



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 October 9, 2018

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

A. Resolution of Appreciation for Cassie Gilson

Departments: Board of Supervisors

15 minutes

(John Peters, Stacy Corless) - Proclamation of the Mono County Board of Supervisors recognizing Cassie Gilson for donating her valuable time -- and significant expertise -- to the County's efforts to prevent and mitigate impacts from the increased export of water from Mono County to the City of Los Angeles in the Summer of 2018.

Recommended Action: Adopt proposed resolution. Provide any desired direction to staff.

Fiscal Impact: None.

B. Employee Service Awards

Departments: CAO

1.5 hours

(Leslie Chapman) - Presentation by the Board of Supervisors, Leslie Chapman and Department Heads to Mono County employees, celebrating years of service to the County.

Recommended Action: Present awards, gratitude and congratulations to employees who have earned awards for years of service and dedication to the County

Fiscal Impact: The cost of the awards is included in the CAO budget.

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. Revenue Services Agreement with Franchise Tax Board

Departments: Finance

Proposed three year contract with State Franchise Tax Board for collection of

unpaid court-ordered fines, forfeitures, and penalties.

Recommended Action: Approve County entry into proposed contract and execute two copies of said contract on behalf of the County.

Fiscal Impact: Potential for additional revenue collections but how much cannot be estimated.

B. Monthly Treasury Transaction Report

Departments: Finance

Treasury Transaction Report for the month ending 8/31/2018.

Recommended Action: Approve the Treasury Transaction Report for the month ending 8/31/2018.

Fiscal Impact: None

C. Freedom From Workplace Bullies Week Proclamation

Departments: Clerk of the Board

Michelle Smith and Carrie Clark, Co-founders of California Healthy Workplace Advocates, have requested that the Board adopt a proclamation recognizing the week of October 14 to 20, 2018, as Freedom From Workplace Bullies Week. California Healthy Workplace Advocates is a coalition of citizens throughout California who are dedicated to ensuring civility and professionalism within the workplace. Part of our mission to raise public awareness about workplace bullying as a growing problem that affects both the public and private sectors.

Recommended Action: Approve proposed proclamation.

Fiscal Impact: None.

D. Reclassification and Addition of Positions within Senior Services Program

Departments: Social Services

Proposed resolution authorizing the County Administrative Officer to amend the County of Mono list of allocated positions to add one Senior Services Manager and delete one Senior Services Site Coordinator, and add one part-time, non-benefitted Cook/Driver in the Senior Services Program within the Social Services Department.

Recommended Action: Adopt Resolution R18-___, Authorizing the County Administrative Officer to amend the County of Mono list of allocated positions to add one (1) Senior Services Manager and delete one (1) Senior Center Site Coordinator; and, increase the allocation of one (1) part-time, non-benefitted Senior Services Cook/Driver.

Fiscal Impact: The Senior Services Manager (Range 63) is an increase of \$14,656 (\$10,842 salary, \$3,814 benefits). The cost of the part-time, non-benefitted Senior Services Cook/Driver is \$7,000 (\$6,700 salary, \$355 benefits). These increases are included in the Senior Center budget, are paid for with Social Services funding and there is no cost to the Mono County General Fund.

E. Resolution in Support of Proposition 2 - No Place Like Home

Departments: Board of Supervisors

A resolution of the Board of Supervisors, supporting Proposition 2, (No Place Like Home Act of 2018), which will provide permanent supportive housing linked to treatment and services to help people with serious mental illness who are experiencing homelessness or are at risk of becoming homeless.

Recommended Action: Approve the Mono County Board of Supervisors Resolution R18-____, A Resolution of the Mono County Board of Supervisors in Support of Proposition 2

Fiscal Impact: This is a bond measure that will be financed by Mental Health Services Act (Prop 63, millionaire's tax) and will result in no new costs to taxpayers.

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. Agricultural Commissioner's Office Department Update October 2018

October 2018 department update from the Counties of Inyo and Mono Agricultural Commissioner's Office.

B. Sierra Nevada Alliance Letter Expressing Concern Over Geothermal Contamination in Local Water Supply

A letter from the Sierra Nevada Alliance to Lahontan Regional Water Quality Control Board, Mammoth Town Council, and the Mono County Board of Supervisors urging them to take action to protect Mammoth Lakes' water supply.

7. REGULAR AGENDA - MORNING

A. Sale of County-Owned Real Property (APN 031-070-011)

Departments: Behavioral Health; County Counsel

15 Minutes (5 minute presentation; 10 minute discussion)

(Amanda Greenberg and Stacey Simon) - Amendment of process for sale of County-owned property located at 71 Davison Road in Mammoth Lakes to provide for a bid deadline of no sooner than November 6, 2018, (rather than by October 9, 2018) and to include a provision authorizing broker's commission.

Recommended Action: 1. Reject all proposals to purchase County-owned property located at 71 Davison Road in Mammoth Lakes received in response to Board Resolution R18-47, "Resolution of the Mono County Board of Supervisors Declaring its Intention to Sell Certain County-Owned Surplus Real Property (APN 031-070-011) and Specifying the Terms and Conditions of the Sale". 2. Adopt proposed revised resolution R18-____, Declaring the County's intention to sell certain County-owned surplus real property located at 71 Davison Road in Mammoth Lakes (APN 031-010-011) and direct staff to post and publish the resolution as required by law. Provide any desired direction to staff.

Fiscal Impact: There is no fiscal impact to the Mono County General Fund nor to the Behavioral Health Department at this time. There is the potential for revenue to each should the property sell. The minimum bid amount is \$150,000 if the property is sold for market rate housing. There is no minimum bid if the property is sold subject to enforceable restriction for affordable housing. The proposed resolution provides for a broker's commission of 5% of the sale price. Records indicate the property was acquired in 1997 for \$220,000 with Behavioral Health providing \$191,400 (87%) of the funding and the County's General Fund providing \$28,600 (13%).

B. Industrial Hemp Cultivation

Departments: Agricultural Commissioner

30 minutes

(Nate Reed) - Presentation by Nate Reed regarding industrial hemp cultivation.

Recommended Action: Staff requests board provide direction on this topic including a range of possible policy options including a potential urgency ordinance that would prohibit the cultivation of industrial hemp until staff can conduct a study of impacts resulting from such activity that may occur outside of the authority of the commercial cannabis permitting process.

Fiscal Impact: None.

C. Resolution Opposing Proposition 5, the "Property Tax Transfer Initiative"

Departments: Assessor

15 minutes

(Barry Beck) - Proposed resolution opposing Proposition 5, the "Property Tax Transfer Initiative", which would amend Proposition 13 to allow home buyers who are age 55 or older or severely disabled to transfer their tax assessments, with a possible adjustment, from their prior home to their new home, no matter the new home's market value, location in the state, or the buyer's number of moves.

Recommended Action: Adopt proposed resolution R18-____, Opposing Proposition 5, the "Property Tax Transfer Initiative" to Appear on the November 6, 2018, Statewide Ballot. Provide any desired direction to staff.

Fiscal Impact: This proposition may reduce County property tax revenues, although the exact impact is uncertain. Because state law guarantees a minimum amount of funding to schools from, in part, local property tax revenues, any decrease in County-wide property taxes resulting from lowered assessed values will decrease the County's share of property taxes through the apportionment process and also possibly again by diverting additional property taxes to schools who indirectly receive first priority over these revenues.

D. 2018/2019 California State Association of Counties (CSAC) Appointments

Departments: Board of Supervisors

10 minutes

Nomination of a member and alternate to serve on the California State Association of Counties (CSAC) Board of Directors for 2018/19.

Recommended Action: Nominate a member of the Board of Supervisors to serve on the CSAC Board of Directors for the 2018/19 Association year beginning on November 27, 2018; also, nominate an alternate member.

Fiscal Impact: Fiscal impact limited to cost to attend meetings and conferences, estimated at \$2,700, which is included in the General Fund budget.

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: One.

C. Closed Session - Existing Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: *U.S.A. et al. v. Walker River Irrigation District et al.*, U.S. Ninth Circuit Court of Appeals, Case No. 15-16478 (and related cases).

D. Closed Session - Existing Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: *Mono County v. Los Angeles Department of Water and Power, et al.* (Mono County Case No. CV180078)

E. 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: one. Facts and circumstances: County implementation of new recording fees imposed by SB 2, the Building Homes and Jobs Act.

THE MEETING WILL RESUME 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. Preliminary Comment Letter in Response to LADWP's Notice of Preparation of a Draft Environmental Impact Report

Departments: CDD, County Counsel

30 minutes (10 minute presentation; 20 minute discussion)

(Wendy Sugimura, Sandra Bauer) - Presentation of a preliminary draft of the County's comment letter in response to the Los Angeles Department of Water and Power's Notice of Preparation of a draft Environmental Impact Report on their Ranch Lease Renewal Project.

Recommended Action: None (informational only). Discuss the content of the preliminary draft, receive public input, and provide any desired direction and input to staff to finalize the letter.

Fiscal Impact: The not-to-exceed cost of the consultant team preparing the response is \$20,040, and was approved in the Phase II budget amendment.

B. Eastern Sierra Council of Governments (ESCOG) Governance Opportunities

Departments: CAO

20 minutes

(Bob Gardner, Stacey Corless, John Wentworth) - Eastern Sierra Council of Governments (ESCOG), which consists of two members each from Mono County, the Town of Mammoth Lakes, Inyo County and the City of Bishop, is asking each member agency to consider changing the structure from a Joint Powers Association to a Joint Powers Agency/Authority.

Recommended Action: Consider support for an effort to draft an agreement establishing a Joint Powers Agency/Authority for the ESCOG at no cost to ESCOG members for review by the ESCOG Board of Directors.

Fiscal Impact: There is no fiscal impact at this time; however, it will require staff time to draft the JPA agreement. A placeholder appropriation of \$10,000 for administrative services was approved with the Mono County budget on October 2, 2018.

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 October 9, 2018

Departments: Board of Supervisors

TIME REQUIRED 15 minutes

PERSONS APPEARING BEFORE THE BOARD John Peters, Stacy Corless

SUBJECT Resolution of Appreciation for Cassie Gilson

AGENDA DESCRIPTION:

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

Proclamation of the Mono County Board of Supervisors recognizing Cassie Gilson for donating her valuable time -- and significant expertise -- to the County's efforts to prevent and mitigate impacts from the increased export of water from Mono County to the City of Los Angeles in the Summer of 2018.

RECOMMENDED ACTION:

Adopt proposed resolution. Provide any desired direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME: Stacey Simon

PHONE/EMAIL: 760-924-1704 (Mammoth) 760-932-5417 (Bridgeport) / ssimon@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Proclamation](#)

History

Time	Who	Approval
10/4/2018 5:31 AM	County Administrative Office	Yes
9/28/2018 3:37 PM	County Counsel	Yes
9/13/2018 5:38 PM	Finance	Yes

**PROCLAMATION of the MONO COUNTY
BOARD OF SUPERVISORS RECOGNIZING CASSIE GILSON
FOR DONATING HER VALUABLE TIME -- AND SIGNIFICANT EXPERTISE
TO THE COUNTY'S EFFORTS TO PREVENT AND MITIGATE IMPACTS
FROM THE INCREASED EXPORT OF WATER FROM MONO COUNTY
TO THE CITY OF LOS ANGELES IN THE SUMMER OF 2018**

WHEREAS, in April of 2018, the Mono County Board of Supervisors learned that the Los Angeles Department of Water and Power (LADWP) planned to eliminate water from approximately 6,400 acres of irrigated pastureland in Long Valley and Little Round Valley in Mono County, beginning on May 1, 2018; and

WHEREAS, these lands, which have been irrigated for at least the past 100 years, serve as valuable habitat for a variety of species, including the Bi-State Sage Grouse, which is proposed for listing under the federal Endangered Species Act; and

WHEREAS, these lands also play an important role in enhancing scenic and recreational resources enjoyed by visitors to and residents of Mono County and throughout the Eastern Sierra region and are a critical driver of Mono County's rural economy; and

WHEREAS, Cassie Gilson, hearing of the impending harm to Mono County's natural environment, wildlife species and economic resources, graciously offered to donate her valuable time and priceless expertise to assist the County in trying to work through established political channels to mitigate and/or reverse LADWP's plan; and

WHEREAS, Cassie Gilson dedicated significant time and expertise during the spring and summer of 2018 to aid the County in its efforts to work with the City of Los Angeles to reach a reasonable solution that would have addressed Los Angeles' needs while mitigating harm in Mono County;

NOW, THEREFORE, BE IT RESOLVED that the Mono County Board of Supervisors expresses its sincerest gratitude for the time and expertise which Cassie Gilson dedicated to preserving environmental, cultural and economic values in Mono County which are enjoyed by residents and visitors from around the world, and looks forward to continuing to work with Ms. Gilson in the future related to the preservation of resources of value both to her and to Mono County.

APPROVED AND ADOPTED this 9th day of October, 2018, by the Mono County Board of Supervisors.

Jennifer Halferty, Supervisor District #1

Fred Stump, Supervisor District #2

Bob Gardner, Supervisor District #3

John Peters, Supervisor District #4

Stacy Corless, Supervisor District #5



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 2018

Departments: Finance

TIME REQUIRED

SUBJECT Revenue Services Agreement with
Franchise Tax Board

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Proposed three year contract with State Franchise Tax Board for collection of unpaid court-ordered fines, forfeitures, and penalties.

RECOMMENDED ACTION:

Approve County entry into proposed contract and execute two copies of said contract on behalf of the County.

FISCAL IMPACT:

Potential for additional revenue collections but how much cannot be estimated.

CONTACT NAME: Anne Larsen

PHONE/EMAIL: 760 924-1707 / alarsen@mono.ca.gov; gfrank@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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<input type="checkbox"/> Staff Report- Franchise Tax Board Agreement
<input type="checkbox"/> Franchise Tax Board Collection Agreement

History

Time	Who	Approval
10/4/2018 5:31 AM	County Administrative Office	Yes
9/28/2018 3:04 PM	County Counsel	Yes

10/2/2018 5:16 PM

Finance

Yes



DEPARTMENT OF FINANCE

COUNTY OF MONO

Gerald A. Frank
Assistant Finance Director
Treasurer-Tax Collector

Janet Dutcher, CPA, CGFM
Finance Director

Stephanie Butters
Assistant Finance Director
Auditor-Controller

P.O. Box 495
Bridgeport, California 93517
(760) 932-5480
Fax (760) 932-5481

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

Date: October 9, 2018

To: Honorable Board of Supervisors

From: Finance: Janet Dutcher, Gerald Frank

Subject:

Franchise Tax Board Standard Agreement

Actions Requested:

1. Approve the Franchise Tax Board Standard Agreement.

Background:

This is an ongoing agreement between Mono County and the State of California Franchise Tax Board. The services included in this agreement are for collections of unpaid court ordered fines, forfeitures, and penalties.

Mono County only turns over court ordered debt cases to the Franchise Tax Board after all other avenues of collections have been exhausted. To date, Mono County has not turned any cases over to the Franchise Tax Board, but would like to be able to use these services if the need arises.

Fiscal Impact:

Potential for additional revenue collections but how much cannot be estimated.

STATE OF CALIFORNIA
STANDARD AGREEMENT
 STD 213 (Rev 06/03)

AGREEMENT NUMBER 0000000000000000000026582
REGISTRATION NUMBER

- This Agreement is entered into between the State Agency and the Contractor named below:
 STATE AGENCY'S NAME
Franchise Tax Board
 CONTRACTOR'S NAME
Mono County Revenue Services
- The term of this Agreement is: February 1, 2019 or date of approval, whichever is later, through January 31, 2022.
- The maximum amount of this Agreement is: FTB will charge an Administration Fee in accordance with the governing R & TC (19280-19283) as amended by subsequent legislation
- The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	6 pages
Exhibit B – Budget Detail and Payment Provisions	1 page
Exhibit C* –Terms and Conditions (http://www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx)	GTC417
Exhibit D - Special Terms and Conditions	1 page

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this Agreement as if attached hereto. These documents can be viewed at <http://www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx>

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR		California Department of General Services Use Only
CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.) Mono County Revenue Services		
BY (Authorized Signature) 	DATE SIGNED (Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING		
ADDRESS P. O. Box 495 Bridgeport, CA 93517		
STATE OF CALIFORNIA		
AGENCY NAME Franchise Tax Board		
BY (Authorized Signature) 	DATE SIGNED (Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING Michael A. Banuelos, Procurement and Contracting Officer or Designee		
ADDRESS P.O. Box 2086, Rancho Cordova, CA 95741-2086		

Exempt per: SCM 1-4.04.A.2.

EXHIBIT A

SCOPE OF WORK

Purpose

This Agreement is entered in between the Franchise Tax Board’s Court-Ordered Debt Collections Program, herein after referred to as “FTB-COD” and the Mono County Revenue Services, herein after referred to as the “Court/Client” for the purpose of the collection of unpaid court ordered fines, forfeitures and penalties by the Franchise Tax Board.

Legal Authority

This Agreement is authorized under the provisions of Revenue and Taxation Code Sections 19280 through 19283 and the Penal Code Sections 1463.010 through 1463.012.

Duration

1. **Term:** The Agreement will be from February 1, 2019 or date of approval, whichever is later, and will be in effect until January 31, 2022.
2. **Amendments:** This Agreement may be amended by FTB-COD in writing. No alteration or variation of the terms of this Agreement shall be valid by the Court/Client unless made in writing and signed by the parties hereto. Should an Agreement change be necessary the current Agreement terms will remain in effect until a new Agreement is signed by all parties.
3. **Cancellation:** Either party may terminate this Agreement for any reason, upon thirty days (30) prior written notice. This Agreement may be terminated immediately, to be followed by written notice, by either party upon material breach by the other party of the terms of this Agreement.

General Provisions

The Contract Administrators for this Agreement shall be the following person:

Franchise Tax Board

FTB - Court-Ordered Debt Collections
Carrie Deterding
PO Box 1328
Rancho Cordova, CA 95741-1328
Phone: (916) 845-5326
Email: carrie.deterding@ftb.ca.gov

Mono County Revenue Services

Gerald Frank
P. O. Box 495
Bridgeport, CA 93517
Phone: (760) 932-5485
Email: Gfrank@mono.ca.gov

Return two (2) signed Agreements to:

Franchise Tax Board

Bureau Analyst Resource Team
Joyce Dexter-Perry
P.O. Box 1328, Mailstop A-111
Rancho Cordova, CA 95741-1328
Phone: (916) 845-4922
Email: joyce.dexter-perry@ftb.ca.gov

EXHIBIT A

SCOPE OF WORK (continued)

Definitions:

1. "Delinquent Amount" is the amount of court-ordered fine, fee, state or local penalty, forfeiture restitution fine, failure to appear fine, restitution order, or combination thereof, which has not been paid 90 days after payment of the amount first becomes delinquent.
2. "Case" is a delinquent amount owed by a person or debtor, which has been referred by the Court/Client to FTB-COD for collection.
3. "Pro Rata Distribution": If the amount collected is not sufficient to satisfy the amounts referred for collection, then the amount collected shall be distributed on a pro rata basis as provided in R&TC Section 19282, subdivisions (a) and (d). This is based on a percentage equal to the current balance of each case divided by the total balance of the account.
4. "Account" is the primary location of a debtor's case or cases from one or more Court/Client. Unique identification numbers are assigned by FTB-COD to each debtor that is assigned to our collection program.
5. "Administrative Fee": The cost for FTB-COD to administer the program pursuant to R&TC Section 19282.

EXHIBIT A

SCOPE OF WORK (continued)**Court/Client Responsibilities:**

1. **Account/Cases and Amounts Referred for Collection:** The Court/Client is responsible for referring accounts that comply with criteria and dollar amount minimums set forth in R & TC 19280-19283 and Penal Code 1463.010 - 1463.012. The amount referred by the Court/Client may include any interest, which accrued prior to the date of referral. The Court/Client may update the debt balance to include any additional accrued interest-through the FTB secure automated information exchange process.
2. **FTB-COD Reimbursement:** The Court/Client agrees to work cooperatively with FTB-COD to resolve erroneous payment/debtor refund issues. The Court/Client will be responsible for reimbursing FTB-COD when:
 - FTB-COD initiates the transmittal of funds to the Court/Client.
 - Debtor's check to FTB-COD has been identified as a "Bad Check", and such funds have been transmitted to the Court/Client.
 - Credit card payments are charged back or reversed by debtor and such funds have been transmitted to the Court/Client.
 - FTB-COD erroneously collected money as a result of inaccurate case data provided by the court and sent the funds collected to the Court/Client.
3. **Case Balance Adjustments Made by the Court/Client:** Case adjustments to the amount of fees and fines imposed on a defendant/debtor for cases referred and accepted by the FTB-COD, which are the result of judicial review of the case or payments and/or credits received from the defendant/debtor, must be immediately communicated by the Court/Client to FTB-COD through the FTB secure automated information exchange process. Case balance adjustments made to cases referred to and accepted by the FTB-COD that are adjusted by the Court/Client, while subject to the FTB-COD collection procedures are not eligible for refund of administration fees if such adjustment resulted in over collection of the case balance.
4. **Court/Client Collection Activity Suspended:** With the exception of referring accounts to the FTB Interagency Intercept Collections Program, the Court/Client will refrain from any and all collection activity, including referring said cases/accounts to another contractor for collection action, on any cases/accounts that have been referred to the FTB under this Agreement.
5. **Court/Client to Resolve Disputes with Debtor:** Cases referred to FTB-COD are deemed final, due and payable in full. Questions or disputes made by a debtor raised with FTB-COD regarding the accuracy of the debt will be referred back to the Court/Client for resolution. FTB-COD collection activity may, at FTB-COD's sole discretion, be suspended pending resolution of the issue.
6. **Information Exchange:** Case Information must be exchanged with FTB-COD through the FTB secure automated information exchange process. The FTB will provide a schedule for weekly processing of client new referrals and case updates to the FTB, and updates back to the client. Specific case information exchanged is contained in the record layout and is used to manage the case collection process. The Court/Client agrees to follow the most currently prescribed record layout. The record layout and exchange process instructions can be found at: http://www.ftb.ca.gov/online/Court_Ordered_Debt/record_layout.pdf

FTB-COD will provide an Action File through the FTB secure electronic information exchange process. Data on this file includes but is not limited to bills sent to the debtor, cases withdrawn, returned or rejected and sent back to the Court/Client. The Court/Client agrees to process the FTB-COD Action file and to update their case management system before submitting their next case information file.

EXHIBIT A

SCOPE OF WORK (continued)

Court/Client Responsibilities:

7. **Payment Notification:** The Court/Client will provide to the FTB-COD a weekly report of any payments received on referred accounts regardless of the payment source and location received/collected.
8. **Distribution of Money Collected:** The Court/Client is responsible for distributing amounts received under this Agreement pursuant to applicable law.
9. **Refunds and Administration Fees:** Cases referred to the FTB-COD with inaccurate case data resulting in payments collected erroneously will be refunded to the affected parties by the Court/Client. The Court/Client agrees to refund the full amount of erroneously collected funds to include the administration fees if assessed by the FTB-COD.
10. **Information to be made available:** The Court/Client will make available to the FTB-COD, for use in its collection efforts, all necessary information and the sources including enforcement remedies and capabilities available to the court.

EXHIBIT A

SCOPE OF WORK (continued)**FTB-COD Responsibilities**

1. **Collection and Support Services:** FTB-COD will determine the appropriate enforcement remedies and/or services to be utilized for the collection of amounts referred under this Agreement. To the extent authorized by Revenue and Taxation Code Section 19280, subdivision (d)(2), any enforcement remedies and capabilities available to the court shall apply without limitation to amounts referred under the provisions of Revenue and Taxation Code Sections 19280 - 19283 and this Agreement.

Support Services: FTB-COD provides the Court/Client with the following services:

- Telephone access for the Court/Client liaisons, available Monday through Friday during typical business hours except observed state holidays
 - New and Refresher Client Service Training
 - Monthly Collections Report
 - On a weekly basis, FTB-COD is to provide the Court/Client a schedule of payments received and applied to the applicable accounts.
 - Updates on policies, procedures, and applicable business news through periodic communication notices via email
 - Conference calls for resolutions to issues that cannot be resolved through normal Client Liaison telephone contact
 - Call Center for debtors available Monday through Friday except observed state holidays.
 - In the event of a disaster, FTB-COD may not be able to fulfill the aforementioned services until such time FTB-COD can resume normal business operations.
 - Informational Website to include frequently asked questions and technical Updates:
My Court-Ordered Debt Account - General Information
2. **FTB-COD Data Sources: Confidentiality of Debtor Information:** The Information Practice Act, Public Records Act, and Revenue and Taxation Code prohibit FTB-COD from disclosing personal debtor information secured by our collection efforts to the Court/Client. In addition, this Agreement does not provide for the use of confidential Federal Tax Returns or confidential tax return information obtained from the Internal Revenue Service.
 3. **Case and Data Retention:** All records received by FTB-COD and any database created, copies made, or files attributed to the records received will be destroyed when no longer needed for the business purpose for which it was originally obtained. Data will be destructed in accordance with established FTB Data Retention Guidelines, which are four (4) years from the date the last active case on the account was withdrawn or closed. The records shall be destroyed in a manner to be deemed unusable or unreadable and to the extent that an individual record can no longer be reasonably ascertained.

Exception: Accounts will not be destroyed per the Data Retention Guideline if:

- A payment was received within four (4) years
- A payment issue is being reviewed
- A credit balance exists on the account
- A refund, fund transfer or general fund credit existed within the last four (4) years

EXHIBIT A

SCOPE OF WORK (continued)**FTB-COD Responsibilities**

4. **Return of Cases:** FTB-COD, at its sole discretion, may return any case that has been pursued for collection to the most practicable extent. Cases will be returned to the Court/Client when the following conditions apply:
 - After 12 months when a case does not have or FTB-COD cannot verify social security number (SSN) provided by client, and known assets and payments have been collected.
 - After 24 months when the case has a social security number but we have no activity.
 - Debtor files Bankruptcy.
 - Higher priority debt has been confirmed.
 - Confirmation of a deceased debtor.
 - A zero balance due.
5. **FTB-COD Installment Agreement:** FTB-COD may, upon proof of debtor's financial condition, in its sole discretion, enter into an installment Agreement with the debtor.
6. **Potential Incorrect Debtor (PID)/Identity Theft:** When identity theft or potential incorrect debtor information is determined by FTB COD, the FTB-COD will take appropriate action to remedy resulting adverse effects. Such action will include, but not limited to:
 - Notify the referring client if the referring client provided the incorrect name and/or identifying information, such as the social security number. The referring clients will either withdrawal the case or provide correct identifying information.
 - Release all orders on account. (Earning Withholding Order and Order to Withhold).
 - Withdraw all cases and return to the appropriate client(s).
 - Contact appropriate client(s) by phone to inform them of potential identity theft.
 - Identify any misapplied funds and request a refund (if applicable).
7. **Audit By the Court/Client:** FTB-COD agrees that those matters connected with the performance of any work done under this Agreement, including, but not limited to, the costs of administering the Agreement, may be subject to the examination and audit by the Court/Client or its authorized representative, for a period of three (3) years after final payment is made.
8. **Audit Report:** In the event an audit is conducted of the FTB-COD, specifically as to this Agreement by any Federal or State auditor, or by any auditor or accountant employed by the FTB-COD or otherwise specified regarding this Agreement, then FTB-COD shall file a copy of such audit report with the Court/Client within thirty (30) days of FTB-COD's receipt thereof, unless otherwise provided by applicable Federal or State law or under this Agreement. The Court/Client shall maintain the confidentiality of such audit report(s) to the extent required by law.

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

1. **Deposits to State Treasury:** All amounts collected by FTB-COD for amounts owing on delinquent court ordered debts should be transmitted to the State Controller's Office for deposit in the Court Collection Account. Amounts collected pursuant to this program are amounts collected pursuant to a comprehensive program as provided in Section 1463.007 of the Penal Code.
2. **State Controller Distribution:** The State Controller's Office shall transfer amounts collected to the Court/Client, less the administrative costs of the program. Such amount deducted by FTB-COD for administrative costs shall not exceed the maximum percentage authorized by Revenue and Tax Code (R&TC) Section 19282 of the amount collected. The State Controller's Office shall make transfers at least once each month. This Agreement makes no provision for any such other direction of amount recovered. This provision shall not be construed to preclude or affect any contractual Agreement by the State Controller and the Court/Client regarding transfers, except as to the deduction for cost of administration.
3. **Invoicing:** For any administrative fees, funds identified as erroneous collections, and/or dishonored checks that are owed by the court/client, FTB shall submit an invoice quarterly in arrears to:

**Mono County Revenue Services
P. O. Box 495
Bridgeport, CA 93517**

4. **Payments Collected In Error:** Payments collected in error by FTB-COD will be refunded to the affected parties by FTB-COD. The Court/Client will not be assessed administrative fees on those payments.
5. **Partial Recovery - Pro Rata Distribution:** If the amount collected is not sufficient to satisfy the amounts referred for collection, then the amount collected shall be distributed on a pro rata basis as provided in R&TC Section 19282, subdivisions (a) and (d). This is based on a percentage equal to the current balance of each case divided by the total balance of the account.
6. **Administrative Fees:** Payments to cases referred to the FTB-COD for collections and accepted by the FTB-COD are subject to an administrative fee provided for in R&TC Section 19282. FTB-COD may receive administrative fees for amounts collected up to one year of the return of a case, subject to the fiscal provisions in this Agreement and provisions relating to payments deemed FTB-COD collected. Administrative fees will be assessed on payments received and applied to the referred case regardless of where or by whom payment is made subject to the following exceptions:
 - Payments collected through the FTB Interagency Intercept Collection program (R&TC 19280-19283).
 - Payments collected through liens filed by the Court/Client or an agent for the Court/Client prior to referral to FTB-COD.
 - The payment is collected after the FTB-COD has returned the case/account under guidelines set forth in this Agreement and the FTB-COD cannot prove that the collection resulted from FTB-COD collection activity.
 - Payments that the Court/Client can prove did not result from FTB-COD collection activity
7. **Refunds and Administration Fees:** FTB-COD will refund monies, not yet transferred to the respective client, to the affected parties wherefrom money was collected erroneously as a result of FTB-COD's actions. Administration fees will not be assessed on monies collected in error by the FTB-COD.
8. **Payment Application for Withdrawn or Returned Cases:** Payments received by FTB-COD on cases that have been withdrawn and/or returned will be applied in the following manner:
 - Recovery of bad checks
 - To the last case that was withdrawn\returned.

