



# AGENDA

## 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 February 13, 2018

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#### TELECONFERENCE LOCATIONS:

1) First and Second Meetings of Each Month: Mammoth Lakes CAO Conference Room, 3rd Floor Sierra Center Mall, 452 Old Mammoth Road, Mammoth Lakes, California, 93546; 2) Third Meeting of Each Month: Mono County Courthouse, 278 Main, 2nd Floor Board Chambers, Bridgeport, CA 93517.

Board Members may participate from a teleconference location. Note: Members of the public may attend the open-session portion of the meeting from a teleconference location, and may address the board during any one of the opportunities provided on the agenda under Opportunity for the Public to Address the Board.

**NOTE:** In compliance with the Americans with Disabilities Act if you need special assistance to participate in this meeting, please contact Shannon Kendall, Clerk of the Board, at (760) 932-5533. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (See 42 USCS 12132, 28CFR 35.130).

Full agenda packets are available for the public to review in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517). Any writing distributed less than 72 hours prior to the meeting will be available for public inspection in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517). **ON THE WEB:** You can view the upcoming agenda at <http://monocounty.ca.gov>. If you would like to receive an automatic copy of this agenda by email, please subscribe to the Board of Supervisors Agendas on our website at <http://monocounty.ca.gov/bos>.

***UNLESS OTHERWISE SPECIFIED BY TIME, ITEMS SCHEDULED FOR EITHER THE MORNING OR AFTERNOON SESSIONS WILL BE HEARD ACCORDING TO AVAILABLE TIME AND PRESENCE OF INTERESTED PERSONS. PUBLIC MAY COMMENT ON AGENDA ITEMS AT THE TIME THE ITEM IS HEARD.***

9:00 AM      Call meeting to Order

Pledge of Allegiance

#### 1.      **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.)

2. **RECOGNITIONS - NONE**

3. **COUNTY ADMINISTRATIVE OFFICE**

CAO Report regarding Board Assignments

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

4. **DEPARTMENT/COMMISSION REPORTS**

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. New Hire for Community Development Analyst I (Planning) at the B Step**

Departments: CDD; HR

Consider hiring a Community Development Analyst I (Planning) at the B Step.

**Recommended Action:** Authorize the hiring of an Analyst I (Planning) in the Community Development Department at Step B. Provide any desired direction to staff.

**Fiscal Impact:** Net savings to the General Fund for FY 17-18. The position has been vacant for seven months due to challenges recruiting, and the budget accounted for this position at a higher grade level.

**B. Consolidation of Elections - Mammoth Unified School District**

Departments: Elections

Consolidation of special election of the Mammoth Unified School District with the Statewide Direct Primary Election on June 5, 2018, and direction to the Mono County Elections Division to conduct the election and canvass the returns.

**Recommended Action:** Consider and potentially adopt Resolution R18-\_\_\_\_\_, Consolidating the Special Election called by the Mammoth Unified School District for the Purpose of Submitting to the Voters of the District a bond measure entitled "The Classroom Safety, Renovation and Improvement Measure" with the June 5, 2018, Statewide Direct Primary Election.

**Fiscal Impact:** Minor costs associated with adding an extra item(s) to the already scheduled ballot. These costs will not be known until after the election. In accordance with Elections Code Section 10002, the Board of Education of the Mammoth Unified School District shall reimburse the County for these additional costs.

**C. Consolidation of Elections - Mammoth Lakes Fire Protection District**

Departments: Clerk of the Board

The Mammoth Lakes Fire Protection District has requested that its Special Election on the imposition of a special tax on each parcel of land within the boundaries of the District to pay for fire protection services be consolidated with the Statewide Direct Primary Election on June 5, 2018, and that the Mono County Elections Division conduct the election and canvass the returns.

**Recommended Action:** Consider and potentially adopt Resolution R18-\_\_\_\_, Approving the Mammoth Lakes Fire Protection District's Request to Consolidate its Special Election with the June 5, 2018 Statewide Direct Primary Election.

**Fiscal Impact:** Minor costs associated with adding an extra item(s) to the already scheduled ballot. These costs will not be known until after the election. In accordance with Elections Code Section 10002, the Mammoth Lakes Fire Protection District shall reimburse the County for these additional costs.

**D. Legislative Platform**

Departments: CAO

(Leslie Chapman) - Mono County Legislative Platform.

**Recommended Action:** Approve the 2018 Mono County Legislative Platform for distribution to the Board of Supervisors, State and Federal Legislators and interested members of the public.

**Fiscal Impact:** Minimal cost for printing and distributing the document.

**6. CORRESPONDENCE RECEIVED**

All items listed are located in the Office of the Clerk of the Board, and are available for review. Direction may be given to staff regarding, and/or the Board may discuss, any item of correspondence listed on the agenda.

**A. Mono Basin RPAC Letter**

Letter from Mono Basin Regional Planning Advisory Committee expressing support for the Hess Park Solar Pavilion Project.

**B. Letter from American Lung Association**

Letter from American Lung Association indicating that the 16th annual State of Tobacco Control report will be released January 24, 2018.

**C. Bridgeport Arch / Banner Project Letter**

Letter from Gene Kinum of the Bridgeport RPAC with requests to the Board

regarding the Bridgeport Arch / Banner project.

**7. REGULAR AGENDA - MORNING**

**A. Employment Agreement with Chris Callinan**

Departments: District Attorney

5 minutes

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

**Recommended Action:** Announce Fiscal Impact. Approve Resolution #R18-\_\_\_\_\_, Approving a contract with Chris Callinan as District Attorney Chief Investigator, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

**Fiscal Impact:** Salary for the remainder of FY 2017-2018 is \$48,738 and \$14,652 in benefits. Annual salary for the position is \$115,200 and \$52,225 in benefits. This amount is accounted for in the DA Department's FY 2017-2018 budget.

**B. Cannabis Regulatory Program - Update**

Departments: CAO

10 minutes

(Tony Dublino) - Brief update on progress of County Cannabis regulatory program.

**Recommended Action:** Receive update. Provide any necessary direction to staff.

**Fiscal Impact:** None. Informational only.

**C. Cannabis Tax Rate Workshop**

Departments: Finance

30 minutes

(Janet Dutcher) - Continue cannabis tax workshop to discuss the proposed tax rate structure for commercial cannabis activities in the unincorporated areas of the County.

**Recommended Action:** Conclude discussion about the tax rate structure. Direct staff to finalize the draft tax ordinance, including revisions or modifications directed by the board, and prepare such related documents as are necessary to call an election for the purpose of submitting the question of whether the tax should be imposed to the voters of Mono County.

**Fiscal Impact:** The amount of tax revenue is uncertain because the number of

permitted businesses, the size of each cultivator and the amount of gross receipts generated by each business is largely unknown. Based on inquiries of potential cannabis related businesses in Mono County, tax revenue is estimated to range from \$142,840 to \$821,700 depending on the number of permits issued, the tax method employed and the tax rate adopted.

**D. Child Support Services Update and MOU**

Departments: Child Support Services

20 Minutes

(Susanne Rizo) - Approval of the Memorandum of Understanding Between Inyo and Mono County for the Continued Operation of the Eastern Sierra Department of Child Support Services, a Regional Child Support Agency (MOU).

**Recommended Action:** Receive presentation from the Eastern Sierra Department of Child Support Services, review and approve the 2018 Memorandum of Understanding between Inyo and Mono County for the regionalized delivery of these services, and authorize County Administrator to sign.

**Fiscal Impact:** None. The Eastern Sierra Department of Child Support Services is wholly state funded. No county general funds are used in administering this program.

**E. Five-year Capital Improvement Program (CIP) Workshop**

Departments: CAO and other Departments

1.5 Hour (40 minute presentation, 50 minute discussion)

(Tony Dublino, Joe Blanchard, Garrett Higerd, Nate Greenberg, Justin Nalder, Amanda Greenberg) - Presentation by Tony Dublino, Joe Blanchard, Garrett Higerd, Nate Greenberg, Justin Nalder, and Amanda Greenberg on the County's current approach to planning and prioritizing capital projects, with a proposal for an improved 5-year Capital Improvement Plan process.

**Recommended Action:** Receive presentation; provide any direction to staff.

**Fiscal Impact:** None at this time.

**8. 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.)

**9. CLOSED SESSION**

**A. Closed Session--Human Resources**

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Stacey Simon, Leslie Chapman, Dave Butters, Janet Dutcher, and Anne Larsen. 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 - Exposure to Litigation**

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: Three.

**THE AFTERNOON SESSION WILL RECONVENE NO EARLIER THAN 1 P.M.**

**10. 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.)

**11. REGULAR AGENDA - AFTERNOON**

**A. Sierra CAMP**

30 minutes

(Nikki Caravelli, Project Manager / Steve Frisch, President Sierra Business Council)  
- Presentation from the Sierra Business Council, discussing Sierra CAMP, the Sierra Consortium, and the 2018 Parks and Water bond measure.

**Recommended Action:** 1. Join the Sierra Climate Adaptation and Mitigation Partnership (Sierra CAMP). 2. Join the Sierra Consortium. 3. Approve a Resolution to endorse Proposition 68, the June 2018 Parks & Water bond measure.

**Fiscal Impact:** \$5000 a year for the Sierra Consortium annual membership.

**B. Conway Ranch Grazing Proposals**

Departments: CAO

50 minutes (10 minute presentation, 40 minute comments)

(Tony Dublino) - Presentation by Tony Dublino regarding cattle grazing proposals for Conway Ranch.

**Recommended Action:** Receive information on cattle grazing proposals received; provide direction to staff, as outlined in staff report, regarding identification of the preferred proposal and environmental review.

**Fiscal Impact:** None.

**C. Mono County Tobacco Policy Update & Proposed Amendments to Chapter 7.92 of the Mono County Code**

Departments: Public Health

45 Minutes

(Nancy Mahannah, Dustlyne Beavers) - Provide presentation to the Board of Supervisors on tobacco control policies, statistics and proposed amendments to Mono County Code 7.92 including suggested changes to tobacco policies related to multi-unit housing, enforcement and prohibitions.

**Recommended Action:** Receive presentation. Following discussion, introduce, read title, and waiver further reading of proposed ordinance No. ORD18-\_\_\_ Amending Mono County Code Chapter 7.92 Relating to the County's Smoking and Tobacco Policy. Provide any desired direction to staff.

**Fiscal Impact:** Implementation of ordinance amendments would be funded through the Tobacco Tax and Health Protection Act of 1988 and The California Healthcare, Research and Prevention Tobacco Tax Act of 2016. There is no impact to the Mono County General Fund.

**D. Resolution for 2018-2019 Off-Highway Vehicle Grant**

Departments: Sheriff

10 Minutes

(Sheriff Ingrid Braun) - The Off-Highway Vehicle Grant requires a governing body resolution to approve filing an application for FY 2018-2019 funding and to certify the Board's understanding of the grant requirements.

**Recommended Action:** Approve proposed R18-\_\_\_, Authorizing the Mono County Sheriff-Coroner, Mono County Sheriff's Office Emergency Services Coordinator, and/or the Mono County Sheriff's Office Finance Officer to apply for and administer the California State Parks Off-Highway Vehicle (OHV) Grant Program for Fiscal Year 2018-19 for an amount not to exceed \$120,000. Provide any desired direction to staff.

**Fiscal Impact:** Grant will not exceed \$120,000 and there is a 25% match requirement. Matching funds are provided through receipt of OHV license fees with no contribution required from the County's General Fund. In previous years the grant was used to pay for on-going costs associated with OHV patrol and enforcement of California OHV laws applicable in our area. Past grant expenditures include overtime, maintenance, vehicle costs, rents, utilities and occasionally replacement of equipment.

**E. Resolution for 2018-2019 Boating Grant**

Departments: Sheriff

10 Minutes

(Sheriff Ingrid Braun) - Proposed resolution authorizing the County's participation in

the FY 2018-2019 California Department of Boating and Waterway Grant Program.

**Recommended Action:** Adopt proposed resolution, R18-\_\_\_\_, authorizing the County's participation in the FY 2018-2019 California Department of Boating and Waterways Grant Program and designating the Sheriff-Coroner, Mono County Sheriff's Office Emergency Services Coordinator, and/or the Mono County Sheriff's Office Finance Officer as an authorized agent to sign and administer the grant. Provide any desired direction to staff.

**Fiscal Impact:** The grant will not exceed \$131,065. There is no match requirement for this grant. In previous years, this grant was used to pay on-going costs associated with regular boating patrol on 23 lakes and to enforce California boating laws applicable to our area. Past grant expenditures include salaries, overtime, benefits, maintenance, supplies, training, vehicle expenses, utilities and occasionally replacement of equipment.

12.

### **BOARD MEMBER REPORTS**

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

**ADJOURN**





**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** February 13, 2018

**Departments: CDD; HR**

**TIME REQUIRED**

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**SUBJECT** New Hire for Community  
Development Analyst I (Planning) at  
the B Step

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Consider hiring a Community Development Analyst I (Planning) at the B Step.

**RECOMMENDED ACTION:**

Authorize the hiring of an Analyst I (Planning) in the Community Development Department at Step B. Provide any desired direction to staff.

**FISCAL IMPACT:**

Net savings to the General Fund for FY 17-18. The position has been vacant for seven months due to challenges recruiting, and the budget accounted for this position at a higher grade level.

**CONTACT NAME:** Wendy Sugimura

**PHONE/EMAIL:** 7609241814 / wsugimura@mono.ca.gov

**SEND COPIES TO:**

Dave Butters, Wendy Sugimura

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<a href="#">staff report</a>

**History**

Time	Who	Approval
2/9/2018 6:06 AM	County Administrative Office	Yes
2/5/2018 11:11 AM	County Counsel	Yes

2/8/2018 5:59 PM

Finance

Yes

# Mono County Community Development Department

PO Box 347  
Mammoth Lakes, CA 93546  
760.924.1800, fax 924.1801  
[commdev@mono.ca.gov](mailto:commdev@mono.ca.gov)

PO Box 8  
Bridgeport, CA 93517  
760.932.5420, fax 932.5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

February 13, 2018

**To: The Honorable Board of Supervisors**

From: Wendy Sugimura, Interim Community Development Director

**RE: New Hire for Community Development Analyst I (Planning) at the B Step**

**RECOMMENDED ACTION:**

Authorize the hiring of an Analyst I (Planning) in the Community Development Department at Step B.

**FISCAL IMPACT:**

Net savings to the General Fund for FY 17-18. The position has been vacant for seven months due to challenges recruiting, and the budget accounted for this position at a higher grade level.

**DISCUSSION:**

The Analyst (Planning) position is approved in the FY 17-18 Community Development budget and allocation list, is a key position for the daily workflow of the department, and trains and works across multiple disciplines (planning, building, code enforcement) to provide versatility, efficiency, and high-quality customer service. The position was vacated in previous fiscal years and not filled due to budget considerations, and was included in the FY 17-18 budget at an Analyst II level if a qualified candidate was identified. Currently, existing Community Development Department staff are sharing the work load of this vacant position, in addition to the work load from the retirement of the Department Director.

The recruitment was initially flown in September, 2017, and concluded with an offer that was not accepted by the candidate. The recruitment was then flown again in November/December with expanded advertising, and a total of 13 applications were received. The applicant pool was highly qualified, and the top applicants were interviewed. The initial offer was not accepted due to the candidate's inability to find suitable housing. Therefore, a third offer was made to a highly-qualified applicant and was accepted.

The selected candidate has a Bachelor of Science in physics and geoscience, and a Master's degree in Community and Regional Planning. His Master's degree project was to conduct a Buildable Lands Inventory for Teton County, WY, including developing the methodology, conducting the analysis, and delivering the final product. The project embodies a skill set that includes land use planning, GIS analysis, research, data development and analysis, and technical writing, which are all critical to success as a CDD Analyst. The applicant is familiar with the character of rural counties and resort areas, and is familiar with public interaction through non-profit work and a several projects for which he has served as the lead. Finally, the Analyst I position typically requires an undergraduate degree, and the department has a history of hiring candidates with a graduate degree in planning or related fields at a Step B.

The applicant is highly qualified at the basic level, and brings additional skills, experience, and a graduate degree that represents additional training and increased capacity over the entry level step, and therefore we are requesting a starting salary at Step B.



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** February 13, 2018

**Departments: Elections**

**TIME REQUIRED**

**SUBJECT** Consolidation of Elections -  
Mammoth Unified School District

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

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### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Consolidation of special election of the Mammoth Unified School District with the Statewide Direct Primary Election on June 5, 2018, and direction to the Mono County Elections Division to conduct the election and canvass the returns.

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### RECOMMENDED ACTION:

Consider and potentially adopt Resolution R18-\_\_\_\_, Consolidating the Special Election called by the Mammoth Unified School District for the Purpose of Submitting to the Voters of the District a bond measure entitled "The Classroom Safety, Renovation and Improvement Measure" with the June 5, 2018, Statewide Direct Primary Election.

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### FISCAL IMPACT:

Minor costs associated with adding an extra item(s) to the already scheduled ballot. These costs will not be known until after the election. In accordance with Elections Code Section 10002, the Board of Education of the Mammoth Unified School District shall reimburse the County for these additional costs.

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**CONTACT NAME:** Scheereen Dedman

**PHONE/EMAIL:** x5538 / sdedman@mono.ca.gov

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### SEND COPIES TO:

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### MINUTE ORDER REQUESTED:

YES  NO

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### ATTACHMENTS:

Click to download
<input type="checkbox"/> <a href="#">Staff Report</a>
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<input type="checkbox"/> <a href="#">MUSD Resolution</a>

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History

<b>Time</b>	<b>Who</b>	<b>Approval</b>
2/9/2018 5:50 AM	County Administrative Office	Yes
2/8/2018 6:03 PM	County Counsel	Yes
2/8/2018 6:08 PM	Finance	Yes



## CLERK-RECORDER-REGISTRAR COUNTY OF MONO

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P.O. BOX 237, BRIDGEPORT, CALIFORNIA 93517  
(760) 932-5530 • FAX (760) 932-5531

*Shannon Kendall*  
*Registrar of Voters*  
(760) 932-5533  
[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)

To: Honorable Board of Supervisors  
From: Shannon Kendall, Registrar of Voters  
Date: February 13, 2018

### **Subject**

Consolidation of the June 5, 2018 General Obligation Bond Election.

### **Recommended Action**

Consider and potentially adopt a resolution consolidating the Mammoth Unified School District General Obligation Bond Election with the June 5, 2018 Statewide Direct Primary Election.

### **Discussion**

At the January 25, 2018 meeting of the Board of Education of the Mammoth Unified School District, Resolution No. 17-10 was adopted calling for and giving notice of a School Bond Election to be held on June 5, 2018, for the purpose of approving a measure.

Resolution 17-10 also requests that the Mono County Board of Supervisors consent and agree to consolidate the General Obligation Bond Election with the Statewide Primary Election to be held on the same date.

As part of this resolution, the Board of Education of the Mammoth Unified School District is requesting that the Mono County Elections Division be responsible for the conduct of the consolidated election.

### **Fiscal Impact**

There will be minor prorated costs associated with the consolidated election. These costs will be determined after the election. In accordance with §10002 of the California Elections Code, Mammoth Unified School District shall reimburse the county in full for these services performed.



R18-\_\_

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS  
CONSOLIDATING THE SPECIAL ELECTION  
CALLED BY THE MAMMOTH UNIFIED SCHOOL DISTRICT  
FOR THE PURPOSE OF SUBMITTING TO THE  
VOTERS OF THE DISTRICT A BOND MEASURE ENTITLED  
“THE CLASSROOM SAFETY, RENOVATION AND IMPROVEMENT MEASURE”  
WITH THE JUNE 5, 2018, STATEWIDE DIRECT PRIMARY ELECTION**

**WHEREAS**, the Board of Education of the Mammoth Unified School District called a Special Election to be held on June 5, 2018, for the purpose of approving a general obligation bond measure known as the “Mammoth Unified School District Classroom Safety, Renovation and Improvement Measure”; and

**WHEREAS**, it is desirable that the Special Election be consolidated with the Statewide Direct Primary Election to be held on the same date, and that within the District, the precincts, polling places and election officers of the two elections be the same, and that the Mono County Elections Division canvass the returns of the General Obligation Bond Election, and that the election be held in all respects as if there were only one election; and

**WHEREAS**, the Board of Supervisors is requested to consent and agree to the consolidation of a General Obligation Bond Election with the Statewide Direct Primary Election, and issue instructions to the Mono County Elections Division to take any and all steps necessary for the holding of the consolidated election.

**NOW, THEREFORE, BE IT RESOLVED by the Mono County Board of Supervisors as follows:**

**SECTION 1:** Pursuant to §10400, *et seq.*, of the California Elections Code, the Mono County Board of Supervisors consents and agrees to the consolidation of the Special Election called by the Mammoth Unified School District by Resolution 17-10 with the Statewide Direct Primary Election on Tuesday, June 5, 2018, for the purpose of submitting to the voters of the District “The Mammoth Unified School District Classroom Safety, Renovation and Improvement Measure.”

**SECTION 2:** The Mono County Elections Division is instructed to take any and all steps necessary for the holding of the consolidated election. The election shall be held in all respects as if there were only one election. Only one form of ballot shall be used and shall be in form and content as required by law.

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**SECTION 3:** The Mono County Elections Division is authorized to canvass the returns of the General Municipal Election.

**SECTION 4:** Pursuant to California Elections Code § 10002, the Mono County Elections Division will bill the Mammoth Unified School District for any costs incurred because of this consolidation, and shall be reimbursed by the Mammoth Unified School District accordingly.

**PASSED, APPROVED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote, to wit:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

\_\_\_\_\_  
Bob Gardner, Chair  
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
County Counsel





## MAMMOTH UNIFIED SCHOOL DISTRICT

Superintendent  
Lois Klein

Board of Education  
Jack Farrell  
Deanna Campbell  
Shana Stapp  
John Stavlo  
Yvon Guzman Rangel

January 26, 2018

Shannon Kendall, Registrar of Voters  
Mono County Elections  
74 North School Street, Annex 1  
P.O. Box 237  
Bridgeport, California 93517  
Attention: Helen Nunn, Assistant Registrar of Voters

Re: General Obligation Bond Election — June 5, 2018

Dear Ms. Kendall:

Please find enclosed a certified copy of a resolution adopted on January 25, 2018, by the Board of Education of the Mammoth Unified School District (the "District") ordering a school bond election to be held in the District on June 5, 2018 (the "Resolution"), and requesting consolidation of the election with any other election to be held in the District on the same date, delivered to you in accordance with Elections Code Section 10403. Enclosed also please find the tax rate statement with respect to the election in accordance with Section 9400 *et seq.* of the Election Code.

Pursuant to Senate Bill No. 1118, school districts are no longer required to deliver resolutions ordering school bond elections to county superintendents of schools and there is no longer any formal notice of election requirement. Therefore, you should not expect to receive a formal notice of election or the election order from the County Superintendent of Schools.

Please note that none of the projects proposed to be funded by the proposed bonds will require state matching funds to be completed. Therefore, the sample ballot should not contain the statement provided in Section 15122.5(b) of the California Education Code.

Please note that the District, in Section 3(c) of the Resolution, requests that the full text of the measure included on Exhibit A, or, in the alternative, that the legend presented in Section 3(c), be printed in full in the voter pamphlet.

Education Code Section 15272 requires an additional statement be included in school bond election ballots to the effect that the governing board of a school district calling a majority vote election pursuant to Proposition 39 will appoint a citizens' oversight committee and conduct annual independent audits to assure that funds are spent only on authorized purposes. Accordingly, in the event the full text of the measure is not reprinted in the voter pamphlet, the District requests that the language provided in Section 3(d) of the Resolution be included.

Thank you for your assistance. If you require any further information or have any questions, please do not hesitate to contact me at (760) 934-6802 or the District's bond counsel, Don Field of Orrick, Herrington & Sutcliffe LLP, at (949) 852-7727.

Very truly yours,



Lois Klein, Superintendent



## MAMMOTH UNIFIED SCHOOL DISTRICT

Superintendent  
Lois Klein

Board of Education  
Jack Farrell  
Deanna Campbell  
Shana Stapp  
John Stavlo  
Yvon Guzman Rangel

January 26, 2018

Shannon Kendall, Clerk of the Board of Supervisors  
County of Mono Board of Supervisors  
P.O. Box 715  
Bridgeport, California 93517

Re: General Obligation Bond Election — June 5, 2018

Dear Ms. Kendall:

Please find enclosed a certified copy of a resolution adopted on January 25, 2018, by the Board of Education of the Mammoth Unified School District ordering a school bond election to be held in the District (the "Resolution") and consolidated with any other elections held in the same territory on June 5, 2018, delivered to you in accordance with Elections Code Section 10403.

The District requests that you see that this election is consolidated as requested in Section 3 of the Resolution.

Thank you for your assistance. If you require any further information or have any questions, please do not hesitate to contact me at (760) 967-6802 or the District's bond counsel, Don Field of Orrick, Herrington & Sutcliffe LLP, at (949) 852-7727.

Very truly yours,

Lois Klein, Superintendent

**RESOLUTION NO. #17-10**

**RESOLUTION OF THE BOARD OF EDUCATION OF THE  
MAMMOTH UNIFIED SCHOOL DISTRICT ORDERING A  
SCHOOL BOND ELECTION, AND AUTHORIZING  
NECESSARY ACTIONS IN CONNECTION THEREWITH**

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**WHEREAS**, the Board of Education (the “Board”) of the Mammoth Unified School District (the “District”), located in the County of Mono (the “County”), is committed to protecting the quality of education in our local public schools by upgrading aging classrooms, science labs and infrastructure; and

**WHEREAS**, the District, in collaboration with community, staff and student advisory groups, has prepared a Facility Master Plan and aligned it to the District’s educational goals; and

**WHEREAS**, the Board had determined that schools within the District need to be renovated, upgraded, expanded, improved, and better equipped in a fiscally prudent manner by addressing needs now before they become more urgent and more costly; and

**WHEREAS**, a local measure will help the District qualify for millions of dollars of State matching funds; and

**WHEREAS**, every penny from a bond measure will benefit our local schools and no funds can be used for general operating expenses; and

**WHEREAS**, the Board is authorized to order elections within the District and to designate the specifications thereof, pursuant to Sections 5304 and 5322 of the California Education Code (the “Education Code”); and

**WHEREAS**, the Board is specifically authorized to order elections for the purpose of submitting to the electors the question of whether bonds of the District shall be issued and sold for the purpose of raising money for the purposes hereinafter specified, pursuant to Education Code Sections 15100 *et seq.*; and

**WHEREAS**, pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the California Constitution, and Section 15266 of the Education Code, school districts may seek approval of bonds and levy an *ad valorem* tax to repay those bonds upon a 55% vote of those voting on a proposition for the purposes hereinafter specified, provided certain accountability requirements are included in the proposition, including (a) that the proceeds from the sale of the bonds be used only for the purposes specified in Article XIII A, Section 1(b)(3) of the Constitution, and not for any other purpose, including teacher and administrator salaries and other school operating expenses, (b) that a list of the specific school facilities projects to be funded be included, which the school district board has certified that it has evaluated safety, class size reduction and information technology needs in developing, and (c) that performance and

financial audits be required and there be oversight by an independent citizens' oversight committee to ensure that all funds are spent properly and as promised to the voters; and

**WHEREAS**, the Board deems it necessary and advisable to submit such a bond proposition to the electors, which, if approved by 55% of the votes cast, would permit the District to issue its bonds; and

**WHEREAS**, such a bond election must be conducted concurrent with a statewide primary election, general election or special election, or at a regularly scheduled local election at which all of the electors of the District are entitled to vote, as required by Section 15266 of the Education Code; and

**WHEREAS**, on June 5, 2018, a statewide primary election is scheduled to be conducted throughout the District; and

**WHEREAS**, subsection (c) of Section 15100 of the Education Code provides that, before the governing board of a school district may order an election pursuant to Education Code Sections 15100 *et seq.*, it shall obtain reasonable and informed projections of assessed property valuations that take into consideration projections of assessed property valuations made by the county assessor; and

**WHEREAS**, although the County Assessor provides periodic updates of assessed property valuations for the current tax year, the County Assessor does not make projections of assessed property valuations; and

**WHEREAS**, the Board has been presented projections of assessed property valuations of the property within the boundaries of the District in connection with developing the bond proposition that take into consideration, among other things, current assessed property valuations and historical average growth rates of assessed property valuations of the property within the boundaries of the District and the Board finds those projections to be reasonable and informed; and

**WHEREAS**, the Board has determined that, based upon such projections of assessed property valuation, if approved by voters, the tax rate levied to meet the debt service requirements of the bonds proposed to be issued will not exceed the maximum tax rate permitted by Section 15270 of the Education Code; and

**WHEREAS**, Section 9400 *et seq.* of the California Elections Code (the "Elections Code") requires that a tax information statement be contained in all official materials, including any voter information guide prepared, sponsored or distributed by the District, relating to the election; and

**WHEREAS**, the Board now desires to authorize the filing of a ballot argument in favor of the bond proposition to be submitted to the voters at the election; and

**WHEREAS**, if a project or projects to be funded by the bonds will require State of California matching grant funds for any phase, the sample ballot must contain a statement, in the form prescribed by law, advising the voters of that fact, and the Board finds that completion of a

portion of the projects listed in the bond proposition set forth herein will require State matching grant funds for any phase thereof;

**NOW, THEREFORE**, be it resolved, determined and ordered by the Board of Education of the Mammoth Unified School District as follows:

**Section 1. Recitals.** All of the above recitals are true and correct.

**Section 2. Specifications of Election Order; Required Certification.** Pursuant to Education Code Sections 5304, 5322, 15100 *et seq.*, and 15266, and Section 18 of Article XVI and Section 1 of Article XIII A of the California Constitution, a special election shall be held within the boundaries of the District on June 5, 2018, for the purpose of submitting to the registered voters of the District the bond proposition contained in Exhibit A attached hereto and incorporated herein. In accordance with Section 1 of Article XIII A of the California Constitution, and as provided in the text of the bond proposition, the Board hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the bond project list set forth in the bond proposition.

**Section 3. Conduct of Election.** (a) *Request to County Officers.* Pursuant to Section 5303 of the Education Code, the Registrar of Voters of the County (the “Registrar of Voters”) is required to, and is hereby requested to, take all steps to hold the election in accordance with law and these specifications.

(b) *Abbreviation of Proposition.* Pursuant to Sections 13119 and 13247 of the Elections Code and Sections 5322, 15122 and 15272 of the Education Code, the Board hereby directs the Registrar of Voters to use the following abbreviation of the bond proposition on the ballot:

*“To renovate and improve aging classrooms/schools, including deteriorating roofs, enhance safety/technology infrastructure, improve energy efficiency, construct and equip science labs, classrooms, school facilities, and qualify for State matching funds, shall Mammoth Unified School District issue \$63.1 million in bonds, with legal rates, estimated repayment amounts averaging \$3,675,000 raised annually for approximately 33 years, projected tax rates of 4 to 6 cents per \$100 of assessed valuation, independent citizens' oversight, audits, and no money for operating expenses?”*

(c) *Voter Pamphlet.* The Registrar of Voters is hereby requested to reprint the full text of the bond proposition as set forth in Exhibit A in its entirety in the voter information pamphlet to be distributed to voters pursuant to Section 13307 of the Elections Code. In the event the full text of the bond proposition is not reprinted in the voter information pamphlet in its entirety, the Registrar of Voters is hereby requested to print, immediately below the impartial analysis of the bond proposition, in no less than 10-point boldface type, a legend substantially as follows:

*“The above statement is an impartial analysis of Measure \_\_. If you desire a copy of the measure, please call the County Registrar of Voters at (760) 932-5530 or the Mammoth Unified School District at (760) 934-6802, and a copy will be mailed at no cost to you. Measure \_\_ is also available on the Internet at <http://www.mammothusd.org>.”*

(d) *Accountability Safeguards.* In the event the full text of the bond proposition is not reprinted in the voter information pamphlet in its entirety, the Registrar of Voters is hereby requested to include the following statement in the ballot in compliance with Section 15272 of the Education Code:

*“If Measure \_\_ is approved, the Board of Education of the Mammoth Unified School District will appoint a citizens’ oversight committee and conduct annual independent audits to assure that bond funds are spent only on the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, and for no other purposes.”*

(e) *State Matching Funds.* The District hereby requests that the Registrar of Voters include the following statement in the ballot pamphlet, pursuant to Section 15122.5 of the Education Code:

*“Approval of Measure \_\_ does not guarantee that the proposed project or projects in the Mammoth Unified School District that are the subject of bonds under Measure \_\_ will be funded beyond the local revenues generated by Measure \_\_. The District’s proposal for the project or projects assumes the receipt of matching State funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.”*

(f) *Consolidation Requirement.* Pursuant to Section 15266(a) of the Education Code, the election shall be consolidated with the statewide primary election on June 5, 2018, and pursuant to Education Code Section 5342 and Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, the Registrar of Voters and the Board of Supervisors of the County are hereby requested to order consolidation of the election with such other elections as may be held on the same day in the same territory or in territory that is in part the same. The

District hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed by Section 10418 of the Elections Code.

(g) *Canvass of Results.* The Board of Supervisors of the County is authorized and requested to canvass the returns of the election, pursuant to Section 10411 of the Elections Code.

(h) *Required Vote.* Pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the California Constitution, the bond proposition shall become effective upon the affirmative vote of at least 55% of the voters of the District voting on the proposition.

(i) *Election Costs.* The District shall pay all costs of the election approved by the Board of Supervisors of the County pursuant to Education Code Section 5421.

**Section 4. Delivery of Order of Election to County Officers.** The Clerk of the Board of the District is hereby directed to cause to be filed as soon as practicable, and in any event no later than March 9, 2018 (which date is not fewer than 88 days prior to the date set for the election), one copy of this Resolution to the Registrar of Voters, including the tax information statement attached hereto as Exhibit B, containing the information required by Elections Code Section 9400 *et seq.*, completed and signed by the Superintendent of the District, and shall file a copy of this Resolution with the Clerk of the Board of Supervisors of the County.

**Section 5. Ballot Arguments.** The President of the Board, or any member or members of the Board as the President shall designate, are hereby authorized, but not directed, to prepare and file with the Registrar of Voters a ballot argument in favor of the bond proposition, within the time established by the Registrar of Voters, which shall be considered the official ballot argument of the Board as sponsor of the bond proposition.

**Section 6. Further Authorization.** The members of the Board, the Superintendent of the District, and all other officers of the District are hereby authorized and directed, individually and collectively, to do any and all things that they deem necessary or advisable in order to effectuate the purposes of this resolution in accordance with the terms hereof and of applicable provisions of law.



**Section 7. Effective Date.** This Resolution shall take effect upon its adoption by a two-thirds vote.

**PASSED AND ADOPTED** this day, January 25, 2018, by the following vote:

AYES: 5

NOES: 0

ABSTAIN: 0

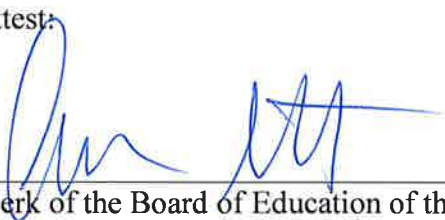
ABSENT: 0

APPROVED:



\_\_\_\_\_  
President of the Board of Education of the  
Mammoth Unified School District

Attest:



\_\_\_\_\_  
Clerk of the Board of Education of the  
Mammoth Unified School District

## EXHIBIT A

### FULL TEXT OF BOND PROPOSITION

#### MAMMOTH UNIFIED SCHOOL DISTRICT CLASSROOM SAFETY, RENOVATION AND IMPROVEMENT MEASURE

This Proposition may be known and referred to as the “Mammoth Unified School District Classroom Safety, Renovation and Improvement Measure” or as “Measure \_\_\_”. *[designation to be assigned by County Registrar of Voters]*

### BOND AUTHORIZATION

By approval of this proposition by at least 55% of the voters of the Mammoth Unified School District (the “District”) voting on the proposition, the District shall be authorized to issue and sell bonds of up to \$63,100,000 in aggregate principal amount to provide financing for the specific school facilities projects listed under the heading entitled “BOND PROJECT LIST” below (the “Bond Project List”), and qualify to receive State of California matching grant funds, subject to all of the accountability safeguards specified below.

### ACCOUNTABILITY SAFEGUARDS

The provisions in this section are specifically included in this proposition in order that the voters and taxpayers of the District may be assured that their money will be spent to address specific school facilities needs of the District, all in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution, and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Sections 15264 and following of the California Education Code (the “Education Code”)).

**Evaluation of Needs.** The Board of Education of the District (the “Board”) has prepared an updated facilities master plan in order to evaluate and address all of the facilities needs of the District at each campus and facility, and to determine which projects to finance from a local bond at this time. The Board hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the Bond Project List.

**Limitations on Use of Bonds.** Proceeds from the sale of bonds authorized by this proposition shall be used only for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

**Independent Citizens’ Oversight Committee.** The Board shall establish an independent citizens’ oversight committee (pursuant to Education Code Section 15278 and following), to ensure bond proceeds are expended only for the school facilities projects listed in the Bond Project List. The committee shall be

established within 60 days of the date that the Board enters the election results on its minutes pursuant to Section 15274 of the Education Code. In accordance with Section 15282 of the Education Code, the citizens' oversight committee shall consist of at least seven members and shall include a member active in a business organization representing the business community located within the District, a member active in a senior citizens' organization, a member active in a bona fide taxpayers' organization, a member that is a parent or guardian of a child enrolled in the District, and a member that is both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization. No employee or official of the District and no vendor, contractor or consultant of the District shall be appointed to the citizens' oversight committee.

**Annual Performance Audits.** The Board shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed in the Bond Project List. These audits shall be conducted in accordance with the Government Auditing Standards issued by the Comptroller General of the United States for performance audits. The results of these audits shall be made publicly available and shall be submitted to the citizens' oversight committee in accordance with Section 15286 of the Education Code.

**Annual Financial Audits.** The Board shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed in the Bond Project List. These audits shall be conducted in accordance with the Government Auditing Standards issued by the Comptroller General of the United States for financial audits. The results of these audits shall be made publicly available and shall be submitted to the citizens' oversight committee in accordance with Section 15286 of the Education Code.

**Special Bond Proceeds Account; Annual Report to Board.** Upon approval of this proposition and the sale of any bonds approved, the Board shall take actions necessary to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Superintendent of the District shall cause a report to be filed with the Board no later than January 1 of each year, commencing on the first January 1 after the sale of the first series of bonds, stating (a) the amount of bond proceeds received and expended in that year, and (b) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the Superintendent of the District shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the Board.

## **FURTHER SPECIFICATIONS**

**Joint-Use Projects.** The District may enter into agreements with other public agencies or nonprofit organizations for joint use of school facilities financed with the proceeds of the bonds in accordance with Education Code Section 17077.42 (or any successor provision). The District may seek State grant funds for eligible joint-use projects as permitted by law, and this proposition hereby specifies and acknowledges that bond funds will or may be used to fund all or a portion of the local share for any eligible joint-use projects identified in the Bond Project List or as otherwise permitted by California State regulations, as the Board shall determine.

**Single Purpose.** All of the purposes enumerated in this proposition shall be united and voted upon as one single proposition, pursuant to Education Code Section 15100, and all the enumerated purposes shall constitute the specific single purpose of the bonds, and proceeds of the bonds shall be spent only for such purpose, pursuant to California Government Code Section 53410.

**Other Terms of the Bonds.** When sold, the bonds shall bear interest at an annual rate not exceeding the statutory maximum, and that interest shall be made payable at the time or times permitted by law. The bonds may be issued and sold in several series, and no bond shall be made to mature more than the statutory maximum number of years from the date borne by that bond.

## **ESTIMATED BALLOT INFORMATION**

The District is required by law to include in the statement of the measure to be voted on estimates of the amount of money to be raised annually to repay the bonds and the rate and duration of the tax to be levied for the bonds. As of the time this proposition was placed on the ballot, the District estimated that amounts to be raised annually would average \$3,675,000 for the repayment of the authorized bonds for approximately 33 years at projected tax rates of 4 to 6 cents per \$100 of assessed valuation. Attention of all voters is directed to the fact that such information is based upon the District's projections and estimates only, which are not binding upon the District. The amount of money to be raised annually and the rate and duration of the tax to be levied for the bonds may vary from those presently estimated due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on need for construction funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.

## **BOND PROJECT LIST**

The Bond Project List below lists the specific projects the District proposes to finance with proceeds of the bonds. The Bond Project List shall be considered a part of the bond proposition and shall be reproduced in any official document required to contain the full statement of the bond proposition. Listed projects will be completed as needed at a particular school or facility site according to Board-established priorities, and the order in which such projects appear on the Bond Project List is not an indication of priority for funding or completion. Any authorized repairs shall be capital expenditures. The Bond Project List does not authorize non-capital expenditures. Each project is assumed to include its share of costs of the election and bond issuance, construction-related costs, such as project and construction management, architectural, engineering, inspection and similar planning and testing costs, demolition and interim housing costs, legal, accounting and similar fees, costs related to the independent annual financial and performance audits, a contingency for unforeseen design and construction costs, and other costs incidental to or necessary for completion of the listed projects (whether the related work is performed by the District or third parties). The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. In addition, certain construction funds expected from non-bond sources, including State of California grant funds for eligible projects, have not yet been secured. Therefore, the Board cannot guarantee that the bonds will provide sufficient funds to allow completion of all listed projects. Alternatively, if the District obtains unexpected funds from non-bond sources with respect to listed projects, such projects may be enhanced, supplemented or expanded to the extent of such funds. Some projects may be subject to further government approvals, including by State officials and boards and/or local environmental or agency approval. Inclusion of a project on the Bond Project List is not a guarantee that the project will be completed (regardless of whether bond funds are available).

The specific projects authorized to be financed with proceeds of the bonds under this proposition are as follows:

<b>CLASSROOM SAFETY, RENOVATION AND IMPROVEMENT PROJECTS</b>
<b>The following projects are authorized to be financed at all District facilities and sites, including:</b>
<b>Mammoth High School (built in 1974)</b> <b>Mammoth Elementary School (built in 1985)</b> <b>Mammoth Middle School (built in 2002)</b>
<ul style="list-style-type: none"><li>• Renovate aging classroom buildings and school facilities including flooring, ceilings, doors, windows, cabinets, and interior corridor circulation</li><li>• Construct flexible state of the art classrooms and science labs</li><li>• Enhance campus safety and security through improved site access points, security systems and cameras</li><li>• Update electrical wiring, communications and technology</li></ul>

infrastructure/equipment.

- Replace aging portables with permanent structures
- Repair/replace old and deteriorating plumbing and sewer systems including waterlines, storm drains, fixtures, and stop valves
- Install insulation to improve energy efficiency and comfort and reduce utility costs
- Modernize and expand libraries to enhance function and increased flexible usage
- Improve, construct or install physical education facilities and playground equipment
- Repair or replace deteriorating asphalt and concrete
- Upgrade lighting systems to improve energy efficiency and reduce utility costs
- Replace or repair aging/deteriorating exterior siding, windows, doors and roofs
- Improve storm water and snow melt drainage
- Improve multipurpose and food service facilities
- Construct covered/shade spaces for students
- Repair or replace major building systems such as HVAC
- Improve student drop-off/pick-up locations and parking areas
- Reconfigure classrooms and interior spaces

All or portions of these projects may be used as joint-use projects within the meaning of Section 17077.42(c) of the Education Code (or any successor provision).

#### MISCELLANEOUS

**All listed bond projects include the following as needed:**

- Removal of hazardous materials such as asbestos and lead paint as needed.
- Construction and/or installation of access improvements for disabled persons, as required by state and federal law.
- Planning, designing and providing temporary housing necessary for listed bond projects.
- Necessary onsite and offsite preparation or restoration in connection with new construction, renovation or remodeling, or installation or removal of relocatable buildings, including demolition of structures; removing, replacing, or installing irrigation, drainage, utility lines (gas, water, sewer, electrical, data and voice, etc.), trees and landscaping; relocating fire access roads; and acquiring any necessary easements, licenses, land or rights of way made necessary by listed bond projects.
- Address other unforeseen conditions revealed by construction, renovation or modernization (including plumbing or gas line breaks, dry rot, seismic and structural deficiencies, etc.).
- Acquire or construct storage facilities and other space on an interim basis, as needed to accommodate construction materials, equipment, and personnel, and interim classrooms (including relocatables) for students and school functions or other storage for classroom materials displaced during construction.
- For any project involving renovation, rehabilitation or repair of a building or the

major portion of a building, the District shall be authorized to proceed with new replacement construction/re-construction instead (including any necessary demolition), if the Board of Education of the District determines that replacement and new construction/re-construction is more practical than renovation, rehabilitation and repair, considering the building's age, condition, expected remaining life, comparative cost and other relevant factors.

- Furnishing and equipping of classrooms and other school facilities; furnishing and equipping shall include initial purchases, and scheduled and necessary replacements, upgrades and updating of technology.
- All other costs and work necessary or incidental to the listed bond projects.

## EXHIBIT B

### TAX INFORMATION STATEMENT

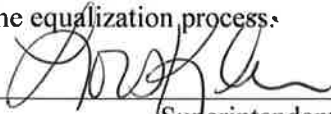
An election will be held in the Mammoth Unified School District (the "District") on June 5, 2018, to authorize the sale of up to \$63,100,000 in bonds of the District to finance school facilities as described in the proposition. If the bonds are approved, the District expects to issue the bonds in multiple series over time. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property in the District. The following information is provided in compliance with Sections 9400 through 9405 of the California Elections Code.

1. The best estimate of the average annual tax rate that would be required to be levied to fund this bond issue over the entire duration of the bond debt service, based on assessed valuations available at the time of filing of this statement, is 5.434 cents per \$100 (\$54.34 per \$100,000) of assessed valuation. The final fiscal year in which the tax to be levied to fund this bond issue is anticipated to be collected is fiscal year 202050-51.
2. The best estimate of the highest tax rate that would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is 6.000 cents per \$100 (\$60.00 per \$100,000) of assessed valuation in fiscal year 2026-27.
3. The best estimate of the total debt service, including the principal and interest, that would be required to be repaid if all of the bonds are issued and sold is approximately \$121,288,059.

Voters should note that estimated tax rates are based on the *ASSESSED VALUE* of taxable property on the County's official tax rolls, *not* on the property's market value, which could be more or less than the assessed value. In addition, taxpayers eligible for a property tax exemption, such as the homeowner's exemption, will be taxed at a lower effective tax rate than described above. Certain taxpayers may also be eligible to postpone payment of taxes. Property owners should consult their own property tax bills and tax advisors to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which are not binding upon the District. The average annual tax rate, the highest tax rate and the year or years in which it will apply, and the actual total debt service, may vary from those presently estimated due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on need for construction funds and other factors, including the legal limitations on bonds approved by a 55% affirmative vote. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.

Dated: January 25, 2018.

  
\_\_\_\_\_  
Superintendent  
Mammoth Unified School District



**CLERK'S CERTIFICATE**

I, John Stavlo, Clerk of the Board of Education of the Mammoth Unified School District, County of Mono, California, hereby certify as follows:

The attached is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Education of the District duly and regularly held at the regular meeting place thereof on January 25, 2018, and entered in the minutes thereof, of which meeting all of the members of the Board of Education had due notice and at which a quorum thereof was present. The resolution was adopted by the following vote:

AYES: 5


NOES: 0

ABSTAIN: 0

ABSENT: 0

An agenda of the meeting was posted at least 72 hours beforehand at 461 Sierra Park Road, Mammoth Lakes, California, a location freely accessible to members of the public, and a brief description of the adopted resolution appeared on the agenda. A copy of the agenda is attached hereto. The resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

WITNESS my hand this 25 day of January, 2018.

  
\_\_\_\_\_  
Clerk of the Board of Education  
Mammoth Unified School District



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** February 13, 2018

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT** Consolidation of Elections -  
Mammoth Lakes Fire Protection  
District

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

The Mammoth Lakes Fire Protection District has requested that its Special Election on the imposition of a special tax on each parcel of land within the boundaries of the District to pay for fire protection services be consolidated with the Statewide Direct Primary Election on June 5, 2018, and that the Mono County Elections Division conduct the election and canvass the returns.

**RECOMMENDED ACTION:**

Consider and potentially adopt Resolution R18-\_\_\_\_, Approving the Mammoth Lakes Fire Protection District's Request to Consolidate its Special Election with the June 5, 2018 Statewide Direct Primary Election.

**FISCAL IMPACT:**

Minor costs associated with adding an extra item(s) to the already scheduled ballot. These costs will not be known until after the election. In accordance with Elections Code Section 10002, the Mammoth Lakes Fire Protection District shall reimburse the County for these additional costs.

**CONTACT NAME:** Scheereen Dedman

**PHONE/EMAIL:** x5538 / sdedman@mono.ca.gov

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<input type="checkbox"/> <a href="#">Staff Report</a>
<input type="checkbox"/> <a href="#">Resolution Approving Request to Consolidate</a>
<input type="checkbox"/> <a href="#">MLFPD Resolution / Ordinance</a>

**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
2/8/2018 11:57 AM	County Administrative Office	Yes
1/24/2018 4:45 PM	County Counsel	Yes
1/30/2018 2:47 PM	Finance	Yes



## CLERK-RECORDER-REGISTRAR COUNTY OF MONO

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P.O. BOX 237, BRIDGEPORT, CALIFORNIA 93517  
(760) 932-5530 • FAX (760) 932-5531

*Shannon Kendall*  
*Registrar of Voters*  
(760) 932-5533  
[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)

To: Honorable Board of Supervisors  
From: Shannon Kendall, Registrar of Voters  
Date: February 13, 2018

### **Subject**

Consolidation of the June 5, 2018 Mammoth Lakes Fire Protection District's Special Election.

### **Recommended Action**

Consider and potentially adopt a resolution consolidating the Mammoth Lakes Fire Protection District's Special Election with the June 5, 2018 Statewide Direct Primary Election.

### **Discussion**

At the January 16, 2018 meeting of the Mammoth Lakes Fire Protection District Board, Ordinance No. 2018-01 was adopted calling for and giving notice of a Special Election to be held on June 5, 2018, for the purpose of imposing a special tax for fire protection services.

At the special February 2, 2018 meeting, Resolution 2018-02 was adopted requesting that the Mono County Board of Supervisors consent and agree to consolidate the Special Election with the Statewide Direct Primary Election to be held on the same date.

As part of these resolutions, the Mammoth Lakes Fire Protection District is requesting that the Mono County Elections Division be responsible for the conduct of the consolidated election.

### **Fiscal Impact**

There will be minor prorated costs associated with the consolidated election. These costs will be determined after the election. In accordance with §10002 of the California Elections Code, the Mammoth Lakes Fire Protection District shall reimburse the County in full for these services performed.



R18-\_\_

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS  
APPROVING THE MAMMOTH LAKES FIRE PROTECTION  
DISTRICT'S REQUEST TO CONSOLIDATE ITS SPECIAL  
ELECTION WITH THE JUNE 5, 2018, STATEWIDE  
DIRECT PRIMARY ELECTION**

**WHEREAS**, the Mammoth Lakes Fire Protection District has called a Special Election to be held on June 5, 2018, to submit to the voters of the Mammoth Lakes Fire Protection District the adoption of a proposed ordinance imposing a special tax for fire protection services within the district; and

**WHEREAS**, the Mammoth Lakes Fire Protection District has requested that the Special Election be consolidated with the June 5, 2018, Statewide Direct Primary Election; and

**WHEREAS**, it is desirable that the Special Election be consolidated with the Statewide Direct Primary Election to be held on the same date, and that within the district, the precincts, polling places and election officers of the two elections be the same, and that the Mono County Election Division canvass the returns of the Special Election, and that the election be held in all respects as if there were only one election; and

**WHEREAS**, the Board of Supervisors is requested to consent and agree to the consolidation of a Special Election with the Statewide Direct Primary Election, and issue instructions to the Mono County Elections Division to take any and all steps necessary for the holding of the consolidated election.

**NOW, THEREFORE, BE IT RESOLVED** by the Mono County Board of Supervisors as follows:

**SECTION 1:** Pursuant to §10400, *et seq.*, of the California Elections Code, the Mono County Board of Supervisors consents and hereby orders the consolidation of the Mammoth Lakes Fire Protection District's Special Election with the Statewide Direct Primary Election on Tuesday, June 5, 2018, for the purpose of submitting to the voters of the Mammoth Lakes Fire Protection District the adoption of a proposed ordinance imposing a special tax for fire protection services within the district.

**SECTION 2:** The Mono County Elections Division is instructed to take any and all steps necessary for the holding of the consolidated election. The election shall be held in all respects as if there were only one election and shall be in form and content as required by law.

**SECTION 3:** The Mono County Elections Division is authorized to canvass the returns of the Special Election.

1           **SECTION 4:** Pursuant to California Elections Code § 10002, the Mono County  
2 Elections Division will bill the Mammoth Lakes Fire Protection District for any costs incurred  
3 because of this consolidation, and shall be reimbursed by the Mammoth Lakes Fire Protection  
District accordingly.

4           **PASSED, APPROVED and ADOPTED** this 13th day of February 2018, by the  
5 following vote, to wit:

6 **AYES:**

7 **NOES:**

8 **ABSENT:**

9 **ABSTAIN:**

10  
11  
12  
13 \_\_\_\_\_  
14 Bob Gardner, Chair  
Mono County Board of Supervisors

15  
16 **ATTEST:**

**APPROVED AS TO FORM:**

17  
18  
19 \_\_\_\_\_  
20 Clerk of the Board

\_\_\_\_\_  
County Counsel



## RESOLUTION NO. 2018-02

### **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE MAMMOTH LAKES FIRE PROTECTION DISTRICT SUPERCEDING AND REPLACING RESOLUTION 2018-01, CALLING A SPECIAL ELECTION TO SUBMIT TO THE VOTERS OF THE MAMMOTH LAKES FIRE PROTECTION DISTRICT THE ADOPTION OF A PROPOSED ORDINANCE IMPOSING A SPECIAL TAX FOR FIRE PROTECTION SERVICES, AND REQUESTING THAT THE SPECIAL ELECTION BE CONSOLIDATED WITH THE STATEWIDE ELECTION TO BE HELD ON JUNE 5, 2018**

**WHEREAS**, Section 53978 of the California Government Code authorizes a local agency which provides fire protection services to propose by ordinance a special tax for fire protection services provided by the agency; and

**WHEREAS**, Section 53978 allows the local agency proposing the tax to set in the ordinance the amount of the tax to be levied; and

**WHEREAS**, Section 53978 provides that the special tax shall take effect upon approval of two-thirds of the voters voting upon such proposition; and

**WHEREAS**, the procedures above are consistent with the requirements of the California Constitution, article XIIC (Proposition 218); and

**WHEREAS**, on January 16, 2018, the Board of Commissioners of the Mammoth Lakes Fire Protection District adopted Ordinance 2018-01 which would impose, subject to voter approval, a special tax in the amount of \$79.00 on each parcel of land within the boundaries of the District; and

**WHEREAS**, a copy of said ordinance is attached hereto as Exhibit "A" and incorporated herein by this reference; and

**WHEREAS**, on January 16, 2018, the Board of Commissioners also adopted Resolution No. 2018-01, calling a special election on June 5, 2018 for the purpose of submitting to the voters the question of whether the special tax should be imposed, and requesting that the Mono County Board of Supervisors consolidate that election with the June 5, 2018 statewide election; and

**WHEREAS**, Resolution No. 2018-01 requires revision and therefore this Resolution No. 2018-02 shall supersede and replace in its entirety Resolution 2018-01 adopted by the District Board; and

**WHEREAS**, County records establish there are approximately 10,285 parcels within the Mammoth Lakes Fire Protection District, and therefore the special tax proposed in the ordinance attached as Exhibit "A" could generate an estimated \$812,515 for the District annually; and

**WHEREAS**, the Mammoth Lakes Fire Protection District's purpose is the protection of life and property, including that of all visitors, and requests for emergency services increase as the number of visitors increase; and

**WHEREAS**, the Mammoth Lakes Fire Protection District protects a Wildland Urban Interface community surrounded by forested lands experiencing a high rate of drought-induced tree mortality which increases wildfire and urban conflagration severity; and

**WHEREAS**, the strategic intent of the Town of Mammoth Lakes and Mammoth Lakes Tourism is to increase economic activity, and an increase in visitation is a major component of economic activity; and

**WHEREAS**, the Mammoth Lakes Fire Protection District is funded almost exclusively through ad valorem property taxes, and not sales taxes or transient property taxes, both of which increase with an increase in visitation; and

**WHEREAS**, to provide a level of service consistent with increased visitation, the Mammoth Lakes Fire Protection District must recruit and retain additional full-time and part-time personnel and obtain and maintain additional equipment;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Mammoth Lakes Fire Protection District that, pursuant to Elections Code Section 12001 and Government Code Section 53978, a special election is hereby called within the Mammoth Lakes Fire Protection District, to be held on June 5, 2018, to submit to the qualified voters of the District a ballot measure in substantially the following form:

<i>"Shall there be levied a flat tax of \$79.00 (adjusted annually for inflation) on each parcel of land within the Mammoth Lakes Fire Protection District to fund recruitment, retention, training, and equipping of personnel to protect life and property and respond to emergency calls for service in the community; which will generate an estimated \$812,515 per year and will be levied annually until repealed by the voters or the District Board of Commissioners?"</i>	YES	
	NO	

A mark placed in the voting square after "YES" shall be counted in favor of the adoption of the proposed tax. A mark placed in the voting square after "NO" shall be counted against the adoption of the proposed tax.

