



AGENDA

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Regular Meetings: First, Second, and Third Tuesday of each month. Location of meeting is specified below.
Teleconference Only - No Physical Location

Regular Meeting December 15, 2020

TELECONFERENCE INFORMATION

As authorized by Governor Newsom's Executive Order, N-29-20, dated March 17, 2020, the meeting will be held via teleconferencing with members of the Board attending from separate remote locations. This altered format is in observance of recommendations by local officials that precautions be taken, including social distancing, to address the threat of COVID-19.

Important Notice to the Public Regarding COVID-19

Based on guidance from the California Department of Public Health and the California Governor's Officer, in order to minimize the spread of the COVID-19 virus, please note the following:

1. Joining via Zoom

There is no physical location of the meeting open to the public. You may participate in the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below.

To join the meeting by computer:

Visit <https://monocounty.zoom.us/j/91902002503>

Or visit <https://www.zoom.us/> click on "Join A Meeting" and use the Zoom Meeting ID 919 0200 2503.

To provide public comment (at appropriate times) during the meeting, press the "**Raise Hand**" button on your screen.

To join the meeting by telephone:

Dial (669) 900-6833, then enter Webinar ID 919 0200 2503.

To provide public comment (at appropriate times) during the meeting, press *9 to raise your hand.

2. Viewing the Live Stream

If you are unable to join the Zoom Webinar of the Board meeting you may still view the live stream of the meeting by visiting http://monocounty.granicus.com/MediaPlayer.php?publish_id=1015a70a-e805-498a-ba88-67c91277da8b

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).

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

Please refer to the Teleconference Information section to determine how to make public comment for this meeting.

2. RECOGNITIONS

A. Proclamation of Appreciation for Supervisor Fred Stump

Departments: Board of Supervisors

30 minutes

Proclamation of the Mono County Board of Supervisors recognizing outgoing Supervisor Fred Stump.

Recommended Action: Approve proclamation recognizing outgoing Supervisor Fred Stump.

Fiscal Impact: None.

3. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

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

4. DEPARTMENT/COMMISSION REPORTS

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

5. CONSENT AGENDA

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

A. Board Minutes - October 6, 2020

Departments: Clerk of the Board

Approval of the Board Minutes from the Regular Meeting on October 6, 2020.

Recommended Action: Approve the Board Minutes from the Regular Meeting on October 6, 2020.

Fiscal Impact: None.

B. Board Minutes - October 13, 2020

Departments: Clerk of the Board

Approval of the Board Minutes from the Regular Meeting on October 13, 2020.

Recommended Action: Approve the Board Minutes from the Regular Meeting on October 13, 2020.

Fiscal Impact: None.

C. Board Minutes - October 20, 2020

Departments: Clerk of the Board

Approval of the Board Minutes from the Regular Meeting on October 20, 2020.

Recommended Action: Approve the Board Minutes from the Regular Meeting on October 20, 2020.

Fiscal Impact: None.

D. Board Minutes - November 3, 2020

Departments: Clerk of the Board

Approval of the Board Minutes from the Regular Meeting on November 3, 2020.

Recommended Action: Approve the Board Minutes from the Regular Meeting on November 3, 2020.

Fiscal Impact: None.

E. CSA #1 Lease for Telecommunications Infrastructure

Departments: Public Works

Request for approval of County entry into 10-yr lease for the continued use of a portion of private property in Sunny Slopes for the purpose of housing power and telecommunication infrastructure (in accordance with the direction of CSA #1).

Recommended Action: Approve Resolution R20- ____, A Resolution of the Mono County Board of Supervisors Approving County Entry into a Lease with Steve and Kathleen Olsen for Use of a Certain Portion of Real Property for the Installation and Maintenance of Certain Telecommunications Equipment.

Fiscal Impact: \$1,200 per year, paid from CSA#1 budget.

F. Addition of One (1) Limited Term Position in the Department of Public Health through November 2022

Departments: Public Health

Request approval of proposed resolution amending Mono County List of Allocated Positions to add one limited-term position within the Department of

Public Health related to COVID-19. The term of the position is through November 2022.

Recommended Action: Adopt proposed Resolution R20-____, Authorizing the County Administrative Officer to amend the list of allocated positions to add one (1) new limited-term position consisting of one FTE Community Health Outreach Specialist in the Department of Public Health.

Fiscal Impact: There is no impact to the County General Fund. The ELC/EDF Grant supports \$1,587,439 in expenditures over the next two and a half years. Estimated additional remaining 20/21 Community Health Outreach Specialist position cost is \$45,244.

G. Requested Salary Range Increases for the Equipment Mechanic Series

Departments: Human Resources/CAO

Proposed resolution to reclassify the salary grades of the Equipment Mechanic series as follows: Equipment Mechanic I from level 56 to 60, Equipment Mechanic II from level 60 to 64, Equipment Mechanic III from level 64 to 68, Lead Equipment Mechanic from level 68 to 72, and the Fleet Services Superintendent from level 77 to 79.

Recommended Action: Adopt proposed resolution R20-____, Reclassifying the Salary Grades of the Equipment Mechanic Series.

Fiscal Impact: There are adequate funds in this year's budget to cover these adjustments because of salary saving from two positions which have remained open for the entire fiscal year to date.

H. One Time Increase to the Amount of Poll Worker Tokens of Recognition

Departments: Elections

The Mono County Registrar requests a one-time increase to the maximum dollar amount otherwise authorized to be spent on tokens of appreciation for elections poll workers, from \$300 total, to \$60 per person (\$3,660 for 61 workers), using approved Center for Tech and Human Life (CTCL) grant funds.

Recommended Action: Approve Resolution R20-____, authorizing a one-time increase to the amount which may be spent on tokens of recognition for elections poll workers, as authorized by Resolution R11-89.

Fiscal Impact: The net fiscal impact to the General Fund is \$0 because \$3,660 is paid from the CTCL grant funds received earlier this fiscal year.

6. CORRESPONDENCE RECEIVED - NONE

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

7. **REGULAR AGENDA - MORNING**

A. Review of Emergency Declarations - Mountain View Fire

Departments: County Counsel

15 minutes

(Stacey Simon, County Counsel) - Review of continuing need for Board of Supervisor's November 17, 2020, Declaration of Local Emergency of and Mono County Health Officer's November 19, 2020, Declaration of Local Health Emergency for the Mountain View Fire.

Recommended Action: Hear report from Incident Command and involved staff regarding status of Mountain View Fire response and recovery efforts and determine whether there is a need to continue the local state of emergency declared on November 17, 2020 and/or the local health emergency declared on November 19, 2020.

Fiscal Impact: The declarations continue the County's eligibility for state and federal disaster assistance funding.

B. COVID-19 (Coronavirus) Update

Departments: CAO

30 minutes

(Robert C. Lawton, CAO, Dr. Tom Boo, Mono County Health Officer) - Update on Countywide response and planning related to the COVID-19 pandemic, including reports from the Emergency Operations Center (EOC), Unified Command (UC), and the various branches of the EOC, including Community Support and Economic Recovery, Joint Information Center (JIC), and Public Health.

Recommended Action: None, informational only.

Fiscal Impact: None.

C. Administrative Penalty Procedure for COVID-19-Related Violations

Departments: Public Health, Community Development and County Counsel

20 minutes

(Dr. Tom Boo, Mono County Health Officer, County Counsel Simon, Wendy Sugimura, CDD Director) - The County's existing administrative penalty system (Mono County Code Chapter 1.12) provides for the imposition of penalties for violations of state and county law, including health orders. Chapter 1.12 is general in nature and was not specifically-tailored to address violations of public health orders related to COVID-19. This ordinance would create a more-tailored administrative penalty procedure for violations involving public health orders and establish penalty amounts for those violations.

Recommended Action:

Take one of the following actions:

- (1) Adopt proposed ordinance establishing administrative citation procedure specific to violations of public health orders and state guidelines/orders related to preventing the spread of COVID-19. (Requires 4/5 vote); or
- (2) Introduce, read title and waive further reading of proposed ordinance. Direct staff to schedule the ordinance for adoption on January 5, 2021, effective February 5, 2021. (Requires 3/5 vote); or
- (3) Do not adopt ordinance, provide direction to staff.

Fiscal Impact: The ordinance may result in de minimus fine revenue to the County, which would partially offset the costs of enforcement.

D. Employment Agreement with John C. Craig as Assistant County Administrative Officer

Departments: Human Resources/CAO

10 minutes

(David R Butters) - Proposed resolution approving a contract with John C. Craig as Assistant County Administrative Officer, and prescribing the compensation, appointment and conditions of said employment.

Recommended Action: Announce Fiscal Impact. Approve Resolution R20-____, approving a contract with John C. Craig as Assistant County Administrative Officer, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Fiscal Impact: Total cost for the remainder of fiscal year (2020-2021) will be \$123,468 of which \$75,000 is salary, and \$48,468 is the cost of benefits. Cost for a full fiscal year is \$246,936 of which \$150,000 is the annual salary and \$96,936 is the cost of benefits and is included in the approved budget.

E. California Statewide Automated Welfare System (CalSAWS) Information

Departments: Social Services

10 minutes

(Yvonne Freeman, Social Services) - CalSAWS will be the case management system for county eligibility staff that will provide CalWORKs, CalFresh, Medi-Cal, Foster Care, Refugee Assistance, County Medical Services Program, and General Assistance/General Relief to children, families, and individuals in all 58 California counties. Staff will provide a brief update of their work on the project.

Recommended Action: None, informational only.

Fiscal Impact: None.

F. Request for Proposals from Contractors for Countywide Solid Waste Services

Departments: Public Works - Solid Waste

20 minutes

(Justin Nalder, Solid Waste Superintendent and Tony Dublino, Director of Public Works) - Presentation and discussion of the Request for Proposals for Countywide Solid Waste Services.

Recommended Action: Receive presentation and provide any input or direction to staff, including authorization to distribute.

Fiscal Impact: None. The distribution of the RFP will not obligate County Funds.

G. Update on Owens Valley Groundwater Authority (OVGA) and Request from Tri-Valley Groundwater Management District for Mono County to Withdraw from the OVGA

Departments: Community Development, County Counsel's Office

1 hour

(Wendy Sugimura, Michael Draper, Stacey Simon, Jason Canger) - Staff Update on Owens Valley Groundwater Authority and Tri-Valley Groundwater Management District Activities and Tri-Valley Groundwater Management District Request for the County to Withdraw from the Owens Valley Groundwater Management District.

Recommended Action:

1. Receive staff update on OVGA membership and activities;
2. Approve and provide any direction to staff on County's membership in the OVGA; and
3. Provide any desired direction to staff.

Fiscal Impact: None at this time. Mono County pays annual membership dues to the OVGA, and the OVGA reimburses Mono County for staff time. Staff time for the Tri-Valley Groundwater Management District is not reimbursed but is included in the staffing costs of annual department budgets.

8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Please refer to the Teleconference Information section to determine how to make public comment for this meeting.

9. CLOSED SESSION

A. Closed Session - Public Employee Evaluation

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

10. REGULAR AGENDA - AFTERNOON

A. PUBLIC HEARING: Consideration of Tioga Inn Specific Plan Amendment

Departments: Community Development

PUBLIC HEARING: 12:30 PM (Please note that the Public Hearing may start later than 12:30 PM)

(Wendy Sugimura, Gerry LeFrancois) - Public hearing regarding Tioga Inn Specific Plan Amendment and Final Subsequent Environmental Impact Report (FSEIR) to amend the 1993 Tioga Inn Specific Plan (1993 Specific Plan and EIR) located at 22, 133, and 254 Vista Point Road in Lee Vining and consisting of four parcels (APN 021- 080-014, -025, -026 & -027). The Specific Plan Amendment proposes up to 150 new workforce housing bedrooms in up to 100 new units, a third gas-pump island with overhead canopy, additional parking to accommodate on-site guest vehicles as well as a general-use park-and-ride facility and bus parking for Yosemite transit vehicles, a new package wastewater treatment system tied to a new subsurface drip irrigation system, replacement of the existing water storage tank with a new tank of the same size in the same area, a new 30,000-gallon on-site propane tank (eventually replacing the existing five on-site tanks), modification to the boundaries and acreage of designated open space, and modification of parcel boundaries. The 1993 approvals, which include a still unconstructed two-story, 120-room hotel and full-service restaurant on the site, remain in effect regardless of whether the Proposed Amendment is approved.