Any refund issues resulting from payments on the above case types will be the responsibility of the Court/Client.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. **Statement of Confidentiality:** The Franchise Tax Board has confidential taxpayer tax returns and other data in its custody. Unauthorized inspection or disclosure of State returns or other confidential taxpayer data is a misdemeanor (Sections 19542 and 19542.1, Revenue and Taxation Code and 90005, Government Code). Unauthorized inspection or disclosure of confidential data that includes Federal returns and other data is a felony (Sections 7213(a) (1) and 7213A (a) (1) (B) Internal Revenue Code).
2. **Employee Access to Information:** FTB-COD agrees that the information obtained will be kept in the strictest confidence and shall be made available to its own employees only on a "need to know" basis. Need to know is based on those authorized employees who need information to perform their official duties in connection with the uses of the information authorized by this Agreement. FTB-COD agrees to ensure that the information received under this Agreement is disclosed only to those individuals and for such purpose as specified in this Agreement.
3. **Contingency Clause to Budget Act:** It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to the Court/Client or to furnish any other considerations under this Agreement and the Court/Client shall not be obligated to perform any provisions of this Agreement.

If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either: cancel this Agreement with no liability occurring to the State, or offer an Agreement amendment to the Court/Client to reflect the reduced amount.

AGREEMENT NUMBER 0000000000000000000026582
REGISTRATION NUMBER

- This Agreement is entered into between the State Agency and the Contractor named below:

<small>STATE AGENCY'S NAME</small>	Franchise Tax Board
<small>CONTRACTOR'S NAME</small>	Mono County Revenue Services
- The term of this Agreement is: February 1, 2019 or date of approval, whichever is later, through January 31, 2022.
- The maximum amount of this Agreement is: FTB will charge an Administration Fee in accordance with the governing R & TC (19280-19283) as amended by subsequent legislation
- The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	6 pages
Exhibit B – Budget Detail and Payment Provisions	1 page
Exhibit C* –Terms and Conditions (http://www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx)	GTC417
Exhibit D - Special Terms and Conditions	1 page

Items shown with an Asterisk (), are hereby incorporated by reference and made part of this Agreement as if attached hereto. These documents can be viewed at <http://www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx>*

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR		California Department of General Services Use Only
<small>CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.)</small>		
Mono County Revenue Services		
<small>BY (Authorized Signature)</small>	<small>DATE SIGNED (Do not type)</small>	
<small>PRINTED NAME AND TITLE OF PERSON SIGNING</small>		
<small>ADDRESS</small>		
P. O. Box 495 Bridgeport, CA 93517		
STATE OF CALIFORNIA		
<small>AGENCY NAME</small>		
Franchise Tax Board		
<small>BY (Authorized Signature)</small>	<small>DATE SIGNED(Do not type)</small>	
<small>PRINTED NAME AND TITLE OF PERSON SIGNING</small>		
Michael A. Banuelos, Procurement and Contracting Officer or Designee		
<small>ADDRESS</small>		
P.O. Box 2086, Rancho Cordova, CA 95741-2086		
		<input checked="" type="checkbox"/> Exempt per: SCM 1-4.04.A.2.

EXHIBIT A

SCOPE OF WORK

Purpose

This Agreement is entered in between the Franchise Tax Board’s Court-Ordered Debt Collections Program, herein after referred to as “FTB-COD” and the Mono County Revenue Services, herein after referred to as the “Court/Client” for the purpose of the collection of unpaid court ordered fines, forfeitures and penalties by the Franchise Tax Board.

Legal Authority

This Agreement is authorized under the provisions of Revenue and Taxation Code Sections 19280 through 19283 and the Penal Code Sections 1463.010 through 1463.012.

Duration

1. **Term:** The Agreement will be from February 1, 2019 or date of approval, whichever is later, and will be in effect until January 31, 2022.
2. **Amendments:** This Agreement may be amended by FTB-COD in writing. No alteration or variation of the terms of this Agreement shall be valid by the Court/Client unless made in writing and signed by the parties hereto. Should an Agreement change be necessary the current Agreement terms will remain in effect until a new Agreement is signed by all parties.
3. **Cancellation:** Either party may terminate this Agreement for any reason, upon thirty days (30) prior written notice. This Agreement may be terminated immediately, to be followed by written notice, by either party upon material breach by the other party of the terms of this Agreement.

General Provisions

The Contract Administrators for this Agreement shall be the following person:

Franchise Tax Board

FTB - Court-Ordered Debt Collections
Carrie Deterding
PO Box 1328
Rancho Cordova, CA 95741-1328
Phone: (916) 845-5326
Email: carrie.deterding@ftb.ca.gov

Mono County Revenue Services

Gerald Frank
P. O. Box 495
Bridgeport, CA 93517
Phone: (760) 932-5485
Email: Gfrank@mono.ca.gov

Return two (2) signed Agreements to:

Franchise Tax Board

Bureau Analyst Resource Team
Joyce Dexter-Perry
P.O. Box 1328, Mailstop A-111
Rancho Cordova, CA 95741-1328
Phone: (916) 845-4922
Email: joyce.dexter-perry@ftb.ca.gov

EXHIBIT A

SCOPE OF WORK (continued)

Definitions:

1. "Delinquent Amount" is the amount of court-ordered fine, fee, state or local penalty, forfeiture restitution fine, failure to appear fine, restitution order, or combination thereof, which has not been paid 90 days after payment of the amount first becomes delinquent.
2. "Case" is a delinquent amount owed by a person or debtor, which has been referred by the Court/Client to FTB-COD for collection.
3. "Pro Rata Distribution": If the amount collected is not sufficient to satisfy the amounts referred for collection, then the amount collected shall be distributed on a pro rata basis as provided in R&TC Section 19282, subdivisions (a) and (d). This is based on a percentage equal to the current balance of each case divided by the total balance of the account.
4. "Account" is the primary location of a debtor's case or cases from one or more Court/Client. Unique identification numbers are assigned by FTB-COD to each debtor that is assigned to our collection program.
5. "Administrative Fee": The cost for FTB-COD to administer the program pursuant to R&TC Section 19282.

EXHIBIT A

SCOPE OF WORK (continued)**Court/Client Responsibilities:**

1. **Account/Cases and Amounts Referred for Collection:** The Court/Client is responsible for referring accounts that comply with criteria and dollar amount minimums set forth in R &TC 19280-19283 and Penal Code 1463.010 - 1463.012. The amount referred by the Court/Client may include any interest, which accrued prior to the date of referral. The Court/Client may update the debt balance to include any additional accrued interest-through the FTB secure automated information exchange process.
2. **FTB-COD Reimbursement:** The Court/Client agrees to work cooperatively with FTB-COD to resolve erroneous payment/debtor refund issues. The Court/Client will be responsible for reimbursing FTB-COD when:
 - FTB-COD initiates the transmittal of funds to the Court/Client.
 - Debtor's check to FTB-COD has been identified as a "Bad Check", and such funds have been transmitted to the Court/Client.
 - Credit card payments are charged back or reversed by debtor and such funds have been transmitted to the Court/Client.
 - FTB-COD erroneously collected money as a result of inaccurate case data provided by the court and sent the funds collected to the Court/Client.
3. **Case Balance Adjustments Made by the Court/Client:** Case adjustments to the amount of fees and fines imposed on a defendant/debtor for cases referred and accepted by the FTB-COD, which are the result of judicial review of the case or payments and/or credits received from the defendant/debtor, must be immediately communicated by the Court/Client to FTB-COD through the FTB secure automated information exchange process. Case balance adjustments made to cases referred to and accepted by the FTB-COD that are adjusted by the Court/Client, while subject to the FTB-COD collection procedures are not eligible for refund of administration fees if such adjustment resulted in over collection of the case balance.
4. **Court/Client Collection Activity Suspended:** With the exception of referring accounts to the FTB Interagency Intercept Collections Program, the Court/Client will refrain from any and all collection activity, including referring said cases/accounts to another contractor for collection action, on any cases/accounts that have been referred to the FTB under this Agreement.
5. **Court/Client to Resolve Disputes with Debtor:** Cases referred to FTB-COD are deemed final, due and payable in full. Questions or disputes made by a debtor raised with FTB-COD regarding the accuracy of the debt will be referred back to the Court/Client for resolution. FTB-COD collection activity may, at FTB-COD's sole discretion, be suspended pending resolution of the issue.
6. **Information Exchange:** Case Information must be exchanged with FTB-COD through the FTB secure automated information exchange process. The FTB will provide a schedule for weekly processing of client new referrals and case updates to the FTB, and updates back to the client. Specific case information exchanged is contained in the record layout and is used to manage the case collection process. The Court/Client agrees to follow the most currently prescribed record layout. The record layout and exchange process instructions can be found at: http://www.ftb.ca.gov/online/Court_Ordered_Debt/record_layout.pdf

FTB-COD will provide an Action File through the FTB secure electronic information exchange process. Data on this file includes but is not limited to bills sent to the debtor, cases withdrawn, returned or rejected and sent back to the Court/Client. The Court/Client agrees to process the FTB-COD Action file and to update their case management system before submitting their next case information file.

EXHIBIT A

SCOPE OF WORK (continued)

Court/Client Responsibilities:

7. **Payment Notification:** The Court/Client will provide to the FTB-COD a weekly report of any payments received on referred accounts regardless of the payment source and location received/collected.
8. **Distribution of Money Collected:** The Court/Client is responsible for distributing amounts received under this Agreement pursuant to applicable law.
9. **Refunds and Administration Fees:** Cases referred to the FTB-COD with inaccurate case data resulting in payments collected erroneously will be refunded to the affected parties by the Court/Client. The Court/Client agrees to refund the full amount of erroneously collected funds to include the administration fees if assessed by the FTB-COD.
10. **Information to be made available:** The Court/Client will make available to the FTB-COD, for use in its collection efforts, all necessary information and the sources including enforcement remedies and capabilities available to the court.

EXHIBIT A

SCOPE OF WORK (continued)**FTB-COD Responsibilities**

1. **Collection and Support Services:** FTB-COD will determine the appropriate enforcement remedies and/or services to be utilized for the collection of amounts referred under this Agreement. To the extent authorized by Revenue and Taxation Code Section 19280, subdivision (d)(2), any enforcement remedies and capabilities available to the court shall apply without limitation to amounts referred under the provisions of Revenue and Taxation Code Sections 19280 - 19283 and this Agreement.

Support Services: FTB-COD provides the Court/Client with the following services:

- Telephone access for the Court/Client liaisons, available Monday through Friday during typical business hours except observed state holidays
 - New and Refresher Client Service Training
 - Monthly Collections Report
 - On a weekly basis, FTB-COD is to provide the Court/Client a schedule of payments received and applied to the applicable accounts.
 - Updates on policies, procedures, and applicable business news through periodic communication notices via email
 - Conference calls for resolutions to issues that cannot be resolved through normal Client Liaison telephone contact
 - Call Center for debtors available Monday through Friday except observed state holidays.
 - In the event of a disaster, FTB-COD may not be able to fulfill the aforementioned services until such time FTB-COD can resume normal business operations.
 - Informational Website to include frequently asked questions and technical Updates:
My Court-Ordered Debt Account - General Information
2. **FTB-COD Data Sources: Confidentiality of Debtor Information:** The Information Practice Act, Public Records Act, and Revenue and Taxation Code prohibit FTB-COD from disclosing personal debtor information secured by our collection efforts to the Court/Client. In addition, this Agreement does not provide for the use of confidential Federal Tax Returns or confidential tax return information obtained from the Internal Revenue Service.
 3. **Case and Data Retention:** All records received by FTB-COD and any database created, copies made, or files attributed to the records received will be destroyed when no longer needed for the business purpose for which it was originally obtained. Data will be destructed in accordance with established FTB Data Retention Guidelines, which are four (4) years from the date the last active case on the account was withdrawn or closed. The records shall be destroyed in a manner to be deemed unusable or unreadable and to the extent that an individual record can no longer be reasonably ascertained.

Exception: Accounts will not be destroyed per the Data Retention Guideline if:

- A payment was received within four (4) years
- A payment issue is being reviewed
- A credit balance exists on the account
- A refund, fund transfer or general fund credit existed within the last four (4) years

EXHIBIT A

SCOPE OF WORK (continued)**FTB-COD Responsibilities**

4. **Return of Cases:** FTB-COD, at its sole discretion, may return any case that has been pursued for collection to the most practicable extent. Cases will be returned to the Court/Client when the following conditions apply:
 - After 12 months when a case does not have or FTB-COD cannot verify social security number (SSN) provided by client, and known assets and payments have been collected.
 - After 24 months when the case has a social security number but we have no activity.
 - Debtor files Bankruptcy.
 - Higher priority debt has been confirmed.
 - Confirmation of a deceased debtor.
 - A zero balance due.
5. **FTB-COD Installment Agreement:** FTB-COD may, upon proof of debtor's financial condition, in its sole discretion, enter into an installment Agreement with the debtor.
6. **Potential Incorrect Debtor (PID)/Identity Theft:** When identity theft or potential incorrect debtor information is determined by FTB COD, the FTB-COD will take appropriate action to remedy resulting adverse effects. Such action will include, but not limited to:
 - Notify the referring client if the referring client provided the incorrect name and/or identifying information, such as the social security number. The referring clients will either withdrawal the case or provide correct identifying information.
 - Release all orders on account. (Earning Withholding Order and Order to Withhold).
 - Withdraw all cases and return to the appropriate client(s).
 - Contact appropriate client(s) by phone to inform them of potential identity theft.
 - Identify any misapplied funds and request a refund (if applicable).
7. **Audit By the Court/Client:** FTB-COD agrees that those matters connected with the performance of any work done under this Agreement, including, but not limited to, the costs of administering the Agreement, may be subject to the examination and audit by the Court/Client or its authorized representative, for a period of three (3) years after final payment is made.
8. **Audit Report:** In the event an audit is conducted of the FTB-COD, specifically as to this Agreement by any Federal or State auditor, or by any auditor or accountant employed by the FTB-COD or otherwise specified regarding this Agreement, then FTB-COD shall file a copy of such audit report with the Court/Client within thirty (30) days of FTB-COD's receipt thereof, unless otherwise provided by applicable Federal or State law or under this Agreement. The Court/Client shall maintain the confidentiality of such audit report(s) to the extent required by law.

EXHIBIT B**BUDGET DETAIL AND PAYMENT PROVISIONS**

1. **Deposits to State Treasury:** All amounts collected by FTB-COD for amounts owing on delinquent court ordered debts should be transmitted to the State Controller's Office for deposit in the Court Collection Account. Amounts collected pursuant to this program are amounts collected pursuant to a comprehensive program as provided in Section 1463.007 of the Penal Code.
2. **State Controller Distribution:** The State Controller's Office shall transfer amounts collected to the Court/Client, less the administrative costs of the program. Such amount deducted by FTB-COD for administrative costs shall not exceed the maximum percentage authorized by Revenue and Tax Code (R&TC) Section 19282 of the amount collected. The State Controller's Office shall make transfers at least once each month. This Agreement makes no provision for any such other direction of amount recovered. This provision shall not be construed to preclude or affect any contractual Agreement by the State Controller and the Court/Client regarding transfers, except as to the deduction for cost of administration.
3. **Invoicing:** For any administrative fees, funds identified as erroneous collections, and/or dishonored checks that are owed by the court/client, FTB shall submit an invoice quarterly in arrears to:

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4. **Payments Collected In Error:** Payments collected in error by FTB-COD will be refunded to the affected parties by FTB-COD. The Court/Client will not be assessed administrative fees on those payments.
5. **Partial Recovery - Pro Rata Distribution:** If the amount collected is not sufficient to satisfy the amounts referred for collection, then the amount collected shall be distributed on a pro rata basis as provided in R&TC Section 19282, subdivisions (a) and (d). This is based on a percentage equal to the current balance of each case divided by the total balance of the account.
6. **Administrative Fees:** Payments to cases referred to the FTB-COD for collections and accepted by the FTB-COD are subject to an administrative fee provided for in R&TC Section 19282. FTB-COD may receive administrative fees for amounts collected up to one year of the return of a case, subject to the fiscal provisions in this Agreement and provisions relating to payments deemed FTB-COD collected. Administrative fees will be assessed on payments received and applied to the referred case regardless of where or by whom payment is made subject to the following exceptions:
 - Payments collected through the FTB Interagency Intercept Collection program (R&TC 19280-19283).
 - Payments collected through liens filed by the Court/Client or an agent for the Court/Client prior to referral to FTB-COD.
 - The payment is collected after the FTB-COD has returned the case/account under guidelines set forth in this Agreement and the FTB-COD cannot prove that the collection resulted from FTB-COD collection activity.
 - Payments that the Court/Client can prove did not result from FTB-COD collection activity
7. **Refunds and Administration Fees:** FTB-COD will refund monies, not yet transferred to the respective client, to the affected parties wherefrom money was collected erroneously as a result of FTB-COD's actions. Administration fees will not be assessed on monies collected in error by the FTB-COD.
8. **Payment Application for Withdrawn or Returned Cases:** Payments received by FTB-COD on cases that have been withdrawn and/or returned will be applied in the following manner:
 - Recovery of bad checks
 - To the last case that was withdrawn\returned.

Any refund issues resulting from payments on the above case types will be the responsibility of the Court/Client.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. **Statement of Confidentiality:** The Franchise Tax Board has confidential taxpayer tax returns and other data in its custody. Unauthorized inspection or disclosure of State returns or other confidential taxpayer data is a misdemeanor (Sections 19542 and 19542.1, Revenue and Taxation Code and 90005, Government Code). Unauthorized inspection or disclosure of confidential data that includes Federal returns and other data is a felony (Sections 7213(a) (1) and 7213A (a) (1) (B) Internal Revenue Code).
2. **Employee Access to Information:** FTB-COD agrees that the information obtained will be kept in the strictest confidence and shall be made available to its own employees only on a "need to know" basis. Need to know is based on those authorized employees who need information to perform their official duties in connection with the uses of the information authorized by this Agreement. FTB-COD agrees to ensure that the information received under this Agreement is disclosed only to those individuals and for such purpose as specified in this Agreement.
3. **Contingency Clause to Budget Act:** It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to the Court/Client or to furnish any other considerations under this Agreement and the Court/Client shall not be obligated to perform any provisions of this Agreement.

If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either: cancel this Agreement with no liability occurring to the State, or offer an Agreement amendment to the Court/Client to reflect the reduced amount.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 2018

Departments: Finance

TIME REQUIRED

SUBJECT Monthly Treasury Transaction Report

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Treasury Transaction Report for the month ending 8/31/2018.

RECOMMENDED ACTION:

Approve the Treasury Transaction Report for the month ending 8/31/2018.

FISCAL IMPACT:

None

CONTACT NAME: Gerald Frank

PHONE/EMAIL: 7609325483 / gfrank@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Treasury Transaction Report for the month ending 8/31/2018.

History

Time	Who	Approval
10/4/2018 5:34 AM	County Administrative Office	Yes
9/28/2018 2:48 PM	County Counsel	Yes
9/25/2018 1:12 PM	Finance	Yes



Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 7/31/2018, End Date: 8/31/2018

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Buy Transactions									
Buy	8/1/2018	90331HNV1	500,000.00	US Bank NA 3.4 7/24/2023-23	99.78	498,910.00	330.56	3.45	499,240.56
Buy	8/3/2018	842400GL1	500,000.00	Southern California Edison 3.4 6/1/2023-18	99.56	497,780.00	2,786.11	3.50	500,566.11
Buy	8/9/2018	06426KAM0	247,000.00	Bank of New England 3.2 7/31/2023	100.00	247,000.00	194.89	3.20	247,194.89
Buy	8/17/2018	00832KAE9	243,000.00	Affinity Federal Credit Union 2.7 8/16/2019	100.00	243,000.00	0.00	2.70	243,000.00
Buy	8/21/2018	91412HDG5	240,000.00	University of California 2.836 5/15/2020-18	100.23	240,542.40	1,436.91	2.70	241,979.31
Buy	8/22/2018	90352RAC9	245,000.00	USAlliance Federal Credit Union 3 8/20/2021	100.00	245,000.00	0.00	3.00	245,000.00
Buy	8/24/2018	03753XBD1	245,000.00	Apex Bank 3.1 8/24/2023	100.00	245,000.00	0.00	3.10	245,000.00
Buy	8/29/2018	72247PAC0	245,000.00	Pine Bluff Cotton Belt FCU 2.8 8/31/2020	100.00	245,000.00	0.00	2.80	245,000.00
Buy	8/30/2018	499724AD4	245,000.00	Knox TVA Employee Credit Union 3.25 8/30/2023	100.00	245,000.00	0.00	3.25	245,000.00
Buy	8/31/2018	369674AX4	249,000.00	GE Credit Union 3 8/31/2020	100.00	249,000.00	0.00	3.00	249,000.00
Buy	8/31/2018	29278TCP3	245,000.00	Enerbank USA 3.2 8/30/2023	100.00	245,000.00	21.48	3.20	245,021.48
Subtotal			3,204,000.00			3,201,232.40	4,769.95		3,206,002.35
Deposit	8/23/2018	LAIF6000Q	2,000,000.00	Local Agency Investment Fund LGIP	100.00	2,000,000.00	0.00	0.00	2,000,000.00
Deposit	8/31/2018	CAMP60481	10,200.19	California Asset Management Program LGIP	100.00	10,200.19	0.00	0.00	10,200.19
Deposit	8/31/2018	FIT	490,000.00	Funds in Transit Cash	100.00	490,000.00	0.00	0.00	490,000.00
Deposit	8/31/2018	OAKVALLEY0670	8,297.08	Oak Valley Bank Cash	100.00	8,297.08	0.00	0.00	8,297.08
Deposit	8/31/2018	OAKVALLEY0670	12,797,363.15	Oak Valley Bank Cash	100.00	12,797,363.15	0.00	0.00	12,797,363.15
Subtotal			15,305,860.42			15,305,860.42	0.00		15,305,860.42
Total Buy Transactions			18,509,860.42			18,507,092.82	4,769.95		18,511,862.77
Interest/Dividends									
Interest	8/1/2018	796711C56	0.00	San Bernardino City CA SCH Dist 4 8/1/2020		0.00	7,900.00	0.00	7,900.00
Interest	8/1/2018	932889VJ4	0.00	WALNUT VALLEY CA USD 2 8/1/2018		0.00	5,000.00	0.00	5,000.00
Interest	8/1/2018	54473ENR1	0.00	Los Angeles Cnty Public Wks 6.091 8/1/2022		0.00	15,227.50	0.00	15,227.50
Interest	8/1/2018	661334DS8	0.00	N ORANGE CNTY CA CMNTY CLG DIST 1.54 8/1/2018		0.00	4,620.00	0.00	4,620.00
Interest	8/1/2018	LOAN2017	0.00	Mono County 2.5 8/1/2022		0.00	2,535.39	0.00	2,535.39



Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 7/31/2018, End Date: 8/31/2018

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Interest	8/1/2018	459200HG9	0.00	International Business Machine Corp 1.875 8/1/2022		0.00	4,687.50	0.00	4,687.50
Interest	8/1/2018	513802EB0	0.00	Lancaster Ca Redev Agy 2.08 8/1/2019		0.00	3,900.00	0.00	3,900.00
Interest	8/1/2018	513802CE6	0.00	LANCASTER REDEV AGY A 2.125 8/1/2021		0.00	6,959.38	0.00	6,959.38
Interest	8/1/2018	92603PEP3	0.00	Victor Valley CA Cmnty Clg Dist 1.324 8/1/2019		0.00	1,820.50	0.00	1,820.50
Interest	8/1/2018	796720JH4	0.00	SAN BERNARDINO COMMUNITY COLLEGE DISTRICT 2.136 8/1/2019		0.00	5,340.00	0.00	5,340.00
Interest	8/1/2018	420507CF0	0.00	HAWTHORNE CA CTFS 2.096 8/1/2019		0.00	2,620.00	0.00	2,620.00
Interest	8/1/2018	91435LAB3	0.00	University of Iowa Community Credit Union 3 4/28/2		0.00	624.25	0.00	624.25
Interest	8/1/2018	92603PEQ1	0.00	Victor Valley CA Cmnty Clg Dist 1.676 8/1/2020		0.00	2,178.80	0.00	2,178.80
Interest	8/1/2018	420507CE3	0.00	HAWTHORNE CA CTFS 1.846 8/1/2018		0.00	2,307.50	0.00	2,307.50
Interest	8/1/2018	769059XS0	0.00	Riverside Unified School District-Ref 1.94 8/1/202		0.00	3,734.50	0.00	3,734.50
Interest	8/3/2018	9497486Z5	0.00	WELLS FARGO BK NA SIOUXFALLS SD 1.6 8/3/2021		0.00	332.93	0.00	332.93
Interest	8/5/2018	981571CE0	0.00	Worlds Foremost Bk Sidney NE 1.75 5/5/2021		0.00	297.26	0.00	297.26
Interest	8/9/2018	319141HD2	0.00	First Bank of Highland 2.2 8/9/2022		0.00	2,672.85	0.00	2,672.85
Interest	8/9/2018	037833AY6	0.00	Apple Inc 2.15 2/6/2022-15		0.00	5,375.00	0.00	5,375.00
Interest	8/10/2018	59013JZP7	0.00	Merrick Bank 2.05 8/10/2022		0.00	426.57	0.00	426.57
Interest	8/11/2018	02006LYD9	0.00	ALLY BK MIDVALE UTAH 1.45 2/11/2019		0.00	1,761.65	0.00	1,761.65
Interest	8/11/2018	20033APV2	0.00	COMENITY CAP BK SALT LAKE CITY UTAH 1.6 4/12/2021		0.00	332.93	0.00	332.93
Interest	8/12/2018	666496AB0	0.00	Northland Area Federal Credit Union 2.6 2/13/2023		0.00	3,158.82	0.00	3,158.82
Interest	8/13/2018	51210SNP8	0.00	LAKESIDE BANK 1.4 8/13/2018		0.00	291.32	0.00	291.32
Interest	8/14/2018	45581EAR2	0.00	Industrial and Commercial Bank of China USA, NA 2.		0.00	551.42	0.00	551.42
Interest	8/15/2018	55266CQE9	0.00	MB FINANCIAL BANK, NATIONAL ASSN 1.8 1/15/2021		0.00	374.55	0.00	374.55
Interest	8/15/2018	07370W3J3	0.00	BEAL BANK USA 1.4 8/15/2018		0.00	2,894.36	0.00	2,894.36
Interest	8/15/2018	34387ABA6	0.00	FLUSHING BANK N Y 1.8 12/10/2018		0.00	374.55	0.00	374.55
Interest	8/15/2018	62384RAF3	0.00	Mountain America Federal Credit Union 3 3/27/2023		0.00	624.25	0.00	624.25



Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 7/31/2018, End Date: 8/31/2018