**BE IT FURTHER RESOLVED** that pursuant to Elections Code sections 10400 et seq., the Board of Commissioners hereby requests that the Mono County Board of Supervisors order that the special election called by this Resolution be consolidated with the statewide election to be held on June 5, 2018.

**BE IT FURTHER RESOLVED** that the Board of Commissioners requests that Mono County elections personnel prepare for and conduct the election called by this Resolution in conformity with applicable law.



**BE IT FURTHER RESOLVED** that this Resolution No. 2018-02 shall supersede and replace in its entirety Resolution 2018-01 adopted by the District Board on January 16, 2018.

This Resolution is APPROVED AND ADOPTED at a special meeting of the Mammoth Lakes Fire Protection District Board of Fire Commissioners on the 2<sup>nd</sup> day of February 2018.

AYES: *Schilz, Carr, Wahl, Binkler, Mendel*  
NOES: *Ø*  
ABSTAIN: *Ø*  
ABSENT: *Ø*

*Carole Schilz*  
\_\_\_\_\_  
Carole Schilz, Chairman  
Board of Fire Commissioners

*Frank L. Frievall*  
\_\_\_\_\_  
Attest, Frank L. Frievall  
Fire Chief

# Exhibit "A"

Mammoth Lakes Fire Protection District

Ordinance 2018-01



**ORDINANCE 2018-01**

**AN ORDINANCE OF THE MAMMOTH LAKES FIRE PROTECTION DISTRICT IMPOSING A SPECIAL TAX ON REAL PROPERTY WITHIN THE DISTRICT TO PAY FOR FIRE PROTECTION SERVICES, TO TAKE EFFECT ONLY UPON APPROVAL OF SAID ORDINANCE BY TWO-THIRDS OF THE VOTERS OF THE DISTRICT VOTING ON WHETHER TO APPROVE THE ORDINANCE**

**WHEREAS**, section 53978 of the California Government Code authorizes a local agency which provides fire protection services to propose by ordinance a special tax other than an ad valorem property tax, for fire protection services provided by the local agency; and

**WHEREAS**, section 53978 allows the local agency proposing the tax to set in the ordinance the amount of the tax to be levied; and

**WHEREAS**, section 53978 provides that the special tax shall take effect upon approval of two-thirds of the voters voting upon such proposition; and

**WHEREAS**, the procedures above are consistent with the requirements of California Constitution, article XIIC (Proposition 218); and

**WHEREAS**, the Board of Commissioners of the Mammoth Lakes Fire Protection District wishes to impose a special tax on real property within the District in accordance with the figures outlined below;

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE MAMMOTH LAKES FIRE PROTECTION DISTRICT ORDAINS** as follows:

**SECTION ONE:** Subject to voter approval and enactment of this ordinance pursuant to Elections Code section 9204 and Article XIIC of the California Constitution, a special tax shall be imposed upon each taxable parcel of real property within the Mammoth Lakes Fire Protection District as set forth below.

**Parcel Use Rate:**

Improved residential - \$79.00

Unimproved residential - \$79.00  
with utility hookups

Improved commercial - \$79.00

Unimproved without - \$79.00  
utility hookups

**SECTION TWO:** The special tax shall be levied once during the 2018-19 fiscal year at flat rates based on the use of each taxable parcel of real-property, in accordance with the schedule above, and then levied once during each fiscal year thereafter with percentage adjustments (either increasing or decreasing the amount of the tax) based on the percentage change (if any) during the preceding 12-month period in the Consumer Price Index (specifically, "CPI-U" for the U.S. City Average for All Items) of the bureau of Labor Statistics, United States Department of labor, or any index substituted by the Department of Labor therefor.

**SECTION THREE:** The County of Mono is requested to collect the special tax of the Mammoth Lakes Fire Protection District, as enacted by this ordinance and subject to approval by the voters, for the 2018-19 fiscal year and for each fiscal year thereafter, unless and until the District provides otherwise by ordinance or resolution. The County may deduct its reasonable costs of collection before remitting the balance to the District, as provided by subdivision (d) of Government Code section 59739.

**SECTION FOUR:** For each fiscal year in which the District desires the County to collect the special tax, it shall determine the amount to be levied on each property within the District and identify the properties upon which the tax is to be charged, in accordance with law. The District will provide such information, as approved by the District Board, to the Mono County Finance Department no later than August 10<sup>th</sup> of each year, or as soon thereafter as is reasonably practicable and agreed-upon by the County's Finance Director.

**SECTION FIVE:** Pursuant to Elections Code section 9104 and Article XIII C of the California Constitution, this ordinance shall only take effect if and when it is approved by two-thirds of the voters of the Mammoth Lakes Fire Protection District voting on a proposition regarding whether to approve the special tax.

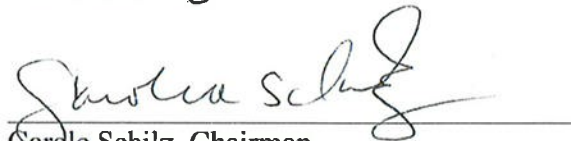
ADOPTED this 16th day of January 2018, by the Board of Commissioners of the Mammoth Lakes Fire Protection District on the following roll call vote:

AYES: Carole Schilz, Roger Curry, Bret Bihler, John Mendel

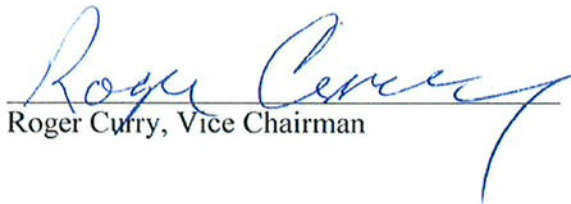
NOES: 0

ABSENT: David Wahl


ABSTAIN: 0

  
Carole Schilz, Chairman

**ATTEST:**

  
Roger Curry, Vice Chairman

**APPROVED AS TO FORM:**

  
Richard Liebersbach, District Counsel



**APPROVED AS TO CONTENT:**

  
Frank Frievalt, Fire Chief



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** February 13, 2018

**Departments: CAO**

**TIME REQUIRED**

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

Leslie Chapman

**SUBJECT** Legislative Platform

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Mono County Legislative Platform.

**RECOMMENDED ACTION:**

Approve the 2018 Mono County Legislative Platform for distribution to the Board of Supervisors, State and Federal Legislators and interested members of the public.

**FISCAL IMPACT:**

Minimal cost for printing and distributing the document.

**CONTACT NAME:** Leslie Chapman

**PHONE/EMAIL:** 7609377958 / lchapman@mono.ca.gov

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<a href="#">2018 Legislative Platform</a>

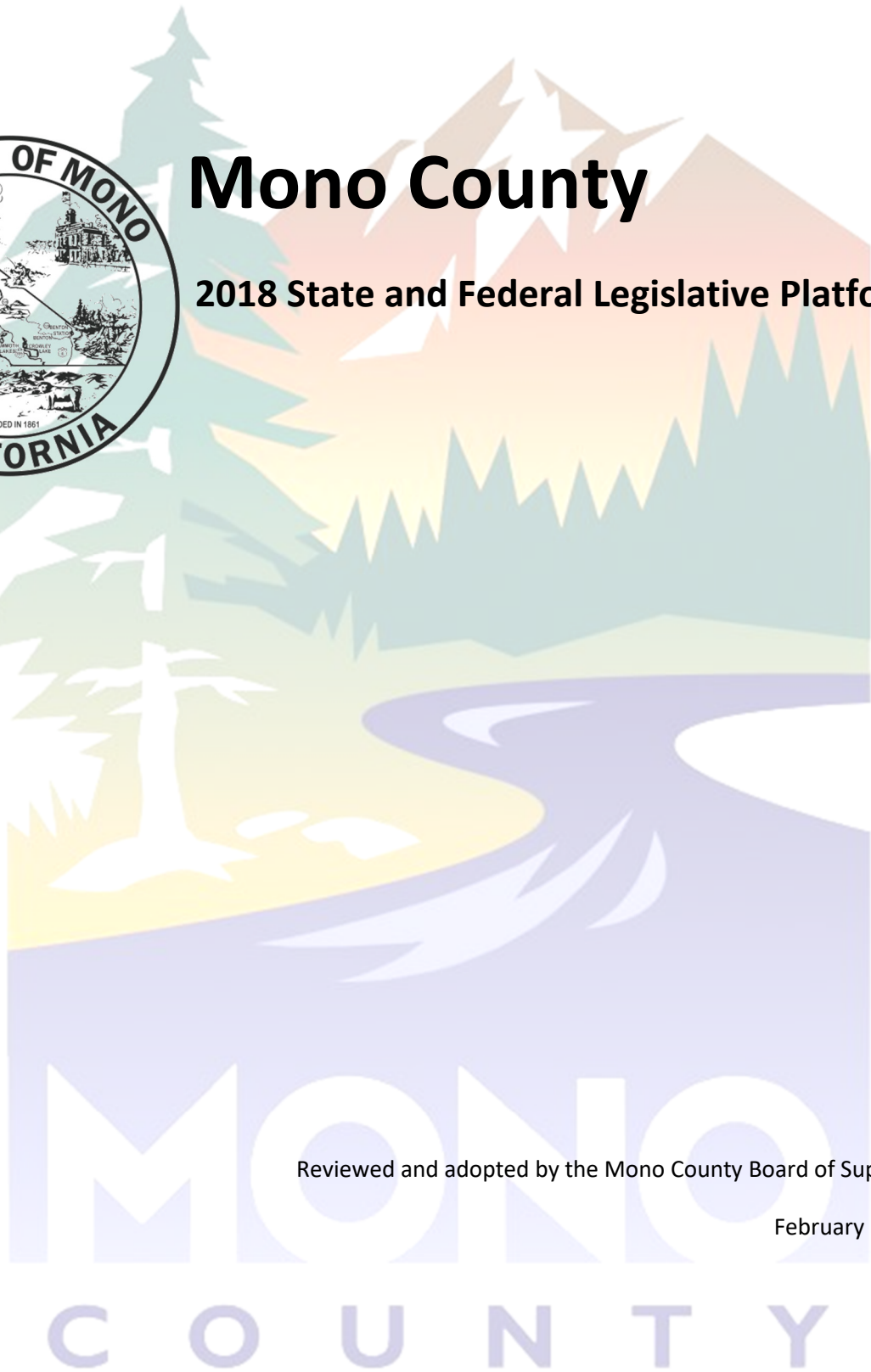
**History**

Time	Who	Approval
2/9/2018 6:57 AM	County Administrative Office	Yes
2/9/2018 10:39 AM	County Counsel	Yes
2/9/2018 9:16 AM	Finance	Yes



# Mono County

## 2018 State and Federal Legislative Platform



Reviewed and adopted by the Mono County Board of Supervisors

February 13, 2018

# Mono County Board of Supervisors

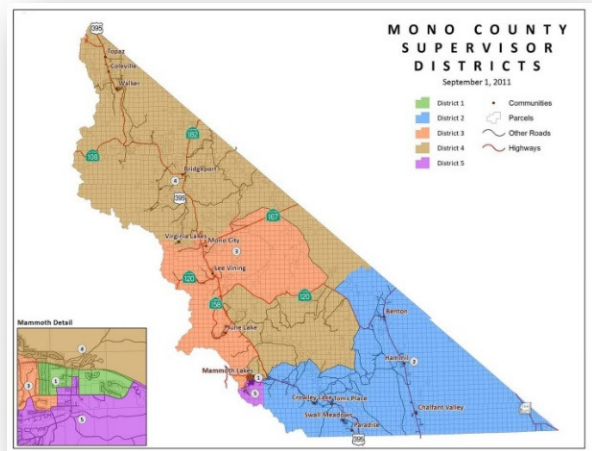
Larry Johnston ..... District 1

Fred Stump ..... District 2

Bob Gardner ..... District 3

John Peters ..... District 4

Stacy Corless ..... District 5



Leslie L. Chapman  
County Administrative Officer  
PO Box 696  
Bridgeport, CA 93517  
Tel: (760) 932-5414  
Email: [lchapman@mono.ca.gov](mailto:lchapman@mono.ca.gov)



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## Introduction

Mono County, California, is a rural county situated between the crest of the Sierra Nevada and the California/Nevada border. Accessed by US Highway 395 which weaves its way north-south, and is a state-designated Scenic Byway from its southern boundary all the way to Walker in the north, Mono County is 108 miles in length, and has an average width of only 38 miles. With dramatic mountain boundaries that rise in elevation to over 13,000 feet, the county's diverse landscape includes forests of Jeffrey and Lodgepole pine, juniper and aspen groves, hundreds of lakes, alpine meadows, streams and rivers, and sage-covered high desert. The county has a land area of 3,030 square miles, or just over 2 million acres, 94% of which is publicly owned. Much of the land is contained in the Inyo and Humboldt-Toiyabe National Forests, as well as the John Muir and Ansel Adams Wilderness areas. As a result, Mono County offers vast scenic and recreational resources, and has unsurpassed access to wilderness and outdoor recreation and adventure.



*Chris Tinker/Mono County Tourism/ Mono Lake*

The county is home to, and named after, Mono Lake, which is a large high-desert saline lake with intriguing limestone tufa formations, and is a vital habitat for millions of migratory and nesting birds. Mono Lake is just one of the reasons that Mono County draws landscape photographers year-round. Another highlight is the historic gold rush town of Bodie, which during its heyday in the late 1800s, was home to as many as 10,000 people, and is now maintained as a State Historic Park with

about 200 buildings still standing as they were left, preserved in “arrested decay” for visitors to enjoy. Other natural wonders that attract people to Mono County include Devils Postpile National Monument, one of the world’s finest examples of columnar basalt, and the headwaters of the Owens and Middle Fork San Joaquin Rivers, two of the state’s most important watersheds. Yosemite National Park’s eastern entrance at Tioga Pass is only 12 miles from Lee Vining and Mono Lake.



*Alekos McKee/Mono County Tourism/ Bodie*

Mono County has several small towns and charming villages, each with its own scenic beauty, year-round recreational opportunities, natural and historical attractions, and unique characteristics. The County seat is proudly located in Bridgeport, where the original 1881 courthouse is the second oldest in the state to be in continuous use. The only incorporated town in the county is Mammoth Lakes, which is located at the base of world-renowned Mammoth Mountain Ski Area, with a summit of 11,053 feet, over 3500 skiable acres, 28 lifts, and an average of 400 inches of snowfall annually. January 2017 recorded historic amounts of snow, with 20.5 feet accumulating in Mammoth during that month alone. Approximately 7,500 people reside in the Mammoth Lakes area year-round, but during the peak winter season, the population swells to over 35,000 when visitors from around the state, country, and world come to ski, snowboard, and take part in many other winter activities. The sister resort, June Mountain, just 20 miles north of Mammoth, offers uncrowded, wide-open slopes and a more peaceful, family-friendly alternative to busier ski areas.



Mammoth Mountain Ski Area

Summer, however, is when Mono County really shines. The region offers countless miles of alpine hiking, superb trout fishing at dozens of well-stocked lakes, streams and rivers, kayaking, cycling, horseback riding, golfing, and endless warm-weather adventures. Photographers flock to the county in September and October when it is almost impossible to take a bad photo of the fall color that lights up the Eastern Sierra landscape. *Sunset Magazine* named Mono County one of the “Top 5 places to Hike” in autumn and *TravelAndLeisure.com* listed Mono County as one of “America’s Best Fall Color Drives.” A wide variety of lodging, restaurants, and shops are available throughout the county, and commercial air service to Mammoth Yosemite Airport, just a 10-minute drive from the Town of Mammoth Lakes, is accessible from Los Angeles, Burbank, San Francisco, and San Diego on Alaska and United Airlines throughout the winter, and from Los Angeles in summer and fall.



Alicia Vennos/Mono County

## State and Federal General Guidelines

The Mono County Board of Supervisors supports the general guidelines set forth below. County staff will apply these guidelines in evaluating State and Federal legislation, as well as executive and regulatory actions. It is the Board's objective to implement these guidelines.

To support the County's service to the community, the County should:

- Support legislative and budget efforts that protect and/or enhance local government revenues, maximize the County's access to state and federal funding sources, and/or increase local funding flexibility;
- Oppose any effort to balance the State budget through the taking of local government resources;
- Support legislation that protects the County's quality of life and diverse natural resources, while preserving the essence and history of the County;
- Support legislation that provides tax and funding formulas for the equitable distribution of state and federal monies while opposing attempts to decrease, restrict, or eliminate County revenue sources;
- Support legislation and budget action which provides additional and continuing funding for local road infrastructure, including complete street features;
- Oppose legislative and administrative actions which would create federal unfunded mandates and/or preempt local decision-making authority;
- Support legislation that realigns governmental services in such a manner as to improve the delivery of services and make government more accountable to the people;
- Support the promotion of tourism, recreation, filming, and a diversified local economy in the Eastern Sierra to achieve strong economic growth and prosperity;
- Continue to support legislation that honors our veterans for their service to our country;
- Support efforts that further the strategic directions outlined in the County's Strategic Plan; and

- Engage on any proposals to repeal or alter the Affordable Care Act (ACA), which provides Mono County citizens the ability to obtain affordable health care.
- Support efforts to combat climate change.

## State Priorities

1. **Protect County revenue sources** – Many County programs are at risk due to the instability of State and Federal funding. The Board of Supervisors supports efforts to sustain funding enabling continuation of critical programs for Mono County’s constituents.
  
2. **Encourage regulation relief/reform** – Mono County applauds California’s efforts to protect the environment. The Board supports efforts to achieve responsible regulation relief in the following areas:
  - a. **Provide regulatory relief for solid waste operations** –
    - i. Continue to provide regulatory relief to rural jurisdictions from statewide solid waste and recycling mandates when recycling infrastructure does not yet exist and causes significant transportation costs and emissions.
    - ii. Provide regulatory relief from recycling and diversion mandates for waste that originates on Federal and Los Angeles Department of Water and Power (LADWP) lands. Large-scale projects and activities on those lands can dramatically impact the County’s diversion rate while circumventing the County’s regulatory authority.
    - iii. Provide funding for the siting and development of recycling infrastructure, and/or develop policies within state agencies such as Caltrans for the re-use of materials (glass cullet, wood chips) when generated in rural areas.
  
  - b. **Support CARB compliance legislation** – Support legislation regarding California Air Resources Board (CARB) compliance to assist rural counties with the costs associated with State mandated compliance.
  
  - c. **Support environmental processing legislation** – Support legislation that streamlines environmental processing, including the application of certain urban exemptions under the California Environmental Quality Act (CEQA) to rural communities.
  
  - d. **Support regulation of short-term rental online platforms** – Online short-term rental platforms are unregulated, leaving accountability and compliance issues to local jurisdictions. Mono County urges the legislature to support regulation of short-term rentals to ensure an even playing field with traditional commercial lodging, require accountability, provide for tax collection, and support compliance at the state and local levels.

- e. **Ensure adequate oversight of state requirements for commercial cannabis activities** – Mono County is concerned about the state’s allocation of resources for monitoring and inspection of commercial cannabis permits to ensure compliance with state requirements, particularly in rural areas like Mono County. Where oversight is delegated to local agencies, such as the Agricultural Commissioner, adequate funding should also be provided. Where oversight is retained by the state, state agency staff should have adequate on-the-ground presence to ensure accountability and compliance without increasing the burden on local jurisdiction staff.

### 3. Natural Resources, Public Lands and Agriculture

- a. **Support sustainable funding for State parks** – Continue to support measures to sustain our State parks, and the roads that access them, for the continued enjoyment of visitors and residents. Closure or underfunding of these parks would result in a significant negative economic impact on our County as tourism and recreation are our most important economic drivers.
- a. **Protect our communities from forest fires and promote forest health** – Support a balanced approach to fuels management that considers air quality and other health related issues within the Great Basin Unified Air Pollution Control District (GBUAPCD).
- b. **Support removal and utilization of dead and dying trees** – Support state and federal funding, as necessary and appropriate, for the continued removal and utilization of dead and dying trees due to invasive pest infestation consistent with Governor Brown’s October 2015 Emergency Proclamation. The removal of diseased trees is vital for the prevention of severe fire risk conditions, which ultimately protects public health and safety while reducing greenhouse gas emissions from wildfire and preserving the carbon sequestration capabilities of California’s forest lands.
- c. **Ensure full funding of Department of Fish and Wildlife Hatchery and Inland Fisheries Program (AB 7- 2006)** – In 2006, AB 7 dedicated by law one third of all sport fishing license fees to be used for adequate stocking of Department of Fish and Wildlife Hatcheries. Beyond the funding dedication, AB 7 dictated the size of fish to be stocked. Recent DFW actions, as well as state budget actions, have reduced the size of the stocking fish and not fully directed the fee funding to this program. Mono County supports the original intent including all the funding being directed to the hatchery program and the fish size as described in the original legislation.

- d. **Support sustainable fishing** – Support the funding of efforts to enhance the fish population in Mono County including sustainable fishing, ongoing fish stocking, education for proper catch and release practices, protection of spawning waterways, and support of the California Department of Fish and Wildlife stocking of diploid trout in allowable waters.
- e. **Support bio-energy action plan development** – We encourage the various state agencies involved to continue evolving this field of work to produce cleaner, more affordable technology based on sustainable and healthy forestry principles in a manner that benefits rural Sierra economies. Mono County has encouraged state agencies, such as the Sierra Nevada Conservancy (SNC) and California Energy Commission (CEC) to provide funding for project scoping and planning.
- f. **Support legislation that promotes, protects, or facilitates the sustainability of our local agriculture** – Mono County agriculture is an important local economic driver. It provides jobs and contributes to the open-space landscape that draws visitors. Reinststate Williamson Act subventions and continue to develop alternative funding measures, such as the Strategic Growth Council’s Sustainable Agricultural Lands Conservation Program.
- g. **Support legislation and funding that eases the burden of implementing the Sustainable Groundwater Management Act, including creating necessary infrastructure in rural, sparsely populated areas** – The Sustainable Groundwater Management Act provides for local agencies to develop groundwater sustainability plans and, pursuant to those plans, sustainably manage groundwater resources. The funding mechanism for these activities provided in the law is for local agencies to impose fees on water users. Areas subject to the Act in Mono County are sparsely populated and primarily in agricultural production. Accordingly, very few individuals (less than a dozen) would have to bear the significant burden of funding compliance with the Act. This raises real concerns regarding the future of Mono County’s agricultural operations.

#### 4. **Public Safety and Criminal Justice**

- a. **Advocate for local impacts of cannabis legislation** – Advocate for local control, taxation and funding for addressing the environmental, land use, and public safety impacts of the cultivation of cannabis.
- b. **Ensure State realignment & cost-shifts** – Continue to ensure successful implementation of the broad array of programs transferred to county jurisdiction under the 2011 Public Safety Realignment, including appropriate distribution of AB 109 funding. Support state policy changes that will allow for



greater administrative and program flexibility for county programs associated with this shift of responsibility.

- c. **Support of rural fire districts** – The population of Mono County is highly rural and dependent upon voluntary associations that provide basic emergency services. These volunteer fire districts provide services to residents and tourists, and they are often the first responders to accidents. Support relief for rural fire districts.
- d. **Advocate for Community Paramedicine** – Advocate for the State Emergency Medical Services Agency (EMSA) to expand the current number of EMS Programs participating in the Community Paramedicine Demonstration Project.
- e. **Support elimination of Juvenile Housing Fees** – Support proposals to eliminate the fee paid by counties to house juveniles at the Division of Juvenile Facilities. The fee is currently \$24,000 per juvenile committed and counties are not funded for this.

## 5. Transportation and Infrastructure

- a. **Support action for transportation funding** – Support the multiple transportation funding sources that provide for improved transportation systems and multimodal networks, including SB 1 as enacted and delivery of projects that rehabilitate and improve local roads and related infrastructure.
- b. **Support State highway access** – Mono County supports budget policy and legislation to fund rehabilitation of the Bodie Road (Highway 270) that provides access to Bodie State Park and to facilitate early Sierra Pass openings (including Highways 120 and 108).
- c. **Support complete streets and walkable community principles** – Mono County is a strong supporter and advocate of the complete streets and walkable community principles in the 2040 California Transportation Plan. This focus is a transportation paradigm and culture shift that will impact projects from initiation to completion and maintenance. Recently, local jurisdictions have been increasingly tasked with the funding and maintenance of complete street features on state facilities such as state highways. These responsibilities lie with the state, and a corresponding shift in the functioning and funding of Caltrans is needed to ensure success.
- d. **Support continued rural broadband deployment and telecommunications improvements through local, State, and Federal policy advocacy, infrastructure**

**projects, and grant programs** – Having appropriate policy at the local, State, and Federal levels is imperative to ensure adequate communications connectivity – which is a critical part of public safety and economic development. Because Mono County has dedicated resources to improve access to high-quality broadband in our communities and as a result of the completion of the Digital 395 project, roughly 90% of our households have access to Gigabit internet. Unfortunately, several Mono County communities and residents still face barriers to connectivity as there is inadequate infrastructure to support basic Plain Old Telephone Service (POTS) telephone service, let-alone high-speed Internet. In order to improve the landscape, the County should advocate for:

- i. Policies, regulations, and enforcement around providers delivering basic POTS services to all locations desiring this service;
- ii. Appropriate and effective definitions of ‘broadband’ which recognize the importance of technology and dependence on the internet for public safety and economic development;
- iii. Legislation and associated programs that provide funding for broadband infrastructure projects and adoption/education efforts;
- iv. Programs and efforts that move to improve the accuracy of metrics used to represent the current state of broadband in Mono County.

## **6. Administrative and Fiscal Services**

- a. **Support Clerk/Recorder Services and Elections Administration improvements** – Support resources for improving county record keeping services and election administration, and monitor legislation that may impact the following:
  - i. Recording fees and process, and recorded documents;
  - ii. Vital statistic fees and process;
  - iii. Public records;
  - iv. Unfunded mandates;
  - v. Vote-by-mail, voter registration, election management systems, elections process, and election equipment;
  - vi. Funding for records preservation (such as Board of Supervisors historic records);
  - vii. Funding for modernization of elections equipment;
- b. **Support Vote-by-mail legislation** – Support legislation to authorize vote-by-mail ballot elections for rural counties.
- c. **Support the full funding of all Payment In Lieu of Taxes (PILT)** – Support legislation and budget efforts that provide for payment of past due balances and continue to maximize the PILT revenue to counties and maintain full funding of PILT without restrictions beyond the current authorization.

- d. **Oppose legislation that would limit and/or impose significant procedural or substantive barriers to counties' ability to contract for services.**
- e. **Pursue county line adjustments with Madera and Inyo.**

## 7. Health and Human Services

- a. **Ensure State and Federal Healthcare Reform has equitable funding formulas for rural counties** – Affordable Care Act (ACA) implementation began in 2014, and it is vital that local government funding streams reflect equitable distribution formulas to service our rural constituents. Securing adequate funding to sustain health care reform measures is important to Mono County. Key issues include Medi-Cal expansion and funding for these mandates and continuation of 1991 realignment allocation/amounts.
- b. **Advocate for a level of funding that enables counties to properly administer the Medi-Cal program on the state's behalf.**
- c. **Support improvements to Medi-Cal** – Support the streamlining of the Medi-Cal administration and improve access to health coverage for uninsured families.
- d. **Support measures that establish full and continued State and federal funding of the IHSS program** and continuance of the Maintenance of Effort funding structure.
- e. **Support a funding methodology and assumptions that enable counties to properly administer the In-Home Supportive Services program** on the state's behalf.
- f. **Support county implementation of the Continuum of Care Reform** – Support adequate funding for county implementation of the Continuum of Care Reform including continued funding for the Foster Parent Recruitment, Retention, and support fund administered through local child welfare services (CWS) agencies that are dedicated to the recruitment, retention, and support of resource families so that they may provide stable, loving homes for children in the foster care system.
- g. **Support State and Federal laws that support affordable housing** and broaden the opportunities for local, non-profit housing entities and instrumentalities of government to increase homeownership. In addition, support increased

financing, subsidy options, and tax incentives to support development of new, affordable housing units.

## 8. Economic Development

- a. **Support new and current business development** – Support legislation and programs that support economic development efforts that augment and promote business retention and expansion, as well as create an environment conducive to new business attraction.
- b. **Support of commercial filming** – Support bills and initiatives to attract and retain film production in the state as increased filming statewide will result in commercial opportunities for commercial filming projects in Mono County.
- c. **Support tourism and recreation economy** – Support legislation that serves to strengthen the tourism and recreation economy, particularly in the shoulder season (spring and fall).

## Federal Priorities

1. **Support Funding/Program Preservation** – Support legislative, regulatory, and budget efforts that protect and/or enhance local government revenues, maximize the County’s access to federal funding sources, and/or increase local funding flexibility. Oppose legislative and administrative actions that would create federal unfunded mandates and/or preempt local decision-making authority.
  - a. **Support full funding of the Secure Rural Schools program** – These funds are critical to Mono County as they provide funding for Mono County Office of Education programs as well as supporting road maintenance to ensure students can get to and from school on County roads.
  - b. **Support the full funding of all Payment in Lieu of Taxes (PILT)** – Support legislation and budget efforts that continue to maximize the PILT revenue to counties and continue full funding of PILT without restrictions beyond the current authorization.
  - c. **Support federal funding for Housing and Economic Development programs** – Support the highest possible funding level for key federal housing and economic development programs, including the Community Development Block Grant (CDBG).
    - a. **Support continued rural broadband deployment and telecommunications improvements through local, State, and Federal policy advocacy, infrastructure projects, and grant programs** – Having appropriate policy at the local, State, and Federal levels is imperative to ensure adequate communications connectivity – which is a critical part of public safety and economic development. Because Mono County has dedicated resources to improve access to high-quality broadband in our communities and as a result of the completion of the Digital 395 project, roughly 90% of our households have access to Gigabit internet. Unfortunately, several Mono County communities and residents still face barriers to connectivity as there is inadequate infrastructure to support basic Plain Old Telephone Service (POTS) telephone service, including cellular phone service, let-alone high-speed Internet. In order to improve the landscape, the County should advocate for:
      - i. Policies, regulations, and enforcement around providers delivering basic POTS services to all locations desiring this service;
      - ii. Appropriate and effective definitions of ‘broadband’ which recognize the importance of technology and dependence on the internet for public safety and economic development;

- iii. Legislation and associated programs that provide funding for broadband infrastructure projects and adoption/education efforts; Programs and efforts that move to improve the accuracy of metrics used to represent the current state of broadband in Mono County
  - d. **Support legislation that promotes, protects, or facilitates the sustainability of our local agriculture** – Mono County agriculture is an important local economic driver, provides jobs, puts food on the table and contributes to the open-space landscape that draws visitors.
  - e. **Support Economic Development resources** –
    - i. Support legislation and federal programs that provide access to small business capital for local business development through the Small Business Administration, Small Business Development Corporation and other government loan and financial programs.
    - ii. Support legislation and federal programs that promote locally-based business retention and expansion, as well as create an environment conducive to new business attraction.
    - iii. Support initiatives to attract commercial filming opportunities to the region; in particular, budgetary allocations that increase capacity for processing special use permits on the Inyo and Humboldt Toiyabe National Forests.
    - iv. Support bills, initiatives and programs that strengthen the tourism and recreation economy.
- 2. **Natural Resources, Public Lands, and Agriculture** – Support legislation that promotes agriculture and that protects the County’s quality of life, its diverse natural resources, and preserves the essence and history of the County, along with legislation that provides adequate funding for stewardship of our public lands.
  - a. **Support sustainable funding for federal public lands** – Support measures to sustain our federal lands. Closure or underfunding of these lands managed by the US Forest Service, Bureau of Land Management and National Park Service would result in a significant negative impact to our county as tourism and recreation are our economic drivers.
  - b. **Support outdoor recreation economy and public lands** – Support the enacted 2016 Outdoor Recreation and Jobs Act and the effort to measure the outdoor recreation economy’s contribution to the US Gross Domestic Product. Once the federal government fully understands the economic benefits of outdoor recreation, land management agencies and local governments will have necessary data to measure the impact of the recreation economy and the key

role that sustainable recreation needs to play in the management decisions of public lands agencies.

- c. **Support special designations** – Support special use designations for public lands such as National Scenic Areas, Wild & Scenic Rivers, Wilderness, National Monuments, National Conservation Areas, when demonstrated conservation values and public support warrant such designations.
- d. **Oppose public lands disposal** – Oppose the large-scale sale, transfer or "disposal" of public lands except for strategic, widely supported transfers or exchanges for management and boundary adjustments with demonstrated public benefit.
- e. **Support wildfire funding and fuels reduction** – Support legislation to change the method of funding wildfire suppression on National Forests by providing access to funding outside of the statutory discretionary limits for emergency purposes and for investment in additional resources for forest management/fuels reduction that addresses California's tree mortality crisis.
- f. **Support public land infrastructure** – Support increased funding for public land management agencies to address deferred maintenance of infrastructure in forests, national parks and reserves that rural counties depend on for tourism and recreation-based economies.
- g. **Support land management directives** – Support Mono County's tourism and recreation economy by ensuring funding, programs, and management directives for federal land agencies (including the Land & Water Conservation Fund) that facilitate the planning, building, and maintenance of infrastructure for sustainable recreation, travel, and commercial film permitting on public lands.
- h. **Support sustainable fishing** – Support the funding of efforts to enhance the fish population in Mono County including sustainable fishing, ongoing fish stocking, education for proper catch and release practices, protection of spawning waterways, and support of the California Department of Fish and Wildlife stocking of diploid trout in allowable waters.
- i. **Support the control of invasive species** – Support control and mitigation for the spread of invasive species to protect, conserve, and restore public and private lands.
- j. **Support biomass project development** – Support legislation that encourages the US Forest Service (USFS) and Bureau of Land Management (BLM) to continue actively promoting and assisting with biomass project development.

- k. **Support alternative energy** –
  - i. Support local efforts to develop renewable, distributed energy sources including but not limited to environmentally and appropriately scaled biomass, solar, and wind, while ensuring projects and their supporting infrastructure (i.e. transmission lines, pipes lines, towers, service roads) does not degrade the County’s quality of life, natural or visual resources, water or essence and history.
  - ii. Continue to support geothermal power production that is environmentally sustainable and doesn’t negatively affect local domestic water supplies.
  
- l. **Support Devils Postpile National Monument legislative requests** – Support legislation to authorize a boundary adjustment request, and to designate a portion of the Middle Fork San Joaquin River as Wild & Scenic, as described in Devils Postpile National Monuments 2015 Management Plan.
  
- m. **Support endangered species regulation** – Support a balanced approach to the implementation of endangered species regulation with impacts to the rural economy and communities of Mono County. Mono County is fortunate to have a rich natural heritage that should be conserved, and it supports the need to protect and recover imperiled species. These conservation measures must be weighed and balanced against impacts to the fragile tourism and recreation-based rural economy and local communities, and every effort must be made to protect private property rights and avoid detrimental impacts to county residents.
  
- n. **Support sage grouse conservation** – Ensure funding commitments are met and honored by federal agencies and support continued participation in the collaborative process to address Bi-State Sage Grouse conservation efforts.

### 3. Public Safety & Criminal Justice

- a. **Support full funding of Byrne Justice Assistance Grants** – Support the preservation of funding levels for existing safety programs such as the Byrne Justice Grant (Byrne/JAG) Program and oppose efforts to reduce or divert funding away from these programs.
  
- b. **Support continued funding of FEMA’s Assistance to Firefighters Grant (AFG) program** – Support continued funding to enhance the safety of the public and firefighters with respect to fire-related hazards by providing direct financial assistance to eligible fire departments, nonaffiliated Emergency Medical Services organizations, and State Fire Training Academies. This funding is for critically



needed resources to equip and train emergency personnel to recognized standards, enhance operations efficiencies, foster interoperability, and support community resilience.

- c. **Support legislation that resolves the conflict federal statutes have with legalization of recreational cannabis use in California** – ideally, this includes removing cannabis as a schedule 1 drug and providing cannabis businesses with access to business banking services by changing federal banking access laws. Barring a legislative solution by Congress, the County supports reinstatement of the concepts stated in the Cole Memo that allows commercial cannabis activities to operate free and clear of federal enforcement interference so long as the County has a robust regulatory framework in place.
- d. **Urge common-sense gun safety legislation**

#### 4. Transportation and Infrastructure

- a. **Ensure that federal transportation formulas support rural road infrastructure** – Mono County has concerns regarding the continued implementation of the federal surface transportation reauthorization program. Mono County relies on the network of state highways and locally maintained roads to link residents to essential services. Transportation funding formulas should provide funding protections or guarantees for California’s rural transportation system and reflect that rural counties lack viable means to fund larger projects that provide statewide benefit. We should advocate for formulas that distribute federal funds to support local transportation priorities.
- b. **Support efforts to protect the Highway Trust Fund** and support programs that provide funding for local roads, bridges, and transit initiatives including pedestrian and bicycle systems, and other multi-modal transportation programs.
- c. **Support federal highway access** – Mono County supports budget policy and legislation that funds infrastructure such as roads on federal land with access to popular destinations including national parks and monuments.
- d. **Support Yosemite Area Regional Transportation and Eastern Sierra Transit Authority funding** – Support efforts to seek sustainable funding for regional public transportation to Yosemite National Park, other National Parks in our region, and other public lands destinations throughout the Eastern Sierra.

## 5. Health Care Reform

- a. **Oppose legislation to repeal the Affordable Care Act (ACA)** – Work to preserve and expand the number of citizens currently receiving health insurance. Oppose efforts to reduce benefits and block grants or other actions that would shift the current federal/state cost and responsibility to the states and counties.
  - b. **Ensure that Affordable Care Act (ACA) funding is maintained for local governments** – Support the Prevention and Public Health Fund of the ACA, the nation’s first dedicated mandatory funding stream for public health and prevention activities, which supports Mono County health care services to underserved residents.
  - c. **Oppose funding reductions for Medicaid** – Oppose efforts to reduce federal funding for Medicaid administration or benefits including converting to a voucher system with less federal funding.
  - d. **Oppose turning Medicaid over to States** – Oppose efforts to turn Medicaid (Medi-Cal in California) over to the states with less federal funding.
  - e. **Support full funding of the Children’s Health Insurance Program (CHIP).**
  - f. **Support funding of Veterans benefits** – Support provision and funding for current benefits and health care programs for Veterans.
6. **Child Welfare** – Support legislation that increases services and home-based placement resources to children who are victims of or at risk of: abuse, neglect, or exploitation, and provide support to caregivers of these victims.
7. **Immigration** – Oppose immigration reform efforts that would eliminate a pathway to full and equal citizenship, that would restrict the rights of immigrants or break up families, or that would focus on a mass deportation of undocumented immigrants.
8. **Oppose efforts to reduce the Supplemental Nutrition Assistance Program (SNAP)** – when Congress reauthorizes the Farm Bill in 2018. In Mono County, the Supplemental Nutrition Assistance Program (SNAP) provides over 1,400 residents with CalFresh benefits.

9. **Support the Older Americans Act (OAA)** – and increased federal funding for the OAA programs. The Act established a national network of Area Agencies on Aging (AAA) which oversee a variety of social services for seniors, including nutrition, elder abuse prevention, legal services and advocacy, and caregiver resources. The OAA is not adequately funded and does not reflect the need for senior services or the population growth of people over age 60. With the limited state funding to support California’s AAAs programs, it is critical that the federal funding expand to support senior services.



# MONO COUNTY

CALIFORNIA'S EASTERN SIERRA



Lundy Canyon

## HIDDEN TREASURES IN PLAIN SIGHT

**MONO COUNTY** is a land of dramatic mountain backdrops, high plains, and countless clear lakes, streams, and rivers. Over 3,000 square miles in size, Mono County is well-known for its vast scenic and recreational resources. Much of this land is contained in the Inyo and Toiyabe National Forests, and the Ansel Adams, John Muir, and Hoover wilderness areas. Access to hiking, fishing, biking, skiing, horseback riding, fall colors, uncrowded campgrounds, amazing music festivals, and much more is found just off of scenic US 395, which stretches the length of the county, 120 spectacular miles from Bishop, California, to the Nevada border.

## TOP ATTRACTIONS

**YOSEMITE NATIONAL PARK** – Drive California’s highest pass – just 12 miles from Lee Vining to Yosemite’s east entrance – to witness ten-story waterfalls, enjoy world-class rock climbing and hiking, and more (summer only).  
Contact: [www.nps.gov/yose](http://www.nps.gov/yose) or 209-372-0200. For bus service: [www.Yarts.com](http://www.Yarts.com).

**BODIE STATE HISTORIC PARK** – Bodie is preserved in a state of “arrested-decay,” so keep an eye out for spirits roaming the once-wild streets of this genuine gold-mining ghost town.  
Contact: [www.parks.ca.gov](http://www.parks.ca.gov) or [www.BodieFoundation.org](http://www.BodieFoundation.org) or 760-647-6445.

**MONO LAKE** – Paddle a canoe around volcanic islands (don’t worry, they’re dormant!) and tufa towers, which are natural limestone formations created by the ancient lake’s salinity.  
Learn more at Mono Basin Scenic Area Visitor Center, 760-647-3044, or the Mono Lake Committee, [www.MonoLake.org](http://www.MonoLake.org) or 760-647-6595.

**DEVILS POSTPILE NATIONAL MONUMENT** – Located near Mammoth Lakes, Devils Postpile is the world’s finest example of columnar basalt formations: 760-924-5500.

### Mono County Tourism

**Alicia Vennos**

[avennos@mono.ca.gov](mailto:avennos@mono.ca.gov)

1-800-845-7922

760-924-1743 Office

### East River PR

**Katie Shaffer**

[katie@eastriverpr.com](mailto:katie@eastriverpr.com)

530-214-8790 Office

530-559-5330 Cell

## MONO COUNTY Towns Communities

**BENTON HOT SPRINGS** — Soak in natural hot springs that are temperature regulated in this historic stagecoach station.

**BRIDGEPORT** — Home of the county seat, the classic whitewashed wooden courthouse has been in use since 1880. Just outside of Bridgeport, Twin Lakes, Virginia Lakes and Bridgeport Reservoir offer fishing and hiking all summer long.

**CONVICT LAKE / McGEE CREEK** — Dramatically situated under towering Mt. Morrison, Convict Lake is loved by anglers, hikers, and wedding parties! Catch wildflowers or fall colors at McGee Creek Canyon.

**CROWLEY LAKE** — Fishing season opener’s home base, this expansive lake offers world-class trout fishing.

**JUNE LAKE** — Tucked away at the base of 10,909-ft. Carson Peak, June Lake is a scenic mountain hideaway. Well known for trout fishing and brilliant fall colors, the June Lake Loop is a snowy retreat in winter. June Mountain Ski Area offers free lift tickets all winter for kids age 12 and under.

**LEE VINING** — Overlooking dramatic Mono Lake, Lee Vining is the gateway town to Yosemite National Park – just 12 breathtaking miles up Tioga Pass Road.

**MAMMOTH LAKES** — Mammoth Mountain Ski Area consistently ranks as one of the top winter sports destinations in North America. In the town of Mammoth Lakes, you’ll find quaint shops, gourmet restaurants and accommodations from cozy cabins to four-star luxury hotels.

**ROCK CREEK / TOM’S PLACE** — Famous for the beautiful Little Lakes Valley hiking trail, fall colors, and home-made pie.

**TOPAZ** — Home to Topaz Lake, which boasts a nine month fishing season (and big cash derby!), and a Nevada casino.

**WALKER AND COLEVILLE** — Ranch towns in the northern part of Mono County, Walker and Coleville host California’s only ATV/UTV Jamboree!

## GETTING TO CALIFORNIA'S EASTERN SIERRA

### FLY TO THE EASTERN SIERRA!

Daily air service to Mammoth Yosemite Airport (MMH) is available on Alaska Airlines, United Airlines and/or JetSuiteX from Los Angeles, Burbank, San Diego and San Francisco.



### DRIVE

Mono County is within a scenic 5-7 hour drive from Los Angeles, San Francisco and Las Vegas. Northern Mono County is only 1.5 hours from Reno/Tahoe International Airport.

### DRIVING DISTANCES AND TIMES

Reno	2.5 hours	140 miles / 225 km
San Francisco	5.5 hours	250 miles / 402 km
Los Angeles	5.5 hours	330 miles / 531 km
Sacramento	4 hours	220 miles / 354 km
Las Vegas	5.5 hours	340 miles / 547 km
Yosemite Valley	2 hours	75 miles / 121 km

*All mileage and times are from Lee Vining, CA*



Mono Lake

## VISITOR AMENITIES

**LODGING** — With more than 140 hotels, motels, bed & breakfast inns, cabins and campgrounds, Mono County has a diverse lodging base – truly everything from deluxe spa hotels to rustic cottages and scenic RV parks.

**DINING** — All that fresh air and adventure will have visitors needing fuel. There are over 100 restaurants, cafes, pubs and bakeries to choose from throughout Mono County, with options ranging from traditional comfort food to delicious ethnic cuisine and fine dining.

**SHOPPING** — If you are looking for Macy's, you won't find it in Mono County. Our shopping experience is more about bait, gloves and woolly buggers! However, with approximately 125 stores to browse through, you'll find lots of intriguing shops, art galleries with Eastern Sierra-inspired visions, and Native American crafts and western wear that will bring out everyone's inner Wild West.

**WINTER 2018** — Kids 12 and under ski and snowboard FREE all winter at June Mountain, no restrictions!

## TOP EASTERN SIERRA ACTIVITIES

### SUMMER

Hiking and Backpacking  
Fishing and Camping  
Mountain Biking and Road Cycling  
Kayaking and Canoeing  
Stand-up Paddleboarding  
Rock Climbing  
Horseback Riding  
ATVs / Off-Highway Vehicles

### WINTER

Skating and Snowboarding  
Cross Country Skiing  
Snowshoeing  
Snowmobiling  
Dog-Sledding  
Sledding and Tubing  
Ice Skating  
Ice Climbing

## 2018 EVENT HIGHLIGHTS

June Lake Winter Festival	June Lake	March 3
Mammoth Winter Biathlon	Mammoth Lakes	March 17-18
Mono Basin Bird Chautauqua	Lee Vining	June 15-17
Old-Fashioned 4th of July	Bridgeport	June 30 – July 4
How Big Is Big Fishing Derby	Walker	July 1-31
June Lake Triathlon	June Lake	July 7
Mammoth Festival of Beers & Bluesapalooza	Mammoth Lakes	August 2-5
Friends of Bodie Day	Bodie	August 11
Founder's Day Celebrations	Bridgeport	August 31 – Sept. 3
Eastern Sierra ATV/UTV Jamboree	Walker	Sept. 11-15
Bridgeport Autumn Festival & Car Show	Bridgeport	Sept. 29
Ambush at the Lake Fishing Derby	Bridgeport	Oct. 1 – Nov. 15

For the latest news, events info, FREE Visitor Guide, and Mono County Travel Blog – visit us online at [www.MonoCounty.org](http://www.MonoCounty.org) and on Facebook at [www.Facebook.com/VisitEasternSierra](http://www.Facebook.com/VisitEasternSierra).

**Elected State Representatives:**

<p>Assembly member Frank Bigelow 5<sup>th</sup> Assembly District State Capitol, Suite #6027 Sacramento, CA 94249-0005 Phone: (916) 319-2005 Fax: (916) 319-2105 Website: <a href="https://assembly.ca.gov/assemblymembers">https://assembly.ca.gov/assemblymembers</a></p>	<p>Senator Tom Berryhill 8<sup>th</sup> Senate District State Capitol, Room 3076 Sacramento, CA 95814 Phone: (916) 651-4008 Fax: (916) 651-4908 Website: <a href="http://berryhill.cssrc.us/">http://berryhill.cssrc.us/</a></p>
<p>Governor Jerry Brown c/o State Capitol, Suite 1173 Sacramento, CA 95814 Phone: (916) 445-2841 Fax: (916) 558-3160 Website: <a href="http://gov.ca.gov/Agencies/Governor-Office-of-the">http://gov.ca.gov/Agencies/Governor-Office-of-the</a></p>	

**Elected Congressional Representatives:**

<p>Senator Kamala Harris United States Senate 112 Hart Senate Office Building Washington, D.C. 20510 Phone: (202) 224-3553 Fax: (202) 224-0454 Website: <a href="http://www.harris.senate.gov/">http://www.harris.senate.gov/</a></p>	<p>Senator Dianne Feinstein United States Senate 331 Hart Senate Office Building Washington, D.C. 20510 Phone: (202) 224-3841 Fax: (202) 228-3954 Website: <a href="http://www.feinstein.senate.gov/">http://www.feinstein.senate.gov/</a></p>
<p>Congressman Paul Cook 8<sup>th</sup> Congressional District 1222 Longworth House Office Building Washington, DC 20515 Phone: (202) 225-5861 Fax: (909) 797-4997 Website: <a href="http://cook.house.gov/">http://cook.house.gov/</a></p>	





County of Mono  
Post Office Box 696  
Bridgeport, California 93517  
(760) 932-5410  
[www.mono.county.ca.gov](http://www.mono.county.ca.gov)







**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** February 13, 2018

**TIME REQUIRED**

**SUBJECT** Mono Basin RPAC Letter

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Letter from Mono Basin Regional Planning Advisory Committee expressing support for the Hess Park Solar Pavilion Project.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Scheereen Dedman

**PHONE/EMAIL:** x5538 / sdedman@mono.ca.gov

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

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<a href="#">Letter</a>

**History**

Time	Who	Approval
2/8/2018 10:38 AM	County Administrative Office	Yes
2/1/2018 11:14 AM	County Counsel	Yes
2/8/2018 5:50 PM	Finance	Yes

# Mono Basin Regional Planning Advisory Committee

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PO Box 347  
Mammoth Lakes, CA 93546  
760.924.1800 phone, 924.1801 fax  
[commdev@mono.ca.gov](mailto:commdev@mono.ca.gov)

PO Box 8  
Bridgeport, CA 93517  
760.932.5420 phone, 932.5431 fax  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

January 3, 2018

To: 350 Mono Climate Action

Cc: Mono Basin Historical Society  
Supervisor Bob Gardner  
Mono County Public Works

The Mono Basin Regional Planning Advisory Committee extends our full support for the Hess Park Solar Pavilion Project. The Solar Pavilion concept is a shade structure with a solar panel roof that would provide shade, solar energy, and a focal gathering location for Lee Vining visitors and residents. The space would not only generate solar power but also have monitoring equipment and information panels to educate people about renewable energy and demonstrate our community's commitment to a renewable energy future.

The Hess Park location is central to Lee Vining and will provide visitors electrical outlets and WiFi access. The pavilion will have display space for tourist information about the Mono Basin and upcoming community events. Because it is close to the Lee Vining High School, teachers may use it for outdoor education programs.

The Solar Pavilion Project meets several goals and policies in the 2012 Mono Basin Community Plan. They include the following:

- Goal 1, Objective C, Policy 2: Support design practices that protect scenic vistas, energy efficiency, and "green" building practices.
- Goal 1, Objective C, Policy 4: Support improving the visual appearance of Lee Vining.
- Goal 1, Objective E: Promote well-planned and functional community uses that retain small-town character and increase quality of life.
- Goal 2, Objective B, Policy 1: Cultivate tourism-related programs and attractions that promote longer, multi-day visits.
- Goal 3, Objective A, Policy 1: Improve interactions and support between community and schools.
- Goal 3, Objective B, Policy 3: Support outdoor education, supervised and unsupervised activities, and facilities for youth.

We commend and thank the 350 Mono Climate Action group for their vision and hard work. Please continue to keep us updated on the project's progress and let us know if there is anything the Mono Basin RPAC can do to help make this project a reality.

Sincerely,



Lisa Cutting  
Mono Basin RPAC Chairperson



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** February 13, 2018

**TIME REQUIRED**

**SUBJECT** Letter from American Lung  
Association

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

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### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Letter from American Lung Association indicating that the 16th annual State of Tobacco Control report will be released  
January 24, 2018.

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### RECOMMENDED ACTION:

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### FISCAL IMPACT:

---

### CONTACT NAME:

**PHONE/EMAIL:** /

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### SEND COPIES TO:

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### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

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[ALA Letter](#)

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### History

Time	Who	Approval
2/8/2018 10:38 AM	County Administrative Office	Yes
1/24/2018 10:32 AM	County Counsel	Yes
1/23/2018 8:38 AM	Finance	Yes

## State of Tobacco Control Report to be Released January 24, 2018

Report will include tobacco control grades for all 58 Counties in California

Dear County Board of Supervisors:

We are pleased to announce the upcoming release of the 16th annual American Lung Association *State of Tobacco Control* report on January 24, 2018. This report assigns grades to the federal government and states based on their tobacco control laws and regulations in effect as of January 2, 2017 for Smokefree Air, Tobacco Taxes, Tobacco Prevention and Control Program Funding, and Access to Cessation Services.

In conjunction with the national report, the American Lung Association in California will release tobacco control report cards for all 482 incorporated cities and towns and 58 counties in California. The *State of Tobacco Control 2018 – California Local Grades* report is based on a review of all county and municipal codes in the state in four key policy areas. Since the first California report, the number of communities with an overall A or B grade has increased dramatically.

While we have made enormous progress in the fight against tobacco, it is still the number one cause of preventable death in the United States and in California. Since 1964, we have cut smoking rates by more than half, dramatically reduced exposure to secondhand smoke, reduced rates of lung cancer and other tobacco-related diseases and fundamentally changed public attitudes about tobacco resulting in millions of lives saved. Despite this progress, tobacco remains a dangerous threat, killing almost 40,000 Californians each year, causing illness in even more residents and costing the state more than \$23 billion in health care costs and lost productivity. More needs to be done to decrease these numbers and to stop the 440,000 kids alive today who will ultimately die prematurely from tobacco-related disease.

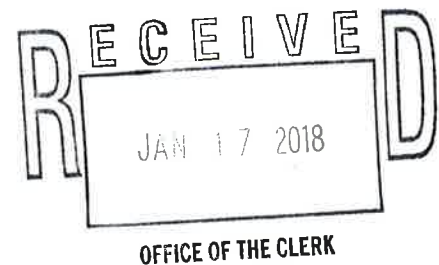
Every year, we see cities and counties across the state adopt policies to improve the health and wellness of their residents. These residents and their stories represent the real, tangible impact that these policies can have on a community. And, over the past 50 years, we have developed proven strategies that can achieve our public health goals if they are fully and effectively implemented. These strategies are reflected in the grading categories in both the national and local SOTC reports.

We encourage you to visit the American Lung Association in California website [www.lung.org/California](http://www.lung.org/California) on January 24 to view the state and local tobacco control report cards and learn how to take action in the fight against tobacco. Visit our About Us page at [www.lung.org/california](http://www.lung.org/california) to contact your local American Lung Association office for more information on the impact smoking is taking on your community and what can be done to combat it.