Recommended Action:

Recommended Action (applies to all options):

1. Receive staff report and presentation, hold public hearing, and receive public testimony on the Tioga Inn Specific Plan Amendment #3 (“Project”) and Alternative #7-Hybrid Plan (“Preferred Alternative”) (Attachment 1).

Option 1: Approve the Project (Preferred Alternative #7), Incorporating Board Direction from the 13-14 October 2020 Public Hearing as Presented, or with Further Modifications.

Adopt proposed Resolution (Attachment 2): 1) adopting the Mitigation Monitoring and Reporting Program as recommended by the Planning Commission and revised (Attachment 1), or with further modifications; and 2) approving the Project (Preferred Alternative #7) as presented (Attachment 1) or with further modifications. Direct staff to file a Notice of Determination for the Final Subsequent Environmental Impact Report.

Option 2 – Deny the Project.

If the Board is unable to make one of the Specific Plan findings listed in Section Three of the proposed Resolution, then it is recommended that it articulate which (or all) of those finding(s) cannot be made and explain its reasoning. (If the Board determines to make this finding, staff may ask for a short recess to develop appropriate language for the Board to make a formal motion.)

Fiscal Impact: Project approval would result in increased property taxes.

11. BOARD MEMBER REPORTS

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

ADJOURN



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

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

Departments: Board of Supervisors

TIME REQUIRED 30 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

SUBJECT Proclamation of Appreciation for
Supervisor Fred Stump

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 outgoing Supervisor Fred Stump.

RECOMMENDED ACTION:

Approve proclamation recognizing outgoing Supervisor Fred Stump.

FISCAL IMPACT:

None.

CONTACT NAME: Queenie Barnard

PHONE/EMAIL: 760-932-5534 / qbarnard@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Wheeler Crest Fire Safe Council Thank You Letter</p>

History

Time	Who	Approval
12/9/2020 1:39 PM	County Administrative Office	Yes
12/9/2020 3:56 PM	County Counsel	Yes
12/10/2020 1:17 PM	Finance	Yes



December 7, 2020

Dear Mono County Board of Supervisors,

The Wheeler Crest Fire Safe Council in Swall Meadows would like to express its gratitude to Supervisor Fred Stump for his assistance and support over the past eight years. As he steps down at the end of the year, we reflect on the many qualities that Supervisor Stump shared with his constituents. His willingness to listen, his work ethic, and his deep knowledge of fire safety and protection have been qualities of great value to our community.

Fred attended most every meeting of our Fire Safe Council. He spent time meeting informally with residents prior to the meeting and took the time to answer every question that came up during the meeting. He would follow up afterwards on concerns expressed and helped solve problems whenever he could. He did not over-promise and was always realistic about what could be accomplished by Mono County.

Fred was a great help to the community in the aftermath of the Round Fire in 2015. He endeavored to always provide timely and informative updates, as well as to bring needed state and county resources to help in recovery. As we tried to become a more fire safe community, Fred supported our efforts to complete a Community Wildfire Protection Plan, which has been a useful guide to our residents.

As he ends his term, Fred is still helping us by spearheading a much-needed emergency access route. We so appreciate the energy and care that Fred brings to his job. The WCFSC extends its sincere appreciation to Supervisor Stump and wishes him a well deserved and very enjoyable retirement.

Sincerely,

A handwritten signature in blue ink that reads "Karen Ferrell-Ingram". The signature is written in a cursive style.

Karen Ferrell-Ingram
Chair, Wheeler Crest Fire Safe Council



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

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Board Minutes - October 6, 2020

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Approval of the Board Minutes from the Regular Meeting on October 6, 2020.

RECOMMENDED ACTION:

Approve the Board Minutes from the Regular Meeting on October 6, 2020.

FISCAL IMPACT:

None.

CONTACT NAME: Queenie Barnard

PHONE/EMAIL: 760-932-5534 / qbarnard@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Minutes

History

Time	Who	Approval
12/9/2020 1:37 PM	County Administrative Office	Yes
12/9/2020 5:35 PM	County Counsel	Yes
12/10/2020 12:47 PM	Finance	Yes



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

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.
Teleconference Only - No Physical Location

**Regular Meeting
October 6, 2020**

Backup Recording	Zoom
Minute Orders	M20-195 – M20-202
Resolutions	R20-90 – R20-92
Ordinance	ORD20-10 – ORD20-11

9:02 AM Meeting Called to Order by Chair Corless.

*Supervisors Present: Corless, Gardner, Kreitz, Peters, and Stump (all attended via teleconference).
Supervisors Absent: None.*

All votes were conducted by roll call.

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

Pledge of Allegiance led by Supervisor Kreitz.

Supervisor Gardner:

- “Effective leadership is not about making speeches or being liked; leadership is defined by results not attributes.” – Peter Drucker

Supervisor Corless:

- Happy Birthday to Supervisor Stump

Supervisor Stump:

- Happy Birthday to Supervisor Corless
- Acting Inyo National Forest Supervisor Pancho Smith comment: “It’s important to be kind to each other in times of stress.”

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Owen Page:

- Requested update on County data breach in July

2. RECOGNITIONS

A. Domestic Violence Awareness Month

(Caitlin Rea, Wild Iris Advocate) - Proclamation designating October 2020 as Domestic Violence Awareness Month.

Action: Approve Proclamation designating October 2020 as Domestic Violence Awareness Month.

Kreitz moved; Peters seconded

Vote: 5 yes, 0 no

M20-195

Caitlin Rea, Wild Iris Advocate:

- Read proclamation
- Wild Iris update – double volume of calls and clients, working with same funding and staffing
- Fundraising – virtual wine tasting in conjunction with Bleu Handcrafted Foods

3. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

Dave Wilbrecht, Acting CAO:

- Health update for CAO Lawton
- Recognized Social Services and Sheriff for work preparing for evacuation of Mammoth Lakes if evacuation had been ordered
- Assistant CAO and Housing Coordinator recruitment update

4. DEPARTMENT/COMMISSION REPORTS

Ingrid Braun, Mono County Sheriff:

- Update on recent legislation enacted that apply to law enforcement

Jason Canger, Assistant County Counsel:

- Litigation updates

Stacey Simon, County Counsel:

- Update on breach of protected health information identified in July 2020
- Phone number for general information if you have received a notice or are concerned and would like to know whether your data was among the data that was potentially accessed: (844) 794-0142

Justin Caporusso, Public Information Manager:

- Phone line County Counsel Simon referenced in department report is available and staffed by a live person during business hours

Alicia Vennos, Economic Development Director:

- Launched Mono C.U.R.E. (County Unified Recovery Effort) business assistance program yesterday (10/5), can apply on the Mono County website on the Economic Development page
- Thanked Board and Finance Director Dutcher for support for this funding allocation

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

- through the CARES Act
- Thanked Olivia and Joel in IT for assistance in setting up portal for application process
- Thanked Economic, Development, Tourism, and Film Commissioners for assistance in developing the program

5. CONSENT AGENDA

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

A. Board Minutes - August 18, 2020

Departments: Clerk of the Board

Approval of the Board Minutes from the Regular Meeting on August 18, 2020.

Action: Approve the Board Minutes from the Regular Meeting on August 18, 2020.

Gardner moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-196

B. Board Minutes - September 1, 2020

Departments: Clerk of the Board

Approval of the Board Minutes from the Regular Meeting on September 1, 2020.

Action: Approve the Board Minutes from the Regular Meeting on September 1, 2020.

Gardner moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-197

C. Board Minutes - September 8, 2020

Departments: Clerk of the Board

Approval of the Board Minutes from the Regular Meeting on September 8, 2020.

Action: Approve the Board Minutes from the Regular Meeting on September 8, 2020.

Gardner moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-198

D. Epidemiology and Laboratory Capacity (ELC) Coronavirus Aid, Relief,

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

and Economic Security Act (CARES) Grant Agreement

Departments: Public Health

Proposed grant agreement with the California Department of Public Health and Heluna Health pertaining to Epidemiology and Laboratory Capacity (ELC) Coronavirus Aid, Relief, and Economic Security Act (CARES) Grant Agreement #6.NU50CK000539-01-08 DHHS-CDC, Term May 1, 2020 to March 31, 2022.

Action: Approve the Epidemiology and Laboratory Capacity (ELC) Coronavirus Aid, Relief, and Economic Security Act (CARES) Grant Agreement for fiscal years 2020-21 and 2021-22, and authorize the Chairperson to sign one (1) copy of the Work Order Agreement with Heluna Health to execute the agreement on behalf of the County as well as authorize the County Administrative Officer and Interim Public Health Director to sign one (1) copy of the agreement as required. Additionally, provide authorization for the Public Health Director to approve minor amendments and/or revisions that may occur during the contract period provided they are approved by County Counsel and do not materially affect the County's rights.

Gardner moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-199

E. Increase in Appropriations and Addition of Three Limited Term Positions in the Department of Public Health

Departments: Public Health

Requested increase in appropriations for the Enhancing Laboratory Capacity/Enhancing Detection Funding (ELC/EDF) and Proposed Resolution amending Mono County List of Allocated Positions to add three limited-term positions within the Department of Public Health related to COVID-19.

Action:

1) Approve increasing appropriations in the amount of \$1,587,438 in new grant funding to support the public health response to COVID-19 (requires 4/5ths vote approval).

2) Adopt proposed Resolution R20-90, Authorizing the County Administrative Officer to amend the list of allocated positions to add three (3) new limited-term positions consisting of one FTE Epidemiologist, one FTE Community Health Program Coordinator II, and one FTE Community Health Outreach Specialist in the Department of Public Health.

Gardner moved; Kreitz seconded

Vote: 5 yes, 0 no

R20-90

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

F. Amendment #4 to Contract with Inyo County for Senior Services

Departments: Social Services

(Kathy Peterson) - Amendment #4 to Contract between County of Inyo and County of Mono for an increase in funds related to the Senior Services Program for FY 2019-20

Action: Approve the proposed contract Amendment #4 to the contract with Inyo County for senior services for the period July 1, 2016 through June 30, 2020 and authorize the Board Chair to execute such Amendment on behalf of the County.

Gardner moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-200

6. CORRESPONDENCE RECEIVED

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

The Board acknowledged receipt of the correspondence.

A. Department of Fish and Wildlife - Public Review of Draft Initial Study/Negative Declaration

Draft Initial Study/Negative Declaration for the Proposed Simplification and Amendments to Statewide Inland Sport Fishing Regulations completed by the California Department of Fish and Wildlife.

B. California Department of Water Resources Letter re: Delta Water Conveyance Facilities

The California Department of Water Resources is currently undertaking environmental review and related planning and design activities regarding new Delta conveyance facilities. The facilities under review would transport water from new intake points on the Sacramento River at the northern edge of the Delta through an underground tunnel running below the natural waterways of the Delta to export facilities at the southern edge of the Delta.

Supervisor Stump:

- These actions are something the Board and County need to be aware of, even if they are in other parts of the state. They may establish precedence that could be used here locally.

C. Letter re: Bridgeport Businesses Violating Public Health Orders

Letter to the Board regarding concerns over Bridgeport businesses not following public health orders.

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Supervisor Peters:

- Throughout the challenging COVID time, Bridgeport business have made a tremendous effort to comply with all local and State regulations.

D. NACo Nomination Letters

Letters from National Association of Counties (NACo) to Board of Supervisors regarding nominations as members of the Public Lands Policy Steering Committee, Community, Economic and Workforce Development Policy Steering Committee, Agriculture and Rural Affairs Policy Steering Committee, and Human Services and Education Policy Steering Committee.

E. Federal Energy Regulatory Commission (FERC) Letter re: Incident Report for a Ruptured Penstock Leading to the Poole Powerhouse

A letter from Frank L. Blackett, P.E., Federal Energy Regulatory Commission Regional Engineer, to James A. Buerkle, Southern California Edison Company Director of Generation, in response to a letter from Wayne Allen who submitted an incident report for a ruptured penstock leading to the Poole Powerhouse, which is part of the Lee Vining Creek Project, FERC No. 1388.

F. Southern California Edison (SCE) Letter re: Lundy Hydroelectric Project Outage

A letter from Cal Rossi, SCE Government Relations Manager, to the Board regarding the Lundy Hydroelectric Project Outage scheduled to begin October 1, 2020.