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Interest	8/17/2018	855736DA9	0.00	STATE BK & TR CO DEFIANCE OHIO 1.6 2/17/2021		0.00	332.93	0.00	332.93
Interest	8/17/2018	50116CBE8	0.00	KS Statebank Manhattan KS 2.1 5/17/2022		0.00	436.97	0.00	436.97
Interest	8/18/2018	795450YG4	0.00	SALLIE MAE BK SALT LAKE CITY UT 1.8 2/18/2021		0.00	2,186.88	0.00	2,186.88
Interest	8/18/2018	22766ABN4	0.00	Crossfirst Bank 2.05 8/18/2022		0.00	426.57	0.00	426.57
Interest	8/19/2018	310567AB8	0.00	Farmers State Bank 2.35 9/19/2022		0.00	488.99	0.00	488.99
Interest	8/21/2018	33610RQY2	0.00	First Premier Bank 2.05 8/22/2022		0.00	2,490.61	0.00	2,490.61
Interest	8/23/2018	33715LBE9	0.00	First Technology Federal Credit Union 2.3 8/23/201		0.00	478.59	0.00	478.59
Interest	8/24/2018	3135G0N66	0.00	FNMA 1.4 8/24/2020-17		0.00	7,000.00	0.00	7,000.00
Interest	8/25/2018	3134GADG6	0.00	FHLMC 1.5 2/25/2021-16		0.00	9,375.00	0.00	9,375.00
Interest	8/25/2018	3134G92E6	0.00	FHLMC 1.75 8/25/2021-16		0.00	8,750.00	0.00	8,750.00
Interest	8/25/2018	330459BY3	0.00	FNB BANK INC 2 2/25/2022		0.00	416.16	0.00	416.16
Interest	8/26/2018	3136G2YB7	0.00	FNMA 1.32 8/26/2019-16		0.00	6,600.00	0.00	6,600.00
Interest	8/26/2018	20070PHK6	0.00	COMMERCE ST BK WEST BEND WIS 1.65 9/26/2019		0.00	343.34	0.00	343.34
Interest	8/26/2018	91330ABA4	0.00	UNITY BK CLINTON NJ 1.5 9/26/2019		0.00	312.12	0.00	312.12
Interest	8/27/2018	35637RCQ8	0.00	FREEDOM FIN BK W DES MOINES 1.5 7/26/2019		0.00	312.12	0.00	312.12
Interest	8/27/2018	596689EC9	0.00	MIDDLETON COMMUNITY BANK 1.4 11/27/2018		0.00	291.32	0.00	291.32
Interest	8/28/2018	080515CH0	0.00	Belmont Savings Bank 2.7 2/28/2023		0.00	561.82	0.00	561.82
Interest	8/28/2018	20786ABA2	0.00	CONNECTONE BK ENGLEWOOD 1.55 7/29/2019		0.00	322.53	0.00	322.53
Interest	8/28/2018	85916VBY0	0.00	STERLING BANK 1.7 7/26/2019		0.00	353.74	0.00	353.74
Interest	8/28/2018	3130AAYV4	0.00	FHLB 1.45 2/28/2019		0.00	3,625.00	0.00	3,625.00
Interest	8/29/2018	01748DAX4	0.00	ALLEGIANCE BK TEX HOUSTON 2.15 9/29/2022		0.00	447.38	0.00	447.38
Interest	8/30/2018	940637HT1	0.00	WASHINGTON TR CO WESTERLY RI 1.1 8/30/2018		0.00	1,343.81	0.00	1,343.81
Interest	8/31/2018	58733AEJ4	0.00	Mercantil Bank NA 1.9 3/2/2020		0.00	2,321.12	0.00	2,321.12
Interest	8/31/2018	CAMP60481	0.00	California Asset Management Program LGIP		0.00	10,200.19	0.00	10,200.19
Interest	8/31/2018	29266N3Q8	0.00	ENERBANK USA SALT LAKE CITYUTAH 1.05 8/31/2018		0.00	218.49	0.00	218.49



Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 7/31/2018, End Date: 8/31/2018

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Interest	8/31/2018	06426KAM0	0.00	Bank of New England 3.2 7/31/2023		0.00	671.30	0.00	671.30
Interest	8/31/2018	OAKVALLEY0670	0.00	Oak Valley Bank Cash		0.00	8,297.08	0.00	8,297.08
Subtotal			0.00			0.00	157,527.84		157,527.84
Total Interest/Dividends			0.00			0.00	157,527.84		157,527.84
Sell Transactions									
Matured	8/1/2018	932889VJ4	500,000.00	WALNUT VALLEY CA USD 2 8/1/2018	0.00	500,000.00	0.00	0.00	500,000.00
Matured	8/1/2018	661334DS8	600,000.00	N ORANGE CNTY CA CMNTY CLG DIST 1.54 8/1/2018	0.00	600,000.00	0.00	0.00	600,000.00
Matured	8/1/2018	796720JH4	500,000.00	SAN BERNARDINO COMMUNITY COLLEGE DISTRICT 2.136 8/	0.00	500,000.00	0.00	0.00	500,000.00
Matured	8/1/2018	420507CE3	250,000.00	HAWTHORNE CA CTFS 1.846 8/1/2018	0.00	250,000.00	0.00	0.00	250,000.00
Matured	8/13/2018	51210SNP8	245,000.00	LAKESIDE BANK 1.4 8/13/2018	0.00	245,000.00	0.00	0.00	245,000.00
Matured	8/15/2018	07370W3J3	245,000.00	BEAL BANK USA 1.4 8/15/2018	0.00	245,000.00	0.00	0.00	245,000.00
Matured	8/30/2018	940637HT1	245,000.00	WASHINGTON TR CO WESTERLY RI 1.1 8/30/2018	0.00	245,000.00	0.00	0.00	245,000.00
Matured	8/31/2018	29266N3Q8	245,000.00	ENERBANK USA SALT LAKE CITYUTAH 1.05 8/31/2018	0.00	245,000.00	0.00	0.00	245,000.00
Subtotal			2,830,000.00			2,830,000.00	0.00		2,830,000.00
Sell	8/9/2018	892331AC3	500,000.00	Toyota Motor Corp 3.419 7/20/2023	0.00	501,150.00	902.24	0.00	502,052.24
Subtotal			500,000.00			501,150.00	902.24		502,052.24
Withdraw	8/31/2018	OAKVALLEY0670	14,228,263.40	Oak Valley Bank Cash	0.00	14,228,263.40	0.00	0.00	14,228,263.40
Subtotal			14,228,263.40			14,228,263.40	0.00		14,228,263.40
Total Sell Transactions			17,558,263.40			17,559,413.40	902.24		17,560,315.64



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 2018

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Freedom From Workplace Bullies
Week Proclamation

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Michelle Smith and Carrie Clark, Co-founders of California Healthy Workplace Advocates, have requested that the Board adopt a proclamation recognizing the week of October 14 to 20, 2018, as Freedom From Workplace Bullies Week. California Healthy Workplace Advocates is a coalition of citizens throughout California who are dedicated to ensuring civility and professionalism within the workplace. Part of our mission to raise public awareness about workplace bullying as a growing problem that affects both the public and private sectors.

RECOMMENDED ACTION:

Approve proposed proclamation.

FISCAL IMPACT:

None.

CONTACT NAME: Scheereen Dedman

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Proclamation
Flyer

History

Time

Who

Approval

10/4/2018 5:48 AM	County Administrative Office	Yes
9/28/2018 2:48 PM	County Counsel	Yes
10/2/2018 5:15 PM	Finance	Yes

***PROCLAMATION of the MONO COUNTY BOARD OF SUPERVISORS
DECLARING OCTOBER 14 - 20, 2018,
AS FREEDOM FROM WORKPLACE BULLIES WEEK***

WHEREAS, the County of Mono has an interest in promoting the social and economic well-being of its citizens, employees and employers; and

WHEREAS, that well-being depends upon the existence of healthy and productive employees working in safe and abuse-free work environments; and

WHEREAS, research has documented the stress-related health consequences for individuals caused by exposure to abusive work environments; and

WHEREAS, abusive work environments are costly for employers, with consequences including reduced productivity, absenteeism, turnover, absenteeism and injuries; and

WHEREAS, protection from abusive work environments should apply to every worker, and not be limited to legally protected class status based only on race, color, gender, national origin, age, or disability;

WHEREAS, the Mono County Board of Supervisors commends the California Healthy Workplace Advocates and the Workplace Bullying Institute which raises awareness of the impacts of, and solutions for, workplace bullying in the U.S. and encourages all citizens to recognize this special observance;

NOW, THEREFORE, the Mono County Board of Supervisors proclaims the week of October 12 - 20, 2018, ***FREEDOM FROM WORKPLACE BULLIES WEEK***.

APPROVED AND ADOPTED this 9th day of October, 2018, by the Mono County Board of Supervisors.

Jennifer Halferty, Supervisor District #1

Fred Stump, Supervisor District #2

Bob Gardner, Supervisor District #3

John Peters, Supervisor District #4

Stacy Corless, Supervisor District #5

A WEEK FOR SUPPORT, INSPIRATION, PEACE & HEALTH



FREEDOM FROM WORKPLACE BULLIES WEEK OCT 14 - 20, 2018

THE WORKPLACE BULLYING INSTITUTE
WORKPLACEBULLYING.ORG

Bullying is a systematic campaign of interpersonal destruction that jeopardizes employee health, shatters careers, and strains families.

Bullying is non-physical, non-lethal workplace violence. It is abusive, causing psychological injuries and stress-related diseases.

It is costly to businesses.
Bullies are too expensive to keep.

The destructive power of workplace bullying comes from secrecy.

The Workplace Bullying Institute celebrates its annual
FREEDOM FROM WORKPLACE
BULLIES WEEK.

The week is a chance to break through the silence and secrecy. It is a week to be daring and bold. To take courageous action. To do the right thing.

Everyone deserves a safe, healthy, and dignified workplace.

Find advice, tips and activities at **workplacebullying.org** for:

WORKPLACE
BULLYING
INSTITUTE

- Employers
- Family
- Coworkers
- Friends
- Unions
- Mental Health Professionals
- School Administrators
- Public Policy Makers
- Community Leaders
- Medical Professionals



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 2018

Departments: Social Services

TIME REQUIRED

SUBJECT Reclassification and Addition of
 Positions within Senior Services
 Program

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Proposed resolution authorizing the County Administrative Officer to amend the County of Mono list of allocated positions to add one Senior Services Manager and delete one Senior Services Site Coordinator, and add one part-time, non-benefitted Cook/Driver in the Senior Services Program within the Social Services Department.

RECOMMENDED ACTION:

Adopt Resolution R18-__, Authorizing the County Administrative Officer to amend the County of Mono list of allocated positions to add one (1) Senior Services Manager and delete one (1) Senior Center Site Coordinator; and, increase the allocation of one (1) part-time, non-benefitted Senior Services Cook/Driver.

FISCAL IMPACT:

The Senior Services Manager (Range 63) is an increase of \$14,656 (\$10,842 salary, \$3,814 benefits). The cost of the part-time, non-benefitted Senior Services Cook/Driver is \$7,000 (\$6,700 salary, \$355 benefits). These increases are included in the Senior Center budget, are paid for with Social Services funding and there is no cost to the Mono County General Fund.

CONTACT NAME: Kathryn Peterson

PHONE/EMAIL: 7609241763 / kpeterson@mono.ca.gov

SEND COPIES TO:

Kathy Peterson, DSS

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
staff report
resolution

History

Time	Who	Approval
10/4/2018 5:24 AM	County Administrative Office	Yes
10/4/2018 1:06 PM	County Counsel	Yes
10/4/2018 9:36 AM	Finance	Yes



Office of the ... DEPARTMENT OF SOCIAL SERVICES

C O U N T Y O F M O N O

P. O. Box 2969 • Mammoth Lakes • California 93546

KATHRYN PETERSON, MPH
Director

BRIDGEPORT OFFICE
(760) 932-5600
FAX (760) 932-5287

MAMMOTH LAKES OFFICE
(760) 924-1770
FAX (760) 924-5431



To: Mono County Board of Supervisors
From: Kathy Peterson, Social Services Director *KP*
Date: September 2018
Re: Reclassification of Senior Services Site Coordinator to Senior Services Manager, and the addition a part-time, non-benefitted Cook/Driver in the Senior Services Program

Recommended Action:

Adopt Resolution R18-__ authorizing the County Administrative Officer to amend the County of Mono list of allocated positions to add one (1) Senior Services Manager and delete one (1) Senior Center Site Coordinator; and, increase the allocation of one (1) part-time, non-benefitted Senior Services Cook/Driver. Amend the Social Services budget to reflect these changes.

Fiscal Impact:

The difference in salary and benefits between the current Site Coordinator (Range 49) and the proposed Senior Services Manager (Range 63) for the nine months remaining in FY 2018-2019 is an increase of \$10,842 in salary and an increase of \$3,814.49 in benefits. The additional cost for the reclassification will come from Social Services funds; these funds were included in the Phase II budget approvals and will not require an additional budget amendment. The additional cost for a part-time, non-benefitted Senior Services Cook/Driver for the nine months remaining in FY 2018-2019, not to exceed 460 hours, will be approximately \$7,000 of which \$6,700 is salary and \$355 is benefits. The funds for the part-time, non-benefitted Cook/Driver will not require a budget amendment as salary savings in the Senior Services budget will be used to fund this position this fiscal year. There is no additional cost to the Mono County General Fund for the proposed increases.

Discussion:

The Senior Services Site Coordinator trains and supervises two to three senior center staff; plans, coordinates, and delivers services and prevention activities for the senior population; and provides

community education, information and screenings related to a variety of programs, including a depression prevention program for seniors.

Classified as a Range 49, the salary range for the Senior Services Site Coordinator is not reflective of the knowledge, skills and abilities needed to successfully perform all of the functions of the current or projected position. This proposed action seeks to reclassify the Senior Center Site Coordinator (Range 49) to a new classification titled Senior Services Manager (Range 63). This salary range is commensurate with supervisor/managers in similar positions within this department as well as other departments. If approved, the difference in salary will be paid from Social Services funds to reflect the addition of Social Services-related duties that the position has or will assume. The remainder of the cost of the position will continue to be paid through a combination of county general funds and Eastern Sierra Area Agency on Aging (ESAAA) funds.

Along with the action above, I request authorization to add a part-time, non-benefitted Senior Services Cook/Driver to the list of allocated positions. This employee will primarily provide driver/transportation services while occasionally providing back up support for the Cook/Driver staff at the Antelope Valley Senior Center when they are out due to planned and unplanned absences. Currently, the Senior Center Site Coordinator provides medical escorts and assisted transportation in addition to her other duties. Hiring an additional part-time driver to provide medical escorts and assisted transportation in place of the Coordinator would allow her to better spend her time organizing and providing services at the community level. The new driver would provide transportation services for residents of the Mammoth Lakes area northward, while the current Senior Services Site Attendant/driver stationed in Benton would continue to provide this service for the Tri-Valley area.

In summary, I propose the following:

1. Reclassify the Senior Center Site Coordinator to Senior Services Manager to better represent the purpose and nature of the job; and, delete the Senior Center Site Coordinator position.
2. Add an additional Senior Services Cook/Driver (part-time, non-benefitted) to provide assisted transportation in lieu of the Senior Services Manager performing this function.

Strategic Focus Area – Mono Best Place to Work

This action will ensure accurate and up-to-date classification of positions within the Department of Social Services, thereby increasing the County's ability to hire and retain the best staff.

Please don't hesitate to call me at 760/924-1763 if you have any questions. Thank you.



RESOLUTION NO. R18-

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
AUTHORIZING THE COUNTY ADMINISTRATIVE OFFICER TO AMEND THE COUNTY
OF MONO LIST OF ALLOCATED POSITIONS TO ADD ONE SENIOR SERVICES
MANAGER, ONE PART-TIME SENIOR SERVICES COOK/DRIVER, AND DELETE ONE
SENIOR CENTER SITE COORDINATOR IN THE SOCIAL SERVICES DEPARTMENT**

WHEREAS, the County of Mono maintains a list, of County job classifications, the pay ranges or rates for those job classifications, and the number of positions allocated by the Board of Supervisors for each of those job classifications on its List of Allocated Positions (or “Allocation List”); and

WHEREAS, the Allocation List identifies approved vacancies for recruitment and selection by Human Resources and implements collective bargaining agreements related to job classifications and pay rates; and

WHEREAS, the County seeks to provide public services in the most efficient and economical manner possible, which at times requires the modification of job classifications on the Allocation List; and

WHEREAS, it is currently necessary to amend the Allocation List as part of maintaining proper accountability for hiring employees to perform public services;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO RESOLVES as follows:

The County Administrative Officer shall be authorized to amend the County of Mono List of Allocated Positions to reflect the following changes:

Increase the allocation of a full-time permanent Senior Services Manager in the Department of Social Services by One (1) (new total of one (1)) (salary range of 63 \$48,812 - \$59,332).

Increase the allocation of part-time, non-benefitted permanent Senior Services Cook/Driver in the Department of Social Services by One (1) (new total of three (3)) (hourly wage \$14.32).

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Decrease the allocation of full-time permanent Senior Services Site Coordinator in the Department of Social Services by 1 (new total of zero (0)) (salary range 49 \$34,546 – 41,991).

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



Date Last Revised: 09/2018
Bargaining Unit: MCPE
FLSA: Covered
EEO: 8

SENIOR SERVICES MANAGER

DEFINITION

This position has several key areas of responsibility. These include the coordination of senior programs in Walker/Coleville and Bridgeport areas, and may include coordination of senior activities in other areas of the county. Programs include nutrition, transportation, outreach, information and referral, prevention activities, public assistance eligibility, and volunteer services. The incumbent will supervise Antelope Valley Senior Center staff, and other duties as assigned.

DISTINGUISHING CHARACTERISTICS

Incumbents perform the full range of tasks associated with coordination of senior services and public use of the Antelope Valley Senior Center. This position requires that the incumbent work well with a wide range of community members and possess employee performance management skills.

REPORTS TO

Social Services Director or his/her designee.

CLASSIFICATIONS SUPERVISED

Cook/Driver

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES *(The following is used as a partial description and is not restrictive as to duties required.)*

Senior Services – Manages operations and activities for the senior population; identifies senior’s needs and meets on-site or refers to appropriate individual or agency; organizes and delivers social activities; coordinates and helps to develop plans to stimulate community interest and involvement in the senior program; coordinates and trains volunteers; organizes and attends meetings and “in service” training; maintains various statistical records and individual case files.

Plans, organizes, and coordinates services and activities at a Mono County Senior Citizens Center; identify needs and refer clients to appropriate resources; assists with budget preparation and efficient management of Center operations; provides supervision for food service staff; oversees preparation and serving of meals and food preparation for delivery in the local community; oversees menu development and planning, ensuring proper food nutrition and quantities; ensures proper supervision of volunteers who assist with meal preparation and serving; prepares orders for food items; provides training for Center staff; authorizes emergency purchases of food and supplies when necessary; maintains current and accurate equipment maintenance and inventory records; ensures proper storage of food and supplies; performs a variety of assignments related to food preparation, food dispensing, kitchen sanitation, and equipment maintenance; manages delivery of food throughout the county, ensuring proper temperature and sanitation of meals which are delivered; oversees medical transportation escort services; performs community outreach and represents the Center in the local community; compiles and submits monthly statistical reports complying with California Department of Aging and Eastern Sierra Area Agency on Aging requirements.

Manages the assessment of all home-delivered meal recipients in the north-county, counts and deposits all program income donations for nutrition, transportation, and other services; follows California Department of Aging, Department of Social Services, Eastern Sierra Area on Aging (ESAAA), and County policies and procedures; supervises the work of the Senior Services Cook Driver positions.

Social Services - Provides education, information and conducts screenings related to a variety of social services programs, under the direction of the Social Services Director or his/her designee. Provides a senior depression prevention program. May assist with transportation of clients and provide well checks of clients in the Child and Adult Protective Services Programs.

Incumbent works with a high degree of independence in coordinating and administering services and in using agency or community resources; may determine initial and continuing eligibility for one or more aid programs; performs other related work as assigned.

TYPICAL PHYSICAL REQUIREMENTS

Sit for extended periods; frequently stand and walk; stoop, kneel, and crouch to pick up or move objects and kitchen equipment; physical ability to lift and carry objects weighing up to 25 lbs. without assistance and from 25-50 lbs. with assistance; normal manual dexterity and eye-hand coordination; corrected hearing and vision to normal range; verbal communication; uses ovens, steamers, mixers, slicers, choppers, steam tables, and food transporters; use of office equipment, including computer, telephone, calculator, copiers, and FAX, safely drive a vehicle for delivery of food.

TYPICAL WORKING CONDITIONS

Work is performed in a kitchen and office environment; exposure to heat and electrical energy; work is performed in an environment with constant noise; work is performed around equipment with moving parts; some exposure to chemicals, cleaning solutions, and bleaches; regular exposure to moisture and wetness; work requires driving in various weather conditions; continuous contact with other staff and the public.

DESIRABLE QUALIFICATIONS

Knowledge of:

- § The functions, activities, and services of a Senior Services Site.
- § Planning coordination and development of activities for Senior Program clients.
- § Principles of work planning, staff supervision, and training.
- § Principles of volunteer coordination, supervision, and motivation.
- § Proper record keeping and inventory reporting methods.
- § Proper sanitation and safety requirements associated with food preparation and serving.
- § Maintenance of proper temperature and sanitation of food which is delivered to clients.
- § Normal behavior and emotional needs of senior citizens.
- § Physical signs and symptoms requiring medical assistance.
- § Agency and community resources.
- § Methods, practices, and procedures used in ordering, storing, preparing, and cooking substantial quantities of food for serving to a group.
- § Operation and use of equipment, machines, and utensils used in quantity food preparation.
- § Safe driving principles.

Ability to:

- § Understand and comply with the California State and Eastern Sierra Area Agency on Aging policies, rules, and regulations for administering senior programs.
- § Plan, organize, coordinate, and direct the functions of a Mono County Senior Services Center.
- § Plan and implement activities for the senior population.
- § Provide direction, training, and supervision for site staff and volunteers.
- § Assist with planning menus with proper nutrition and quantities for preparing and serving meals.
- § Assist with establishing schedules for delivery of food within the local community.
- § Safely use and operate food service appliances and equipment.
- § Maintain accurate records and prepare reports.
- § Work with a high degree of independence.
- § Demonstrate cooperative behavior with colleagues, supervisors, and customers/clients.
- § Provide positive representation of Mono County and the Mono County Senior Center programs.
- § Prepare a variety of foods in substantial quantities and serve to seniors within established time constraints.
- § Effectively read, interpret, and adjust recipes.
- § Safely operate a motor vehicle.
- § Maintain proper temperature and sanitation of food during delivery.

Training and Experience:

Any combination of training and experience which would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the required knowledge and abilities would be:

Three years of previous work experience in overseeing activities in a group setting or quantity food preparation, preferably with a senior population.

Special Requirements:

- § Possession of a valid driver's license.
- § Possession of a valid Food Safety Manager Certification, or the ability to obtain such within 12 months of hire.



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 2018

Departments: Board of Supervisors

TIME REQUIRED

SUBJECT Resolution in Support of Proposition
2 - No Place Like Home

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

A resolution of the Board of Supervisors, supporting Proposition 2, (No Place Like Home Act of 2018), which will provide permanent supportive housing linked to treatment and services to help people with serious mental illness who are experiencing homelessness or are at risk of becoming homeless.

RECOMMENDED ACTION:

Approve the Mono County Board of Supervisors Resolution R18-____, A Resolution of the Mono County Board of Supervisors in Support of Proposition 2

FISCAL IMPACT:

This is a bond measure that will be financed by Mental Health Services Act (Prop 63, millionaire's tax) and will result in no new costs to taxpayers.

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"/> Staff Report
<input type="checkbox"/> Resolution
<input type="checkbox"/> Prop 2 Questions and Answers
<input type="checkbox"/> Prop 2 Fact Sheet

History

Time	Who	Approval
10/4/2018 1:06 PM	County Administrative Office	Yes
10/4/2018 1:07 PM	County Counsel	Yes
10/5/2018 8:21 AM	Finance	Yes



County of Mono

County Administrative

Leslie L. Chapman
County Administrative Officer
Director

Tony Dublino
Assistant County Administrative Officer

Dave Butters
Human Resources

Jay Sloane
Risk Manager

Date: October 9, 2018
To: Honorable Board of Supervisors
From: Supervisor Corless, Leslie Chapman
Subject: Resolution in support of Proposition 2 – No Place Like Home

RECOMMENDATION:

Approve the Mono County Board of Supervisors Resolution R18-____, A Resolution of the Mono County Board of Supervisors in Support of Proposition 2

FISCAL IMPACT:

This is a bond measure that will be financed by Mental Health Services Act (Prop 63, millionaire's tax) and will result in no new costs to taxpayers.

BACKGROUND AND ANALYSIS:

Proposition 2, the No Place Like Home Act of 2018, if passed, will provide permanent supportive housing for adults with serious mental illness and children with severe emotional disorders and their families who are homeless or at risk of becoming homeless.

Prop 2 is a \$2 million bond measure that will be financed using Mental Health Services Act (MHSA) money (Prop 63, millionaires' tax), and will result in no new costs to the taxpayer. MHSA generates \$.2. billion annually to improve mental health care across the state. Prop 2 will use 6% of the annual revenue generated, with funding going to local communities and all California counties, to support planning and construction of permanent supportive housing. The housing must be linked to support services for residents that are on site or easily accessible.

A fact sheet along with questions and answers provided by Yes on Prop 2, Mental Health Care – Housing to End Homelessness (<https://www.cayesonprop2.org/get-the-facts>) are included as separate attachments.



R18-__

**A RESOLUTION OF THE MONO COUNTY
BOARD OF SUPERVISORS IN SUPPORT OF PROPOSITION 2, THE USE
MILLIONAIRE’S TAX REVENUE FOR HOMELESSNESS PREVENTION HOUSING
BONDS MEASURE**

WHEREAS, more than 134,000 Californians are languishing on our streets, huddled on sidewalks, sleeping under freeways and along riverbanks. As many as a third of the people living in these unsafe conditions are living with an untreated mental illness; and,

WHEREAS, decades of research shows providing people with a stable place to live along with mental health services promotes healthy, stable lives; and,

WHEREAS, without the foundation of a stable home connected to mental healthcare, people suffering from serious mental illness are unable to make it to doctors’ appointments and specialized counseling services, often showing up in emergency rooms as a last resort; and,

WHEREAS, Proposition 2 authorizes \$2 billion in bonds from the Mental Health Services Act to build 20,000 permanent supportive housing units under the “No Place Like Home” Program for Californians living with a serious mental illness who are homeless or at great risk of becoming homeless; and,

WHEREAS, Proposition 2 will help Californians:

- Build 20,000 permanent supportive housing units for people living with a serious mental illness who are homeless or at great risk of becoming homeless.
- Provide intensive coordinated care through the housing program that includes mental health and addiction services, medical treatment, case managers, education and job training.
- Strengthen partnerships among doctors, law enforcement, mental health and homeless services providers to ensure care provided through the housing program is coordinated and tailored to individual needs, and,

>
>
>
>

1 **WHEREAS**, Proposition 1 (the Veterans and Affordable Housing Act) works together
2 with Proposition 2 to address the crushing housing crisis California is facing. Proposition 1
3 invests \$4 billion to build affordable housing for veterans, working families, people with
4 disabilities, Californians experiencing homelessness and others struggling to find a safe place to
5 call home. Housing and mental health advocates worked together with the legislature to put
6 Proposition 1 on the ballot; now Propositions 1 and 2 have come together to generate support and
7 communicate with voters that BOTH measures are urgently needed; and,

8 **WHEREAS**, by passing this resolution, Mono County joins a broad coalition of
9 community and homeless advocates, doctors, mental health experts, public safety officers and
10 many others who are committed to passing Prop 2, which will go before voters this November.
11 Together, we can build supportive housing connected to mental health services and addiction
12 treatment under the "No Place Like Home" Program for Californians living with a serious mental
13 illness who are homeless or at great risk of becoming homeless.

14 **NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF**
15 **MONO RESOLVES** that the Mono County Board of Supervisors endorses Proposition 2, the
16 **USE MILLIONAIRE’S TAX REVENUE FOR HOMELESSNESS PREVENTION HOUSING**
17 **BONDS MEASURE.**

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

20 **AYES:**

21 **NOES:**

22 **ABSENT:**

23 **ABSTAIN:**

24
25
26 _____
27 Bob Gardner, Chair
28 Mono County Board of Supervisors

29 **ATTEST:**

30 **APPROVED AS TO FORM:**

31 _____
32 Clerk of the Board

County Counsel

YES ON PROP 2

No Place Like Home

Key Questions and Answers

WHAT IS PROPOSITION 2?

Proposition 2 will provide permanent supportive housing linked to treatment and services to help people with serious mental illness who are experiencing homelessness or at risk of becoming homeless.

WHY DO WE NEED PROPOSITION 2?

We have a homelessness crisis in California that is straining our neighborhoods, businesses and public services. More than 134,000 Californians are living on the streets and as many as one-third of them are suffering from untreated mental illness.

WE ALSO KNOW THE SOLUTION: Research shows that providing permanent supportive housing, linked to intensive services, has proven successful at getting people who are homeless and have a serious mental illness off the streets and into effective care. A recent RAND analysis that tracked a permanent supportive housing program in Los Angeles County found the foundation of housing helped get more than 3,500 people off the streets since 2012 and reduced taxpayer costs by 20 percent.

WHO IS THE TARGET POPULATION TO BE SERVED?

Prop 2 will help adults with serious mental illness and children with severe emotional disorders and their families who are homeless or at risk of becoming homeless.

HOW DOES PROPOSITION 2 WORK?

Prop 2 builds permanent supportive housing linked to mental health treatment and services — at no new cost for taxpayers — under a \$2 billion bond. The bond will be financed using the Mental Health Services Act, also known as Proposition 63, the millionaire's tax passed by California voters in 2004 that now generates \$2.2 billion annually to improve mental health care across the state. Prop 2 will use just 6 percent of the annual revenue generated under the Act, with funding going to local

communities and all California counties to support planning and construction of permanent supportive housing. The housing must be linked to support services for residents that are on site or easily accessible.

