year and ending at \$6,198 for the final year, if specified conditions are satisfied. Found that the project is exempt from review under the California Environmental Quality Act (CEQA) because it qualifies for a Class 3 exemption (14 CCR 15303) and no exceptions to the exemption apply. Authorized staff to file a notice of exemption.

**Peters moved; Gardner seconded**

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

**M22-218**

**Stacey Simon, County Counsel:**

- Introduced and provided background of item.
- Revisions to the agreement – **Paragraph 3D** – *“As further consideration for the license granted here in Licensee shall provide directly, or by contract for the provision of wireless communication services to the portion of the Chalfant Valley, that is, within the line of sight of the antenna in one year of the license State. This deadline may be extended with written approval by the director in his discretion, which approvals will not be unreasonably withheld, and the deadline shall be extended if licensee has shown in*

*good faith, but unsuccessful efforts to secure a cellular provider for the site in sufficient time to meeting the deadline”.*

- Clarified the process of “legal right’ to a property.

**Jon Silva, New Cingular Wireless:**

- Discussed the lack of current coverage.

**Former Supervisor Fred Stump:**

- Provided background information and history.

**Mike Godbe:**

- Expressed concerns, feels like a location in Hammil Valley would be better – this duplicates coverage.

**K. Hydrologic Monitoring at Casa Diablo**

Departments: Community Development - LVHAC

(Nick Criss, Code Enforcement) - Groundwater monitoring in the Casa Diablo Basalt Canyon area on behalf of Ormat Technologies, Inc. pursuant to requirements applicable to the permits for Ormat's geothermal operations.

**Action:** None.

**Nick Criss, Code Enforcement:**

- Presented item.

**Garrett Higerd, Engineer Mammoth Water District:**

- Discussed concerns.

Board consensus to bring item back to the Board next week.

Moved to Item 9.

**8. CLOSED SESSION**

*Closed Session: 12:29 PM*

*Reconvened: 1:47 PM*

Nothing to report out of closed session.

**A. Closed Session - Labor Negotiations**

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

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

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

Moved to Adjournment.

## **9. BOARD MEMBER REPORTS**

**Supervisor Corless:**

- No report.

**Supervisor Duggan:**

- No report.

**Supervisor Gardner:**

- No report.

**Supervisor Kreitz:**

- Absent.

**Supervisor Peters:**

- 10/20 – attended Rural Action Caucus Meeting with NACo.
- 10/25 – attended Tourism Commission meeting
- 10/26 – Human Service Education – NACo meeting
- Met about geothermal project – CAO Lawton and Jeff Simpson

Moved to Item #8.

**ADJOURNED at 1:49 PM**

**ATTEST**

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**RHONDA DUGGAN  
VICE CHAIR OF THE BOARD**

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