7. REGULAR AGENDA - MORNING

A. Update on Wildfires and Review of Open Fire Ban; Urgency Ordinance

Departments: Sheriff, Public Works

(Sheriff Braun, County Counsel Simon) - Update and discussion regarding status of wildfires across the State and in Mono County. Weekly review of need for Urgency Ordinance Prohibiting Open Fires on Private Property Within the Unincorporated Area of Mono County Due to Extreme Fire Danger.

Action: Adopt Urgency Ordinance Continuing Prohibition of Open Fires within the Unincorporated Areas of Mono County; Providing Direction for the Reopening of Lundy Campground; and Superseding and Replacing Mono County Ordinance ORD20-09.

Gardner moved; Corless seconded

Vote: 5 yes, 0 no

ORD20-11

Ingrid Braun, Mono County Sheriff:

- Creek Fire update
- Recommend continuation of temporary ordinance

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Joe Blanchard, Parks and Facilities Superintendent:

- Lundy Campground opened on Saturday, fire ban in place
- Closure of campground is based on weather

B. Election Update

Departments: Elections

(Shannon Kendall) - Update on November 3, 2020 General Election.

Action: None.

Scheereen Dedman, Assistant Clerk-Recorder-Registrar:

- Ballot drop box updates – thanked Claude in Public Works for his assistance
- Elections page – Voter Guide, list of candidates, how to vote, where to vote, register to vote
- BallotTrax

Shannon Kendall, Clerk-Recorder-Registrar:

- All Vote by Mail ballots mailed by vendor yesterday, October 5
- ESUSD Board Race update
- Thanked Finance department for accommodating last minute postage request
- Poll Worker trainings
- Thanked Public Works and IT departments for their assistance
- Security of ballot storage

Break: 10:27 AM

Reconvened: 10:36 AM

C. COVID-19 (Coronavirus) Update

Departments: CAO

(Dave Wilbrecht, Dr. Tom Boo) - Update on Countywide response and planning related to the COVID-19 pandemic, including reports from the Emergency Operations Center (EOC), Unified Command (UC), and the various branches of the EOC, including Community Support and Economic Recovery, Joint Information Center (JIC), and Public Health. Specific topics include, but are not limited to: Discussion of California's Blueprint for a Safer Economy.

Action: None.

Dr. Tom Boo, Mono County Health Officer:

- Hospital functioning normally
- Limitations on testing due to air quality
- Mono County remains in the second to least restrictive tier: Tier 3/Orange Tier
- Noted that he feels strongly that face covering/masking is proving an effective public health measure

Supervisor Peters:

- CSAC Rural County COVID Working Group update

Stacey Simon, County Counsel:

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

- The masking order in California has not been overturned by any court

Public Comment:

- No Name

D. Employment Agreement with Bryan Wheeler as Public Health Director

Departments: Human Resources/CAO

(David R Butters) - Proposed resolution approving a contract with Bryan Wheeler as Director of Public Health, and prescribing the compensation, appointment and conditions of said employment.

Action: Announce Fiscal Impact. Approve Resolution R20-91, approving a contract with Bryan Wheeler as Director of Public Health, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Fiscal Impact: Total cost for the remainder of fiscal year (2020-2021) will be \$146,421 of which \$89,272 is annual salary, and \$57,150 is the cost of benefits. Cost for a full fiscal year is \$199,443 of which \$121,600 is the annual salary and \$77,843 is the cost of benefits and is included in the approved budget.

Kreitz moved; Peters seconded

Vote: 5 yes, 0 no

R20-91

Dave Wilbrecht, Acting CAO:

- Introduced item

Dave Butters, HR Director:

- Reviewed recruitment process

Lynda Salcido, Interim Public Health Director:

- Happy to welcome Bryan into the position

Bryan Wheeler, Public Health Director:

- Thanked everyone involved in the process and the confidence they have in him

E. Termination of Town/County/Mammoth Lakes Recreation (MLR) Memorandum of Understanding (MOU) and Adoption of Town/County MOU relating to Joint Recreation Position

Departments: Public Works

(Tony Dublino, Director of Public Works) - Discussion and action regarding the termination of the Town/County/MLR Agreement that governed the work and funding of the Eastern Sierra Sustainable Recreation Coordinator, and adopting a new Town/County Agreement for the same purposes.

Action:

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

- 1) Approve agreement terminating existing MOU between County, Town and Mammoth Lakes Recreation Regarding the Eastern Sierra Sustainable Recreation Coordinator Position and authorize the Public Works Director to execute termination agreement.
- 2) Approve and authorize Director of Public Works to sign the agreement as presented, or with such minor changes or modifications as may be approved by County Counsel and which do not alter the substantive provisions of the agreement.

Gardner moved; Peters seconded

Vote: 5 yes, 0 no

M20-201

Tony Dublino, Director of Public Works:

- Presented item

Jason Canger, Assistant County Counsel:

- Addressed option to terminate agreement earlier

Dan Holler, Mammoth Lakes Town Manager:

- Provided background on position

Janet Dutcher, Finance Director:

- Geothermal revenues are governed by State code. If there are no geothermal projects (which the County does not have any at this time), revenues can then be used for either capital or recreation. County policy for the last 3-4 years has been to use geothermal revenues exclusively for recreational projects.

F. Employment Agreement with Matthew Paruolo as Eastern Sierra Sustainable Recreation Coordinator

Departments: Public Works

(Tony Dublino, Director of Public Works) - Proposed resolution approving a contract with Matthew Paruolo as Eastern Sierra Sustainable Recreation Coordinator, and prescribing the compensation, appointment and conditions of said employment.

Action: Announce Fiscal Impact. Approve Resolution R20-92, approving a contract with Matthew Paruolo as Eastern Sierra Sustainable Recreation Coordinator, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Fiscal Impact: Total cost for the position for the remainder of fiscal year (2020-2021) will be \$90,045 of which \$ 51,012 is annual salary and \$39,033 is the cost of benefits. The cost for a full fiscal year would be \$120,060 of which \$68,016 is annual salary and \$52,044 is the cost of benefits.

Peters moved to adopt the proposed resolution approving the 3-year contract; Gardner seconded

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Vote: 5 yes, 0 no

R20-92

Tony Dublino, Director of Public Works:

- Presented item

Matthew Paruolo, Eastern Sierra Sustainable Recreation Coordinator:

- Thanked Board for the opportunity

G. Prop 68 Per Capita Grant Opportunities and Projects

Departments: Public Works

(Tony Dublino, Director of Public Works) - Presentation and discussion of the Prop 68 Per Capita Grant opportunities, and how those opportunities can be applied to identified recreation enhancement projects within the County. A tentative project list, including cost estimates, is included in the staff report for consideration.

Action: None.

Tony Dublino, Director of Public Works:

- Presented item

Supervisor Kreitz:

- Would like to focus on recreation improvements, particularly items #2-6 on list in Staff Report

Supervisor Stump:

- Focus on items #2-6 on list in Staff Report

Supervisor Gardner:

- Would like more information before moving forward

Supervisor Peters:

- Focus on items #2-6 on list in Staff Report

Supervisor Corless:

- Ensure that we are including equity in the decision-making process

Matthew Paruolo, Eastern Sierra Sustainable Recreation Coordinator:

- Clarified that while there is not a hard deadline to submit an application to the State, the State would like to see the projects submitted at the start of 2021

H. District Attorney Salary Survey and Compensation

Departments: District Attorney

(Tim Kendall, Dave Butters) - Presentation and discussion of 2020 salary survey performed by the District Attorney's office for the positions of Assistant District Attorney and District Attorney.

Action: None.

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Tim Kendall, District Attorney:

- Presented item

Dave Butters, HR Director:

- Reviewed involvement in salary survey

Dave Wilbrecht, Acting CAO:

- Recommendation has been to put this discussion off until mid-year

Janet Dutcher, Finance Director:

- Reviewed the potential fiscal impact

Supervisor Corless:

- Requested that Acting CAO Wilbrecht consult with CAO Lawton and re-agendize this item for the following week

Break: 12:59 PM

Reconvened: 1:17 PM

Moved to Item 11A.

I. Proposed Ordinance Adding Chapter 5.70 to the Mono County Code Prohibiting Industrial Hemp Cultivation within the Unincorporated Area of the County

Departments: Community Development Department

(April Sall) - Proposed ordinance adding Chapter 5.70 to the Mono County Code prohibiting industrial hemp cultivation within the unincorporated area of Mono County.

Action: Introduce, read title, and waive further reading of proposed ordinance No. ORD20-10, Adding Chapter 5.70 to the Mono County Code Pertaining to the Local Regulation and Permitting of Industrial Hemp Operations within the Unincorporated Area of the County.

Gardner moved; Peters seconded

Vote: 5 yes, 0 no

ORD20-10

April Sall, Planning Analyst:

- Introduced item

Christy Milovich, Assistant County Counsel:

- Clarified that this item is establishing an ordinance codified within Mono County code that would prohibit cultivation of industrial hemp indefinitely until such time the Board were to decide to make a different decision on hemp.

Public Comment:

- Jake Suppa

Nate Reade, Inyo/Mono Agricultural Commissioner:

- Inyo County requires conditional use permits be issued from planning

Note:

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Wendy Sugimura, Community Development Director:

- When the regulatory status changes in California, Community Development will bring a report back to the Board to receive further direction.

J. 2020/2021 California State Association of Counties (CSAC) Nominations

Departments: Board of Supervisors

Nomination of a member and alternate to serve on the California State Association of Counties (CSAC) Board of Directors for 2020/2021.

Appointment of individuals nominated by the Board is made by the CSAC Executive Committee and appointments are for one year.

Action: Nominate Supervisor Peters to serve on the CSAC Board of Directors for the 2020/2021 Association year beginning on November 12, 2020; also, nominate Supervisor Kreitz as an alternate member.

Corless moved; Gardner seconded

Vote: 5 yes, 0 no

M20-202

8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

9. CLOSED SESSION

Closed Session: 3:41 PM

Reconvened: 4:07 PM

Nothing to report out of Closed Session.

Moved to Item 12.

A. Closed Session - Existing Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.

Paragraph (1) of subdivision (d) of Government Code section 54956.9.

Name of case: Mineral County et al v. Lyon County et al. (NV Supreme Court Case No. 75917).

THE AFTERNOON SESSION WILL RECONVENE NO EARLIER THAN 1:00 P.M.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

11. REGULAR AGENDA - AFTERNOON

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

A. Presentation and Discussion of Options in Response to Water Management Decisions/Activities on Mill and Wilson Creeks

Departments: County Counsel's Office, Public Works Department
(Jason Canger, Tony Dublino) - Staff presentation, public comment, and discussion of possible options on water management activities on Mill and Wilson Creeks.

Action:

- 1) Receive staff presentation and public comment on recent impacts to Wilson Creek due to water management decisions and activities in the North Mono Basin
- 2) Discuss potential options to address impacts identified by staff, stakeholders, and the public

As a result of a conflict due to owning real property within 500 feet of the creek being discussed, County Counsel Simon recused herself from this item.

Jason Canger, Assistant County Counsel:

- Presented item

Gordon Martin, Inyo National Forest Mammoth Mono Lake District Ranger:

- Reviewed Forest Service's priorities for use of water right

Thomas Torres, Wildlife Biologist Inyo National Forest:

- Reported on investigation and five issues found

Public Comment:

- Paul McFarland
- Cole Hawkins
- Hillary Hansen Jones
- Jeff McQuilkin
- Katie Maloney Bellomo

Break: 3:12 PM

Reconvened: 3:18 PM

Moved to Item 7I.