WHO SUPPORTS PROPOSITION 2?

Prop 2 has broad support from medical professionals, mental health advocates, public safety officials, affordable housing advocates and more.

No Place Like Home was originally conceived by Sacramento Mayor Darrell Steinberg as a natural evolution of the Mental Health Services Act and a recognition of the need to scale up statewide a proven model of treatment for a singularly vulnerable population: adults and children living on the streets with a serious mental illness.

PROP 2 SUPPORTERS INCLUDE: National Alliance of Mental Illness California (NAMI CA); Mental Health America of California (MHAC); Mayor Darrell Steinberg; the Steinberg Institute; League of California Cities; California State Association of Counties; Dignity Health; Kaiser Permanente; California Association of Veteran Service Agencies; the League of Women Voters of California; National Association of Social Workers - California Chapter; Bay Area Council; California Chapter of American College of Emergency Physicians; California Police Chiefs Association; California Primary Care Association; California Professional Firefighters; California Democratic Party; City & County of Los Angeles; and St. Joseph Center.

WHAT CAN I DO TO HELP PASS PROPOSITION 2?

Tell your family, friends, neighbors and colleagues to vote YES on Prop 2 this November! Learn how we can all play an important role in helping end homelessness in California and alleviating the unnecessary suffering of people living on the streets with untreated mental illness. Share information from our website, endorse the measure and follow us on Facebook and Twitter.

CAYESONPROP2.ORG

Paid for by Affordable Housing Now – Yes on Props 1&2 coalition: Housing California, California Housing Consortium, State Building and Construction Trades Council of California and Silicon Valley Leadership Group. Committee major funding from:

Chan Zuckerberg Advocacy

Members' Voice of the State Building and Construction Trades Council of California

Essex Property Trust

Funding details at www.fppc.ca.gov.

YES ON PROP 2

No Place Like Home

WHO WE ARE

We are a broad coalition of community and homeless advocates, doctors, mental health experts, public safety officers and many others who are committed to passing Prop 2, which authorizes \$2 billion in bonds from the Mental Health Services Act to build 20,000 permanent supportive housing units under the “No Place Like Home” Program for Californians living with a serious mental illness who are homeless or at great risk of becoming homeless.

WHY CALIFORNIANS NEED PROP 2

- More than 134,000 people are languishing on our streets, huddled on sidewalks, sleeping under freeways and along riverbanks. As many as a third of the people living in these unsafe conditions are living with an untreated mental illness.
- Decades of research shows providing people with a stable place to live along with mental health services promotes healthy, stable lives.
- Without the foundation of a stable home connected to mental healthcare, people suffering from serious mental illness are unable to make it to doctors’ appointments and specialized counseling services, often showing up in emergency rooms as a last resort.

HOW PROP 2 WILL HELP CALIFORNIANS

- Build 20,000 permanent supportive housing units for people living with a serious mental illness who are homeless or at great risk of becoming homeless.
- Provide intensive coordinated care through the housing program that includes mental health and addiction services, medical treatment, case managers, education and job training.
- Strengthen partnerships among doctors, law enforcement, mental health and homeless services providers to ensure care provided through the housing program is coordinated and tailored to individual needs.
- Together, we can help prevent more deaths on our streets and provide critical intervention by building supportive housing connected to mental health treatment and services.

PROP 1 AND PROP 2 WORKING TOGETHER

Prop 1 (Veterans and Affordable Housing Act) works together with Prop 2 to address the crushing housing crisis California is facing. Prop 1 invests \$4 billion to build affordable housing for veterans, working families, people with disabilities, Californians experiencing homelessness and others struggling to find a safe place to call home. Housing and mental health advocates worked together with the legislature to put Prop 1 on the ballot; now Prop 1 and 2 have come together to generate support and communicate with voters that BOTH measures are urgently needed.

CONTACT David Koenig at DavidJKoenig@gmail.com for more information.

VETSANDAFFORDABLEHOUSINGACT.ORG

Paid for by Affordable Housing Now – Yes on Props 1&2 coalition: Housing California, California Housing Consortium, State Building and Construction Trades Council of California and Silicon Valley Leadership Group. Committee major funding from:

Chan Zuckerberg Advocacy
Members’ Voice of the State Building and Construction Trades Council of California
Housing Trust Silicon Valley
Funding details at <http://www.fppc.ca.gov/transparency/top-contributors/nov-18-gen.html>



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 2018

TIME REQUIRED

SUBJECT Agricultural Commissioner's Office
Department Update October 2018

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

October 2018 department update from the Counties of Inyo and Mono Agricultural Commissioner's Office.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Scheereen

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[October 2018 Update](#)

History

Time	Who	Approval
10/4/2018 6:04 AM	County Administrative Office	Yes
10/3/2018 6:02 PM	County Counsel	Yes
10/4/2018 9:56 AM	Finance	Yes



DEPARTMENT REPORT

October 2018

Agriculture

Inyo County adopted an urgency ordinance banning the cultivation of industrial hemp on September 25. This will give staff time to look into what options might exist for local regulation of this crop and how cultivation of hemp might interact with our current local cannabis regulations. A workshop on this same topic is scheduled for the Mono Board of Supervisors on October 9. A state permitting process for industrial hemp cultivation, which will include registration with the Agricultural Commissioner's Office, is expected to be in place on or about January 1, 2019.

Staff from the Agricultural Commissioner's office attended a recent LADWP meeting in Mammoth Lakes on the upcoming Mono ranch lease EIR. We are putting the finishing touches on an EIR scoping comment letter that will cover concerns for both Inyo and Mono Counties with regard to agriculture.

The Agriculture Department has not yet received any funds derived from SB1, but we expect to see some of these resources arrive during the current fiscal year. Statewide, agriculture departments are anticipated to receive a combined \$9 million if the SB1 repeal is successful and \$26 million annually thereafter if the repeal is rejected. Agricultural Commissioner Offices throughout the state are primarily funded by the portion of gas tax each year that is paid by agricultural producers (which are exempt from fuel taxes) that do not file to reclaim paid fuel taxes.

Gypsy moth and Japanese beetle traps are being removed for the year by agriculture staff. These traps will be redeployed in early spring. The traps are a part of our pest detection program and are meant to provide early warning if these insects have invade California. Both pests can defoliate crops, reducing or eliminating yields. Traps are located throughout Inyo and Mono Counties, and are typically placed at airports, campgrounds and other locations that out of state vehicles might visit.

Agriculture Legislation of Interest

[AB 2468 – Bee Registration](#)

This bill passed and has been signed by the governor. Previous law required beekeepers to register with county Agricultural Commissioner's Offices, but did not contain provisions giving authority to fine for not registering. This bill included authority to cite, and was meant to encourage beekeepers to register so that they will receive notification of pesticide applications near bee sites, thus providing greater protection for these pollinators. The registration fee has been \$10 per year for decades and will remain the same.



Weights and Measures

Most of the livestock scales in Inyo and Mono were tested and certified last month. Since most local ranches sell in the fall, we try to check these scales just before cattle are shipped to ensure accuracy at the time of sale. There are 37 livestock scales between the two counties that require testing using our heavy capacity weight truck and 1,000 lb. weights. A few smaller sheep and pig scales are also in use and we test these with 50 lb. weights.

Our test weights are checked for accuracy against the state weights in Sacramento every 5 years and are due to undergo this process this coming spring. This process takes several days since we need to drive the weights over, the weights must sit in the facility until they reach equilibrium with the testing room temperature, and then each weight is tested and calibrated if needed. Tolerances for these weights are on part in 10,000, meaning that the 1,000 lb. weights are accurate to 0.1 lb. and the 50 lb. weights are accurate to .005 lb. The state standards are tested against the national standards, which are checked against the [international standards](#) kept in Sevres France.



1,000 and 500 lb. weights on the heavy capacity truck

Weights & Measures Legislation of Interest

[AB 347 – Weights & Measures Device Fees](#)

This bill passed and has been signed by the governor. This bill continues the ability of county Departments of Weights & Measures to charge device registration fees. These fees partially cover the cost of inspection and certification of weighing and measuring devices.

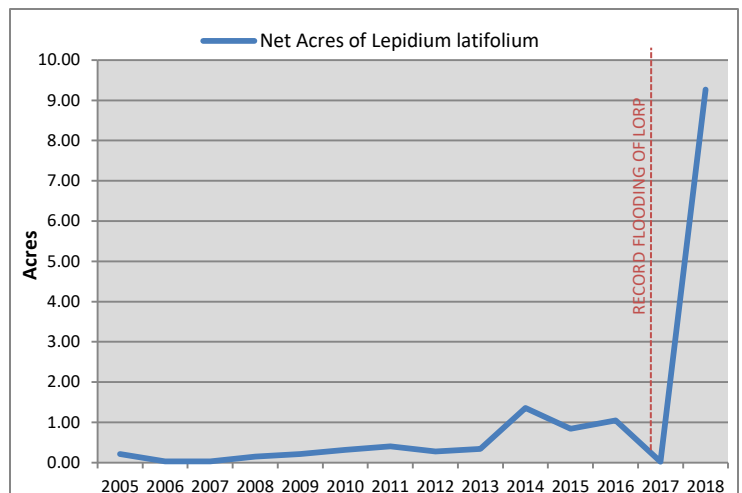
Mosquito Abatement

Mosquito populations are beginning to lessen as the weather cools. Seasonal staff will remain until mid-month to ensure protection from mosquitoes until significantly cold temperatures arrive. Full-time staff will then begin the process of maintaining and repairing equipment and planning for the coming summer. Thanks go out to our exceptional 2018 seasonal crew: Michael Capello, Ryan Capello, Steve Allen, Chris Leeson, and Gabriel Mesquitez.

Invasive Plant Management Program

We continue to see significant increases in weed populations this season following the record runoff of 2017. We hope that the hard work put in by crews this summer will pay off and that we will see some reduction in populations next year. Thanks to our invasive plant management seasonal staff, Carl Olsen, Ryan Capello, Alan Dominguez, and Aaron Parker for a great season.

Staff continues to look for future funding opportunities. As a non-general fund program, our invasive plant management program relies on grants and agreements to function. Current funding will run out by 2020. Potential funding sources currently being reviewed include water bond funds for the restoration and



OCTOBER 2018 AGRICULTURE DEPARTMENT REPORT - CONTINUED

enhancement of watersheds, as well as funding to protect native plant communities in the Lower Owens River Project area. We also continue to provide invasive plant management work on contract for several local agencies and groups such as the Eastern Sierra Land Trust and the Bishop Community Services District.

Inyo County Commercial Cannabis Permit Office

Review of commercial cannabis proposals received during the first call for applications continues. We have several applications still in initial review, several that have letters out requesting further information, and some that we have received further information on that await second round scoring. Staff is also reviewing the entire process including county code so that suggested revisions can be brought to the Board of Supervisors prior to the opening of the next application window. A review of the permit numbers allocated to licensing zones as well as numbers allocated to each activity type may be warranted if the board chooses to do so.

October 2018 Calendar

October 9

Industrial Hemp Presentation
Mono Board of Supervisors
Bridgeport

October 17

OVMAP/MLMAD Season Ends

October 31

Invasive Plant Management Season Ends

October 16

Mosquito and Vector Control Association of California
Southern Region Meeting
Webinar

October 22-26

California Agricultural Commissioner and Sealer's
Association Fall Conference
Sacramento



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 2018

TIME REQUIRED

SUBJECT

Sierra Nevada Alliance Letter
Expressing Concern Over
Geothermal Contamination in Local
Water Supply

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

A letter from the Sierra Nevada Alliance to Lahontan Regional Water Quality Control Board, Mammoth Town Council, and the Mono County Board of Supervisors urging them to take action to protect Mammoth Lakes' water supply.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Scheereen Dedman

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Letter</p>

History

Time	Who	Approval
10/4/2018 6:10 AM	County Administrative Office	Yes
10/4/2018 1:11 PM	County Counsel	Yes
10/4/2018 9:57 AM	Finance	Yes

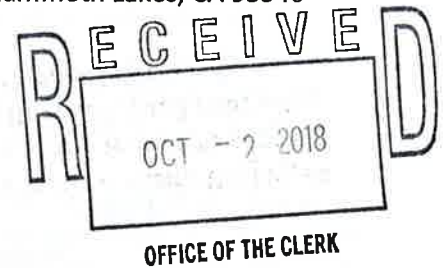


September 27, 2018

Mr. Peter C. Pumphrey, Chair
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd
So. Lake Tahoe, CA 96150

Mammoth Town Council
PO Box 1609
Mammoth Lakes, CA 93546

Mono County Board of Supervisors
c/o Clerk of the Board
PO Box 715
Bridgeport, CA 93517



Re: Leading Environmental Groups Express Concerns Over Geothermal Contamination in Local Water Supply

Dear Chair Pumphrey and honorable members of the Mono County Board of Supervisors and Mammoth Town Council,

Our organizations, along with our members and supporters, urge you to take action now to protect Mammoth Lakes' water supply and the entire community from a potential water quality crisis.

As California's leading voices advocating for the health of our environment and our communities, we are the champions – and at times the architects – behind California's aggressive renewable energy goals. We are determined that, as we pursue bold opportunities to decrease our reliance on fossil fuels today, we must do so in a way that truly leaves behind a better world tomorrow. While some of our organizations have yet to take a position on geothermal as a renewable energy source, the fact remains that geothermal energy production creates both opportunities and risks for California.

Geothermal energy production has great untapped potential in our state. California contains the largest amount of geothermal electric generation capacity in the United States – more than four-fifths of the total generating capacity nationwide. With this untapped potential, the industry itself is still relatively small, and we must keep in mind that the scientific consensus on the environmental impacts of geothermal energy production is by no means conclusive.

Geothermal reservoirs contain poisonous elements like arsenic. Producing geothermal energy involves heavy drilling of deep wells, and the extraction and injection of fluids deep underground that can alter the earth's underground structure and reservoir pressure, causing these toxins to leak into the surrounding environment.

The impacts of these toxins on the surrounding area are not insignificant and can cause substantial environmental and human health effects. The question then becomes – where in California could these impacts be felt as the development of geothermal energy infrastructure continues to increase, and what can we do to mitigate those impacts?

Many of the areas suitable for geothermal production are those that Californians hold most dear – areas like Sonoma, Ventura, Mammoth and our national forests – all places where Californians live, vacation and cherish as their own backyards. As geothermal energy producers seek to expand and set up shop in California, it is imperative that we establish a regulatory framework that protects our communities and our environment from the potential impacts – and we must begin with the Town of Mammoth Lakes.

As you know, the Mammoth Lakes community depends on groundwater for drinking and daily use in their homes and businesses, especially in drought years. Right next to Mammoth's groundwater is a geothermal reservoir that is used to produce geothermal energy, and a permeable rock layer allows fluids, heat and other constituents to travel between the two reservoirs.

An independent [analysis](#) of new water quality data collected by the experts at the United States Geological Survey demonstrates that at least one of Mammoth's groundwater supply wells contains three percent to five percent geothermal fluids. The arsenic levels in this well are 10 times the maximum allowable contaminant level for drinking water set by the EPA prior to treatment for potable use.

Geothermal energy production is expected to expand in the region, if the arsenic levels in this well increase as well, there comes a point at which treating water contaminated with geothermal fluids becomes cost prohibitive. As leaders in the stewardship of California's environment, it is incumbent upon us to support immediate regulatory action to protect Mammoth's water supply before it is too late.

The presence of geothermal fluids in Mammoth's drinking water underscores the risks associated with geothermal energy production – but more importantly, it presents California with an opportunity to set a precedent for how we manage geothermal production in our communities.

As Californians, we want to continue to lead the world in renewable energy development. As we charge forward, we must do so responsibly. To be true leaders in the field, we must also ensure that these projects meet basic standards for environmental protection.

If geothermal energy is to play an integral role in helping California to meet our renewable energy goal to have 50 percent of our electricity generated by renewable energy sources by 2030, it is important that we set forth the regulatory framework now for how we want to see that energy infrastructure developed and operated in the future.

As the state regulator of water quality in the region and the elected representatives charged with acting in the public's best interest, you have an opportunity here to shape the way Californians will approach geothermal production in our communities for years to come. We understand that you are engaged with the local Mammoth Community Water District on this issue and are committed to protecting the community and the environment. It is for this reason that we **support the Lahontan Regional Water Quality Control Board, the Mono County Board of Supervisors and the Mammoth Town Council taking leading roles on this issue. We ask that you use your authority to thoroughly assess the potential risks of geothermal energy production to Mammoth's drinking water and ensure all potential impacts are mitigated through a reasonable monitoring and response plan.**

Sincerely,

Jenny Hatch
Executive Director
Sierra Nevada Alliance

Rick Phelps
Executive Director
High Sierra Energy Foundation

Alexis Ollar
Executive Director
Mountain Area Preservation

Elizabeth Dougherty
Executive Director
Wholly H2O

Roger E. Bütow
Executive Director
Clean Water Now

CC:

Governor Edmund G. Brown
c/o State Capitol, Suite 1173
Sacramento, CA 95814
Rishi.Khalsa@gov.com

Senator Diane Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510
john_watts@feinstein.senate.gov

Secretary Ryan Zinke
Department of Interior
1849 C St., N.W.
Washington, D.C. 20240
Interior_Press@ios.doi.gov

Paul Thomsen, Executive Director
Government and Regulatory Affairs
Ormat Technologies, Inc.
6225 Neil Road
Reno, Nevada 89511
pthomsen@ormat.com

Mayor Cleland Hoff
Town of Mammoth Lakes
P.O. Box 8110
Mammoth Lakes, CA 93546
jwentworth@townofmammothlakes.ca.gov

Patty Z. Kouyoumdjian
Executive Officer, Lahontan Regional Water Quality
Control Board
2501 Lake Tahoe Blvd
So. Lake Tahoe, CA 96150
Patty.Kouyoumdjian@waterboards.ca.gov

Danielle Chi

Deputy State Director, Natural Resources
Bureau of Land Management
2800 Cottage Way Suite W1623
Sacramento, CA 95825
dchi@blm.gov

Congressman Paul Cook

1222 Longworth House Office Building
Washington, DC 20515
kellie.hartl@mail.house.gov

David Bunn

Director, Department of Conservation
801 K Street, MS 24-01
Sacramento, CA 95814
David.Bunn@conservation.ca.gov

Felicia Marcus

Chair, State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
Felicia.Marcus@waterboards.ca.gov

Teresa Schilling

Division of Oil, Gas & Geothermal Resources
801 K Street, MS 18-05
Sacramento, CA 95814-3530
Teresa.Schilling@conservation.ca.gov

John Laird

California Secretary for Natural Resources
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814
John.Laird@resources.ca.gov



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 2018

Departments: Behavioral Health; County Counsel

TIME REQUIRED 15 Minutes (5 minute presentation;
10 minute discussion)

**PERSONS
APPEARING
BEFORE THE
BOARD**

Amanda Greenberg and Stacey Simon

SUBJECT Sale of County-Owned Real Property
(APN 031-070-011)

AGENDA DESCRIPTION:

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

Amendment of process for sale of County-owned property located at 71 Davison Road in Mammoth Lakes to provide for a bid deadline of no sooner than November 6, 2018, (rather than by October 9, 2018) and to include a provision authorizing broker's commission.

RECOMMENDED ACTION:

1. Reject all proposals to purchase County-owned property located at 71 Davison Road in Mammoth Lakes received in response to Board Resolution R18-47, "Resolution of the Mono County Board of Supervisors Declaring its Intention to Sell Certain County-Owned Surplus Real Property (APN 031-070-011) and Specifying the Terms and Conditions of the Sale". 2. Adopt proposed revised resolution R18-___, Declaring the County's intention to sell certain County-owned surplus real property located at 71 Davison Road in Mammoth Lakes (APN 031-010-011) and direct staff to post and publish the resolution as required by law. Provide any desired direction to staff.

FISCAL IMPACT:

There is no fiscal impact to the Mono County General Fund nor to the Behavioral Health Department at this time. There is the potential for revenue to each should the property sell. The minimum bid amount is \$150,000 if the property is sold for market rate housing. There is no minimum bid if the property is sold subject to enforceable restriction for affordable housing. The proposed resolution provides for a broker's commission of 5% of the sale price. Records indicate the property was acquired in 1997 for \$220,000 with Behavioral Health providing \$191,400 (87%) of the funding and the County's General Fund providing \$28,600 (13%).

CONTACT NAME: Stacey Simon

PHONE/EMAIL: 760 924-1704 / ssimon@mono.ca.gov or agreenberg@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Staff Report](#)

[Resolution](#)

History

Time	Who	Approval
10/5/2018 5:50 AM	County Administrative Office	Yes
10/5/2018 10:20 AM	County Counsel	Yes
10/5/2018 8:25 AM	Finance	Yes

County Counsel
Stacey Simon

Assistant County Counsel
Christian E. Milovich

Deputies
Anne M. Larsen
Jason Canger

**OFFICE OF THE
COUNTY COUNSEL**

Mono County
South County Offices
P.O. BOX 2415
MAMMOTH LAKES, CALIFORNIA 93546

Telephone
760-924-1700

Facsimile
760-924-1701

Paralegal
Jenny Senior

To: Board of Supervisors

From: Stacey Simon and Amanda Greenberg

Date: October 9, 2018

Re: Sale of Davison Road Property

Recommended Action

1. Reject all proposals to purchase County-owned property located at 71 Davison Road in Mammoth Lakes received in response to Board Resolution R18-47, "Resolution of the Mono County Board of Supervisors Declaring its Intention to Sell Certain County-Owned Surplus Real Property (APN 031-070-011) and Specifying the Terms and Conditions of the Sale".
2. Adopt proposed revised Resolution Declaring the County's Intention to Sell Certain County-Owned Surplus Real Property Located at 71 Davison Road in Mammoth Lakes (APN 031-010-011) and Specifying the Terms and Conditions of Sale. Direct staff to post and publish the resolution as required by law. Provide any desired direction to staff.

Discussion

On August 7th your Board adopted Resolution R18-47, which declared the County's intent to sell County-owned property on Davison Road in Mammoth Lakes. R18-47 included the possibility that the property might be sold at market rate (with a minimum bid of \$150,000) or, alternatively, sold subject to deed restriction for affordable housing (with no minimum bid). The date set by for bid opening was October 9th (today).

Following publication and posting of the notice of intent to sell, staff determined that the County required assistance from a licensed real estate broker to manage the transaction. Government Code sections 25520 et seq. (pursuant to which the property is to be sold) requires that the resolution declaring the County's intention to sell provide for a broker's commission, if a broker is used. In addition, due to the complexity of the proposed sale (i.e., either market rate or

deed-restricted), it became evident that additional changes to the resolution of intention would streamline and improve the sale process.

Accordingly, it is recommended that the Board reject all bids submitted in response to R18-47 and adopt a new resolution which both provides for a broker's commission (5%) on the sale and addresses questions which have arisen related to the possibility that the property might be sold for affordable housing. Following adoption, staff would publish and post the notice of intent to sell as required by law and proposals/bids to purchase the property would be due by/opened on November 6, 2018. Any proposals submitted for today's meeting would be returned unopened. Staff has notified parties submitting bids and/or calling to inquire of the change in process.

Strategic Plan Focus Area(s) Met

Economic Base Infrastructure Public Safety
 Environmental Sustainability Mono Best Place to Work

Fiscal Impact

There is no fiscal impact to the Mono County General Fund nor to the Behavioral Health Department at this time. There is the potential for revenue to each should the property sell. The minimum bid amount is \$150,000 if the property is sold for market rate use. There is no minimum bid if the property is sold subject to enforceable restrictions for affordable housing. The proposed resolution provides for a broker's commission of 5% of the sale price. Records indicate the property was acquired in 1997 for \$220,000 with Behavioral Health providing \$191,400 (87%) of the funding and the County's General Fund providing \$28,600 (13%).

If you have any questions on this matter prior to your meeting, please call me at 924-1707.



R18-__

**SECOND RESOLUTION OF THE MONO COUNTY
BOARD OF SUPERVISORS DECLARING
ITS INTENTION TO SELL CERTAIN COUNTY-OWNED
SURPLUS REAL PROPERTY (APN 031-070-011)
AND SPECIFYING THE TERMS AND CONDITIONS OF THE SALE**

WHEREAS, the County of Mono owns certain real property located at 71 Davison Street in the Town of Mammoth Lakes, more particularly described as Assessor's Parcel Number 031-070-011 and by the Exhibit attached hereto (the "Davison Property"), which is not needed for County purposes now or in the future and which the Board of Supervisors wishes to sell; and

WHEREAS, the Davison Property is not in an area of statewide, regional or areawide concern identified in the California Environmental Quality Act (CEQA) Guidelines § 15206(b)(4) and therefore the sale is exempt from CEQA review under CEQA Guidelines § 15312 (Class 12) and there is no exception applicable to the exemption; and

WHEREAS, the Board wishes to invite and consider bids pursuant to the process for sale of surplus property described in Government Code section 25520 et seq.;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO RESOLVES that:

SECTION ONE: The statements set forth above are hereby adopted as findings of the Board of Supervisors.

SECTION TWO: Pursuant to Government Code section 25526, by a two-thirds vote of all its members, the Board hereby declares its intention to sell certain real property owned by the County which is located at 71 Davison Street in the Town of Mammoth Lakes and described by Assessor's Parcel Number 031-070-011 and by the Exhibit attached hereto (the "Davison Property").

SECTION THREE: The information contained in this Resolution shall be posted and published in the manner required by law, and shall constitute the notice of the offer of the Davison Property for sale, on the following terms and conditions:

1. Bids are to be made in writing and must be received on or before 9:00 a.m. on Tuesday November 6, 2018. Bids must be in a sealed enveloped marked "Davison Property Bid" for market-rate bids or "Davison Affordable Housing Bid" for proposals to develop the property as affordable housing under Government Code section 25539.4 and paragraph 5 of this Resolution. Bids shall be mailed or delivered

1 in another envelope addressed to the Clerk of the Board of Supervisors, Courthouse
2 Annex I, P.O. Box 715, Bridgeport, CA 93517.

- 3 2. Bids must be signed by the person or entity on whose behalf it is submitted and shall
4 include the name of the broker, if any, procuring the buyer. Any purchase and sale
5 agreement will be supplied by the County.
- 6 3. During the Board of Supervisors' regular meeting on November 6, 2018, at the time
7 stated on the agenda, the Clerk of the Board will open the bids. Thereafter, the Chair
8 of the Board will call for oral bids. An oral bid will be accepted only if:
- 9 a. It is at least 5% higher than the highest sealed bid (for market rate purchases);
10 and
 - 11 b. It is reduced to writing and signed by the person or entity on whose behalf the
12 bid is made or the duly authorized agent (who shall possess sufficient written
13 proof of agency); and
 - 14 c. In the case of a bid following the first oral bid (for market rate purchases), it is
15 at least \$1,000 higher than the last oral bid; and
 - 16 d. The Board does not determine that the Davison Property should be sold at less
17 than fair market value for the purpose of providing housing affordable to
18 persons or families of low or moderate income pursuant to Government Code
19 section 25539.4 and, therefore, rejects all other bids pursuant to paragraph 5
20 below.
- 21 4. All sealed bids shall be accompanied by a money order or cashier's check made
22 payable to Mono County in the amount of one thousand dollars (\$1,000.00) as a
23 guarantee that the bidder will, if the bid is accepted, purchase the Davison Property. If
24 the successful bidder fails to purchase the Davison Property in accordance with the
25 bid, the \$1,000.00 shall be retained by the County as damages. Money tendered by
26 an unsuccessful bidder shall be returned within thirty (30) calendar days after the
27 successful bid is accepted. If an oral bid is the highest bid, then a money order or
28 cashier's check in the amount of \$1,000.00 must accompany such bid when it is
29 reduced to writing and signed by the bidder.
- 30 5. The County reserves the right to reject any and all bids, to waive irregularities in any
31 bid; and/or to reject all bids which would not result in the Property being enforceably
32 restricted to provide housing affordable to persons or families of low or moderate
income pursuant to Government Code section 25539.4 for a period of at least 30
years. With respect to bids proposing to restrict the property for affordable housing,
proposals shall include the following:
- a. The number of affordable units to be built and an explanation of how the
proposed project complies with density and other land use requirements of the
Town of Mammoth Lakes;
 - b. The population to be served (i.e., percentage of area median income (AMI));
 - c. A description of the proposer's prior experience developing affordable
housing;
 - d. The duration of the enforceable restriction;
 - e. A plan and timeline for developing the property; and

1 f. The proposed purchase price.

2 If the Board determines to reject all bids in favor of pursuing a deed-restricted sale, it
3 may continue the matter to a subsequent meeting without selecting a successful bid.