We hope you will join us in the fight to breathe easier.



Vanessa Marvin  
Vice President, Public Policy & Advocacy



### California Region

1531 I Street, Suite 201 | Sacramento, CA 95814  
Ph: 916-554-5864 [cainfo@Lung.org](mailto:cainfo@Lung.org)

1-800-LUNGUSA | [Lung.org](http://Lung.org)



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** February 13, 2018

**TIME REQUIRED**

**SUBJECT** Bridgeport Arch / Banner Project  
Letter

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Letter from Gene Kinum of the Bridgeport RPAC with requests to the Board regarding the Bridgeport Arch / Banner project.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Scheereen Dedman

**PHONE/EMAIL:** x5538 / sdedman@mono.ca.gov

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

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<a href="#">Letter</a>

**History**

Time	Who	Approval
2/9/2018 10:07 AM	County Administrative Office	Yes
2/9/2018 10:31 AM	County Counsel	Yes
2/9/2018 9:28 AM	Finance	Yes

**To: Mono County Board of Supervisors:**  
**Ref: Bridgeport Arch/Banner project**

**Arch/Banner Project History:**

The Bridgeport Arch/Banner project has been a long term RPAC project for nearly 12 years; mired in bureaucratic mud, almost no progress has been achieved. RPAC and the community are driven to build 1) the **Arch** across Hwy 395 as a means establish our identity to those passing through the Town of Bridgeport, and 2) the **Banner** to announce community activities such as the 4th of July festivities, Founders Day, Fishing Tournaments, and others as a means to draw tourism and to expand the local economy.



Bridgeport Arch/Banner concept - Not to scale.

Only one or two current RPAC members recall when the effort to build the **Arch/Banner** (originally only a **Banner**) began, but it arose from the original idea to build monuments at both ends of the town to welcome visitors. The reality of our obscurity becomes clear when friends and relatives pass through Bridgeport while enroute to Tahoe and don't recall the town. To many, it's just a little town with a courthouse that nobody remembers. RPAC and the community want to change that impression.

To cement the **Arch/Banner** concept, on 09-27-2015 the Bridgeport RPAC voted to pass the "**Resolution Supporting The New Bridgeport Main Street Arch and Banner**" (attached). The vote was unanimous, which demonstrates the commitment committee members have toward completing this project.

Research into other arch and banner structures elsewhere in California and Nevada has yielded valuable results. Design mistakes of the Gardnerville, NV and Encinitas, CA structures have haunted municipal employees and engineers who fought a war between the forces of nature and their arch/banners. We have identified critical design flaws and see this as an opportunity for improvement. Problems such as severe cable bounce during high winds will be significantly reduced or eliminated. Cable bounce is primarily caused by the inescapable flex of the poles. When the arch is added, that flex will be gone and the entire structure will be considerably stronger and more rigid. Ideally, both should be constructed together, but to get the project underway it was decided to build it in two stages. In addition, beneficial features such as easier and safer Banner attachment/removal, low cost maintenance & inspections, sign lighting, and thoughtful provisions for conventional and/or solar powered illuminated holiday decorations.

RPAC has obtained substantial material donations from the greater area businesses. CSA has allocated funding to complete design work, yet engineering has not been completed. A County Engineer was contracted on 08-17-2016 to produce buildable plans within 45 days yet, to date, completed plans have not been delivered. These plans are the hinge-pin to **Bridgeport Arch/Banner** progress. Nothing can proceed without these plans as they are necessary to establish material, construction, and maintenance costs, and to begin the arduous process seeking CalTrans approvals.

The Bridgeport **Arch/Banner** project was broken down into two phases: **1) The footings and banner** portion designed to accommodate the weight and wind load of the future truss/arch and **2) the Arch and welcome sign** added to the **Banner** footings and poles. The thinking was to build the **Arch/Banner** towers outside of CalTrans right-of way, avoiding the lengthy process of obtaining encroachment permits from CalTrans. Since CalTrans will allow a cable supported banner, that portion was to be built first with engineering to support the **arch** which would be added after obtaining CalTrans permits. However, to reach County property the span is an astounding 126 feet. It is now clear that the span must be reduced, and can be about 80-90 feet by placing the towers on CalTrans right-of-way.

The major hurdle to CalTrans approvals involve two dominant issues: 1) **CalTrans resistance** to erecting a rigid continuous pipe truss arch across highway 395, and 2) **obtaining an encroachment permit** to construct the towers curbside to reduce the proposed 126-foot span to approx 80-90 feet. Arches with both features already exist on CalTrans right-of-way elsewhere in California. RPAC has been told this process promises to be a significant bureaucratic challenge. We are ready to accept the challenge and take it to Sacramento, the state legislature, and the governor if necessary. But first, we need engineered plans.

#### **Endless Delays:**

RPAC believes that the lack of action on this project, literally measured in years and decades, cannot be attributed to indifference alone. It is felt that a lack of commitment and overtaxed County personnel are the main reasons. We can't change motivation, but we can raise awareness and seek the support of our local elected officials. That is the reason this letter was drafted.

The cancellation of the **Bridgeport Arch/Banner project** announced at the January 9, 2018 RPAC meeting is believed to be the culmination of the contest of wills between RPAC and County. Reasons given for the cancellation are listed below. We believe they lack merit:

- **Mono County doesn't do projects like this:** Not true. Mono County contracted with the County- selected engineer to complete buildable plans for both the **Arch/Banner** and **Cemetery Entrance Archway** on 08-17-2016. The **Cemetery** project has been completed but the **Arch/Banner** is stalled.
- **CalTrans will not approve the arch structure:** Pure Speculation. CalTrans negotiations cannot even begin until buildable plans have been completed.
- **Lack of County Resources:** A fair concern. But RPAC members have offered time for research, reports, contacts, and any other needs to help advance this project. It may be true that County employee time is limited, but other eager volunteer resources of qualified manpower have not been utilized.
- **Lack of Project Funding.** Substantial community donations for building material have been confirmed, research and report hours have been donated, and CSA funding has been allocated for engineering design work. Further funding needs cannot be ascertained until buildable engineering design plans have been completed.

#### **The Realities:**

- No action, other than cancellation, has been taken by the County to progress the project in over a year despite the contractual requirement that design plans be completed within 45 days of the signed contract dated 08-17-2016. Recently, County denied RPAC access to the County engineer.

- A public request was made by an RPAC member during a meeting to be included in all meetings and communications involving the Arch/Banner project, yet County meetings with CalTrans and calls to the County engineer have been conducted in private.
- County has required that the design work be contracted only to a particular County-selected engineer. There has been almost no progress from the engineer for more than a year. The engineer sent a letter dated 11-22-2017 stating he considers himself *not* competent to design the Bridgeport Arch/Banner, and withdrew from the project. But rather than seek out a qualified engineer, County took the opportunity to finally torpedo the **Arch/Banner** project even though other County approved engineers have never been approached. Private engineers contacted by RPAC, not approved by County, but who are experienced in Truss Arch design are capable and available to complete the project design work.

#### **Issues Yet to Resolve:**

- Even though the most recent **Bridgeport Arch/Banner** plan was to build the tower footings on County property at Main Street at the east side of Sinclair St. to skirt CalTrans right-of-way and avoid the need for a CalTrans encroachment permit, the proposed 126 foot span across Hwy 395 creates substantial engineering challenges and extra cost due to structural loads. Span can be shortened to 90-feet by placing the footings outside of the sidewalks or 80- feet if they are located at the curbs. This is the equivalent location of other similar Arch/Banners built elsewhere in California. Though time consuming, an easement to allow construction on CalTrans right-of-way will effectively solve these challenges. Recent plans for CalTrans construction of curb extensions in that area may open additional tower placement options to further reduce the arch truss span.
- The rigid pipe Truss Arch across Main Street must be approved by Cal Trans. Considering 1) the large overhead power line that currently crosses Hwy 395 at Sinclair Street that provides electrical power to the north side of Bridgeport already limits the height of oversized commercial vehicles, 2) that the proposed truss arch design requires that it be removable for the unlikely needs of extremely oversized vehicles, 3) that an alternate route exists via Stock Drive, and 4) that other arches have already been built across California state highways, it is conceivable that CalTrans can be persuaded to grant the easements.
- Without County sponsorship, CSA is prohibited from funding the **Bridgeport Arch/Banner** engineering and design work. It is imperative that the County facilitate the planning, design, and construction of the project to preserve this proper and appropriate funding source.

#### **Request of the Board of Supervisors:**

1. Direct the Department of Public Works to raise the priority of the **Arch/Banner project** on the Capital Projects list from **low to high**.
2. Assign a County employee to actively work with RPAC on this project. We recommend Michael Draper.
3. Authorize RPAC to select and contract with an engineer experienced in truss arch engineering of its choosing.
4. Support the Bridgeport RPAC in its efforts to secure funding, regulatory approvals, and the prompt completion of our community **Arch/Banner project**.

#### **In Conclusion:**

Join the Bridgeport RPAC and the community in a partnership to build our **Bridgeport Community Arch/Banner**. Our local residents and business owners want it, and it deserves to be built!

Respectfully,

**Gene Kinum**  
**Bridgeport RPAC**



## RESOLUTION SUPPORTING THE NEW BRIDGEPORT MAIN STREET ARCH AND BANNER

**WHEREAS**, the Bridgeport Valley Regional Planning Advisory Committee (RPAC) is a group of citizens charged with advising the Mono County Board of Supervisors, Planning Commission, and Planning Division on issues related to the Bridgeport Area, and;

**WHEREAS**, RPAC recognizes that many travelers passing through town via US 395 may not know they are in the town of Bridgeport and may be unaware of upcoming or ongoing events they might otherwise stop to enjoy, and;

**WHEREAS**, the construction of a permanent overhead arch with a welcoming message to visitors of Bridgeport will establish an icon symbolizing the identity and pride of our community and focus more attention and impart greater recognition to our town; a banner announcing upcoming or ongoing events will encourage some to stop in our community, shop at stores, dine at restaurants, and lodge at hotels and motels; all of which are central to improving the health of the local tourist economy, and;

**WHEREAS**, in addition to the many positive comments from local residents, the community has already demonstrated its support for this project; CSA has assisted by funding initial engineering and design while local businesses have pledged donations of construction materials thereby substantially reducing the construction cost of the project, and;

**NOW, THEREFORE, BE IT RESOLVED** that the Bridgeport Valley Regional Planning Advisory Committee finds that initiating the project should proceed subject to the following requirements:

The Arch/Banner spanning US 395 at Sinclair Street shall include:

- Permanent footings, supports, and poles engineered and constructed to support *both* the banner and the arch; and,
- a removable arch incorporating the message "Welcome to Bridgeport" readable from the east and the west, and;
- a removable dual cable system below the arch to display a banner announcing community activities, and;
- if, due to budget and/or regulatory constraints the project cannot be built all at once, it shall be built in two stages;  
Stage 1: Construction of footings, supports, poles, and the banner cable system;  
Stage 2: Construction of the arch; to be completed within 5 years from the date of this resolution.

RPAC finds the construction of a new arch/banner spanning Main Street/US 395 at Sinclair Street to be highly beneficial, but that a banner by itself would not realize our vision; recognizes the benefit to the residential community by enhancing community identity; acknowledges the benefit to the business community for improving the health of the local economy and sense of community; and resolves to seek community support, regulatory approvals, and the funding to design and ultimately construct the arch/banner project.

PASSED AND ADOPTED THIS 17th DAY OF SEPTEMBER, 2015, BY THE FOLLOWING:

VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Barry Beck, Chairman, Bridgeport Valley RPAC

**Carlsbad, CA Arch:** Crosses State Hwy 1, built in 2014, Span is 81-feet 11-inches.



**Encinitas CA Arch:** Crosses State Hwy 1, built in 2007, Span is 80-feet 0-inches.





OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** February 13, 2018

**Departments: District Attorney**

**TIME REQUIRED** 5 minutes

**PERSONS APPEARING BEFORE THE BOARD** Tim Kendall

**SUBJECT** Employment Agreement with Chris Callinan

---

### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

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

---

### RECOMMENDED ACTION:

Announce Fiscal Impact. Approve Resolution #R18-\_\_\_\_\_, Approving a contract with Chris Callinan as District Attorney Chief Investigator, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

---

### FISCAL IMPACT:

Salary for the remainder of FY 2017-2018 is \$48,738 and \$14,652 in benefits. Annual salary for the position is \$115,200 and \$52,225 in benefits. This amount is accounted for in the DA Department's FY 2017-2018 budget.

---

**CONTACT NAME:** Elizabeth Pelichowski

**PHONE/EMAIL:** x5554 / epelichowski@mono.ca.gov

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### SEND COPIES TO:

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### MINUTE ORDER REQUESTED:

YES  NO

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### ATTACHMENTS:

Click to download
<input type="checkbox"/> <a href="#">Staff Report</a>
<input type="checkbox"/> <a href="#">Resolution</a>
<input type="checkbox"/> <a href="#">Contract</a>
<input type="checkbox"/> <a href="#">R18-02</a>

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History

<b>Time</b>	<b>Who</b>	<b>Approval</b>
2/8/2018 9:54 AM	County Administrative Office	Yes
2/5/2018 10:26 AM	County Counsel	Yes
2/8/2018 5:50 PM	Finance	Yes

# County of Mono Office of the District Attorney

[www.monocountydistrictattorney.org](http://www.monocountydistrictattorney.org)

**Bridgeport Office:**  
Main St. Court House, P.O. Box 617  
Bridgeport, CA. 93517  
Tel:(760)932-5550 fax: (760)932-5551



**Mammoth Office:**  
Sierra Center Mall, P.O. Box 2053  
Mammoth Lakes, CA. 93546  
Tel:(760)924-1710 fax: (760)924-1711

**Tim Kendall - District Attorney**

TO: Honorable Board of Supervisors  
FROM: Tim Kendall, District Attorney  
DATE: February 13, 2018

## **Subject**

At-Will Contract with Chris Callinan for the District Attorney Chief Investigator position

## **Recommendation**

Approval of said Contract with Chris Callinan.

## **Discussion**

In August 2018, the District Attorney's Chief Investigator retired leaving the position vacant. After an extensive recruitment process, interviews were conducted on January 25, 2018. An independent panel consisting of Dave Butters, Kathy Peterson, Chief Al Davis, Sheriff Ingrid Braun and Inyo County District Attorney, Tom Hardy made a favorable recommendation for the hiring of Chris Callinan. Based on that recommendation I extended an offer to Mr. Callinan for the position effective February 1, 2018.

Mr. Callinan is currently employed as a District Attorney Investigator II with the Mono County District Attorney. After a successful military career where he supervised a variety of specialized units, Mr. Callinan began work at the Mono County Sheriff's Department. He has approximately 13 years of law enforcement experience, working as a patrol officer, narcotics investigator as well as a Deputy District Attorney Investigator I and II. With each promotion he has taken on more and more complex cases as well as supervisory responsibilities and has been supervising the Mono County Investigative Unit since August of 2018. Mr. Callinan has extensive training and experience in the wide scope of responsibilities that the Office of the District Attorney handles and has an excellent performance record. All Departments that have interactions with Mr. Callinan have outstanding comments regarding his performance and strongly support Mr. Callinan as the Chief Investigator. He understands the importance of the Office and will strive to continue to provide the best service to our partners as a team player while following my philosophy of doing the right things for the right reasons all the time.

The Chief Investigator salary was reduced from FY 2017-2018 of \$10,445 to \$9600. This will be an annual salary savings of \$10,140 plus a reduction in the cost of benefits of \$2,174.

**Fiscal Impact**

Salary for the remainder of FY 2017-2018 is \$48,738 and \$14,652 in benefits. Annual salary for the position is \$115,200 and \$52,225 in benefits. This amount is accounted for in the DA Department's FY 2017-2018 budget.



R18-\_\_

**A RESOLUTION OF THE MONO COUNTY  
BOARD OF SUPERVISORS APPROVING AN AGREEMENT AND FIRST  
AMENDMENT TO EMPLOYMENT AGREEMENT WITH CHRISTOPHER  
CALLINAN**

**WHEREAS**, the Mono County Board of Supervisors has the authority under Section 25300 of the Government Code to prescribe the compensation, appointment, and conditions of employment of County employees;

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO RESOLVES** that the Agreement and First Amendment to the Agreement regarding employment of Christopher Callinan, a copy of which is attached hereto as an exhibit and incorporated herein by this reference as though fully set forth, is hereby approved and the compensation, appointment, and other terms and conditions of employment set forth in that Agreement are hereby prescribed and shall govern the employment of Christopher Callinan. The Chairman of the Board of Supervisors shall execute said Agreement on behalf of the County.

**PASSED, APPROVED and ADOPTED** this 13th day of February, 2018, by the following vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Bob Gardner, Chair  
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
County Counsel

**AGREEMENT AND FIRST AMENDMENT TO  
AGREEMENT REGARDING EMPLOYMENT  
OF CHRISTOPHER CALLINAN**

This Agreement and First Amendment is entered into by and between Christopher Callinan and the County of Mono (sometimes referred to herein collectively as "the Parties") for the purpose of amending the Agreement Regarding Employment of Christopher Callinan.

**I. RECITALS**

- A. The County currently employs Christopher Callinan in accordance with an employment agreement entered into on or about January 9, 2018, (sometimes referred to herein as "the Agreement").
- B. The Parties wish to amend the Agreement to effectuate a change in Mr. Callinan's position and compensation.

**II. AGREEMENT**

NOW, THEREFORE, the Parties agree as follows:

- 1. Section 2 of the Agreement is amended in its entirety to read as follows: "Mr. Callinan shall be employed by Mono County as the Chief District Attorney Investigator, serving at the will and pleasure of the District Attorney in accordance with the terms and conditions of this Agreement and Mr. Callinan accepts such employment. The District Attorney shall be deemed the "appointing authority" for all purposes with respect to Mr. Callinan's employment.
- 2. Section 3 of the Agreement is amended in its entirety to read as follows: "Effective February 1, 2018, Mr. Callinan's base monthly salary shall be \$9,600. After successful completion of two years in the position of Chief District Attorney Investigator (i.e., after January 31, 2020), and with the approval of the District Attorney, Mr. Callinan's base monthly salary shall be increased by \$200. The Board may unilaterally increase Mr. Callinan's salary in its discretion over the increase outlined above at any time while this Agreement is in effect. Further, if a Cost of Living Adjustment or other wage increase is granted under the MOU with the Deputy Sheriff's Association (DSA), Mr. Callinan may request that this Agreement be reopened for discussion and potential re-negotiation with respect to any additional increases in Mr. Callinan's salary. During such negotiations the County shall consider and discuss the issue of increased compensation with Mr. Callinan in good faith, but the County's decision whether or not to grant such additional compensation shall be final and non-appealable."



3. All other provisions of the Agreement not hereby amended shall remain in full force and effect.

**III. EXECUTION:**

The parties hereby execute this Agreement and First Amendment, effective as of February 1, 2018.

Christopher Callinan

THE COUNTY OF MONO

\_\_\_\_\_

\_\_\_\_\_

By: Bob Gardner, Chair  
Board of Supervisors

APPROVED AS TO FORM:

\_\_\_\_\_

County Counsel



R18-02

**A RESOLUTION OF THE MONO COUNTY  
BOARD OF SUPERVISORS APPROVING AN EMPLOYMENT AGREEMENT WITH  
CHRISTOPHER CALLINAN, AND PRESCRIBING THE COMPENSATION,  
APPOINTMENT, AND CONDITIONS OF SAID EMPLOYEMENT**

**WHEREAS**, The Mono County Board of Supervisors has the authority under Section 25300 of the Government Code to prescribe the compensation, appointment, and conditions of employment of County employees;

**NOW, THEREFORE, BE IT RESOLVED** by the Mono County Board of Supervisors that the Employment Agreement of Christopher Callinan, a copy of which is attached hereto as an exhibit and incorporated herein by this reference as though fully set forth, is hereby approved and the compensation, appointment, and other terms and conditions of employment set forth in that Agreement are hereby prescribed and shall govern the employment of Mr. Callinan. The Chair of the Board of Supervisors shall execute said Agreement on behalf of the County.

**PASSED, APPROVED and ADOPTED** this 9th day of January, 2018, by the following vote, to wit:

**AYES:** Supervisors Corless, Gardner, Peters, and Stump.

**NOES:** None.

**ABSENT:** Supervisor Johnston.

**ABSTAIN:** None.

Bob Gardner, Chair  
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

  
Clerk of the Board  
County Counsel

## **Agreement Re Employment Of Christopher Callinan**

This Agreement is entered into this 9th day of January, 2018, by and between Christopher Callinan and the County of Mono.

### **I. RECITALS**

The County currently employs Mr. Callinan as a District Attorney Investigator II. The County wishes to continue to employ Mr. Callinan as a DA Investigator II on a full-time basis on the terms and conditions set forth in this Agreement. Mr. Callinan wishes to accept continued employment with the County on said terms and conditions.

### **II. AGREEMENT**

1. The term of this Agreement shall be January 12, 2018, until January 12, 2021, unless earlier terminated by either party in accordance with this Agreement. The County shall notify Mr. Callinan in writing no later than July 12, 2020, whether it intends to negotiate a renewal of this Agreement. In the event the County fails to provide such notice, Mr. Callinan shall notify the County in writing of its breach of this provision of the Agreement and County shall be allowed 30 days from the receipt of that notice to cure the breach. If County cures the breach and notifies Mr. Callinan that it does not intend to negotiate a renewal of the Agreement, then this Agreement shall terminate six months after said notification and no additional compensation or damages shall be owing to Mr. Callinan as a result of the cured breach. If County does not cure the breach, then the Agreement shall automatically renew for another three years on the same terms in effect at the time of renewal.
2. Mr. Callinan shall continue to be employed by Mono County as a DA Investigator II, serving at the will and pleasure of the District Attorney in accordance with the terms and conditions of this Agreement. Mr. Callinan accepts such continued employment. The District Attorney shall be deemed the "appointing authority" for all purposes with respect to Mr. Callinan's employment.
3. Mr. Callinan's salary shall be \$8,681 per month commencing January 12, 2018. The County further agrees to make a one-time payment of \$2002.56 to Mr. Callinan which is a 2% cost of living adjustment based on his 2017 salary. The Board may unilaterally increase Mr. Callinan's salary in its discretion at any time while this Agreement is in effect. Should a wage increase be granted under the MOU with the Deputy Sheriff's Association (DSA), this Agreement will be reopened for discussion and potential re-negotiation with respect Mr. Callinan's salary. During such negotiations the County shall consider and discuss the issue

of increased compensation with Mr. Callinan in good faith, but the County's decision whether or not to grant such additional compensation shall be final and non-appealable. In addition, this Agreement will also be reopened within the first 30 days of the third year of the Agreement for discussion and possible renegotiation with respect to Mr. Callinan's salary or any other provision of this Agreement that the parties may mutually wish to discuss. After considering and discussing such issues in good faith, the County's decision shall be final and non-appealable.

4. Mr. Callinan's employment is not exempt from the payment of overtime or compensatory time-off under the Fair Labor Standards Act, and he shall therefore be entitled to earn overtime or compensatory time-off for work in excess of 40 hours per week in accordance with applicable state and federal laws and County policies. Because he is not an exempt employee, Mr. Callinan understands that he will not receive Merit Leave (Administrative Leave).
5. To the extent deemed appropriate by the District Attorney, the County shall pay the professional dues, subscriptions, and other educational expenses necessary for Mr. Callinan's full participation in applicable professional associations, or for her/his continued professional growth and for the good of the County.
6. To the extent not inconsistent with the foregoing or any other provision of this Agreement, Mr. Callinan shall be entitled to the same general benefits provided by the County to other management-level employees, as described more fully in the County's Management Benefits Policy. Such benefits include but are not limited to CalPERS retirement benefits (currently 3% at 50 for Mr. Callinan), CalPERS medical insurance, County dental and vision coverage, and life insurance. Any and all references in this Agreement to the County's Management Benefits Policy shall mean the "Policy Regarding Benefits of Management-level Officers and Employees," adopted by Resolution R14-54 of the Mono County Board of Supervisors, as the same may be amended from time to time and unilaterally implemented by the County.
7. Mr. Callinan understands and agrees that this receipt of compensation or benefits of any kind under this Agreement or under any applicable County Code provision or policy – including but not limited to salary, insurance coverage, and paid holidays or leaves – is expressly contingent on his actual and regular rendering of personal services to the County or, in the event of any absence, upon his proper use of any accrued leave. Should Mr. Callinan cease rendering such services during this Agreement and be absent from work without any accrued leave to cover said absence, then he shall cease earning or receiving any additional compensation or benefits until such time as he returns to work and resumes rendering personal services; provided, however, that the County shall

provide any compensation or benefits mandated by state or federal law. Furthermore, should Mr. Callinan's regular schedule ever be reduced to less than full-time employment, on a temporary or permanent basis, then all compensation and benefits provided by this Agreement or any applicable County policies shall be reduced on a pro-rata basis, except for those benefits that the County does not generally pro-rate for its other part-time employees (e.g., medical insurance).

8. Consistent with the "at will" nature of Mr. Callinan's employment, the District Attorney may terminate Mr. Callinan's employment at any time during this agreement, without cause. However, should there be a change in the incumbent holding the office of District Attorney, Mr. Callinan's employment shall continue for six (6) months following such change (i.e., following the date when the new District Attorney takes office), unless termination for grounds as specified in section 520 of the Mono County Personnel Rules, as the same may be amended from time to time, is determined by the County Administrative Officer under advice of County Counsel, subject to review with the Board of Supervisors in closed session. In either event, this Agreement shall automatically terminate concurrently with the effective date of the termination. Mr. Callinan understands and acknowledges that as an "at will" employee, he will not have permanent status nor will his employment be governed by the County Personnel System except to the extent that System is ever modified to apply expressly to at-will employees. Among other things, he will have no property interest in his employment, no right to be terminated or disciplined only for just cause, and no right to appeal, challenge, or otherwise be heard regarding any such termination or other disciplinary action the District Attorney may, in his discretion, take during Mr. Callinan's employment. Mr. Callinan further understands that any termination of his at-will employment under this Agreement will not entitle him to resume his former County employment or to be placed in any other County employment.
9. Notwithstanding the foregoing, in the event Mr. Callinan is terminated without cause, he shall receive as severance pay a lump sum equal to six months' salary or, to the extent that fewer than six full calendar months remain (as of that effective date) before this Agreement would have expired, Mr. Callinan shall instead receive a lesser amount equal to any remaining salary payments he would have received before expiration of the Agreement had he not been terminated. Notwithstanding the foregoing, Mr. Callinan shall receive severance pay equal to six months' salary in the event that termination occurs after the County has notified Mr. Callinan that it intends to negotiate a renewal of this Agreement but before this Agreement expires. In no event shall the parties' failure or inability to arrive at mutually acceptable terms of a renewed agreement trigger the payment of severance pay. Note: for purposes of severance pay,

"salary" refers only to base compensation.

10. Notwithstanding the foregoing, Mr. Callinan shall not be entitled to any severance pay in the event that the District Attorney has grounds to discipline him on or about the time he gives him notice of termination. For purposes of this provision, grounds for discipline include but are not limited to those specified in Section 520 of the Mono County Personnel Rules, as the same may be amended from time to time. Mr. Callinan shall also not be entitled to any severance pay in the event that he becomes unable to perform the essential functions of his position (with or without reasonable accommodations) and his employment is duly terminated for such non-disciplinary reasons.
11. Mr. Callinan may resign his employment with the County at any time. His resignation shall be deemed effective when tendered, and this agreement shall automatically terminate on that same date, unless otherwise mutually agreed to in writing by the parties. Mr. Callinan shall not be entitled to any severance pay or additional compensation of any kind after the effective date of such resignation.
12. This Agreement constitutes the entire agreement of the parties with respect to the employment of Mr. Callinan. Consistent with Mr. Callinan's uninterrupted employment status, this Agreement shall have no effect on any sick leave or vacation time that Mr. Callinan may have accrued as of the effective date of this Agreement nor on his original date of hire or total years of service as a County employee, to the extent the same may be relevant in determining such accruals or Mr. Callinan's date of eligibility for or vesting of any non-salary benefits or for any other purpose.
13. The parties agree that the Board of Supervisors' approval of this Agreement on behalf of the County is a legislative act and that through this agreement, the Board of Supervisors is carrying out its responsibility and authority under Section 25300 of the Government Code to set the terms and conditions of County employment. It is not the parties' intent to alter in any way the fundamental statutory (non-contractual) nature of Mr. Callinan's employment with the County nor to give rise to any future contractual remedies for breach of this Agreement or of an implied covenant of good faith and fair dealing. Rather, the parties intend that Mr. Callinan's sole remedy in response to any failure by the County to comply with this Agreement shall be traditional mandamus.
14. Mr. Callinan acknowledges that this Agreement is executed voluntarily by him, without duress or undue influence on the part or on behalf of the County. Mr. Callinan further acknowledges that he has participated in the negotiation and preparation of this Agreement and has had the opportunity to be represented by

counsel with respect to such negotiation and preparation or does hereby knowingly waive his right to do so, and that he is fully aware of the contents of this Agreement and of its legal effect. Thus, any ambiguities in this Agreement shall not be resolved in favor of or against either party.

**III. EXECUTION:**

This Agreement shall be deemed executed as of January 9, 2018.

**EMPLOYEE**




By: Christopher Callinan

**THE COUNTY OF MONO**



By: Bob Gardner, Chair  
Board of Supervisors

APPROVED AS TO FORM:



Stacey Simon  
County Counsel



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** February 13, 2018

**Departments: CAO**

**TIME REQUIRED** 10 minutes

**PERSONS APPEARING BEFORE THE BOARD** Tony Dublino

**SUBJECT** Cannabis Regulatory Program - Update

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Brief update on progress of County Cannabis regulatory program.

**RECOMMENDED ACTION:**

Receive update. Provide any necessary direction to staff.

**FISCAL IMPACT:**

None. Informational only.

**CONTACT NAME:**

**PHONE/EMAIL:** /

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

<p>Click to download</p> <p> <a href="#">Staff Report</a></p>
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**History**

Time	Who	Approval
2/9/2018 6:03 AM	County Administrative Office	Yes
2/9/2018 10:33 AM	County Counsel	Yes
2/9/2018 9:29 AM	Finance	Yes





# County of Mono

## County Administrative Office

**Leslie L. Chapman**  
County Administrative Officer

**Tony Dublino**  
Assistant County Administrative Officer

**Dave Butters**  
Human Resources Director

**Jay Sloane**  
Risk Manager

**Date:** February 13, 2018  
**To:** Honorable Board of Supervisors  
**From:** Tony Dublino, Assistant CAO

**Subject: Cannabis Regulatory Program Update**

**Recommended Action:**  
None. Provide any necessary direction to staff.

**Fiscal Impact:**  
None. Informational only.

**Discussion:**

County staff continues to develop the Cannabis Regulatory Program, with a targeted date for Board consideration and adoption on April 3rd. Despite the sustained attention and deliberate efforts by all staff involved, the target date of March will be missed. The opportunity for adoption will occur on the next possible meeting,

The basic framework involves two separate permits. Essentially, a land use permit that will establish *where* commercial cannabis activities can occur, and an activities permit that will establish *how* those activities will be conducted.

The land use permit will be memorialized within the County's General Plan, and the activities permit will be memorialized in the County Code.

Drafts of the General Plan and County Code language are now circulating among staff. The current work involves analysis of consistency between drafts, identification of remaining policy questions for Board consideration, and framing staff recommendations.

The current intent is to bring any remaining land use (General Plan) policy questions to the Planning Commission on March 15<sup>th</sup>, and remaining activity (County Code) policy questions to the Board on either March 6<sup>th</sup> or March 13<sup>th</sup>. Following those last opportunities for input, final drafts will be prepared for Board consideration and adoption at a Public Hearing scheduled April 3rd.

If you have any questions regarding this item, please contact me at (760) 932-5415.

Respectfully submitted,

Tony Dublino  
Assistant CAO



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** February 13, 2018

**Departments: Finance**

**TIME REQUIRED** 30 minutes

**PERSONS APPEARING BEFORE THE BOARD** Janet Dutcher

**SUBJECT** Cannabis Tax Rate Workshop

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Continue cannabis tax workshop to discuss the proposed tax rate structure for commercial cannabis activities in the unincorporated areas of the County.

**RECOMMENDED ACTION:**

Conclude discussion about the tax rate structure. Direct staff to finalize the draft tax ordinance, including revisions or modifications directed by the board, and prepare such related documents as are necessary to call an election for the purpose of submitting the question of whether the tax should be imposed to the voters of Mono County.

**FISCAL IMPACT:**

The amount of tax revenue is uncertain because the number of permitted businesses, the size of each cultivator and the amount of gross receipts generated by each business is largely unknown. Based on inquiries of potential cannabis related businesses in Mono County, tax revenue is estimated to range from \$142,840 to \$821,700 depending on the number of permits issued, the tax method employed and the tax rate adopted.

**CONTACT NAME:** Janet Dutcher

**PHONE/EMAIL:** 7609325494 / jdutcher@mono.ca.gov

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<a href="#">staff report (from previous workshop)</a>
<a href="#">Presentation - Mono County Cannabis Tax Workshop</a>
<a href="#">Mono County Fiscal Analysis</a>
<a href="#">Mono County Cumulative Tax Calculator</a>

**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
2/8/2018 11:51 AM	County Administrative Office	Yes
2/8/2018 5:42 PM	County Counsel	Yes
2/8/2018 5:50 PM	Finance	Yes



# DEPARTMENT OF FINANCE AUDITOR-CONTROLLER COUNTY OF MONO

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*Stephanie M. Butters  
Assistant Finance Director  
Auditor-Controller*

*Janet Dutcher, CPA, CGFM  
Director of Finance*

*P.O. Box 556  
Bridgeport, California 93517  
(760) 932-5490  
Fax (760) 932-5491*

**Date:** February 7, 2018  
**To:** Honorable Board of Supervisors  
**From:** Janet Dutcher, Finance Director  
**Subject:** Workshop – Commercial Cannabis Tax Ordinance

**Recommended Action:**

1. Receive presentation and discuss the draft ordinance and fiscal analysis.
2. Approve staff recommendations as presented or amended.
3. Direct staff to finalize the draft ordinance and prepare such related documents as are necessary to call an election for the purpose of submitting the question of whether the ordinance should be approved to the voters of Mono County.

**Discussion:**

At the October 3, 2017 meeting, the Board of Supervisors directed staff to bring back a cannabis tax ballot measure. Board direction includes proposing a fee and tax framework that fully covers our cost to regulate commercial cannabis. The cost of regulation includes the direct cost (or fees) associated with the regulated or licensed market and the indirect costs (or tax) of responding to the unregulated or illegal market. One primary purpose of a cannabis tax measure is to provide additional funding to pay for enforcement when businesses circumvent the registration and licensing process.

This agenda item presents a draft of the cannabis tax ordinance for discussion by your Board along with the fiscal analysis estimating potential revenues should the tax measure successfully pass at the ballot. As we finalize cannabis regulations in the coming months, we will present the fee aspect of our cannabis-funding framework at that time. David McPherson of HdL will present the draft tax ordinance and fiscal analysis and answer any questions your Board or the public may have.

The draft of the cannabis tax ordinance before you today was prepared by HdL and further discussed and reviewed by the County's Cannabis Workgroup and also County Counsel. We are presenting this ordinance prior to the traditional introduction and reading associated with ordinances to get your feedback and direction about changes you may desire. Additionally, HdL

conducted a fiscal analysis of the various taxing mechanisms and rates, which analysis is included in the agenda packet.

In developing a tax measure, staff present *four key tax policy questions* for your Board to consider. These include:

1. Should the cannabis tax be a general or a special tax?
2. Who pays the tax – countywide or unincorporated?
3. What method of taxing cultivators?
4. What is the most appropriate tax rate to use?

Discussion follows on each of the policy questions.

### ***Is the cannabis tax a general or a special tax?***

A general tax contains no restriction on its appropriation and is available for any general governmental purpose. A general tax requires approval by 4/5ths vote of the Board of Supervisors followed by a simple majority (50% + 1 vote) approval of the voters. A general tax allows flexibility for your Board to direct spending of the tax proceeds through the budgetary process. This gives the advantage of allowing discretion over the use of the tax by directing the proceeds where needed to cover our costs which are largely unknown (but estimated) at this time.

A special tax contains limits towards spending on a specific government project(s) or program(s). It is not available for general fund discretionary spending. A special tax requires a simple majority vote of the Board of Supervisors followed by a two-thirds approval of the voters. With a special tax, spending purposes are committed by your Board prior to the ballot and is fixed for the duration of the tax until and unless changed by the voters through the same process.

**RECOMMENDATION:** Staff recommends adopting a general tax allowing discretion over the use of the tax where needed to cover our costs.

### ***Who pays the tax – countywide or unincorporated?***

The County may choose to levy the cannabis tax on a countywide or unincorporated basis. A countywide tax includes taxing commercial cannabis activities within the jurisdiction of the Town of Mammoth Lakes in addition to those located in the unincorporated area. A tax limited to the unincorporated area would exclude businesses located in the Town.

One negative aspect of the countywide tax option is the County will incur staff time and costs to apportion the tax between taxing jurisdictions (the County and the Town). In addition, since the Town is pursuing its own cannabis regulatory structure and taxing measure, pursuing a tax limited to activities in the unincorporated area of the County achieves greatest flexibility over future changes for both jurisdictions and aligns with the need to maintain local control over this emerging industry.

While the design of the measure applies only in the unincorporated area, the vote is conducted on the tax measure countywide. There is concern about voter confusion because both taxing ballots will appear for some voters.

**RECOMMENDATION:** Staff recommends limiting the tax to the unincorporated area to respect local jurisdictional control.

### ***What method of taxing cultivators?***

There are generally three methods used to tax cultivators. Described below are these three methods along with the associated advantages and disadvantages.

1. Square Footage of Canopy. This is a tax rate applied to the square footage allowed by the approved permit. This method produces a predictable and stable level of tax because the tax applies without regard to production or sales. As a predictable and stable method of taxation, the County can responsibly direct tax revenues towards recurring expenses resulting from cannabis impacts. As drafted, it generally is simple to calculate and administer. It results in a fixed cost for the cultivator. Once reaching a break-even point, additional gross receipts of the cultivator contribute directly to their other costs or add to their business profits.

Some will argue that canopy sizes are constantly changing and this creates a complex tax structure difficult to administer and results in unpredictable tax revenues year after year. How can the County select a point in time from which to measure the canopy and calculate the tax that will produce fair and equitable results for all growers in Mono County? The answer is we cannot if we are basing the tax on the actual canopy size.

The tax ordinance stipulates the tax generally applies to the permitted canopy, not the actual canopy being grown on a particular day in a tax reporting quarter. This is consistent with state law defining “canopy.” State law defines canopy as the designated area described in the license (or permit) that will contain mature plants at any point in time. Since the maximum area containing plants is that described in the permit, the ordinance bases the tax on this limitation making the tax the same amount each year. The initial tax rate per square foot is set low enough to ease entry into this market and promote economic development especially in the depressed areas of our County. A significant advantage is knowing the tax burden prior to license approval. In addition, the ordinance indirectly caps the tax because of state laws limiting grow sizes.

A disadvantage for growers involves the effective tax rate, or the amount of tax when compared to a cultivator’s revenue. With a canopy tax, the effective tax varies depending on the amount produced (volume), the quality of the product, the wholesale price and other environmental impacts. For example, cultivators starting out, cultivators producing a lower quality product, or cultivators producing a strain with less density will experience a higher effective tax rate because their revenues are low. The result is a regressive tax system. However, the regressive nature of the tax dissipates as the cultivator’s revenue reaches a certain breakeven point.

With a canopy tax, there is no guarantee the cultivator's business produces enough resources to pay the tax. This is especially true during the first year harvest. A few mitigating suggestions include delaying the tax just for cultivation for one year, timing the tax payment with the harvest season or including a payment deferral program.

Some growers have argued that a canopy tax is unfair because it forces growers to pay the tax even if they experience crop losses, such as with a fire or other natural disaster. However, the ordinance before you today includes a provision for temporary relief from the tax requirement when a disaster causes crop losses, whether or not resulting from natural causes.

Another argument often voiced by growers in opposition of a canopy tax is a tax based on the permitted square footage of their facility instead of the actual square footage cultivated, especially when the permit contains square footage expressly included for future expansion. Also, another argument against is that a canopy tax does not account for growers who cultivate and harvest for a fraction of a year. The ordinance before you includes provisions to address each of these issues. A cultivator can present evidence about the size of their cultivation and receive credit against the permitted square footage. Likewise, a cultivator can receive a prorated tax based on the number of months in operation.

2. Gross Receipts. This is a tax on the gross receipts of the cultivator similar to that imposed on retail dispensaries, manufacturers and distributors. Tax revenue will fluctuate depending on production levels, product quality, crop yield, wholesale prices and other environmental factors. One negative aspect of the gross receipts tax when it applies specifically to cultivators who experience cyclical revenue streams is that the County's tax revenues are unequal throughout the fiscal year. This creates a cash flow problem if tax revenues fund recurring costs like salaries and benefits. Does this mean the County borrows to temporarily fund cannabis related costs until tax revenues are realized?

Gross receipt taxes are progressive in that cultivators pay taxes only on the product they produce, sell, and generate revenue. The levy of a gross receipts tax is in proportion to each operator's revenue. However, every dollar of revenue earned by the cultivator carries a tax burden to the County. There is no cap like there is with the canopy tax. As a result, the effective tax rate may be higher under a gross receipts tax for particular growers than it might be under a canopy tax.

Some speculate that the timing of tax proceeds likely produces cash flow closer in relation to cost impacts to the County. As legal operators generate revenue, competition results in an increase in the likelihood of others initiating cannabis businesses of their own but circumventing the licensing and regulatory process as a way to increase profits. Since enforcement costs mostly include salaries and benefits, the County may face budget deficits and inevitable layoffs when tax revenues decline during economically difficult times.

Note the gross receipts tax is on gross receipts and not on profits.

3. Weight. This is a tax on the weight of cannabis produced. As with a gross receipts tax, the amount of tax revenue fluctuates from year to year depending on production levels. The tax generally is easy to calculate and administer so long as the method uses a single fixed rate. Nevertheless, like the square footage of canopy method, the tax is still regressive and does not discriminate based on product quality or revenues. This type of tax could also encourage migration of commercial activities to another jurisdiction. Taxes based on weight are generally less regressive than the canopy tax because the tax applies only to cannabis produced.

**RECOMMENDATION:** Staff recommends a canopy tax based on square footage of the permitted canopy because the canopy tax is more predictable and stable for budgeting purposes. It generates a steadier stream of revenue from which to fund recurring costs associated with the impact of cultivation. With the tax rate set at the appropriate level, the canopy tax is low enough to provide ease of entry into this market and a fixed and known cost for cultivators.

***What is the most appropriate tax rate to use?***

The County should set a rate tax high enough to produce sufficient revenues to offset the cost of administering the tax and enforcing the unregulated market. Conversely, the County should set the tax low enough to avoid overtaxing this new and emerging industry.

Another policy decision is setting the rate low or eliminating the tax altogether for license types that are desirable or in short supply in our County. In the proposed ordinance, tax rates are purposely set lower for testing laboratories and distributors. Another consideration is to set a tax rate that discourages migration to other lower taxing jurisdictions or at least nullifies the impact between adjacent jurisdictions.

If the tax burden combining local and state taxes is too high, it may lead to an unsustainable cannabis industry in Mono County. Some businesses may feel pressure to relocate their businesses to a lower taxing jurisdiction or seek out the black market for sale of their product. An HdL-produced chart is included in your agenda packet. This chart illustrates the cumulative tax burden from all taxing jurisdictions. Industry experts generally agree that the maximum cumulative tax burden should not exceed 30%.

Other options commonly under consideration when choosing a cannabis tax rate include:

- Set the tax rate low with the option of the Board of Supervisors to increase the rate, sometimes after the expiration of a certain number of years to allow the industry to stabilize.
- Index the tax rate for inflation, also after a number of years.
- Set a minimum and a maximum tax rate and allow the Board of Supervisors to select the appropriate tax rate given the circumstances and experience.



The draft ordinance presented today includes all three of the above options. Staff advises building flexibility into the taxing framework allowing adjustments if needed over time as this industry matures. Such a framework makes the tax rate scalable and responsive to what happens in our communities. The Board will have discretion to raise rates in the future when needed.

The draft ordinance includes the following tax rates. This presumes a canopy square footage tax for cultivation.

LICENSE TYPE	INITIAL RATE	MAXIMUM RATE
Cultivator – facility using exclusively artificial lighting	\$2.00 per square foot of canopy space	\$3.00 per square foot of canopy space
Cultivator – facility using a combination of natural and supplemental artificial lighting	\$1.50 per square foot of canopy space	\$2.50 per square foot of canopy space
Cultivator – facility that uses no artificial lighting	\$0.50 per square foot of canopy space	\$1.50 per square foot of canopy space
Cultivator – nurse facility	\$0.50 per square foot of canopy space	\$1.00 per square foot of canopy space
Testing laboratory	1% of gross receipts	2.5% of gross receipts
Retailer (dispensary) Delivery Microbusiness (retail)	4% of gross receipts	6% of gross receipts
Distribution	2% of gross receipts	3% of gross receipts
Manufacturing, processing or nonretail microbusiness	2% of gross receipts	4% of gross receipts

The list below are the tax rates from other selected counties (not a complete listing):

COUNTY	GROSS RECEIPTS TAX	SQUARE FOOTAGE TAX	COMMENT
Amador	None	None	Ban on commercial activities
El Dorado	None yet	None yet	Cultivation approved Ban on all other activities
Fresno	None	None	Ban on commercial activities
Humboldt	None	\$1.00 to \$3.00	One of the first counties to implement
Inyo	5% - 12.5%	None	Minimum amounts for cultivators based on square footage per grow cycle
Lake	None	\$1-\$3	Cultivation only
Kern	None	None	Ban on commercial activities
Kings	None	None	Ban on commercial activities
Madera	None	None	Appears to be mostly a ban on commercial activities
Mendocino	Cultivation: 2.5% Dispensaries: 5%		Subject to annual increase by BOS in increments of 2.5%, maximum of 10%. Some

COUNTY	GROSS RECEIPTS TAX	SQUARE FOOTAGE TAX	COMMENT
			businesses subject to flat \$2,500.
Monterey	5% to 10%	Cultivation: \$25 Nurse: \$5	These are maximums Adjusted by CPI after 2021
Placer	None	None	Ban on commercial activities
Santa Barbara	None	None	No decision yet on allowable activities
Santa Cruz	7% - 10%	None	
San Luis Obispo	Proposed: 4% - 10%	None	
Solano	Up to 15%	None	
Sonoma	Proposed: maximum of 10%	None	March ballot
Tuolumne	None	None	Ban on commercial activities

**RECOMMENDATION:** Staff recommends the tax rates by license tax, including the initial and the maximum, as included in the draft ordinance.

**NEXT STEPS**

1. Update ordinance based on results of today’s discussion
2. Schedule introduction and first reading of the ordinance for the February 20<sup>th</sup> Board meeting.
3. Schedule adoption of the ordinance for the March 6<sup>th</sup> Board meeting.
4. Approved ordinance submitted to the Clerk by the close of business on March 9<sup>th</sup>
5. Continue finalizing cannabis regulatory framework.
6. Tax measure appears on the June 5<sup>th</sup> ballot.

**Fiscal Impact:** The amount of tax revenue is uncertain because the number of permitted businesses, the size of each cultivator and the amount of gross receipts generated by each business is largely unknown. Gross receipts alone may vary based on variables such as crop yields and wholesale prices.

Based on inquiries of potential cannabis related business in Mono County, the below chart illustrates the range of fiscal impacts that might result given the number of permits issued and rate of tax applied.

<b>CULTIVATION</b>	<b>LOW END (1 permit)</b>	<b>MIDDLE (3 permits)</b>	<b>HIGH END (5 permits)</b>
\$ 0.50 per SF	\$21,780	\$65,340	\$108,900
\$ 1.00 per SF	\$43,560	\$130,680	\$217,800
\$ 1.50 per SF	\$65,340	\$196,020	\$326,700
<b>MANUFACTURING</b>	<b>LOW END (1 permit)</b>	<b>MIDDLE (2 permits)</b>	<b>HIGH END (3 permits)</b>
2.5% of receipts	\$37,500	\$75,000	\$112,500
3.0% of receipts	\$45,000	\$90,000	\$135,000
4.0% of receipts	\$60,000	\$120,000	\$180,000
<b>TESTING LABS</b>	<b>LOW END (1 permit)</b>	<b>MIDDLE (1 permit)</b>	<b>HIGH END (1 permit)</b>
1.00% of receipts	\$10,000	\$10,000	\$10,000
1.25% of receipts	\$12,500	\$12,500	\$12,500
1.50% of receipts	\$15,000	\$15,000	\$15,000
<b>DISTRIBUTION</b>	<b>LOW END (1 permit)</b>	<b>MIDDLE (2 permits)</b>	<b>HIGH END (3 permits)</b>
2% of receipts	\$30,000	\$60,000	\$90,000
3% of receipts	\$45,000	\$90,000	\$135,000
4% of receipts	\$60,000	\$120,000	\$180,000
<b>RETAIL</b>	<b>LOW END (0 permit)</b>	<b>MIDDLE (1 permit)</b>	<b>HIGH END (2 permits)</b>
4% of receipts	\$0	\$40,000	\$80,000
5% of receipts	\$0	\$50,000	\$100,000
6% of receipts	\$0	\$60,000	\$120,000
<b>AGGREGATE TOTALS</b>	<b>LOW END (8 permit)</b>	<b>MIDDLE (9 permit)</b>	<b>HIGH END (14 permits)</b>
Conservative	\$142,840	\$250,340	\$401,400
Aggressive	\$233,180	\$373,180	\$600,300
Very Aggressive	\$331,020	\$511,020	\$821,700

MONO COUNTY  
Commercial Cannabis Tax  
Ordinance

**Workshop from February 7, 2018**  
**Continued on February 13, 2018**

# TODAY'S AGENDA

- **V** Overview of Proposed Ordinance
- **V** Review Fiscal Analysis
- **V** Review Cumulative Tax Calculation
- Tax Policy Discussion
- Next Steps

# PROPOSED ORDINANCE – Cannabis Business Tax

Completed on  
February 7, 2018

5.55.040	Definitions		
5.55.050	Taxes	Initial Rates Maximum Rates	BOS increase rates CPI adjustments
5.55.060	Quarterly reporting to Finance (Tax Administrator)		
5.55.100	Penalties and interest for late payment		
5.55.140	Administration		
5.55.150	Appeals		
5.55.190	Audits		
5.55.260	Disaster relief		

# FISCAL ANALYSIS: Cultivation

Completed on  
February 7, 2018

# OF PERMITS	\$0.50	\$1.00	\$1.50
1	\$21,780	\$43,560	\$65,340
3	\$65,340	\$130,680	\$196,020
5	\$108,900	\$217,800	\$326,700

# FISCAL ANALYSIS: Manufacturing

Completed on  
February 7, 2018

# OF PERMITS	2.5%	3.0%	4.0%
1	\$37,500	\$45,000	\$60,000
2	\$75,000	\$90,000	\$120,000
3	\$112,500	\$112,500	\$180,000



# FISCAL ANALYSIS: Retailers

Completed on  
February 7, 2018

# OF PERMITS	4.0%	5.0%	6.0%
0	\$0	\$0	\$0
1	\$40,000	\$50,000	\$60,000
2	\$80,000	\$100,000	\$120,000

# FISCAL ANALYSIS: Combined

Completed on  
February 7, 2018

Maximum # OF PERMITS	Conservative	Aggressive	Very Aggressive
8	\$142,840	\$233,180	\$331,020
9	\$250,340	\$373,180	\$511,020
14	\$401,400	\$600,300	\$821,700

# REVIEW CUMULATIVE TAX

*See Cumulative Cannabis Tax Handout*

Per pound of cannabis produced & sold	LOW TAX RATES	MAX TAX RATES
PRODUCER PRICE	\$800	\$800
RETAIL PRICE	\$4,209	\$4,385
STATE TAXES	22.4%	22.01%
LOCAL TAXES	5.75%	7.97%
COMBINED TAXES	28.15%	29.98%

## TAX POLICY QUESTIONS

- **v** General tax vs special tax
  - *DIRECTION: General Tax, Consider advisory board*
- **v** Countywide vs Unincorporated
  - *DIRECTION: Unincorporated, Consider approach to messaging to voters*
- **v** Canopy tax or Gross Receipts tax for Cultivators
  - *DIRECTION: Canopy tax*
- Tax Rate Structure – *TO DISCUSS TODAY*

# CULTIVATION: Canopy Tax

Completed on  
February 7, 2018

- Square footage based on approved permit
  - Reduction for unused square footage, partial year
  - Relief for Disaster event
  - Deferred payment to match cash flow associated with harvest
- Predictable, stable revenue stream for financing on-going County costs
- Regressive until break-even point reached
- Lower tax proceeds than gross receipts tax

# CULTIVATION: Gross Receipts Tax

Completed on  
February 7, 2018

- Tax on Revenue
- Volatile revenue stream to County subject to economic changes
- Uneven cash flow to County throughout fiscal year
- Progressive – Every dollar earned generates tax liability
- Higher tax proceeds than gross receipts tax

## RATE OF TAX

- High enough to generate proceeds to offset costs
- Low enough to avoid over-taxing and ensure sustainability
- Match tax rates with neighboring jurisdictions
- Encourage licenses in short supply
- Flexibility options
  - BOS increase rate
  - Index for inflation
  - Minimum and Maximum rates

# PROPOSED RATES

LICENSE TYPE	INITIAL RATE	MAX RATES	MAMMOTH LAKES (DISCUSSED)
Cultivator: Indoor, artificial lighting	\$2.00 SF	\$3.00 SF	Maximum 4% of Gross Receipts
Cultivator: Indoor, mix lighting	\$1.50 SF	\$2.50 SF	
Cultivator: Outdoor	\$0.50 SF	\$1.50 SF	
Cultivator: Nursery	\$0.50 SF	\$1.00 SF	
Testing Laboratory	1% GR	2.5% GR	Range of 1% to 8% of Gross Receipts, set by Council each FY
Retailer	4% GR	6% GR	
Distribution	2% GR	3% GR	
Manufacturing	2% GR	4% GR	



## NEXT STEPS

- Update ordinance based on Board direction
- Schedule Introduction and first reading (FEB 20)
- Schedule adoption (MAR 6)
- Approved ordinance to Clerk (MAR 9)
- Continue finalizing regulatory framework
- Tax measure appears on June 5<sup>th</sup> ballot

Mono County  
Commercial Cannabis Tax Analysis

<u>Cultivation Permits</u>		<u>Up to 5</u>		Tax Scenarios		
	Total Sq Ft		Total Sq Ft	\$0.50	\$1	\$1.50
Scenario 1	43560	1	43560	\$21,780	\$43,560	\$65,340
Scenario 2	43560	3	130680	\$65,340	\$130,680	\$196,020
Scenario 3	43560	5	217800	\$108,900	\$217,800	\$326,700
<u>Delivery Permits</u>		<u>Up to 0</u>		Tax Scenarios		
	Gross Receipts		Total GR	4%	5%	6%
Scenario 1	\$0	0	\$0	\$0	\$0	\$0
Scenario 2	\$0	0	\$0	\$0	\$0	\$0
Scenario 3	\$0	0	\$0	\$0	\$0	\$0
<u>Manufacturing Permits</u>		<u>Up to 3</u>		Tax Scenarios		
	Gross Receipts		Total GR	2.5%	3%	4%
Scenario 1	\$1,500,000	1	\$1,500,000	\$37,500	\$45,000	\$60,000
Scenario 2	\$1,500,000	2	\$3,000,000	\$75,000	\$90,000	\$120,000
Scenario 3	\$1,500,000	3	\$4,500,000	\$112,500	\$135,000	\$180,000
<u>Retailer Permits</u>		<u>Up to 2</u>		Tax Scenarios		
	Gross Receipts		Total GR	4%	5%	6%
Scenario 1	\$1,000,000	0	\$0	\$0	\$0	\$0
Scenario 2	\$1,000,000	1	\$1,000,000	\$40,000	\$50,000	\$60,000
Scenario 3	\$1,000,000	2	\$2,000,000	\$80,000	\$100,000	\$120,000
<u>Distribution Permits</u>		<u>Up to 3</u>		Tax Scenarios		
	Gross Receipts		Total GR	2%	3%	4%
Scenario 1	\$1,500,000	1	\$1,500,000	\$30,000	\$45,000	\$60,000
Scenario 2	\$1,500,000	2	\$3,000,000	\$60,000	\$90,000	\$120,000
Scenario 3	\$1,500,000	3	\$4,500,000	\$90,000	\$135,000	\$180,000
<u>Testing Lab Permits</u>		<u>Up to 1</u>		Tax Scenarios		
	Gross Receipts		Total GR	1.00%	1.25%	1.50%
Scenario 1	\$1,000,000	1	\$1,000,000	\$10,000	\$12,500	\$15,000
Scenario 2	\$1,000,000	1	\$1,000,000	\$10,000	\$12,500	\$15,000
Scenario 3	\$1,000,000	1	\$1,000,000	\$10,000	\$12,500	\$15,000
				<u>Max Permits</u>	Total of 14	
					Conservative	\$401,400
					Aggressive	\$600,300
					Very Aggressive	\$821,700
				<u>Mid Permits</u>	Total of 9	
					Conservative	\$250,340
					Aggressive	\$373,180
					Very Aggressive	\$511,020
				<u>Min Permits</u>	Total of 8	
					Conservative	\$142,840
					Aggressive	\$233,180
					Very Aggressive	\$331,020

<b>Cumulative Cannabis Taxes</b>			
<b>Category</b>	<b>Amount</b>	<b>Increase</b>	<b>Cumulative Price</b>
Producer Price	\$800	\$800	\$800
State Cultivation Tax	\$9.25/oz	\$148	\$948
Local Tax	1.00%	\$8	\$956
Batch Testing	\$50/lb, + 0.50%	\$55	\$1,011
Wholesale Price w/ Taxes		\$1,011	
Total Tax at Wholesale		\$211	
Tax as %		26.38%	
Manufacturer Markup	20.00%	\$202	\$1,213
Local Tax	2.50%	\$30	\$1,244
Total Manufacturer Price		\$1,244	
Total Taxes at Manufacturer		\$241	
Total Tax as %		19.41%	
Distributor Markup	30.00%	\$373	\$1,617
Local Tax	2.00%	\$32	\$1,649
Total Distributor Price		\$1,649	
Total Taxes at Distributor		\$274	
Total Tax as %		16.60%	
Retailer Markup	100.00%	\$1,649	\$3,298
Local Tax	4.00%	\$132	\$3,430
State Excise Tax	15.00%	\$495	\$3,924
Total Retailer Price		\$3,924	
Total Taxes at Retail		\$900	
Total Tax as %		22.94%	
CA Sales Tax	6.25%	\$245	\$4,170
Local Sales Tax	1.00%	\$39	\$4,209
Total Taxes at Retail		\$1,185	
Total Tax as %		28.15%	
Total Local Tax		5.75%	\$241.82

<b>Cumulative Cannabis Taxes (Maximum Rates)</b>			
<b>Category</b>	<b>Amount</b>	<b>Increase</b>	<b>Cumulative Price</b>
Producer Price	\$800	\$800	\$800
State Cultivation Tax	\$9.25/oz	\$148	\$948
Local Tax	1.00%	\$8	\$956
Batch Testing	\$50/lb, + 0.50%	\$55	\$1,011
Wholesale Price w/ Taxes		\$1,011	
Total Tax at Wholesale		\$211	
Tax as %		26.38%	
Manufacturer Markup	20.00%	\$202	\$1,213
Local Tax	4.00%	\$49	\$1,262
Total Manufacturer Price		\$1,262	
Total Taxes at Manufacturer		\$260	
Total Tax as %		20.57%	
Distributor Markup	30.00%	\$379	\$1,640
Local Tax	3.00%	\$49	\$1,689
Total Distributor Price		\$1,689	
Total Taxes at Distributor		\$309	
Total Tax as %		18.27%	
Retailer Markup	100.00%	\$1,689	\$3,379
Local Tax	6.00%	\$203	\$3,582
State Excise Tax	15.00%	\$507	\$4,088
Total Retailer Price		\$4,088	
Total Taxes at Retail		\$1,018	
Total Tax as %		24.91%	
CA Sales Tax	6.25%	\$256	\$4,344
Local Sales Tax	1.00%	\$41	\$4,385
Total Taxes at Retail		\$1,315	
Total Tax as %		29.98%	
Total Local Tax		7.97%	\$349.35

**EXHIBIT A**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE COUNTY OF MONO,  
CALIFORNIA ADDING CHAPTER 5.55 (CANNABIS  
BUSINESS TAX) TO TITLE 5 OF THE MONO COUNTY  
CODE SUBJECT TO VOTER APPROVAL AND  
ENACTMENT PURSUANT TO ELECTIONS CODE  
SECTION 9104 AND ARTICLE XIIC OF THE  
CALIFORNIA CONSTITUTION**

**THE PEOPLE OF THE COUNTY OF MONO DO ORDAIN AS FOLLOWS:**

SECTION 1. CODE AMENDMENT. Subject to voter approval and enactment of this ordinance pursuant to Elections Code Section 9104 and Article XIIC of the California Constitution, Chapter 5.55 of Title 5 shall be added to the Mono County Code to read as follows:

**CHAPTER 5.55  
CANNABIS BUSINESS TAX**

**Sections:**

- 5.55.010 Title.
- 5.55.020 Authority and Purpose.
- 5.55.030 Intent.
- 5.55.040 Definitions.
- 5.55.050 Tax imposed.
- 5.55.060 Reporting and remittance of tax.
- 5.55.070 Payments and communications –timely remittance.
- 5.55.080 Payment – when taxes deemed delinquent.
- 5.55.090 Notice not required by County.
- 5.55.100 Penalties and interest.
- 5.55.110 Refunds and credits.
- 5.55.120 Refunds and procedures.
- 5.55.130 Personal cultivation not taxed.
- 5.55.140 Administration of the tax.
- 5.55.150 Appeal procedure.
- 5.55.160 Enforcement –action to collect.
- 5.55.170 Apportionment.
- 5.55.180 Constitutionality and legality.
- 5.55.190 Audit and examination of premises and records.
- 5.55.200 Other licenses, permits, taxes or charges.
- 5.55.210 Payment of tax does not authorize unlawful business.
- 5.55.220 Deficiency determinations.
- 5.55.230 Failure to report – nonpayment, fraud.