12. BOARD MEMBER REPORTS

Supervisor Corless (submitted via email):

- 9/17: RCRC Board of Directors Meeting: See the meeting highlights memo (https://www.rcrcnet.org/sites/default/files/useruploads/Meetings/Board_of_Directors/2020/September_16_2020/BoardMeeting_Highlights_September_16_2020_FINAL.pdf) for more meeting details. Actions include voting to take a "no position" position to Proposition 22, and adopting the findings of RCRC's ad-hoc Homeowners Insurance Committee. Here are the recommendations:
 - The Committee requests that the RCRC Board of Directors adopt and approve the following recommendations:

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

1. Instruct RCRC staff to remain engaged with the Legislature, the Department of Insurance and the insurance industry on potential legislation or administrative proposals to appropriately represent the impacts of insurance nonrenewals on rural homeowners and communities in the wake of the failure to pass AB 2167 and SB 292 in their pre-amended forms.
2. Communicate the following list of wildfire mitigation actions to member counties for their consideration:
 - Adopt local ordinances that reinforce and strengthen existing state defensible space mandates.
 - Reinforce the new fire-resistant standards adopted by the state for new building construction.
 - Work in concert with local fire prevention agencies such as Fire Safe Councils and Resource Conservation Districts to establish financial assistance programs for low income, elderly and disabled residents that cannot feasibly maintain their own defensible space or afford home hardening upgrades.
 - Encourage community-wide fire mitigation activities along with individual homeowner efforts, such as shaded fuel breaks, and work with local fire prevention agencies to leverage state and federal grant funding to complete projects.
3. Instruct RCRC's advocacy team to pursue the following state legislative priorities:
 - Support a statewide, permanent funding mechanism for land use planning, home hardening and defensible space efforts for wildfire prevention.
 - Support legislative proposals that will facilitate insurer market penetration into high fire hazard severity zones that also ensure insurance affordability.
 - Support modifications to current insurance reimbursement practices that make it easier for homeowners to recover losses after a catastrophic fire event.
 - Support legislative proposals that include feasible, implementable standards to strengthen defensible space, home hardening and local land use planning requirements for wildfire mitigation.
 - 9/18 Golden State Natural Resources Board of Directors
 - 9/21 Yosemite Area Regional Transportation System board meeting--continuing to address covid and wildfire related challenges, including amending the agreement with the VIA transit (the bus operator), and agreeing to fund an update to the transit plan.
 - 10/1 California Association of Local Behavioral Health Boards and Commissions Meeting/Training
 - 10/4 Planning meeting for Diversity, Equity, Inclusion work, will bring a resolution and actions for board consideration at the 10/13 meeting.

Supervisor Gardner:

Note:

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- Defer report to next week

Supervisor Kreitz:

- On October 13 at 5:30 PM, the Town of Mammoth Lakes is doing a Community Conversation on The Parcel and will have 30 minutes available for Q&A

Supervisor Peters:

- Defer report to next week

Supervisor Stump:

- Invited by the California Public Utilities Commission to be on the panel at their meeting tomorrow (10/7) discussing the Frontier Bankruptcy. It is a local government tribal panel, will be joined by Plumas County Supervisor Goss, Mayor of the City of Livingston, and two tribal representatives.

ADJOURNED AT 4:10 PM

ATTEST

**STACY CORLESS
CHAIR OF THE BOARD**

**QUEENIE BARNARD
SENIOR DEPUTY CLERK OF THE BOARD**



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Board Minutes - October 13, 2020

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Approval of the Board Minutes from the Regular Meeting on October 13, 2020.

RECOMMENDED ACTION:

Approve the Board Minutes from the Regular Meeting on October 13, 2020.

FISCAL IMPACT:

None.

CONTACT NAME: Queenie Barnard

PHONE/EMAIL: 760-932-5534 / qbarnard@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Minutes](#)

History

Time	Who	Approval
12/9/2020 1:36 PM	County Administrative Office	Yes
12/10/2020 4:41 PM	County Counsel	Yes
12/10/2020 12:46 PM	Finance	Yes



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

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

Teleconference Only - No Physical Location

**Regular Meeting
October 13, 2020**

Backup Recording	Zoom
Minute Orders	M20-203 – M20-205
Resolutions	R20-93 – R20-94
Ordinance	ORD20-10

9:01 AM Meeting Called to Order by Chair Corless.

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

Supervisors Absent: None.

All votes were conducted by roll call.

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

Pledge of Allegiance led by Supervisor Stump.

Supervisor Kreitz:

- “If you want to be a true professional, you will do something outside yourself. Something to repair tears in your community. Something to make life a little better for people less fortunate than you. That’s what I think a meaningful life is – living not for oneself, but for one’s community.” – Ruth Bader Ginsburg

Supervisor Stump:

- “Speak when you are angry and you will make the best speech you will ever regret.” – Unknown

Supervisor Gardner:

- “We may have all come on different ships, but we’re in the same boat now.” – Martin Luther King, Jr.

Note:

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Supervisor Corless

- Indigenous Peoples' Day in Mono County - acknowledged the native people of Mono County, the original stewards of this land and thanked them for their stewardship and partnership

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Chelsea Taylor, Sustainable Recreation and Tourism Initiative:

- Provided update on initiative - halfway through grant effort, opportunity to submit project ideas is closing 10/31, have received 80 project ideas to date
- Second Virtual Project Review Meeting on 11/19
- Visit webpage at <https://www.essrp.org/>

Patricia Robertson, Mammoth Lakes Housing:

- Emergency Rent Payment assistance program update – Helped make 58 rent payments for 28 households in Bridgeport, Coleville, Tom's Place, June Lake, Lee Vining, and Crowley Lake. In the Town of Mammoth Lakes, the County allocated \$80,000 and those funds assisted 143 households with 162 rent payments.
- Judith Jimenez is hosting a Zoom meeting with the Mexican Consulate for any residents in Mono County who may have questions regarding the services they provide

2. RECOGNITIONS - NONE

3. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

Dave Wilbrecht, Acting CAO:

- CAO Lawton update
- Interactions with Town on various items
- Transition from Minaret Mall to new Civic Center
- Assistant CAO interviews

4. DEPARTMENT/COMMISSION REPORTS

Ingrid Braun, Mono County Sheriff:

- Today, October 13, marks the two year anniversary since Karlie Guse went missing from near her home in Chalfant. Will be releasing series of 12 videos in collaboration with FBI.

Janet Dutcher, Finance Director:

- Financial audit and compliance audit update

Robin Roberts, Behavioral Health Director:

- Tonight (10/13) is the Parcel Update Community Conversation with the Town
- Tomorrow (10/14) is Coping with COVID

Tony Dublino, Public Works Director:

- Wrapping up significant maintenance job on North Shore Drive
- Met with Project Review Committee to discuss existing projects on list and ranking/priority of those projects
- Recent resignations in Road Department

Note:

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Kathy Peterson, Social Services Director:

- County Welfare Directors Association Conference
- Governor's Social Bridging Program update
- 3,370 people enrolled in Medi-Cal in Mono County – Department of Health Care Services has directed counties to continue delaying the processing of Medi-Cal annual redeterminations, discontinuances, and negative actions to ensure people remain on Medi-Cal
- CalFresh applications are available
- Recognized Jayson Partridge, Social Worker IV. Jayson's supervisors and colleagues submitted his name to be recognized by UC Davis for National Child Welfare Workforce Recognition month in September.

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. Monthly Treasury Transaction Report

Departments: Finance

Treasury Transaction Report for the month ending 8/31/2020.

Action: Approve the Treasury Transaction Report for the month ending 8/31/2020.

Peters moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-203

B. Terra Firma Contract Amendment

Departments: Public Works - Solid Waste

(Justin Nalder) - Proposed contract amendment with Terra Firma Organics, Inc. pertaining to wood and green waste chipping services.

Action: Approve amendment to Agreement with Terra Firma Organics and authorize Public Works Director to execute said contract on behalf of the County.

Peters moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-204

C. Appointment of Malinda Huggans, Sean Robison and Jessica Workman to Mono County Public Safety Officers' Personnel Appeals Board

Departments: Human Resources

Mono County Public Safety Officers Association (PSOA) Personnel Rule 540 requires formation of a Personnel Appeals Board pool of 6 members to be available to hear disciplinary appeals by PSOA employees. Three members of the Personnel Appeals Board pool shall be appointed by the Board of Supervisors and three members shall be appointed by the PSOA. At this time, there are no appointed board members. This item will appoint

Note:

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three county employees to the Personnel Appeals Board who are not members of the PSOA.

Action: Appoint Malinda Huggans, Sean Robison and Jessica Workman to four-year terms on the Mono County Public Safety Officers' Personnel Appeals Board.

Peters moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-205

D. Proposed Ordinance Adding Chapter 5.70 to the Mono County Code Prohibiting Industrial Hemp

Departments: Community Development Department

(April Sall) - Proposed Ordinance adding Chapter 5.70 to the Mono County Code Prohibiting Industrial Hemp.

Action: Adopt proposed ordinance ORD20-10, adding Chapter 5.70 to the Mono County Code Prohibiting Industrial Hemp.

Peters moved; Kreitz seconded

Vote: 5 yes, 0 no

ORD20-10

6. CORRESPONDENCE RECEIVED

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

The Board acknowledged receipt of the correspondence.

A. Federal Energy Regulatory Commission (FERC) Letter re: 2018 3rd Independent Consultant's Safety Inspection Report for Rhinedollar Dam

A letter from Frank L. Blackett, P.E., Federal Energy Regulatory Commission Regional Engineer, to James A. Buerkle, Southern California Edison Company Director of Generation, in response to a letter from Wayne Allen who submitted the 3rd Independent Consultant's Safety Inspection Report for Rhinedollar Dam, which is part of the Lee Vining Creek Project, FERC Project No. 1388-CA.

B. Federal Energy Regulatory Commission (FERC) Letter re: 2018 11th Independent Consultant's Safety Inspection Report for Saddlebag Dam

A letter from Frank L. Blackett, P.E., Federal Energy Regulatory Commission Regional Engineer, to James A. Buerkle, Southern California Edison Company Director of Generation, in response to a letter from Wayne Allen who submitted the 11th Independent Consultant's Safety

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Inspection Report for Saddlebag Dam, which is part of the Lee Vining Creek Project, FERC Project No. 1388-CA.

C. October 2020 Agricultural Commissioner's Office Report

October 2020 department report from Nate Reade, Inyo/Mono Agricultural Commissioner / Director of Weights and Measures.

D. Notice of Extension of Time for Public Comment on the Draft Supplemental Environmental Impact Report for the Casa Diablo IV Project

The Great Basin Unified Air Pollution Control District (District) is the Lead Agency pursuant to the California Environmental Quality Act (CEQA) and is seeking public and agency comments on a 2020 Draft Supplemental Environmental Impact Report (SEIR) for the Casa Diablo IV Geothermal Power Plant Project (Project). The time for public review and comment has been extended from October 12, 2020 to October 13, 2020 at 5:00 p.m.

7. REGULAR AGENDA - MORNING

A. Resolution Recognizing Racism as a Public Health Crisis

Departments: Board of Supervisors, CAO

Continued discussion of tools and actions to address racial disparity in our communities. Follow-up from presentation by Dr. Jei Africa on September 15, 2020: "Moving Towards Equity: Understanding the Impact of Racism in Communities". Consideration of Resolution Recognizing Racism as a Public Health Crisis and Affirming Mono County's Commitment to Building Racial Equity and Reducing Disparity.

Action: Adopt proposed resolution with noted changes.

Gardner moved; Kreitz seconded

Vote: 5 yes, 0 no

R20-93

Supervisor Corless:

- Introduced item

Dave Wilbrecht, Acting CAO:

- This is an important first step in creating broader communications with our community. Recommendation to consider funding to support resolution during mid-year review.

Robin Roberts, Behavioral Health Director:

- This will allow us to create much needed change within Mono County
- Thanked Kasandra Montes, Ethnic Services Coordinator, for behind the scenes work to get Dr. Africa available to the County

Kasandra Montes, Behavioral Health:

- Pleasure to be involved with Equity Committee
- Looking forward to addressing this in our community

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Supervisor Gardner:

- Read resolution

Supervisor Corless:

- Working group agreed that it would be important to form a commission
- Thanked members of working group for assistance with putting together the resolution: Kasandra Montes, Amanda Greenberg, Michelle Raust, Megan Mahaffey, Dr. Boo, Supervisor Gardner

Public Comment:

- No Name
- Brianna Goico
- Patricia Robertson
- Jocelyn Sheltraw
- Rhonda Duggan

B. Update on Wildfires and Review of Open Fire Ban

Departments: Sheriff, Public Works

(Sheriff Braun, County Counsel Simon) - Update and discussion regarding status of wildfires across the State and in Mono County. Weekly review of need for Urgency Ordinance Prohibiting Open Fires on Private Property Within the Unincorporated Area of Mono County Due to Extreme Fire Danger.

Action: Hear update and provide any desired direction to staff including, but not limited to, whether to continue the prohibition in whole or in part.

Annamaria Echeverria, Inyo National Forest Interagency District Fire Management Officer:

- Creek Fire update

Ingrid Braun, Mono County Sheriff:

- Recommendation to continue open fire ban

Public Comment:

- David Rosky

Break: 10:47 AM

Reconvened: 10:55 AM

C. Election Update

Departments: Elections

(Shannon Kendall) - Update on November 3, 2020 General Election.

Action: None.