- 4 6. The minimum bid is one hundred and fifty thousand dollars (\$150,000.00). No
5 written or oral bid below that amount will be considered, except as part of a proposal
6 made for the purpose of developing housing affordable to persons or families of low
7 or moderate income pursuant to Government Code section 25539.4.
- 8 7. The County has listed the property with a licensed real estate broker and will pay a
9 commission of 5% of the sales price to the broker whose name is listed in the highest
10 sealed proposal or stated in or with the oral bid which is finally accepted. No
11 additional payments to brokers shall be made by the County and all amounts specified
12 herein shall be exclusive of any commission the bidder may elect to pay to a broker.
13 In the event of sale on a higher oral bid to a purchaser procured by a qualified
14 licensed real estate broker other than the broker who submitted the highest written
15 proposal, one half of the commission on the amount of the highest written proposal
16 shall be paid to the broker who submitted it, and the balance of the commission on the
17 purchase price to the broker who procured the purchaser to whom the sale was
18 confirmed.
- 19 8. Payment of any amount due shall be in cash, lawful money of the United States, at the
20 close of escrow. The bid security of \$1,000 set forth above shall be applied to the
21 purchase price.
- 22 9. The Title Company shall be selected by the County. The escrow shall close, title
23 shall pass, and possessions shall be delivered within thirty (30) calendar days after the
24 date of acceptance by the Board of Supervisors of the successful bid. Closing costs
25 shall be borne equally by the County and the buyer.

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10. The County will convey all right, title and interest which it owns in the Davison Property and title conveyed shall be subject to all liens and encumbrances, easements, rights of way, taxes and assessments, if any, and deed and tract covenants, conditions and restrictions, whether recorded or not and, as applicable, an enforceable restriction that the property be developed and maintained for affordable housing for a period of at least 30 years.

PASSED, APPROVED and ADOPTED this 9th day of October, 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

1
2 EXHIBIT TO RESOLUTION DECLARING INTENTION TO SELL CERTAIN
3 COUNTY-OWNED REAL PROPERTY (APN 031-070-011)

4 **Davison Property Legal Description**

5 LOT 11 OF ADDITION NO. 3, TIMBER RIDGE ESTATES SUBDIVISION, IN THE
6 COUNTY OF MONO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 2,
7 PAGE 23 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

8 TOGETHER WITH THAT PORTION OF AN ALLEY, ADJACENT IN THE SOUTH,
9 ABANDONED BY MONO COUNTY RESOLUTION 20-71, DATED APRIL 20, 1971, A
10 CERTIFIED COPY OF WHICH IS RECORDED JUNE 2, 1971 IN BOOK 123 PAGE 423,
11 AND SEPTEMBER 30, 1973 IN BOOK 128 PAGE 150, THAT WOULD PASS BY A
12 CONVEYANCE OF SAID LOT 11.
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OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 2018

Departments: Agricultural Commissioner

TIME REQUIRED 30 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD** Nate Reed

SUBJECT Industrial Hemp Cultivation

AGENDA DESCRIPTION:

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

Presentation by Nate Reed regarding industrial hemp cultivation.

RECOMMENDED ACTION:

Staff requests board provide direction on this topic including a range of possible policy options including a potential urgency ordinance that would prohibit the cultivation of industrial hemp until staff can conduct a study of impacts resulting from such activity that may occur outside of the authority of the commercial cannabis permitting process.

FISCAL IMPACT:

None.

CONTACT NAME: Nate Reed

PHONE/EMAIL: 760.873.7860 / nreade@inyocounty.us

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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Staff Report
Industrial Hemp PowerPoint
Hemp USDA
CodeText
Hemp Research

History

Time	Who	Approval
10/4/2018 5:36 AM	County Administrative Office	Yes
10/2/2018 3:09 PM	County Counsel	Yes
10/2/2018 5:17 PM	Finance	Yes



COUNTIES OF INYO AND MONO

AGRICULTURE • WEIGHTS & MEASURES • OWENS VALLEY MOSQUITO ABATEMENT PROGRAM • EASTERN SIERRA WEED MANAGEMENT AREA

MAMMOTH LAKES MOSQUITO ABATEMENT DISTRICT • INYO COUNTY COMMERCIAL CANNABIS PERMIT OFFICE

Date: October 9, 2018

To: Honorable Board of Supervisors

From: Nathan D. Reade, Agricultural Commissioner

Subject: Industrial Hemp Cultivation Workshop

Recommendation: Receive workshop and provide direction to staff.

Background:

“California Food and Agriculture Code (FAC) Division 24 provides regulations pertaining to the production of Industrial hemp throughout the state. This division became operative on January 1, 2017 and the Industrial Hemp Advisory Board became active that spring. This board is tasked with developing industrial hemp seed law among other functions intended to facilitate the creation of a regulatory process whereby industrial hemp may be cultivated under registration with the California Department of Food and Agriculture (CDFA).

At this time, there is still no registration program in place in the State of California that would allow growers to cultivate industrial hemp. CDFA has stated in the past that they expect this program to become functional on or about January 1, 2019. In the interim, industrial hemp production is illegal unless conducted by an “Established Agricultural Research Institution” as defined by FAC 81000(c), which states:

“Established agricultural research institution” means any institution that is either:

- 1. A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers; or***
- 2. An institution of higher education (as defined in Section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that grows, cultivates or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.***

Staff has concerns that this loophole in the code may be exploited by growers to operate outside of the regulatory process that your board put into place for commercial cannabis operations. The Agriculture Office has recently received phone calls from parties claiming that they intend to begin cultivation of industrial hemp for research.

Staff requests your board provide direction on this topic including a range of possible policy options including a potential urgency ordinance that would prohibit the cultivation of industrial hemp until staff can conduct a study of impacts resulting from such activity that may occur outside of the authority of our commercial cannabis permitting process.”

Industrial Hemp Cultivation in California

Mono County Board of Supervisors

October 9, 2018

What is “Industrial Hemp”?

- Industrial hemp is defined by California Health and Safety Code section 11018.5(a) as:
 - *“Industrial hemp” means a fiber or oilseed crop, or both, that is limited to types of the plant Cannabis sativa L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom.*

How is Industrial Hemp Different than Cannabis?

- Cannabis is defined under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) as:
 - *"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' does not mean 'industrial hemp' as defined by Section 11018.5 of the Health and Safety Code."*

Is it possible to tell the two apart?

- It is not possible to determine if a plant is cannabis or industrial hemp visually due to them being derivatives of the same species.
- A chemical analysis must be conducted to determine tetrahydrocannabinol (THC) content of the plant in question.

How Can Industrial Hemp be Grown Legally?

- A regulatory program for cultivation of industrial hemp is being developed by the California Department of Food and Agriculture.
 - Recent estimates on a timeline for implementation are for January 1, 2019.
 - The Industrial Hemp Advisory Board was created last year, and has held several meetings

How Can Industrial Hemp be Grown Legally?

- A second path exists in California Code that allows “Established Agricultural Research Institutions” to cultivate industrial hemp.
 - The definition of an “Established Agricultural Research Institution” is somewhat vague, and guidance from CDFA has not helped better define such institutions.
 - Additionally, code allows such institutions to grow industrial hemp with a THC content exceeding .3%, which would meet the definition of cannabis.

Concerns

- Cultivation sites have popped up in various counties that are in conflict with either cannabis cultivation bans or existing regulatory programs that claim to be industrial hemp research crops.
- Cultivators claim crops are being grown by “established agricultural research institutions” and thus exempt from local and state regulatory processes.

Concerns

- Three counties, Riverside, San Joaquin, and Inyo have implemented urgency ordinances to prohibit industrial hemp cultivation by “established agricultural research institutions” due to concerns that enforcement of local regulations on these grows may be difficult. Several others are considering similar bans.
- A recent grow in San Luis Obispo County is a good example of the difficulty local governments can have with removing these types of industrial hemp grows.

Options

- Mono County could pass a similar urgency ordinance that would place a moratorium on industrial hemp cultivation by “established agricultural research institutions” to maintain its enforcement authority over such grows.
- Mono County could continue with status quo, and revisit this topic if a concern arises.

7 U.S. Code § 5940 - Legitimacy of industrial hemp research

(a) IN GENERAL

Notwithstanding the Controlled Substances Act (21 U.S.C. 801 et seq.), chapter 81 of title 41, or any other Federal law, an institution of higher education (as defined in section 1001 of title 20) or a State department of agriculture may grow or cultivate industrial hemp if—

1. the **industrial hemp** is grown or cultivated for purposes of research conducted under an **agricultural pilot program** or other agricultural or academic research; and
2. the growing or cultivating of **industrial hemp** is allowed under the laws of the State in which such institution of higher education or **State department of agriculture** is located and such research occurs.

(b) DEFINITIONS

In this section:

1. AGRICULTURAL PILOT PROGRAM

The term “**agricultural pilot program**” means a pilot program to study the growth, cultivation, or marketing of industrial hemp—

- (A) in **States** that permit the growth or cultivation of **industrial hemp** under the laws of the State; and
- (B) in a manner that—
 - (i) ensures that only institutions of higher education and **State** departments of agriculture are used to grow or cultivate **industrial hemp**;
 - (ii) requires that sites used for growing or cultivating **industrial hemp** in a State be certified by, and registered with, the **State department of agriculture**; and
 - (iii) authorizes **State** departments of agriculture to promulgate regulations to carry out the pilot **program** in the States in accordance with the purposes of this section.

2. INDUSTRIAL HEMP

The term “**industrial hemp**” means the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

3. STATE DEPARTMENT OF AGRICULTURE

The term “**State department of agriculture**” means the agency, commission, or department of a State government responsible for agriculture within the State.

(Pub. L. 113–79, title VII, § 7606, Feb. 7, 2014, 128 Stat. 912; Pub. L. 114–95, title IX, § 9215(f), Dec. 10, 2015, 129 Stat. 2166.)


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FOOD AND AGRICULTURAL CODE - FAC

DIVISION 24. INDUSTRIAL HEMP [81000 - 81010] (Division 24 added by Stats. 2013, Ch. 398, Sec. 4.)

81000. Definitions.

For purposes of this division, the following terms have the following meanings:

- (a) "Board" means the Industrial Hemp Advisory Board.
- (b) "Commissioner" means the county agricultural commissioner.
- (c) "Established agricultural research institution" means any institution that is either:
 - (1) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers; or
 - (2) An institution of higher education (as defined in Section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that grows, cultivates or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.
- (d) "Industrial hemp" has the same meaning as that term is defined in Section 11018.5 of the Health and Safety Code.
- (e) "Secretary" means the Secretary of Food and Agriculture.
- (f) "Seed breeder" means an individual or public or private institution or organization that is registered with the commissioner to develop seed cultivars intended for sale or research.
- (g) "Seed cultivar" means a variety of industrial hemp.
- (h) "Seed development plan" means a strategy devised by a seed breeder, or applicant seed breeder, detailing his or her planned approach to growing and developing a new seed cultivar for industrial hemp.

(Amended November 8, 2016, by initiative Proposition 64, Sec. 9.2. Section operative January 1, 2017, pursuant to Section 81010.)

81001. (a) There is in the department an Industrial Hemp Advisory Board. The board shall consist of 11 members, appointed by the secretary as follows:

- (1) Three of the board members shall be growers of industrial hemp that are registered pursuant to the provisions of this division. In the case of forming the initial board, and if the registration program established pursuant to this division has not yet been implemented, these board members shall be those who intend to register as growers of industrial hemp. A member of the board who is a grower of industrial hemp, or who intends to register as a grower of industrial hemp, shall be a representative of at least one of the following functions:
 - (A) Seed production.
 - (B) Seed condition.
 - (C) Marketing.
 - (D) Seed utilization.
 - (2) Two of the board members shall be members of an established agricultural research institution.
 - (3) One member of the board shall be a representative as provided by the California State Sheriffs' Association and approved by the secretary.
 - (4) One member of the board shall be a county agricultural commissioner.
 - (5) One member of the board shall be a representative of the Hemp Industries Association or its successor industry association.
 - (6) One member of the board shall be a representative of industrial hemp product processors or manufacturers.
 - (7) One member of the board shall be a representative of businesses that sell industrial hemp products.
 - (8) One member of the board shall be a member of the public.
- (b) It is hereby declared, as a matter of legislative determination, that growers and representatives of industrial hemp product manufacturers and businesses appointed to the board pursuant to this division are intended to represent and further the interest of a particular agricultural industry, and that the representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that persons who are appointed to the board shall be subject to the conflict-of-interest provisions described in Section 87103 of the Government Code.
- (c) The term of office for a member of the board is three years. If a vacancy exists, the secretary shall, consistent with the membership requirements described in subdivision (a), appoint a replacement member to the board for the duration of the term.
 - (d) A member of the board shall not receive a salary but may be reimbursed by the department for attendance at meetings and other board activities authorized by the board and approved by the secretary.
 - (e) The board shall advise the secretary and may make recommendations on all matters pertaining to this division, including, but not limited to, industrial hemp seed law and regulations, enforcement, annual budgets required to accomplish the purposes of this division, and the setting of an appropriate assessment rate necessary for the administration of this division.
 - (f) The board shall annually elect a chair from its membership and, from time to time, other officers as it deems necessary.

(g) The board shall meet at the call of its chair or the secretary, or at the request of any four members of the board. The board shall meet at least once a year to review budget proposals and fiscal matters related to the proposals.

(Added by Stats. 2013, Ch. 398, Sec. 4. (SB 566) Effective January 1, 2014. Section operative January 1, 2017, pursuant to Section 81010.)

81002. (a) Except when grown by an established agricultural research institution or by a registered seed breeder developing a new California seed cultivar, industrial hemp shall only be grown if it is on the list of approved seed cultivars.

(b) The list of approved seed cultivars shall include all of the following:

(1) Industrial hemp seed cultivars that have been certified on or before January 1, 2013, by member organizations of the Association of Official Seed Certifying Agencies, including, but not limited to, the Canadian Seed Growers' Association.

(2) Industrial hemp seed cultivars that have been certified on or before January 1, 2013, by the Organization of Economic Cooperation and Development.

(3) California varieties of industrial hemp seed cultivars that have been certified by a seed-certifying agency pursuant to Article 6.5 (commencing with Section 52401) of Chapter 2 of Division 18.

(c) Upon recommendation by the board or the department, the secretary may update the list of approved seed cultivars by adding, amending, or removing seed cultivars.

(1) The adoption, amendment, or repeal of the list of approved seed cultivars, and the adoption of a methodology and procedure to add, amend, or remove a seed cultivar from the list of approved seed cultivars, pursuant to this section shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(2) The department, in consultation with the board, shall hold at least one public hearing with public comment to determine the methodology and procedure by which a seed cultivar is added, amended, or removed from the list of approved seed cultivars.

(3) The department shall finalize the methodology and procedure to add, amend, or remove a seed cultivar from the list of approved seed cultivars and send the methodology and procedure to the Office of Administrative Law. The Office of Administrative Law shall file the methodology and procedure promptly with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The methodology and procedure shall do all of the following:

(A) Indicate that the methodology and procedure are adopted pursuant to this division.

(B) State that the methodology and procedure are being transmitted for filing.

(C) Request that the Office of Administrative Law publish a notice of the filing of the methodology and procedure and print an appropriate reference in Title 3 of the California Code of Regulations.

(d) The department, in consultation with the board, may determine the manner in which the public is given notice of the list of approved seed cultivars, and any addition, amendment, or removal from that list.

(Added by Stats. 2013, Ch. 398, Sec. 4. (SB 566) Effective January 1, 2014. Section operative January 1, 2017, pursuant to Section 81010.)

81003. (a) Except for an established agricultural research institution, and before cultivation, a grower of industrial hemp for commercial purposes shall register with the commissioner of the county in which the grower intends to engage in industrial hemp cultivation.

(1) The application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(C) The approved seed cultivar to be grown and whether the seed cultivar will be grown for its grain or fiber, or as a dual purpose crop.

(2) (A) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(B) A registration issued pursuant to this section shall be valid for two years, after which the registrant shall renew his or her registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met, the commissioner shall issue a registration to the applicant.

(c) A registrant that wishes to alter the land area on which the registrant conducts industrial hemp cultivation, storage, or both, shall, before altering the area, submit to the commissioner an updated legal description, Global Positioning System coordinates, and map specifying the proposed alteration. Once the commissioner has received the change to the registration, the commissioner shall notify the registrant that it may cultivate industrial hemp on the altered land area.

(d) A registrant that wishes to change the seed cultivar grown shall submit to the commissioner the name of the new, approved seed cultivar to be grown. Once the commissioner has received the change to the registration, the commissioner shall notify the registrant that it may cultivate the new seed cultivar.

(e) The commissioner shall transmit information collected under this section to the department.

(Added by Stats. 2013, Ch. 398, Sec. 4. (SB 566) Effective January 1, 2014. Section operative January 1, 2017, pursuant to Section 81010.)

81004. (a) Except when grown by an established agricultural research institution, and before cultivation, a seed breeder shall register with the commissioner of the county in which the seed breeder intends to engage in industrial hemp cultivation.

(1) The application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(C) The approved seed cultivar to be grown and whether the seed cultivar will be grown for its grain or fiber, as a dual purpose crop, or for seed production.

(D) If an applicant intends to develop a new California seed cultivar to be certified by a seed-certifying agency, the applicant shall include all of the following:

- (i) The name of the seed-certifying agency that will be conducting the certification.
 - (ii) The industrial hemp varieties that will be used in the development of the new California seed cultivar.
 - (iii) A seed development plan specifying how the listed industrial hemp varieties will be used in the development of the new seed cultivar, measures that will be taken to prevent the unlawful use of industrial hemp or seed cultivars under this division, and a procedure for the maintenance of records documenting the development of the new seed cultivar.
- (2) (A) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.
- (B) A registration issued pursuant to this section shall be valid for two years, after which the registrant shall renew its registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.
- (b) If the commissioner determines that the requirements for registration pursuant to this division are met, the commissioner shall issue a seed breeder registration to the applicant.
- (c) A registrant that wishes to alter the land area on which the registrant conducts industrial hemp cultivation, storage, or both, shall, before altering the area, submit to the commissioner an updated legal description, Global Positioning System coordinates, and map specifying the proposed alteration. Once the commissioner has received the change to the registration, the commissioner shall notify the registrant that it may cultivate industrial hemp on the altered land area.
- (d) A registrant that wishes to change the seed cultivar grown shall submit to the commissioner the name of the new, approved seed cultivar to be grown. Once the commissioner has received the change to the registration, the commissioner shall notify the registrant that it may cultivate the new seed cultivar.
- (e) A registrant developing a new California seed cultivar who wishes to change any provision of the seed development plan shall submit to the commissioner the revised seed development plan. Once the commissioner has received the change to the registration, the commissioner shall notify the registrant that he or she may cultivate under the revised seed development plan.
- (f) All records pertaining to the seed development plan shall be kept and maintained by the seed breeder and be available upon request by the commissioner, a law enforcement agency, or a seed certifying agent.
- (g) The commissioner shall transmit information collected under this section to the department.

(Added by Stats. 2013, Ch. 398, Sec. 4. (SB 566) Effective January 1, 2014. Section operative January 1, 2017, pursuant to Section 81010.)

81005. (a) The department shall establish a registration fee and appropriate renewal fee to be paid by growers of industrial hemp for commercial purposes and seed breeders, not including an established agricultural research institution, to cover the actual costs of implementing, administering, and enforcing the provisions of this division.

(b) Fees collected by the commissioners upon registration or renewal pursuant to Section 81003 or 81004 shall be forwarded, according to procedures set by the department, to the department for deposit into the Department of Food and Agriculture Fund to be used for the administration and enforcement of this division.

(Added by Stats. 2013, Ch. 398, Sec. 4. (SB 566) Effective January 1, 2014. Section operative January 1, 2017, pursuant to Section 81010.)

81006. Industrial Hemp Growth Limitations; Prohibitions; Imports; Laboratory Testing.

(a) (1) Except when grown by an established agricultural research institution or a registered seed breeder, industrial hemp shall be grown only as a densely planted fiber or oilseed crop, or both, in acreages of not less than one-tenth of an acre at the same time.

(2) Registered seed breeders, for purposes of seed production, shall only grow industrial hemp as a densely planted crop in acreages of not less than one-tenth of an acre at the same time.

(3) Registered seed breeders, for purposes of developing a new California seed cultivar, shall grow industrial hemp as densely as possible in dedicated acreage of not less than one-tenth of an acre and in accordance with the seed development plan. The entire area of the dedicated acreage is not required to be used for the cultivation of the particular seed cultivar.

(b) Ornamental and clandestine cultivation of industrial hemp is prohibited. All plots shall have adequate signage indicating they are industrial hemp.

(c) Pruning and tending of individual industrial hemp plants is prohibited, except when grown by an established agricultural research institution or when the action is necessary to perform the tetrahydrocannabinol (THC) testing described in this section.

(d) Culling of industrial hemp is prohibited, except when grown by an established agricultural research institution, when the action is necessary to perform the THC testing described in this section, or for purposes of seed production and development by a registered seed breeder.

(e) Industrial hemp shall include products imported under the Harmonized Tariff Schedule of the United States (2013) of the United States International Trade Commission, including, but not limited to, hemp seed, per subheading 1207.99.03, hemp oil, per subheading 1515.90.80, oilcake, per subheading 2306.90.01, true hemp, per heading 5302, true hemp yarn, per subheading 5308.20.00, and woven fabrics of true hemp fibers, per subheading 5311.00.40.

(f) Except when industrial hemp is grown by an established agricultural research institution, a registrant that grows industrial hemp under this section shall, before the harvest of each crop and as provided below, obtain a laboratory test report indicating the THC levels of a random sampling of the dried flowering tops of the industrial hemp grown.

(1) Sampling shall occur as soon as practicable when the THC content of the leaves surrounding the seeds is at its peak and shall commence as the seeds begin to mature, when the first seeds of approximately 50 percent of the plants are resistant to compression.

(2) The entire fruit-bearing part of the plant including the seeds shall be used as a sample. The sample cut shall be made directly underneath the inflorescence found in the top one-third of the plant.

(3) The sample collected for THC testing shall be accompanied by the following documentation:

- (A) The registrant's proof of registration.
- (B) Seed certification documentation for the seed cultivar used.
- (C) The THC testing report for each certified seed cultivar used.

(4) The laboratory test report shall be issued by a laboratory registered with the federal Drug Enforcement Administration, shall state the percentage content of THC, shall indicate the date and location of samples taken, and shall state the Global Positioning System coordinates and total acreage of the crop. If the laboratory test report indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent, the words "PASSED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report. If the laboratory test report indicates a percentage content of THC that is greater than three-tenths of 1 percent, the words "FAILED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report.

(5) If the laboratory test report indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent, the laboratory shall provide the person who requested the testing not less than 10 original copies signed by an employee authorized by the laboratory and shall retain one or more original copies of the laboratory test report for a minimum of two years from its date of sampling.

(6) If the laboratory test report indicates a percentage content of THC that is greater than three-tenths of 1 percent and does not exceed 1 percent, the registrant that grows industrial hemp shall submit additional samples for testing of the industrial hemp grown.

(7) A registrant that grows industrial hemp shall destroy the industrial hemp grown upon receipt of a first laboratory test report indicating a percentage content of THC that exceeds 1 percent or a second laboratory test report pursuant to paragraph (6) indicating a percentage content of THC that exceeds three-tenths of 1 percent but is less than 1 percent. If the percentage content of THC exceeds 1 percent, the destruction shall take place within 48 hours after receipt of the laboratory test report. If the percentage content of THC in the second laboratory test report exceeds three-tenths of 1 percent but is less than 1 percent, the destruction shall take place as soon as practicable, but no later than 45 days after receipt of the second test report.

(8) A registrant that intends to grow industrial hemp and who complies with this section shall not be prosecuted for the cultivation or possession of marijuana as a result of a laboratory test report that indicates a percentage content of THC that is greater than three-tenths of 1 percent but does not exceed 1 percent.

(9) Established agricultural research institutions shall be permitted to cultivate or possess industrial hemp with a laboratory test report that indicates a percentage content of THC that is greater than three-tenths of 1 percent if that cultivation or possession contributes to the development of types of industrial hemp that will comply with the three-tenths of 1 percent THC limit established in this division.

(10) Except for an established agricultural research institution, a registrant that grows industrial hemp shall retain an original signed copy of the laboratory test report for two years from its date of sampling, make an original signed copy of the laboratory test report available to the department, the commissioner, or law enforcement officials or their designees upon request, and shall provide an original copy of the laboratory test report to each person purchasing, transporting, or otherwise obtaining from the registrant that grows industrial hemp the fiber, oil, cake, or seed, or any component of the seed, of the plant.

(g) If, in the Attorney General's opinion issued pursuant to Section 8 of the act that added this division, it is determined that the provisions of this section are not sufficient to comply with federal law, the department, in consultation with the board, shall establish procedures for this section that meet the requirements of federal law.

(Amended November 8, 2016, by initiative Proposition 64, Sec. 9.3. Section operative January 1, 2017, pursuant to Section 81010.)

81008. Attorney General Reports; Requirements.

(a) Not later than January 1, 2019, the Attorney General shall report to the Assembly and Senate Committees on Agriculture and the Assembly and Senate Committees on Public Safety the reported incidents, if any, of the following:

(1) A field of industrial hemp being used to disguise marijuana cultivation.

(2) Claims in a court hearing by persons other than those exempted in subdivision (f) of Section 81006 that marijuana is industrial hemp.

(b) A report submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(c) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2023, or four years after the date that the report is due, whichever is later.

(Amended November 8, 2016, by initiative Proposition 64, Sec. 9.5. Section operative January 1, 2017, pursuant to Section 81010. Repealed on January 1, 2023, or later as prescribed by its own provisions.)

81009. Not later than January 1, 2019, or five years after the provisions of this division are authorized under federal law, whichever is later, the board, in consultation with the Hemp Industries Association, or its successor industry association, shall report the following to the Assembly and Senate Committees on Agriculture and the Assembly and Senate Committees on Public Safety:

(a) The economic impacts of industrial hemp cultivation, processing, and product manufacturing in California.

(b) The economic impacts of industrial hemp cultivation, processing, and product manufacturing in other states that may have permitted industrial hemp cultivation.

(Added by Stats. 2013, Ch. 398, Sec. 4. (SB 566) Effective January 1, 2014. Section operative January 1, 2017, pursuant to Section 81010.)

81010. This division, and Section 221 shall become operative on January 1, 2017.

(Amended by Stats. 2017, Ch. 27, Sec. 112. (SB 94) Effective June 27, 2017. Note: This section was amended on Nov. 8, 2016, by initiative Prop. 64, making Division 24 (commencing with Section 81000) operative on January 1, 2017.)



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

January 5, 2018

To: Any Interested Parties

Subject: Cultivation of Industrial Hemp by Established Agricultural Research Institutions in California

The following is an update on the status of industrial hemp cultivation performed by established agricultural research institutions in California.

Federal law per U.S. Code, Title 7, Section 5940, also known as Section 7606 of the Agricultural Act of 2014 ("2014 Farm Bill"), establishes that:

...An institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001))... may grow or cultivate industrial hemp if: (1) the industrial hemp is grown or cultivated for purposes of... agricultural or academic research; and (2) the growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education... is located and such research occurs.

The California Industrial Hemp Farming Act (Senate Bill 566, Chapter 398, Statutes of 2013) authorizes the commercial production of industrial hemp and provides for the registration of growers in California. The law became effective on January 1, 2017, due to a provision in the Adult Use of Marijuana Act (Proposition 64, November 2016). The law's provisions are contained in Division 24 of the California Food and Agricultural Code (FAC). Division 24 requires registration for commercial growers and seed breeders. An "established agricultural research institution," including an institution of higher education as defined in federal law, is exempt from registration as a grower or seed breeder and may currently grow industrial hemp in accordance with this division.

Hemp is a Schedule 1 drug under the Federal Controlled Substance Act. Activities related to the production, sale, and movement of industrial hemp and hemp products may be subject to federal and/or local restrictions. Under federal law, the range of research institutions that are allowed to grow or cultivate industrial hemp is narrower than under Division 24. For information on federal restrictions and requirements for industrial hemp and hemp products, contact the U.S. Drug Enforcement Administration's Diversion Control Division. For information on local rules and restrictions, contact your local county and/or city officials.

Should you have any questions, please feel free to contact the California Industrial Hemp Program at (916) 654-0435 or industrialhemp@cdfa.ca.gov, or visit us online at <https://www.cdfa.ca.gov/plant/industrialhemp/>. Please note, CDFA does not provide legal advice to research institutions regarding industrial hemp.

Enclosure



Selected Definitions

“Industrial hemp” is defined in Health and Safety Code (HSC) Section 11018.5 as:

A fiber or oilseed crop, or both, that is limited to types of the plant *Cannabis sativa* L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom.

“Established agricultural research institution” is defined in FAC Section 81000(c) as:

- (1) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers; or
- (2) An institution of higher education (as defined in Section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that grows, cultivates or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.

History

Time	Who	Approval
10/4/2018 5:29 AM	County Administrative Office	Yes
10/2/2018 2:55 PM	County Counsel	Yes
10/5/2018 8:05 AM	Finance	Yes



**OFFICE OF THE ASSESSOR
COUNTY OF MONO**

P.O. BOX 456, BRIDGEPORT, CALIFORNIA 93517

**BARRY BECK, ASSESSOR
(760) 932-5510 FAX (760) 932-5511**

October 9, 2018

To: Honorable Board of Supervisors

From: Barry Beck, Mono County Assessor

Re: Proposition 5 and the Mono County Legislative Platform

Recommended Action:

Declare Mono County opposed to Proposition 5 through Mono County's Legislative Platform

Fiscal Impact:

None.