- 5.55.240 Tax assessment –notice requirements.
- 5.55.250 Tax assessment – hearing, application, and determination.
- 5.55.260 Relief from taxes-disaster relief.
- 5.55.270 Conviction for violation – taxes not waived.
- 5.55.280 Violation deemed misdemeanor.
- 5.55.290 Severability.
- 5.55.300 Remedies cumulative.
- 5.55.310 Amendment or repeal.

**5.55.010 Title.**

This ordinance shall be known as the Cannabis Business Tax Ordinance.

**5.55.020 Authority and Purpose.**

The purpose of this Ordinance is to adopt a tax, for revenue purposes, pursuant to Sections 37101 and 37100.5 of the California Government Code, upon Cannabis Businesses that engage in business in the County. The Cannabis Business Tax is levied based upon business gross receipts and square footage of plant canopy. It is not a sales and use tax, a tax upon income, or a tax upon real property.

The Cannabis Business Tax is a general tax enacted solely for general governmental purposes of the County and not for specific purposes. All of the proceeds from the tax imposed by this Chapter shall be placed in the County's general fund and be available for any legal County purpose.

**5.55.030 Intent.**

The intent of this Ordinance is to levy a tax on all Cannabis Businesses that operate in the County, regardless of whether such business would have been legal at the time this Ordinance was adopted. Nothing in this Ordinance shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

**5.55.040 Definitions.**

The following words and phrases shall have the meanings set forth below when used in this Chapter:

A. “Business” shall include all activities engaged in or caused to be engaged in within the unincorporated area of the County, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.

B. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude

or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means marijuana as defined by Section 11018 of the California Health and Safety Code and is not limited to medical cannabis.

C. “Cannabis product” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. “Cannabis product” also means marijuana products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medical cannabis products.

D. “Canopy” means all areas occupied by any portion of a cannabis plant whether contiguous or noncontiguous on any one site. When plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants) each plane shall be counted as a separate canopy area.

E. “Cannabis business” means any business activity involving cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing and wholesaling of cannabis, of cannabis products or of ancillary products and accessories, whether or not carried on for gain or profit.

F. “Cannabis business tax” or “business tax,” means the tax due pursuant to this Chapter for engaging in cannabis business in the unincorporated area of the County.

G. “Commercial cannabis cultivation” means cultivation in the course of conducting a cannabis business.

H. “County permit” means a permit issued by the County to a person to authorize that person to operate or engage in a cannabis business.

I. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis and includes, but is not limited to, the operation of a nursery.

J. “Employee” means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.

K. “Engaged in business as a cannabis business” means the commencing, conducting, operating, managing or carrying on of a cannabis business, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the unincorporated area of the County or coming into the unincorporated area of the County from an outside location to engage in such activities. A person shall be deemed

engaged in business within the unincorporated area of the County if:

1. Such person or person's employee maintains a fixed place of business within the unincorporated area of the County for the benefit or partial benefit of such person;
2. Such person or person's employee owns or leases real property within the unincorporated area of the County for business purposes;
3. Such person or person's employee regularly maintains a stock of tangible personal property in the unincorporated area of the County for sale in the ordinary course of business;
4. Such person or person's employee regularly conducts solicitation of business within the unincorporated area of the County; or
5. Such person or person's employee performs work or renders services in the unincorporated area of the County.

The foregoing specified activities shall not be a limitation on the meaning of "engaged in business."

L. "Evidence of doing business" means evidence such as, without limitation, use of signs, circulars, cards or any other advertising media, including the use of internet or telephone solicitation, or representation to a government agency or to the public that such person is engaged in a cannabis business in the unincorporated area of the County.

M. "Fiscal year" means July 1 through June 30 of the following calendar year.

N. "Gross Receipts," except as otherwise specifically provided, means, whether designated a sales price, royalty, rent, commission, dividend, or other designation, the total amount (including all receipts, cash, credits and property of any kind or nature) received or payable for sales of goods, wares or merchandise or for the performance of any act or service of any nature for which a charge is made or credit allowed (whether such service, act or employment is done as part of or in connection with the sale of goods, wares, merchandise or not), without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, losses or any other expense whatsoever. However, the following shall be excluded from Gross Receipts:

1. Cash discounts where allowed and taken on sales;
2. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
3. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of



refundable deposits previously included in gross receipts;

4. Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer's business;

5. Cash value of sales, trades or transactions between departments or units of the same business;

6. Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected they shall be included in the amount of gross receipts for the period when they are recovered;

7. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar;

8. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the finance department with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.

O. "Lighting" means a source of light that is primarily used for promoting the biological process of plant growth. Lighting does not include sources of light that primarily exist for the safety or convenience of staff or visitors to the facility, such as emergency lighting, walkway lighting, or light admitted via small skylights, windows or ventilation openings.

P. "Nursery" means a facility or part of a facility that is used only for producing clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

Q. "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

R. "Sale" means and includes any sale, exchange, or barter.

S. "State" means the State of California.

T. "State license," "license," or "registration" means a state license issued pursuant to California Business & Professions Code Sections 19300, *et seq.* or other applicable state law.

U. “Tax Administrator” means the Finance Director of the County of Mono or his or her designee.

V. “Testing Laboratory” means a cannabis business that (i) offers or performs tests of cannabis or cannabis products, (ii) offers no service other than such tests, (iii) sells no products, excepting only testing supplies and materials, (iv) is accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state and (v) is registered with the State Department of Public Health.

**5.55.050 Tax imposed.**

A. Beginning July 1, 2018, there is imposed upon each person who is engaged in business as a cannabis business a cannabis business tax regardless if the business has been issued a permit to operate lawfully in the unincorporated area of the County or is operating unlawfully.

B. The initial rate of the cannabis business tax shall be as follows:

1. For every person who is engaged in commercial cannabis cultivation in the unincorporated area of the County:
  - a. Two dollars (\$2.00) annually per square foot of canopy space in a facility that uses exclusively artificial lighting.
  - b. One dollar and fifty cents (\$1.50) annually per square foot of canopy space in a facility that uses a combination of natural and supplemental artificial lighting.
  - c. Fifty cents (\$.050) annually per square foot of canopy space in a facility that uses no artificial lighting.
  - d. Fifty cents (\$.50) annually per square foot of canopy space for any nursery.

For purposes of this subdivision (B), the square feet of canopy space for a business shall be rebuttably presumed to be the maximum square footage of canopy allowed by the business’s County permit for commercial cannabis cultivation, or, in the absence of a County permit, the square footage shall be the maximum square footage of canopy for commercial cannabis cultivation allowed by the state license type. Should a County permit be issued to a business which cultivates only for certain months of the year, the County shall prorate the tax as to sufficiently reflect the period in which cultivation is occurring at the business. In no case shall canopy square footage which is authorized by the County commercial cannabis permit but not utilized for cultivation be deducted for the purpose of determining the tax for cultivation, unless the Tax Administrator is informed in writing and authorizes such reduction for the purpose of relief from the tax prior to the period for which the space will not be used, that such space will not be used.

2. For every person who engages in the operation of a testing laboratory: one percent (1%) of gross receipts.
  3. For every person who engages in the retail sales of cannabis as a retailer (dispensary) or non-store front retailer (delivery) or microbusiness (retail sales): Four percent (4%) of gross receipts.
  4. For every person who engages in a cannabis distribution business: two percent (2%) of gross receipts.
  5. For every person who engages in a cannabis manufacturing, processing, or microbusiness (non-retail), or any other type of cannabis business not described in Section (B) (1), (2), (3) or (4): Two and half percent (2.5%) of gross receipts.
- C. The County Board of Supervisors may, by resolution or ordinance, adjust the rate of the cannabis business tax. However, in no event may the County Board of Supervisors set any adjusted rate that exceeds the maximum rate calculated pursuant to Subdivision (D) of this Section for the date on which the adjusted rate will commence.
- D. The maximum rate shall be calculated as follows:
1. For every person who is engaged in commercial cannabis cultivation in the unincorporated area of the County:
    - a. Through June 30, 2021, the maximum rate shall be:
      - i. Three dollars (\$3.00) annually per square foot of canopy space in a facility that uses exclusively artificial lighting.
      - ii. Two dollars (\$2.50) annually per square foot of canopy space in a facility that uses a combination of natural and supplemental artificial lighting.
      - iii. One dollar (\$1.50) annually per square foot of canopy space in a facility that uses no artificial lighting.
      - iv. One dollar (\$1.00) annually per square foot of canopy space for any nursery.
    - b. On July 1, 2021 and on each July 1 thereafter, the maximum annual tax rate per square foot of each type of canopy space shall increase by the percentage change between January of the calendar year prior to such increase and January of the calendar year of the increase in the Consumer

Price Index (“CPI”) for all urban consumers in the Western Region as published by the United States Government Bureau of Labor Statistics. However, no CPI adjustment resulting in a decrease of any tax imposed by this subsection shall be made.

2. For every person who engages in the operation of a testing laboratory, the maximum tax rate shall not exceed two and a half percent (2.5%) of gross receipts.
3. For every person who engages in the retail sales of cannabis as a retailer (dispensary) or non-store front retailer (delivery business), or microbusiness (retail sales activity) the maximum tax rate shall not exceed six percent (6%) of gross receipts.
4. For every person who engages in a cannabis distribution business, the maximum tax rate shall not exceed three percent (3%) of gross receipts.
5. For every person who engages in a cannabis manufacturing, processing, or microbusiness (non-retail activity) or any other type of cannabis business not described in Section (D) (1), (2), (3) or (4), the maximum tax rate shall not exceed four percent (4%) of gross receipts.

#### **5.55.060 Reporting and remittance of tax.**

A. The cannabis business tax imposed by this Chapter shall be paid, in arrears, on a quarterly basis. For commercial cannabis cultivation, the tax due for each calendar quarter shall be based on the square footage of the business’s canopy space during the quarter and the rate shall be 25% of the applicable annual rate. For all other cannabis businesses activities, the tax due for each calendar quarter shall be based on the gross receipts for the quarter.

B. Each person owing cannabis business tax for a calendar quarter shall, no later than the last day of the month following the close of the calendar quarter, file with the tax administrator a statement of the tax owed for that calendar quarter and the basis for calculating that tax. The Tax Administrator may require that the statement be submitted on a form prescribed by the Tax Administrator. The tax for each calendar quarter shall be due and payable on that same date as the statement for the calendar quarter is due.

C. Upon cessation of a cannabis business, tax statements and payments shall be immediately due for all calendar quarters up to the calendar quarter during which cessation occurred.

D. The Tax Administrator may, at his or her discretion, establish shorter report and payment periods for any taxpayer as the Tax Administrator deems necessary to ensure collection of the tax. The Tax Administrator may also require that a deposit, to be applied against the taxes for a calendar quarter, be made by a taxpayer at the beginning of that calendar quarter. In no event shall the deposit required by the Tax Administrator exceed the tax amount he or she projects will be owed by the taxpayer for the calendar quarter. The Tax Administrator may

require that a taxpayer make payments via a cashier's check, money order, wire transfer, or similar instrument.

E. For purposes of this section, the square feet of canopy space for a business shall be rebuttably presumed to be no less than the maximum square footage of canopy allowed by the business's County permit for commercial cannabis cultivation, or, in the absence of a County permit, the square footage shall be the maximum square footage of canopy for commercial cannabis cultivation allowed by the state license type. In no case shall canopy square footage which is authorized by the permit or license but not utilized for cultivation be excluded from taxation unless the Tax Administrator is informed in writing, prior to the period for which the space will not be used, that such space will not be used.

**5.55.070 Payments and communications – timely remittance.**

Whenever any payment, statement, report, request or other communication is due, it must be received by the Tax Administrator on or before the final due date. A postmark will not be accepted as timely remittance. If the due date would fall on a Saturday, Sunday or a holiday, the due date shall be the next regular business day on which the County is open to the public.

**5.55.080 Payment - when taxes deemed delinquent.**

Unless otherwise specifically provided under other provisions of this Chapter, the taxes required to be paid pursuant to this Chapter shall be deemed delinquent if not received by the Tax Administrator on or before the due date as specified in Sections 5.55.060 and 5.55.070.

**5.55.090 Notice not required by the County.**

The County may as a courtesy send a tax notice to the business. However, the Tax Administrator is not required to send a notice of assessment pursuant to Section 5.55.240, a notice of delinquency pursuant to Section 5.55.220, or any other tax notice or bill to any person subject to the provisions of this Chapter. Failure to send any tax notice or bill shall not affect the validity of any tax or penalty due under the provisions of this Chapter.

**5.55.100 Penalties and interest.**

A. Any person who fails or refuses to pay any cannabis business tax required to be paid pursuant to this Chapter on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one percent (1.0%) per month.
2. If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax, plus interest at the rate of one percent (1.0%) per month on the unpaid tax and on the unpaid penalties.

3. Interest shall be applied at the rate of one percent (1.0%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.

B. Whenever a check or electronic payment is submitted in payment of a cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any fees, penalties and interest as provided for in this Section, and any other amount allowed under state law.

**5.55.110 Refunds and credits.**

A. No refund shall be made of any tax collected pursuant to this Chapter, except as provided in Section 5.55.120.

B. No refund of any tax collected pursuant to this Chapter shall be made because of the discontinuation, dissolution, or other termination of a business.

**5.55.120 Refunds and procedures.**

A. Whenever the amount of any cannabis business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the County under this Chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Tax Administrator within one (1) year of the date the tax was originally due and payable.

B. The Tax Administrator, his or her designee or any other County officer charged with the administration of this Chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Tax Administrator to do so.

C. In the event that the cannabis business tax was erroneously paid, and the error is attributable to the County, the County shall refund the amount of tax erroneously paid up to one (1) year from when the error was identified.

**5.55.130 Personal Cultivation Not Taxed.**

The provisions of this Chapter shall not apply to personal cannabis cultivation as defined in the "Medicinal and Adult Use Cannabis Regulation and Safety Act". This Chapter shall not apply to personal use of cannabis that is specifically exempted from state licensing requirements, that meets the definition of personal use or equivalent terminology under state law, and for which the individual receives no compensation whatsoever related to that personal use.

**5.55.140 Administration of the tax.**

A. It shall be the duty of the Tax Administrator to collect the taxes, penalties, fees, and perform the duties required by this Chapter.

B. For purposes of administration and enforcement of this Chapter generally, the Tax Administrator may from time to time promulgate such administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this Chapter as he or she deems necessary to implement or clarify such provisions or aid in enforcement.

C. The Tax Administrator may take such administrative actions as needed to administer the tax, including but not limited to:

1. Provide to all cannabis business taxpayers forms for the reporting of the tax;
2. Provide information to any taxpayer concerning the provisions of this Chapter;
3. Receive and record all taxes remitted to the County as provided in this Chapter;
4. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;
5. Assess penalties and interest to taxpayers pursuant to this Chapter;
6. Determine amounts owed and enforce collection pursuant to this Chapter.

**5.55.150 Appeal procedure.**

Any taxpayer aggrieved by any decision of the Tax Administrator with respect to the amount of tax, interest, penalties and fees, if any, due under this Chapter may appeal to the County Board of Supervisors by filing a notice of appeal with the Clerk of the Board within thirty (30) days of the serving or mailing of the notice of delinquency pursuant to Section 5.55.220 or notice of assessment pursuant to Section 5.55.240. The Clerk of the Board, or his or her designee, shall fix a time and place for hearing such appeal, and the Clerk of the Board, or his or her designee, shall give notice in writing to such operator at the last known place of address. The finding of the County Board of Supervisors shall be final and conclusive and shall be served upon the appellant in the manner prescribed by this Chapter for service of notice. Any amount found to be due shall be immediately due and payable upon the service of the notice.

**5.55.160 Enforcement - action to collect.**

Any taxes, penalties and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the County. Any person owing money to the County under the provisions of this Chapter shall be liable in an action brought in the name of the County for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the County to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, penalties and/or fees imposed by this Chapter or the failure to comply with any of the provisions of this Chapter.

**5.55.170 Appportionment.**

If a business subject to the tax is operating both within and outside the unincorporated area of the County, it is the intent of the County to apply the cannabis business tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the unincorporated area of the County. To the extent federal or state law requires that any tax due from any taxpayer be apportioned, the taxpayer may indicate said apportionment on his or her tax return. The Tax Administrator may promulgate administrative procedures for apportionment as he or she finds useful or necessary.

**5.55.180 Constitutionality and legality.**

This tax is intended to be applied in a manner consistent with the United States and California Constitutions and state law. None of the tax provided for by this Chapter shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or state law. If a person believes that the tax, as applied to him or her, is impermissible under applicable law, he or she may request that the Tax Administrator release him or her from the obligation to pay the impermissible portion of the tax.

**5.55.190 Audit and examination of premises and records.**

A. For the purpose of ascertaining the amount of cannabis business tax owed or verifying any representations made by any taxpayer to the County in support of his or her tax calculation, the Tax Administrator shall have the power to inspect any location where commercial cannabis cultivation occurs and to audit and examine all books and records (including, but not limited to bookkeeping records, state and federal income tax returns, and other records relating to the gross receipts of the business) of persons engaged in cannabis businesses. In conducting such investigation, the tax administrator shall have the power to inspect any equipment, such as computers or point of sale machines, that may contain such records.

B. It shall be the duty of every person liable for the collection and payment to the County of any tax imposed by this Chapter to keep and preserve, for a period of at least four (4) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the County, which records the Tax Administrator or his/her designee shall have the right to inspect at all reasonable times.

**5.55.200 Other licenses, permits, taxes, fees or charges.**

A. Nothing contained in this Chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other Chapter of this Code or any other ordinance or resolution of the County, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other Chapter of



this code or any other ordinance or resolution of the County. Any references made or contained in any other Chapter of this code to any licenses, license taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the licenses, license taxes, fees or charges, or schedule of license fees, provided for in other Chapter of this Code.

B. The Tax Administrator may revoke or refuse to renew the license required by Chapter 5.04 of this Code, any other Chapter of this Code or any other ordinance or resolution of the County for any business that is delinquent in the payment of any tax due pursuant to this Chapter or that fails to make a deposit required by the tax administrator pursuant to Section 5.55.060.

**5.55.210 Payment of tax does not authorize unlawful business.**

A. The payment of a cannabis business tax required by this Chapter, and its acceptance by the County, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of this Code and all other applicable state laws.

B. No tax paid under the provisions of this Chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or state law.

**5.55.220 Deficiency determinations.**

If the Tax Administrator is not satisfied that any statement filed as required under the provisions of this Chapter is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession within three (3) years of the date the tax was originally due and payable. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a deficiency determination may be made at any time within three (3) years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination, a notice of deficiency shall be given to the person concerned in the same manner as notices of assessment are given under Section 5.55.240.

**5.55.230 Failure to report—nonpayment, fraud.**

A. Under any of the following circumstances, the Tax Administrator may make and give notice of an assessment of the amount of tax owed by a person under this Chapter at any time:

1. If the person has not filed a complete statement required under the provisions of this Chapter;
2. If the person has not paid the tax due under the provisions of this Chapter;
3. If the person has not, after demand by the Tax Administrator, filed a corrected statement, or furnished to the Tax Administrator adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this Chapter; or
4. If the Tax Administrator determines that the nonpayment of any business tax due under this Chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this Chapter and any other penalties allowed by law.

B. The notice of assessment shall separately set forth the amount of any tax known by the Tax Administrator to be due or estimated by the Tax Administrator, after consideration of all information within the Tax Administrator's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this Chapter, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

**5.55.240 Tax assessment - notice requirements.**

The notice of assessment shall be served upon the person either by personal delivery, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall register with the Tax Administrator for the purpose of receiving notices provided under this Chapter; or, should the person have no address registered with the Tax Administrator for such purpose, then to such person's last known address. For the purposes of this Section, a service by mail is complete at the time of deposit in the United States mail.

**5.55.250 Tax assessment - hearing, application and determination.**

Within thirty (30) days after the date of service of the notice of assessment, the person may apply in writing to the Tax Administrator for a hearing on the assessment. If application for a hearing before the County is not made within the time herein prescribed, the tax assessed by the Tax Administrator shall become final and conclusive. Within thirty (30) days of the receipt of any such application for hearing, the Tax Administrator shall cause the matter to be set for hearing before him or her no later than thirty (30) days after the receipt of the application, unless

a later date is agreed to by the Tax Administrator and the person requesting the hearing. Notice of such hearing shall be given by the Tax Administrator to the person requesting such hearing not later than five (5) days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment as made by the Tax Administrator should not be confirmed and fixed as the tax due. After such hearing the Tax Administrator shall determine and, if applicable, reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 5.55.240 for giving notice of assessment.

**5.55.260 Relief from taxes -disaster relief.**

- A. If a Business is unable to comply with any tax requirement due to a disaster, the Business may notify the Tax Administrator of this inability to comply and request relief from the tax requirement;
- B. The Tax Administrator, in its sole discretion, may provide written relief from the cannabis business tax requirement for Businesses whose operations have been impacted by a disaster if such tax liability does not exceed five thousand (\$5,000) dollars. If such tax liability is five thousand one (\$5,001) dollars or more than such relief shall only be approved by the County Board of Supervisors;
- C. Temporary relief from the cannabis tax may be provided for a reasonable amount of time as determined by the Tax Administrator in order to allow the Business time to recover from the disaster;
- D. The Tax Administrator may require that certain conditions be followed in order for a Business to receive temporary relief from the cannabis business tax requirement;
- E. A Business shall not be subject to an enforcement action for a violation of a cannabis business requirement in which the licensee has received temporary relief from the tax administrator;
- F. For purposes of this section, “disaster” means fire, flood, storm, tidal wave, earthquake, or similar public calamity, whether or not resulting from natural causes.
- G. The Business shall notify the Tax Administrator in writing of its request for temporary relief from imposition of the tax requirement pursuant to subsection (A) of this Section. The request shall clearly indicate why relief is requested, the time period for which the relief is requested, a description of the disaster justifying relief, and the reasons relief is needed for the specified amount of time;

H. The Business will grant the Tax Administrator access to the location where the Business has been impacted due to a disaster.

**5.55.270 Conviction for violation - taxes not waived.**

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Chapter or of any state law requiring the payment of all taxes.

**5.55.280 Violation deemed misdemeanor.**

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor.

**5.55.290 Severability.**

If any provision of this Chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Chapter or the application of this Chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

**5.55.300 Remedies cumulative.**

All remedies and penalties prescribed by this Chapter or which are available under any other provision of the Mono County Code and any other provision of law or equity are cumulative. The use of one or more remedies by the County shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Chapter.

**5.55.310 Amendment or repeal.**

This Chapter may be repealed or amended by the County Board of Supervisors without a vote of the people to the extent allowed by law. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter. The people of the County of Mono affirm that the following actions shall not constitute an increase of the rate of a tax:

A. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, if the County Board of Supervisors has acted to reduce the rate of the tax;

B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or

C. The collection of the tax imposed by this Chapter even if the County had, for some period of time, failed to collect the tax.

D. The adjustment of the tax in accordance with the provisions of subdivisions (C) and (D) of Section 5.55.050.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The County Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

This Ordinance was approved and adopted by the People of the County of Mono at the County's June 5, 2018 statewide election.

\_\_\_\_\_  
Bob Gardner, Chair of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
County Counsel



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** February 13, 2018

**Departments: Child Support Services**

**TIME REQUIRED** 20 Minutes

**PERSONS APPEARING BEFORE THE BOARD** Susanne Rizo

**SUBJECT** Child Support Services Update and MOU

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### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Approval of the Memorandum of Understanding Between Inyo and Mono County for the Continued Operation of the Eastern Sierra Department of Child Support Services, a Regional Child Support Agency (MOU).

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### RECOMMENDED ACTION:

Receive presentation from the Eastern Sierra Department of Child Support Services, review and approve the 2018 Memorandum of Understanding between Inyo and Mono County for the regionalized delivery of these services, and authorize County Administrator to sign.

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### FISCAL IMPACT:

None. The Eastern Sierra Department of Child Support Services is wholly state funded. No county general funds are used in administering this program.

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**CONTACT NAME:** Susanne Rizo

**PHONE/EMAIL:** 760-872-1148 / rizo.susanne@inyo.cse.ca.gov

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### SEND COPIES TO:

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### MINUTE ORDER REQUESTED:

YES  NO

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### ATTACHMENTS:

Click to download
<input type="checkbox"/> <a href="#">Staff Report</a>
<input type="checkbox"/> <a href="#">BOS Annual Review Child Support Svcs</a>
<input type="checkbox"/> <a href="#">MOU</a>

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History

<b>Time</b>	<b>Who</b>	<b>Approval</b>
1/4/2018 5:41 AM	County Administrative Office	Yes
2/5/2018 11:50 AM	County Counsel	Yes
2/8/2018 5:52 PM	Finance	Yes

## Eastern Sierra Child Support Services

Main Office: 162 E. Line Street, Suite B  
Bishop, CA 93514

To: Honorable Board of Supervisors

From: Susanne Rizo, J.D. Regional Director, Eastern Sierra Department of Child Support

Date: February 13, 2018

### **Subject**

Approval of the Memorandum of Understanding Between Inyo and Mono County for the Continued Operation of the Eastern Sierra Department of Child Support Services, a Regional Child Support Agency (MOU) and authorize County Administrator to sign.

### **Recommendation**

Receive presentation from the Eastern Sierra Department of Child Support Services, review and approve the 2018 Memorandum of Understanding between Inyo and Mono County for the regionalized delivery of these services, and authorize County Administrator to sign.

### **Discussion**

In July 2002 the counties of Mono and Inyo developed a Memorandum of Understanding related to the fiscal administration of both Mono County Child Support and Inyo County Child Support as a region. It provided that on an annual basis the role of regional administrator would alternate between the Mono and the Inyo County Child Support Director.

Major fiscal functions governed by the agreement became joint functions of the regional director and including, but were not limited to:

- (1) Preparing, tracking and administering one regional budget;
- (2) Preparing and consolidating quarterly claims provided to the state for reimbursement;
- (3) Developing a coordinated work plan regarding the program direction;
- (4) Providing information regarding training responsibilities to employees of both separate agencies;
- (5) Maintaining a customer service and complaint resolution program that is regional; and
- (6) Implementing program improvement measures required by the State Department of Child Support Services.

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*INYO COUNTY:* Mailing Address: Post Office Box 1147 Bishop, CA 93515  
Physical Address: 162 East Line Street, Suite B, Bishop, CA 93514 Phone: (866) 901-3212 Fax: (760) 873-3646

*MONO COUNTY:* Mailing Address: Post Office Box 5044 Mammoth Lakes, CA 93546  
Physical Address: 126 Old Mammoth Rd. STE 202 Mammoth Lakes, CA 93546 Phone: (866) 901-3212 Fax: (760) 934-1875



More recently, the 2011 Memorandum of Understanding between Mono County and Inyo County created a new governance structure for the operation all casework of the region. It created the Eastern Sierra Regional Department of Child Support Services as a regional agency handling the entire case load including all fiscal, programmatic, customer service and general casework for cases in the two counties and specifically addressed:

- Case oversight of both Inyo and Mono cases;
- Supervision of both Inyo and Mono offices;
- Provision of sufficient attorney resources in Inyo and Mono counties; and
- Establishing a Regional Oversight Committee to review and approve the annual child support budget as submitted for approval by the California Department of Child Support Services.

Under the 2011 MOU, services are delivered out of offices in both Mammoth Lakes and Bishop, California. Our combined caseload totals one thousand, two-hundred and thirty (1230) cases comprised of two-hundred forty-four (244) Mono County cases and nine-hundred eighty-six (986) Inyo County cases. Current staffing stands at eight full time positions. With the expiration of the 2011 MOU your Board is requested to approve and ratify the 2018 MOU presented today. This MOU has been reviewed by both Inyo and Mono County Counsel staff and it is requested that your Board authorize the Mono County Administrative Officer to sign.

### **Fiscal Impact**

None. The Eastern Sierra Department of Child Support Services is wholly state funded. No county general funds are used in administering this program. To date, State funding has remained relatively unchanged since 2002.

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INYO COUNTY: Mailing Address: Post Office Box 1147 Bishop, CA 93515  
Physical Address: 162 East Line Street, Suite B, Bishop, CA 93514 Phone: (866) 901-3212 Fax: (760) 873-3646

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A part of the family picture: 

Introducing

# Eastern Sierra Child Support Services



# Who Were We?

- **Prior to 1999 we prosecuted Child Support cases through the District Attorney's Office.**
- **These were handled as criminal cases.**
- **Child support orders were not based on ability to pay.**



# Who are we now?

***We are a family support agency! Our mission is to promote family self-sufficiency and improve the quality of children's lives through reliable child support payments.***

## **We work with:**

- \* Custodial and non-custodial parents
- \* Courts
- \* Health and Human Services
- \* Local schools and
- \* Community resources in Inyo and Mono Counties to support well-being of children.



# **EASTERN SIERRA CHILD SUPPORT**

# How do we help families?



- We Locate Parents, encouraging co-parenting
- We Establish Paternity
- We Request Child Support Orders from Court
- We Enforce and Collect Court Orders
- We Modify orders as circumstances change

# How are we improving the customer experience?



- Encourage stipulations
- Utilize customer service surveys
- Increase self service (online) options
- Emphasize the importance of reliable and consistent payments
- Provide opportunities to develop payment plans to avoid interest
- Ensuring all parties are treated equally
- Treat customers with respect

**We ask ourselves: “If I was the customer, would this be good enough for me?”**

# How is the program funded?

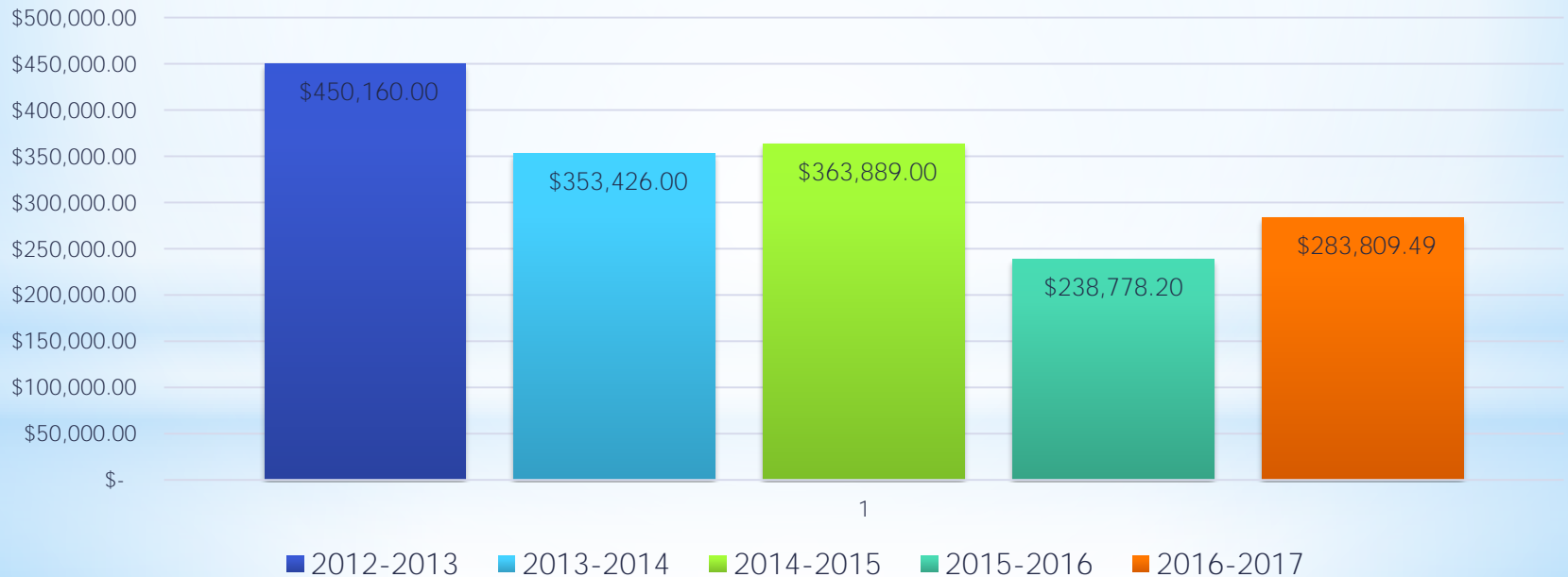
- Rated by the Federal Office of Management and Budget as the best managed, most effective Social Services program
- A federally (66%) and state (34%) funded program that encourages families to become self-sufficient
- ALLOCATION: Our State funding which has remained relatively unchanged since 2002.
- Inyo and Mono County Child Support Departments merged in 2011.
- Annually, we are budgeted \$1,389,595 to run the regional program.



# How Have We Reduced Expenditures Since Regionalization?

Over the last five years we have under-expended our allocation by \$1,690,062.00

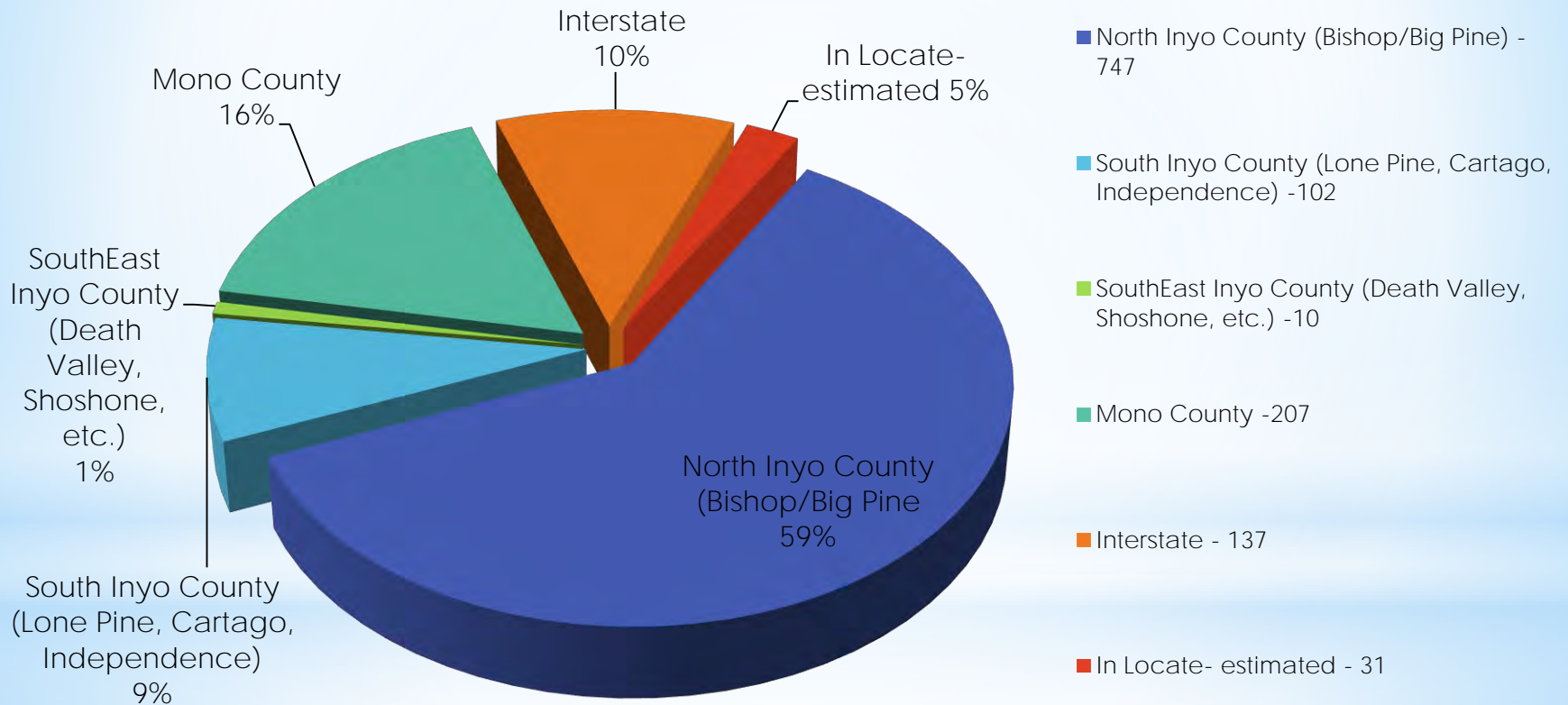
Underspent Allocations Amounts by FFY





# Where do our customers live?

Caseload by Area September 2017



# What Performance Measures Exist for our Program?

## Federal Performance Measures

- Establish Paternity
- Establish Child Support Orders
- Current Collections Performance
- Arrears Collection Performance
- Cost Effectiveness Measure

## State Performance Measures

- In addition, state law requires that our agency submit to the California Department of Child Support Services a Performance Management Plan outlining the goals to increase collections for the coming Federal Fiscal Year (October – September).

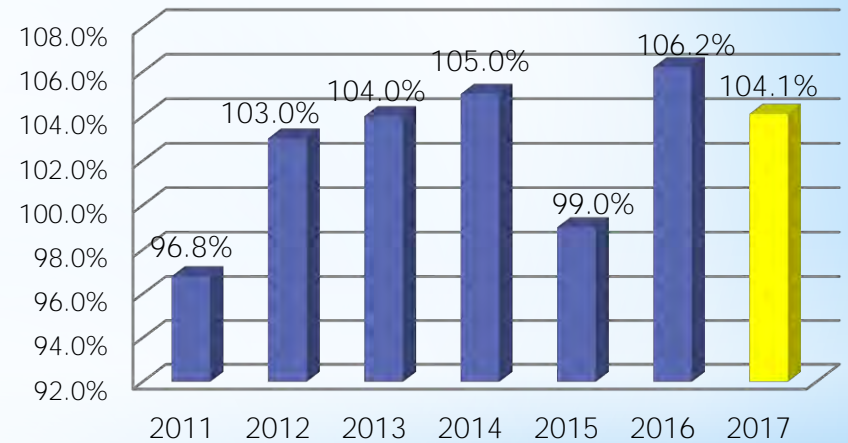


# Performance Measures Since 2011

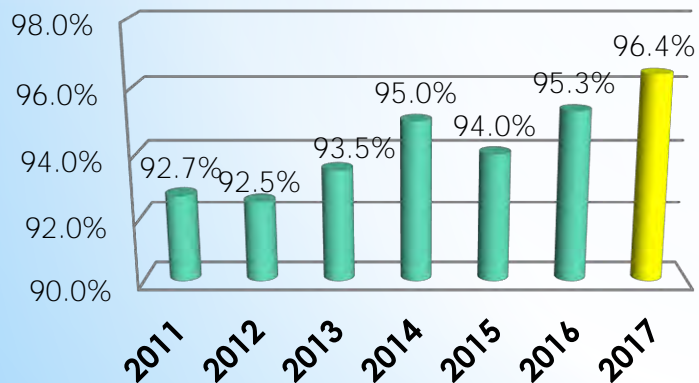
## Collections on Current Support



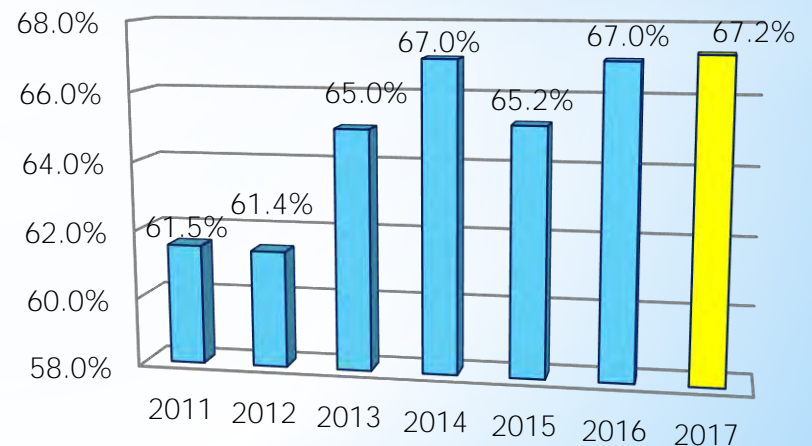
## IV-D Paternity Established (Pep)



## Cases With Support Orders Established



## Cases With Arrears Collections



# Child Support Provides Benefits for the Government

## RECOVERY OF PUBLIC ASSISTANCE:

### \* Inyo County 2016-2017

Combined State/Federal/County Total  
Recoupment:

State- \$84,600.04

Federal- \$84,662.77

County- \$9,143.40

### \* Mono County 2016-2017

Combined State/Federal/County Total  
Recoupment:

State- \$ 8,506.35

Federal- \$9,490.66

County- \$7,990.83



# Child Support Provides COLLECTIONS FOR FAMILIES

Child Support Professionals Work to Increase Collections for Families:

Total Distributed Collections FFY 2016-2017:

Inyo County-\$1,781,283 **(+\$107,386)**

Mono County-\$705,832 **(+\$40,543)**

Total- **\$ 2,487,115.00**



# How do we work with employers?

Child Support Services partners with employers to provide for the support of our families by assisting with filling out forms and answering questions. We do this by:

- Chamber of Commerce Outreach
- Job Fair participation and outreach
- Dedicated point of contact to assist with child support questions and paperwork.
- Proactive employer outreach to follow up on Income Withholding Orders to answer questions.



# How do we help the community?



- Annual Backpack drive for school age children.
- Hospital outreach and paternity declaration training.
- Teen pregnancy outreach
- Volunteer at school and community events such as the Children's Art Day.
- Employment outreach services for both custodial and non custodial parents.
- Compromise of Arrears program.
- Tribal Outreach





**MEMORANDUM OF UNDERSTANDING BETWEEN INYO COUNTY AND  
MONO COUNTY FOR THE CONTINUED OPERATION OF THE EASTERN  
SIERRA REGIONAL DEPARTMENT OF CHILD SUPPORT SERVICES,  
A REGIONAL CHILD SUPPORT AGENCY**

**WHEREAS**, the Director of the California Department of Child Support Service (DCSS) determined that the continued consolidation of the functions of the Inyo County Department of Child Support Services and the Mono County Department of Child Support Services will increase the efficiency of the state Title IV-D program; and

**WHEREAS**, on or about March 15, 2011, Inyo County and Mono County agreed to merge the functions of their respective Local Child Support Agencies (LCSAs) into a Regional Child Support Agency (the “Prior Agreement”); and

**WHEREAS**, when the merger originally occurred some employees of the Eastern Sierra Regional Department of Child Support Services (the “Regional Agency”) were employed by Mono County and some by Inyo County; due to attrition and other causes, they have all since become Inyo County employees; and

**WHEREAS**, the Prior Agreement expired on or about June 30, 2015; and

**WHEREAS**, the Boards of Supervisors of Inyo County and Mono County find that the continued merger of the functions of their respective LCSAs as provided herein will continue to improve program efficiency while retaining accountability, accessibility, and program outreach to the people of Inyo County and Mono County, and the Counties desire to indefinitely maintain the Regional Agency established by the Prior Agreement and retroactively ratify those actions taken by the Regional Agency taken after the expiration of the Prior Agreement;

**NOW, THEREFORE**, Inyo County and Mono County agree to the following:

A. Governance and Organizational Structure

There shall continue to be one entity, the Eastern Sierra Regional Department of Child Support Services (Regional Agency), responsible for providing child support services in both Inyo and Mono Counties. The Regional Agency will fulfill the requirements of the LCSA of each county. The Regional Agency will continue to be a department of Inyo County and will continue to be managed by the Director of Eastern Sierra Regional Department of Child Support Services (Regional Director), who shall be an employee of Inyo County. All employees of the Regional Agency shall be employees of Inyo County.

B. Regional Director

The Regional Director shall be an employee exclusively of Inyo County responsible for the administration, operation, and management of the Regional Agency. The Regional Director shall:

1. Ensure that the child support operations in the Regional Agency meet all child support program requirements set forth in state and federal law and regulations, and as required by DCSS.
2. Ensure that service levels to customers are substantially similar in each county.
3. Prepare, administer, and submit an annual budget to DCSS, subject to approval by the Regional Oversight Committee and the Inyo County Board of Supervisors.
4. Prepare and submit the quarterly claim as required by DCSS.
5. Receive and disburse the administrative allocation as needed, within all budget parameters set forth by DCSS and by Inyo County.
6. Provide sufficient training to all staff to enable them to perform their duties.
7. Provide customer service and public outreach functions that maximize the delivery of child support services to all customers served by the regional agency.
8. Maintain office space, equipment, machines, and supplies necessary to perform the function of the child support program directives, commensurate with approved funding levels.
9. Maintain regular office hours in both the Bishop office and the Mammoth Lakes office. This paragraph, however, shall not be construed to require that both offices remain open to the public five days per week, eight hours per day. If less than five days per week, eight hours per day, the proportion of office hours in each county will be roughly proportional to the caseload originating in each county.
10. Arrange for sufficient attorney resources to cover the court calendars in both Inyo and Mono Counties, including the preparation and follow up time required by such cases.
11. Be responsive to the concerns of the Inyo County and Mono County Boards of Supervisors.

The Regional Director may, in his or her discretion, delegate any of the above tasks to other staff, as long as such delegation furthers the goals of the program.

#### C. Regional Oversight Committee

The Regional Oversight Committee previously established by the Regional Director, consisting of the County Administrative Officers, or their respective designees, and one member of the Board of Supervisors from each County shall continue in effect. In addition to appointing the one member of the Board of Supervisors from each County, the Board of Supervisors may also respectively designate an alternate member.

The Regional Oversight Committee shall meet as needed, but not less than once a year, to review the annual budget previously adopted by the Inyo County Board of Supervisors, and make any recommended changes to the Regional Director to incorporate into the following year's annual budget request. Such review may include program and related documents, such as budgets, performance data, invoices, expenditure reports, caseload data, staffing numbers, complaints and/or other matters. In the event of a tie vote of the Regional Oversight Committee with respect to budget recommendations, the State

Department of Child Support Services representative to the Regional Agency will cast the deciding vote on any such recommendations. Providing consideration to the Regional Oversight Committee recommendations, and the recommendation of the Inyo County Budget Officer, the Inyo County Board of Supervisors is solely responsible for approving and adopting the annual Regional Agency Budget, including associated authorized staffing levels.

D. Employees

All current and future employees of the Regional Agency are, and shall be, Inyo County employees. Any employees hired to work for the Regional Agency shall, as a condition of their employment, be required to work in both the Mammoth Lakes and the Bishop offices at the discretion of the Regional Director.

In the event of a personnel matter or citizen complaint involving a Regional Agency employee providing services within Mono County or otherwise to Mono County residents (including oversight of direct services), Inyo County shall address the matter through its adopted personnel rules/disciplinary processes. Inyo County will consider input from Mono County when handling such complaints.

E. Roles and Responsibilities

Inyo County agrees to conduct such negotiations as are necessary with recognized labor organizations to carry out the intent of this agreement.

1. Regional Agency.

- a) The Regional Agency shall be responsible for providing all child support program functions set forth in state and federal law and regulations for cases that fall within its jurisdiction, including but not limited to case adjudication and case management.
- b) The Regional Agency shall be responsible for the payment of all administrative expenses necessary to perform the functions of the Regional Agency and commensurate with state funding allocations, including, but not limited to:
  - i) Salary and benefits of current county LCSA staffs, including the Regional Director.
  - ii) Travel, training, rent, utilities, office supplies, and other similar expenses.
- c) The Regional Agency shall sign the annual plan of cooperation with DCSS, and shall be responsible for compliance with said plan.

2) Inyo County.

- a) By its signature on this Agreement, Inyo County agrees to assume responsibility for the management and operation of the Regional Agency.
- b) Inyo County shall have the exclusive right to employ, determine the compensation for, and discipline the Regional Director.

F. Office Location, Hours, and Space Rental

The Regional Agency shall maintain office locations in both Bishop and Mammoth Lakes. If financial or staffing considerations dictate reducing office hours, such reduction shall be proportional to caseload, or as otherwise agreed by the Regional Oversight Committee, with the option for either Inyo or Mono County to make a general fund contribution for additional hours.

G. Shared Expenses

There shall be no expectation or requirement that either County provide supplemental funding to that provided by the State allocation. However, should the Counties agree to provide supplemental funding, they will share the excess costs proportional to caseload, or as otherwise agreed. Furthermore, the parties agree to work cooperatively to obtain from the State of California and DCSS Eastern Sierra Child Support Services' fair share of funding.

All office supplies and equipment purchased for the Regional Agency with State funds shall be accounted for on an Asset List, identifying their location at either the Bishop or Mammoth Office. In the absence of such a list, all supplies and equipment shall be divided between the Counties based on relative caseload in the event of dissolution of the Regional Agency, unless otherwise required by law or by the State of California.

H. Indemnification and Insurance

It is the intent of this Agreement that Mono and Inyo be responsible for the official actions of the Employee during those times the Employee is performing services of that agency (i.e., it is Mono's responsibility during the times the Employee is performing services in and for Mono pursuant to this Agreement, and Inyo's responsibility at all other times).

Each party to this Agreement shall defend, indemnify, and hold harmless each other, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of, resulting from or in connection with, the performance of this Agreement by their respective agents, officers, or employees. For purposes of this section, the employee furnished by Inyo to Mono is an agent of Mono, not of Inyo during such times as said employee is performing work, including travel and other incidental activities, in and for Mono. Such obligation to defend, indemnify, and hold the each other, their agents, officers, and employees harmless applies to any actual or alleged personal injury, death, damage or destruction to tangible or intangible property, including the loss of use. Each party's obligation under this paragraph extends to any claim, damage, loss, liability, expense, or other costs that are caused in whole or in part by any act or omission of their respective agents, employees, supplier, or anyone directly or indirectly employed by any of them, or anyone for whose acts or omissions any of them may be liable.