Shannon Kendall, Clerk-Recorder-Registrar:

- As of Sunday (10/11), checked in 267 ballots, 137 were from the drop boxes
- BallotTrax update

D. COVID-19 (Coronavirus) Update

Departments: CAO

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

(Dave Wilbrecht, Dr. Tom Boo) - Update on Countywide response and planning related to the COVID-19 pandemic, including reports from the Emergency Operations Center (EOC), Unified Command (UC), and the various branches of the EOC, including Community Support and Economic Recovery, Joint Information Center (JIC), and Public Health.

Action: None.

Bryan Wheeler, Public Health Director:

- Small to medium sized cluster of positive results out of North County over this past week. Approximately 8 positive cases out of this cluster: 3 will count towards Mono County's numbers, the other 5 are in other jurisdictions
- Addressed concern from the community regarding secondary or tertiary exposure
- Metrics for State tiers:
 - Week of 10/4-10/10: 4 cases that will be counted towards Mono County
 - Week of 9/27-10/3: 3 cases that will be counted towards Mono County
- Confirmed that the General Store in Bridgeport was not closed by the County

Ingrid Braun, Mono County Sheriff:

- Confirmed there is no reduction in public safety services
- Jail population testing

Alicia Vennos, Economic Development Director:

- Mono CURE Business Assistance program update
- Additional PPE supplies available to businesses/organizations through Mono County.

Janet Dutcher, Finance Director:

- \$200,000 for CURE program, up to \$30,000 Right to Recover program

Public Comment:

- No Name
- Rhonda Duggan

E. Bridgeport Jail - Project Update

Departments: Sheriff, Public Works

(Ingrid Braun, Sheriff; Tony Dublino, Director of Public Works) - Presentation by Sheriff Braun and Director of Public Works Tony Dublino regarding the Bridgeport Jail project, including past outreach, the County's SB844 grant of \$25,000,000, current status and schedule.

Action: None.

Ingrid Braun, Mono County Sheriff:

- Introduced item

Janet Dutcher, Finance Director:

- Reviewed finances for jail project

Tony Dublino, Director of Public Works:

- Noted that the \$25,000,000 grant award is integrally linked with the location. At this point, the County cannot separate itself from the location and retain the \$25,000,000 grant.

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

9. CLOSED SESSION

*Closed Session: 12:02 PM
Reconvened: 1:00 PM*

Nothing to report out of Closed Session.

A. 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: 1.

THE AFTERNOON SESSION WILL RECONVENE NO EARLIER THAN 1:00 P.M.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

11. REGULAR AGENDA - AFTERNOON

A. Presentation on Microgrids, Advantages, and Possible Financing Options for the County

Departments: Board of Supervisors

(Don Condon, Lynn Boulton, Leslie Wielenga, Jeff Harding, Dr. David Bliss)
- Presentation on microgrids, advantages, and possible financing options for the County to consider by Don Condon / Lynn Boulton and a presentation on FEMA Building Resilient Infrastructure and Communities (BRIC) grant by ChargeBliss.

Action: None.

Don Condon:

- Introduced item
- Presentation

Leslie Wielenga, Jeff Harding, Jon Harding, ChargeBliss:

- Presentation (available on meeting webpage under Supporting Documents)

Public Comment:

- Pam Bold
- Janet Carle
- Rhonda Duggan

Janet Dutcher, Finance Director:

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

- There are a number of projects on the County's plate right now. We want to make sure we don't make a decision taken out of context of everything else being worked on at this time.

Joe Blanchard, Facilities Superintendent:

- Project Review Committee will take everything into consideration and bring back to the Board.

Break: 1:46 PM

Reconvened: 2:02 PM

B. PUBLIC HEARING: Consideration of Tioga Inn Specific Plan Amendment

Departments: Community Development

PUBLIC HEARING: 2:00 PM

(Wendy Sugimura, Gerry LeFrancois, Sandra Bauer) - Tioga Inn Specific Plan Amendment and Final Subsequent Environmental Impact Report (FSEIR) to amend the 1993 Tioga Inn Specific Plan (1993 Specific Plan and EIR) located at 22, 133, and 254 Vista Point Road in Lee Vining and consisting of four parcels (APN 021- 080-014, -025, -026 & -027). The Specific Plan Amendment proposes up to 150 new workforce housing bedrooms in up to 100 new units, a third gas-pump island with overhead canopy, additional parking to accommodate on-site guest vehicles as well as a general-use park-and-ride facility and bus parking for Yosemite transit vehicles, a new package wastewater treatment system tied to a new subsurface drip irrigation system, replacement of the existing water storage tank with a new tank of the same size in the same area, a new 30,000-gallon on-site propane tank (eventually replacing the existing five on-site tanks), modification to the boundaries and acreage of designated open space, and modification of parcel boundaries. The 1993 approvals, which include a still unconstructed two-story, 120-room hotel and full-service restaurant on the site, remain in effect regardless of whether the Proposed Amendment is approved.

Action: Adopt proposed resolution certifying the FSEIR (with modifications discussed at the meeting to eliminate project approval and adoption of a statement of overriding considerations/mitigation monitoring and reporting program for the project) and with those additional modifications agreed upon by the Board during the hearing and described in the two-page document entitled "Revisions Proposed for the Tioga Inn Specific Plan Amendment #3 & FSEIR for Incorporation into Section One of the Resolution (October 14, 2020)", presented at the meeting.

Supervisor Corless:

- Recused herself because her family is an owner of the Tioga Pass Resort and some of the employees of the Resort are housed at the Tioga Inn property, thereby creating a financial conflict of interest.

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Vice-Chair Kreitz:

- Resumed chairing the meeting
- Reviewed agenda item
- Reviewed procedure for the day's meeting

Wendy Sugimura, Community Development Director:

- Introduced item

Gerry LeFrancois, Planning Analyst:

- Staff presentation (available on meeting webpage under Supporting Documents)

Sandra Bauer, CEQA Consultant:

- Continued staff presentation

Wendy Sugimura, Community Development Director:

- Addressed Board questions

Dennis Domaille, Applicant

- Addressed Board questions

Break: 4:14 PM

Reconvened: 4:20 PM

Sandra Bauer, CEQA Consultant:

- Addressed Board questions

Wendy Sugimura, Community Development Director:

- Addressed Board questions

Dennis Domaille, Applicant

- Addressed Board questions

**Adjourned meeting at 4:43 PM on October 13, 2020 until next day,
October 14, 2020, 9:00 AM.**

Readjournd at 9:01 AM on October 14, 2020

Dennis Domaille, Applicant

- Addressed Board questions

Roger Smith, Hydrologist:

- Response to written public comments received

Sandra Bauer, CEQA Consultant:

- Update regarding landscaping and flammability/increased fire risk

Public hearing opened: 9:34 PM

Dennis Domaille, Applicant

- Stated that he would not build housing before the hotel

Public Comment:

- Nora Livingston

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

- Phil Moores
- Ilene Mandelbaum
- Paul McFarland
- Mary Ljung
- Margaret Eissler
- Robert Di Paolo
- Barry McPherson
- Elin Ljung
- Geoff McQuilkin
- Marissa Leonard
- Janet Carle
- Bartshe Miller
- Paul Ashby
- Ellen King
- Nathan Taylor
- Santiago
- Winter King
- Duncan King
- Jocelyn Sheltraw
- Lynn Boulton
- John Ljung
- Chris Lizza
- Sierra Henderson
- Hillary Hansen Jones
- Charlotte Lange
- Cory Zila

Break: 10:36 AM

Reconvened: 10:46 AM

Public Comment (continued):

- Caelen McQuilkin
- Danelle Gutierrez

Roger Smith, Hydrologist:

- Addressed hydrology questions raised

Wendy Sugimura, Community Development Director:

- Reviewed consultation between Mono County and Kutzadika'a Tribe

Charlotte Lange, Mono Lake Kutzadika'a Tribal Council Chair:

- Wants to be on the project from Day 1 – protecting cultural resources if there is any dirt disturbed

Dennis Domaille, Applicant

- Response to public comments
- Closing comments

Public hearing closed: 11:35 AM

Board deliberation.

Break: 12:57 PM

Note:

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Reconvened: 2:00 PM

Wendy Sugimura, Community Development Director:

- Reviewed proposed revision for the Tioga Inn Specific Plan Amendment #3 & FSEIR

Board deliberation.

Break: 4:08 PM

Reconvened: 4:33 PM

Wendy Sugimura, Community Development Director:

- Reviewed revised resolution

Stacey Simon, County Counsel:

- Motion to adopt proposed resolution certifying the FSEIR (with modifications discussed at the meeting to eliminate project approval and adoption of a statement of overriding considerations/mitigation monitoring and reporting program for the project) and with those additional modifications agreed upon by the Board during the hearing and described in the two-page document entitled "Revisions Proposed for the Tioga Inn Specific Plan Amendment #3 & FSEIR for Incorporation into Section One of the Resolution (October 14, 2020)", presented at the meeting.

**Peters moved as stated by County Counsel Simon; Stump seconded
Vote: 3 yes, 1 no, 1 abstention**

Roll call:

Gardner: No

Kreitz: Yes

Peters: Yes

Stump: Yes

Corless: Abstain

R20-94

12. BOARD MEMBER REPORTS

Postpone Board Member Reports to October 20, 2020 meeting.

ADJOURNED AT 4:45 PM on October 14, 2020

ATTEST

**JENNIFER KREITZ
VICE CHAIR OF THE BOARD**

**QUEENIE BARNARD
SENIOR DEPUTY CLERK OF THE BOARD**

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors



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

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Board Minutes - October 20, 2020

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Approval of the Board Minutes from the Regular Meeting on October 20, 2020.

RECOMMENDED ACTION:

Approve the Board Minutes from the Regular Meeting on October 20, 2020.

FISCAL IMPACT:

None.

CONTACT NAME: Queenie Barnard

PHONE/EMAIL: 760-932-5534 / qbarnard@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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Minutes

History

Time	Who	Approval
12/9/2020 1:36 PM	County Administrative Office	Yes
12/10/2020 4:41 PM	County Counsel	Yes
12/10/2020 12:46 PM	Finance	Yes



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

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

Teleconference Only - No Physical Location

**Regular Meeting
October 20, 2020**

Backup Recording	Zoom
Minute Orders	M20-206 – M20-210
Resolutions	R20-95 – R20-96
Ordinance	ORD20-12 Not Used

9:03 AM Meeting Called to Order by Chair Corless.

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

Supervisors Absent: None.

All votes were conducted by roll call.

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

Pledge of Allegiance led by Supervisor Gardner.

Supervisor Corless

- "It's possible to understand the world from studying a leaf. You can comprehend the laws of aerodynamics, mathematics, poetry and biology through the complex beauty of such a perfect structure. It's also possible to travel the whole globe and learn nothing." – Joy Harjo

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

2. RECOGNITIONS - NONE

3. COUNTY ADMINISTRATIVE OFFICE

Note:

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CAO Report regarding Board Assignments

Bob Lawton, CAO:

- Thanked Dave Wilbrecht for stepping in as acting CAO

4. DEPARTMENT/COMMISSION REPORTS

Ingrid Braun, Mono County Sheriff:

- Introduced Malinda Huggans with Animal Control
- Thanked Malinda and her team for amazing work on the rescue

Malinda Huggans, Animal Control:

- Shared dog rescue story from over the weekend involving SAR team

Jason Canger, Assistant County Counsel:

- Mill/Wilson Creek update – draft letters to parties involved will be coming to the Board for approval at November 3 meeting

Wendy Sugimura, Community Development Director:

- Planning Commission Secretary/Officer Manager update
- Met with LADWP and Fish and Wildlife Service to discuss irrigation management in Long Valley area as part of sage-grouse conservation effort
- At the last Planning Commission meeting on 10/15, Commission approved a use permit for new sign at Meadow Cliff Lodge and received a presentation on the Regional Transportation Plan and Circulation Element update
- Completed SB2 contracting process

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. Proposed Amendment to Southern Mono Healthcare District Conflict of Interest Code

Departments: Clerk of the Board, County Counsel

The 2020 amended conflict of interest code adopted by the Southern Mono Healthcare District requires approval by the Board of Supervisors, the code reviewing body.

Action: Approve amended conflict of interest code for the Southern Mono Healthcare District.

Peters moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-206

B. Authority to Hire Health Program Manager/Public Health Nurse at Step B

Departments: Public Health

Authorize the Public Health Director to fill the Health Program Manager/Public Health Nurse position at Step B (82B).