Discussion:

The Assessor will lead a discussion on the merits, or lack thereof, of Proposition 5, which will be on the voter ballot November 6, 2018.

Sincerely,

Barry Beck

Barry Beck
Mono County Assessor





RESOLUTION NO. R18-__

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
OPPOSING PROPOSITION 5, THE “PROPERTY TAX TRANSFER
INITIATIVE”, TO APPEAR ON THE NOVEMBER 6, 2018,
STATEWIDE BALLOT**

WHEREAS, California’s 58 counties play a vital role in promoting the quality of life, health and well-being of all Californians; and

WHEREAS, counties rely on local ad valorem property tax to deliver essential services to their communities, including fire, law enforcement, and emergency medical services; administer crucial health and social services programs from foster care and child welfare to behavioral health and homelessness services; and, build and maintain critical infrastructure for water and transportation; and

WHEREAS, Proposition 5, the “Property Tax Transfer Initiative”, which will appear on the November 6, 2018, statewide ballot, proposes to amend Proposition 13 (1978) to allow homebuyers who are age 55 or older or severely disabled to transfer the tax-assessed value from their prior home to their new home, no matter the new home’s market value, location in the State or the number of moves; and

WHEREAS, the approval of Proposition 5, would severely harm the ability of counties to continue to provide quality services by transferring local property taxes away from those local agencies that provide those essential services; and

WHEREAS, the nonpartisan Legislative Analyst has estimated that the fiscal impact of Proposition 5 on local government would be “\$100 million in annual property tax revenue in the first few years, growing over time to about \$1 billion per year (in today’s dollars)”; and

WHEREAS, Proposition 5 would also drain up to \$1 billion annually from local revenues for schools in California; and

WHEREAS, amidst an unprecedented housing crisis in California, Proposition 5 does nothing to provide solutions to help low-income seniors, people with severe disabilities, young families or others who are struggling to keep up with rising rents; and

WHEREAS, California’s constitution already protects seniors and people with severe disabilities, as well as victims of disasters, from paying higher property taxes when they move to a home of equal or lower assessed value compared to their current home; and



September 8, 2017

RECEIVED

SEP 08 2017

Hon. Xavier Becerra
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Ms. Ashley Johansson
Initiative Coordinator

Dear Attorney General Becerra:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional and statutory initiative (A.G. File No. 17-0013, Amdt. #1) related to property tax assessment.

Background

Local Governments Levy Taxes on Property Owners. Local governments—cities, counties, schools, and special districts—in California levy property taxes on property owners based on the value of their property. Property taxes are a major revenue source for local governments, raising nearly \$60 billion annually. Although the state receives no property tax revenue, property tax collections affect the state's budget. This is because state law guarantees schools and community colleges (schools) a minimum amount of funding each year through a combination of property taxes and state funds. If property taxes received by schools decrease (increase), state funding generally must increase (decrease).

Property Taxes Are Based on a Home's Purchase Price. Each property owner's annual property tax bill is equal to the taxable value of their property—or assessed value—multiplied by their property tax rate. Property tax rates are capped at 1 percent plus smaller voter-approved rates to finance local infrastructure. A property's assessed value is based on its purchase price. In the year a property is purchased, it is taxed at its purchase price. Each year thereafter, the property's taxable value increases by 2 percent or the rate of inflation, whichever is lower. This process continues until the property is sold and again is taxed at its purchase price.

Movers Often Face Increased Property Tax Bills. An existing homeowner often faces a higher property tax bill when she purchases a new home. Most homeowners who have lived in their homes for a few years or more pay taxes based on assessed values that are less than their homes' market values—what the homes could be sold for. This difference typically widens the longer a home is owned. This is because in most years the market value of most properties grows faster than 2 percent. When an existing homeowner purchases a new home, however, his or her assessed value is set to the market value of the new home. If the new home's market value is similar to or greater than the prior home, the new home's assessed value is likely to exceed the

Legislative Analyst's Office
California Legislature
Mac Taylor • Legislative Analyst
925 L Street, Suite 1000 • Sacramento CA 95814
(916) 445-4656 • FAX 324-4281

old home's assessed value. Even when the new home's market value is lower, the new home's assessed value can be higher than the prior home's if the prior home had been lived in for many years. A higher assessed value, in turn, leads to higher property tax payments for the home buyer.

Special Rules for Older Homeowners. While most homeowners face higher property taxes when buying a new home, in certain cases special rules apply to homeowners 55 and older. When moving within the same county, a homeowner who is 55 or older can transfer the assessed value of their existing home to a new home if the market value of the new home is equal to or less than their existing home. Further, counties may choose to allow homeowners 55 and older to transfer their assessed values from homes in different counties to new homes in their county. A county board of supervisors can permit such transfers by adopting a local ordinance. Currently, 11 counties (Alameda, El Dorado, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Mateo, Santa Clara, Tuolumne, and Ventura) allow these transfers. Whether within a county or across counties, a homeowner can transfer their assessed value only once in their lifetime.

Potential of Higher Property Taxes May Discourage Some Movers. Some research suggests that potential movers may be discouraged by the possibility of paying more property taxes. For example, homeowners 55 and older appear more likely to move in response to special rules allowing them to transfer their existing assessed value to a new home. California homeowners who were 55 years old were around 20 percent more likely to move in 2014 than 54 year old homeowners. This suggests that some homeowners who were interested in moving delayed doing so to avoid paying higher property taxes.

Other Taxes on Home Purchases. Cities and counties impose taxes on the transfer of homes and other real estate. These transfer taxes are based on the value of the property being transferred. Transfer taxes are equal to \$1.10 per \$1,000 of property value in most locations, but exceed \$20 per \$1,000 of property in some cities. Statewide, transfer taxes raise around \$1.1 billion for cities and counties.

Counties Administer the Property Tax. County assessors determine the taxable value of property, county tax collectors bill property owners, and county auditors distribute the revenue among local governments. Statewide, county spending for assessors' offices totals around \$550 million each year. County costs for property tax collectors and auditors are unknown but much smaller.

Proposal

Expands Special Rules for Older Homeowners. The measure expands the special rules applied to existing homeowners 55 and older who buy a new home. Under the measure, the assessed value of any home purchase by an existing homeowner 55 and older—including those moving across counties or to more expensive homes—would be tied to the assessed value of the buyer's prior home. If the new and old home have the *same* market value, the assessed value of the new home would be the assessed value of the prior home. If the market value of the new

home is *higher than* the prior home, the assessed value of the prior home would be adjusted upward. This adjusted value would be greater than the prior home's assessed value but less than the new home's market value. Conversely, if the market value of the new home is *less than* the prior home, the assessed value of the prior home would be adjusted downward. The measure specifies a formula to be used to make these upward and downward adjustments. There also would be no limit on the number of moves by an individual homeowner. These changes would take effect January 1, 2019.

Examples. To see how the measure's formulas work, consider the options of a recently retired couple who is looking to move. The couple has lived in their suburban home for 30 years. The home's assessed value is \$75,000 and could be sold for \$600,000. They are looking at two options:

- **Beach Home.** The couple could buy a beach home for \$700,000. Under the measure, the assessed value of the beach home would be \$175,000: \$75,000 (assessed value of their prior home) plus \$100,000 (\$700,000 [the new home's market value] minus \$600,000 [the prior home's market value]).
- **Small Downtown Condo.** The couple also could buy a downtown condo for \$500,000. Under the measure, the assessed value of the condo would be \$62,500: \$75,000 (assessed value of their prior home) multiplied by 0.8 (\$500,000 [the new home's market value] divided by \$600,000 [the prior home's market value]).

Fiscal Effect

Effects on Real Estate Markets. The measure would have a variety of effects on real estate markets throughout California. Most notably, the measure likely would change the number of homes bought and sold each year and the prices of those homes.

Increase Home Sales. Because the measure further reduces the property tax increases faced by older homeowners who purchase a new home, it likely would encourage more older homeowners to sell their existing homes and buy other homes. In recent years, between 350,000 and 450,000 homes have sold each year in California. Under the measure, home sales could increase by as much as tens of thousands per year.

Unclear Effect on Home Prices. The measure would increase the number of home buyers and sellers, as well as change how much home buyers are willing to pay for a home. The net effect of these changes on home prices is unclear.

Reduced Property Tax Revenues to Local Governments. By further reducing the increase in property taxes that typically accompanies home purchases by older homeowners, the measure would reduce property tax revenues for local governments. Additional property taxes created by an increase in home sales would partially offset these losses, but net property taxes would decrease. In the first few years, property tax losses would be a few hundred million dollars per year, with schools and other local governments (cities, counties, and special districts) each losing

around \$150 million annually. Over time these losses would grow, likely reaching between \$1 billion to a few billion dollars per year (in today's dollars) in the long term, with schools and other local governments each losing \$1 billion or more annually.

More State Spending for Schools. Most schools' property tax losses would be offset by increased state funding. In the short term, annual state costs for schools would increase by around \$150 million. In the long term, annual state costs for schools would grow by \$1 billion or more (in today's dollars).

Increase in Property Transfer Taxes. As the measure likely would increase home sales, it also would increase property transfer taxes collected by cities and counties. This revenue increase likely would be in the tens of millions of dollars per year.

Higher Administrative Costs for Counties. The measure would require county assessors to make process, staffing, and information technology changes. These changes likely would result in one-time costs in the millions of dollars or more, with somewhat smaller ongoing cost increases.

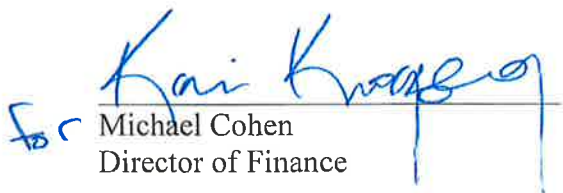
Summary of Fiscal Effects.

- Annual property tax losses for cities, counties, and special districts of around \$150 million in the near term, growing over time to \$1 billion or more per year (in today's dollars).
- Annual property tax losses for schools of around \$150 million per year in the near term, growing over time to \$1 billion or more per year (in today's dollars). Increase in state costs for schools of an equivalent amount in most years.

Sincerely,



for Mac Taylor
Legislative Analyst



for Michael Cohen
Director of Finance

Official arguments

Gerald G. Wilson, board member of the Middle Class Taxpayers Association, **Shamus Roller**, executive director of the National Housing Law Project, and **Gary Passmore**, president of the Congress of California Seniors, wrote the official argument found in the state voter information guide in opposition to Proposition 5:^[9]

We urge a NO on Prop. 5 for one simple reason. We have a terrible affordable-housing crisis in California, and Prop. 5 will do NOTHING to make this crisis better. What Prop. 5 will do:

- Prop. 5 will further raise the cost of housing.
- Prop. 5 will lead to hundreds of millions of dollars and potentially \$1 billion in local revenue losses to our public schools.
- Prop. 5 will cost local services, including fire, police, and health care, up to \$1 billion in revenue losses.
- Prop. 5 gives a huge tax break to wealthy Californians.
- Prop. 5 gives a huge windfall to the real estate industry, the ONLY sponsor of the initiative.

We urge a No on Prop. 5 because of what it does NOT do:

- It does NOT build any new housing.
- It does NOT help first-time homebuyers.
- It does NOT bring down the cost of rent.
- It does NOT address homelessness.

Housing advocates are clear: “Prop. 5 does nothing for affordable housing, and will even make the current situation worse,” says Shamus Roller of the National Housing Law Project, a champion for affordable housing. For the last 30 years, older homeowners who move to a smaller and less expensive house have been able to bring their current property tax with them, an encouragement to leave a larger and more expensive home to a younger family. These homeowners can do this once in their lifetime. This was an extension of Prop. 13.

But Prop. 5 changes this equation. If it’s passed, a homeowner over 55 can use their tax break to keep buying more expensive houses, over and over, anywhere in California. Meanwhile, younger, first-time home buyers with less income will face higher housing prices, and renters will have an even harder time becoming homeowners.

The nonpartisan California Legislative Analyst says Prop. 5 will cause massive revenue losses at the local level. That’s why firefighters, teachers, and nurses all say No on Prop. 5. This initiative will result in reductions to critical public services including fire protection, police protection, and health care. Public school funding comes primarily from local property taxes. Prop. 5 means less local revenue for our public schools.

“Fighting the wildfires that have plagued our communities in the past few years requires more—not less—local resources. We just can’t afford Prop. 5,” says Brian Rice, President of California Professional Firefighters.

The real estate interests who cynically paid to put Prop. 5 on the ballot have decided to pit some homeowners against others. Why? You’ll have to ask them. But we think it must have something to do with their profits.

We can’t afford Prop. 5. Please join us in voting No.



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 2018

Departments: Board of Supervisors

TIME REQUIRED 10 minutes

SUBJECT 2018/2019 California State
Association of Counties (CSAC)
Appointments

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Nomination of a member and alternate to serve on the California State Association of Counties (CSAC) Board of Directors for 2018/19.

RECOMMENDED ACTION:

Nominate a member of the Board of Supervisors to serve on the CSAC Board of Directors for the 2018/19 Association year beginning on November 27, 2018; also, nominate an alternate member.

FISCAL IMPACT:

Fiscal impact limited to cost to attend meetings and conferences, estimated at \$2,700, which is included in the General Fund budget.

CONTACT NAME: Scheereen Dedman

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
CSAC Selection Memo
CSAC 2018 Board Roster

History

Time	Who	Approval
10/4/2018 5:38 AM	County Administrative Office	Yes

9/28/2018 2:45 PM

County Counsel

Yes

10/2/2018 5:18 PM

Finance

Yes



California State Association of Counties
1100 K Street, Suite 101
Sacramento, CA 95814
Phone (916) 327-7500
Facsimile (916) 321-5047

September 27, 2018

TO: Chairs, Boards of Supervisors
FROM: Graham Knaus, Executive Director

RE: Selection of CSAC Board of Directors Members

Under provisions of the CSAC Constitution, members of the Board of Directors and alternates are nominated by their respective boards of supervisors and appointed by the Executive Committee to a one-year terms of office commencing with the first day of the CSAC annual conference. This year, that will be on Tuesday, November 27, 2018. Any member of your Board of Supervisors is eligible for the directorship.

CSAC's Board of Directors holds its first meeting of each year at the association's annual conference. **Thus, it is important that your county has its newly appointed board representative at this first meeting.** Enclosed is a list of current directors, along with a form for use in notifying us of your Board's nomination.

The new Board of Directors will meet at the annual conference, first by caucus (urban, suburban, and rural) to nominate CSAC officers and Executive Committee members, and again as a full Board to elect the 2019 Executive Committee and to conduct other business. Details of these meetings will be sent to you at a later date. Please note that under the CSAC Constitution, Executive Committee members are elected from the membership of the Board of Directors.

If you have any questions or need further information, please contact Valentina Dzebic of my staff at (916) 327-7500 x508 or by email at vdzebic@counties.org.

Enclosures

cc: 2018 Board of Directors
Clerks, Board of Supervisors

CALIFORNIA STATE ASSOCIATION OF COUNTIES

Board of Directors

2018

SECTION
U=Urban
S=Suburban
R=Rural

President:
First Vice President:
Second Vice President:
Immediate Past President:

Leticia Perez, Kern
Virginia Bass, Humboldt
Lisa Bartlett, Orange
Keith Carson, Alameda

SECTION	COUNTY	DIRECTOR
U	Alameda County	Scott Haggerty
R	Alpine County	Terry Woodrow
R	Amador County	Richard Forster
S	Butte County	Bill Connelly
R	Calaveras County	Michael Oliveira
R	Colusa County	Denise Carter
U	Contra Costa County	John Gioia
R	Del Norte County	Chris Howard
R	El Dorado County	Sue Novasel
U	Fresno County	Buddy Mendes
R	Glenn County	John Viegas
R	Humboldt County	Estelle Fennell
S	Imperial County	Raymond Castillo
R	Inyo County	Jeff Griffiths
S	Kern County	Zack Scrivner
R	Kings County	Craig Pedersen
R	Lake County	Jim Steele
R	Lassen County	Chris Gallagher
U	Los Angeles County	Mark Ridley-Thomas
R	Madera County	Tom Wheeler
S	Marin County	Damon Connolly
R	Mariposa County	Marshall Long
R	Mendocino County	Carre Brown
S	Merced County	Lee Lor
R	Modoc County	Patricia Cullins
R	Mono County	John Peters
S	Monterey County	Luis Alejo
S	Napa County	Diane Dillon
R	Nevada County	Ed Scofield
U	Orange County	Lisa Bartlett
S	Placer County	Jim Holmes
R	Plumas County	Lori Simpson
U	Riverside County	Chuck Washington
U	Sacramento County	Susan Peters
R	San Benito County	Jaime De La Cruz
U	San Bernardino County	James Ramos
U	San Diego County	Greg Cox

U	San Francisco City & County	Malia Cohen
U	San Joaquin County	Bob Elliott
S	San Luis Obispo County	Lynn Compton
U	San Mateo County	Carole Groom
S	Santa Barbara County	Das Williams
U	Santa Clara County	Ken Yeager
S	Santa Cruz County	Bruce McPherson
S	Shasta County	Leonard Moty
R	Sierra County	Lee Adams
R	Siskiyou County	Ed Valenzuela
S	Solano County	Erin Hannigan
S	Sonoma County	James Gore
S	Stanislaus County	Vito Chiesa
R	Sutter County	Dan Flores
R	Tehama County	Robert Williams
R	Trinity County	Judy Morris
S	Tulare County	Steve Worthley
R	Tuolumne County	Sherri Brennan
U	Ventura County	Kelly Long
S	Yolo County	Jim Provenza
R	Yuba County	Doug Lofton



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 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:

Click to download
No Attachments Available

History

Time

Who

Approval



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 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: One.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)

No Attachments Available

History

Time	Who	Approval
10/2/2018 7:20 PM	County Administrative Office	Yes
9/28/2018 3:08 PM	County Counsel	Yes
9/13/2018 5:38 PM	Finance	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 2018

TIME REQUIRED

SUBJECT Closed Session - Existing 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 – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: *U.S.A. et al. v. Walker River Irrigation District et al.*, U.S. Ninth Circuit Court of Appeals, Case No. 15-16478 (and related cases).

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Jason Canger

PHONE/EMAIL: (760) 924-1712 / jcanger@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p>No Attachments Available</p>

History

Time	Who	Approval
9/11/2018 2:48 PM	County Administrative Office	Yes
9/28/2018 3:05 PM	County Counsel	Yes
9/13/2018 5:37 PM	Finance	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 2018

TIME REQUIRED

SUBJECT Closed Session - Existing 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 – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: *Mono County v. Los Angeles Department of Water and Power, et al.* (Mono County Case No. CV180078)

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p>No Attachments Available</p>

History

Time	Who	Approval
10/2/2018 7:19 PM	County Administrative Office	Yes
9/28/2018 3:06 PM	County Counsel	Yes
9/25/2018 1:11 PM	Finance	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 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: one. Facts and circumstances: County implementation of new recording fees imposed by SB 2, the Building Homes and Jobs Act.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p>No Attachments Available</p>

History

Time	Who	Approval
10/2/2018 7:19 PM	County Administrative Office	Yes
9/28/2018 3:07 PM	County Counsel	Yes
10/2/2018 5:14 PM	Finance	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 2018

Departments: CDD, County Counsel

TIME REQUIRED 30 minutes (10 minute presentation;
20 minute discussion) **PERSONS APPEARING BEFORE THE BOARD** Wendy Sugimura, Sandra Bauer

SUBJECT Preliminary Comment Letter in Response to LADWP's Notice of Preparation of a Draft Environmental Impact Report

AGENDA DESCRIPTION:

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

Presentation of a preliminary draft of the County's comment letter in response to the Los Angeles Department of Water and Power's Notice of Preparation of a draft Environmental Impact Report on their Ranch Lease Renewal Project.

RECOMMENDED ACTION:

None (informational only). Discuss the content of the preliminary draft, receive public input, and provide any desired direction and input to staff to finalize the letter.

FISCAL IMPACT:

The not-to-exceed cost of the consultant team preparing the response is \$20,040, and was approved in the Phase II budget amendment.

CONTACT NAME: Wendy Sugimura

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Draft NOP Letter</p>

History

Time

Who

Approval

10/5/2018 5:49 AM

County Administrative Office

Yes

10/4/2018 4:08 PM

County Counsel

Yes

10/5/2018 8:22 AM

Finance

Yes

Mono County Community Development Department

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

16 October 2018

Los Angeles Department of Water and Power
Attention: Jane Hauptman
111 North Hope Street, Room 1044
Los Angeles, CA 90012

SUBJECT: **DRAFT Comments on the Los Angeles Department of Water and Power Notice of Preparation for the Proposed Mono County Ranch Lease Renewal Project**

Dear Ms. Hauptman:

The Mono County Community Development Department (CDD) has reviewed the Notice of Preparation (NOP) distributed by the Los Angeles Department of Water and Power (LADWP) for the Proposed Mono County Ranch Lease Renewal Project (Project). The CDD has also attended the Scoping Meeting held by LADWP on September 26 in the Mammoth Outlet where recorded comments were offered. Based on information obtained through the NOP and scoping meeting, as well as additional information provided by LADWP in response to letter requests submitted by CDD to LADWP on September 14, we have developed a number of comments concerning the scope and focus of information to be provided in the forthcoming Draft Environmental Impact Report (DEIR).

OVERVIEW OF MONO COUNTY NOP COMMENTS

Provided below is a list summarizing the issues addressed in this comment letter. The balance of this comment letter provides detailed discussion for each of these key issues.

COMMENTS ON LADWP MONO COUNTY RANCH LEASE RENEWAL PROJECT		
SECTION	TOPICS	PAGE NUMBER
I	Project Description, Project Location, Project Objectives	
II	Environmental Setting	
III	Topical Issues to be addressed in the Forthcoming DEIR	
	<i>a. Wetlands and Aquatic Habitats</i>	
	<i>b. Greater Sage Grouse</i>	
	<i>c. Hydrology and Water Quality</i>	
	<i>d. Air Quality and Fire Hazard Risk</i>	
	<i>e. Aesthetic Values</i>	
	<i>f. Agriculture</i>	
	<i>g. Recreation</i>	
	<i>h. Cultural Resources</i>	
IV	Alternatives	
	<i>a. No Project Alternatives</i>	
	<i>b. Comprehensive Rangeland & Wildlife Management Plan</i>	
	<i>c. Environmentally Preferred Alternative</i>	
V	Public Trust Doctrine	
VI	Summary of Essential Points and Recommendations	

DETAILED DISCUSSION OF MONO COUNTY NOP COMMENTS

I. PROJECT DESCRIPTION, PROJECT LOCATION, AND PROJECT OBJECTIVES

The Notice of Preparation issued by LADWP on 15 August 2018 provided only limited and very general information regarding the project proposal, the project location, and probable environmental effects. The comments offered in this NOP response necessarily reflect Mono County's best estimate of the boundaries and location and acreage and status (i.e., irrigated or non-irrigated) of the lease lands that are proposed for modified lease renewals, and how LADWP may propose to restructure future ranch leases (i.e., lease terms and provisions).

The NOP states that the project location includes *"the communities of Sunny Slopes/Tom's Place, Aspen Springs, Crowley Lake/Hilton Creek, McGee Creek, and Long Valley"* and includes a large-scale regional location map that identifies LADWP property in only the most general terms. The NOP discussion of potential environmental effects notes that LADWP has *"historically spread water deliveries for agricultural irrigation purposes on approximately 6,100 acres on ranches for which LADWP proposes to enter new leases"* but LADWP referenced a 28,000-acre project study area in the project Scoping Meeting on 26 September 2018, and the LADWP property identified on the regional location map appears to refer to the full 28,000-acres. The location of the 6,100-acres or irrigated land is not described in the NOP, nor was it described or mapped for the Scoping Meeting, nor has LADWP responded affirmatively to the County's repeated requests for a map that would comply with CEQA Guidelines §15082(a)(1)(B) (Location) that calls for *"a specific map, preferably a copy of a USGS 15' or 7 ½' topographical map identified by quadrangle name."*

In the absence of information provided by LADWP, Mono County has referred to a 1990 report by Platts that described the project vicinity as pastures encompassing *"7,500 acres of which 5,000 are meadow and of these 5,000 acres about 3,000 to 4,000 acres are irrigated. The amount of acreage irrigated depends on water availability."* Another report (LADWP, 1992) mentions that 3,246 acres on the Miller and Wood Ranch lease *"are classified as irrigated pasture"* watered from Convict, McGee, and Hilton Creeks. Irrigated pasture on the Chance Ranch lease along Mammoth Creek totaled 665 acres (LADWP, 1993). Other ranch leases held by Four-J Cattle Company, Cashbaugh Livestock Company, and J & L Livestock Company include land where *"nearly 2,000 acres of the river floodplain are irrigated from the Owens River and Hot Creek"* (LADWP, 1994). If these areas are independent and do not overlap, then they add up to about 6,000 acres.

The DEIR needs to carefully identify and map the areas that have been historically irrigated and will be subject to the proposed changes in irrigation. These maps and spatially-explicit descriptions should be in GIS format for ease of use, and must clearly distinguish the location and acreage of lands that have and have not previously been irrigated. Tables must be provided that clearly list and compare the terms and provisions of (a) the original leases, (b) practices under the expired leases, and (c) the terms and provisions of the proposed leases including (with respect to irrigation delivery and spreading) volumes, locations, timing, responsibilities and oversight.

It is essential that the DEIR project description provide a detailed description of proposed changes to the irrigation water allocation on both a cumulative and a lease-by-lease basis. The description must clearly describe changes in seasonality, volume, duration of flow, and water distribution systems. Moreover, a complete copy of the proposed lease(s) must be included with the DEIR (possibly as an appendix), so that the ranchers and other reviewers have an opportunity to evaluate how the proposed changes may impact grazing operations including forage quality, carrying capacity, and grazing value. The potential environmental impacts of the Project cannot reasonably be assessed unless the proposed leases are included in the Draft EIR.

The forthcoming DEIR should provide a detailed description of how *"LADWP's existing practice of spreading water for the sage grouse"* (as quoted from the NOP) will be maintained. Where will the water be spread, and what water sources will be used for this purpose? The project description also must define the specific activities that are proposed to achieve the project objectives (as stated in the NOP presentation handout) to *"Ensure the continuation of cost-effective aqueduct*

operation and hydroelectric power generation” and to “Manage LADWP-owned lands in Mono County in a manner consistent with the Mayor’s Executive Directive No. 5, the Sustainable City ‘pLAN,’ and the City Charter” and to “Restore natural hydrology to Mono County streams.”

Finally, the DEIR must be clear and detailed in its description of objectives and proposed activities. that are proposed specifically within the 6,100-acre irrigated area as compared to objectives and activities proposed within the larger 28,000-acre study area. Does LADWP have objectives that are unique to these two differing areas? Please ensure that the DEIR provides maps that clarify the precise boundaries and status (irrigated or non-irrigated) for each lease area.

In light of the many deficiencies found in the 15 August 2018 Notice of Preparation, Mono County strongly urges LADWP to suspend the current NOP review period so that LADWP can prepare a new NOP that complies with requirements of CEQA Guidelines §15082(a)(1) concerning the full range of NOP contents. Doing so will enable the commenting parties to comply with CEQA §15082(b), which requires that LADWP be provided with “*specific detail about the scope and content of the environmental information related to the responsible or trustee agency’s area of statutory responsibility that must be included in the draft EIR.*” This mandate is very difficult to fulfill given the inadequate level of project information presented to date by LADWP.

II. ENVIRONMENTAL SETTING

CEQA Guidelines §15125 defines the environmental setting as “*the physical conditions in the vicinity of the project, as they exist at the time the notice of preparation is published*” and further states that, “*knowledge of the regional setting is critical to the assessment of environmental impacts.*” In the current project, LADWP has already implemented at least one project element that is to be evaluated in the forthcoming DEIR: as early as 2013, LADWP began to “*spread water deliveries to lands covered by the leases for operational purposes only, as determined by LADWP, at its sole discretion*” (NOP, Project Description, page 1). Thus, physical conditions in the project study area at the time of the NOP release (mid-August 2018) are not necessarily representative of the conditions that existed while LADWP was spreading irrigation water according to terms and conditions of the leases.

LADWP must provide evidence that baseline conditions in August 2018 provide a reasonable measurement of baseline conditions under LADWP’s historical leasehold irrigation operations. If such evidence is not available, the forthcoming DEIR must incorporate two baseline conditions: one baseline would be defined as ‘conditions at the time of NOP release,’ and a second baseline would be defined as ‘representative conditions during the decades when irrigation water was spread according to lease terms.’

If on this basis the second baseline is warranted. the significance of potential project impacts, and associated mitigation measures and alternatives, must be assessed in the DEIR for both baseline conditions, must be clearly stated in the DEIR, and “*specific enough to permit informed decision making and public participation... and to permit a reasonable choice of alternatives so far as environmental aspects are concerned*” (CEQA Guidelines §15146, Discussion). Informed decision making should include comparison of the potential environmental effects in relationship to the proper environmental baseline.

III. TOPICAL ISSUES TO BE ADDRESSED

a. Wetlands and Aquatic Habitats.