The respective obligations to defend, indemnify, and hold each other, their agents, officers, and employees harmless under the provisions of this paragraph is not limited to, or restricted

by, any requirement in this Agreement to procure and maintain a policy of insurance and shall survive any termination or expiration of this Agreement.

Insurance requirements for Mono County are set forth in Attachment A to this MOU.

I. Term of Agreement

This Agreement shall commence upon its execution by all parties and continue thereafter unless and until terminated. This Agreement may be terminated upon six months' written notice by either Inyo or Mono County, provided that any such termination will not take effect until an annual State allocation is finalized and distributed to the then separated LCSA entities. Upon such termination, any supplies and equipment purchased with State funds shall be re-distributed to the Counties in accordance with paragraph G. Should disagreement occur regarding the resulting location of assets following termination, the Regional Oversight Committee will determine asset locations and/or distribution.

J. Notices

All notices by the parties and DCSS to one another pertaining to this Agreement shall be made by United States mail, postage pre-paid, addressed as follows:

County of Inyo

County Administrative Officer  
PO Drawer N  
Independence, CA 93526

County of Mono

County Administrative Officer  
Sierra Center Mall, Third Floor  
Mammoth Lakes, CA 93546

K. Dispute Resolution

1. Any disputes concerning terms and conditions of this Agreement or performance hereunder shall be settled by the mutual agreement of both parties, through amicable negotiation within ninety (90) days.
2. In the event that amicable negotiation does not produce mutually agreeable results, the parties agree to submit the dispute to mediation.
3. The mediator will be selected by mutual agreement within thirty (30) days of a written request for mediation by either party. If there is no agreement, a mediator will be selected under the rules of the American Arbitration Association, upon written request of either party.

**[INTENTIONALLY BLANK]**

L. Ratification of Prior Actions

The parties hereby ratify those actions taken on behalf of and by the Regional Agency since the expiration of the Prior Agreement.

**EXECUTION**

In witness whereof, the parties have executed this Agreement below by their duly authorized representatives.

County of Inyo

County of Mono

By: \_\_\_\_\_  
Kevin Carunchio, CAO

By: \_\_\_\_\_  
Leslie Chapman, CAO

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Inyo County Counsel

\_\_\_\_\_  
Mono County Counsel

Approved by Risk Management:

\_\_\_\_\_  
Inyo County Risk Manager

\_\_\_\_\_  
Mono County Risk Manager

Read and approved as to form and content:

Date: \_\_\_\_\_

\_\_\_\_\_  
Alisha Griffin, Director  
California Department of Child Support Services



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** February 13, 2018

**Departments: CAO and other Departments**

<b>TIME REQUIRED</b>	1.5 Hour (40 minute presentation, 50 minute discussion)	<b>PERSONS APPEARING BEFORE THE BOARD</b>	Tony Dublino, Joe Blanchard, Garrett Higerd, Nate Greenberg, Justin Nalder, Amanda Greenberg
<b>SUBJECT</b>	Five-year Capital Improvement Program (CIP) Workshop		

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Presentation by Tony Dublino, Joe Blanchard, Garrett Higerd, Nate Greenberg, Justin Nalder, and Amanda Greenberg on the County's current approach to planning and prioritizing capital projects, with a proposal for an improved 5-year Capital Improvement Plan process.

**RECOMMENDED ACTION:**

Receive presentation; provide any direction to staff.

**FISCAL IMPACT:**

None at this time.

**CONTACT NAME:** Tony Dublino

**PHONE/EMAIL:** 760-932-5415 / tdublino@mono.ca.gov

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<a href="#">Staff Report</a>
<a href="#">Project Approval Policy</a>
<a href="#">Flowchart</a>
<a href="#">DRAFT 5-yr CIP</a>
<a href="#">Presentation</a>

History

<b>Time</b>	<b>Who</b>	<b>Approval</b>
2/7/2018 2:37 PM	County Administrative Office	Yes
2/8/2018 10:00 AM	County Counsel	Yes
2/8/2018 6:07 PM	Finance	Yes





# County of Mono

## County Administrative Office

**Leslie L. Chapman**  
County Administrative Officer

**Tony Dublino**  
Assistant County Administrative Officer

**Dave Butters**  
Human Resources Director

**Jay Sloane**  
Risk Manager

**Date:** February 13, 2018  
**To:** Honorable Board of Supervisors  
**From:** Tony Dublino, Assistant CAO

**Subject: Capital Improvement Planning and Programming Workshop**

**Recommended Action:**

Receive workshop, provide any direction to staff.

**Fiscal Impact:**

None at this time.

**Discussion:**

***Background***

The County has a constant need for major capital investments. Facilities, roads, technology, and communications infrastructure all require regular maintenance and must eventually be replaced, and emerging community interests generate the need for new or remodeled infrastructure.

To prepare the County to address these needs, these projects must be identified and programmed far in advance that expectations can be identified, priorities can be established, and necessary plans made.

Over recent years, the County has delivered numerous capital projects without the benefit of a clear long-term approach to the programming and funding of these projects. Today, however, is different from the projects of recent years.

The County is now making plans to deliver the largest and most complex projects the current organization has taken on--building a jail with newfound grant monies, building a Civic Center in Mammoth, major road projects made possible by SB1 funding, replacing county wide communications infrastructure, among many others. Some of these improvements will replace infrastructure that has served our organization for over 30 years.

In order to adequately plan and deliver projects of this number and scope, a strategic long-term approach is necessary. The County must plan in accordance with available staff resources, as well as available financial resources.

The presentation today will provide a review of the current process used to prioritize, plan and deliver projects (the Project Review Process and Committee), and the ways that process might be enhanced to be effective in programming the increased number and scope of projects currently under consideration.

If you have any questions regarding this item, please contact me at (760) 932-5415.

Respectfully submitted,



Tony Dublino  
Assistant CAO; Interim Public Works Director

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# **PUBLIC WORKS PROJECT APPROVAL POLICY**

## **COUNTY OF MONO**

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### **PURPOSE**

The purpose of this policy is to standardize the submittal, approval and review of Mono County projects for efficient implementation. In addition, the policy helps develop a 5 Year County Capital Improvement Plan Project list.

The 5 Year CIP must include all of the County's projects and provide a path for possible implementation based on limited resources. The CIP will have four elements:

- Capital Improvement projects
- Maintenance projects
- Emergency projects
- Road projects

The CIP will be driven by input from the Mono County Energy Task Force, the Americans with Disabilities Act (ADA) Task Force, the Mono County Strategic Plan, the Mono County General Plan as well as Community meetings. Initial focus areas identified through Board of Supervisors and staff include:

- Investing in community-serving facilities
- Maintaining strong infrastructure
- Prevention of future costs/reduction in annual operational costs
- Energy reduction goals
- Aligning with the Mono County Strategic Plan and Mono County General Plan

### **PROJECT INITIATION PROCESS**

The following process will be used to help focus and guide the implementation process related to County facilities and projects.

Project proposals are generated by:

- Mono County constituents, visitors, businesses and varying interests;
- Board members;
- Community Meetings;
- County staff and department heads.

Proposed projects will have a project request form filled out. The project request form will be analyzed to determine what phase of the process the project is at. Mono County staff are available to assist with questions on the project request form. The Project Request Form includes the following:

1. Project description
2. Project justification
3. Preliminary cost estimates-including all hard and soft costs
4. Proposed funding source
5. Proposed funding channel (CIP or facilities maintenance budget)
  - a. Projects less than \$25,000 would be in the facilities maintenance budget;
  - b. Projects \$25,000 or greater would be in the CIP program
6. Environmental Review
7. Anticipated timeline

Once the project request form is filled out or the information in the project request form is collected and submitted, the project will then either move to a Project Initiation stage or to the Project Review Committee to be included in the Bi-Annual CIP workshop. The Project Development stage will include determination of feasibility based on environmental constraints, financial analysis, policy consistency and if warranted preliminary engineering. If the project is submitted with environmental, financial analysis and engineering where applicable, it will skip the Project Development stage and go straight to the Project Review Committee. The Project Review Committee will be comprised of staff from the County Administrators Office, Public Works/Facilities, County Counsel, IT, and Community Development. The Project Review Committee will provide a recommendation for acceptance or rejection based on:

- Maintaining and enhancing public services
- Safety issues
- ADA
- Risk Management issues
- Legal mandates
- Meeting energy efficiency Goals
- California Environmental Quality Act or National Environmental Policy Act (CEQA/NEPA) mandates
- County operational needs
- Funding availability

All projects approved by the Project Review Committee will be included in the CIP for the Bi-annual workshop. Small projects have the opportunity to skip the annual CIP workshop and move straight to implementation if under \$25,000 and there are adequate resources available. All large projects will need to be included in the Bi-annual CIP workshop. The workshop will include direction from the board on what projects should be included in the annual budget. The projects selected will move forward to construction through the Capital Improvement Program and Facilities budget. Those not selected will remain on the CIP for the next Bi-annual workshop.

### **Small Projects = Less than \$25,000**

For projects in which the total projected costs are less than \$25,000 and Public Works staff has sufficient resources in the Facilities maintenance budget to complete the project, the

project can be completed. For projects in which the total projected costs are less than \$25,000, but Public Works staff does not have sufficient resources in the maintenance budget to complete the project, Public Works staff will include in the Bi-annual CIP workshop with the Board of Supervisors for approval and funding in the following fiscal year, based on the recommendation of the Project Review Committee.

### **Large Projects = Greater than \$25,000**

For projects in which the total projected costs are \$25,000 or greater, after Projects Review Committee has made a recommendation, Project Review Committee will include in the Bi-annual CIP workshop for Board of Supervisors approval and funding through the CIP program.

### **Emergency Projects**

Emergency projects whose failure to address would create a danger to individuals or infrastructure will be handled using the Facilities Maintenance Budget. If the emergency exceeds budget, the CAO and Public Works Director will assist with budgetary decisions.

### **For All Projects**

Projects that are not selected/funded will remain on the CIP project list for future review as resources and priorities allow.

For projects that are submitted to the Board of Supervisors for approval, the approval will be implemented through the Facilities budget and CIP program, based on the size of the project.

When a project is approved for construction by the board of supervisors the following information will be included while implemented through the Capital Improvements program:

1. Implementation costs and proposed funding source
2. Bid Process triggered based on projected costs
  - a. Informal bid
  - b. Formal bid
  - c. Bonding requirements for subcontractors
  - d. Force Account justification process
3. Building permits & Construction engineering

Public Works staff will obtain a Mono County building permit for all projects, to ensure compliance with the provisions of the Building codes. There may be additional costs depending on the size of the project. Staff will obtain other permits, based on specific projects, which may or may not be subject to fees. These include permits from the Mono County Health Department, Lahontan Regional Water Quality Control Board, Great Basin Unified Air Pollution Control District, Caltrans, etc.

Once a project is complete staff will provide an update on those completed projects.

Staff recommended the adoption of this process to improve accountability and the ability to prioritize key investments, as well as respond to public and county organization facility needs. The reporting and review elements will be aligned with Budgeting as well as long term strategic planning to focus limited resources on the most crucial projects.

### **FLOW CHART**

The draft flow chart in Attachment A reflects the above process. Additionally, a bi-annual CIP project workshop will be held to discuss project prioritization as part of the Budget adoption.

### **DEFINITIONS**

*Capital Improvement Program (CIP)* – A separate accounting fund for projects that are expected to exceed the capitalization threshold. Once a project is funded through the CIP, the funds are available until the project is complete or the Board re-allocates the funds. Funding sources for these projects include the General Fund, other county funds, or grant funds.

*Capitalization* – An accounting change to the value of a fixed asset, due to the value of the construction improvements. Mono County's capitalization threshold is \$25,000, and this includes all costs that are part of the structure.

*Facility Maintenance Budget* – Funds included in the annual facilities budget for building maintenance.

*Hard Costs* – Costs for materials, supplies and contract services necessary to complete a project. This will include costs for services provided by other County departments that are not funded by the General Fund, including Solid Waste fees, Road Department labor, equipment and materials, and Public Health fees.

*Implementation Costs* – Costs associated with putting a new facility into service, such as furniture, equipment, artwork, etc. These costs are not allowed to be capitalized.

*Soft Costs* – Costs for county staff and equipment funded by the County General Fund.

12/27/17

**County Wide Project Ideas**

Idea types:

- Improvements,
- Remodels, Additions, and
- New construction.

From:

- General plan
- Public
- Board members
- RPAC/RTIP
- Staff
- Department Head
- Risk/Safety
- Funding Opportunity
- Identified Need

**Project Request Form**

What stage is project at? Proponent can request assistance from staff in this stage to get the most accurate information possible

- Description of project
- Project justification
- Budget/cost Estimate.
- Identify Funding source
- Create an anticipated project timeline
- Environmental review stage

**Project Initiation**

Initial assessment by staff which evaluates project and need for based on:

- Environmental Needs
- Staff capacity
- legal requirements
- community needs
- department needs
- funding
- Strategic Plan Alignment.
- Passes all requests on to PRC.

**County Capital Improvement Plan Projects List and Bi-Annual Workshop**

Discuss project prioritization  
CIP > \$25,000  
Maintenance < \$25,000

Projects not selected will remain on the CIP List for future review.

**Project Review Committee**

Initial assessment by Project Review committee  
Committee evaluates project based on:

- Strategic Plan Alignment
- Safety
- ADA
- Legal requirements
- Community needs
- Department needs
- Funding

**Board of Supervisors Review 5 Year CIP List for Funding and Scheduling**

**Programmed Into 5 Year CIP List**

Organize Projects into three categories: Capital Improvement Projects; Maintenance projects, Emergency Projects.

**Capital Improvement Project**

Project exceeds \$25k, is non-recurring, has a useful life of 5+ years

**Maintenance Project**

Project is less than \$25k, and improves an existing facility

Project funded by facilities maintenance budget

Project addresses a safety hazard or ADA issue

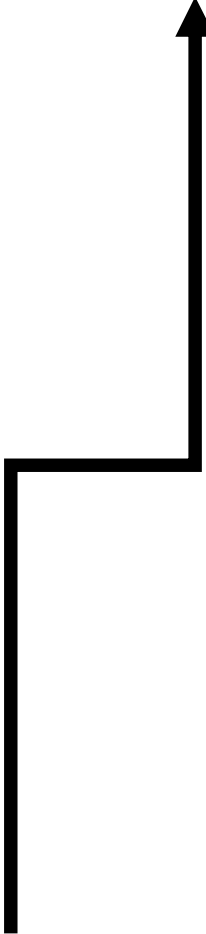
**Emergency Project**

Project is less than \$25,000 and is an immediate threat to life safety or County property

**Engineering/Permitting/BID**

**Project Implementation and Closure**

12/27/17





**CAPITAL IMPROVEMENT PROGRAM  
(2017 - 2022)**

		Amounts are in thousands		FY17-18		FY18-19		FY19-20		FY20-21		FY21-22	
PROJECT	FUNDING	COST ESTIMATE	GF	OTHER	GF	OTHER	GF	OTHER	GF	OTHER	GF	OTHER	
BH	1 Behavior Health Housing Project	CCP	\$	-									
CAO / PW	2 South County Government Center	GF	\$	25,000	\$	125	\$	4,875	\$	10,000			
	3 Bridgeport 395 Banner	CSA 5	\$	-									
CD	4 Bridgeport Cemetery Arch	CSA 5	\$	-									
	<b>COMMUNITY DEVELOPMENT</b>		\$	-	\$	-	\$	-	\$	-	\$	-	\$
	5 Long Term Radio	Unknown	\$	5,000					\$	5,000			
	6 Short Term Radio	ISF	\$	1,425	\$	285	\$	285	\$	285	\$	285	\$
	7 Phones	ISF	\$	180	\$	180							
	8 Storage: Sheriff	ISF	\$	25			\$	25					
	9 Storage: Bridgeport	ISF	\$	30						\$	30		
	10 Storage: Mammoth Lakes	ISF	\$	35									\$
	11 Network Upgrades	ISF	\$	100			\$	25	\$	25	\$	25	\$
	12 Dispatch Upgrades/Move	Jail	\$	200					\$	200			
	13 Mammoth BOS Room VTC	ISF	\$	10			\$	10					
	14 Bridgeport BOS Room VTC	ISF	\$	25									\$
	15 Town/County Conference Room VTC	ISF	\$	10			\$	10					
	<b>INFORMATION TECHNOLOGY</b>		\$	7,040	\$	465	\$	-	\$	285	\$	70	\$
	16 Bridgeport Jail Project	BSCC	\$	26,494	\$	291	\$	2,059	\$	314	\$	13,434	\$
	17 Crowley Lake Skate Park	CSA 1	\$	700	\$	700							
	18 Cemeteries: Layout, Database & Plot Markers	Cemeteries	\$	20	\$	5	\$	5	\$	5	\$	5	
	19 North Campus Solar Project	Unknown	\$	800			\$	400	\$	400			
	20 Systemic Safety Analysis Report	SSARP	\$	50	\$	50							
	21 Upper Summers Meadow Road Bridge	75% CDAA, 25% R	\$	675	\$	675							
	22 Crowley Lake Drive Emergency Repairs	GF	\$	86	\$	86							
	23 Bridgeport Main Street Revitalization	ATP	\$	-									
	24 County-wide Fog Seal and Stripe	SB 1	\$	670	\$	670							
	25 Highway Bridge Program Inventory Update	SB 1	\$	20	\$	20							
	26 Rimrock ZOB Preventative Maintenance	ZOB	\$	30	\$	30							
	27 Bryant Field & Lee Vining Airport Runway Fog Seal & Stripe	AEF	\$	30	\$	30							
	28 Airport Road Rehabilitation	STIP	\$	1,566			\$	31	\$	135	\$	1,400	
	29 Eastside Lane Overlay/In-Place Recycle - Phase 1	STIP	\$	1,300	\$	150	\$	1,150					
	30 Long Valley Streets Rehabilitation	STIP	\$	2,550					\$	300	\$	2,250	
	31 County-wide Fog Seal and Stripe - Phase 2	SB 1	\$	330			\$	330					
	32 Mono City Slurry Seal & Dig-outs	SB 1	\$	100			\$	100					
	33 Benton Crossing Road Slurry Seal - Phase 1	SB 1	\$	640			\$	640					
	34 South Landing Road Overlay	SB 1	\$	440			\$	440					
	35 Hackney Drive/Shop Road Rehabilitation	SB 1	\$	250			\$	250					
	36 Highway Safety Improvement Program Project	HSIP	\$	550			\$	50	\$	500			
	37 Twin Lakes Road Slurry Seal	SB 1	\$	1,000					\$	1,000			
	38 Virginia Lakes Road Slurry Seal	SB 1	\$	1,000					\$	1,000			
	39 Benton Crossing Road Slurry Seal - Phase 2	SB 1	\$	520					\$	520			
	40 Eastside Lane Overlay/In-Place Recycle - Phase 2	SB 1	\$	2,810						\$	2,810		
	41 Cunningham Lane Bridge Replacement	HBP	\$	1,750						\$	250		\$
	42 Benton Crossing Road Overlay/In-Place Recycle	SB 1	\$	2,960									\$
	<b>PW - ENGINEERING</b>		\$	47,341	\$	-	\$	2,707	\$	-	\$	5,455	\$
	43 Conway Summit Comm Vault Re-Siding	Radio Ent. Fund	\$	20	\$	20							
	44 Conway Summit Comm Vault Re-Roof	Radio Ent. Fund	\$	20			\$	20					
	45 Mono Lake Park Restrooms	CDBG	\$	44	\$	44							
	46 Lundy Campground Improvements	Campgrounds	\$	10	\$	10							
	47 Install 10,000 Gallon Water Storage Tanks	GF	\$	25	\$	25							
	48 CLCC Pergola	CSA 1	\$	15	\$	15							
	49 Redo Tennis Court at Walker Park	GF	\$	35	\$	35							
	50 New Exterior Lighting at the Walker CC	GF	\$	10	\$	10							
	51 Walker Wellness Center Pergola	Donation	\$	-									
	52 Benton Ballfield	GF	\$	10			\$	10					
	53 Office Remodel at MCOE in BP	MCOE	\$	12			\$	12					
	54 Hess Park Solar Pavillion	Unknown	\$	35					\$	35			
	55 BP Animal Shelter Kennel Improvement	Trust Fund	\$	8			\$	8					
	56 Antelope Valley Community Center Campus Improvements	Unknown	\$	40					\$	40			
	<b>PW - FACILITIES</b>		\$	284	\$	70	\$	89	\$	10	\$	40	\$
	57 Crowley Lake Road Shop Sand/Oil Separator	Unknown	\$	-					\$	40	\$	35	\$
	58 Pumice Valley Transfer Station / Landfill - Expanded Operations	SW Ent. Fund.	\$	-						TBD			
	59 Benton Crossing Landfill Closure	SW Ent. Fund.	\$	5,520									\$
	60 Benton Crossing Landfill Post-Closure Maintenance	SW Ent. Fund.	\$	3,144									\$
	61 Pumice Valley Monitoring Well Development	SW Ent. Fund.	\$	145		\$	145						
	<b>PW - SOLID WASTE</b>		\$	8,809	\$	-	\$	145	\$	-	\$	-	\$
	<b>Amounts are in thousands</b>		\$	660	\$	7,816	\$	295	\$	15,565	\$	325	\$
	<b>Amounts are in millions</b>		\$	0.66	\$	7.82	\$	0.30	\$	15.57	\$	0.33	\$
			\$	19,434	\$	20,204	\$	23,605	\$	285	\$	20,204	\$
			\$	0.29	\$	20.20	\$	0.29	\$	23.60	\$	0.29	\$

**ACRONYM KEY**

AEF	Airport Enterprise Fund	FAA	Federal Aviation Administration	PSR	Project Study Report
ATP	Active Transportatin Program	FHBP	Federal Highways Bridge Program	RMRA	Road Maintenance and Rehabilitation Account (part of SB 1)
BIC	Bridge Investment Credits	FLAP	Federal Lands Access Program	SB	Senate Bill
BSCC	Board of State and Community Corrections	HBP	Highway Bridge Program	SB1	The Road Repair and Accountability Act
CC	Community Center	HSIP	Highway Safety Improvement Program	SCE	Southern California Edison SNC Sierra Nevada Concervancy
CCP	Community Corrections Partnership	LTC	Local Transportation Commission	SNC	Sierra Nevada Concervancy
CDAA	California Disaster Assistance Act	OWP	Overall Work Program	SSARP	Systemic Safety Analysis Report Program
CDBG	Community Development Block Grant	PID	Project Initiation Document	STIP	State Transportation Improvement Program
CIP	Capital Improvement Plan	PRC	Project Review Committee	ZOB	Zone of Benefit
CSA	County Service Area	PS&E	Plans Specifications and Estimates		



# Capital Improvement Plan

Approach to countywide planning and programming of capital projects

# Overview

- ▶ Current Practice / Project Review Committee
- ▶ Individual Department Reports / History
- ▶ Needs for future process
- ▶ Current Proposal
- ▶ Next Steps

# Current Practice - Project Review Committee (PRC)

- ▶ Approved by BOS in 2014
  - ▶ Project Request Form
  - ▶ Review and Recommended Prioritization by PRC
  - ▶ Board approves recommendation
  - ▶ >\$25k = Project
- ▶ Successes
  - ▶ PRC analyzes need, budget, safety, liability, political will
  - ▶ Annual and Mid-Year Project Reviews for Board consideration
  - ▶ Many successes in delivering projects \$25-\$250k
- ▶ Shortfalls
  - ▶ Not used to replace major infrastructure (none over \$500k)
  - ▶ Does not specifically consider available staff resources and impacts
  - ▶ Not used to plan and provide for financial resources
  - ▶ Individual department prioritization and goals at risk

# PW/Facilities Past Projects

## Successes

- ▶ Biomass Boiler
- ▶ Memorial Hall Remodel
- ▶ Gull Lake Park, ADA parking & Restroom remodel.
- ▶ Benton Park, ADA parking & Restroom remodel.
- ▶ Crowley Lake Park, ADA parking & Restroom remodel.

## Challenges

- ▶ Limited Staff
- ▶ GF Funding
- ▶ Shifting priorities (pergola)
- ▶ Impacts to other Departments
- ▶ Lack of bidders for smaller projects

# PW/Facilities Prioritization

- ▶ Project Review committee recommendations
- ▶ Alignment with the Mono County Strategic Plan focus areas
- ▶ Funding availability
- ▶ Staff capacity

# PW/Facilities Programming

- ▶ Approved priority/place in the queue
- ▶ Funding availability and/or grant restrictions
- ▶ Larger projects need for planning, permitting, bidding

# PW/Facilities Funding

- ▶ General Fund
- ▶ Grant Sources (recent examples)
  - ▶ Sierra Nevada Conservancy for the Biomass
  - ▶ Community Development Block Grants (CDBG) for ADA projects
  - ▶ Community Service Areas (CSA's)
    - ▶ Crowley Skatepark
    - ▶ Crowley Ballpark Food & Restroom
    - ▶ Memorial Hall renovation

# PW/Solid Waste Past Projects

## Successes

- ▶ Construction of 6 Transfer Stations
- ▶ Closure of 3 County Landfills
- ▶ Benton Crossing Landfill Gas Mitigation
- ▶ Bridgeport Landfill Gas Wells Installation

## Challenges

- ▶ Impacts to other Department staff (legal, environmental, engineering)
- ▶ Limited funding within SWEF



# PW/Solid Waste Prioritization

- ▶ Immediate Operational Needs
- ▶ Environmental Compliance Requirements
- ▶ Lease Agreement End Date with LADWP
- ▶ Political Interest in Programs and Services
- ▶ Cost/Benefit

# PW/Solid Waste Programming

- ▶ Funding availability
- ▶ Regulatory compliance schedules
  - ▶ Local agencies
  - ▶ State agencies
- ▶ Staff resources
  - ▶ Project Management
  - ▶ Engineering
  - ▶ Environmental
  - ▶ Legal
  - ▶ Consultants

# PW/Solid Waste Funding

- ▶ Solid Waste Enterprise Fund
  - ▶ Solid Waste Parcel Fees
  - ▶ Transfer Station / Landfill Tipping Fees
  - ▶ Franchise Fees
  - ▶ Commodity Recycling Sales

# PW/Engineering Past Projects

## Successes

- ▶ North Shore Drive Slurry Seal
- ▶ Stock Drive Realignment
- ▶ Crowley Lake Dr Emergency Repairs
- ▶ 2017 Pavement Management System Data Update
- ▶ 2017 5-Year Road CIP Creation - Programming \$19M in new projects
- ▶ Jail Project - Identified project, secured funding, submitted Real Estate Due Diligence

## Challenges

- ▶ In the past, lack of adequate funding for preventative maintenance was a significant challenge.
- ▶ With increased funding available due to SB 1 and other key project initiatives, staff resources are spread thin. Projects may need to be delayed or staff capacity increased.

# PW/Engineering Prioritization

- ▶ Strategic Goals and Priorities
- ▶ PASER Rating
- ▶ Funding availability and deadlines
- ▶ Safety, risk, liability
  - ▶ Bridge Program Inventory Update (future)
  - ▶ The Systemic Safety Analysis Report (future)
- ▶ Customer Service

# PW/Engineering Programming

- ▶ Project Review Committee
- ▶ Local Transportation Commission (OWP and RSTP)
- ▶ 5-Year Road CIP
  - ▶ 5-Year funding forecasts (including SB 1)
  - ▶ Measurable evaluation criteria (Pavement Management System/PASER)
  - ▶ Board of Supervisors review and input
  - ▶ Timing to coincide with submittal of SB 1 project list
- ▶ Staff resources

# PW/Engineering Funding

## ▶ Transportation Projects

- ▶ Mono LTC - Overall Work Program (OWP) and Regional Surface Transportation Program (RSTP)
- ▶ SB 1 - The Road Repair and Accountability Act
- ▶ RMRA - Road Maintenance and Rehabilitation Account (part of SB 1)
- ▶ STIP - State Transportation Improvement Program
- ▶ ZOB - Zone of Benefit
- ▶ AEF - Airport Enterprise Fund
- ▶ ATP - Active Transportation Program
- ▶ FLAP - Federal Lands Access Program
- ▶ HBP - Highway Bridge Program
- ▶ HSIP - Highway Safety Improvement Program
- ▶ CDAA - California Disaster Assistance Act
- ▶ General Fund (often in form of local match)

## ▶ Other projects

- ▶ Jail Revenue Bonds
- ▶ Rent Abatement/Loan (South County Facility)

# Information Technology Department

## Past Projects

### Successes

- ▶ Ongoing Radio Investment
- ▶ Mammoth Data Center SAN
- ▶ Bridgeport Data Center SAN
- ▶ Bridgeport BOS Chambers

### Challenges

- ▶ Competing priorities
- ▶ Being brought into the conversation too late
- ▶ Emerging issues: Work orders > Projects
- ▶ Complex and expensive projects
- ▶ Reasonable financial planning for life-cycle & unanticipated



# Information Technology Department Prioritization

- ▶ 2015-2018 IT Strategic Plan
  - ▶ Long-range planning and investment
- ▶ Infrastructure Replacement Program
  - ▶ Lifecycle-based planning & budgeting
- ▶ Emergency/Reactive Projects

# Information Technology Department Programming

- ▶ Strategic Planning
  - ▶ 3y outlook on key projects
  - ▶ Annual evaluation of large/Capital projects (rough resource allocation & budget)
- ▶ Infrastructure Replacement Program
  - ▶ Lifecycle-based planning & budgeting
  - ▶ Annual evaluation of replacement efforts
- ▶ Project Management
  - ▶ Annual project outlay
  - ▶ Quarterly project review & allocation
  - ▶ Scrum

# Information Technology Department Funding

## General Fund

Intermittent, one-time,  
and unplanned  
infrastructure projects

### LARGE CAPITAL PROJECTS

Project Name	Source	Cost	Target Year
Radio System Maintenance	General Fund > ISF	\$150k	Ongoing
Phone System Replacement	General Fund > ISF	\$180k	2017-2018+
Network Upgrades (Phase I)	General Fund > ISF	\$10-15k	2018-2019
Radio System Overhaul	TBD	\$3-5m?	2019-2020?

## Internal Services Fund

Planned/programmatic  
infrastructure  
replacements

### INFRASTRUCTURE REPLACEMENT

Project Name	Source	Cost	Target Year
Network Upgrades (Phase II)	ISF	\$15k?	2018-2019
Sheriff Storage Upgrade	General Fund > ISF	\$25k	2018-2019
Ongoing Lifecycle Replacements	ISF	...	Ongoing

# Behavioral Health Department Past Projects

## Successes

- ▶ Davison House served community members from 1997 to 2011
- ▶ MCBH has funding to renovate or acquire housing for our most vulnerable community members
- ▶ MCBH is currently working with various partners to develop two housing projects

## Challenges

- ▶ Roof collapse at Davison challenged MCBH to consider a different vision of housing in Mono County

# Behavioral Health Department Prioritization

- ▶ Stakeholder Input
- ▶ Community Research
  - ▶ Mono County Housing Needs Assessment
  - ▶ Mammoth Lakes Community Housing Action Plan
- ▶ Mono County 2018 Strategic Priorities
  - ▶ *“Address housing crisis through policy, assistance, and development programs”*

# Behavioral Health Department Funding

- ▶ Mental Health Services Act
- ▶ Additional potential sources of funding:
  - ▶ HOME Investment Partnerships Program
  - ▶ Low-Income Housing Tax Credits
  - ▶ Housing Choice Vouchers
  - ▶ No Place Like Home

# CIP - Planning for the Future

- ▶ Identify and address gaps in staff resources
- ▶ Identify and plan for gaps in financial resources
- ▶ Maintain individual department autonomy
- ▶ Respect countywide needs and priorities
- ▶ Retain successes, address challenges

# Staff Resources - GAP

- ▶ Countywide impacts of Projects on Staff Resources
  - ▶ Project Management
    - ▶ Public Works, or individual Departments
  - ▶ Environmental Review
    - ▶ Community Development
  - ▶ Building Permits
    - ▶ Community Development
  - ▶ Legal Documents, Agreements - Preparation and Review
    - ▶ County Counsel
  - ▶ Finance and Admin
    - ▶ Planning CIP funding
    - ▶ Invoicing, billing, tracking



# Financial Resources - GAP

- ▶ Countywide Projects' demand for Financial Resources
  - ▶ General Fund sole-source funding
  - ▶ General Fund as match for grants
  - ▶ Other Funds with relation to General Fund
    - ▶ Solid Waste Enterprise Fund
    - ▶ CSA's
- ▶ Identifying other potential sources
  - ▶ Grants, Loans, etc...

# Countywide Approach vs. Individual Department Autonomy

Why Departments should be able to determine their own projects:

- ▶ Each Department has Goals and Objectives
- ▶ Each Department has expert opinion on purpose and needs
- ▶ Some have independent funding or grants to support these goals

Why Departments should go through county-wide process:

- ▶ Impacts to staff and workloads within other County Departments
  - ▶ Must consider and be aware of these impacts
- ▶ Financial impacts to GF
  - ▶ GF demands must be compared and prioritized among ALL County goals

# Proposal - Managing the 5 Year CIP

- ▶ Expanded role of the Project Review Committee
  - ▶ Considers all projects, countywide
    - ▶ Retains existing prioritization methods
    - ▶ Mechanism for Department Autonomy
- ▶ Identifies and programs reflective of staff resources
  - ▶ Increased data and analysis
  - ▶ Staff Resources are assumed to be constant for 5 years
  - ▶ Drives programming year over year
  - ▶ Identifies opportunities to increase staff and accelerate projects
- ▶ Determines Financial Resources GAP
  - ▶ Provides context for Board to consider making investments
  - ▶ Positions staff to pursue funding for identified projects

# Draft CIP - Overview



## CAPITAL IMPROVEMENT PROGRAM (2017 - 2022)

				Amounts are in thousands									
PROJECT		FUNDING	COST ESTIMATE	FY17-18		FY18-19		FY19-20		FY20-21		FY21-22	
				GF	OTHER	GF	OTHER	GF	OTHER	GF	OTHER	GF	OTHER
BH	1 Behavior Health Housing Project	CCP	\$ -										
CAO / PW	2 South County Government Center	GF	\$ 25,000	\$ 125	\$ 4,875	\$ 10,000		\$ 10,000					
CD	3 Bridgeport 395 Banner	CSA 5	\$ -										
	4 Bridgeport Cemetery Arch	CSA 5	\$ -										
	COMMUNITY DEVELOPMENT		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
INFORMATION TECHNOLOGY	5 Long Term Radio	Unknown	\$ 5,000					\$ 5,000					
	6 Short Term Radio	ISF	\$ 1,425	\$ 285		\$ 285		\$ 285		\$ 285		\$ 285	
	7 Phones	ISF	\$ 180	\$ 180									
	8 Storage: Sheriff	ISF	\$ 25			\$ 25							
	9 Storage: Bridgeport	ISF	\$ 30							\$ 30			
	10 Storage: Mammoth Lakes	ISF	\$ 35									\$ 35	
	11 Network Upgrades	ISF	\$ 100			\$ 25		\$ 25		\$ 25		\$ 25	
	12 Dispatch Upgrades/Move	Jail	\$ 200					\$ 200					
	13 Mammoth BOS Room VTC	ISF	\$ 10			\$ 10							
	14 Bridgeport BOS Room VTC	ISF	\$ 25									\$ 25	
	15 Town/County Conference Room VTC	ISF	\$ 10			\$ 10							
	INFORMATION TECHNOLOGY		\$ 7,040	\$ 465	\$ -	\$ 285	\$ 70	\$ 285	\$ 5,225	\$ 285	\$ 55	\$ 285	\$ 85
		16 Bridgeport Jail Project	BSCC	\$ 26,494	\$ 291		\$ 2,059		\$ 314		\$ 13,434		\$ 10,396

# Identifying the GAP - Staff Resources

CIP Projects to Program		CIP Projects						
		Amounts are in thousands		FY17-18			FY18-19	
Project	Estimated FTEs	Cost Estimate	GF	Other	FTEs	GF	Other	FTEs
17 Conway Summit Comm Vault Re-Siding		\$ 20		\$ 20				
18 Conway Summit Comm Vault Re-Roof		\$ 20					\$ 20	
53 Mono Lake Park Restrooms	0.8	\$ 44		\$ 44	0.8			
54 Lundy Campground Improvements	0.1	\$ 10		\$ 10	0.1			
55 Install 10,000 Gallon Water Storage Tanks	0.4	\$ 25	\$ 25		0.4			
56 CLCC Pergola	0.1	\$ 15		\$ 15	0.1			
57 Redo Tennis Court at Walker Park	0.2	\$ 35	\$ 35		0.2			
58 New Exterior Lighting at the Walker CC	0.1	\$ 10	\$ 10		0.1			
59 Walker Wellness Center Pergola	0.1	\$ -				\$ -		0.1
60 Benton Ballfield	0.1	\$ 10				\$ 10		0.1
61 Office Remodel at MCOE in BP		\$ 12					\$ 12	
62 Hess Park Solar Pavillion		\$ 35						
63 BP Animal Shelter Kennel Improvement		\$ 8					\$ 8	0.1
64 Antelope Valley Community Center Campus Improvements		\$ 40						
Amounts are in thousands			\$ 540	\$ 6,113	1.7	\$ 300	\$ 4,144	0.3
Amounts are in millions			\$ 0.54 M	\$ 6.11 M		\$ 0.30 M	\$ 4.14 M	
Ratio: Other / GF			11			14		

# Identifying the GAP - Financial Resources

## CAPITAL IMPROVEMENT PROGRAM (2017 - 2022)

Amounts are in thousands		FY17-18		FY18-19		FY19-20		FY20-21		FY21-22	
FUNDING	COST ESTIMATE	GF	OTHER	GF	OTHER	GF	OTHER	GF	OTHER	GF	OTHER
	Amounts are in thousands	\$ 660	\$ 7,816	\$ 295	\$ 15,565	\$ 325	\$ 19,434	\$ 285	\$ 20,204	\$ 285	\$ 23,605
	Amounts are in millions	\$ 0.66	\$ 7.82	\$ 0.30	\$ 15.57	\$ 0.33	\$ 19.43	\$ 0.29	\$ 20.20	\$ 0.29	\$ 23.60

# Finance-

## Constraints to Consider

- ▶ Economic Environment
- ▶ County's fiscal health and condition
- ▶ Other competing projects
- ▶ Staff availability
- ▶ Availability of resources
- ▶ County policies...ie debt limits, taxation, risk

## Finance- Questions to Ask?

- ▶ Is it legal?
- ▶ Is it equitable?
- ▶ Is it effective?
- ▶ Is it acceptable?
- ▶ Is it affordable?
- ▶ Is it easy to administer?



# Finance- Funding Approaches

1. Pay-as-you-go
2. Debt financing  
(AKA *Pay-as-you-use*)
3. Combination

**METHODS OF  
FINANCING DIFFER  
BASED ON THE  
SPECIFIC PROJECT  
BEING FUNDED**

# Finance-

## PAY-AS-YOU-GO: Common Methods

- ▶ Use current revenues
- ▶ Grants
- ▶ Policy to set aside 1% of GF annual expenditures (or fund balance) in capital reserve fund
- ▶ Impact and development fees (also in lieu fees)
- ▶ Public-Private Partnerships, Joint Ventures
- ▶ Cost sharing agreements
- ▶ Establish capital replacement plan when purchasing assets, not at end of life
- ▶ Internal service fund (self-funding, rates include capital replacement)
- ▶ Special assessments
- ▶ User fees (securitize to provide large proceeds up front)
- ▶ Tax Increment
- ▶ Fundraising, donations
- ▶ Put unanticipated revenues in capital reserve fund

# Finance-

## DEBT FINANCING: Common Methods

- ▶ General Obligation Bonds (unlimited vs limited)
- ▶ Revenue Bonds (secured by future user fees, enterprise activity)
- ▶ Certificates of Participation (capital leasing using bonds and facility rents)
- ▶ Assessment Bonds (repaid with property tax special assessments)
- ▶ Tax Increment Financing Bonds (paid back with property tax on value appreciation)
- ▶ Grant funded loan programs
- ▶ Other low interest loans

# Finance-

## Policy Considerations

- ▶ Set aside X% of GF budgeted expenditures into capital reserve fund, or
- ▶ Set aside X% of GF carryover balance into capital reserve fund
- ▶ Use Internal Service Fund framework to fund replacement of all IT related infrastructure
- ▶ Revisit County's Debt Policy

# Next Steps

- ▶ Staff refines CIP spreadsheet and data entry
  - ▶ FTEs
  - ▶ Funding specifics
- ▶ BOS Budget Process
  - ▶ Approval of 5-yr CIP
- ▶ Annual Review and update during budget process



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** February 13, 2018

**TIME REQUIRED**

**SUBJECT** Closed Session--Human Resources

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Stacey Simon, Leslie Chapman, Dave Butters, Janet Dutcher, and Anne Larsen. 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.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:**

**PHONE/EMAIL:** /

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

<p><a href="#">Click to download</a></p> <p>No Attachments Available</p>
--

**History**

**Time**

**Who**

**Approval**



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** February 13, 2018

**TIME REQUIRED**

**SUBJECT** Closed Session - Exposure to  
Litigation

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

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: Three.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:**

**PHONE/EMAIL:** /

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

<p><a href="#">Click to download</a></p> <p>No Attachments Available</p>
--

**History**

Time	Who	Approval
2/8/2018 10:39 AM	County Administrative Office	Yes
2/1/2018 12:38 PM	County Counsel	Yes
1/30/2018 2:47 PM	Finance	Yes



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** February 13, 2018

**TIME REQUIRED** 30 minutes

**SUBJECT** Sierra CAMP

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

Nikki Caravelli, Project Manager /  
Steve Frisch, President Sierra  
Business Council

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Presentation from the Sierra Business Council, discussing Sierra CAMP, the Sierra Consortium, and the 2018 Parks and Water bond measure.

**RECOMMENDED ACTION:**

1. Join the Sierra Climate Adaptation and Mitigation Partnership (Sierra CAMP). 2. Join the Sierra Consortium. 3. Approve a Resolution to endorse Proposition 68, the June 2018 Parks & Water bond measure.

**FISCAL IMPACT:**

\$5000 a year for the Sierra Consortium annual membership.

**CONTACT NAME:** Nikki Caravelli

**PHONE/EMAIL:** 530-562-4943 / ncaravelli@sierrabusiness.org

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<input type="checkbox"/> <a href="#">Staff Report</a>
<input type="checkbox"/> <a href="#">Action Report</a>
<input type="checkbox"/> <a href="#">Parks Bond Policy</a>
<input type="checkbox"/> <a href="#">DAC Fact Sheet</a>
<input type="checkbox"/> <a href="#">Intro to Sierra Consortium</a>
<input type="checkbox"/> <a href="#">Sierra Consortium Successes</a>
<input type="checkbox"/> <a href="#">Intro to SB5 and Rural Benefits</a>
<input type="checkbox"/> <a href="#">Intro to Water Supply Act</a>



[Proposed Resolution](#)

[Presentation](#)

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### History

<b>Time</b>	<b>Who</b>	<b>Approval</b>
2/9/2018 6:44 AM	County Administrative Office	Yes
2/8/2018 9:10 AM	County Counsel	Yes
2/8/2018 6:02 PM	Finance	Yes



Date: February 13, 2018

To: Honorable Mono County Board of Supervisors

From: Steve Frisch, President; and Nikki Caravelli, Project Manager at Sierra Business Council

Subject: Take action for a Resilient Eastern Sierra – join Sierra Business Council’s Climate, Natural Resources and Regional Advocacy efforts

**Recommendation**

1. Join the Sierra Climate Adaptation and Mitigation Partnership (Sierra CAMP).
2. Join the Sierra Consortium.
3. Approve a Resolution to endorse Proposition 68, the June 2018 Parks & Water bond measure.

**Discussion**

Our region faces challenges to the health and prosperity of our natural resources and communities. These include tree mortality and wildfire risk, lack of funding availability for rural development and restoration efforts, drought and water supply changes, and other threats.

Through Sierra Business Council (SBC)’s regional resilience program, the Sierra Climate Adaptation and Mitigation Partnership, members gain access to funding opportunities, information, education and news pertaining to natural resources and mountain community resilience, and access to statewide urban-rural partnerships dedicated to increasing rural access and funding. Sierra CAMP activates our region on regional resilience and climate action.

Through SBC’s Sierra Consortium, members work together to identify Sierra Nevada regional advocacy priorities and leverage a collective voice on statewide matters, including land conservation and acquisition, natural resource funding, and parks & recreation issues. The Consortium gives Sierra communities a seat at the table on California state matters.

Of critical importance to the region are two natural resource bond measures facing California voters this year: a minimum of \$492 million is dedicated to the Sierra Nevada through the combined funds of Proposition 68, a June ballot bond measure, and the Water Supply and Water Quality Act of 2018, a November



ballot bond measure. If passed, these measures would provide the region with much-needed funding for parks and recreation, forest and watershed restoration, wildfire mitigation, and more. Sierra Business Council is organizing Sierra Nevada stakeholders to rally behind this unprecedented pool of funding, and is recruiting non-profits, local governments, and businesses to support the campaign. As the June ballot measure Proposition 68 is approaching quickly, endorsing and promoting this bond measure is crucial for ensuring its passage.

### **Fiscal Impact**

1. Sierra CAMP – no financial obligation to join. Access and support for grant & other funding opportunities expanded through membership; opportunities to vet policy solutions to increase statewide funding and remove access barriers for the region.
2. Sierra Consortium – Minimum \$5000/year annual membership contribution to support SBC's coordination and research efforts and the lobbying firm contract. Opportunities to increase regional funding allocations & opportunities through advocacy efforts.
3. Proposition 68 – no financial obligation to endorse. Opportunity to promote the measure to increase the likelihood of passage, thereby securing a minimum of \$142million for the Sierra Nevada region, in addition to at least \$967million in grant allocations available for state counties.





## 2017 Action Report

The Sierra Climate Adaptation and Mitigation Partnership is a public-private, cross-sector partnership working to promote climate adaptation and mitigation strategies across the Sierra Nevada region.

5

### Reports Published

Analyzed the impacts on the Sierra from park bond legislation, cap-and-trade policy and funding, green infrastructure, and the state's general plan guidelines update in policy memos and fact sheets

2

### Webinars Hosted

Attracted 65 registrants to each of the "Update on CA Climate Policy" and "Practical Tools and Resources" webinars

11  
Calls to  
Action

30

### Members

Recruited 3 new organizations, e-blasted 36 action updates to 533 online subscribers, and generated over 61,700 social media impressions



## Policy Engagement

A seat at the table for Sierra stakeholders



Sierra CAMP assisted the California Natural Resources Agency and Climate Resolve in recruiting over 30 Sierra stakeholders to attend the Safeguarding California workshop in Auburn on June 14. This was part of a series of workshops around the state led by CNRA to invite public feedback on the update to the state's climate adaptation plan.

In November Sierra CAMP partnered with the Governor's Office of Planning and Research to host a General Plan Guidelines Update workshop in Truckee for Sierra local governments. The workshop reviewed key new requirements for planning in Sierra communities, and was attended by over 40 in-person and online stakeholders.

# Sierra CAMP Members\*



Rosemarie Smallcombe,  
Mariposa County  
Supervisor



Scott Warner,  
Hydrogeologist



Susi Lippuner,  
Community  
Member



Karen Ferrell-  
Ingram, Land  
Conservation  
Specialist



Garry Bowen, Tahoe  
Future Forum



Kelly Cruce, Spatial  
Informatics Group  
and Georgetown  
Climate Center

\*Government agencies were ex-officio members until January 1, 2017 when Sierra CAMP ceased all direct advocacy activities.



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## Policy Memo: Parks Bond 2018

March 2017

This policy memo provides background on the new parks bond options being pursued by the California Legislature in 2017 and considers how such a bill would address the long-overdue needs of Sierra Nevada parks and forests.

### **Background**

There have been multiple iterations of a parks bond in California over the years. The last legislatively crafted parks bond was Proposition 40, which was approved by California voters in 2002, and allocated more than \$1.2 billion for local assistance grants and state park maintenance and acquisition.

In 2016, the California Legislature created a renewed parks bond, the *California Parks, Water, Climate, and Coastal Protection and Outdoor Access for All Act*, which designates more than \$3 billion in bonds for state and local parks and recreational facilities. During the

August 2016 session the bill ran out of time and failed to reach the Governor's desk, so two new versions were introduced at the start of the 2017-2018 legislative session — one in the Assembly (AB 18 - E. Garcia) and one in the Senate (SB 5 - DeLeon). If a parks bond bill passes both the Senate and Assembly and is signed by the Governor within the legislative and ballot-printing deadlines, it will be presented to voters on the June 2018 ballot.

There is tremendous need to enhance and expand park infrastructure to meet outdoor and recreational demand in both urban and rural communities. Opponents cite concerns that the bill, given its bond structure, could add to the state's debt. However, the state has a long history of successfully funding parks through bonds as far back as the very first Parks Bond Act of 1928. Moreover, a 2012 state report to the National Park Service cites nearly \$5 billion in unmet park infrastructure and repair needs--and yet it has been fourteen years since the California Legislature last passed a parks bond.<sup>1</sup>

Despite the clear need for park-related maintenance and improvements, California communities are severely lacking in these critical infrastructural investments.

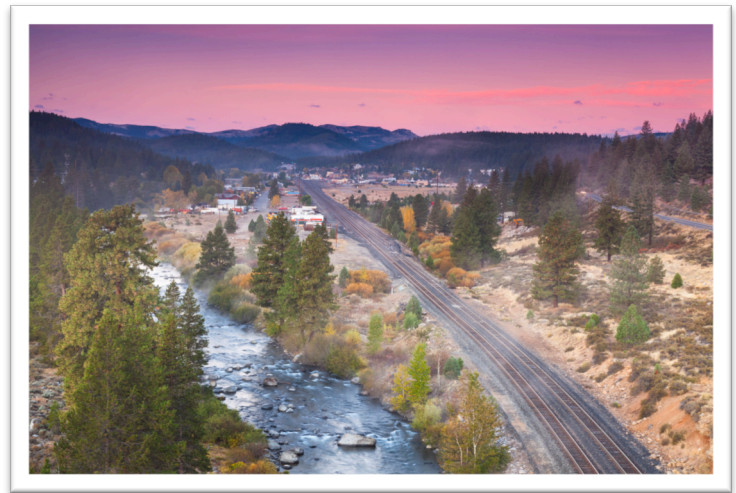


## **Why a Parks Bond Matters to the Sierra Nevada**

The Sierra provides exceptional natural resource benefits to the state as a whole, including 60% of the state's developed water supply and access to recreation and outdoor space to Californians through local, regional, state and national parks, as well as national forests.<sup>2</sup> National parks alone in California draw more than 38 million visitors each year and drive an enormous outdoor economy within the state.<sup>3</sup> In fact, the outdoor economy is one of California's top economic sectors, supporting over 700,000 jobs and representing an \$85 billion industry.<sup>4</sup> The Sierra also hosts a diversity of habitats for hundreds of species including threatened and endangered species, and plays a critical role in sequestering and storing massive amounts of carbon in its forests.

Funding from a parks bond would maintain and broaden these benefits for all Californians reliant on these resources, but especially for the Sierra communities whose economies are based on tourism and outdoor recreation. The Sierra is home to a population of nearly 1 million, of which approximately 50% of census areas may be considered disadvantaged according to Median Household Income (MHI).

These communities are not only immediately affected by the health of their parks and trails, but also by the health of surrounding forests and watersheds. Many of the benefits provided by these lands are at risk due to overgrown forests, drought, and extreme flooding. Overgrown forests are suffering abnormally large, damaging wildfires, which can destroy recreational facilities and heavily impact tourism-reliant communities. Moreover, millions of trees in the Sierra have died from drought, insects, disease, and flood-related erosion. An overabundance of dead trees can discourage recreation and tourism in the area, increase public safety concerns due to toppling risks, result in decreased carbon storage potential, and increase overall emissions from extreme wildfire and decomposition. As such, residents of and visitors to the Sierra have much to gain from the assistance provided by a parks bond.



Parks bond funding allocated to the Sierra Nevada Conservancy could be used to implement the Sierra Nevada Watershed Improvement Program, a coordinated multi-benefit initiative designed to restore Sierra forests and watersheds to a state of health and resilience by investing in science-based ecological restoration techniques. Moreover, providing funding to the Sierra Nevada Conservancy assists in the state's efforts to mitigate and prepare for climate change, reduces impacts to water and air quality from mega-fires, creates jobs in disadvantaged communities, and ensures ongoing access to recreational opportunities for millions of Californians.



## **Aspects of a New Parks Bond**

A new parks bond could provide over \$3 billion in bonds for state and local parks and recreational facilities in support of:

- Upgrading existing state and local parks
- Building new parks in disadvantaged/park-poor communities
- Land conservation, water, and climate change projects
- Recreation, tourism and outdoor access enhancements.

A new parks bond would begin closing the critical gap in parks and recreation investment, help meet demand in disadvantaged and urban communities, and provide resources to address outdoor exercise and recreation access, climate change, livability, protection of natural resources, jobs, state revenue, aging infrastructure, tourism in rural areas, and underinvestment in parks, trails and outdoor infrastructure in disadvantaged communities. Administering entities could potentially be encouraged to give favorable consideration to the following:

- Projects that provide urban recreation and protect/restore urban natural resources
- Projects that include efficient water use and conservation, usage of recycled water, storm water capture, provision of safe and reliable drinking water to park visitors, carbon sequestration, and/or fulfill wildlife conservation objectives
- Projects implemented by conservation corps or other job-training/educational non-profits that benefit youth, veterans, foster care recipients, or farmworkers

In addition, there are potential grant funding provisions for the expansion and restoration of regional trails and facilities, state park facilities and units, and non-motorized accessibility infrastructure. Such provisions would be especially relevant for rural forested communities where projects can have many benefits, from reducing risk of wildfire to providing economic development through alternative energy and utilizing sustainable forest biomass.



## **What's Next?**

It is critical to make sure that whatever form the parks bond takes in the 2017 legislative session that it allocate funds to the Sierra Nevada region proportional to the value the Sierra provides to the rest of the state through water supply, recreation, carbon storage, and other benefits in addition to addressing the unique needs and challenges Sierra communities face.

Sierra Business Council and Sierra CAMP will be working with our partners to advocate on behalf of the Sierra Nevada, ensuring that a new parks bond recognizes the value of this incredible region. To learn more, contact Sierra CAMP Director Diana Madson at [dmadson@sierrabusiness.org](mailto:dmadson@sierrabusiness.org).



## Policy Memo: Parks Bond 2018

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1. a. Bradford, Ben. "California Lawmakers Propose \$3 Billion Parks Bond For November Ballot." Capital Public Radio. June 23, 2016. Accessed February 22, 2017. [http://www.caprado.org/articles/2016/06/23/california-lawmakers-propose-\\$3-billion-parks-bond-for-november-ballot/](http://www.caprado.org/articles/2016/06/23/california-lawmakers-propose-$3-billion-parks-bond-for-november-ballot/)  
b. USA. National Park Service. Department of the Interior. Land and Water Conservation Fund State and Local Assistance Program 2012 Annual Report. 2012. Accessed February 22, 2017. [https://www.nps.gov/nrcr/programs/lwcf/LWCF%20Annual%20Report%202012\\_final.pdf](https://www.nps.gov/nrcr/programs/lwcf/LWCF%20Annual%20Report%202012_final.pdf).
2. Sierra Nevada Conservancy. "California's primary watershed." Sierra Nevada Conservancy, 2011. Accessed April 26, 2016. <http://www.sierranevada.ca.gov/our-region/ca-primary-watershed>.
3. "California." National Parks Service. Accessed March 01, 2017. <https://www.nps.gov/state/ca/index.htm>.
4. "Outdoor Recreation Economy - California." Outdoor Industry Association. Accessed March 01, 2017. [https://outdoorindustry.org/images/ore\\_reports/CA-california-outdoorrecreationeconomy-oia.pdf](https://outdoorindustry.org/images/ore_reports/CA-california-outdoorrecreationeconomy-oia.pdf).