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Action: Authorize the Public Health Director to hire Ms. Lucia Niepagen at a B step in the position of Health Program Manager/Public Health Nurse.

Peters moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-207

C. Appointment to Tri-Valley Groundwater Management District

Departments: Clerk of the Board

The Mono County Tri-Valley Groundwater Management District (TVGMD) is requesting that the Board appoint Matt Doonan to fill the current vacancy on the Board of Directors created by Board Member Frank Ormiston leaving the Board before the term was complete. A letter from the TVGMD Board has been attached to this item requesting that Mr. Doonan be appointed through November 30, 2024. However, the Board's authority is only to appoint for the current term - which expires on November 30, 2020.

Action: Appoint Matt Doonan to fill the current vacancy on the Board of Directors of the Mono County Tri-Valley Groundwater Management Districted, effective October 20, 2020 and expiring November 30, 2020.

Peters moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-208

6. CORRESPONDENCE RECEIVED

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

The Board acknowledged receipt of the correspondence.

Moved to Item 7C.

A. Federal Energy Regulatory Commission (FERC) Letter re: Poole Powerhouse Penstock Repair

A letter from Frank L. Blackett, P.E., Federal Energy Regulatory Commission Regional Engineer, to James A. Buerkle, Southern California Edison Company Director of Generation, in response to a letter from Wayne Allen who submitted a Poole Penstock Repair Plan downstream of Rhinedollar Dam, which is part of the Lee Vining Creek Project, FERC Project No. 1388.

B. Federal Energy Regulatory Commission (FERC) Letter re: Status Update for Feasibility Study for Video Surveillance of Dams and Time Sensitive Emergency Action Plans (EAP)

A letter from Frank L. Blackett, P.E., Federal Energy Regulatory Commission Regional Engineer, to James A. Buerkle, Southern California

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Edison Company Director of Generation, in response to a letter from Wayne Allen who submitted a status update for installation of surveillance cameras and a plan and schedule to submit revised time sensitive EAPs for the dams and projects listed in the enclosure.

C. Wildlife Conservation Board (WCB) Letters re: Proposed Projects

Projects proposed to the Wildlife Conservation Board for its November 18, 2020, Board Meeting that fall within the jurisdiction of Mono County: (1) Large tree mapping across the Sierra Nevada; and (2) Ansel Adams Wilderness Restoration.

D. Letter re: Mill and Wilson Creeks Water Management

A letter from Tim Bue to the Board regarding Mill and Wilson Creeks and DeChambeau Ponds water management.

7. REGULAR AGENDA - MORNING

A. Winter Outlook Briefings and Services Refresher

Departments: Sheriff

(Chris Smallcomb, NWS Reno) - Presentation by Chris Smallcomb of the National Weather Service in Reno regarding the winter outlook and services refresher.

Action: None.

Chris Smallcomb, NWS Reno:

- Presentation

Break: 10:33 AM

Reconvened: 10:40 AM

B. Update on Wildfires and Review of Open Fire Ban

Departments: Sheriff, Public Works

(Sheriff Braun, County Counsel Simon) - Update and discussion regarding status of wildfires across the State and in Mono County. Weekly review of need for Urgency Ordinance Prohibiting Open Fires on Private Property Within the Unincorporated Area of Mono County Due to Extreme Fire Danger.

Action: None.

Ingrid Braun, Mono County Sheriff:

- Update on conditions
- Recommend continuation of open fire ban

Moved to Item 7D.

C. Election Update and CTCL Grant Funding Approval

Note:

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Departments: Elections

(Shannon Kendall, Clerk-Recorder-Registrar) - Update on November 3, 2020 General Election. Seeking Board of Supervisors approval of grant agreement with the Center for Tech and Civic Life (CTCL) and an increase in appropriations for the Elections FY 2020-21 budget (requires 4/5ths approval). Election offices can use the funds to cover certain 2020 expenses incurred between June 15, 2020 and December 31, 2020.

Action: Approve, and authorize the Mono County Clerk-Recorder-Registrar of Voters to sign the Grant Agreement with the Center for Tech and Civic Life for receipt of up to \$8,401.50 of unanticipated funding. Approve increase of \$8,402 in the Election's FY 2020-21 budget (requires 4/5ths vote).

Kreitz moved; Stump seconded

Vote: 5 yes, 0 no

M20-209

Shannon Kendall, Clerk-Recorder-Registrar:

- Hilton Creek Community Services District ballot update
- Current registration: 7,780 voters
- 1,716 returned ballots
- Three election observers
- Poll place setup update

Scheereen Dedman, Assistant Clerk-Recorder-Registrar:

- Approval of Special District appointees will be coming to the Board for approval at November 3 meeting
- Reviewed grant agreement

Moved to Item 7A.

D. COVID-19 (Coronavirus) Update

Departments: CAO and Public Health

(Dave Wilbrecht, Acting CAO, Dr. Tom Boo, Mono County Health Officer) - Update on Countywide response and planning related to the COVID-19 pandemic, including reports from the Emergency Operations Center (EOC), Unified Command (UC), and the various branches of the EOC, including Community Support and Economic Recovery, Joint Information Center (JIC), and Public Health. Specific topics include, but are not limited to: Update on Community Financial Assistance Programs.

Action: None.

Dr. Tom Boo, Mono County Health Officer:

- Tier status from State has not changed, no positive cases in the last few days
- State released guidance allowing gatherings of up to 12 people from a maximum of three households
- Changes to testing statewide
- No current changes to lodging order in Mammoth

Note:

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Public Comment:

- No Name

Alicia Vennos, Economic Development Director:

- Mono CURE business assistance program update – accepting applications today (10/20) before midnight, Review Committee will begin review process tomorrow (10/21)

Janet Dutcher, Finance Director:

- Planning to bring to Board the annual general fund financial performance presentation in November – at that time, would be able to comment more accurately on TOT, sales tax, and property tax
- Update on other financial assistance programs, funds spent

E. Employment Agreement with Tom Perry as Part-Time Building Official

Departments: Community Development

(Wendy Sugimura, Community Development Director) - Proposed resolution approving a contract with Tom Perry as part-time Building Official, and prescribing the compensation, appointment and conditions of said employment.

Action: Announce Fiscal Impact. Approve Resolution R20-29, approving a contract with Tom Perry as Building Official, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Fiscal Impact: Total cost of salary and benefits for FY 2020-21 is \$38,588, of which \$33,132 is salary, and was included in the Community Development Department's budget.

Gardner moved; Kreitz seconded

Vote: 5 yes, 0 no

R20-95

Wendy Sugimura, Community Development Director:

- Presented item

F. Letter re: Filling the Humboldt Toiyabe National Forest Law Enforcement Position

Departments: Community Development

(John Peters, Supervisor 4th District) - Letter to the Humboldt Toiyabe National Forest requesting that a vacant law enforcement position on the forest be filled.

Action: Approve, and authorize the Chair to sign, proposed letter.

Peters moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-210

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Supervisor Peters:

- Introduced item
- Coming up on a year since the Humboldt-Toiyabe National Forest had a law enforcement officer

Moved to Item 10.

G. Corrected Resolution Certifying the Tioga Inn Specific Plan Amendment #3 Final Subsequent Environmental Impact Report (FSEIR)

Departments: Community Development

(Wendy Sugimura, Community Development Director) - Corrected resolution certifying the Final Subsequent Environmental Impact Report for Tioga Inn Specific Plan Amendment #3. This resolution includes all changes directed by the Board at its October 14th meeting and supersedes and replaces Resolution R20-94 from October 14th which inadvertently omitted a portion of the Board's direction. Additional typographical/grammatical changes have been made for clarity.

Action: Adopt proposed Resolution R20-96 certifying the Tioga Inn Specific Plan Amendment #3 FSEIR and making required findings as set forth in the Resolution.

Peters moved; Stump seconded

Vote: 3 yes, 1 no, 1 abstain

Roll call:

Gardner: No

Kreitz: Yes

Peters: Yes

Stump: Yes

Corless: Abstain

R20-96

Supervisor Corless:

- Recused herself because her family is an owner of the Tioga Pass Resort and some of the employees of the Resort are housed at the Tioga Inn property, thereby creating a financial conflict of interest.

Supervisor Kreitz:

- Resumed chairing the meeting

Wendy Sugimura, Community Development Director:

- Presented item

8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

9. CLOSED SESSION

Closed Session: 12:09 PM

Note:

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Reconvened: 2:20 PM

Nothing to report out of Closed Session.

A. Closed Session - Labor Negotiations

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Bob Lawton, Stacey Simon, Dave Butters, Janet Dutcher, and Anne Frievalt. 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). Unrepresented employees: All.

B. Closed Session - Existing Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: County of Mono v. Amerisourcebergen Drug Corp. Cardinal Health, McKesson Corporation, Purdue Pharma L.P., Purdue Pharma, Inc, The Purdue Frederick Co., Inc. et al., U.S. Dist. Court for Eastern California, Case No. 2:18-cv-00149-MCE-KJN.

C. 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: 1.

10. BOARD MEMBER REPORTS

Supervisor Corless:

9/17-10/5:

- RCRC Board of Directors Meeting: See the meeting highlights memo (https://www.rcrcnet.org/sites/default/files/useruploads/Meetings/Board_of_Directors/2020/September_16_2020/BoardMeeting_Highlights_September_16_2020_FINAL.pdf) for more meeting details. Actions include voting to take a "no position" position to Proposition 22, and adopting the findings of RCRC's ad-hoc Homeowners Insurance Committee. Here are the recommendations:
 - The Committee requests that the RCRC Board of Directors adopt and approve the following recommendations:
 1. Instruct RCRC staff to remain engaged with the Legislature, the Department of Insurance and the insurance industry on potential legislation or administrative proposals to appropriately represent the impacts of insurance nonrenewals on rural homeowners and communities in the wake of the failure to pass AB 2167 and SB 292 in their pre-amended forms.

Note:

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2. Communicate the following list of wildfire mitigation actions to member counties for their consideration:
 - Adopt local ordinances that reinforce and strengthen existing state defensible space mandates.
 - Reinforce the new fire-resistant standards adopted by the state for new building construction.
 - Work in concert with local fire prevention agencies such as Fire Safe Councils and Resource Conservation Districts to establish financial assistance programs for low income, elderly and disabled residents that cannot feasibly maintain their own defensible space or afford home hardening upgrades.
 - Encourage community-wide fire mitigation activities along with individual homeowner efforts, such as shaded fuel breaks, and work with local fire prevention agencies to leverage state and federal grant funding to complete projects.
 3. Instruct RCRC's advocacy team to pursue the following state legislative priorities:
 - Support a statewide, permanent funding mechanism for land use planning, home hardening and defensible space efforts for wildfire prevention.
 - Support legislative proposals that will facilitate insurer market penetration into high fire hazard severity zones that also ensure insurance affordability.
 - Support modifications to current insurance reimbursement practices that make it easier for homeowners to recover losses after a catastrophic fire event.
 - Support legislative proposals that include feasible, implementable standards to strengthen defensible space, home hardening and local land use planning requirements for wildfire mitigation.
- 9/18 Golden State Natural Resources Board of Directors
 - 9/21 Yosemite Area Regional Transportation System board meeting--continuing to address covid and wildfire related challenges, including amending the agreement with the VIA transit (the bus operator), and agreeing to fund an update to the transit plan.
 - 10/1 California Association of Local Behavioral Health Boards and Commissions Meeting/Training
 - 10/4 Planning meeting for Diversity, Equity, Inclusion work, re: resolution and actions for board consideration at the 10/13 meeting.
- 10/7-19:
- Rural County Representatives of California Meetings: Golden State Natural Resources meeting in Mariposa, Executive Committee in Sacramento and legislator meeting, various planning calls regarding CEO/President recruitment and planning for 2021. RCRC is working on a wildfire prevention/insurance solutions legislative proposal for 2021. RCRC economic development staff working on broadband program.
 - Yosemite Area Regional Transportation System JPA Board Meeting: short range transit plan update, service ended for 2020.
 - Mammoth Lakes Chamber of Commerce Women in Business discussion on Diversity and Equity--thank you to county staff members Kassandra Montes

Note:

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(Behavioral Health) and Wendy Guzman-Rangel (Social Services) for leading and participating in this important discussion.