The project as described in the NOP has potential to adversely impact natural resources in the Mono County project area, including extensive wetlands habitats, sensitive plant communities, and dependent plant and wildlife populations. Historic water deliveries to the project area have created and maintained wetlands that are potentially jurisdictional Waters of the State of California and the United States. Historically, these wetland habitats and marginal meadows have functioned to provide vital public benefits and values, as well as habitat for diverse species including the Bi-State Distinct Population Segment (DPS) of Greater Sage Grouse (GSG). The United States has had a policy of no net loss of wetlands

since 1988 (USDA, undated); the EIR must assess wetlands impacts that may be caused by the project in light of this and other relevant wetlands policies and protections.

Studies of wetlands in Mono County (Curry, 1992, 1993, and 1996) concluded that 50 to 100 years of irrigation produces soil and vegetation conditions characteristic of wetlands as defined under Clean Water Act law. These studies identified jurisdictional wetlands within the presumed proposed project area near the communities of Long Valley, Crowley Lake, and Aspen Springs. The assessment of Long Valley pastures by Platts (1990) agreed with the conclusion that functioning wetlands were being created within the project area. State-sensitive plant communities dominated by wetlands-dependent vegetation were mapped in 2014 within the area that will be revegetated by the Project (Mono County, 2015). Historic and proposed operation of the conveyances in the project area has diverted flows from and returned them to jurisdictional Waters, such that these conveyances may themselves represent jurisdictional Tributaries to the Owens River, which is a Traditionally Navigable Waterway. Detailed field investigations to produce a map of naturally-occurring wetlands, wetland conveyances and adjacent wetlands created by irrigation, vegetated areas enhanced by irrigation but not classified as wetlands, transition areas with irrigation only during high-runoff years, and areas never irrigated are essential to understanding the resources at risk. Although potentially not a formal project requirement, LADWP should conduct and present in the DEIR a delineation and mapping of jurisdictional areas in the Project boundaries. Results would inform the public and concerned agencies about the extent of resources that may be lost, and the locations where permitted discharges would occur.

The NOP states that LADWP's existing practice of spreading water for the GSG would not be affected by the proposed project. Operations that will spread water for the conservation of GSG and the habitat upon which they depend is clearly a part of the proposed project. Mono County notes that water spreading in the project area has historically been the responsibility of the leasehold ranchers (not LADWP), and the resulting GSG benefits have been an indirect consequence (and not a purposeful objective) of the rancher's range management practices. Since the spreading of water that sustained the GSG population and habitat has long been tied to historic ranching practices, it is not clear how LADWP can continue this practice without providing water to or seeking assistance from the ranchers. Moreover, Mono County can envision no way that the Project as proposed can accommodate increased water use efficiency within the dewatered area (either for providing sage grouse habitat or for operation as a facility of the aqueduct) without reconfiguration of one or more of the ditches, turnouts, or return conveyances. LADWP must consult with the United States Army Corps of Engineers (USACE) and the California Department of Fish and Wildlife (CDFW) regarding the potential need for permitting associated with the facility reconfiguration that may be required for LADWP to spread habitat maintenance irrigation for the sage grouse and thereby meet the conservation goals of the project.

The NOP states that LADWP will continue to allow ranching on the lease areas. The analysis should include a detailed study of livestock-related impacts that may be created by the elimination of widely dispersed wet habitats. Livestock use will be concentrated at the remaining few wet areas, at least seasonally if not perennially. Creation of wallows at concentrated livestock use areas is a new impact to flows that pass through during times of facility use for aqueduct maintenance. The next high flow following extended new livestock sediment disturbance and defecation will significantly alter the geochemical and possibly the biological integrity of the tributary flow at the receiving water (e.g., Mammoth Creek or the Owens River). LADWP must discuss with the USACE and CDFW whether these impacts would potentially result in new discharges to jurisdictional Waters during facility use for ranching leases.

The analysis of wetlands and other jurisdictional Waters should include a complete investigation of the wetlands functions and values that are currently provided within the project area, so that mitigation to replace the acreage, functions and values can be properly formulated. At a minimum, these waters support biological diversity, regulate (attenuate) flood flows, store and filter runoff, and support recreation. Their widespread distribution and high productivity support and in part are responsible (along with the productivity of aquatic invertebrate life) for maintenance of the food web underlying the productivity of stream fisheries of the area. They are also visually attractive features (especially, in comparison to dewatered and revegetated "desertified" former wetlands) in the area's designated scenic corridor. Mono County recognizes that if and as climate change increases the amount of runoff originating as rainfall, and hence runoff event intensity, wetland function to capture and store episodic runoff for more gradual release will be an increasingly important and undeniable asset, both in Mono County and in the area served by LADWP.

The historic changes in vegetation and the probable future changes under different irrigation regimes should be analyzed in the DEIR on a spatially-explicit basis. Mono County concurs with the 1990 assessment of Platts that “water is spread over Long Valley pastures to raise the water table to a level where all herbaceous vegetation has its root systems in the water table”, but notes that LADWP reviewers disagreed with that characterization. Analyses of forage production data collected by LADWP staff since 1988 (Los Angeles Department of Water and Power, 1992:26) provides insights into plant productivity under different moisture regimes. The amount and timing of irrigation needed to support sufficient wet meadow habitat for GSG conservation will be site-specific, and in practice must be adaptive to year-to-year climate variation. The DEIR must verify LADWP’s historic irrigation strategies and describe how the proposed future irrigation system may differ from those historic practices. This information should be incorporated into the project description as a proposed guidance document for the timing and locations of water spreading, such as a Rangeland Management Plan (please see Comment Letter §VI, Alternatives). It would also provide a basis for demonstrating that habitat goals will be met under a Habitat Conservation Plan for GSG, which also should be specified in the DEIR as a pre-project requirement in order to ensure that the best available data has been incorporated to meet the stated plan to ensure that “*the sage grouse would not be affected by the proposed project*” (NOP).

Special status plant populations that are dependent upon wetlands habitat conditions will likely be quickly and irreversibly extirpated as a result of the proposed project. The previously identified species include Lemmon’s milkvetch, Inyo County star-tulip, smooth saltbush, naked-stem phacelia, Inyo phacelia, Hall’s meadow hawksbeard, alkali ivesia, alkali tansy-sage, and small-flowered grass of Parnassus; there may be others not documented in historical literature. In order to document the current occurrences of special status plants that will be negatively affected or extirpated, and determine whether significant impacts will occur as a result of project dewatering, a floristic survey of the project area should be completed using methods conforming to CDFW (2009 **CITATION NEEDED**). LADWP, as lead agency under CEQA, must develop specific standards that define the thresholds of a significant impact to special status plants. Data regarding species richness, including special status species presence, should be included in formulating appropriate mitigation for loss of wetland habitat.

Special status wildlife also has potential for presence. GSG use of the affected wetlands habitats including critical foraging needs for successful brood-rearing has been well documented. Others include nesting northern harrier, Swainson’s hawk, and willow flycatcher, aquatic springsnails, Owens sucker, Owens tui chub, Owens speckled dace, and Long Valley speckled dace. Others not documented in the available literature may currently occur within the habitats supported by water spreading. Studies should be completed so that the DEIR can document the extent of occurrences of special status wildlife, determine which uses will be removed from the area due to the proposed project, and then identify alternatives that will allow or maximize impact avoidance while meeting the stated objective to ‘restore natural hydrology to Mono County streams.’

The analysis should be extended to streams that flow through the project area, as they support valuable fishery resources. The DEIR should thoroughly assess the habitat values inherent to these conveyances, which include provision of hydrologic input to natural adjacent wetlands and other aquatic habitats that prior to the project have been dependable resources for plants and wildlife. How would these resources potentially be impacted by this project? As noted by LADWP, recent trends and hydrologic model predictions suggest that climate change will result in earlier stream flow peaks, reduced summer flows, and drying in smaller channels. If LADWP is concerned that there will be less precipitation in the future, LADWP should present the modelling on which that concern is based. It is the understanding of Mono County that there is no evidence to support less future precipitation; rather the evidence points to a change in precipitation patterns. Low flows are damaging to the health of fish and stream invertebrate communities. Data collected by Sierra Nevada Aquatic Research Lab (SNARL) scientists on habitat, fish, and benthic invertebrate values (collected in the spring and fall of 1993-94-95) can serve LADWP’s DEIR analysis of the current status of aquatic habitats, and for forecasting in-stream and in-project changes that may occur with the proposed project. These data (Herbst and Knapp, 1999) included four sites on Convict Creek (including SNARL as a control), two sites on McGee Creek, and three sites on Mammoth Creek. Additional samples were obtained from Hilton Creek in 1998 for the Lahontan Water Board. Potential negative effects upon the diversion source habitat as well as the in-project habitats and receiving waters must be included in the analysis, so that compensatory mitigation can be formulated for any identified significant impacts.

The forthcoming DEIR must determine whether the range management practices implemented by LADWP in the mid-1990s resulted in any improvements in habitat, fish, or resident invertebrate life. LADWP has promoted river recovery through grazing management practices, such as fencing and rest-rotation, throughout the Long Valley streams and

meadows. Are these practices still in use, and would they continue under the new project proposal? If so, the forthcoming DEIR should provide monitoring reports and/or other documentation to demonstrate whether and how these practices have improved instream conditions and other habitat values. Would the proposed project impact grazing and animal unit densities and duration? The DEIR should clearly describe the goals of grazing management in terms of conservation of biological resources, and analyze stock rotation alternatives that would minimize the impacts to wetlands and aquatic resources. Much of the rotation involves lands in Inyo County, which will require that the EIR also address impacts in Inyo County, including potential increases in the concentration of livestock. The DEIR should describe the monitoring program for detecting impacts during project operations, and the criteria that will be used to judge management success.

The extent that irrigation has historically supported wet meadow habitat critical to GSG and native wetlands-dependent vegetation should be assessed. In order to predict the effects upon the South Mono Population Management Unit (PMU), the relationship between the pre-project distribution of wet meadow and similar highly diverse and productive habitats that are known to be critical for brood-rearing success and the proposed, relatively limited distribution that will result from the project must be understood.

It is apparent from the lack of contemporary, site-specific data for use in analyzing project impacts to aquatic systems, wetlands, and dependent plants and animals, that at minimum a spatially-explicit water balance model is needed for the project design to minimize loss of important habitat and wetland function. It would allow LADWP to demonstrate that maintenance of dispersed brood-rearing habitats will avoid potential impacts to the GSG population. The model should be based upon data collected at key locations in the affected watersheds, so that currently poorly understood parameters such as fraction returned to the aqueduct (which may vary among the leased lands throughout the project area), fraction consumed by evapotranspiration, and facility storage capacity and release rate can be understood and predicted under various water-type years and irrigation scenarios. The model and its test results should be presented as a basis for analysis in the DEIR, not merely promised as a deferred facility operations-related product so that a complete and comprehensive analysis of potential project impacts are identified for review by decision makers and the public. Because wetlands are inherently fragile, their management under irrigation requires a higher standard of knowledge about the fate of releases; miscalculation and not knowing the timing and duration of needed habitat maintenance flows will quickly cause loss of wetland vegetation and function that takes a relatively long time and may require substantial mitigative investment to repair.

Studies conducted by Jellison and Dawson (2003) may provide LADWP with pertinent information regarding the volumes of flows returning to Crowley Lake, and inputs of nutrients and sediments to the channels in the Crowley Lake tributary streams. These data could help LADWP identify whether nutrients and sediments have been a problem and the magnitude of any problems that have been observed. If done at a sufficiently site-specific scale, modeling may demonstrate how LADWP can spread water in a way that ensures the GSG would not be affected by the proposed project (i.e., wet habitat will be maintained). The model should provide for the DEIR estimates of the volumes of water diverted under alternative management scenarios, the returned amounts, and evapotranspiration (ET) rates, so that the total acre feet that will be lost during project operation can be known. Only then could some potential "middle ground" alternative be identified whereby more efficient use of irrigation water could increase aqueduct flows, and sustain existing grazing practices and sage grouse habitat, while at the same time leaving more in-stream flows that support aquatic habitat.

b. Greater Sage Grouse.

The wetlands provide vital habitat for the GSG, which likely would now be listed as Threatened under the Endangered Species Act (ESA) but for the assurances provided in the 2012 Bi-State Action Plan. The proposed LADWP project may undermine these assurances and lead to listing of the GSG, particularly in light of the recent court order for the United States Fish and Wildlife Service (USFWS) to reconsider the 2013 decision. Mono County therefore believes that potential changes in legal status of the Bi-State population must be addressed in the DEIR. A comprehensive assessment would at a minimum identify the locations, character (function), and extents of pre-project habitats that support the Long Valley sub-population, and explain all criteria used for the designation of suitable versus unsuitable GSG habitat within the project area. As noted in correspondence from the Mono County Board of Supervisors to USFWS (July 2014), the delineation of suitable and unsuitable habitat is so critical to the analysis of economic impacts (arising from a post-project decision to list the DPS under ESA) that input must be sought from both the public and the Bi-State Technical Advisory

Committee to ensure that the best available science and knowledge is applied. Without such input, there is a strong likelihood that the GSG will be listed and result in restrictions on land and water use throughout the project areas.

The forthcoming project DEIR should provide a detailed description of how 'LADWP's existing practice of spreading water for the sage grouse' (as quoted from the NOP) will be maintained. Spatially-explicit and seasonally timing-sensitive irrigation and hydrology considerations need to be analyzed with respect to impacts on GSG habitat. Does the 'existing practice' include the timing of irrigation in quantities and locations sufficient to ensure the long-term viability of the Long Valley sub-population, including an assurance of continued widely distributed wet meadow habitat for Sage Grouse broods, and how will this change? Contraction of the habitat available for brood-rearing is a potential threat to GSG due to enhanced predator advantage. Coyote and raven predation are suspected limiting factors in this area, and change in their impact upon GSG recruitment should be studied and disclosed. Other ecological threats due to contraction of crucial habitat may exist, and the increase in risk of total loss that is inherent to limited (and due to the project, significantly decreased) habitats due to stochastic events.

Mono County believes that the decline of the Parker Meadows sub-population that occurred following dewatering of long-standing irrigated meadows of the historically occupied habitat also provides the best available evidence for assessing how various project dewatering alternatives will affect the South Mono Population Management Unit (PMU). Drying of spatially disturbed wet areas that were maintained by seasonally-timed water deliveries until the 1990s did not lead to an expansion of the Parker Meadows subpopulation. The subpopulation there is now potentially facing extirpation due to the negative effects of reduction to sub-viable population size. The mechanism underlying this actual population crash that is associated with the change in LADWP water spreading management should be disclosed in the forthcoming DEIR. In the absence of such fair assessment and disclosure of the relationship between LADWP's former actions in Parker Meadows and the need for a recent last-ditch transplanting attempt to save the population, it may be reasonably assumed that the experience during the past two decades at Parker Meadows is not simply coincidence and it is, to some significant degree, a causal relationship. Mono County currently believes that the apparently simplest explanation (i.e., that the Parker Meadows population suffered losses when wet habitats that formerly were crucial for population maintenance were suddenly removed or substantially contracted by LADWP's actions) may be the most explanatory of the observed results in this case study, and that the lessons learned there should be applied to the current project.

The project area and LADWP's historic operations to maintain wet meadow habitats are surely essential to the support of the current Bi-State GSG population in Long Valley. Because the South Mono PMU is critical to the long-term sustainability of the Bi-State DPS, the environmental analysis for this project must be robust enough to inform the public debate regarding the fate of the DPS. The EIR analysis must note that nesting success in the South Mono PMU is low; it is conjectured that subsidies for predators such as ravens (from the Mono County Landfill) could be a contributing factor. Mono County has a plan in place to close the landfill by 2033 to remove this potential (though unquantified) impact, reduction of irrigated habitat will likely result in discrete "green" strips or areas that have the potential to serve as visual cues for predators hunting for sage grouse. These green strips or areas may enable predators to narrow their search, resulting in more efficient hunting and increase depredation of the birds. Though nesting success has been low, brood-rearing success has historically been high in the South Mono PMU, potentially because of irrigation practices by LADWP. Changes in LADWP irrigation practices will likely have a significant adverse impact on brood-rearing success by reducing availability of grass, forbs, insects, water and wetland conditions that are necessary for brood survival. The importance of this PMU must be emphasized. It is considered part of the "core population" that is relied upon for the sustainability of the species, it constitutes about 33% of the population, and the population has decreased by about 60% over the past approximately 5 years.

The 2013 USFWS decision not to list specifically cites the LADWP HCP as providing the necessary protection for the South Mono PMU. The HCP has not been approved, however, and the large-scale water management changes now proposed by LADWP call into question the adequacy of the draft HCP to meet that purpose (i.e., to protect the South Mono PMU), particularly in light of USFWS plans to reevaluate the listing decision. This project's impacts will be considered as the USFWS again decides whether the DPS warrants federal protection under ESA. LADWP must disclose the degree to which a substantial and critical institutional support is being removed, and the effects that this impact will have upon the viability of the South Mono PMU, and the DPS. The EIR will need to analyze GSG brood-rearing habitat changes in terms of (a) sagebrush canopy cover, (b) total shrub canopy cover, (c) sagebrush height, (d) perennial grass and forb cover and height, (e) perennial forb diversity, (f) meadow edge (ratio of perimeter to area), and (g) species richness. Also important

will be an analysis of lek habitat changes: shrub or weed encroachment into lek areas could change the character of those leks and make mating less successful or reduce lek attendance. Studies have shown that the South Mono PMU did not track with precipitation, probably because the area was buffered by irrigation supplies, but are now starting to track with natural precipitation again. The population is reliant on LADWP irrigation.

Mono County, as an active partner in Local Area Working Group (LAWG) formed to improve DPS viability, notes that strong institutional support was cited in USFWS' April 2015 decision not to list, and that the South Mono PMU was thought to have a relatively stable or improving habitat availability. The project area sub-population is considered an important genetic reservoir for the DPS that is large enough and dispersed enough to remain relatively safe from stochastic extirpation, assuming current conditions are maintained.

Mono County believes that the potential for a full turn-about in the listing decision warrants review in the environmental analysis for the project, specifically regarding the far-ranging and varied impacts that will be created. Mono County's concern is that up to 82% of Mono County's developable lands could become encumbered upon ESA listing of Bi-State DPS GSG if the Critical Habitat designation as originally proposed (USFWS, 2014, **CITATION NEEDED**) remains unchanged. LADWP should include in its analysis an alternative that would not jeopardize the non-listed status of Bi-State GSG, such as maintaining the current irrigation distribution pattern and timing that was considered beneficial and supported by USFWS and continuing to improve grouse habitat throughout its leases by acting as a meaningful participant in the implementation of the 2012 Bi-State Action Plan. The public's perception of the project should include the fiduciary responsibility being exercised by LADWP, in balance with the economic impact that potentially will befall those affected by a reversal in legal status of a species DPS that may be using their lands.

c. Hydrology and Water Quality

The DEIR must demonstrate through scientific analysis and quantification how the proposed changes in irrigation practices will impact project area and downslope surface, near-surface and groundwater hydrology. A calibrated water balance model would provide the spatially explicit predictive capability needed to verify that LADWP spreading will ensure that the sage grouse would not be affected by the project. It will also be useful for demonstrating that facility operations that are planned for the stated purpose of aqueduct maintenance will not destroy or otherwise hamper the use of facility-dependent habitats by plants and wildlife within the project area.

Studies of impacts to hydrology from dewatering and potential outcomes of alternative water spreading timing and duration schemes, such as may be accomplished with development of a hydrological model, should at a minimum include quantification of: direct diversion out of streams, runoff generation from precipitation, soil hydrology and infiltration, subsurface flow and groundwater recharge, evapotranspiration, return flow to supply ditches, other artificial channels, discharges, and natural stream channels, and seepage into receiving waters such as Crowley Lake. These hydrological effects should be studied on a spatially-explicit basis given the great variability in natural conditions and irrigation application over the project area. Water balances at varying scales, such as soil-column, hillslope, pasture, ditch-system, sub-watershed, and watershed, will be useful in examining impacts from various irrigation scenarios. A solid basis needs to be established for quantifying how much of the applied water infiltrates, runs off the surface, is lost to evapotranspiration, percolates to shallow or deep groundwater, and/or ultimately reappears downstream under different amounts of precipitation and irrigation. The DEIR should analyze how reduced irrigation and loss of filtration function may influence the net water storage capacity of the soils and channels in the project area and where the shallow groundwater is released, whether to the reservoir or to the lower portions of Convict and McGee Creeks.

Historically, an annual average of five feet of water has been applied to the irrigated parts of the ranch leases (Platts, 1990; LADWP, 1992 and 1994). An average of 20,000 acre-feet of water has been diverted for irrigation of LADWP lands within Long Valley, but some of this amount flows back into streams or re-surfaces in Crowley Lake. A variety of estimates of ET loss have been made in the Long Valley area, ranging from 20% to 60%, which is not precise enough to support the level of analysis needed for this project. The County knows of only one reliable study of evapotranspiration in the meadowlands of Owens Valley (Groeneveld, 1986), which found that evaporative loss was higher in wetland conditions than in open water. Clearly, a more dependable understanding of evapotranspiration in the project area will play a critical role in correctly determining the amount of water available for habitat maintenance and support of special status species. Mono County strongly recommends that LADWP obtain expert assistance for this analysis, drawing on the resources of a firm with state-of-the-art modelling capability.

Model outputs that would be important for impacts analysis in the DEIR include the potential impacts of different irrigation scenarios on recharge, seasonal shallow groundwater availability for wetlands-dependent plants, sediment discharge, and channel erosion and sedimentation. LADWP should present in the DEIR copies of the Statements of Diversion and Use that have been filed with the State Water Resources Control Board, and indicate how those amounts have been distributed over the irrigation season, as a part of the baseline for comparison with project alternative outcomes. How have the amounts varied in time and in space, and how are they projected to change under the Project? The DEIR should indicate which portions of the study area will still receive historic amounts of irrigation input simply because of their spatial location in the irrigation system, as well as areas that are likely to receive very little or no irrigation water in the future. Along the natural stream channels, where would discharge at different times of the year be increased or decreased under different irrigation scenarios? With regard to habitat maintenance predictions in particular, where would late-summer and autumn baseflow change and by how much? The DEIR must provide specific details including (1) spatially-explicit mapping of areas where water deliveries will be decreased, (2) the volume of the water delivery reductions, (3) the timing of the water delivery reductions, considered under different water year types and/or hydrologic conditions (e.g., 20%, 40%, 60%, 80%, 100%, 120%, 140+% of long-term average streamflow), and (4) by how much the instream flows below ditches are reduced by differing levels of irrigation diversions.

Erosion and sediment delivery should be addressed with regard to the project area's varying soil properties, vegetation types and densities, micro-topography, and proposed management of ditch system flow regimes and grazing intensity. Hydrological model development in preparation of the DEIR should also provide a basis for development of a project-wide hydrologic monitoring program to be implemented for the lifetime of the facility operations. The goal of such monitoring would be to ensure that facility operations are in fact sufficient to maintain habitat for special status species and that operations to maintain the aqueduct are in fact not destroying or impairing use of those habitats, and collect data that would be useful in designing effective remediations for problems detected during monitoring. All relevant impacts identified in the DEIR should be addressed through monitoring and reporting to Mono County and other interested agencies and parties. For example, the water quality above points of diversion and at return points to the receiving stream or lake should be routinely monitored to determine if the Project is causing new discharges, eutrophication, or other changes to constituent load types and amounts. Monitoring program data should also inform the draft Habitat Conservation Plan for the project area, and be combined with monitoring of GSG habitat quality and extent. The perceived need for development and initial implementation of the monitoring program during DEIR preparation is made unavoidable by the fact that LADWP has, as of May 2018, already implemented a significant amount of the dewatering portion of the proposed project. Monitoring will again become crucial to evaluating project performance pursuant to conservation when the facility is operated in future years of well-above-average streamflow, such as occurred in water-year 2017. Flood irrigation of pasture lands during later winter or early spring runoff, especially during flood flows, may allow attenuation of destructively erosive flows as they pass through project conveyances and habitats. This water can with proper management infiltrate to shallow groundwater flows for storage and later release into lower stream areas. After operating on a reduced-flow basis, and enduring newly intensified concentration of livestock use at the remaining wet areas, will the ditch system be in sufficient condition to convey high flows without physical damage and erosion? Will the wetlands be able to provide filtration and water storage capacity functions?

d. Air Quality and Fire Hazard Risk

Mono County is concerned that the proposed actions will result in long-term vegetation type conversion to plant growth characterized by shallow-rooted non-native annual grasses and forbs that are particularly vulnerable to erosion and fire. Over time, the transition would have potential to create adverse air quality and fire hazard conditions in and near the project area. The DEIR analysis must consider the potential for wind-borne fugitive dust generation from soils that receive less irrigation water under the proposed project. Reduced irrigation will quickly lead to change in vegetation type and cover in formerly irrigated areas, exposing more of the land's surface area to drying and to the lofting effects of the area's seasonally strong winds. The DEIR should locate and estimate the severity of such changes throughout the project area in order to forecast the amount of topsoil loss, habitat degradation, fugitive dust emissions, and visibility that will be lost in the scenic corridor area and the treasured Long Valley viewscape. As an operational facility of the Los Angeles Aqueduct, fugitive dust emissions as defined in the Great Basin Unified Air Pollution Control District's 401 Fugitive Dust Rule may be subject to District permitting requirements, and their pre-project ambient air quality data for Long Valley should be provided in the DEIR. The public perception that LADWP is proposing to operate another pollutive facility of the aqueduct

- similar to the situation at Owens Lake - should be taken seriously and should be fully addressed prior to approval of this project.

The dewatered wetland acres created by the project will likely not transform into a stable, vegetated uplands landscape without either 1) massive revegetation input, weed control, and ongoing husbandry including livestock exclusion, or 2) patience over significant time periods. It has been the experience of Mono County that dewatered wetlands habitats do not transform into a stable native uplands vegetation stands overnight, or even within decades in some situations. A potential worst case but unfortunately likely outcome, as the protective wetland vegetation rapidly desiccates and dies, is type conversion to non-native annual grassland or forbs. Self-sustaining, invasive stands dominated by cheatgrass, tumble mustard, and other weeds would delay native shrublands recovery and increase local fire risk (Pilliod et al., 2017). Another potential worst case is that topsoil loss through fugitive windblown emissions will on the long term prevent the hoped-for development of protective shrub cover. Barren lands that create fugitive emissions would be a hard outcome to accept where historically there have been verdant, productive and beautiful meadows and wetlands that helped to make Mono County's Scenic Corridor scenic. Yet this outcome has familiar elements, and LADWP should consider all the factors that were important in deciding the fate of other proposed and historic dewatering projects here.

At a minimum, air quality monitoring and reporting, with clearly stated triggers for identified and proven remediative actions to be taken when emissions are detected, should be offered as mitigation for the all too likely loss of protective plant cover that this project will cause for an unknown number of years. Monitored receptors should at a minimum include all occupied areas of incorporated towns within the affected air basin, as well as receptors passing nearby on U.S. Highway 395 that may include persons with respiratory conditions such as asthma. Anecdotal observations of blowing dust from some of the lease areas during the 2012-2016 drought suggest that drier conditions may lead to greater dust generation in a short period. The locations where fine-textured soils of the project area are most subject to wind erosion and thus most likely to generate fugitive dust must be disclosed.

Some of these locations should be assumed as fated for undesirable type conversion to fire-prone non-native vegetation. LADWP should develop a comprehensive plan to avoid this conversion (with weed control, vegetation stabilization/protection, native uplands vegetation cover to mitigate for the negative air quality changes, verdant native plant cover, and fire management) and speed/extent of spread), or LADWP should be prepared to offset the economic costs of maintaining public health and welfare in the areas that the project will affect. Lightning strikes that could ignite dry vegetation are frequent during the middle and late summer in this part of Mono County. The affected citizens in this case should be provided with housing retrofits to maintain air quality in their homes on days when the project is creating PM_{2.5} and PM₁₀ at unacceptable levels, and with appropriate equipment and facilities to prevent property damage and loss of life due to wildfires that are either originated within or transmitted across the created early successional and weedy, formerly irrigated lands towards non-LADWP property.

e. Aesthetic Values

US395 is designated as a State Scenic Highway, and as a National Scenic Byway. Both designations signify that lands visible from the highway (i.e., the scenic corridor) are comprised primarily of scenic and natural features. Mono County has adopted ordinances, policies, and General Plan standards to preserve the scenic quality of this corridor.

The US395 Scenic Highway designation is an important representation of the County's scenic values, and a significant contributor to tourism in Mono County. A 2009 Visitor Profile Study conducted for the County's Economic Development Department (Mono County, 2009) estimated total direct and indirect tourism spending of \$517.4 million in Mono County during 2008. The Study also documented that hiking, fishing and photography are the top 3 most popular outdoor activities listed by visitors to Mono County. The protection of scenic resources is a central component of the Mono County General Plan, and interest in minimizing impacts to these resources is very high.

The proposed Mono County Ranch Lease Renewal Project has potential to jeopardize the designation of US395 as a State Scenic Highway. Noting that *"the most critical element of the scenic highway program is implementation and enforcement of the Corridor Protection Program,"* Caltrans conducts scenic highway compliance reviews every five years. The

designation can be revoked if Caltrans determines that the scenic quality of the corridor no longer complies with applicable scenic standards or with the Corridor Protection Program.