# Disadvantaged Communities in the Sierra Nevada Region

October 2016

The impacts of climate change increasingly affect communities across California. Low-income rural communities face even greater challenges adapting to these changes due to economic disadvantage, marginalization, isolation, and other factors. In 2006, the California legislature passed AB 32, the California Global Warming Solutions Act, to mitigate climate impacts by reducing greenhouse gas emissions across the state to 1990 levels by the year 2020;<sup>i</sup> and in 2016 Governor Brown signed SB 32, extending greenhouse gas reduction targets to 40% below 1990 levels by 2030. This monumental legislation also led to the creation of California’s Cap-and-Trade system and the subsequent Greenhouse Gas Reduction Fund (GGRF) generated by the auction of cap-and-trade allowances.

In 2012, the legislature passed a companion bill, SB 535, requiring that 25% of GGRF money benefit Disadvantaged Communities (DACs) and low-income communities, to be defined based on geographic, socioeconomic, public health, and environmental hazard criteria<sup>ii</sup>), with at least 10% of those funds spent directly within DACs.<sup>iii</sup> Unfortunately the tool used to define these communities, CalEnviroScreen 2.0, focuses more on pollution hazards and less on the other factors, resulting in the complete absence of eligible DACs in the Sierra, the North Coast, and many inland rural areas (see map below).

## CalEnviroScreen

CalEPA, the agency charged with defining DACs under SB 535, worked with the Office of Environmental Health Hazard Assessment to repurpose an existing tool called CalEnviroScreen to identify and rank DACs across the state. The CalEnviroScreen tool was originally created to highlight areas with multiple pollution burdens for purposes of regulatory compliance or clean-up actions. As a result, the analysis relies heavily on pollution factors, which are not the only impacts affecting disadvantaged communities or representing climate burden, and less-so on income or other indicators of relative disadvantage (see proposed indicators for CalEnviroScreen 3.0 listed in the table below).

	Pollution Burden		Population Characteristics	
<b>Exposure Indicators</b>	Ozone Concentration PM <sub>2.5</sub> Concentrations Diesel Particulate Matter Drinking Water Contaminants Pesticide Use Toxic Releases from Facilities Traffic Density	+	Low Birth-Weight Births Asthma Emergencies Heart Attack Rate	<b>= Score</b>
<b>Environmental Effects Indicators</b>	Cleanup Sites Groundwater Threats Hazardous Waste Impaired Water Bodies Solid Waste Sites and Facilities		Educational Attainment Linguistic Isolation Poverty Unemployment Rent-Adjusted Income	

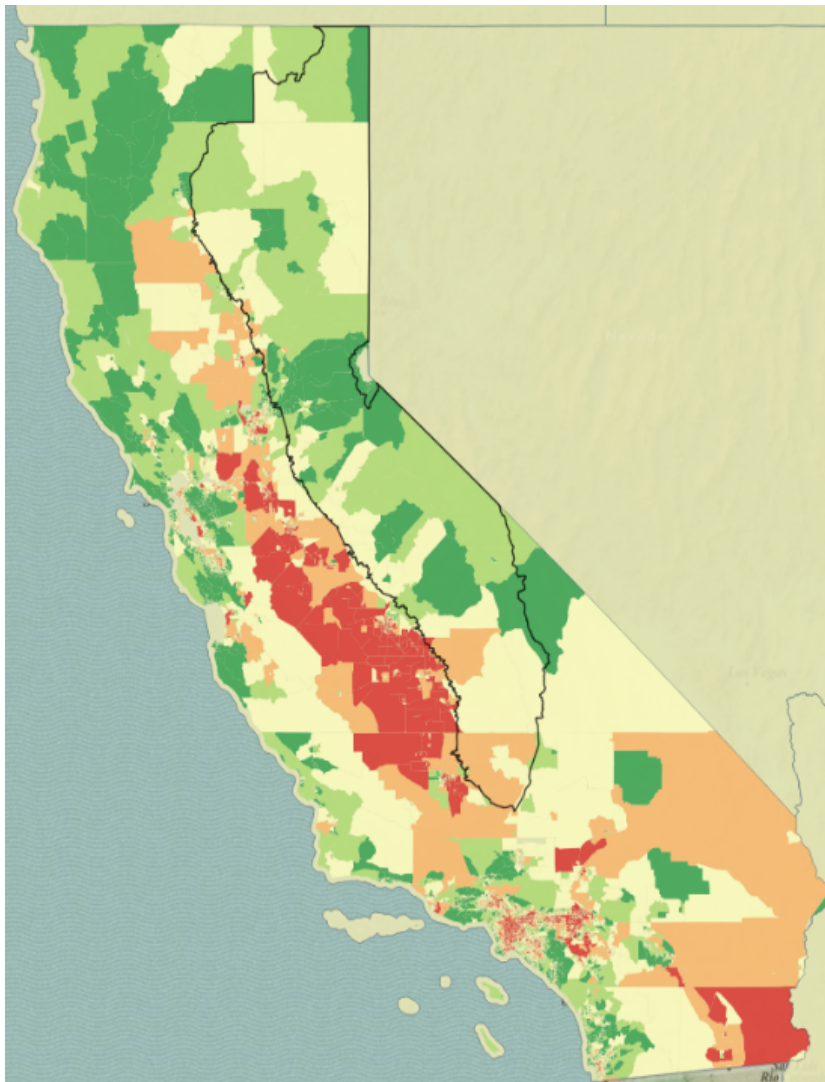
## Downsides of CalEnviroScreen

Due to the preponderance of urban-focused pollution criteria across all versions of the tool to date, the CalEnviroScreen methodology has consistently excluded most of rural California, including the entire Sierra Nevada-southern Cascade region, as evidenced by the map below. As a result, Sierra-Cascade communities are not eligible to apply for the minimum 25 % portion of GGRF funds mandated to support disadvantaged

communities, despite the fact that many communities in this region are indeed disadvantaged based on geographic isolation, low incomes, public health risks, lack of services, and other factors. In addition, GGRF administering agencies have the discretion to allocate more than the mandated minimum 25% for DACs, which leaves even less funding for non-DAC-eligible communities and residents living in the rest of the state. As of December 2015, for example, fully half of the \$912 million administered through GGRF benefitted just the areas shown in red on the map.<sup>iv</sup>

**A statewide program of this magnitude must be made to work in the context of California’s geographic, economic, and resource diversity**, including reaching other underserved areas that have the ability and desire to reduce greenhouse gas emissions through local action, as contemplated in the original AB 32.<sup>1</sup> Otherwise, we risk delaying much-needed progress on climate mitigation and adaptation in many rural and low-income communities and compromising the state’s ability to meet its aggressive climate goals in the coming decades.

### CalEnviroScreen Results across California



Communities in shades of red are considered the most disadvantaged, while green areas are least burdened.

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<sup>1</sup> SECTION 1(d) Assembly Bill 32 requires that public and private investment be directed toward the most disadvantaged communities in California to provide an opportunity for small businesses, schools, affordable housing associations, and other community institutions to participate in and benefit from statewide efforts to reduce greenhouse gas emissions. – SB 535 (2012)

## Other Issues with CalEnviroScreen

**#1 Census Tracts:** CalEnviroScreen uses U.S. Census Tracts to analyze DACs in California. This level of analysis can miss small and rural communities – that would otherwise qualify on their own – because they share Census Tracts with higher-income non-disadvantaged communities. For example, due to the sparse population, the Benton Paiute Indian Reservation with a Median Household Income (MHI) of \$26,000 per year, shares a Census Tract with six other communities whose average MHI is over \$78,000 yearly.<sup>vi</sup>

**#2 Defining Disadvantaged Communities vs. Low-Income Communities:** SB 535 requires California to identify and assist both “disadvantaged” and “low-income” communities. Both classifications receive equal concern, though the legislation does not specifically define either group. Instead, CalEnviroScreen analyses focus primarily on pollution characteristics over income characteristics to identify DACs and provide funding through GGRF. For example, poverty and unemployment rates are currently the only criteria measuring the impact of low-income communities. Consequently, SB 535 is achieving only half of its legislative intent.

**#3 Overemphasizing Pollution Burden:** CalEnviroScreen uses multiple pollution characteristics to approximate the pollution burden faced by communities. Many of these metrics do little to directly measure expected climate impacts that communities will face going forward or represent a relationship to climate impacts.

**#4 Inconsistent Measurement of Chosen Indicators:** Lack of monitoring infrastructure means the state does not fulfill its responsibility to consistently measure certain indicators used by CalEnviroScreen as they apply to rural areas, inadvertently skewing the tool’s results for those areas. For example, clean-up sites, abandoned mines, groundwater threats and hazardous wastes often go unreported or undiscovered in rural regions until a change in land use is requested. Many rural regions lack monitoring stations to measure Ozone and PM emissions. Low birth weight babies and asthma incidents also can go unnoticed because rural communities lack health care facilities with consistent statewide reporting requirements.

## Census Block Groups vs. Census Tracts

### U.S. Census Tract

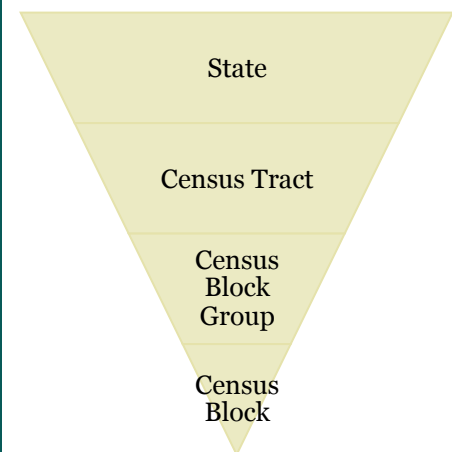
A Census Tract is a subdivision used by the U.S. Census Bureau to represent neighborhoods and create similar-sized groups of around 4,000 people.<sup>v</sup>

### U.S. Census Block Group

A Census Block Group is a smaller subset of Census Tracts containing between 600 and 3,000 people. This scale allows the U.S. Census Bureau to release demographic data without compromising personal privacy as would be possible with data on a smaller scale.<sup>5</sup>

### The Application

DAC methodologies tend to use the Census Tract level of analysis for their calculations due to the availability of information such as air quality metrics. However, narrower geographic focuses like Census Block Groups are important because they can identify smaller DACs who may be overshadowed when they share a Census Tract with other communities who are not disadvantaged.



## Possible Alternatives to CalEnviroScreen

**#1 Department of Water Resources Disadvantaged Communities:** The Department of Water Resources offers an alternative definition for DACs that considers the MHI of an area relative to the State Median Income. These calculations use information from the American Community Surveys, an ongoing effort from the U.S. Census Bureau used to provide more timely demographic information than the decennial U.S. Census. This tool more effectively identifies communities based on the resources they have available to work toward climate resilience.

The DWR methodology creates two different categories of DACs:

Disadvantaged Communities	Severely Disadvantaged Communities
MHI that is less than 80% of the Statewide Median Income.	MHI that is less than 60% of Statewide Median Income.
<b>80% of Statewide Median Income = \$49,191</b>	<b>60% of Statewide Median Income = \$36,893</b>

This simplified definition of DACs may better represent rural communities because it captures areas that are more likely to need resource assistance to meet state targets. For example, DWR-defined DACs cover 59% of the Sierra Nevada region, and nearly 23% of the region fits the classification of Severely Disadvantaged Communities. A similar pattern could exist across most of rural California that is currently left out of CalEnviroScreen’s more pollution-focused analysis.

**#2 Economically Distressed Areas Defined by Proposition 1:** Proposition 1 defines an Economically Distressed Area as a “municipality with a population of 20,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 20,000 persons or less, with an annual median household income that is less than 85 percent of the statewide median household income.”<sup>vii</sup>

These areas must also meet one of the following criteria as determined by the Department of Water Resources:

Economically Distressed Community	
85% Statewide Median Income = \$52,266	<p>Population &lt; 20,000 people</p> <p><b>OR</b></p> <p>A rural county</p> <p><b>OR</b></p> <p>A reasonably isolated segment of a municipality with fewer than 20,000 people</p>
+	<p>Financial hardship</p> <p><b>OR</b></p> <p>Unemployment &gt; 2% higher than the statewide average</p> <p><b>OR</b></p> <p>Low population density</p>

Parameters from this definition could be used to create a separate rural-directed fund or regional methodology to augment the use of CalEnviroScreen in more urbanized areas, resulting in a more equitable distribution of resources and related climate, community sustainability and public health benefits to underserved communities throughout the state. Unlike other methodologies that only consider economic factors, this definition covers other elements such as remoteness and population density to more accurately identify rural communities that most need assistance.

### #3 Health Disadvantage Index from the Public Health Alliance of Southern California:

The Health Disadvantage Index created a methodology to rank communities based on the social determinants of health as a way to identify DACs. This tool uses a variety of indicators across sectors, including economic resources, social resources, educational opportunity, health outcomes, environmental hazards, and the completeness of neighborhoods. <sup>viii</sup> Many of the indicators used in this definition could lead to a more holistic analysis and paint a realistic picture of the resources available in any community. Furthermore, specific indicators used by this methodology, including auto access, renter occupied housing, supermarket access or retail density, speak to challenges all communities face in helping populations of all income levels make changes which are more conducive to climate adaptation.

### #4 State Income Limits (SIL) for the California Department of Housing & Community Development (HCD):

Just as CalEPA uses CalEnviroScreen to identify DACs eligible for restricted GGRF funding, the California Department of Housing and Community Development uses State Income Limits (SIL)<sup>ix</sup> to determine applicant eligibility for housing assistance programs. The SIL metric incorporates median income, cost of living, and housing costs by county to determine the relative housing cost burden. An analysis like this could help address more of the income-related components of SB 535 that are not adequately handled by CalEnviroScreen.

## Conclusion

California's small and rural communities are crucial to meeting the state's aspirational GHG reduction and adaptation goals; but without resources, the ability of these communities to make change and meet statewide targets is compromised. These communities have not had the advantages of long-term capacity building, resulting in their inability to effectively compete for unrestricted planning and implementation funding. The Affordable Housing and Sustainable Communities (AHSC) program has taken steps to address this issue by creating a separate Rural Innovation Project Area funding category, which dedicates at least 10% of funding to other underserved portions of the state. Sierra CAMP strongly recommends using a regional approach of identification like this, rather than trying to make a single definition or tool such as CalEnviroScreen meet all needs. A statewide program of this magnitude must be made to work in the context of California's geographic, economic, and resource diversity.

*The Sierra Climate Adaptation and Mitigation Partnership ("Sierra CAMP") works to reduce the burden of climate impacts on communities and ecosystems throughout the Sierra Nevada region, and in the downstream urban communities that depend on those rural resources. Learn more at [sbcsierracamp.org](http://sbcsierracamp.org).*

Powered by:



<sup>i</sup> California Air Resources Board. (2014, August 5). *Assembly Bill 32 Overview*. Retrieved June 17, 2016, from <http://www.arb.ca.gov/cc/ab32/ab32.htm>

<sup>ii</sup> California Legislature. (n.d.). *SB-535 California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund*. Retrieved June 17, 2016, from [http://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201120120SB535](http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB535)

<sup>iii</sup> California Legislature. (n.d.). *SB-535 California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund*. Retrieved June 17, 2016, from [http://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201120120SB535](http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB535)

<sup>iv</sup> California Air Resources Board. (2016, June 17). *2030 Target Scoping Plan Update Concept Paper*. Retrieved June 27, 2016, from [http://www.arb.ca.gov/cc/scopingplan/document/2030\\_sp\\_concept\\_paper2016.pdf](http://www.arb.ca.gov/cc/scopingplan/document/2030_sp_concept_paper2016.pdf)

<sup>v</sup> U.S. Census Bureau. (2011, Oct. 31.) *Housing Patterns – Unit of Analysis*. Retrieved July 8, 2016, from [https://www.census.gov/hhes/www/housing/housing\\_patterns/unitofanalysis.html](https://www.census.gov/hhes/www/housing/housing_patterns/unitofanalysis.html)

<sup>vi</sup> U.S. Census Bureau. (2010-2014). Boston city, Massachusetts, B19013: Median Household Income in the Past 12 Months [Data]. *2014 American Community Survey 5-Year Estimates*. Retrieved August 5, 2016, from <http://factfinder2.census.gov>

<sup>vii</sup> California Department of Water Resources. (2016.) *Resources – Economically Distressed Area (EDA) Mapping Tool*. Retrieved September 26, 2016, from [http://www.water.ca.gov/irwm/grants/resources\\_eda.cfm](http://www.water.ca.gov/irwm/grants/resources_eda.cfm)

<sup>viii</sup> Public Health Alliance of Southern California. (n.d.) *Identifying Disadvantaged Communities – Comparison of the California Health Disadvantage Index with CalEnviroScreen*. Retrieved September 26, 2016 from <http://phasocal.org/wp-content/uploads/2016/02/HDI-V-CES-Factsheet-vertical.pdf>

<sup>ix</sup> California Department of Housing and Community Development. (2016, May 24). *Official State Income Limits for 2016*. Retrieved October 19, 2016, from <http://www.hcd.ca.gov/housing-policy-development/housing-resource-center/reports/state/incnote.html>



# AMPLIFYING THE IMPACT OF ADVOCACY

**MISSION:** The Sierra Consortium works to increase investment in the Sierra Nevada, leading to more effective resource management benefiting the environmental, social and economic well being of the region.

**WHO WE ARE:** The consortium is made up of Sierra land trust, water agency and local business interests, with the intent of broadening participation to include other regional stakeholders.

**OBJECTIVES:** Annual objectives are set by consortium participants at a strategy meeting held in the fall and are revisited during the year to assure relevancy.

- Increase support/funding for permanent natural resource protection, restoration and ongoing management through: acquisition, conservation easements and other tools; long-term management, including climate adaptation and mitigation; disaster resilience/emergency management; and regional equity by local state and federal agencies
- Increase coordination with partners and issue allies in support of mutual goals associated with Sierra Nevada issues, including conservation, climate, water, emergency management and equity organizations
- Create stronger connections with urban decision-makers whose constituents rely on rural resources
- Promote model projects that demonstrate the value of Sierra investment and conservation/management tools.

**WHY COORDINATED ADVOCACY?** The Sierra Nevada has been historically under-represented in legislative and agency discussions about allocation of state and federal funding for natural resource protection and management. Conservation organizations, business entities and water agencies have been and will continue to take a leading role in meeting California's need to more efficiently protect and manage natural resources and respond to climate change and the risk a changing climate creates. By coordinating, organizing and amplifying our voice in key areas, we intend to play a leading role in increasing investment in the Sierra Nevada region. To help our partner organizations overcome the obstacles to increasing investment in the region, Sierra Business Council (SBC) and participant organizations launched the consortium.

**STRUCTURE:** SBC contracts with a registered lobbyist who: shares information and guidance on policy and funding issues related to the consortium's objectives; identifies and arranges meetings for participants, as necessary, with members and staff of the Legislature, committees, agencies and the Administration; and represents the consortium's key issues in meetings, hearings and other communications.

SBC staffs the consortium, with support and input by participants. SBC serves as primary liaison with the registered lobbyist and manages meetings, internal and external communications, research, bill tracking, materials development, new participant recruitment, fundraising to maintain the contract with the registered lobbyist and support SBC's staffing services, and lobbyist contract oversight on behalf of the consortium participants.

**WHAT WE DO:** Through a consistent presence in Sacramento – via in-person meetings, testimony at hearings, and individual and group comment letters – the Sierra Consortium elevates Sierra/rural issues in the legislative and agency arenas, providing a strong voice for regional priorities and setting the stage for proactive engagement in subsequent sessions. This includes:

- Researching and informing participants about public policy issues and opportunities affecting key focus areas
- Coordinating action, such as comment letters, testimony, legislator and agency meetings, for consortium participants on key issues and opportunities
- Building productive relationships with issue allies who can support and help to achieve mutual goals
- Advocating with the Legislature and Administration to secure favorable policies and adequate funding amounts for Sierra projects in various vehicles, such as Proposition 1, GGRF, etc., as well as removing obstacles to Sierra project eligibility for and competitiveness within existing funding programs.

**KEY FOCUS AREAS:** Areas of focus include climate change adaptation and mitigation, land conservation, forest health, watershed health, rural community sustainability.

Contact Kerri Timmer, [ktimmer@sierrabusiness.org](mailto:ktimmer@sierrabusiness.org) or Diana Madson, [dmadson@sierrabusiness.org](mailto:dmadson@sierrabusiness.org), for more information.





# CONSORTIUM HIGHLIGHTS

2016-2017



## Elevating “The Sierra Voice”

After years of discussing the need for more focused Sierra representation in the legislative and agency decision-making processes, founding members of the Sierra Consortium (SC) came together in April 2016 to hire a contract lobbyist and work together on issues where common ground could be reached. An MOU governs how SC participants work together, and a separate Scope of Work outlines the key issues SC participants plan to address through legislative engagement, relationship-building with decision-makers, and stronger collaboration with issue allies working in the Sierra and beyond. Goals and objectives are set by the SC participants, while SBC, as project host, provides staffing and manages the Registered Lobbyist contract.

Thanks to a consistent presence in the Capitol – via in-person meetings, testimony at hearings, and individual and group comment letters – the Sierra Consortium successfully elevated Sierra/rural issues in the legislative and agency arenas, providing a strong voice for regional priorities and setting the stage for proactive engagement in subsequent sessions.

## LEGISLATION

Actions: identified, tracked, and provided comment on various bills affecting the Sierra-Cascade region in terms of policy, funding or other impacts.

- **SB100 (De Leon) California Renewables Portfolio Standard Program: emissions of greenhouse gases** – in progress; 2 year bill to be considered by legislature again in 2018.
- **AB18 (Garcia) California Clean Water, Climate, Coastal Protection, and Outdoor Access For All Act of 2018** – Key elements advocated for were merged into SB5. SC, via SBC and Houston Magnani, served as an expert witness on the parks bond at the author's request for a committee hearing in February 2017.
- **SB5 (De Leon) California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018** – Passed legislature; Approved by the Governor on 10/15/17 to appear on June 2018 ballot. If approved by the voters, this bill would authorize the issuance of bonds in an amount of \$3,832,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. Allocates:
  - Sierra Nevada Conservancy: \$30 million + \$25 million forest health/fire risk reduction
  - California Tahoe Conservancy: \$27 million
  - Wildlife Conservation Board Sierra-Cascade: \$60 million
  - Additional funds to other agencies for River Parkways, Non-Motorized River and Lake access, fire mitigation, Watershed Restoration, Sustainable Groundwater, Habitat Protection, Wildlife Corridors, Local/Regional Parks in rural areas, State Parks, Trails and Greenways, Soil Health, and Regional Conservation Investment Strategies.
- **SB50 (Allen) Federal public lands: conveyances.** Passed; the SC submitted comment letters on behalf of the federal lands in the Sierra affected by this legislation. This bill establishes, except as provided, a policy of the state to discourage conveyances of federal public lands in California from the federal government.

The bill specifies, except as provided, that these conveyances are void ab initio unless the commission was provided with the right of first refusal or the right to arrange for the transfer of the federal public land to another entity. The bill requires the commission to issue a certificate of compliance if the commission was provided with the right of first refusal or the right to arrange for the transfer of the federal public land to another entity.

- **SB 32 (Pavley) California Global Warming Solutions Act of 2006: emissions limit** – passed; the codification of the Governor’s Executive Order extending statewide GHG emission reduction goals to 2030 was critical to the future of various climate programs such as Cap-and-Trade and the Greenhouse Gas Reduction Fund (GGRF). Thanks to SC support of this bill, members were included free-of-charge in a full-page support ad in the Sacramento Bee, and SBC was able to attend the Governor’s Sept. 8 signing ceremony in Los Angeles, offering the opportunity to personally thank Senator Pavley and talk with other legislators about SC priorities.
- **Governor’s Budget:** Secured Cap-and-trade funding in the Governor's 2017-18 budget, especially allocation of GGRF funding to programs that will help the Sierra, including: Healthy Forests and Fire Assistance funding (\$200 million) to CalFIRE, Wetland Restoration funding (\$15 million) to the Dept. of Fish & Wildlife, Climate Adaptation funding (\$20 million) to the Wildlife Conservation Board, and Agricultural Incentives/Grants/Rebates for cleaner equipment (\$900 million).
- **AB 2480 (Bloom) Source watersheds: financing** – passed; codifies the importance of source watersheds to the state water system and supports investment in upper watersheds as natural infrastructure. The SC had strong concerns about this bill initially because it focused only on the five watersheds that supply the State Water Project, which would have set a dangerous precedent of excluding all the other Sierra watersheds that provide local and regional supply. Thanks to the work of the SC and others, Assemblymember Bloom and sponsor (Pacific Forest Trust) agreed to broaden the bill to include reference to all source watersheds. As a result, this bill elevates the understanding and recognition of ecosystem services provided by all forested watersheds of the Sierra and increases the potential for more investment to protect and enhance those resources and the communities that steward them.
- **AB 1550 (Gomez) GHG Investment Plan: disadvantaged communities** – passed; this bill, signed by the Governor on Sept. 14, requires that 10% of GGRF funds be used for projects benefiting low-income households in addition to the 25% that is already set aside for Disadvantaged Communities (DAC) as defined by the CalEnviroScreen (CES) tool. Not a single Sierra community falls within the CES DAC definition, so this bill’s precedent of establishing an additional income-based allocation will help justify the use of similar criteria in other state funding programs in the future.
- **AB 1613 (Committee on Budget) Budget Act of 2016** – passed; distributes \$900 million of existing discretionary GGRF funds; Sierra/mountain-rural funds total ~\$30 million (or 3.3%) for forest health and woodstove replacement programs.
- **AB 1923 (Wood) Bioenergy feed-in tariff** – passed; increases size of facility that is eligible to receive feed-in tariff from 3 mw to 5 mw, with conditions.
- **AB 2029 (Dahle) Timber harvesting plans: exemptions** – passed; extends existing THP exemption for certain projects to encourage forest management.
- **SB 1386 (Wolk) Resource conservation: working and natural lands** – passed; codifies protection and management of natural and working lands as a state policy for reducing GHG emissions, sequestering carbon and otherwise achieving the state’s GHG reduction goals.
- **SB 859 (Committee on Budget and Fiscal Review) Public resources: GHG emissions and biomass** – passed; outlines requirements for biomass, related to existing biomass facilities, and sets deadlines for

development of GHG baselines and GHG accounting protocols for these types of projects; uses both CES and income to define DACs.

## AGENCY PROCESSES

Actions Taken: researched, tracked, and provided input in writing and at public hearings and workshops on various state agency policies and programs to educate decision-makers and secure the most favorable outcomes possible for the region.

- **2030 Scoping Plan** – while SC comments were not directly addressed in the October 2017 draft update, revisions to the 2030 implementation plans are still being drafted and have the potential to address SC concerns. Requests made: Adopt a regional vs. statewide approach to reaching the state’s post-2020 greenhouse gas emissions reduction goals, support the increased use of small-scale woody biomass for forested rural communities, decouple low-income funding from CalEnviroScreen.
- **Forest Carbon Plan** – Final version not yet released. Requested the following: stronger guidance as to regional implementation strategies and funding, added detail for providing funding for forest/meadow restoration in rural parts of CA, funding for conservation should be administered through Conservancies where possible.
- **2017 Cap-and-Trade Auction Proceeds Draft Funding Guidelines** – still in progress; provided recommendations to prioritize climate adaptation, direct additional funds to California’s Natural and Working Lands, remove barriers to funding and engagement in rural areas, and improve transparency for GHG reduction quantification methodologies.
- **Proposed Short-Lived Climate Pollutant Strategy** – still in progress; provided recommendation to include wildfire emissions in GHG baseline and account for emission reduction and carbon storage benefits of forest management
- **Prop 1 DFW Grant Guidelines:** successfully achieved recommendation to include “protection” as a priority (to support acquisition) as well as restoration:

## OUTREACH

**Actions:** researched and produced policy memos, hosted informational webinars, and conducted in-person meetings with regional leaders, legislators, their staff, and other decision-makers to emphasize the Sierra-Cascade’s value to the rest of the state.

The SC started building relationships with legislators through engagement on specific bills and regional tours, and with state agency staff via participation in a variety of agency-sponsored initiatives, technical advisory groups and document review processes. The SC, primarily via SBC and Houston Magnani, has also been engaging with Valley and urban allies, such as the Association of Regional Collaboratives for Climate Adaptation (ARCCA), California State Association of Counties (CSAC), Institute for Local Government (ILG), Local Government Coalition (LGC), the Rural Smart Growth Task Force, Leadership Counsel, and others, resulting in a growing recognition among partners, legislators and agencies of the importance of the “urban-rural connection” and the need to improve urban resilience by investing in the rural areas where the resources originate.

- **Events & Meetings:**
  - Sierra in the Capitol Day

- SB 32 signing ceremony in L.A.
- Webinar – Climate Policy 101: Past, Present and Future
- Webinar – California Forest and Climate Policy: What it Means for Sierra
- Webinar – 2016 State Policy Landscape: How it Could Affect the Sierra
- **Published policy memos:**
  - Green Infrastructure and the Oroville Dam (September 2017)
  - Updated State of Cap and Trade Funding in the Sierra (May 2017)
  - California Cap-and-Trade Policy and Sierra Nevada Communities (April 2017)
  - What a New Parks Bond Could Mean for the Sierra (March 2017)
  - Disadvantaged Communities in the Sierra Nevada (October 2016)
  - Policy Recommendations for 2017 Update of Safeguarding California: Reducing Climate Risk (June 2016)
  - The State of Cap and Trade Funding in the Sierra (May 2016)

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## The Committee *for* Clean Water, Natural Resources & Parks

### SB 5 Bond Measure:

## Local Government & Smart Growth Communities

The Committee for Clean Water, Natural Resources, and Parks (CWNRP) members worked hard alongside state legislators to successfully pass SB 5, a bond measure that voters will decide in June 2018. If passed by voters, the measure would provide \$4 billion that would reduce local spending, lower disaster risk and associated costs, increase local and regional revenues, generate jobs, and foster thriving, sustainable communities.

- \$200 million to local governments on a per capita basis for local park rehabilitation, creation, and improvement grants
- \$725 million for the rehabilitation and creation of safe local parks in park-poor communities
- \$15 million to cities and districts with a population of 200,000 or less for parks and recreation grants
- \$30 million to counties and districts for competitive grants to rehabilitate, create or improve parks, trails & greenways
- \$40 million for local agencies that have approved local park revenue measures
- \$5 million for local agencies that operate a unit of the state park system to address aging infrastructure
- \$443 million for climate resiliency projects that improve a community's ability to adapt to the unavoidable impacts of climate change, improve and protect economies, and enhance drought tolerance, among other things.
- \$290 million for drought and groundwater investments to achieve regional water sustainability, including \$50 million for regional groundwater sustainability planning
- \$50 million for forest restoration & fire protection including hazardous fuel load reduction and management for wildfire and climate change, with at least 30% for urban forestry projects
- No less than \$25 million for the expansion of the urban forestry program to underserved local entities
- \$20 million to local community conservation corps to, among other things, rehabilitate or improve local parks and watersheds, and provide regional and community-level fuel load reduction
- \$100 million to protect communities against stormwater, mudslide, and other flash-flood-related incidents
- \$100 million for multibenefit projects that protect communities against flooding
- \$162 million for local government and other eligible entities for grants pursuant to the California River Parkways Act and the Urban Streams Restoration Program
- \$60 million for competitive grants to local agencies and other organizations to, among other things, restore natural, cultural, ethnic, and community resources, create visitor centers, and convert fossil fuel plants to green space, with \$20 million of this amount for multi-benefit "green infrastructure"
- \$30 million to public agencies and other eligible entities for lower cost coastal accommodation and project grants
- \$25 million for rural cities, counties, and districts for new recreational opportunities, tourism and economic vitality
- \$30 million for parks and parks facilities grants, including trails and regional sports complexes
- \$250 million for clean and safe drinking water, including regional supply projects
- \$80 million for treatment and remediation activities that prevent contamination of groundwater that is drinking water and enhance local water supply reliability
- \$100 million for grants or loans for water recycling and advanced treatment technology projects

**Thriving local communities for all.**

**Join CWNRP.**

CWNRP and its partners are waging a vigorous campaign to ensure that voters approve the SB 5 Bond Measure at the June 2018 ballot. We are building the coalition and encouraging local engagement, raising a collective voice, and providing a platform for support. Members include The California State Parks Foundation, The Trust for Public Land, Sempervirens Fund, California Park and Recreation Society, California Association of Local Conservation Corps, Community Nature Connection, Los Angeles Neighborhood Land Trust, Friends of the LA River, Rails-to-Trails, The Escondido Creek Conservancy, Sierra Business Council, East Bay Regional Park District, Bay Area Open Space Council, California Trout, California Council of Land Trusts, Endangered Habitats League, Sierra Nevada Journeys, American Farmland Trust, Placer Land Trust, and California Outdoor Recreation Partners.

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The Committee *for* Clean Water, Natural Resources & Parks

## SB 5 Bond Measure: Drought, Flood & Fire Protection

The Committee for Clean Water, Natural Resources, and Parks (CWNRP) members worked hard alongside state legislators to successfully pass SB 5, a bond measure that voters will decide in June 2018. If passed by voters, the SB 5 Bond Measure will provide state agencies:

- \$350 million for flood protection
- \$290 million for drought and groundwater investments to achieve regional water sustainability
- \$100 million for stormwater, mudslide, and other flash-flood protections
- \$100 million for urban flood protection projects
- \$50 million for forest restoration including hazardous fuel load reduction and management for wildfire and climate change, with at least 30 percent for urban forestry
- \$20 million for protection of coastal forests
- \$443 million for climate preparedness and habitat resiliency

**A safer, more resilient California for all.  
Join CWNRP.**

CWNRP and its partners are waging a vigorous campaign to ensure that voters approve the SB 5 Bond Measure at the June 2018 ballot. We are building the coalition and encouraging local engagement, raising a collective voice, and providing a platform for support.

Members include The California State Parks Foundation, The Trust for Public Land, Sempervirens Fund, California Park and Recreation Society, California Association of Local Conservation Corps, Community Nature Connection, Los Angeles Neighborhood Land Trust, Friends of the LA River, Rails-to-Trails, The Escondido Creek Conservancy, Sierra Business Council, East Bay Regional Park District, Bay Area Open Space Council, California Trout, California Council of Land Trusts, Endangered Habitats League, Sierra Nevada Journeys, American Farmland Trust, Placer Land Trust, and California Outdoor Recreation Partners

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## The Committee *for* Clean Water, Natural Resources & Parks

# SB 5 Bond Measure: Recreation, Tourism & Business

The Committee for Clean Water, Natural Resources, and Parks (CWNRP) members worked hard alongside state legislators to successfully pass SB 5, a bond measure that voters will decide in June 2018. If passed by voters, the SB 5 Bond Measure will provide to state agencies:

- \$4 billion total in natural resources investments that support California's \$87 billion outdoor recreation and tourism industry
- \$60 million for projects that enhance recreation, tourism, and investments, including nonprofit visitor centers, aquariums and science centers
- \$30 million for lower cost coastal accommodations grants to public agencies and nonprofit organizations, and \$30 million for lower cost coastal accommodations in state parks
- \$25 million for new recreational opportunities, tourism and economic vitality in rural communities
- \$443 million for climate adaptation and resiliency projects, including projects that improve and protect coastal and rural economies and develop future recreational opportunities
- \$30 million for parks and parks facilities grants, including regional sports complexes
- \$3 million for projects that support a Russian River regional use plan that promotes cooperative public recreation and commercial activity alongside restoration and protection
- \$5 million for improvements in and around Clear Lake that provide restoration and public recreation
- \$18 million for wildlife conservation grants, including provision of hunting and other wildlife-dependent recreational opportunities to the public through voluntary agreement with private landowners

**A thriving California for all.  
Join CWNRP.**

CWNRP and its partners are waging a vigorous campaign to ensure that voters approve the SB 5 Bond Measure at the June 2018 ballot. We are building the coalition and encouraging local engagement, raising a collective voice, and providing a platform for support. Members include California Outdoor Recreation Partners, Sierra Business Council, The California State Parks Foundation, The Trust for Public Land, Sempervirens Fund, California Park and Recreation Society, California Association of Local Conservation Corps, Community Nature Connection, Los Angeles Neighborhood Land Trust, Friends of the LA River, Rails-to-Trails, The Escondido Creek Conservancy, East Bay Regional Park District, Bay Area Open Space Council, California Trout, California Council of Land Trusts, Endangered Habitats League, Sierra Nevada Journeys, American Farmland Trust, and Placer Land Trust.

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## Rural County Benefits

### November 2018 Water Supply and Water Quality Bond Act

#### Fire prevention and recovery

The bond act provides more funds for fire prevention and recovery than any other previous state measure. All the following provisions fund fire-related activities. \$100 million for fire recovery and mitigation was included in the bond at the recommendation of RCRC. As appropriate, funds may be spent on fire recovery and fuel reduction on federal lands.

All funds allocated to watershed management agencies can be spent on fire prevention and recovery:

**86080.** The sum of two billion three hundred fifty-five million dollars (\$2,355,000,000) is appropriated from the Fund to protect, restore and improve the health of watershed lands, including forest lands (including oaks, redwoods and sequoias), meadows, wetlands, chaparral, riparian habitat and other watershed lands, including lands owned by the United States, in order to protect and improve water supply and water quality, improve forest health, **reduce fire danger consistent with the best available science, mitigate the effects of wildfires on water quality and supply**, increase flood protection, remediate aquifers, or to protect or restore riparian or aquatic resources. No grants made pursuant to this section shall be for reservoir maintenance or sediment removal from a reservoir or upstream of a reservoir, except as necessary for field research required pursuant to subdivision (a).

(a) Two hundred million dollars (\$200,000,000) to the Sierra Nevada Conservancy for the protection, restoration and improvement of Sierra Nevada watersheds, pursuant to Division 23.3 (commencing with Section 33300) of the Public Resources Code and including the purposes outlined in Section 33320 of the Public Resources Code. Funds shall also be spent for the implementation and to further the goals and purposes of the Sierra Nevada Watershed Improvement Program. Projects eligible for funding under the Sierra Nevada Watershed Improvement Program may include research and monitoring to measure the impact of forest restoration work on water supply, climate and other benefits, including long-term air quality, water quality and quantity, greenhouse gas emissions, carbon storage, habitat, recreational uses, and community vitality. Projects funded under the Sierra Nevada watershed Improvement Program shall be based on the best available science regarding forest restoration and must be undertaken to improve water supply and quality, protect and restore ecological values and to **promote forest conditions that are more resilient to wildfire**, climate change, and other disturbances. **The Sierra Nevada Conservancy may make grants to federal agencies if it determines such grants are the most efficient way to implement the intent of this division on federally managed lands.**

**(x) (1)** The sum of fifty million dollars (\$50,000,000) is appropriated from the Fund to the Sierra Nevada Conservancy for the purpose of awarding grants within the jurisdiction of the Conservancy to eligible entities as defined in subdivision (a) of Section 86166 for the purpose of reducing the threat of wildfires which would negatively impact watershed health. Projects may be for the purpose of hazardous fuel reduction, postfire watershed rehabilitation, forest management practices that



**promote forest resilience to severe wildfire, climate change, and other disturbances, and development of local plans to reduce the risk of wildfires that could adversely affect watershed health. Preference shall be given to grants which include matching funds, but this preference may be reduced or eliminated for grants which benefit disadvantaged communities or economically distressed areas.**

**(2) The sum of fifty million dollars (\$50,000,000) is appropriated from the Fund to the Department of Forestry and Fire Protection for the purpose of awarding grants in areas outside the jurisdiction of the Sierra Nevada Conservancy to eligible entities as defined in subdivision (a) of Section 86166 for the purpose of reducing the threat of wildfires which would negatively impact watershed health. Projects may be for the purpose of hazardous fuel reduction, postfire watershed rehabilitation and restoration, forest management practices that promote forest resilience to severe wildfire, climate change, and other disturbances, and development of local plans to reduce the risk of wildfires that could adversely affect watershed health. Preference shall be given to grants which include matching funds, but this preference may be reduced or eliminated for grants which benefit disadvantaged communities or economically distressed areas.**

86084. (b) (1) Funds appropriated pursuant to this chapter may be used for protection and restoration of forests, meadows, wetlands, riparian habitat, coastal resources, and near-shore ocean habitat; to acquire land and easements to protect these resources and avoid development that may reduce watershed health, and to take other measures that protect or improve the quality or quantity of water supplies downstream from projects funded in whole or in part by this chapter. **Forest restoration projects, including but not limited to hazardous fuel reduction, post-fire watershed rehabilitation,** and forest management and tree planting using appropriate native plants shall be based on the best available science regarding forest restoration and must be undertaken to protect and restore ecological values and to promote forest conditions that are more resilient to wildfire, climate change, and other disturbances.

**(2) Fuel hazard reduction activities on United States Forest Service lands in the Sierra Nevada and similar forest types shall be generally consistent with objectives of the Sierra Nevada Watershed Improvement Program and the best available science, including United States Forest Service General Technical Report 220 as it may be updated.**

Central Valley Fish Advisory Committee recommends expenditure of \$400 million for fisheries restoration projects. Section 86106(f)(1)(C) states:

(C) In proposing projects, the committee shall take into account the entire life cycle of the fish species to be benefitted, and shall consider the interaction of the effects of each project within a river basin with projects in other river basins. **The committee shall also consider adverse impacts resulting from poor watershed health, including severe wildfire and extensive tree mortality.**

**86178.** Agencies implementing this division shall give special consideration to projects that employ new or innovative technology or practices, including decision support tools that support the integration of multiple strategies and jurisdictions, including, but not limited to, water supply, **wildfire reduction,** habitat improvement, invasive weed control, flood control, land use, and sanitation.

## **Safe Drinking Water and Wastewater Treatment \$750 million**

Many rural communities lack funds to develop safe drinking water and safe methods of disposing of wastewater. The water bond includes \$500 million for safe drinking water systems and \$250 million for wastewater disposal systems.

### **Economically distressed areas**

At the request of RCRC, many programs in the bond act give high priority to grants to benefit economically distressed areas (EDAs), as well as disadvantaged communities. Matching fund requirements are waived for economically distressed areas

**86010.** (a) For the purposes of awarding funding pursuant to this chapter, a local cost share of not less than 50 percent (50%) of the total costs of the project shall be required. The cost-sharing requirement may be waived or reduced for projects that directly benefit a disadvantaged community or an economically distressed area.

**86083 .** In making grants pursuant to this chapter, agencies shall give high priority to applications that include cost sharing, and to grants that benefit disadvantaged communities and economically distressed areas whether or not they include cost sharing.

**86151(c)** Any agency providing funds pursuant to this division to disadvantaged communities or economically distressed areas may provide funding to assist these communities in applying for that funding, including technical and grant writing assistance. These funds may be provided to nonprofit organizations and local public agencies assisting these communities.

Technology assistance is provided free for wastewater recycling and desalination projects in EDAs.

Economically distressed areas get high priority in the following grant programs:

Desalination  
Water Conservation  
Central Valley Flood Protection  
Groundwater management and SGMA implementation

**86163(b)** In the appropriation and expenditure of funding authorized by this division, priority will be given to projects that leverage private, federal, or local funding or produce the greatest public benefit. All state agencies receiving funds pursuant to this division shall seek to leverage the funds to the greatest extent possible, but agencies shall take into account the limited ability to cost share by small public agencies, and by agencies seeking to benefit disadvantaged communities and economically distressed areas.

### **Reduced cost sharing by small communities**

**86155.** (a) Notwithstanding any other provision of this division, a local public agency with a population

of less than 100,000 and a median household income of less than one hundred percent (100%) of the state average household income shall be required to provide matching funds of no more than thirty-five percent (35%) for a grant for a project entirely within their jurisdiction. State agencies making grants to these local public agencies may provide funding in advance of construction of portions of the project, if the state agency determines that requiring the local public agency to wait for payment until the project is completed would make the project infeasible.

(b) Nothing in this section prohibits a state agency from making a grant to a disadvantaged community or economically distressed area that does not require cost sharing.

### **Property tax payments preference**

**86179.4.** In awarding grants for land acquisition, the Wildlife Conservation Board shall give preference to organizations that voluntarily pay property taxes.

**Central Valley Flood Plan Implementation \$150 million**

**Lake Tahoe Stormwater Management \$40 million**

**Integrated Regional Water Management Coordination \$5 million**

**Grants to Resource Conservation Districts and agricultural land protection \$60 million**

Resource Conservation Districts are eligible to compete for all other funds in the bond act.

**Salton Sea recovery and dust prevention \$200 million**

**Weed reduction and other land treatment for water conservation: \$100 million**

**Groundwater: Sustainable Groundwater Management Act Implementation: \$640 million**

**Repair of Oroville Dam \$200 million**

**Removal of sediment below Oroville Dam: \$21 million**

**Butte County emergency communications equipment \$1 million**



R18-\_\_

**A RESOLUTION OF THE MONO COUNTY  
BOARD OF SUPERVISORS IN SUPPORT OF THE  
CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE,  
COASTAL PROTECTION AND OUTDOOR  
ACCESS FOR ALL ACT OF 2018 TITLED FOR  
PURPOSES OF THE JUNE 2018 ELECTION AS PROPOSITION 68  
THE PARKS, ENVIRONMENT AND WATER BOND OF 2018**

**Whereas**, the Legislature adopted and the Governor signed SB 5, a \$4 Billion General Obligation Bond entitled the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 to be placed on the June 2018 ballot as Proposition 68, the Parks Environment and Water Bond of 2018;

**Whereas**, SB 5 represents the first legislatively authorized debt instrument for parks, resources and environmental improvements since 2002;

**Whereas**, investments in California's urban, suburban and rural park and resources-related landscapes promote the notion of community and provide health, environmental and aesthetic benefits;

**Whereas**, California Outdoor economy is a \$92 Billion economic driver, partly responsible for the continued health and growth of many of California's local economies;

**Whereas**, SB 5 contains \$215 Million in Per Capita funding to assist all of California's communities in underwriting priority park-related improvements;

**Whereas**, an additional \$40 Million shall be available in block grant awards for communities that self-tax for park related improvements;

**Whereas**, SB 5 invests \$55 million directly in achieving the program of the Sierra Nevada Conservancy;

**Whereas**, SB 5 invests \$27 million directly in achieving the program of the California Tahoe Conservancy;

**Whereas**, SB 5 invests \$95million in wildfire mitigation through the Wildlife Conservation Board and CalFire, with a substantial portion of that funding available in the Sierra Nevada;

**Whereas**, SB 5expends \$200 Million on California's State Park system, addressing a greater than \$1 Billion backlog in deferred maintenance, which will translate into greater tourism and visitorship opportunities in adjacent communities;

1           **Whereas**, SB 5 invests \$30 Million in trail network improvements promoting non-  
2 motorized recreational and commuter opportunities throughout the state;

3           **Whereas**, SB 5 recognizing the importance of California’s rural spaces and invests \$25  
4 Million through a competitive grant program to improve and enhance rural park infrastructure;

5           **Whereas**, SB 5 expends hundreds of millions on other important investments in  
6 resource-related infrastructure including California’s rivers, coast, and other waterways, the  
7 state’s mountainous settings such as the Sierra and wildlife and fish-dependent habitats;

8           **Whereas**, SB 5 invests heavily in combatting global warming through investments in  
9 urban greening projects, promoting healthy forests and carbon farming applications;

10           **Whereas**, SB 5 underwrites investments in improving local water systems, promoting  
11 access to safe drinking water in some of California’s most economically challenged  
12 communities;

13           **Whereas**, SB 5 commits to a robust investment in groundwater improvements and  
14 sustainability to diversify water sources and recharge groundwater tables;

15           **Whereas**, SB 5 underwrites improvements in the state flood management systems,  
16 armoring against calamities that beset the state in the Oroville area and elsewhere;

17           **Whereas**, the California Constitution requires that general obligation bond issues of  
18 \$300,000 or more be referred to voters for approval or rejection;

19           **Whereas**, SB 5 has been referred to the Secretary of State for inclusion on the June 2018  
20 ballot as “Proposition 68: The Parks, Environment and Water Bond of 2018”;

21           **NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF**  
22 **MONO RESOLVES** that the County of Mono does hereby support SB 5, the California  
23 Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018,  
24 titled for purposes of the June 5, 2018, election as Proposition 68, The Parks, Environment and  
25 Water Bond of 2018.

26           **PASSED, APPROVED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018,  
27 by the following vote, to wit:

28 **AYES:**

29 **NOES:**

30 **ABSENT:**

31 **ABSTAIN:**

32  
\_\_\_\_\_  
Bob Gardner, Chair  
Mono County Board of Supervisors

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ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
County Counsel

# Investing in a Resilient Eastern Sierra



**Steve Frisch, President**  
**Nikki Caravelli, Project Manager**

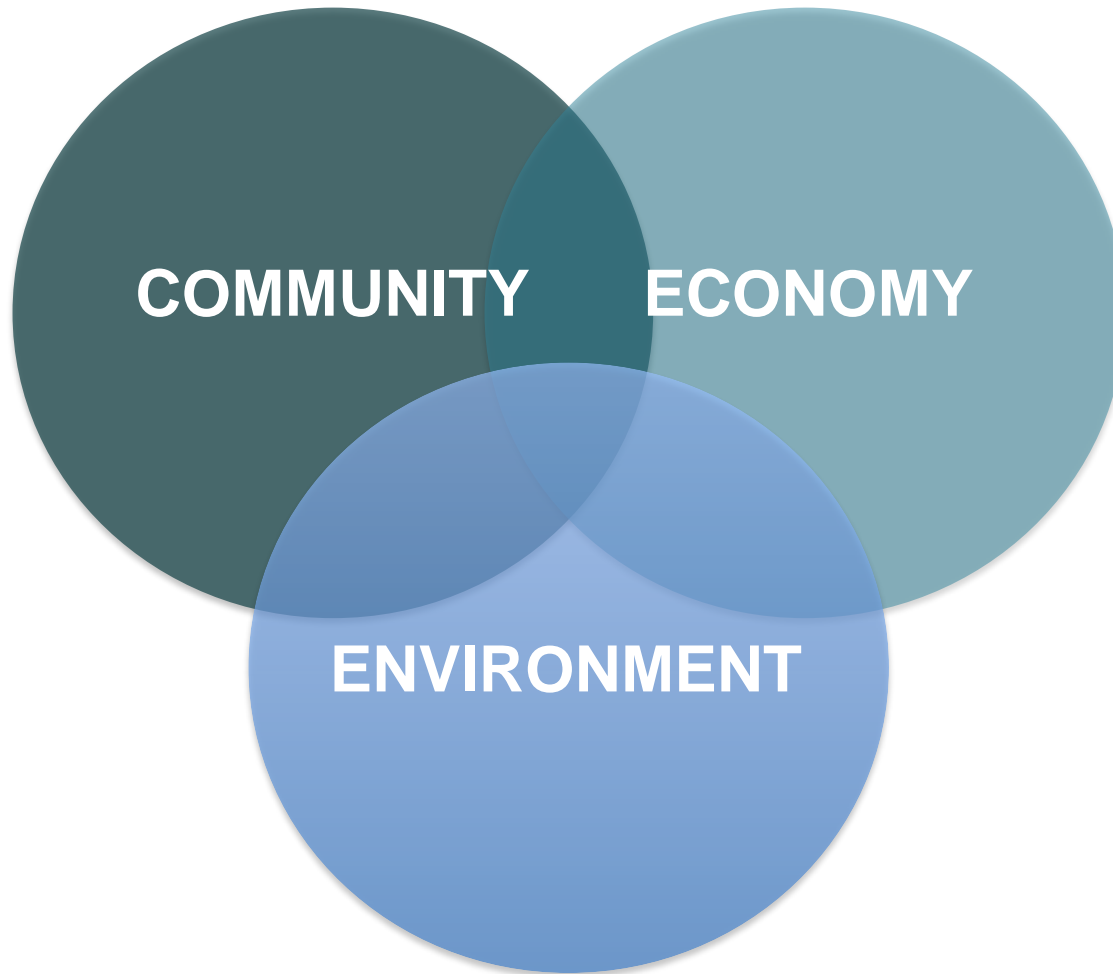


# Agenda

1. Sierra Business Council
2. Sierra CAMP (The Sierra Climate Adaptation and Mitigation Partnership)
3. The Sierra Consortium
4. 2018 California Parks and Water Bonds



# Sierra Business Council



# Our Mission



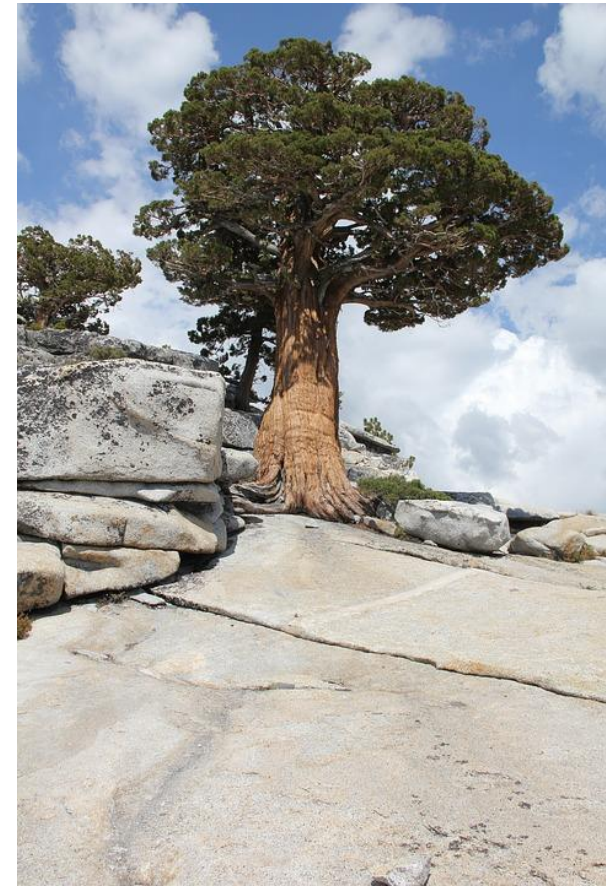
# What does SBC do?

- Small Business Development Center
- Energy Action Plans for local government
- Sierra Nevada Energy Watch Program
- Sierra Nevada Geotourism
- Government Affairs
- ...and more!

# Government Affairs

Advancing state recognition of the value of the Sierra Nevada and advocating for investments in the region to support triple bottom line initiatives such as:

- conservation
- economic development
- Resilience and climate action
- sustainable community strategies

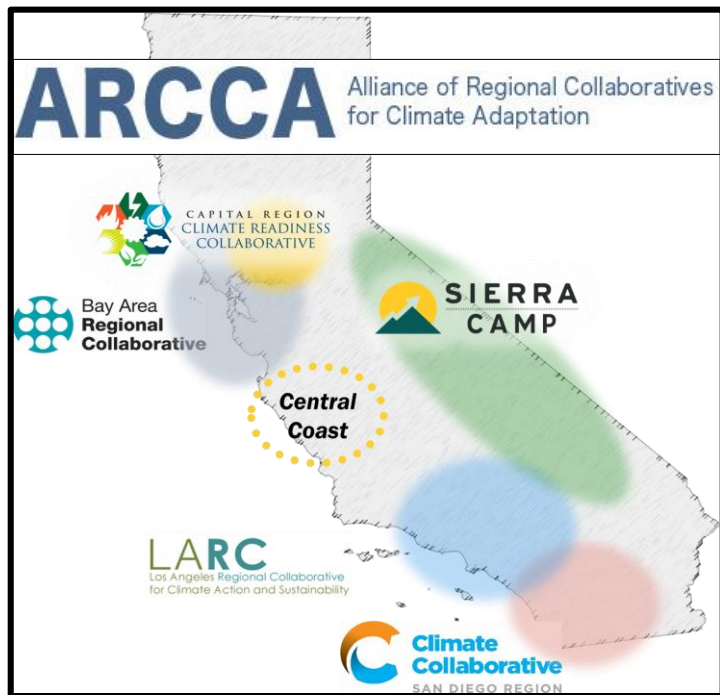


# Sierra Climate Adaptation & Mitigation Partnership

A partnership of Sierra organizations, businesses & local governments promoting climate adaptation & mitigation strategies across the Sierra.