- Eastern Sierra Council of Governments JPA: approved contract for consulting services, resolution for proposed new position focused on sustainable recreation and forest/ecosystem management.
- NACo Public Lands Steering Committee/WIR meeting
- Behavioral Health Advisory Board: support for inclusion of county-funded permanent supportive housing in Phase I of the Parcel housing development in Mammoth.
- CBS This Morning interview last week on DWP/Long Valley issues.
- 10/31 project submittal deadline for sustainable recreation and tourism initiative projects—go to essrp.org.

Supervisor Gardner:

- Will report at next meeting on November 3

Supervisor Kreitz:

- September 9, I attended a special meeting of the Mammoth Lakes Housing Board to review the stewardship of deed restricted homes in Mammoth Lakes.
- Later that day, I attended the NACo Census webinar.
- On September 11th I attended the CCRH Board of Directors meeting.
- September 21 toured Northern Mono Basin with Mono County Public Works Director, Tony Dublino .
- Wednesday, September 23, I participated in the NACo CEWD meeting. The Committee has a new Chair that is going to roll out a committee survey to see where to focus efforts this upcoming year.
- September 29, I sat in on the Mono County Tourism and Film Commission meeting.
- September 30, Continuum of Care meeting - Project Roomkey is being ran by IMACA and they are offering non-congregate housing while they look for permanent housing. Since early May they've been offering safe-parking on Main Street while they wait for their permit application, which was appealed to be heard by the Inyo County Board of Supervisors for the Church of the Nazarene. The Board discussed future grant funding RFPs for homeless prevention programs and heard from the Bishop Indian Legal Affairs attorney on possible funding that could help serve residents beyond Native American and Seniors, but low-income as well.
- October 5th, I attended the CCRH Legislative Committee meeting where the committee supported Proposition 21, which would return rent control policies back to local jurisdictions from the State's Costa Hawkins Act.
- Later that evening I attended the Mammoth Lakes Housing (MLH) Board meeting where we received a presentation for the newest CCRH intern, Edwardo Bribiesca, approved two resolutions authorizing MLH to apply for a combined 2.4 million dollars under two applications for CalHome funding - one for Mono County and another for use in Inyo County.
- On October 13, at 5:30 PM the Town of Mammoth Lakes held a community conversation meeting to update the public on The Parcel development progress. There is a new Master Plan being developed for the site. The Plan is scheduled to be before the Town Council for consideration at their first meeting in January 2021.

Note:

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- I engaged in an interview with NACo staff on the County's work to link health outcomes with housing policy. The data collected will be used in NACo publication in the future. Later in the morning I attended the ESTA Board meeting. ESTA has agreement with MMSA on a contract for the coming season. The contract does include a COVID clause. In the afternoon, I participated in an ad-hoc committee with MLH for the annual ED performance evaluation.
- Monday, October 19th I attended the LTC monthly meeting.

Supervisor Peters:

- RPACs, Fisheries Commission
- CSAC – regularly attending the Wednesday Rural Caucus workgroup
- Attended NACo west region meetings, NACo rural action caucus meetings, NACo elections webinar
- Met with District Attorney Tim Kendall
- Western Interstate Region monthly meetings
- IHSS Advisory Board meeting
- Human Services NACo meeting
- In Senator Feinstein's office, there is a staff person that is helping IMACA with the Head Start grant that they were not awarded this year
- Digital divide meeting – what we've accomplished, what we need to accomplish in order to get good broadband for everyone
- Hunewill Ranch is now officially under conservation easement
- Will be attending Wildlands Conservancy – Bodie Hills Reserve, property built in 2000

Supervisor Stump:

- 2 - Tri Valley Water Commission meetings. 1- Owens Valley Groundwater Authority Meeting. Water issues continue to emerge. Prior to my leaving the Board I will request that Jason and I have agenda time to give updates.
- Zoom local government conference call sponsored by CSAC with DWR and State Water Board. Thanks to Supervisor Peters
- 2- CSA1 meetings. Among other things the CSA is seeking to install a "purple air" monitor at the Crowley Community Center
- I was part of CPUC Hearing on the Frontier Bankruptcy - Panel 1 (Local Government and Tribal). Frontier is proposing, as part of its reorganization, to split its service territories into two parts. Part one is called "Invesco" and will promote fiber optic deployment in areas that are deemed "more profitable". Part two is called "Improveco" and proposes to bring non-fiber improvements (not specified) to other areas. Rural areas are on the "Improveco" list. To make matters worse for rural areas, Frontier has been exercising its veto over grant funding proposals by smaller entities to improve local service by bringing in fiber optic capacity. As part of my testimony I requested the PUC to remove this veto authority as part of approved Frontier reorganization. Frontier appears to have been asleep at the switch when the Race Communications grants were authorized by the PUC. I have asked Nate Greenberg to bring back information. It may be time for this Board to comment to the PUC on Frontier's proposals.
- Related to phone service, I have been given a spread sheet of current AT&T cell tower projects (attached). Staff (County, SO, Mammoth Fire) have been working with AT&T on this. Improvements in all portions of the County but still a ways to go for complete County coverage.

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

- Tioga Inn meetings - compliments to staff on their ability to respond quickly for requests for information and language changes. Their integrity shown through.
- 10-19 - LTC - approved letter to Cal Trans asking it to reconsider funding so that rural tourist areas do not get left out.
- Thank you to the County Clerk's office for helping sort out two elections issues in District 2.
- A few days ago, received unfortunate call in Benton area, resulted in four patients needing to be transported to the hospital. Wanted to note that our funded ambulance program at White Mountain transported three of those patients, utilizing both ambulances. It has been a very beneficial addition to that region of the County. Thanked all responders.

Moved to Item 7G.

ADJOURNED AT 2:22 PM

ATTEST

JENNIFER KREITZ
VICE CHAIR OF THE BOARD

QUEENIE BARNARD
SENIOR DEPUTY CLERK OF THE BOARD



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Board Minutes - November 3, 2020

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Approval of the Board Minutes from the Regular Meeting on November 3, 2020.

RECOMMENDED ACTION:

Approve the Board Minutes from the Regular Meeting on November 3, 2020.

FISCAL IMPACT:

None.

CONTACT NAME: Queenie Barnard

PHONE/EMAIL: 760-932-5534 / qbarnard@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Minutes](#)

History

Time	Who	Approval
12/11/2020 9:44 AM	County Administrative Office	Yes
12/10/2020 4:41 PM	County Counsel	Yes
12/10/2020 12:46 PM	Finance	Yes



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

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.
Teleconference Only - No Physical Location

**Regular Meeting
November 3, 2020**

Backup Recording	Zoom
Minute Orders	M20-211 – M20-217
Resolutions	R20-97
Ordinance	ORD20-12 Not Used

9:01 AM Meeting Called to Order by Chair Corless.

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

Supervisors Absent: None.

All votes were conducted by roll call.

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

Pledge of Allegiance led by CAO Lawton.

Supervisor Gardner:

- "We do not have government by the majority. We have government by the majority who participate." – Thomas Jefferson

Supervisor Stump:

- "In all activities, may I examine my mind. And as soon as conflicting emotions arise, endangering myself and others, may I firmly face and avert them." – Langri Thangpa

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Patricia Robertson, Mammoth Lakes Housing Executive Director:

- Rental assistance program update
- MLH will be hosting a "Tenant Protections During COVID" webinar

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

2. RECOGNITIONS - NONE

3. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

Bob Lawton, CAO:

- Met with auditors, look forward to getting their report
- Working with Beth Cohen to continue the progress started earlier this year addressing workplace wellness
- Continued involvement with Economic Recovery team, Enforcement team, Business Roundtable, Unified Command meetings
- Working with Behavioral Health and the housing project through the Town of Mammoth Lakes
- Met with Community Development to discuss housing grant options and strategies
- Assistant CAO recruitment update

4. DEPARTMENT/COMMISSION REPORTS

Kevin Julian, Road Superintendent:

- Golden Gate Road update and Slink Fire burn scar

Justin Nalder, Solid Waste Superintendent:

- Community clean up events throughout county – Facelift Eastside, J.R. Krueger at Upper Twin Lakes
- Update on item going before Town Council tomorrow (11/4) – Potential biomass project. Town is looking to establish agreement with Earthcare LLC. Town is focused on technology selection, design, planning, location, financial feasibility. Potential of having the site on or adjacent to Pumice Valley Landfill.

Pat Espinosa, Social Services Senior Services Manager:

- Update on seniors enrolled in programs

Shannon Kendall, Clerk-Recorder-Registrar:

- Polls are open
- A lot of use of the Vote-by-Mail hotline – minimizes number of provisional ballots
- Election Office has already checked in over 4,500 ballots

5. CONSENT AGENDA

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

A. Board Minutes - September 15, 2020

Departments: Clerk of the Board

Approval of the Board Minutes from the Regular Meeting on September 15, 2020.

Action: Approve the Board Minutes from the Regular Meeting on September 15, 2020.

Peters moved; Kreitz seconded

Vote: 5 yes, 0 no

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

M20-211

B. Board Minutes - September 22, 2020

Departments: Clerk of the Board

Approval of the Board Minutes from the Special Meeting on September 22, 2020.

Action: Approve the Board Minutes from the Special Meeting on September 22, 2020.

Peters moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-212

C. 2020 Snow Removal Priorities

Departments: Public Works - Roads

The Board of Supervisors annually considers policies, procedures, and priorities for the Department of Public Works' snow removal operations that are memorialized through Board Resolution, with supporting written policies and a countywide map.

Action: Adopt Resolution R20-97, A Resolution of the Mono County Board of Supervisors Re-Establishing Snow Removal Policies, Procedures, and Priorities for County-Maintained Roads.

Peters moved; Kreitz seconded

Vote: 5 yes, 0 no

R20-97

D. Monthly Treasury Transaction Report

Departments: Finance

Treasury Transaction Report for the month ending 9/30/2020.

Action: Approve the Treasury Transaction Report for the month ending 9/30/2020.

Peters moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-213

E. Quarterly Investment Report

Departments: Finance

Investment Report for the Quarter ending 9/30/2020.

Action: Approve the Investment Report for the Quarter ending 9/30/2020.

Peters moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-214

F. Appointments to Special Districts

Departments: Elections

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Pursuant to Government Code 1780 and Elections Code Section 10515(b), the Mono County Registrar of Voters is requesting that the Board of Supervisors appoint to office persons who: (1) have filed declarations of candidacy for election but are running unopposed (or the number of vacant seats is equal to or greater than the number of candidates); (2) people who have applied/been recommended by a special district board to fill vacancies on that board where no candidate has filed a declaration of candidacy; and/or (3) persons who have applied/been recommended by the special district board to temporarily fill a vacancy on that board occurring outside of the election cycle.

Action:

Appoint members to fill Special District board vacancies as set forth below:

Antelope Valley Water District	Harold Curti	11/30/2024
	Dwain Chichester	11/30/2024
Birchim Community Services District	Robin Davis	11/30/2024
	Lori Michelon	11/30/2022
	Steve Toups	11/30/2024
Bridgeport Fire District	Joe Huggans	11/30/2024
	Jim Reid	11/30/2024
Bridgeport Public Utility District	Kenneth Reynolds	11/30/2024
Chalfant Valley Fire Protection / Community Services District	Gina Barsi	11/30/2024
	Debbe Eilts	11/30/2024
	Christopher P. Wickam	11/30/2024
June Lake Fire Protection District	David Naaden	11/30/2024
	Keith Potter	11/30/2024
	Jon Simmons	11/30/2024
June Lake Public Utility District	Jerry Hallum	11/30/2024
	Sarah Minich	11/30/2024
	Justin Walsh	11/30/2024
Lee Vining Fire Protection District	Dulce Pasatti	11/30/2024
Lee Vining Public Utility District	Rebecca Watkins	11/30/2024
	Paul McFarland	11/30/2024
	Tim Banta	11/30/2024
Long Valley Fire Protection District	Tom Beveridge	11/30/2024
	Hank Brown	11/30/2024
	Ron Day	11/30/2024
Mammoth Lakes Community Service District	Joel Brown	11/30/2024
Mammoth Lakes Fire Protection District	John W. Mendel	11/30/2024
	Carole A. Schilz	11/30/2024

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

	David "Buck" Wahl	11/30/2024
Mammoth Community Water District	Thomas Cage	11/30/2024
	Thomas R. Smith	11/30/2024
	Gary Thompson	11/30/2024
Mono City Fire Protection District	Doug Thornburg	11/30/2024
	John Warneke	11/30/2024
Paradise Fire Protection District	Dale Beeson	11/30/2024
	Evan Russell	11/30/2024
Southern Mono Healthcare District	David Anderson	11/30/2024
	Laurey Carlson	11/30/2024
	Alec Clowes	11/30/2024
Tri-Valley Groundwater Management District		11/30/2024
At Large	Geri Bassett	11/30/2024
Director A	Phillip West III	11/30/2024
Director B	Dave Doonan	11/30/2024
	Matt Doonan	11/30/2024
Wheeler Crest Community Services District	Danny Ray	11/30/2024
	Connors	11/30/2024
	Brent W. Miller	11/30/2024
	Dale Schaub	11/30/2024
Wheeler Crest Fire Protection District	Michael Bornfield	11/30/2024
	Bill Goodman	11/30/2024
	Helmut Grigereit	11/30/2024
White Mountain Fire Protection District	Jarret Phillips	11/30/2024
	Matthew Yount	11/30/2024

Stump moved as amended; Peters seconded

Vote: 5 yes, 0 no

M20-215

Scheereen Dedman, Assistant Clerk-Recorder-Registrar:

- Presented updated appointments

6. CORRESPONDENCE RECEIVED

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

The Board acknowledged receipt of the correspondence.