The U.S. Department of Transportation uses the National Scenic Byway designation to recognize highways that possess one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. The proposed project has potential to impact US 395 with respect to at least 3 of these intrinsic values: natural, recreational and scenic. The National Scenic Byway designation does not involve regulatory enforcement. However, the County has acted to protect both designations, and the resources they represent, through adoption of the Scenic Combining District (Mono County General Plan Land Use Element, Chapter 8). Subsection 08.040 of this Chapter establishes the following standards for new development (outside of communities) that would be visible from State Scenic Highway 395, and no new development is permitted by the county unless it complies with these standards:

- A. The natural topography of a site shall be maintained to the fullest extent possible. Earthwork, grading and vegetative removals shall be minimized. Existing access roads shall be utilized whenever possible. Existing trees and native ground cover should be protected. All site disturbances shall be revegetated and maintained with plants that blend with the surrounding natural environment, preferably local native plants;
- B. New structures shall be situated on the property where, to the extent feasible, they will be least visible from the state scenic highway. Structures shall be clustered when possible, leaving remaining areas in a natural state, or landscaped to be compatible with the scenic quality of the area;
- C. To the extent feasible new subdivisions shall not create parcels with ridgeline building pad locations;
- D. Roofs visible from State Scenic Highway 395 shall be a dull finish and in dark muted colors;
- E. Vertical surfaces of structures should not contrast and shall blend with the natural surroundings. Dark or neutral colors found in immediate surroundings are strongly encouraged for vertical surfaces and structures;
- F. Light sources in exterior lighting fixtures shall be shielded, down-directed and not visible from State Scenic Highway 395;
- G. Fencing and screening shall not contrast in color, shape and materials with the natural surroundings. The use of landscaping to screen utility areas and trash containers is strongly recommended; and
- H. Signs shall be compatible with the natural surroundings in color and shape. They shall be small in scale. No sign shall be placed or constructed in such a manner that it silhouettes against the sky above the ridgeline or blocks a scenic viewshed. The number, type, size, height and design of on-site signs shall be strictly regulated according to the County sign regulations.

The limited project location information provided by LADWP indicates that most if not all of the proposed project areas are located along the US395 Scenic Corridor/Scenic Byway. The Visual Resource Analysis must carefully analyze and disclose the potential visual changes that may result with project implementation, and the degree to which the changes may conflict with the National Scenic Byway designation and/or jeopardize the State Scenic Highway designation of US 395 designation in Mono County. The assessment of impacts on the Scenic Byway designation can be completed with reference to the Corridor Management Plan that was prepared by Mono County to protect scenic byway resources https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/5652/corridor_management_plan_final_draft.pdf.

The assessment of potential impacts to the State Scenic Highway designation will require LADWP to contact Caltrans to identify the parameters used in Caltrans' compliance review process, and to apply those criteria in the analysis of visual resource impacts. The assessment should describe aesthetic elements in terms of the two baseline conditions outlined in Comment Letter §III, and must also account for direct and cumulative impacts to the resources (including wetlands, air quality and protected species) that support the scenic designation. Results of the assessment must be used to identify alternatives and/or mitigation measures that will reduce potential impacts on scenic resources to less than significant levels and ensure that US 395 State Scenic Highway designation is not compromised or revoked.

f. Agriculture

Long Valley has been used for cattle grazing since the late 1850s (Platts, 1990), and pasture irrigation in Long Valley has been extensive since at least the early 1900s (Smeltzer & Kondolf, 1999). The expected change in quantity and quality of forage from decreased irrigation will alter ranching operations. The DEIR will need to describe likely changes in irrigation practices, and analyze the direct and cumulative impacts of such changes. Further, change in irrigation practice will alter or invalidate the LADWP grazing management plans that are part of the Owens Valley Land Management Plans and covered by the Inyo County/Los Angeles Long Term Water Agreement. These impacts must also be analyzed in the DEIR.

The 2017 Mono County Crop and Livestock Statistics prepared by the Counties of Inyo and Mono Agricultural Commissioner's Office specifically list 'Pasture, Irrigated' and 'Pasture, Rangeland' as Field Crops. The 'Pasture, Irrigated' in Mono County encompasses approximately 26,000 acres with a gross value of \$1,820,000. Average gross values of 'Pasture, Irrigated' is \$70 per acre, and for 'Pasture, Rangeland' the average gross value is \$1.36 per acre. Converting irrigated pasture to rangeland pasture reduces the cattle grazing value, livestock forage quality, and carrying capacity substantially, which requires evaluation on a lease-by-lease basis and cumulatively for all leases in the DEIR. Overall, the assessment must include a comprehensive regional discussion of Mono County rangeland resources and livestock production on irrigated rangeland, including the economic benefits and the multiplier effect of cattle grazing to Mono County.

As previously noted in §III (Environmental Setting), the baseline discussion must describe rangeland conditions prior to the recent reduction in project area irrigation, which has created drier rangeland conditions. Copies of the proposed leases as well as the existing expired leases must be provided in the DEIR, and contrasted in terms of season of use, irrigation water availability, stocking rates, duration of leases, lease value, infrastructure maintenance requirements, etc. For each lease, the DEIR should describe rangeland operations and their historic dependency on irrigation water, accompanied by detailed maps. The longstanding ranching lifestyle of the region should be described, and potential long-term and cumulative effects associated with the loss of this culture require evaluation. This assessment must consider how the proposed project may impact long-term uses of the project area lands in terms of future land uses, particularly the viability of the adopted General Plan land use designations.

The current leaseholders spend considerable time "on the ground" for irrigation and herd management. Their observations regarding the interface between livestock and sage grouse should be reported in the DEIR, and considered in the impact assessment and mitigation plan. The DEIR should clearly describe existing lessee practices and improvements that are beneficial to sage grouse, including but not limited to 'lay-down' fencing, reflector fencing, cheat grass control, invasive plant control, fire fuel load reduction, irrigation water distribution, stream corridor fencing, seasonal grazing, stocking rate management, stubble height management and livestock rotation. Leaseholders have noted that sage grouse and cattle are commonly seen together on the irrigated pastures and sage grouse tend to follow the cattle in the irrigated pasture rotations. Cattle maintain a vegetation mosaic that is favorable to sage grouse movement and cattle manure provides for foraging insects that in turn provide forage for young sage grouse. Leaseholders report that sage grouse are rarely observed on the non-irrigated rangeland areas. With reduced irrigation supply, livestock will tend to seek out the green feed areas along ditches, seeps, and irrigated sage grouse habitat areas. This changed pattern will make livestock management significantly more difficult, and generate new and potentially significant impacts in these wet habitat areas.

The impact assessment must consider how the operational viability of each leaseholder may be impacted as a result of proposed lease modifications. Many of the leaseholders have cow/calf operations, which would be impacted by a loss of forage but also by an elimination of high quality "green" forage that is essential to achieving weight gain for calves during the summer months. Leaseholders estimate that the project may reduce carrying capacity by 50-70%, which would be considered a significant operational impact to livestock grazing.

Measures for cattle grazing management and monitoring should be included in the mitigation plan. The plan should describe best management practices that are proposed to offset the reduction in irrigation water, as well as proposed cattle grazing operations, and existing and proposed grazing infrastructure such as off-ditch water sources, stream

corridor fencing, corral water sources, grazing seasonality, stocking rates, grazing residue performance standards, vegetation changes that could be detrimental to sage grouse, and revised livestock rotation requirements. The monitoring plan should include photo points, forage composition changes, vegetation changes, sage grouse suitable habitat changes, and adherence to agreed-upon performance standards. Monitoring results can be used to make future adjustments as needed for the protection of sage grouse, grazing, and other resources.

CEQA Appendix G states that “*In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment (LESA) Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.*” The LESA model provides a numerical rating of the importance of agricultural land resources based on specific measurable features that include soil resource quality, site characteristics, water availability, surrounding agricultural lands, and surrounding protected resource lands. Results provide a sound basis for assessing the significance of potential project impacts associated with agricultural land modifications. Mono County requests that LADWP’s assessment of impacts to agricultural resources be conducted according to the *California Agricultural LESA Model*. Additionally, Mono County requests that LADWP retain the services of an independent third-party consultant, with California Certified Rangeland Manager credentials, to conduct this model assessment and impact analysis. Use of the LESA Model and a qualified agricultural consultant is warranted by the magnitude and range of potential project impacts to Mono County agriculture.

g. Recreation

All the streams draining into Crowley Lake support brown and rainbow trout. These streams represent a valued recreational fishery that is also important to the County’s economy. According to a 2009 Visitor Profile study conducted for the Mono County Dept. of Economic Development, fishing is second only to hiking as the most popular outdoor activities for tourists. A full evaluation is required to determine how the proposed project might impact recreational fisheries (in Mammoth Creek, Hot Creek, Convict Creek, McGee Creek, Whisky Creek, Hilton Creek, Upper Owens River, and Crowley Lake), and how and where these changes might impact tourism in Mono County during the peak summer fishing season. Alternatives and mitigation measures must be set forth in the Draft EIR to reduce potential impacts to less than significant levels.

h. Cultural Resources

Prior to the passage of AB52 in 2014, it was permissible for environmental documents to analyze the impacts of irrigation withdrawal on archaeological sites in in general terms; analyses often acknowledged that less water could mean less vegetation, which would likely cause more site visibility, leading to more looting. More directly, less vegetation could lead to more erosion, leading to site degradation.

AB 52 established that the effects on tribal cultural resources must also be considered. The forthcoming DEIR will be required to identify tribal cultural resources, and to analyze Long Valley as a cultural landscape and potential traditional cultural property. Since tribes in the Owens Valley consider water itself to be a cultural resource, the DEIR will be required to address how the proposed irrigation water reductions would affect the landscape and traditional cultural property of the many tribes in this region. Several tribes may want to be involved in the consultation process, since Long Valley is an area with traditions that are strongly tied to tribes from Owens Valley, the Benton area, Mono Lake, the Western Shoshone, and the eastern and western slopes of the Sierra Nevada. Since considerable time and effort may be needed to identify historic and cultural properties, and develop effective mitigation, the County recommends that LADWP initiate this process as early as possible in the CEQA review.

IV. ALTERNATIVES

a. No-Project Alternatives

There is a real possibility that the ranchers may not accept the proposed new leases. As discussed in §V(a)(2) above (regarding Greater Sage Grouse), a similar series of events occurred in Parker Meadows during the 1990s, when grazing

and the spreading of lease waters was terminated except for a sage grouse allowance. Over the ensuing decades, the Parker Meadows GSG sub-population declined; in 2017, USFWS and CDFW and LADWP collaborated on the translocation of birds to Parker Meadows in an attempt to save that subpopulation through increased genetic variability and egg viability. LADWP's activities in Parker Meadows underscore the need to carefully model conditions in the project area for the No Lease/No-Project Alternative. The forthcoming EIR should provide a detailed update on the success of efforts to reestablish this population. Modeling will enable LADWP to analyze habitat changes under various GSG maintenance water spreading scenarios, and identify the practices that would facilitate GSG viability over the long-term No-Project condition.

A second No-Project alternative would be to identify LADWP's specific conservation goals for transferring water from the Eastern Sierra to the LAA, and analyze whether strengthened water conservation and best management practices might substantially achieve LADWP's goals without otherwise terminating or modifying the ranch lease terms, including but not limited to the elimination of irrigation water. If feasible, this alternative may avoid the potentially significant impacts and eventual mitigation commitments associated with the Project as now proposed by LADWP.

Under a third No-Project alternative, the existing leases and irrigation spreading practices would remain intact, and rancher-agency cooperation regarding sage grouse habitat management would continue. This path would enable LADWP to avoid the time-consuming and costly modeling and studies that are required by the project as currently proposed. If coupled with increased engagement with the Bi-State working groups, and with updated best management water conservation practices, this alternative could also enable LADWP to substantially achieve the project objectives as stated in the Scoping Meeting handout.

Mono County suggests that LADWP also analyze a fourth No Project Alternative that would entail the accelerated implementation of other water supply projects identified in the LADWP Urban Water Management Plan (USMP). The UWMP specifically identifies seawater desalination as one of the supply options (along with water transfers, water banking, and brackish groundwater recovery) that may ensure *"the City's future water supply reliability, sustainability, and cost-effectiveness....Future water resource challenges, which include increased demand that must be met without increasing imported supply, warrant thoughtful consideration of these and other feasible water supply resources,"*

Later noting concerns over the cost and environmental impacts associated with desalination, the UWMP states that *"LADWP is primarily focused on enhancing local supplies including recycling and conservation. While desalination may be further explored in the future, it currently represents only a potential supply alternative."* As described throughout the County's NOP comment letter, the proposed Ranch Lease Renewal Project should also raise serious concerns, within the City of Los Angeles, regarding potential environmental impacts and long-term remediation costs. Mono County urges LADWP to consider its water supply options as potential alternatives to the project as proposed, or as potential adjuncts to the project that can substantially achieve the City's objectives without significantly compromising essential resources in Mono County.

The forthcoming EIR should offer a thorough assessment of all of the above 'No-Project' alternatives, with special emphasis on ways to avoid the potentially significant and adverse impacts identified in the project analyses.

b. Comprehensive Rangeland and Wildlife Management Plan Alternative

Project objectives play an essential role in the identification of feasible alternatives. The NOP describes LADWP objectives broadly: "to spread water deliveries to lands covered by the leases for operational purposes only, as determined by LADWP, at its sole discretion"...*"due to enhancement/mitigation requirements and reductions in water deliveries that have greatly reduced the occurrences of surplus water in the Los Angeles Aqueduct."* From the 2016 UWMP, the County understands these enhancement and mitigation requirements to include wildlife and recreational uses, water releases in Mono Basin, Owens Lake Dust Mitigation, and the Lower Owens River Project as well as miscellaneous additional enhancement and mitigation activities. The UWMP indicates that these commitments

collectively represent 182,000 acre-feet of water (AFY) each year – a volume that far exceeds LAA deliveries during many drought years.

The “reductions in water deliveries” should be explained and quantified. According to an article in *The Sheet News* (July 28, 2018, page 8), LADWP has seen a significant decrease in runoff since the 1980s. Although the County acknowledges a serious and likely risk of seasonally decreased streamflow in the future (during the snowmelt-runoff season) resulting from more precipitation falling as rain and less as snow, and therefore flowing at higher volumes over shorter periods, we are unaware of any evidence of a “significant decrease in runoff since the 1980s” in local streams. In fact, a simple comparison of first-half versus second-half of the Convict Creek discharge record shows an increase over time: average annual volume was increased from 17,600 AFY (1926-1969) to 19,200 AFY (1970-2013). In addition, there is not agreement among models regarding whether climate change will result in higher precipitation or lower precipitation in the future, only agreement that what precipitation does fall will be warmer (and therefore wetter). **[[NEED CITATION]]** The forthcoming DEIR should provide more sophisticated analyses with a full period of record (additional years of drought and 2017).

The Scoping Meeting description of project objectives was broad and expanded on that of the NOP, including: (a) Ensure the continuation of cost-effective aqueduct operation and hydroelectric power generation, (b) Manage LADWP-owned lands in Mono County in a manner consistent with the Mayor’s Executive Directive No. 5, the Sustainable City pLAN, and the City Charter, and (c) Restore natural hydrology to Mono County streams. In turn, Directive No. 5 calls for reduced per capita water use (with a 25% reduction by 2035), a 50% reduction in imported water purchases, and an integrated strategy for enhanced local water supplies and water security accounting for climate change and seismic vulnerability,

Though broad, these statements point clearly to LADWP’s goal of increasing water deliveries to the LAA in the future. As noted above, Mono County believes that the project as now proposed has real potential to further *reduce* water deliveries to the LAA through new enhancement and mitigation requirements imposed due to the future impacts of this project.

LADWP’s most recent Urban Water Management Plan (UWMP) was prepared in 2015, and the forthcoming update will be due in less than two years. Also in 2015, LADWP prepared and submitted to California Dept. of Fish and Wildlife a Draft *Habitat Conservation Plan* for Mono and Inyo Counties. Stated goals of that plan are to protect habitat while allowing LADWP to continue its ongoing water activities and continuing with other land uses that include habitat enhancement, livestock grazing, agriculture, recreation, fire and weed management, and road maintenance and closures. Mono County requests that the forthcoming DEIR consider an alternative for the development of a ‘Comprehensive Rangeland Management Plan/Environmentally Preferred Alternative’ for the full 28,000-acre LADWP ranch leasehold area in Mono County.

The analysis should examine how the forthcoming *2020 Urban Water Management Plan*, in combination with a completed *Habitat Conservation Plan*, can yield an overall rangeland and environmental management plan that optimizes the role of LAA in meeting operational goals, addresses the potential incidental take of listed species, and avoids the listing of new species within the context of newly established ranch leases that better conserve water while maintaining historic uses and avoiding the potentially significant adverse effects and future mitigation obligations that may result from the project as proposed. Ideally this alternative would analyze various irrigation-reduction scenarios (for example, 25%, 50%, 75%) with the intent to identify the largest irrigation water reduction that can be accomplished without significant adverse direct or cumulative impacts to wetlands and GSG habitat, livestock grazing operations and other criteria.

Part of this assessment would entail examination of the trade-offs between forage production, water savings opportunities, and habitat quality, and the ways in which these trade-offs can be optimized to serve project objectives. The assessment would also take account of potential benefits associated with reduced livestock grazing, particularly with respect to instream flow conditions, nutrient loading, and maintenance of habitat during times of extended drought.

To succeed, the DEIR will need to analyze the potential for substantial grazing management operational changes as a stand-alone alternative for each lease area, with a cumulative assessment that considers all lease areas combined. At a minimum, the analysis would need to consider the following lease-by-lease and cumulative effects:

- Evaluate the new LADWP lease conditions (which must be specified in site-specific detail as to reductions in irrigation water amounts, timing of availability, etc.) pertaining to grazing management requirements in the leases including the effects of herd size reduction, timing of grazing, duration of leases, and cost of the leases.
- Although CEQA does not treat economic effects as significant effects on the environment, it does require that an EIR explain the relationship between economic impacts and physical changes in the environment that may result from a project. In this context, the alternative should offer an economic evaluation of the countywide and lease-by-lease reductions in livestock revenues and values including any economic multiplier effects. Much of this information is available through the Mono County Agricultural Commissioner's Office.
- Include in the DEIR an evaluation of impacts and mitigation measures for cattle distribution effects on remaining water distribution ditches and remaining sub-irrigated areas that may be subject to increased cattle grazing impacts even with herd size reduction. Forage composition changes over time should be addressed with regard to cattle utilization and forage value, water quality, sage grouse impacts, erosion/siltation, and dust generation that can occur with cheat grass and rabbit brush encroachment as well as other potentially invasive plants that will encroach upon the previously irrigated areas.
- Prepare lease-specific best management practice scenarios that will include performance standards for grazing management, livestock water development, fencing, and rotational grazing requirements. Off-ditch livestock water development may include wells, tanks, troughs, and pipeline locations to aid in improving cattle distribution.
- Address the feasibility of modifying irrigation methods including sprinkler and pivot irrigation along with a cost and water saving benefit analysis. Address the feasibility of using Laurel Pond for irrigation water.
- Address the use of supplements and salt as tools to aid in improving cattle distribution.
- Include a monitoring plan as discussed in the mitigation section of the DEIR.
- Discuss the feasibility of placing the LADWP leased grazing land into a series of conservation easements with permitted uses that would include LADWP's right to a reasonable amount of operational water while also permitting livestock grazing and designated pasture irrigation areas. The conservation easement process can provide in perpetuity a co-existence of livestock and sage grouse habitat management.

Throughout the development and evaluation of potential project alternatives, LADWP should maintain close interface with responsible agencies as well as the cattle grazing leaseholders. Agencies that can provide relevant guidelines include the Natural Resources Conservation Service (NRCS), the California Department of Fish and Wildlife (CDFW), the Bureau of Land Management (BLM), the Mono County Agricultural Commissioner's Office, the California Resources Agency, the University of California Cooperative Extension (UCCE), the United States Forest Service (USFS), the United States Fish and Wildlife Service (USFWS), and potentially the United States Geological Service (USGS). Mono County would welcome the opportunity to collaborate with LADWP in this effort.

c. Environmentally Preferred Alternative

For the reasons outlined above, Mono County considers the Comprehensive Rangeland and Wildlife Management Plan to be the environmentally superior alternative. However, regardless of which alternative is identified by LADWP as the 'preferred alternative,' the basis for selection should be fully and clearly documented in the forthcoming EIR.

V. PUBLIC TRUST DOCTRINE

The DEIR should also assess the Project's impacts on the public trust resources of Crowley Lake. Traditionally, the objective of the Public Trust Doctrine was to protect the use of waterbodies for navigation, commerce, and fisheries. Over time, however, the doctrine has evolved to protect the public's right to fish, hunt, bathe, swim, boat, and recreate. Now, it also includes the preservation of trust lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, and which

favorably affect the scenery and climate of an area. The doctrine protects and applies to navigable waterbodies and watercourse; however, California courts have extended the doctrine's applicability to actions and decisions related non-navigable streams that result in detrimental effects to navigable waters.

The Project will result in LADWP eliminating most, if not all, irrigation water to ranch lands within Long and Little Round Valleys. As explained above, the elimination of irrigation water to these lands will adversely affect wetlands surrounding Crowley Lake. As these wetlands provide and perform certain ecological and water quality functions that interact with fisheries and waterfowl habitats at Crowley Lake, the elimination of water that supports the continued functionality of these wetlands should be analyzed and assessed in the DEIR. Similarly, the DEIR should review any potentially significant environmental impacts to other public trust resources at Crowley Lake, including the public's right use the lake for swimming, boating, and other recreational activities as well as any adverse effects to the scenery and aesthetics of the area around Crowley Lake.

VI. SUMMARY OF FOCAL RECOMMENDATIONS IN THIS COMMENT LETTER

- **The Notice of Preparation is Deficient:** The NOP released on 15 August 2018 does not provide sufficient information regarding the project, the project location, or the project objectives to facilitate meaningful input by Responsible Agencies concerning the scope and content of the forthcoming EIR. Mono County urges LADWP to prepare and release a new and adequate NOP, with new scoping outreach and a full NOP review and comment period.
- **It may be appropriate for the EIR to analyze impacts against Two Baseline Conditions:** physical conditions in the study area at the time of the NOP release (August 2018) do not necessarily represent conditions that existed while LADWP was spreading irrigation water according to lease terms and conditions. To adequately compare post-project conditions to pre-project conditions, the EIR may need one baseline for 'conditions at the time of NOP release,' and a second baseline for 'conditions when water was spread per lease terms.'
- **The Project will impact Jurisdictional Waters and habitat for special status wildlife:** a spatially-explicit water balance model is needed to minimize loss of important habitat and wetland function, and to demonstrate that maintenance of dispersed brood-rearing habitats will avoid potential impacts to the GSG
- **LADWP Plans to Spread Water for the Sage Grouse must be Well Documented:** Absent comprehensive GSG protections, to be set forth in the Draft EIR, the proposed project may jeopardize Bi-State DPS of GSG and contribute to a listing of this species under the Endangered Species Act.
- **The Project may Increase Fugitive Dust Emissions and Fire Hazard Risk:** Reduced irrigation supply may lead to vegetation type conversion from wetlands to erosion- and fire-prone non-native vegetation, thereby contributing to fugitive dust emissions and increased fire hazard risk.
- **The Recreational Fishery may be Significantly Impacted:** The EIR must offer a detailed assessment of potential impacts on all area recreational fisheries, and provide alternatives and mitigation measures that can reduce potential effects to less than significant levels.
- **The project would Compromise Aesthetic values of the US 395 State Scenic Highway and the National Scenic Byway.** US 395 is designated as a State Scenic Highway and also as a National Scenic Byway. These designations denote the exceptional natural, visual and recreational resources along US 395, and the designations are integral to tourism in Mono County. Most if not all of the proposed project areas are located along the US395 corridor; project implementation would jeopardize the scenic highway designation and threaten the quality of aesthetic resources along this iconic highway.

- **No-Project Alternatives:** At least 3 no-project alternatives merit assessment in the forthcoming EIR including the possibility that ranchers will decline to accept the new lease proposals, the possibility that project objectives can be attained through lease modifications that focus on conservation, and possible continuation of existing practices.
- **Rangeland and Wildlife Management Plan Alternative:** This alternative would be based on a determination of the largest irrigation water reduction that can be accomplished by LADWP without significant adverse direct or cumulative impacts to wetlands and GSG habitat, livestock grazing operations and other criteria.
- **Preferred Alternative:** Mono County considers the Comprehensive Rangeland and Wildlife Management Plan to be the environmentally superior alternative, and will collaborate with LADWP on the successful implementation of such a plan. However, regardless of which alternative LADWP identifies as the 'preferred alternative,' the basis for the selection must be fully and clearly documented in the forthcoming EIR.

VII. REFERENCE MATERIALS

Mono County recommends that the following documents be consulted by LADWP and used in preparation of the forthcoming DEIR.

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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 9, 2018

Departments: CAO

TIME REQUIRED 20 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Bob Gardner, Stacey Corless, John
Wentworth

SUBJECT Eastern Sierra Council of
Governments (ESCOG) Governance
Opportunities

AGENDA DESCRIPTION:

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

Eastern Sierra Council of Governments (ESCOG), which consists of two members each from Mono County, the Town of Mammoth Lakes, Inyo County and the City of Bishop, is asking each member agency to consider changing the structure from a Joint Powers Association to a Joint Powers Agency/Authority.

RECOMMENDED ACTION:

Consider support for an effort to draft an agreement establishing a Joint Powers Agency/Authority for the ESCOG at no cost to ESCOG members for review by the ESCOG Board of Directors.

FISCAL IMPACT:

There is no fiscal impact at this time; however, it will require staff time to draft the JPA agreement. A placeholder appropriation of \$10,000 for administrative services was approved with the Mono County budget on October 2, 2018.

CONTACT NAME: Leslie Chapman

PHONE/EMAIL: 7609325414 / lchapman@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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Staff Report

History

Time	Who	Approval
10/4/2018 6:03 AM	County Administrative Office	Yes

10/4/2018 12:51 PM

County Counsel

Yes

10/4/2018 9:56 AM

Finance

Yes



County of Mono

County Administrative

Leslie L. Chapman
County Administrative Officer
Director

Tony Dublino
Assistant County Administrative Officer

Dave Butters
Human Resources

Jay Sloane
Risk Manager

Date: October 9, 2018
To: Honorable Board of Supervisors
From: Bob Gardner, Stacy Corless, John Wentworth
Subject: Governance opportunities for the Eastern Sierra council of Governments (ESCOG)

RECOMMENDATION:

Consider support for an effort to draft a Joint Powers Authority for the ESCOG at no cost to ESCOG members for review by the ESCOG Board of Directors.

FISCAL IMPACT:

There is no fiscal impact at this time; however, it will require staff time to draft the agreement. A placeholder appropriation of \$10,000 for administrative services was approved with the Mono County budget on October 2, 2018.

BACKGROUND AND ANALYSIS:

The Eastern Sierra Council of Governments (ESCOG) is a group consisting of two representatives from each of the following agencies: Mammoth Lakes Town Council, City of Bishop City Council, Inyo County Board of Supervisors, and Mono County Board of Supervisors and meets six times per year, where items of mutual interest are discussed. The ESCOG has identified a variety of programs and opportunities of significance to the Eastern Sierra Region. Examples include the Inyo Mono Broadband Consortium, the Mono Inyo Air Working Group, the Eastern Sierra Sustainable Recreation Partnership, and others yet to be identified.

The ESCOG currently exists under a Joint Powers Agreement between the four-member agencies. This agreement allows elected officials from each of the four agencies to meet and discuss items of mutual interest, but it does not allow them to take action as a governing body and/or on behalf of the individual agencies. The ESCOG has expressed an interest in changing its governing structure to a Joint Powers Authority (JPA). This would allow the group to function more autonomously. An example of a JPA is the Eastern Sierra Transit Authority (ESTA). This structure would require more funding and staff to support it.

At its August 16, 2018 regular meeting, the ESCOG discussed a desire for the formation of a Joint Powers Authority to replace the existing Joint Powers Agreement. As quoted in the draft minutes of the August 16 meeting:

“Board member Gardner discussed the need to create a Joint Powers Authority (JPA) to do many things that the ESCOG does not currently have the authority to do. He said that the current agreement does not have the legal authority to hire, spend money, receive grants, etc. All four entities would need to agree that they want to make the change, then the (existing Joint Powers Agreement) document can be altered, then it would be reviewed by the ESCOG, and finally it would need to go back to the agencies for final approval.”

The ESCOG voted unanimously to go back to their respective agencies to discuss the establishment of a JPA for the ESCOG as recorded in the draft minutes of its August 16, 2018 regular meeting:

“ACTION: It was moved by Board member Gardner, seconded by Board member Wentworth, and approved by a 6-0 vote to proceed with the process outlined by Board member Gardner to alter the current agreement to create the JPA, beginning with making presentations to each agency so that they can take action regarding whether or not to proceed with the next steps.”