What we do:

1. Inform, empower & mobilize Sierra leaders on California climate policy
2. Build understanding, support and investment from urban California
3. Support and initiate on-the-ground demonstration projects



*Sierra CAMP activates our region on climate change.*



Rosemarie Smallcombe,  
Mariposa County  
Supervisor

Scott Warner,  
Hydrogeologist



Susi Lippuner,  
Community  
Member



Karen Ferrell-  
Ingram, Land  
Conservation  
Specialist



Garry Bowen, Tahoe  
Future Forum



Kelly Cruce, Spatial  
Informatics Group  
and Georgetown  
Climate Center



SIERRA NEVADA ALLIANCE



# Funding & Policy

Fact Sheet: State of Cap-and-Trade Funding in the Sierra

White Paper: Policy Recommendations for 2017 Update of *Safeguarding California: Reducing Climate Risk*



Priority
Integrated Watershed Investment
Forest Restoration
Regional Economic Development
Preparedness and Public Health
Structural Recommendations

<http://www.sbcsierracamp.org/analysis/>

# Sierra Consortium

A coalition of Sierra land trust, water agency and local business interests, working to increase investment in the Sierra Nevada, leading to more effective resource management benefiting the environmental, social and economic well-being of the region.

## Objectives:

- Increase support/funding for permanent natural resources through lobbying and direct advocacy.
- Increase coordination with partners and issue allies in support of Sierra Nevada issues.



*Sierra Consortium gets our region a seat at the table.*



# 2018 Parks & Water Bonds

\$492 million in direct funding for the Sierra Nevada

## SB 5 – June 2018

- \$4 Billion Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act
- \$142 million specified for the Sierra for forest restoration, watershed health and conservation.

## Water Bond – Nov. 2018

- \$8.877 Billion Citizen's Initiative - Water Supply and Water Quality Bond Act
- \$350 million specified for the Sierra for watershed restoration and water supply improvements

The combined funding from both bonds for the Sierra is **5.5x** what the region got from Prop 84 and **12x** what the region got from Prop 1. Not only is the immediate ROI **more than ever before**, but if we are successful, these amounts now become the new "**baseline**" for **future funding** to the region.

# A seat at the table for a resilient Eastern Sierra.

1. **Join Sierra CAMP** for the latest in policy information, funding, and opportunities for regional resilience.
2. **Join the Sierra Consortium** as a voice for the Sierra Nevada in statewide matters.
3. **Endorse SB5** as the largest expenditure ever included in a state resource bond measure for our region.



# Questions?

**Steve Frisch**

President

[sfrisch@sierrabusiness.org](mailto:sfrisch@sierrabusiness.org) | [sierrabusiness.org](http://sierrabusiness.org)

**Nikki Caravelli**

Sierra CAMP Project Manager

[ncaravelli@sierrabusiness.org](mailto:ncaravelli@sierrabusiness.org) | [sbcsierracamp.org](http://sbcsierracamp.org)





**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** February 13, 2018

**Departments: CAO**

<b>TIME REQUIRED</b>	50 minutes (10 minute presentation, 40 minute comments)	<b>PERSONS APPEARING BEFORE THE BOARD</b>	Tony Dublino
<b>SUBJECT</b>	Conway Ranch Grazing Proposals		

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Presentation by Tony Dublino regarding cattle grazing proposals for Conway Ranch.

**RECOMMENDED ACTION:**

Receive information on cattle grazing proposals received; provide direction to staff, as outlined in staff report, regarding identification of the preferred proposal and environmental review.

**FISCAL IMPACT:**

None.

**CONTACT NAME:** Tony Dublino

**PHONE/EMAIL:** 760.932.5415 / tdublino@mono.ca.gov

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<input type="checkbox"/> <a href="#">Staff Report</a>
<input type="checkbox"/> <a href="#">Proposal #1</a>
<input type="checkbox"/> <a href="#">Proposal #2</a>
<input type="checkbox"/> <a href="#">Proposal #3</a>

**History**

Time	Who	Approval
2/9/2018 6:02 AM	County Administrative Office	Yes

2/9/2018 10:39 AM

County Counsel

Yes

2/9/2018 9:28 AM

Finance

Yes



# County of Mono

## County Administrative Office

**Leslie L. Chapman**  
County Administrative Officer

**Tony Dublino**  
Assistant County Administrative Officer

**Dave Butters**  
Human Resources Director

**Jay Sloane**  
Risk Manager

**Date:** February 13, 2018  
**To:** Honorable Board of Supervisors  
**From:** Tony Dublino, Assistant CAO / Interim Public Works Director  
**Subject:** Cattle Grazing on Conway and Mattly Ranch – Interim Step

### **Recommended Actions:**

#### ***Relating to the Proposals received:***

Option a1. Reject all proposals and draft a lease document with Grazing Management Plan (GMP) based on the identified best management practices. Issue Request for Proposals in response to the established GMP and lease terms.

Option a2. Distribute an addendum to the October 2017 RFP with drafted lease document and GMP, and allow respondents to revise their proposals in response, and re-evaluate proposals.

Option a3. Reject all proposals and do nothing at this time.

#### ***Relating to CEQA (upon identifying a preferred proposal):***

Option b1. Enter into an 'Agreement for the Provision of Project Evaluation, Environmental Review and Processing Services' with the proposer requiring the proposer to pay all costs associated with environmental review and defend, indemnify and hold the County harmless from any challenges related to that review, and initiate CEQA process on the proposal.

Option b2. Conduct CEQA with County funds, but require defense, indemnification and hold harmless by the selected proposer.

Option b3. Conduct CEQA with County funds, without defense, indemnification or hold harmless by the selected provider.

### **Fiscal Impact:**

Depends on selected alternative. CEQA preparation costs estimated at \$10,000 (not currently budgeted). Lease revenue anticipated to be less than \$10,000 per year.

### **Discussion:**

#### ***Background, Update***

On October 3, 2017, the Board directed staff to distribute a conservation-minded Request for Proposals for

cattle grazing activities on Conway Ranch. The RFP was issued, and the 3 proposals were received in response.

During the October meeting, the Board directed staff to engage with the wildlife agencies in our review of the grazing proposals to obtain a sense of potential environmental impact, and to return to the Board with an 'interim step' before bringing a lease and CEQA document for approval. Today is that interim step.

After reviewing the proposals internally, the proposals were distributed to agency personnel for their review and input to inform the ranking process. A meeting among County staff and representatives of the Bureau of Land Management, California Department of Fish and Wildlife, US Department of Fish and Wildlife, and Eastern Sierra Land Trust was held on January 24<sup>th</sup>, 2018.

During the meeting, various aspects of the proposals were discussed and agency staff was queried as to their opinions on the various approaches proposed by the different operators.

Among the topics were:

- Appropriate Animal Unit Months (AUMs)
- Appropriate On/Off dates (grazing season)
- External fencing, including Caltrans US 395 fence
- Internal fencing for pasture rotation
- Exclusion of riparian corridors
- Potential Impacts to Bighorn Sheep
- Potential Impacts to Mule Deer Migration
- Potential Impacts to Bi-State Sage Grouse
- Sheep Grazing versus Cattle grazing in regards to botanical species
- Need for adaptive Grazing Management Plans
- Need for off-channel watering system
- Grazing and Recreation Use

The 3 Proposals received were largely consistent with the discussion of best management practices on the points above. Based on input from the agencies, however, it appears that minor modifications to each of the Proposals could reduce the potential for environmental impacts. Staff is recommending the inclusion of those modifications through the drafting of a specific lease and GMP for the consideration of the respondents.

### ***Proposed Grazing Lease***

Staff is recommending a draft 10-year lease with a detailed Grazing Management Plan that would include, (but would not be limited to) the following conditions and limitations:

1. Adaptive management requirements, with established monitoring and corrective actions.
2. Specific On/Off Dates and AUMs would be set annually, based on influence of dry/wet years.
3. Animal Units would be 150 upon initiation, subject to adjustment based on monitoring and review.
4. Exterior lease area fence (along US 395) would meet Caltrans standard, with wildlife-friendly smooth-strand bottom.
5. Exterior lease area fences (not along US 395) would be 2-strand electric (white/black poly or other visual marker) and laid down when not in use.
6. Interior fences would be single strand electric (white/black poly or other visual marker) and laid down when not in use.



7. Off-Channel Watering systems would be installed (approximately 2,700 gallons per day).
8. Perimeter meadow 'fringe areas' would not be grazed in Spring to accommodate sage grouse brood rearing.
9. Certain areas of willow habitat would be excluded through internal fencing to avoid over-grazing of willows during the Fall.

**CEQA Approach, Cost and Liability**

Once a lease and Grazing Management Plan is drafted, CEQA analysis can begin. An Initial Study will be performed, and additional studies may need to be commissioned (to the extent data and/or research is not available). There will be a cost associated with this effort.

The RFP that was distributed included language about how CEQA would be conducted. In short, it said that CEQA would be conducted on the preferred proposal, and the Board would ultimately determine whether the cost of CEQA would be borne by the applicant, or the County.

Since there appears to be a benefit to requesting supplementation to each of the 3 proposals, there is an opportunity to make that determination now and inform the proposers.

Because the cost of the CEQA work was not include in the FY 17/18 Budget for Conway, staff is seeking Board direction on which approach to take in regard to CEQA.

If you have any questions regarding this item, please contact me at (760) 932-5415.

Respectfully submitted,



Tony Dublino  
Assistant CAO / Interim Public Works Director

## **Conway-Mattly Ranch Grazing Lease Proposal for Flying M Cattle Incorporated**

Flying M Cattle Incorporated (FMC) is pleased to submit the following Grazing Lease Proposal for the Conway-Mattly Ranch (CMR). This proposal is completed by the owners of FMC with the assistance of Bishop Area NRCS Professional Rangeland Management/Senior Ecology staff in addition to Rangeland Consultant Janice Hunter. Please see Experience and Operations, Biography, and Qualifications for participants below. We look forward to further discussion regarding this Grazing Proposal.

### **General Management**

FMC views the CMR grazing operation proposal as an excellent opportunity to demonstrate the positive impacts and resource benefits of proper grazing management. A cooperative public information/education program will be developed for the property, enabling full understanding and appreciation of the grazing practices implemented on the site.

FMC will pursue grant funding for perimeter fence/cattle guard installation, portable water source equipment, and electric fencing equipment. Potential funding could come from the Regional Conservation Partnership Program (RCPP), Sage Grouse Initiative (SGI), Environmental Quality Incentive Program (EQIP), other USDA programs and other government and non-government sources.

In the event the process is not finalized and grazing does not occur in 2018, FMC requests and recommends pre-irrigation of the CMR parcels. This would facilitate familiarization with the irrigation infrastructure as well as completion of necessary maintenance and repair. In addition, pre-watering of irrigation dependant meadow areas would result in improved vegetation vigor, species composition, condition and forage production, resulting in enhanced habitat and increased biodiversity.

We recommend pre-graze monitoring and evaluation by a qualified representative and the Eastern Sierra Land Trust of habitat and vegetative conditions. FMC management plan will incorporate a conservative approach in the initial years of the grazing lease in terms of stocking rate and season of use. Adaptive management in subsequent grazing seasons will respond to grazing results and effects evaluated through monitoring. It is proposed and expected that stocking rate and season of use will increase to appropriate levels with experience and evaluation on the Conway-Mattly Ranch lease. The FMC management plan will be cooperatively developed by the lessee, NRCS (Minden), ESLT, Mono County., and consultants.

Until the aquaculture operation becomes functional, FMC recommends the future option to include Bowl Meadow in the cell graze rotation. Livestock access points could include the western driveway near Trophy pond, as well as an alternative crossing along the eastern property boundary, within the sagebrush vegetation type. Animals could access the area by crossing Wilson Creek and irrigation ditches on wood plank bridges constructed and placed for that purpose. Irrigation and drainage from Bowl Meadow would be consistent with previous practices during the period the Aquaculture program was in place.

## **FMC would like to propose two payment options.**

Option 1 – Private funded start-up and infrastructure costs: FMC proposes a non-payment or minimal payment arrangement, until such time as a proposed grazing fee of \$15.00/AUM would accrue and match the initial start up and investment costs associated with establishment of the CMR grazing operation. At that point in time, FMC recommends a grazing fee of up to \$15.00/AUM.

Following two years of successful operation on the CMR Grazing Lease, a re-evaluation of the economic viability of the grazing operation would occur which would inform a possible recommended adjustment to the grazing fee.

Option 2 – Grant funded infrastructure costs: FMC proposes a grazing fee up to \$15.00/AUM.

Following two years of successful operation on the CMR Grazing Lease, a re-evaluation of the economic viability of the grazing operation would occur which would inform a possible recommended adjustment to the grazing fee. These options will assure the operation of a better return on investment.

See statement of financial good standing (Exhibit B).

## **Lessee Shall Demonstrate**

### **1) A high acceptance of and appreciation for native wildlife species on cattle ranches**

The ranch operation includes areas supporting Bighorn sheep in the Round Valley area and Tule elk along the Owens River in the Big Pine area. On site management is supportive of these species.

### **2) Support of wildlife restoration projects on their own property**

Riparian fencing, water distribution, nesting trees, residual forage/biomass for wildlife cover, and enclosure areas are all present on the FMC ranch properties.

### **3) Willing and able to participate in scientific studies**

FMC hosted the University of California Cooperative Extension drone workshop in the Spring of 2017 and participated in the UNR/NRCS Proper Functioning Condition training last season.

FMC CMR Proposal recommendations include baseline utilization monitoring and we would be interested in discussions regarding additional cooperative methods evaluating vegetation cover, composition, and production; carbon sequestration indicators including soil infiltration rate, and soil organic matter; species habitat evaluation; sage grouse observations.

### **4) Willing and able to help create and support public recreation opportunities**

This is currently required and completed on LADWP leases.

FMC grazing proposal includes the cooperative development of a Public Education/Public Access informational/education/research involvement program, with a specified FMC time requirement and commitment.

**5) Be willing and able to operate with wildlife friendly fencing and forage harvest practices**

FMC has sought the latest information and specifications from sources including the US Forest Service, the NRCS, and Montana Fish and Wildlife regarding wildlife friendly fencing for use in any future fence installation projects.

**6) Be willing and able to test new methods to reduce cattle/wildlife conflicts**

As described in the Resource Conservation and Enhancement detail of the Grazing Proposal FMC is interested in utilizing new methods as well as assisting in the development of new methods, materials and designs which are directed at benefiting species and habitat.

**7) Have a history of supporting environmental conservation efforts related to wildlife, water, and soil**

FMC is currently involved in EQIP and the Conservation Stewardship Program on the FMC ranch properties.

**8) Have the experience and knowledge to successfully manage a cattle grazing operation in a manner which ensures rangeland and riparian health**

Please see Experience and Operations below.

**9) Be willing to provide financial information to demonstrate the lessee has the financial capability to meet the terms of the lease**

Documentation is provided.

# Conway-Mattly Ranch Grazing Lease Proposal

## 1 Applicant Statement

Flying M Cattle Incorporated (FMC) is pleased and excited to submit our proposal for the grazing on the Conway and Mattly properties in Mono County. We see this as an opportunity to demonstrate positive relationships between grazing, wildlife, and habitat management under progressive grazing approaches, while at the same time developing a viable economic ranching enterprise. FMC is owned by my sister, Nicole Dobrzanski, and me, Danielle Mendiburu. I am the on-site manager for our livestock and agricultural enterprises in Owens Valley California. While we do not expect special consideration, we are a minority and woman owned business. In reviewing Bureau of Land Management (BLM) data we notice that there are sage grouse leks near the property, this offers a great opportunity to demonstrate how proper livestock management can enhance sage grouse habitat. The potential to show beneficial impacts to the ecosystem under proper management are extensive for this project.

We anxiously await the opportunity to present and discuss our plan with both Mono County and Eastern Sierra Land Trust staff. We believe our proposal is unique, and provides a progressive approach to land management, and additionally has the potential for public education and awareness about positive relations between agriculture and the environment.

## 2. Experience and Operations

We currently run cow/calf pairs and yearlings on Los Angeles Department of Water and Power (LADWP) leases, BLM allotments, Forest Service allotments (USFS), and on California Department of Fish and Wildlife (CDFW) lands. I have proven success managing livestock operations on desert rangelands, high elevation native meadows, and irrigated native pastures. I currently manage over 40,000 acres of rangelands and 1,600 acres of irrigated pasture, running about 650 head of cattle. I have two full time employees, and at different times of the year manage as many as 20 or more part time staff for various ranch activities.

I am actively involved with the Natural Resources Conservation Service (NRCS) where we have both Environmental Quality Incentive Program (EQIP) and Conservation Stewardship Program (CSP) contracts which assist us to develop our conservation efforts on our ranch. This includes such practices as corridor fencing for riparian habitat protection, herbaceous weed management, brush management, NUTBAL (nutritional balance) analysis for diet forage quality for our livestock, and irrigation structures to improve our irrigation efficiency. NRCS staff wrote an article in 2017 that highlighted the work my sister and I do with conservation measures. The article appeared on the National NRCS Civil Rights Web page, and was a headline article for several months on the NRCS California Web page (Exhibit A).

I am currently the president of the Inyo Mono Resource Conservation District (RCD) and I attend regional Resource Conservation Meetings in an effort to stay current on conservation efforts in our area and southern California. The RCD and NRCS work cooperatively together to identify local resource concerns and develop approaches to address those concerns. I also participate in Farm Service Agency (FSA) programs that benefit our operations.

Last year I invited University of California Cooperative Extension to present a drone workshop at our Round Valley ranch. The workshop was open to the public and a variety of stakeholders and interested parties participated. The goal of the workshop was to demonstrate the latest in drone technology and how that can be applied to agriculture, including irrigation, vegetation, and livestock monitoring. The workshop also covered the legal aspects of drone usage.

I have a diverse background that enhances my conservation beliefs and ecological ethic. I have a Masters Degree in Anthropology and have extensive experience in finance. I have a strong interest in preserving the natural ecosystems in the eastern Sierra region.

My family has a livestock legacy in the west. My great grandparents immigrated to this country from Spain to become successful livestock operators in the west. My grandparents came to Inyo and Mono counties over 60 years ago, so my family has long term demonstrated success with livestock management in the Eastern Sierra Region. My grandfather at one time ran cattle on the Cain Ranch near Lee Vining, where I visited as a child. We have long term successful experience and interest in the area and I am devoted to preserving the aesthetics of the area and promoting continued livestock use for Inyo and Mono Counties.

Flying M Cattle Inc., has a SAMS (System for Award Management) and a DUNs number so we are eligible for a variety government funding opportunities, and as mentioned above we are familiar and experienced with NRCS and FSA funding opportunities.

Our ranch lands are primarily on public lands that are, for the most part, open to the public. We routinely interact with recreationalists ranging from ATV enthusiasts, mountain bikers, hikers, and those who generally appreciate the outdoors for a variety of uses. Since our operations are on public lands we also have close working relationships with agency biologists, range managers, fisheries specialists, and other natural resource specialists.

Our leases are near or have multiple wildlife species that we work with including Tule elk and deer. There are Bighorn sheep near our operations in Round Valley. We also manage for several vegetation species of concern.

I have a keen interest in furthering my knowledge about natural resources and livestock management and actively pursue continuing my education. I recently attended a Proper Functioning Condition (PFC) workshop. PFC is used by both BLM and USFS to determine if their land management is meeting the goals of their long range management plans. The course was taught by University of Nevada, Reno, and NRCS staff.

We have proven success and extensive experience with livestock, vegetation, and wildlife management in the Eastern Sierra with multiple agencies on varied landscapes. We know we would be an excellent manager of the Conway and Mattly properties.

Our Conway-Mattly Ranch Grazing Lease Proposal was prepared with technical assistance from Bishop Area NRCS Rangeland Management/Certified Ecologist staff as

well as in consultation with Janice Hunter, Rangeland Consultant (Please see Experience and Qualifications below).

Janice Hunter has a B.S. in Agriculture Science and has been actively involved in the family owned and operated alfalfa/cattle ranch in Olancho, CA. The Wilderness Area grazing operation includes high desert range within Death Valley National Park as well as high elevation grazing in the Sierra Nevada. Grazing management of the operation requires understanding of and involvement in numerous agency resource assessment protocols including forage utilization, Proper Functioning Condition and watershed assessment to name a few.

Janice has held the position of Beef Ranch Manager at Oregon State University in Corvallis, Oregon, and at Deep Springs College, East of Big Pine, CA, where she and the College were awarded the Inyo National Forest Permittee of the Year. She was responsible for conducting the cell grazing programs on these two operations. Janice has been involved in Rangeland Consulting for operations in Oregon and California involving multiple land ownerships including National Forest, Bureau of Land Management, National Park Service, City of Los Angeles Department of Water and Power, California State Lands Commission as well as private land.

### **3 Proposed Grazing Plan**

1. Class of livestock: Cow/calf and breeding bulls. The stocking rate will be dependent on several factors including seasonal forage production, habitat and runoff conditions. The initial stocking rate proposed is 200 cow/calf pairs and 5-7 breeding bulls.

Mature cows will be individually identified and returned to Conway Ranch for repeat grazing over the term of lease, allowing for management of an acclimated, settled, easier handling herd. Herd health history and herd docility will be known and managed, translating to reduced hands-on management, reduced safety risk, and lighter grazing impact.

2. Season of Use: Generally June 1 - October 30. Yearly variation in on/off dates will be determined by seasonal forage conditions, annual runoff, soil moisture conditions and other factors.

3. Resource conservation and enhancement: Grazing Method/Fencing: FMC will implement a cell graze program on Conway Meadow following the initial livestock settling period. Initially, a four quadrant division, which will be further reduced with internal fencing, will be designed around ground features including surface water location, springs and spring channel, access to livestock water, wildlife and special status species presence, and vegetative species composition and productivity.

Cell graze internal electric fence paddocks will be temporary, and will remain in place only while occupied. Specific cell size and layout as well as grazing duration will be determined by observing grazing effects on the ground, including uniformity of use, rate of consumption of various feed types, effectiveness of water location and distribution. Current expected length of graze within a cell is one or two weeks. Internal cross fencing will be temporary and low impact. Where feasible, baseline fencing along the stream corridor or other longer term

installations will be seasonal. Every effort will be made to keep permanent fencing infrastructure to a minimum. Allowance must be made for the fence line site prep and right of way clearance including vegetation mowing or removal.

Proposed fence design options include: Wildlife friendly solid set perimeter fence; two strand high tensile electric with solid set braces, corners and end posts; single strand electric tape; and double strand electric tape. Fence energizers will be solar, solar/battery combination, or fixed solar panel design with battery (See recommended materials).

Paddock and internal fencing will be installed based on livestock water availability. Where feasible, the water source will include the feeder irrigation ditches and internal irrigation ditches. Portable water troughs supplied by portable pump from irrigation ditch, buried pipeline or Wilson Creek will be utilized where necessary and where advantageous and will permit an increased number of grazing cells. Additional benefits of portable troughs include the avoidance of long term disturbance areas, as well as drawing livestock away from surface water. Water features such as spring, spring channel, seeps, ponds and excessively wet soils will be excluded from livestock with temporary.

Every effort will be made to utilize low impact, temporary fencing to the extent possible. However, should public use and access or other unforeseen circumstances cause this approach to be ineffective, FMC will retain the option to build standard, permanent wildlife friendly fencing where necessary.

Grazing Schedule: A projected grazing schedule and grazing plan will be developed based on production sample estimates and in consideration of habitat and biodiversity requirements. Recent production sampling (excluding dry/nonproductive sites) indicates production values ranging from 8000 lb/ac, 16,000 lb/ac and 22,000 lb/ac in the low, medium and high productivity areas of the meadow. Photo points were collected which illustrate the heavy accumulation of senescent plant material in many areas of the meadow. It is anticipated that plant vigor, cover, composition, productivity, habitat value and particularly carbon sequestration will improve with removal of the excessive dead plant material and stimulation of vegetative growth.



#### **4. Necessary Rangeland Improvements include:**

Handling Facilities-Corrals, Closed Pen, Portable Chute, Portable Panels

Trap reconstruction, Panel Reinforcement, Water system maintenance

Horse pasture reconstruction, Water system maintenance

Perimeter Fencing

- Reconstruct/Reinforce West Boundary Fence along 395

- Reinforce Southern Fencing

- Wilson Creek Riparian Fencing (Temporary where adequate)

- East Perimeter Fence (Propose 2 strand temporary electric)

- North perimeter boundary fence and cattle guard/s

- Interior Pasture Fencing/Gates

  - Reconstruction of existing fence

  - New construction/Temporary Installation

    - Electric fence energizers, smooth wire, woven tape, gate handles, insulators, voltmeters, posts, hardware, misc supplies.

Water troughs - Permanent and portable

- Ditch and creek supplied

- Portable pump/hose

  - Nose pump-

Spring water delivery system maintenance

Spring enclosure fencing - permanent/temporary

Plank bridges at selected ditch and creek crossing

Portable supplement feeder

#### **5. Staffing:**

Following completion of infrastructure needs, one full time rider/herder will be on site to achieve the following:

- Monitor livestock

- Irrigation and communication with SCE

- Rotate fencing and livestock

- Complete forage monitoring

- Monitor public visitation and use of grazing lease area

- Interact with agency personnel and the public to a clearly specified degree

- Emergency response

Additional labor will be included on an as needed basis to address livestock rotation and handling, herd health management, irrigation, resource monitoring, and other needs.

## **6. Integrated Pest Management:**

Control of rodents around the homestead location will be completed with bait stations placed in locations inaccessible to visitors and pets.

Cheatgrass, the predominant noxious weed, would be controlled to the extent possible using a variety of methods including heavy graze while in the boot stage to prevent maturation and seed set; hand control, and if necessary use of herbicide.

## **7. Management of riparian and wetland areas:**

The Wilson Creek stream corridor will be excluded from livestock using the appropriate fence style and location. Permanent fencing will be avoided as much as possible.

Beaver dams which occurred on site during the time of photo documentation included in the CMR RFP have since washed out. FMC requests agency and affected party recognition of this change in hydrology, watershed, streambank and related conditions. These changes include lowered water level within the Wilson Creek channel and tributary water bodies, and exposed bare stream bank.

Meadow and wet meadow conditions will be addressed through high intensity/short duration graze at the appropriate time dependent on habitat and forage conditions, Special Status Species needs, and soil moisture conditions. The flexibility to address all of these meadow condition elements will be greatly dependent on adequate watering site locations (i.e. irrigation ditch water or portable troughs and equipment), accessibility and use of a quad or similar light impact vehicle for access, fence line preparation and fencing movement. Livestock compatible fence configuration will be crucial to the success of cell grazing management.

## **8. Livestock health:**

The herd will be monitored on a daily basis and treated as needed using one of the following methods: Rope/restrain in the field; dart gun; small/portable panel head catch system; handling at base camp facility; removal of chronic animal from the property. Other methods may be indicated with experience and time on the lease.

Supplemental feeding is not anticipated, however in some circumstances, providing high fiber forage, in addition to the meadow forage, may improve overall cell grazing results. With light supplementation of pre-approved dry roughage, cattle will use meadow forage more efficiently and spend less time traveling the fenceline because animals are better nutritionally satisfied. Access to upland forage while on pasture can have the same effect. Benefits of this practice include reduced pressure by livestock to move to fresh pasture and extended graze time on the meadow allowing more uniform clean up of less palatable forage and residue. This situation contributes to efficient, single pass grazing.

## **9. Range monitoring practices:**

Essential monitoring will include stubble height measurement and/or evaluation to ensure 4 inch residual stubble height.

FMC predicts that achieving a 4 inch stubble height will be a challenge in many areas of the meadow, that it may be difficult to force the cattle to graze down to 4 inches. When operating within the limitations of temporary electric fence, cattle can be pushed only so hard before they are willing and able to move on to the next grazing area. Vegetation lodging is currently widespread throughout the meadow and will result in further heavy accumulation of unpalatable dead plant material.

In addition to residual stubble height monitoring, other cooperative monitoring and evaluation may include:

- Evaluation of grazing effects on Special Status Species and habitat
- Species cover and composition
- Forage production
- Infiltration rate
- Soil organic matter
- Other methods co-operatively determined necessary and relevant

## **10. Ability to respond to emergencies:**

A full time manager will be on site.

## **11. Management of Public access lands:**

FMC will cooperatively develop a public access/education program for the CMR areas, and has contacted and consulted with UCCE staff involved in livestock grazing in highly populated, heavily used areas on the central coast. Information and public education materials have been obtained which will assist in development of an overall public education/access plan. This may include interpretive signs addressing:

- Grazing program and method
- Benefits of grazing
- Potential risks of grazing
- Monitoring and evaluation
- Public restrictions during grazing; designation of restricted areas
- Opportunities for access and involvement (observation, monitoring, photography)

## **Supplemental Questions:**

-Work on Conservation Easement properties.

The operation has no experience on CE properties; however, as described in the Experience and Qualifications section, the business operates on multiple land ownerships, participating in a variety of habitat and wildlife beneficial projects implemented through the NRCS, EQIP, and CSP programs.

-How will Flying M Cattle Inc. comply with the Conservation Easement?

The infrastructure, livestock handling and grazing practices put in place will be targeted at a minimum tool, minimal impact grazing management approach which will maintain the open space, natural habitat character of the area. To the extent possible, minimal permanent infrastructure will be installed in the meadow and riparian areas reducing potential impacts to wildlife. High density, short duration grazing practices will allow the rapid removal of current forage production as well as the breakdown of accumulated residual plant material. The effect of this method of grazing will result in increased plant vigor, diversity and forage production as well as maintaining or improving habitat and biodiversity.

Livestock grazing timing, location, and intensity will be determined by existing vegetation and species habitat conditions and requirements for sustaining healthy conditions with the intent to enhance habitat and biodiversity.

FMC views the CMR grazing operation as an excellent opportunity to demonstrate the positive impacts and resource benefits of proper grazing management. A public information/education program will be developed.

Local residents and the visiting public will benefit by having the opportunity to observe the implementation and effects of a progressive livestock grazing management system. The public education and awareness program put in place by the FMC will be easily accessible to visitors, recreationists and travelers along El Camino Real. Reasonable access to Conway Ranch property during the grazing season will be maintained however may be temporarily reduced in active grazing areas for reasons of animal confinement and safety. These limitations will be clearly posted on site and in the surrounding area.

-How will your proposal incorporate community benefits and/or education into your operation?  
Please see #11 of Proposed Grazing Plan above.

Exhibits:

A: NRCS Outreach Success Story - Flying M Cattle Inc.

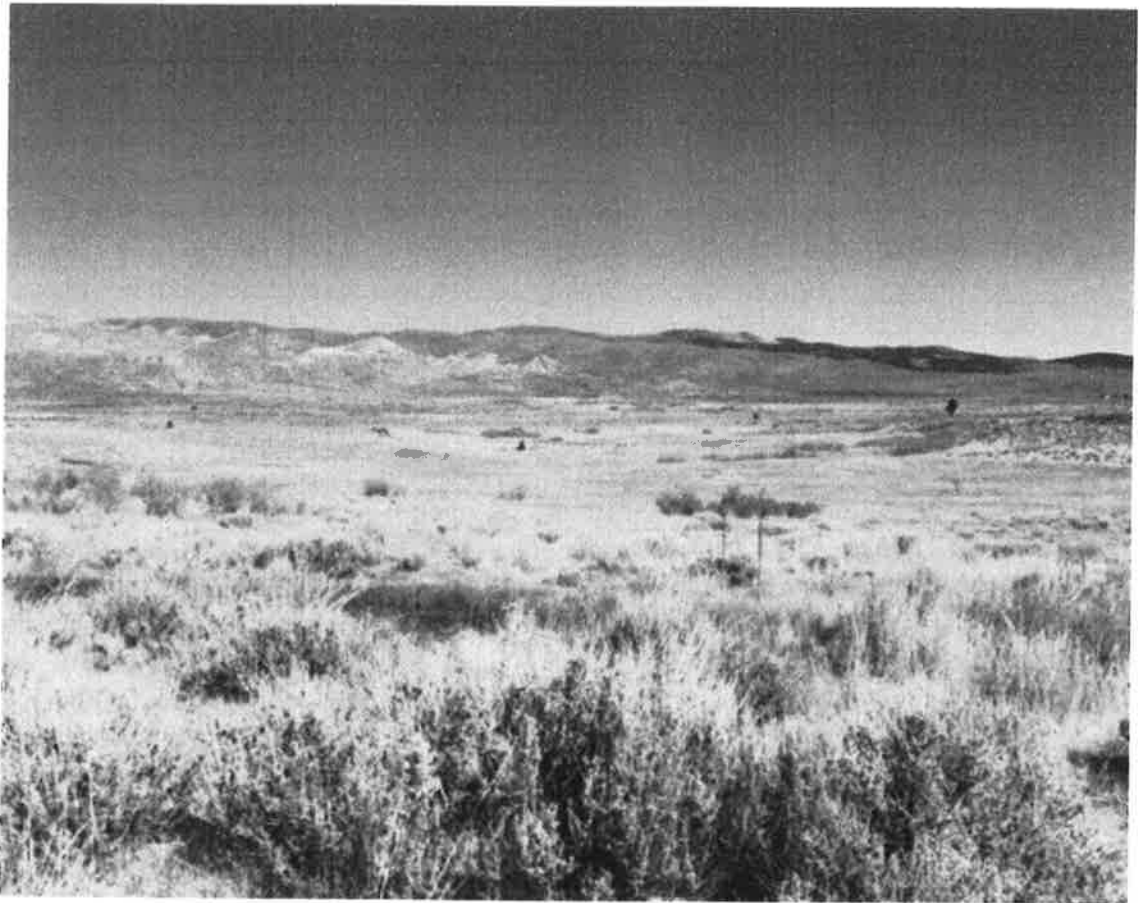
B: Flying M Cattle Inc.- Official Letter of Financial Standing

# **CONWAY/MATTLY RANCH CATTLE GRAZING PROPOSAL**

## **Hunewill Land and Livestock Company, Inc.**

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A Proposal to Mono County for grazing cattle while enhancing Conservation Values of Conway and Mattly Ranches in the Mono Basin adjacent to California Highway 395.



November 9, 2017

Proposal from Hunewill Land and Livestock Co., Inc. for Cattle Grazing on Conway/Mattly Ranches:

1. Statement of Applicant:

Hunewill Land and Livestock Company Inc.(HLLC), is a C corporation incorporated in the State of Nevada in 1948 and registered (C0231966) in the State of California. Officers are, Jeffrey B. Hunewill, President; Megan Hunewill, Vice President; Betsy Hunewill Elliott, Secretary; Denise Hunewill, Treasurer. The address of Hunewill Land and Livestock Company, Inc. is:

195 Hunewill Lane  
Wellington, NV  
89444

Phone number is (775) 465-2579 or (775) 720-0912

Email is: djhunewill@hotmail.com

2. Experience and Operations:

We have had many years of experience managing our own Bridgeport Valley ranch and the US Forest Service permits that are adjacent. In addition to our experience, Jeff Hunewill and Leslie Hunewill have Animal Science degrees from Cal Poly, San Luis Obispo; Blair Hunewill has a Business degree from The University of Montana, Missoula; Dalton Wright is in the final year of a Range Ecology degree from University of Nevada, Reno. There are several other family members with bachelor's degrees that are on the management team. Our management philosophy is based upon our combined ranching experience, our education in our various specialties and our practice of Holistic Management for over 20 years. We believe that the Conway/Mattly Ranches will not only benefit from planned grazing, but that the quality of the habitat for Sage Grouse and other native species will be improved by the planned grazing which we will implement with input from Mono County.

Our Bridgeport Valley Ranch consists of 3,940 acres of irrigated native meadow and we own several hundred acres of forest and sagebrush uplands which we also graze. We graze a large US Forest Service permit and BLM permit in Mineral County, Nevada about 30 miles from the Conway and Mattly Ranches where we have done extensive spring and water development in conjunction with the NRCS. The water developments are for the beneficial use of both livestock and wildlife. We own 160 acres in the Bodie Hills about 1.5 miles northeast of the Conway/Mattly where we will be clearing pinion and juniper trees in cooperation with the NRCS and BLM for the benefit of Sage Grouse. In Smith Valley, Nevada we own a Ranch that is 1500 acres of irrigated meadow which is unique in that area because of the willows and sage brush species that we encourage on the margins of the fields for the shelter of cattle, horses, and wildlife.

One experience that is parallel in many ways to the conversion of the Conway and Mattly Ranches to cattle grazing was our leasing of the Sinnamon Meadows Ranch for two years. There was very limited fencing and no one had successfully grazed cattle there since it was a former sheep operation. We built several miles of permanent high tensile electric fence around the property, in addition to rebuilding some existing barbed wire fences. The owner was quite pleased with the way that we got the Sinnamon Meadows Ranch going as a cattle operation in a short time.

We own and manage Hunewill Guest Ranch, a seasonal tourist business which brings over 800 people per year into Bridgeport Valley. Our guests enjoy the local area during their visits from 4-7 days. The experiences that we have acquired in the public hospitality area will allow us to interface with the public as needed at the Conway/Mattly Ranches.

### 3. Grazing Plan:

Our overall grazing plan is flexible by design because of the nature of our climate with drought years followed by occasional years of abundant precipitation. The plan will necessarily be conservative in assigning a stocking rate (number of cattle) to the Ranches since maintaining the conservation values of the property is paramount and because there have never been cattle grazing on the Conway/Mattly.

The stocking rates for Conway/Mattly Ranch is listed below:

100 – 150 Cow-Calf Pairs or 100- 150 Dry Cows (pregnant cows without calves at their side)  
4-6 Bulls

#### On and off dates:

**On** May 15 – June 10; depending on drought/excess snow. In wet or cold years the On date would be later; in early June. In drought or warm years the On date would be earlier; in mid to late May.

**Off** September 1 – September 30; depending on drought/excess snow. In years with abundant precipitation and forage growth the Off date could be later; in mid to late September. In drought years the Off date would be earlier; in early September.

#### Approach to livestock management for resource conservation and enhancement:

The cows and calves are a means to manage the vegetation for Sage Grouse and other native and desirable species. It is our plan to have two to three pastures which will allow us to rotationally graze the herd through the Ranch. Timed rotational grazing is beneficial to, for example Sage Grouse and Mule Deer. Green forbs and tender growing grass are selected over older more fibrous grass by all ages of grouse and deer. By grazing off the older growth and allowing the plants to regrow after the cattle are moved to the next pasture wildlife are benefitted. This is especially true later in the

summer when the Bodie Hills uplands have dried off and the Conway/Mattly continues to be lush and green attracting grouse, deer, and other wildlife. The order in which the pastures are grazed may vary from year to year which will allow plants to be grazed at varying maturity each year unless it is found that there is a benefit to wildlife in a certain area to be grazed at a certain time.

#### Lease Pricing:

The following is a lease pricing example. Our proposed lease payment to Mono County for grazing at the Conway/Mattly Ranch is based upon the number of AUM's that are used during a given year. This method is preferred because forage production varies significantly from year to year. We will estimate the amount of available forage and pay for that amount one month before the estimated On Date. If the cattle can stay longer because the amount of forage was under estimated, we will pay Mono County for those AUM's with in 30 days after the Off Date. If we pay for more AUM's than we use, Mono County will credit the following year's bill for the unused AUM's.

Animal Unit Months: 375 (average year, AUM's may vary due to weather variations)

Average precipitation year example:

125 Cow Calf Pairs for 3 months = 375 AUM's

6 bulls for 2.5 months = 15 AUM's

Total AUM's (average year) = 390 AUM's

Price per AUM: \$5.50 per cow-calf pair, dry cow or bull

Price to be paid to Mono County per year in this example:

390 AUM's \$5.50 per AUM = \$2,145.00

The lease pricing is based on the assumption that the wage paid to the Hunewill irrigation, fence, and cowboy crews will not be "prevailing wage" and if payment of "prevailing wage" is required then this proposal will need to be recalculated.

#### Necessary rangeland improvements:

##### Fencing:

Because the Conway/Mattly Ranch has been used as a sheep ranch for many years there is essentially no fencing suitable for cattle on the ranch. The Conway ranch 395 highway fence is in disrepair. Posts and wire are in place but the bottom 2-3 wires have been broken by the snow over the years. We will splice and tighten the wires so that it is cattle tight. Should it prove necessary, we will make this fence into a "let down fence" which can be laid down on the ground in the winter to protect it from snow loads and to minimize Sage Grouse striking the fence in flight. Following the boundary staking by Mono County, we will mow a path for the fence with a brush hog set high enough to allow the brushy species and grass to re-sprout. It may be necessary to mow next to the fences every 5-10 years.



The boundary fence on the north, east, and south sides of the Conway Ranch will be two wire high tensile electric fence. A two-wire high tensile fence will be visually less intrusive for the public and easier on animals that may run into it because there are no barbs. An electric fence forms a "mental barrier" to cattle. The wires will be flagged or marked so that birds, animals, and the public can see the fence. There will be at least one gate on each side of the electric fence. There will be some cross fencing on the Conway Ranch.

Conway Ranch will have two or more pastures and Mattly Ranch one pasture. The Conway Ranch Pastures will be divided with a single high tensile wire. The location of the fence will be determined by first putting up a temporary poly/stainless steel wire fence and evaluating how well the fence functions. If the location and function of the fence are performing well then the temporary fence will be replaced by a permanent fence. Since miles of boundary fences must be built first the cross fencing may be built in year two or three of the lease. The Mattly Ranch will be fenced on all sides with a two-wire high tensile electric fence. There will be at least one gate on each side of the fence. If upon examination, Mono County decides that establishment of aspen or cottonwood would be desirable, we could plant several trees of the selected species and fence them for several years until they are above cattle and deer browsing height. It will be necessary for Mono County to stake the boundary for the fence lines for us to follow when we build the fences.

The "Bowl Meadow" area of the Conway Ranch is not included in this proposal for fencing or irrigation. If in the future Mono County would like to include this portion of the Conway Ranch, we would work up a proposal for managing that part of the Ranch.

We will need a place to set up our portable loading chute and portable corrals to unload and load the cattle at the turn on date and possibly at the Off date, if we do not drive the cattle home. These corrals and chute will be taken down and removed within two weeks after their use.

Since Hunewill Land and Livestock Company will be making a sizable investment in the Conway/Mattly Ranch fencing, if within three years of the signing of a lease with Mono County, the lease is terminated through no fault of Hunewill Land and Livestock Company, Mono County will reimburse Hunewill for the full cost of the fencing or Hunewill will take the fences out and keep the materials.

#### Water:

It is assumed that water will be flowing in ditches and creeks for the whole grazing season and that livestock will be watering from these natural sources. If necessary, we can armor a section of stream and stream bank with rocks to make a place for the cattle

to drink. Research has shown that cattle in many cases prefer to water in armored and stable stream banks over soft and boggy stream banks. If there are any active “nick points” or head cuts on the streams or ditches we can examine them with Mono County staff and NRCS staff and formulate a plan to stabilize them.

We could set up a water system to pump water from a point of diversion on Mill Creek to a trough or troughs on the Conway Ranch for stock water for the cattle should a severe drought make stock water from ditches unavailable.

In the future, it may be possible to irrigate the Conway Ranch with water from Mill Creek using the Lower Conway Diversion. We could explore that possibility at some future time, if it looks like a viable possibility to Mono County and Hunewill Land and Livestock.

It is in the interest of Mono County to utilize the water rights on Conway/Mattly so as to protect those water rights and to comply with the Conservation Easement. It is in our interest to irrigate as much ground as possible as well as possible to produce livestock forage and residual dry matter to cover the soil and provide cover and forage for wildlife.

#### Staffing of management and operations:

The labor to manage and operate the Conway/Mattly Ranch will travel from our headquarters in Bridgeport Valley. We anticipate that a person will be on the Conway Ranch 2-3 times per week to irrigate and to monitor livestock and forage utilization.

#### Integrated pest management and operations:

Weeds will be grazed by the cattle. It may be possible to have conservation groups such as the Eastern Sierra Land Trust, conduct field days to remove such weeds as woolly Mullien. Rodents will be controlled by native natural predators and raptors as the dead and decadent grass is removed by cattle grazing and trampled underfoot by cattle and rodent dens and runs are exposed. An ancillary benefit of animal impact (trampling) is to put the old dry vegetation in contact with the soil which allows it to be converted to soil organic matter, locking up the carbon in the soil.

#### Management of Riparian and wetland areas:

Riparian areas will be protected by high tensile electric fences as needed. For example, some of the banks of Wilson Creek are soft and would not withstand trampling well. As mentioned in the fencing section, rock armored stream banks and bottoms are a viable alternative to fencing off riparian areas. Some sensitive stream banks could be fenced off. Areas with gravelly soils could be used as watering areas for livestock. If riparian areas are being impacted adversely by cattle grazing, then we will work with Mono County staff and NRCS staff to come up with a solution and possible NRCS funding.

#### Livestock health and supplemental feeding practices:

Cattle will receive multiple vaccinations before coming to the Conway/Mattly to keep them in good health. The cattle will be checked weekly and treated for any conditions that might arise. Mineral supplements will be kept on dry areas in the pastures constantly. Protein supplementation may be necessary on drought years or later in the grazing season. Protein supplements would also be fed in designated dry areas in the pastures. It is not anticipated that feeding of hay will be necessary because cattle will be on the Ranches during the green growing season.

#### Range monitoring practices:

Range monitoring will generally be by the ocular reconnaissance method and will be done on a monthly basis. However, if Mono County approves, we could ask the NRCS to develop a grazing management plan for Conway/Mattly Ranch and also ask them for assistance with monitoring.

#### General availability and ability to respond to emergencies:

Our management and staff are at our Bridgeport Valley Ranch during the Conway/Mattly grazing season and reachable by phone. We will notify the Mono County Sherriff's office that cattle in that area are our responsibility.

#### Approach to managing grazing operation in lands open to the public for recreational purposes.

We select our cows for their docile nature especially since our guests at Hunewill Guest Ranch are around the cattle on a daily basis. That being said, the public should only go into the pastures on the Conway/Mattly Ranch where there are no cattle. This is especially true of people that have their dogs with them. All dogs must be on a leash on the Conway/Mattly Ranch around the cattle. We will provide and install signage in cooperation with Mono County to educate the public about interactions with cattle.

In the past we have hosted educational activities on our Bridgeport Ranch and would entertain the concept of helping with an educational field day at the Conway/Mattly Ranch once a year, perhaps in conjunction with the NRCS, BLM, USFS and Mono County.

Financial Qualifications:

Hunewill Land and Livestock Company, Inc. owns 4,940 acres in Mono County worth many millions of dollars, which has been in the family for 155 years and in Hunewill Land and Livestock Company since 1948. There are no liens on the property. The financial condition of Hunewill Land and Livestock Company could be described as healthy. The yearly payments to Mono County as outlined in this proposal will be no problem. Should Mono County need financials in greater detail, please let me know.

Signed: , Denise Hunewill, Treasurer, Hunewill Land and Livestock Company, Inc.

Supplemental Questions:

1. We have worked upon and grazed the Sinnamon Meadows property which has a conservation easement with the Eastern Sierra Land Trust. We followed the NRCS Grazing Plan Guidelines. In building the electric fences there we maximized the grazing area while fencing out as much sensitive riparian area as possible.
2. As explained previously, we are open to helping with an educational field day on the Conway/Mattly Ranch annually. We are planning on having our guests help gather the cattle on the Ranch which will expose them in a positive way to the Bodie Hills and Mono Basin. As part of gathering the cattle, and perhaps taking two days to drive the cattle to the main Ranch in Bridgeport Valley, we will have an opportunity to explain the history of the region and certainly to see the abundant birds and wildlife in the area.



## Conway and Mattly Ranch Grazing Plan Proposal

Jake and Mini Doonan  
Montgomery Creek Ranch Grass Fed Beef  
PO Box 169  
Bishop, CA 93515

November 5, 2017

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## 1. Statement of Applicant

For the purposes of this proposal the applicants will be Jake and Mini Doonan, operating as an individual entity.



*Jake and Mini Doonan gathering cattle in Adobe Valley.*

## 2. Experience and Operations

We are third generation farmers and ranchers in the Hammil Valley and Benton area. Our Family's operations historically focused on organic hay production, with a shift occurring in 2007 as we started a local grass fed beef venture. In 2014, we purchased a small commercial cow calf operation and inherited public land grazing permits in the Adobe Valley from the previous cattle owner. Currently we manage an average of 70 mother cows, with the goal of building our herd to 150 mother cows over the next five years. Furthermore, we are building momentum with our local Grass Fed Beef business, and anticipate a transition of having more of our steer calves in that market in that same five years. The people of Mono County and the greater Eastern Sierra have a tremendous appreciation for local food and have illustrated such with resounding support for our efforts to provide local and sustainably raised beef.



*Montgomery Creek Ranch Grass Fed Beef at Manor Market in Bishop.*

A legacy of contribution to the local economy and environment is important to us as a family, to ensure that our efforts to maintain the viability of agriculture and local food last into the future. As such, both our primary family ranches are under conservation easement

with the Eastern Sierra Land Trust (ESLT), and we have leased the “Black Lake Preserve” for grazing for a short term. We are very familiar with working with ESLT and have a long history of collaborating on projects with them.

In addition to working with ESLT, we graze on public land in the Adobe Valley. Adobe is managed by the Bureau of Land Management (BLM) for balanced public use. The Adobe Valley is also heavily scrutinized for the interactions between grazing animals and the sizeable herd of resident wild horses on the River Springs Ecological Preserve, affording us experience in a similar context to that of grazing animals near the Sierra Nevada Bighorn Sheep.



*NRCS Brush Management project, 2016.*

We have also completed numerous projects with the Natural Resource Conservation Service (NRCS) and have a good understanding of the Environmental Quality Incentive Program (EQIP) and know the process that it entails very well. We are familiar with the opportunities available through the EQIP program that would be pertinent to the Conway and Mattly Ranches.



*Cattle grazing on ground formerly blocked by invasive rabbit brush.*

In short, while our grazing experience is limited by age of our venture, we do have a long history of working with conservation groups and federal and state land management agencies in a variety of capacities.

### **3. Proposed Grazing Plan**

We would utilize the Conway and Mattly Ranches (CMR) in a rotation system with our home pastures in the Benton Valley as well as our leased ground and BLM permits in the Adobe Valley. The rest rotation grazing system is the primary method of ensuring rangeland viability and health in grazing cattle, and as such is an important tenet of our operation. Logistically, spring and summer would be our target time frame to graze the CMR given the growth potential of irrigated meadow in those seasons, and the possibility of very harsh fall and winter weather in the Mono Basin usually precluding use during that time.

Our numbers would be highly variable based on a multitude of factors, but the highest number of cattle we would anticipate grazing on the CMR would be the entire herd of mother cows/pairs that we project having in five years (150) and up to eight bulls during breeding season (April-July). Since our marketing is divided into both local grass fed and conventional calf sales, we typically have multiple smaller groups of cattle that will graze



different areas for management and observation reasons. Our grazing strategy is perpetually dynamic based on weather conditions, feed, and water availability for the cattle, and the condition and best management of the rangeland resource that we are utilizing. As our plan is dynamic we anticipate grazing the CMR between May 1<sup>st</sup> and September 31<sup>st</sup> of each year, with exact dates being based on the aforementioned variables.

Our monitoring plan and utilization targets would have to be developed yearly based on weather, precipitation, and plant communities present at the time. We would work with Casey Boyd, BLM Bishop Field Office Rangeland Management Specialist, to develop an annually appropriate target for grazing and utilization of the CMR.

During the time that we would graze cattle on the CMR, we would not anticipate supplemental feeding of hay in augmentation to grazing, as irrigated and upland meadow should be in peak production during those times. We will provide a protein and mineral supplementation regimen to our cattle at all times to ensure their peak health and thrift, and any delivery method for such supplementation will be located at least 200 feet away from natural water sources. We prefer using supplement location to direct grazing activities of the cattle, or locating supplement in an area such as corrals or pens to minimize additional impact to productive vegetation.

Integrated pest management practices we undertake will be in accordance with best management practices, and will utilize technical expertise of the Inyo-Mono County Agriculture Commissioners office. We have worked with the Ag Commissioner's office extensively and are well versed in the programs and help that they offer. Our primary concern would be management of invasive plant species such as perennial pepperweed that can be carried to new locations if not managed correctly.

Infrastructure on the CMR is the primary concern for us, and presumably any operator looking at grazing these ranches. The transition from sheep grazing to cattle will take some time to complete, as sheep and cattle grazing operations have very different requirements. Neither of the CMR properties have any infrastructure suitable for utilization with cattle. Incomplete or nonexistent perimeter fencing and a lack of cattle guards at entries and exits mean that neither ranch is currently suitable for grazing cattle. Both ranches will need extensive rehabilitation of all fencing, construction of new division fencing to manage utilization, cattle drinking water sources that are remote from sensitive areas, and the water conveyances for irrigation. Both ranches will also need a minimum of sturdy catch pens and a set of pens with a squeeze chute will be necessary for management and treatment of any medical emergencies our cattle may have while grazing.



*Remains of cattle infrastructure at Conway Ranch.*

Site selection will also be a critical aspect of infrastructure rehabilitation to protect the historical resources of the CMR, resources that are vital to preserving the agricultural legacy of the region that is so important to us. Since our operation is very young and still recovering our initial capital outlay for the operation, our financial means to provide, rehabilitate, or construct the necessary infrastructure improvements for best management of the CMR are minimal.

We do know what is necessary, and have extensive experience in designing and construction of infrastructure improvements such as these. Considering also our experience with the NRCS, we would be willing to design, facilitate, and assist in labor of any infrastructure improvements necessary to both ranches and apply for any available grants to accomplish those projects. Discussion with all of the managing interests of both ranches will be necessary to determine how best to facilitate this improvement process. This proposal will result in an initial net cost to Mono County, but all infrastructure improvements will be the property of the county and improve the value of the CMR into the future.



*Installation of a self-cleaning irrigation water filter at Cinnamon Ranch.*

We, and extended family that are involved in our current farming and ranching activities would conduct management and operations on the CMR. We have a high level of availability for emergencies, and always maintain a list of contacts that can help and be available in our stead should the need arise as any livestock operation is compelled to do.

Having grazed for several years on public land that is always open to the public for recreation, we are familiar with some of the idiosyncrasies that accompany public use of grazing land, and therefore also know that it is feasible. With appropriate signage, and considerations for the security of the cattle, public recreation and proximity to agricultural processes such as grazing can promote public knowledge and awareness of agriculture and its multitude of benefits.

In summary, we have the ability and fluidity necessary to manage the CMR for grazing in collaboration with the multitude of stakeholders involved to benefit the environmental and agricultural soundness and sustainability of the ranches, while also benefiting the public through education and maintenance of a historical practice on the CMR. We do not have the financial depth to provide infrastructure improvements at our cost, but we are willing to work through any grants available and provide labor assistance, design, equipment, and technical expertise required to construct and rehabilitate infrastructure on the ranches.

We would seek the full ten-year lease term, with up to the first three years of the lease intended for the rehabilitation and construction of necessary infrastructure without necessarily grazing cattle. Addressing the lack of perimeter fencing is absolutely necessary before cattle can utilize either ranch. We anticipate an AUM fee of \$6.00 to be fair, given the value of the grazing resource balanced with the intensity of management collaboration and considerations. We will undertake irrigation, physical management duties, and labor at our time and expense.

#### **4. Financial Qualifications**

Financial qualifications can be discussed in negotiation of any contract or lease, dependent on necessity to the negotiation.

#### **5. Supplemental Questions**

We have extensive experience in working on property under conservation easement, especially with the Eastern Sierra Land Trust. As mentioned previously, our family ranches are both under conservation easement with ESLT. We understand the processes of monitoring, and compliance with easement stipulations.

We fully expect to incorporate public education into our operation with locations as visible, accessible, and beautiful as Conway and Mattly Ranches. Mini's employment with the Inyo County Superintendent of Schools and experience working with agencies throughout the Eastern Sierra to provide environmental education to students grades second through eighth could help to facilitate field trips and other learning opportunities for children of both Inyo and Mono counties utilizing the CMR. Additionally, modest increases to the interpretive signage such as that of the Little Conway, could dramatically increase the educational opportunities of visitors by explaining the agricultural processes occurring before them.



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** February 13, 2018

**Departments: Public Health**

**TIME REQUIRED** 45 Minutes

**PERSONS APPEARING BEFORE THE BOARD** Nancy Mahannah, Dustlyne Beavers

**SUBJECT** Mono County Tobacco Policy Update & Proposed Amendments to Chapter 7.92 of the Mono County Code

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Provide presentation to the Board of Supervisors on tobacco control policies, statistics and proposed amendments to Mono County Code 7.92 including suggested changes to tobacco policies related to multi-unit housing, enforcement and prohibitions.

**RECOMMENDED ACTION:**

Receive presentation. Following discussion, introduce, read title, and waiver further reading of proposed ordinance No. ORD18-\_\_ Amending Mono County Code Chapter 7.92 Relating to the County's Smoking and Tobacco Policy. Provide any desired direction to staff.

**FISCAL IMPACT:**

Implementation of ordinance amendments would be funded through the Tobacco Tax and Health Protection Act of 1988 and The California Healthcare, Research and Prevention Tobacco Tax Act of 2016. There is no impact to the Mono County General Fund.

**CONTACT NAME:** Nancy Mahannah

**PHONE/EMAIL:** 760.924.4621 / nmahannah@mono.ca.gov

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<input type="checkbox"/> <a href="#">Staff Report</a>
<input type="checkbox"/> <a href="#">Existing MCC Chapter 7.92</a>
<input type="checkbox"/> <a href="#">Ordinance Amending MCC7.92</a>
<input type="checkbox"/> <a href="#">Attachment A - to Ordinance</a>

[Letters of Support](#)

[Crowley Survey](#)

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**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
2/9/2018 6:13 AM	County Administrative Office	Yes
1/30/2018 12:58 PM	County Counsel	Yes
2/8/2018 5:53 PM	Finance	Yes



# MONO COUNTY HEALTH DEPARTMENT

## Public Health

P.O. Box 476, BRIDGEPORT, CA 93517 PHONE (760) 932-5580 • FAX (760) 932-5284

P.O. Box 3329, MAMMOTH LAKES, CA 93546 PHONE (760) 924-1830 • FAX (760) 924-1831

**DATE:** February 13, 2018

**TO:** Honorable Board of Supervisors

**FROM:** Nancy Mahannah, Public Health Program Manager

**SUBJECT:** Tobacco Control Policy Update & Proposed Amendments to Chapter 7.92 of the Mono County Code.

### **Recommendation**

- Receive presentation on tobacco control policies and statistics as well as proposed amendments to Mono County Code (MCC) Chapter 7.92 including suggested changes to tobacco policies related to multi-unit housing, enforcement and prohibitions.
- Following discussion, introduce, read title, and waiver further reading of proposed ordinance No. Ord18\_\_\_ Amending Mono County Code Chapter 7.92 Pertaining to the County's Smoking and Tobacco Policy.
- Provide any desired direction to staff.

### **Fiscal impact**

There is no impact to the Mono County General Fund. Implementation of ordinance amendments would be funded through the Tobacco Tax and Health Protection Act of 1988 and The California Healthcare, Research and Prevention Tobacco Tax Act of 2016.

### **Discussion**

Cigarette smoking is still the leading cause of preventable death, responsible for more than 480,000 deaths per year in the United States, including more than 41,000 deaths resulting from secondhand smoke exposure. For every person who dies because of smoking, at least 30 people live with a serious smoking-related illness. Smoking harms nearly every organ of the body and causes cancer, heart disease, stroke, lung diseases, diabetes, and chronic obstructive pulmonary disease (COPD), which includes emphysema and chronic bronchitis.

[https://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/index.htm](https://www.cdc.gov/tobacco/data_statistics/fact_sheets/index.htm)

The California Tobacco Control Program (CTCP) under the California Department of Public Health (CDPH) has been a leader for over 25 years in keeping tobacco out of the hands of youth, helping tobacco users quit, and ensuring that all Californians can live, work, play, and learn in tobacco-free

environments. Since the program inception in 1989, there has been a decline in the number of adult smokers by more than 50 percent. California's efforts are credited with saving more than 1,000,000 lives and saving over \$134 billion in healthcare costs for the state.

CTCP empowers local health agencies to promote health and quality of life by advocating for social norms that create a tobacco-free environment. This is accomplished through funding community interventions which focus on policy, system, and environmental change in four priority areas:

1. Limit Tobacco Promoting Influences.
2. Reduce Exposure to Secondhand Smoke, Tobacco Smoke Residue, Tobacco Waste, and other Tobacco Products.
3. Reduce the Availability of Tobacco.
4. Promote Tobacco Cessation.

<https://archive.cdph.ca.gov/programs/tobacco/Pages/Welcome.aspx>

Today's presentation and discussion will focus on priority areas 2 and 3; reducing the exposure to second and third hand smoke, and reducing the availability of flavored tobacco products.

Mono County already has an established Tobacco Ordinance (MCC Chapter 7.92, adopted 7/02), which prohibits smoking within 20 feet from County buildings. During the September 5, 2017 presentation to the Board, state and local background research findings and the results of local surveys were presented, which presentation can be found at the below link:

[https://www.monocounty.ca.gov/sites/default/files/fileattachments/board\\_of\\_supervisors/meeting/16637/09\\_september\\_05\\_2017.pdf](https://www.monocounty.ca.gov/sites/default/files/fileattachments/board_of_supervisors/meeting/16637/09_september_05_2017.pdf) (pages 150-255).

Since that time, and pursuant to Board direction, the Health Department has conducted community education and surveys that further inform the public and ascertain public support for the policies as requested by the Board. Proposed amendments to MCC 7.92 include:

- creation of smoke free zones 20 feet from business doorways, windows and ventilation systems and in outdoor dining;
- creation of smoke free multiunit housing within all units, in common areas, on patios, balconies and 20 feet from doorways;
- inclusion of cannabis, electronic cigarettes & vaping in the definition of smoking; and
- the elimination of flavored and menthol tobacco sales in the county.

#### **Attachments**

- MCC Chapter 7.92 (Mono County's current policy)
- Proposed Ordinance with Proposed Amendments to MCC 7.92
- Tobacco Control Policy Update PowerPoint Presentation
- Brief evaluation report of the Crowley survey
- Letters of support

Chapter 7.92 - TOBACCO

**Sections:**

7.92.010 - Definitions.

- A. "County" shall mean the county of Mono.
- B. "County building" shall mean any county-owned building including, but not limited to, the Bridgeport courthouse, Bridgeport annexes I and II, the Bridgeport sheriff and probation department buildings, the county road shops and all community and senior centers.
- C. "Smoke or smoking" means the carrying or holding of a lighted pipe, cigar or cigarette of any kind or the lighting, emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind.

(Ord. 02-06 § 1 (part), 2002.)

7.92.020 - Prohibitions—County buildings.

- A. Smoking shall be prohibited within twenty feet from main entrances, open windows, ventilation intake systems and covered entryways of any county building.
- B. Signs shall be posted in all county buildings which shall have wording similar to the following: "NO SMOKING WITHIN 20 FEET OF MAIN ENTRANCES, EXITS, OPEN WINDOWS, VENTILATION INTAKE SYSTEMS AND COVERED ENTRYWAYS."

(Ord. 02-06 § 1 (part), 2002.)

7.92.030 - Violation and enforcement.

- A. Any person who violates any provision of this article, upon conviction thereof, shall be guilty of an infraction and subject to a fine (not including court-imposed mandatory penalties) of twenty dollars for the first violation, thirty dollars for the second violation, and forty dollars for any subsequent violation.
- B. A schedule of court-imposed mandatory penalties applicable to the above fine amounts is available from the clerk of the Mono County superior court.

(Ord. 02-06 § 1 (part), 2002.)





ORDINANCE NO. ORD18-\_\_\_

**AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS  
AMENDING CHAPTER 7.92 OF THE MONO COUNTY CODE  
PERTAINING TO THE COUNTY'S SMOKING  
AND TOBACCO POLICY**

**WHEREAS**, Chapter 7.92 of the Mono County Code contains regulations and prohibitions pertaining to second-hand smoke and tobacco; and

**WHEREAS**, the National Institute on Drug Abuse has concluded that nicotine in tobacco products is a powerfully addictive drug, which has been identified as the most widespread example of drug dependence in the U.S.; and

**WHEREAS**, the Mono County Board of Supervisors acknowledges that substantial scientific evidence exists that shows a causal relationship between smoking and/or exposure to second-hand smoke and serious health conditions; and

**WHEREAS**, the Mono County Board of Supervisors acknowledges that secondhand aerosol emitted from electronic smoking devices and secondhand marijuana smoke has been identified by the Office of Environmental Health Hazard Assessment's (OEHHA) Reproductive and Cancer Hazard Assessment Branch as a health hazard; and

**WHEREAS**, nonsmokers who live in multi-unit dwellings can be exposed to neighbors' secondhand smoke and the Surgeon General has concluded that eliminating smoking in indoor spaces is the only way to fully protect nonsmokers from secondhand smoke exposure and that separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot completely prevent secondhand smoke exposure; and

**WHEREAS**, a local ordinance that authorizes residential rental agreements to include a prohibition on smoking tobacco within rental units is not prohibited by California law; and

**WHEREAS**, the federal Family Smoking Prevention and Tobacco Control Act (FSPTCA), enacted in 2009, prohibited candy- and fruit-flavored cigarettes, largely because these flavored products were marketed to youth and young adults; and

**WHEREAS**, it is in the public interest to ban the sale of such flavored tobacco products in the unincorporated areas of Mono County; and

**WHEREAS**, the Mono County Board of Supervisors now wishes to update Chapter 7.92 of the Mono County Code to reflect these and other findings.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO ORDAINS** as follows:

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**SECTION ONE:** Chapter 7.92 of the Mono County Code is hereby amended in its entirety to read as set forth in Attachment "A", attached hereto and incorporated herein by this reference.

**SECTION TWO:** This ordinance shall become effective 30 days from the date of its adoption and final passage, which appears immediately below. The Clerk of the Board of Supervisors shall post this ordinance and also publish the ordinance in the manner prescribed by Government Code section 25124 no later than 15 days after the date of its adoption and final passage. If the Clerk fails to so publish this ordinance within said 15-day period, then the ordinance shall not take effect until 30 days after the date of publication.

**PASSED, APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote, to wit:**

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

\_\_\_\_\_  
**Bob Gardner, Chair**  
**Mono County Board of Supervisors**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Clerk of the Board**

\_\_\_\_\_  
**County Counsel**

**SMOKING AND TOBACCO**

**Sections:**

<b>7.92.010</b>	<b>Definitions.</b>
<b>7.92.020</b>	<b>Prohibitions – locations where smoking it prohibited.</b>
<b>7.92.030</b>	<b>Reasonable smoking distance required – 20 feet.</b>
<b>7.92.040</b>	<b>Multi-Unit Housing.</b>
<b>7.92.050</b>	<b>Signage.</b>
<b>7.92.060</b>	<b>Duty of person, employer, business or nonprofit entity.</b>
<b>7.92.070</b>	<b>Sale of flavored products prohibited.</b>
<b>7.92.080</b>	<b>Penalties and enforcement.</b>

**7.92.010 - Definitions.**

- A. “County” shall mean the county of Mono.
- B. “County Building” shall mean any County-owned building including, but not limited to, the Bridgeport courthouse, Bridgeport annexes I and II, the Bridgeport sheriff and probation department buildings, the County road shops and all community and senior centers.
- C. “Business” means any sole proprietorship, partnership, joint venture, corporation, association, or any other entity formed for profit-making purposes or that has an Employee, as defined in this section.
- D. “Characterizing Flavor” means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a Tobacco Product or any byproduct produced by the Tobacco Product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice; provided, however, that a Tobacco Product shall not be determined to have a Characterizing Flavor solely because of the use of additives or flavorings or the provision of ingredient information.
- E. “Dining Area” means any area available to or customarily used by the general public, that is designed, established, or regularly used for consuming food or drink.
- F. “Electronic Smoking Device” means an electronic device that can be used to deliver an inhaled dose of nicotine, cannabis, or any other substances, including any component, part or accessory of such a device, whether or not sold separately.
- G. “Employee” means any person who is employed; retained as an independent contractor by any Employer, as defined in this section; or any person who volunteers his or her services for an Employer, association, nonprofit, or volunteer entity.

## ATTACHMENT A

- H. "Employer" means any person, partnership, corporation, association, nonprofit or other entity which employs or retains the service of one or more persons, or supervises volunteers.
- I. "Enclosed Area" means:
1. an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has:
    - a. any type of overhead cover whether or not that cover includes vents or other openings and at least three walls or other vertical constraints to airflow including, but not limited to, vegetation of any height, whether or not those boundaries include vents or other openings; or
    - b. four walls or other vertical constraints to airflow including, but not limited to, vegetation that exceeds six feet in height, whether or not those boundaries include vents or other openings.
- J. "Flavored Tobacco Product" means any Tobacco Product that imparts a Characterizing Flavor.
- K. "Labeling" means written, printed, or graphic matter upon any Tobacco Product or any of its Packaging, or accompanying such Tobacco Product.
- L. "Manufacturer" means any person, including any repacker or relabeler, who manufactures, fabricates, assembles, processes, or labels a Tobacco Product; or imports a finished Tobacco Product for sale or distribution into the United States.
- M. "Multi-Unit Residence" means any residential structure with two (2) or more Units and has at least one or more shared walls, floors, or ceilings. Additionally, a residential structure that has two (2) or more Units and has a shared ventilation system is considered a Multi-Unit Residence.
- A Multi-Unit Residence **does not** include the following:
1. a single-family residence with a detached in-law or secondary dwelling unit;
  2. a single, contiguous residence in which rent is shared by the residents; and
  3. A hotel or motel that meets the requirements of California Civil Code section 1940, subdivision (b) (2).
- N. "Multi-Unit Residence Common Area" means any indoor or outdoor common area of a Multi-Unit Residence accessible to and usable by more than one residence, including but not limited to halls, lobbies, laundry rooms, outdoor eating areas, play areas, swimming pools and recreation areas.

## ATTACHMENT A

- O. "Nonprofit Entity" means any entity that meets the requirements of California Corporations Code Section 5003 as well as any corporation, unincorporated association or other entity created for charitable, religious, philanthropic, educational, political, social or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A public agency is not a Nonprofit Entity within the meaning of this section.
- P. "Packaging" means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a Tobacco Product is sold or offered for sale to a consumer.
- Q. "Place of Employment" means any area under the legal or de facto control of an Employer, Business or Nonprofit Entity that an Employee or the general public may have cause to enter in the normal course of operations, but regardless of the hours of operation, including, for example, indoor and outdoor work areas, construction sites, vehicles used in employment or for business purposes, taxis, employee lounges, conference and banquet rooms, bingo and gaming facilities, long-term health facilities, warehouses, and private residences that are used as childcare or health care facilities subject to licensing requirements.
- R. "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- S. "Playground" means any park or recreational area designated in part to be used by children that has play or sports equipment installed or has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds, or on County property.
- T. "Public Place" means any place, public or private, open to the general public regardless of any fee or age requirement, including, for example, bars, restaurants, clubs, stores, stadiums, parks, Playgrounds, taxis and buses.
- U. "Reasonable Distance" means a distance of at least twenty (20) feet to ensure that occupants of a building and those entering or existing the building are not exposed to secondhand smoke created by smokers outside of the building.
- V. "Recreational Area" means any area, public or private, open to the public for recreational purposes regardless of any fee requirement, including, for example, parks, gardens, sporting facilities, stadiums, and playgrounds.
- W. "Service Area" means any area designed to be or regularly used by one or more persons to receive or wait to receive a service, enter a public place, or make a transaction whether or not such service includes the exchange of money, including, for example, ATMs, bank teller windows, telephones, ticket lines, bus stops, and cab stands.
- X. "Smoking" means inhaling exhaling, burning or carrying any lighted, heated or ignited

## ATTACHMENT A

cigar, cigarette, vaporizer, joint, cigarillo, pipe, hookah or Electronic Smoking Device.

Y. "Smoking Product" means any substance containing cannabis or tobacco leaf or meant to be used in conjunction with an e-cigarette or any other type of smoking or vaporizing contraption including but not limited to cannabis, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco or any other preparation of tobacco, including Indian cigarettes called "bidis", and cartridges and liquid solutions for e-cigarettes, which may be utilized for smoking, chewing, inhaling or other manner of ingestion.

Z. "Tobacco Paraphernalia" means any item designed or marketed for the consumption, use, or preparation of Tobacco Products.

AA. "Tobacco Product" means:

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff.
2. Any electronic device that delivers nicotine or other similar substances to the person inhaling from the device, including, but not limited to an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah.
3. Notwithstanding any provision of subsections (a) and (b) to the contrary, "Tobacco Product" includes any component, part, or accessory intended or reasonably expected to be used with a Tobacco Product, whether or not sold separately. "Tobacco Product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

BB. "Tobacco Retailer" means any Person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, Tobacco Products or Tobacco Paraphernalia. "Tobacco Retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of Tobacco Products or Tobacco Paraphernalia sold, offered for sale, exchanged, or offered for exchange.

CC. "Unit" means a personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use Enclosed Area or unenclosed area, such as for example, a private balcony, porch, deck or patio. "Unit" includes, without limitation, an apartment; a condominium; a townhouse; a room in a motel or hotel; a dormitory room.

## ATTACHMENT A

### **7.92.020 – Prohibitions – locations where smoking is prohibited.**

- A. Except as otherwise provided in this Chapter, Smoking of any Smoking product is prohibited in the following enclosed and unenclosed locations in the County:
1. All areas where smoking is prohibited by state or federal law, including, but not limited to, indoor workplaces, bars and restaurants (California Labor Code Section 6404.5); state, county, and city buildings (California Government Code Sections 7596 through 7598); and tot lots and playgrounds (California Health and Safety Code Section 104495).
  2. County vehicles.
  3. Public parks.
  4. Recreational Areas.
  5. Service Areas.
  6. Dining Areas.
  7. Public Places, when being used for a public event, including a sporting event, farmer's market, parade, craft fair, or any event which may be open to or attended by the general public, provided that smoking is permitted on streets and sidewalks being used in a traditional capacity as pedestrian or vehicular thoroughfares, unless otherwise prohibited by this Chapter or other law.
- B. Nothing in this Chapter prohibits any person or employer with legal control over any property from prohibiting smoking on any part of such property.

### **7.92.030 – Reasonable smoking distance required – 20 Feet.**

Smoking shall occur at a Reasonable Distance of at least twenty (20) feet outside any Enclosed Area and from entrances, operable windows, and ventilation systems of Enclosed Areas where smoking is prohibited, including in or around Multi-Unit Housing, to ensure that smoke does not enter the area through entrances, windows, ventilation systems or any other means to ensure that those indoors and those entering or leaving the building are not involuntarily exposed to secondhand smoke or Electronic Smoking Device or vapor.

### **7.92.040 – Multi-Unit Housing.**

- A. Beginning July 1, 2018, Smoking is prohibited in all Units and all Multi-Unit Residence Common Areas.
- B. Notwithstanding subsection (C), a person with legal control over a Multi-Unit Residence Common Area, or authorized representative of such person, may designate a portion of said area as a smoking area provided that at all times the designated smoking area complies with subsection (C) below.
- C. A designated smoking area:
1. Shall be an unenclosed and clearly delineated area, as described in this subsection;

## ATTACHMENT A

2. Shall be located at least 20 feet in any direction from any operable doorway, window, opening or other vent into an Enclosed Area that is located at the Multi-Unit Residence;
  3. Shall comply with Section 7.92.030 and shall not include, and shall be at least 20 feet in any direction from, the following areas at the Multi-Unit Residence:
    - a. Playground or similar area where primarily children play; and
    - b. Areas with improvements that facilitate physical activity including playgrounds and swimming pools;
- D. No person with legal control over a Multi-Unit Residence Common Area or other area in which smoking is prohibited by this Chapter or other law shall knowingly permit the presence of ash trays, ash cans, or other receptacles designed for or primarily used for disposal of smoking waste within the area. Such person with legal control over a common or other area in which smoking is prohibited by this Chapter or other law shall maintain such area free of tobacco litter or waste.
- E. Additional smoking-related prohibitions related to Multi-Unit Residences:
1. No person shall smoke in any nonsmoking area.
  2. No person with legal control over any nonsmoking area, or authorized representative of such person, shall knowingly permit smoking in any nonsmoking area that is under the person's control. The person with legal control of the nonsmoking areas, or authorized representative of such person, shall keep the area free of any tobacco litter or waste.
  3. No person shall intimidate or harass any person who seeks compliance with this Chapter. Moreover, no person shall intentionally or recklessly expose another person to smoke in response to that person's effort to achieve compliance with this Chapter. Violation of this subsection E.3 shall constitute a misdemeanor.
  4. Causing, permitting, aiding, or abetting a violation of any provision of this Chapter shall also constitute a violation of this Chapter.
- F. Signage at Multi-Unit Residences must comply with section 7.92.050.
- G. Required and implied terms in a lease and a purchase and sale agreement:
1. Every lease or other rental agreement for the occupancy of a Unit in a Multi-Unit Residence entered into, renewed, or continued month-to-month after July 1, 2018, shall include the following:
    - a. A provision stating in substance that it is a material breach of the lease/rental agreement for the tenant, or any other person subject to the control of the tenant or present by invitation or permission of the tenant,



## ATTACHMENT A

- to: (i) smoke in any existing Unit or in any common area of the property other than a designated smoking area; (ii) smoke in a new Unit; and (iii) violate any law regulating smoking anywhere on the property;
- b. A clear description of all areas on the property where smoking is allowed or prohibited and a clear statement indicating that smoking is prohibited at least 20-feet from any Enclosed Area, window or ventilation.
  - c. A clause expressly conveying third-party beneficiary status to all tenants and lawful occupants of the Multi-Unit Residence as to the smoking provisions of the agreement.
2. Every agreement for the purchase and sale of any Multi-Unit Residence or any new or existing Unit in a Multi-Unit Residence entered into after July 1, 2018, shall include the following:
- a. A provision stating in substance that it is a material breach of the agreement for any resident of the Multi-Unit Residence or Unit, or any other person subject to the control of a resident or present by invitation or permission of a resident, to: (i) smoke in an existing Unit or in any common area of the property other than a designated smoking area unless the property has any existing Units; (ii) smoke in a new Unit; and (iii) violate any law regulating smoking anywhere on the property;
  - b. A clear description of all areas on the property where smoking is allowed or prohibited and a clear statement indicating that smoking is prohibited at least 20-feet from any Enclosed Area, window or ventilation.
  - c. A provision expressly conveying third-party beneficiary status to all property owners and lawful occupants of the Multi-Unit Residence as to the smoking provisions of the agreement.
3. Whether or not a landlord, property manager, property owner or homeowners' association complies with the applicable provisions of subsections (a) and (b), the provisions required by those subsections shall be implied and incorporated by law into every agreement to which those subsections apply and shall become effective as of the earliest possible date on which the landlord, property manager, property owner or homeowners' association could have made the insertions pursuant to subsection (a) or (b).
4. This Chapter shall not create liability in a landlord, property manager, property owner, or homeowners' association for a breach of any smoking provision in a lease or other rental agreement for the occupancy of a Unit in a Multi-Unit Residence, or in an agreement for the purchase and sale agreement of a Multi-Unit Residence or any Unit in a Multi-Unit Residence if that person or entity has fully complied with the applicable provisions of subsections (a) and (b).

## ATTACHMENT A

5. Failure to enforce any smoking provision required by this Chapter shall not affect the right to enforce such provision in the future, nor shall a waiver of any breach constitute a waiver of any subsequent breach or a waiver of the provision itself.

### **7.92.050 – Posting of signs.**

Posting of signs shall be the responsibility of the owner, operator, manager or other person having control of the place where smoking is prohibited by this chapter in cooperation with the Mono County Public Health Department. Except in facilities owned or leased by county, state, or federal governmental entities, “No Smoking” signs with letters of not less than one-half inch in height or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly posted where smoking is prohibited in accordance with this Chapter. Where applicable, all signs shall clearly state that smoking is prohibited within 20 feet of any Enclosed Area as defined in subsection I of section 7.92.010 or within 20 feet of entrances, operable windows and ventilation systems. The requirement to post signs pursuant to this section shall not apply to the inside the Units of Multi-Unit Residences. Any owner, manager, operator, Employer or Employee or other person having control of a place where smoking is prohibited by this Chapter shall not be deemed to be in violation of this Chapter if signs have been posted in a manner consistent with the requirements of this section. For purposes of this chapter, the County manager or designee shall be responsible for the posting of signs in regulated facilities owned or leased in part by the County.

### **7.92.060 - Duty of person, employer, business or nonprofit entity.**

Notwithstanding any other provision of this Chapter, any owner, landlord, Employer, Business, Nonprofit Entity, or any other person who controls any property, establishment, or Place of Employment regulated by this chapter may declare any part of such area in which smoking would otherwise be permitted to be a nonsmoking area.

### **7.92.070 - Sale of flavored tobacco products prohibited.**

- A. It shall be a violation of this Chapter for any Tobacco Retailer or any of the Tobacco Retailer’s agents or Employees to sell or offer for sale, or to possess with intent to sell or offer for sale, any Flavored Tobacco Product.
- B. There shall be a rebuttable presumption that a Tobacco Retailer in possession of Flavored Tobacco Products, including but not limited to individual Flavored Tobacco Products, packages of Flavored Tobacco Products, or any combination thereof, possesses such Flavored Tobacco Products with intent to sell or offer for sale.
- C. There shall be a rebuttable presumption that a Tobacco Product is a Flavored Tobacco Product if a Tobacco Retailer, Manufacturer, or any employee or agent of a Tobacco Retailer or Manufacturer has:
  1. made a public statement or claim that the Tobacco Product imparts a Characterizing Flavor;

## ATTACHMENT A

2. used text and/or images on the Tobacco Product's Labeling or Packaging to explicitly or implicitly indicate that the Tobacco Product imparts a Characterizing Flavor; or
3. taken action directed to consumers that would be reasonably expected to cause consumers to believe the Tobacco Product imparts a Characterizing Flavor.

### **7.92.080 - Penalties and enforcement.**

- A. Except as provided in subsection E.3 of section 7.92.040, any person or business violating any provision of this Chapter, upon conviction thereof, shall be guilty of an infraction and subject to a fine (not including court-imposed mandatory penalties) of \$100.00 for the first violation, \$200.00 for the second violation, and \$500.00 for any subsequent violation. For purposes of this Chapter, each day of noncompliance shall be considered a separate violation.
- B. The provisions of this Chapter may be enforced through civil and/or criminal proceedings including, but not limited to, action for nuisance abatement and/or injunctive relief, or administrative citation pursuant to Chapter 1.12 following the procedures set forth in subsection D. below. In any enforcement action, the County may seek reimbursement for the costs of investigation, inspection or monitoring leading to the establishment of the violation, and for the reasonable costs of preparing and bringing the enforcement action. The remedies provided by this Section 7.92.080 are nonexclusive, cumulative and in addition to any other remedy the County may have at law or in equity.
- C. The Mono County Public Health Director or his/her designee ("Director") is authorized to enforce, on behalf of the County, the provisions of this Chapter, and to refer such enforcement to the Mono County Code Compliance Division as provided in subsection D below. Any person may request that the Director investigate a violation of this Chapter by filing a written complaint with the Public Health Department.
- D. The following procedures shall be followed by the Director upon receipt of a written complaint and/or prior to referring enforcement to Mono County Code Compliance:
  1. The Director shall contact the owner, operator or manager of the establishment, Multi-Unit Residence or facility (the "establishment") or person that is the subject of the complaint to investigate the nature and extent of the violation, and may conduct such additional investigation as may be necessary, to determine whether the violation occurred.
  2. If the Director concludes that a violation occurred, he or she shall provide to the owner, operator or manager of the establishment or person committing the violation a copy of the provisions of this Chapter and such advisory assistance to avoid future violations as may be necessary to achieve compliance.
  3. Upon receipt a second written complaint involving the same person or establishment, the Director shall attempt to meet with the owner, operator or manager or person alleged to have violated this Chapter to further investigate the matter and shall conduct such additional investigation as may be necessary. If it

## ATTACHMENT A

is determined that a subsequent violation has occurred, the Director shall mail, certified mail, postage prepaid, return receipt requested, a written directive to the owner, operator, manager or other person, explaining in detail the steps required in order to achieve future compliance and advising that the County may initiate enforcement proceedings pursuant to Chapter 1.12, or pursue such other enforcement as is authorized by law, in the event of a subsequent violation.

4. Upon receipt of a third written complaint regarding the same person or establishment, the Director may refer the matter to Mono County Code Compliance for further investigation and enforcement pursuant to Chapter 1.12, provided that the Code Compliance Division confirms that sufficient resources are available.
  5. Any violation determined by the Code Compliance Division to have occurred following issuance of a Notice of Violation in accordance with Chapter 1.12, shall constitute cause for issuance of an Administrative Citation under that Chapter, except that the amount of the penalty imposed for each violation shall be as set forth in subsection 7.92.080.A.
- E. The Director, and Code Compliance Specialist if applicable, shall maintain clear and thorough records and logs of all investigations and communications made in relation to every written complaint filed with the Public Health Department pursuant to this Section.



1/11/2018

Dear Mono Country Board of Supervisors,

As Pediatricians, we are writing this letter in strong support of the ordinance to ban flavored tobacco and to create smoke-free multi-unit housing.

Tobacco use and smoke exposure are some of the most significant health threats to children, adolescents, and adults. The developing brains of children are especially susceptible to developing tobacco and nicotine dependence. In fact, studies show that most nicotine dependence begins before 18 years of age. Tobacco not only harms the individual using these products, but also harms those exposed to secondhand and thirdhand tobacco smoke. Tobacco control policies are essential to decrease tobacco's ill effects on not only children's health, but all of our health.

It is our belief that all children should have access to safe housing, free from the detrimental effects of smoke exposure. Smoke exposure increases the risk of sudden infant death syndrome, ear infections, respiratory infections, more frequent and severe asthma exacerbations, more severe bronchiolitis, pneumonia, behavior problems, neurocognitive defects and cancer. It is unacceptable and unethical to consciously put our community's children at risk when it can be easily prevented.

Of particular concern are flavored tobacco products. These products serve no other purpose than to target young, vulnerable children. One study showed that at least two-thirds of youth tobacco users use tobacco products 'because they come in flavors I like.' All of these products contain nicotine, which make these products addictive and hard to quit. This benefits the tobacco companies greatly as these children and adolescents become customers for life. As a community, our job is to protect our youth and allowing these products to be sold makes us complicit in their addictions and declining health.

As Pediatricians, the proposed policies to prohibit smoking in and around multi-unit housing and to ban flavored tobacco products serve to protect our future generations from addiction and health problems. Research has shown such policies to be effective in improving health outcomes. We implore you to support these ordinances, which are an investment in our children's health and future.

Sincerely,

Drs Kristin Collins, Kris Wilson, and Louisa Salisbury  
Sierra Park Pediatrics  
Mammoth Lakes, CA

January 16, 2018

Dear Honorable Mono County Board of Supervisors,

I have a large four-unit apartment building in June Lake CA. All of the leases include a non-smoking clause prohibiting smoking in the unit or within 20 feet of any operable door or window. Tenants complain they can't open windows without smoke drifting into their units while other tenants stand outside on the balconies smoking.

June Lake can get windy and their "butt" cans tip in the wind scattering cigarettes all over the property. I have issued numerous notice to stop this behavior but they continue to violate hiding their lighted cigs and bringing them into the house. I believe tenants have rights protecting them from secondhand smoke.

The federal Fair Housing Act (FHA) implies landlords are to provide a safe and habitable environment to protect tenants. This means handling all unwanted nuisances such as noise, poor ventilation, heating and secondhand smoke exposure that substantially affects the tenant's enjoyment of the premises. Our last, and hopefully last, offender's lease was not renewed and has vacated the property as of Jan 4, 2018.

I know that tenants can bring legal action against owners, managers, and other tenants regarding secondhand smoke exposure under common law. I hope that policy will be implemented to further restrict this behavior with possible financial penalties on those who violate.

Sincerely,

Beverly A. Holcombe  
38860 Bella Vista  
Temecula, CA 92592  
951-288-0114



## MAMMOTH UNIFIED SCHOOL DISTRICT

Superintendent  
Lois Klein

Board of Education  
Jack Farrell  
Deanna Campbell  
Shana Stapp  
John Stavlo  
Yvon Guzman Rangel

January 19, 2018

Dear Mono County Board of Supervisors:

As representative of the Mammoth Unified School District and Board of Education, I am writing in support of two new Mono County ordinances under consideration that would ban the sale of flavored tobacco and would create smoke free multiunit housing. We strongly support these policies and their focus on protecting our students.

As an organization dedicated to the education and well being of children, we recognize that the 2009 Federal Law, the Family Smoking Prevention and Tobacco Control Act, which prohibited the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and fruit flavors did not apply to other tobacco products. Continuing the long tradition of designing products that appeal explicitly to new users, tobacco companies have significantly stepped up the introduction and marketing of flavored non-cigarette tobacco products, especially electronic cigarettes (ecigarettes) and cigars. Flavored tobacco products are just as addictive as regular tobacco products. All tobacco products contain nicotine, the primary addictive chemical that makes it so hard to quit.

Mammoth Unified School District has seen a dramatic increase in the use of flavored tobacco products. These products are undermining both local and the national efforts to reduce youth tobacco use and putting a new generation of kids at risk of nicotine addiction and the serious health harms that result from tobacco use.

As a school district dedicated to the well being of all students and their families, we believe the adoption of ordinances restricting the sale of flavored tobacco will protect children from the efforts of the tobacco industry attempting to hook them to a deadly addiction and that providing smoke free multiunit housing will provide a healthy environment for families and students to thrive.

We look forward to working with you to provide healthy futures for our community.

Sincerely,  
  
Lois Klein

**Mono County Child Care Council**



www.monocccc.org

P. O. Box 8571

Mammoth Lakes, CA 93546

January 18, 2018

Dear Board of Supervisors;

The Mono County Child Care Council supports the proposed policy that prohibits smoking in multiunit housing and limits the sale of flavored tobacco and vaping products. While state law prohibits smoking in childcare facilities, children may be exposed to second hand tobacco and marijuana smoke and other vapor products when being cared for in family child care homes.

In support of their opinion, the Mono County Child Care Council notes the following:

- Secondhand smoke harms children and adults, and the only way to fully protect nonsmokers is to eliminate smoking in all homes, worksites, and public places.
- Separating smokers from nonsmokers, opening windows, or using air filters does not prevent people from breathing secondhand smoke.
- Most exposure to secondhand smoke occurs in homes and workplaces.
- Children's secondhand smoke exposure causes lower respiratory tract infections, such as pneumonia and bronchitis, exacerbates childhood asthma, and increases the risk of acute chronic middle ear infection leading to absence from childcare and school.
- Secondhand smoke exposure adversely affects fetal growth with elevated risk of low birth weight, and increased risk of Sudden Infant Death Syndrome (SIDS) in infants with mothers who smoke.
- There is leakage of air from individual apartments to and from the outdoors and leakage from one apartment to another from the standpoint of occupant health and safety.
- Children in apartments had higher mean cotinine levels than children in detached houses indicating they were metabolizing nicotine from cigarettes smoke and smoking bans in multiunit housing may reduce children's exposure to tobacco smoke.
- Secondhand marijuana smoke may have similar cardiovascular effects as tobacco smoke.
- Liquid nicotine is extremely toxic; as little as half a teaspoon can be fatal if ingested by an average sized toddler. In 2014, there were more than 3,000 calls to U.S. poison control centers for liquid nicotine exposure, and one toddler died.

Your consideration of this evidence which supports our opinion as childcare advocates is greatly appreciated. Thank you.

A handwritten signature in blue ink that reads "Dyanna Hernandez". The signature is written in a cursive style.

Dyanna Hernandez  
Mono County Child Care Council Chair

References available upon request.



January 24, 2018

To: Mono County Board of Supervisors

RE: Mono County Smoking Ordinance

The Board of Supervisors will be meeting in February to discuss and vote on whether to approve a smoking ordinance for multi family residences of Mono County. I have lived in a multi family condominium for many years and have experienced first hand the affects on my health and life style by smokers. Although we have CC&R's in place that prohibits smoking in close proximity to the units, the money, resources and legal processes to enforce violators of these CC&R's is almost impossible for a complex of our size . I believe an ordinance prohibiting smoking of cigarettes and marijuana would strengthen our CC&R's making them easier to enforce.

In my view this is an easy choice to make. It is a fact that second hand smoke causes cancer and a number of illnesses for both adults and children. That certainly seems like a compelling reason to protect our citizens from potential health issues and an unhealthy environment. The majority of people in our community favor an ordinance while others will yell about their personal property rights. Should ones personal property rights to smoke negate the rights of others to have a healthy, smoke free environment? That seems easy to me! And, what about the people that live in apartments and other multi units that don't have the advantage of C&C& R's to protect them? What about their rights to a healthy environment? Seems easy to me!

The citizens of our county count on you to make the choices that keep us safe and healthy. I look forward to a "yes" vote to approve the ordinance that protects our environment and health and safety of our citizens.

Thank you for you consideration.

Sharon Carkeet

Crowley Lake

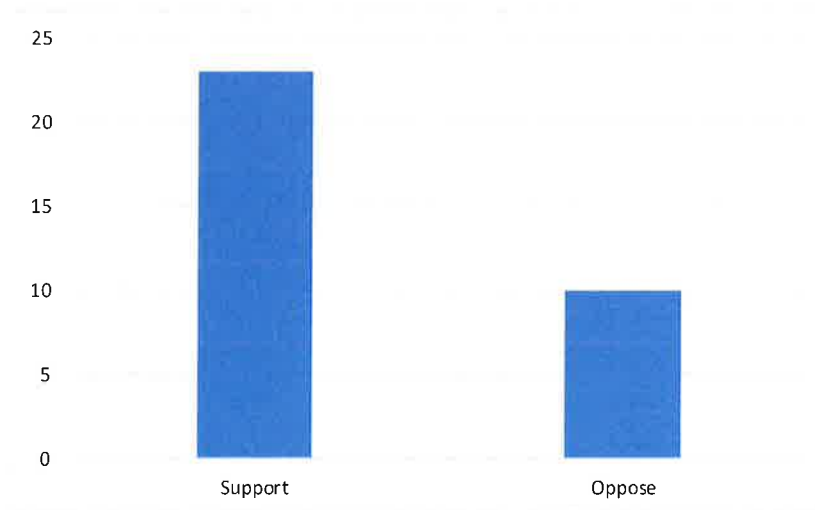
# Tobacco Education Program EVALUATION BRIEF

Mono County Health Department  
Tobacco Education Program

Mammoth Lakes  
760-924-1830

**Purpose:** On September 6, 2017, the Mono County Board of Supervisors requested an assessment of the support for a smoke-free multi-unit housing policy among Crowley property owners. To that end, fifty-six Crowley property owners of multi-unit housing (MUH) received an educational letter and survey to ascertain the level of support for a smoke-free policy. Sixty-one percent of all property owners/managers completed surveys.

**Results:** There is strong support for a county-wide smoke-free MUH policy among property owners in Crowley. Of the 34 respondents, 24 (68%) strongly supported or supported a smoke-free policy. Ten respondents (30%) opposed or strongly opposed a county-wide policy. Two supporters reiterated their support and gratitude in additional comments. Of two opposed commentators, one expressed concern for the rights of smokers, and one thought that smoking policy should be left up to property owners. One more supporter expressed the need for effective enforcement that held smokers, not property owners or managers, accountable for violations.



**“Would you support a county ordinance that creates smoke free areas within multiunit housing units, on patios and balconies, 20 feet from doorways of multiunit housing, and in common areas of multi-unit housing (pools, jacuzzis, picnic areas)?”**

**Methods:** In October 2017, the Mono County Tobacco Education Program mailed a survey to 60 (100% according to the tax assessor’s office) condominium and apartment owners and managers in Crowley, a residential community in unincorporated Mono County. An educational letter accompanied the survey with two options for returning the survey including: 1) a link to take the survey online via Survey Monkey, 2) a postcard to return by mail or deposit in an envelope at the local store. A second mailing was conducted mid-November to those who failed to respond. Four surveys were returned undeliverable, for a total census sample size of 56. A total of 34 completed surveys were obtained for a response rate of 61%. The survey measured support for a county-wide policy that would prohibit smoking at MUH properties including all common areas both indoors and outdoors, 20-feet from building entrances including private decks and patios, and inside all individual units.

###



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** February 13, 2018

**Departments: Sheriff**

**TIME REQUIRED** 10 Minutes

**PERSONS** Sheriff Ingrid Braun

**SUBJECT** Resolution for 2018-2019 Off-Highway Vehicle Grant

**APPEARING  
BEFORE THE  
BOARD**

### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

The Off-Highway Vehicle Grant requires a governing body resolution to approve filing an application for FY 2018-2019 funding and to certify the Board's understanding of the grant requirements.

### RECOMMENDED ACTION:

Approve proposed R18-\_\_\_\_, Authorizing the Mono County Sheriff-Coroner, Mono County Sheriff's Office Emergency Services Coordinator, and/or the Mono County Sheriff's Office Finance Officer to apply for and administer the California State Parks Off-Highway Vehicle (OHV) Grant Program for Fiscal Year 2018-19 for an amount not to exceed \$120,000. Provide any desired direction to staff.

### FISCAL IMPACT:

Grant will not exceed \$120,000 and there is a 25% match requirement. Matching funds are provided through receipt of OHV license fees with no contribution required from the County's General Fund. In previous years the grant was used to pay for on-going costs associated with OHV patrol and enforcement of California OHV laws applicable in our area. Past grant expenditures include overtime, maintenance, vehicle costs, rents, utilities and occasionally replacement of equipment.

**CONTACT NAME:** Ingrid Braun

**PHONE/EMAIL:** 760-932-7549 / [ibraun@monosheriff.org](mailto:ibraun@monosheriff.org)

### SEND COPIES TO:

### MINUTE ORDER REQUESTED:

YES  NO

### ATTACHMENTS:

Click to download
<a href="#">Staff Report</a>
<a href="#">Resolution</a>

**History****Time**

2/9/2018 5:53 AM

2/5/2018 10:52 AM

2/8/2018 5:40 PM

**Who**

County Administrative Office

County Counsel

Finance

**Approval**

Yes

Yes

Yes

**MONO COUNTY**  
**SHERIFF**  
*A Commitment to Community Safety and Service*



**Ingrid Braun**  
Sheriff-Coroner

**MONO COUNTY SHERIFF'S OFFICE**

**Phillip West**  
Undersheriff

DATE: February 13, 2018  
TO: The Honorable Board of Supervisors  
FROM: Ingrid Braun, Sheriff-Coroner  
SUBJECT: Fiscal Year 2018-2019 California State Parks Off-Highway Vehicle Grant Program

**RECOMMENDATION:**

Approve Resolution 18-xx authorizing the Mono County Sheriff-Coroner, Mono County Sheriff's Office Emergency Services Coordinator, and/or the Mono County Sheriff's Office Finance Officer to apply for and administer the California State Parks Off-Highway Vehicle (OHV) Grant Program for Fiscal Year 2018-19. The OHV Grant will not exceed \$120,000.00.

**DISCUSSION:**

The OHV Law Enforcement Grant provides financial assistance to local and federal agencies for protection of life and property, including natural and cultural resources, related to OHV recreation and motorized access to non-motorized recreation. Eligible project costs include, but are not limited to: law enforcement patrol; material and supplies; equipment use; purchase of equipment; and training.

The California State Parks OHV Division has requested a governing body resolution for participation in the OHV Grant. The resolution should specifically identify the following personnel as grant administrators to administer and sign documents related to the OHV Grant:

Mono County Sheriff-Coroner  
Mono County Sheriff's OHV Coordinator  
Mono County Sheriff's Office Finance Officer

**FINANCIAL IMPACT:**

This resolution will assist with meeting the grant guidance for participation in the OHV Grant Program for Fiscal Year 2018-2019. When the grant is awarded, the award will not exceed \$120,000.00. There is a 25% match requirement.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "IB", written over a horizontal line.

Ingrid Braun, Sheriff-Coroner



R18-\_\_

**A RESOLUTION OF THE MONO COUNTY  
BOARD OF SUPERVISORS**

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS  
APPROVING THE APPLICATION FOR STATE OFF-HIGHWAY VEHICLE GRANT  
FY 2018-2019**

**WHEREAS**, the people of the State of California have enacted the Off-Highway Motor Vehicle Recreation Act of 1988, which provides funds to the State of California and its political subdivisions for planning, acquiring, developing, conserving and maintaining off-highway vehicle recreation; and

**WHEREAS**, the Off-Highway Motor Vehicle Recreation Division within California Department of Parks and Recreation has been delegated the responsibility to administer the program; and

**WHEREAS**, this project appears on, or is in conformance with, this jurisdiction's adopted general or master plan and is compatible with the land use plans of those jurisdiction's immediately surrounding the project;

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO RESOLVES** that:

**SECTION ONE:** Approves the filing of an application for an Off-Highway Vehicle Grant; and

**SECTION TWO:** Certifies that this agency understands its legal obligations to the State upon approval of the grant; and

**SECTION THREE:** Certifies that this agency understands the California Public Resources Code requirements and acquisition and development projects be maintained to specific conservation standards; and

**SECTION FOUR:** Certifies that the project will be well maintained during its useful life; and

**SECTION FIVE:** Certifies this agency will implement the project with diligence once funds are available and a Project Agreement has been consummated between the State and this agency; and

1           **SECTION SIX:** Certifies that this agency will provide matching the required matching  
2 funds (as applicable); and

3           **SECTION SEVEN:** Certifies that the public and adjacent property owners have been  
4 notified of this project (as applicable); and

5           **SECTION SIX:** Appoints Sheriff Ingrid Braun, Sergeant Jeff Beard, and Finance Officer  
6 Arleen Mills as agents of the Mono County Sheriff's Office to conduct all negotiations and  
7 execute and submit all required documents, including but not necessarily limited to, applications,  
8 agreements, amendments, payment request, etc., which may be necessary for the completion of  
9 the project.

10           **PASSED, APPROVED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018,  
11 by the following vote, to wit:

12 **AYES:**

13 **NOES:**

14 **ABSENT:**

15 **ABSTAIN:**

16  
17  
18  
19 \_\_\_\_\_  
20 Bob Gardner, Chair  
21 Mono County Board of Supervisors

22 **ATTEST:**

23  
24  
25 \_\_\_\_\_  
26 County Counsel

27  
28  
29 \_\_\_\_\_  
30 Clerk of the Board

31  
32



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** February 13, 2018

**Departments: Sheriff**

**TIME REQUIRED** 10 Minutes

**PERSONS  
APPEARING  
BEFORE THE  
BOARD** Sheriff Ingrid Braun

**SUBJECT** Resolution for 2018-2019 Boating  
Grant

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### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Proposed resolution authorizing the County's participation in the FY 2018-2019 California Department of Boating and Waterway Grant Program.

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### RECOMMENDED ACTION:

Adopt proposed resolution, R18-\_\_\_\_, authorizing the County's participation in the FY 2018-2019 California Department of Boating and Waterways Grant Program and designating the Sheriff-Coroner, Mono County Sheriff's Office Emergency Services Coordinator, and/or the Mono County Sheriff's Office Finance Officer as an authorized agent to sign and administer the grant. Provide any desired direction to staff.

---

### FISCAL IMPACT:

The grant will not exceed \$131,065. There is no match requirement for this grant. In previous years, this grant was used to pay on-going costs associated with regular boating patrol on 23 lakes and to enforce California boating laws applicable to our area. Past grant expenditures include salaries, overtime, benefits, maintenance, supplies, training, vehicle expenses, utilities and occasionally replacement of equipment.

---

**CONTACT NAME:** Ingrid Braun

**PHONE/EMAIL:** 760-932-7549 / [ibraun@monosheriff.org](mailto:ibraun@monosheriff.org)

---

### SEND COPIES TO:

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### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

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<input type="checkbox"/> <a href="#">Staff Report</a>
<input type="checkbox"/> <a href="#">Resolution</a>
<input type="checkbox"/> <a href="#">Program Agreement</a>



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**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
2/9/2018 6:09 AM	County Administrative Office	Yes
2/5/2018 11:10 AM	County Counsel	Yes
2/8/2018 5:49 PM	Finance	Yes

**MONO COUNTY**  
**SHERIFF**  
*A Commitment to Community Safety and Service*



**Ingrid Braun**  
Sheriff-Coroner

**MONO COUNTY SHERIFF'S OFFICE**

**Phillip West**  
Undersheriff

DATE: February 13, 2018  
TO: The Honorable Board of Supervisors  
FROM: Ingrid Braun, Sheriff-Coroner  
SUBJECT: California Department of Parks and Recreation, Division of Boating and Waterways, Fiscal Year 2018-2019 Boating Safety and Enforcement Financial Aid Program Agreement

**RECOMMENDATION:**

Approve Resolution 18-xx authorizing the Mono County Sheriff-Coroner, Mono County Sheriff's Office Emergency Services Coordinator, and/or the Mono County Sheriff's Office Finance Officer to apply for and administer the Boating Safety and Enforcement Financial Aid Program Agreement for Fiscal Year 2018-19. The Boating Safety and Enforcement Financial Aid Program Agreement will not exceed \$131,065.00.

**DISCUSSION:**

The purpose of the Boating Safety and Enforcement Financial Aid Program is to provide State financial aid to local governmental agencies whose waterways have high usage by transient boaters and an insufficient tax base to fully support a boating safety and enforcement program. The program is intended to augment existing local resources for boating safety and enforcement activities and is not intended to fully fund Boating Safety and Enforcement programs. Eligible costs include: personnel; operations, maintenance and equipment; and administration.

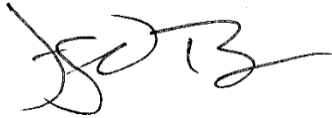
The California Department of Parks and Recreation, Division of Boating and Waterways, has requested a governing body resolution for participation in the Boating Safety and Enforcement Financial Aid Program Agreement. The resolution should specifically identify the following personnel as administrators to administer and sign documents related to the Boating Safety and Enforcement Financial Aid Program Agreement:

Mono County Sheriff-Coroner  
Mono County Sheriff's Office Emergency Management Coordinator  
Mono County Sheriff's Office Finance Officer

**FINANCIAL IMPACT:**

This resolution will assist with meeting the program guidance for participation in the Boating Safety and Enforcement Financial Aid Program Agreement for Fiscal Year 2018-2019. When the agreement is awarded, the award will not exceed \$131,065.00. There is no match requirement for this grant.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'IB', is written over a faint circular stamp.

Ingrid Braun, Sheriff-Coroner



R18-\_\_

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS  
AUTHORIZING THE COUNTY'S PARTICIPATION IN THE FY 2018-2019  
CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS GRANT  
PROGRAM AND DESIGNATING THE SHERIFF-CORONER AS AN AUTHORIZED  
AGENT TO SIGN FOR AND ADMINISTER THE GRANT**

**WHEREAS**, Mono County, a political subdivision of the State of California, wishes to participate in the 2018-2019 California Department of Boating and Waterways grant program and to authorize the Mono County Sheriff-Coroner to act as its agent to sign for and administer grants thereunder; and

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO RESOLVES** that:

**SECTION ONE:** The County of Mono's participation in the 2018-19 California Department of Boating and Waterways grant program is hereby authorized.

**SECTION TWO:** The Mono County Sheriff-Coroner, Mono County Sheriff's Emergency Management Coordinator, or the Mono County Sheriff's Office Finance Officer is authorized to execute for and on behalf of Mono County any documents necessary for the purpose of obtaining and administering financial assistance provided by the State of California Department of Boating and Waterways and to act as the County's agent with respect thereto.

**PASSED, APPROVED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Bob Gardner, Chair  
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
County Counsel



## **Boating Safety and Enforcement Financial Aid Program Agreement**

This agreement entered into this *1<sup>ST</sup> day of July, 2018*, by and between the CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS, hereinafter called "Department," and the *COUNTY OF MONO*, hereinafter called "Agency";

### **WITNESSETH**

**WHEREAS**, Contingent on approval of the **Fiscal Year 2018-2019** budget, the Department intends to agree with Agency for the purpose of performing boating safety and enforcement activities as described in Title 14, California Code of Regulations Section 6593.3; and

**WHEREAS**, Agency is equipped, staffed and prepared to provide such services on the terms and conditions set forth in this agreement and in accordance with Title 14, California Code of Regulations Section 6593 et seq.; and

**WHEREAS**, pursuant to Title 14, California Code of Regulations Section 6593.6, Department shall enter into an annual agreement with each participating agency;

**NOW, THEREFORE**, it is mutually agreed as follows:

#### **I. Applicable Law**

Agency shall observe and comply with all applicable federal, state, and county statutes, ordinances, regulations, directives, and laws, including, but not limited to, Harbors and Navigation Code Section 663.7 and Section 6593 et seq. of Title 14, California Code of Regulations. Agreement shall be deemed to be executed within the State of California and construed and governed by the laws of the State of California.

#### **II. Description of Services**

Agency shall conduct boating safety and enforcement activities in the jurisdiction of the Agency in consideration of the payments hereinafter set forth.

#### **III. Payments**

A. **Maximum Amount**. The amount the Department shall be obligated to pay for services rendered under this agreement shall not exceed **\$131,065.00** for the agreement term in full consideration of Agency's performance of the services described in this agreement.

B. **Rate of Payment**. The Department shall reimburse Agency in accordance with the reimbursement procedures set forth in Title 14, California Code of Regulations Section 6593.9.

- C. Submission of Claims. Agency shall submit claims for reimbursement to the Department contact person identified in paragraph V of this contract on a \_\_\_monthly **OR** \_\_\_quarterly basis. **(Please check one)**
- D. Failure to Submit Claims. Claims for reimbursement shall be submitted within 60 days following the last day of the reporting period. Pursuant to Title 14, California Code of Regulations 6593.9 (i), the Department may reduce an Agency's allocation by five percent if the Agency exceeds the sixty-day billing period and an additional five percent for every thirty-day period thereafter that the Agency is late in filing a claim.

**IV. Records**

Agency shall maintain records pursuant to Section 6593.10 of Title 14, California Code of Regulations.

**V. Notice**

Notice shall be in writing and shall be deemed to have been served when it is deposited in the United States mail, first class postage prepaid, and addressed as follows:

***TO DEPARTMENT***

*Ms. Joanna Andrade*  
*Department of Parks and Recreation*  
*Division of Boating and Waterways*  
*One Capitol Mall, Suite 500*  
*Sacramento, CA 95814*

***TO AGENCY***

*Mono County Sheriff*  
*100 Bryant Street*  
*Bridgeport, CA 93517*

Either party may change the address to which subsequent notice and/or other communication can be sent by giving written notice designating a change of address to the other party.

**VI. Term**

This agreement shall be for the term beginning **July 1, 2018**, and ending **June 30, 2019**.

**VII. Prior Agreements**

All prior agreements regarding this subject matter between Department and Agency are hereby terminated effective June 30 prior to the term beginning date of this agreement.

**VIII. Amendment**

No amendment or variation of the terms of this agreement shall be valid unless made in writing and signed by the parties hereto.

**IX. Termination**

Agency may terminate this agreement without cause in writing at any time. Department may terminate this agreement without cause upon a sixty (60) days written notice served upon the Agency.

**X. Special Provisions**

- A. Agency hereby certifies that the obligations created by this agreement do not violate the provisions of Sections 1090 to 1096 of the Government Code.
- B. This agreement shall have no force or effect until signed by the Department, Agency, and approved by the Department of General Services Legal Department, if required.
- C. Agency shall continue with the responsibilities of this agreement during any dispute.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS

By: \_\_\_\_\_

*California Department of Parks and Recreation,  
Division of Boating and Waterways*

Date: \_\_\_\_\_

“Department”

COUNTY OF MONO

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

“Agency”