A. State Water Resources Control Board Order Approving Temporary Urgency Changes

State Water Resources Control Board Order approving petitions for renewal of temporary urgency change of Licenses 10191 and 10192

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

(Applications 8042 and 8043) of City of Los Angeles, Department of Water and Power.

B. Letter re: Inyo / Mono County Veteran Affairs Representative

A letter from Todd Estrada to the Board expressing concerns regarding the Inyo / Mono County Veteran Affairs representative.

Bob Lawton, CAO:

- Provided background on Inyo / Mono County Veteran Affairs representative position
- Services are currently being provided through Kern County
- Will report back to the Board with what steps will be taken to restore the access to services for Mono County veterans

C. Letter re: COVID-19 Response

A letter from "Mammoth Group" to the Board regarding COVID-19, asserting that there has been a lack of communication from appointed health officials regarding the pandemic.

Bob Lawton, CAO:

- Addressed assertions made in the letter

7. REGULAR AGENDA - MORNING

A. Update on Wildfires and Review of Open Fire Ban

(Sheriff Braun, County Counsel Simon) - Update and discussion regarding status of wildfires across the State and in Mono County. Weekly review of need for Urgency Ordinance Prohibiting Open Fires on Private Property Within the Unincorporated Area of Mono County Due to Extreme Fire Danger.

Action: None. No action keeps the Urgency Ordinance previously passed in place.

Ingrid Braun, Mono County Sheriff:

- Recommended continuation of prohibition to keep in line with the National Forests

B. COVID-19 (Coronavirus) Update

Departments: CAO

(Robert C. Lawton, CAO, Dr. Tom Boo, Mono County Health Officer) - Update on Countywide response and planning related to the COVID-19 pandemic, including reports from the Emergency Operations Center (EOC), Unified Command (UC), and the various branches of the EOC, including Community Support and Economic Recovery, Joint Information Center (JIC), and Public Health.

Action: None.

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Bob Lawton, CAO:

- Impact on Mono County's place on the State's tier system based on a recent outbreak in North County.

Dr. Tom Boo, Mono County Health Officer:

- There has been a significant outbreak associated with the Marine Corps Mountain Warfare Training Center – they identified COVID cases beginning October 21 or 22, case numbers as of yesterday (11/2) were at 60.
- Unsure of what numbers the State will be looking at to assess disease activity in Mono County
- Week of 10/18-10/24 – Case numbers should not be high enough to warrant tier movement to a more restrictive tier. Percent positivity might be high enough.
- Week of 10/25-10/31 – Case numbers are high enough that, if sustained for an additional week, could move Mono County into the most restrictive tier, Tier 1 / Purple Tier
- Allowed up to 35 cases per week before moving to Purple Tier
- Have not identified increased community transmission related to the base, however, there is an uptick in cases not associated with the base primarily in the Mammoth Lakes and surrounding areas
- Addressed questions about false positives
- Filing a request for adjudication

Supervisor Peters:

- Spoke with Dr. Ghaly, Secretary of the California Health and Human Services, during COVID Rural working group phone call regarding anticipated cases in Mono County
- Will be joining planned call today (11/3) with Dr. Ghaly, Chair Corless, and Dr. Boo to discuss next steps regarding outbreak

Public Comment:

- Jamie Schectman
- No Name

Justin Caporusso, Public Information Manager:

- Joint Information Center can ramp up efforts and external communications if need be
- Website and portal remain updated on frequent basis

Stacey Simon, County Counsel:

- Clarified that laws and guidelines issued by the State Department of Public Health and local Health Officer have the force of law and businesses violating them will be subject to enforcement action.

Alicia Vennos, Economic Development Director:

- Mono CURE business assistance program update – review committee in last steps of reviewing applications. Finance Director Dutcher confirmed additional \$100,000 for this grant cycle, now have \$300,000 total. Appears that they will be able to fund all eligible applicants at the maximum allowable grant allocation. In reviewing the CARES Act funding and budget for County, may have enough additional funding to open second round of business assistance program.
- Current grant cycle: 29 eligible businesses out of 35 applicants

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

- Town of Mammoth Lakes is in final steps of reviewing applicants for Round 3 of Town's business assistance program. Will have provided funding for local businesses in the Town's jurisdiction in the amount of approximately \$300,000
- Inyo County has dispersed \$800,000 for REVIVE business assistance program
- Eastern Sierra has provided about \$1,400,000 to assist approximately 140 businesses

Break: 10:57 AM

Reconvened: 11:07 AM

C. Project Review Process - Current Ranking and Update

Departments: Public Works

(Joe Blanchard, Facilities Superintendent / Tony Dublino, Director of Public Works) - Presentation of the current list of prioritized projects as ranked by the Project Review Committee. Update on status of completed projects, projects in progress, and projects currently scheduled.

Action: None.

Joe Blanchard, Facilities Superintendent

- Reviewed Project Review Committee rankings

Bob Lawton, CAO:

- Suggested deferring action on item until the Board has the opportunity to discuss in Closed Session.

D. New Hire for Planning Commission Secretary at Step B

Departments: Community Development Department

(Wendy Sugimura, Community Development Director) - Hire for the Planning Commission Secretary position in the Community Development Department at Step B.

Action: Authorize the hiring of Becky Peratt as the Planning Commission Secretary in the Community Development Department at Step B.

Gardner moved; Peters seconded

Vote: 5 yes, 0 no

M20-216

Wendy Sugimura, Community Development Director

- Presented item

8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

9. CLOSED SESSION

Closed Session: 11:45 PM

Reconvened: 1:26 PM

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Item 9F: The Board appointed Jessica Workman and Malinda Huggans to serve on the Personnel Appeals Board for a disciplinary appeal now pending with the Public Safety Officers Bargaining Unit.

A. Closed Session - Labor Negotiations

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Bob Lawton, Stacey Simon, Dave Butters, Janet Dutcher, and Anne Frievalt. 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). Unrepresented employees: All.

B. Closed Session - Public Employee Evaluation

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

C. Closed Session - Public Employee Evaluation

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

D. 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.

E. Closed Session - Existing Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: County of Mono v. Amerisourcebergen Drug Corp. Cardinal Health, McKesson Corporation, Purdue Pharma L.P., Purdue Pharma, Inc, The Purdue Frederick Co., Inc. et al., U.S. Dist. Court for Eastern California, Case No. 2:18-cv-00149-MCE-KJN.

F. Closed Session - Existing Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Employee appeal of disciplinary action.

THE AFTERNOON SESSION WILL RECONVENE NO EARLIER THAN 1:00 P.M.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

11. REGULAR AGENDA - AFTERNOON

A. Presentation of the Community Corrections Partnership (CCP) Public Safety Realignment Report

Departments: Probation

(Chief Probation Officer Karin Humiston) - Presentation by Chief Probation Officer Karin Humiston and members of the Executive Committee of the Community Corrections Partnership draft Public Safety Realignment Report and Five Year Plan.

Action: None.

Chief Probation Officer Karin Humiston:

- Presentation (available under Supporting Documents on meeting webpage)
- Importance of telemedicine/telework – ability to do psychiatric evaluations at the jail

Dylan Whitmore, Deputy Probation Officer:

- Addressed Drug/DUI court cases

B. Mill / Wilson Creek Water Management - Letters to Water Right Holders and Stakeholders

Departments: County Counsel's Office

(Jason Canger, Assistant County Counsel) - Discussion and possible approval of letters to Mill Creek water right holders and stakeholders requesting assistance to address ongoing impacts to Wilson Creek fisheries and habitat.

Action: Approve letters, and direct staff to send to water right holders and stakeholders.

Gardner moved; Kreitz seconded

Vote: 5 yes, 0 no

M20-217

As a result of a conflict due to owning real property within 200 feet of one of the creeks being discussed, County Counsel Simon recused herself from this item.

Jason Canger, Assistant County Counsel

- Presented item

12. BOARD MEMBER REPORTS

Defer Board reports to next Board meeting, November 10, 2020.

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

ADJOURNED AT 2:47 PM

ATTEST

**STACY CORLESS
CHAIR OF THE BOARD**

**QUEENIE BARNARD
SENIOR DEPUTY CLERK OF THE BOARD**



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

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

Departments: Public Works

TIME REQUIRED

**PERSONS
APPEARING
BEFORE THE
BOARD**

SUBJECT CSA #1 Lease for
Telecommunications Infrastructure

AGENDA DESCRIPTION:

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

Request for approval of County entry into 10-yr lease for the continued use of a portion of private property in Sunny Slopes for the purpose of housing power and telecommunication infrastructure (in accordance with the direction of CSA #1).

RECOMMENDED ACTION:

Approve Resolution R20- ____, A Resolution of the Mono County Board of Supervisors Approving County Entry into a Lease with Steve and Kathleen Olsen for Use of a Certain Portion of Real Property for the Installation and Maintenance of Certain Telecommunications Equipment.

FISCAL IMPACT:

\$1,200 per year, paid from CSA#1 budget.

CONTACT NAME: Tony Dublino

PHONE/EMAIL: 760-932-5459 / tdublino@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Resolution
Exhibit A: Proposed Lease

History

Time	Who	Approval
12/3/2020 7:54 AM	County Administrative Office	Yes
12/11/2020 8:56 AM	County Counsel	Yes
12/9/2020 3:28 PM	Finance	Yes



MONO COUNTY DEPARTMENT OF PUBLIC WORKS

POST OFFICE BOX 457 • 74 NORTH SCHOOL STREET • BRIDGEPORT, CALIFORNIA 93517
760.932.5440 • Fax 760.932.5441 • monopw@mono.ca.gov • www.monocounty.ca.gov

Date: December 15, 2020
To: Honorable Chair and Members of the Board of Supervisors
From: Tony Dublino, Director of Public Works
Subject: Ground Lease in support of CSA 1 Radio Infrastructure
Recommended Action: Approve Resolution R20-__ :

A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS APPROVING COUNTY ENTRY INTO A LEASE WITH STEVE AND KATHLEEN OLSEN FOR USE OF A CERTAIN PORTION OF REAL PROPERTY FOR THE INSTALLATION AND MAINTENANCE OF CERTAIN TELECOMMUNICATIONS EQUIPMENT.

Fiscal Impact:

The cost of the lease is \$1,200 per year. The cost will be paid from CSA #1 funds.

Discussion:

The County Service Area #1 in Crowley Lake supports (among many other things) radio infrastructure that broadcasts from a hill above Sunny Slopes. The infrastructure requires power, and that power is provided from a nearby SCE line that runs underground along the edge of a Sunny Slopes home site.

This sliver of land has been leased for these purposes for the last ten years. The property recently changed hands and the new owners would like to continue the lease arrangement at a rate of \$100 per month, or \$1,200 per year. The CSA #1 Board agreed to these rates at their October 27th, 2020 meeting.

The proposed lease reflects the change in ownership of the property and the new rate. The County (as opposed to the CSA) must now enter the lease to effectuate the terms.

If you have any questions regarding this item, please contact Tony Dublino at tdublino@mono.ca.gov or at (760) 932-5459.

Respectfully submitted,

Tony Dublino, Director of Public Works



R20-__

A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS APPROVING COUNTY ENTRY INTO A LEASE WITH STEVE AND KATHLEEN OLSEN FOR USE OF A CERTAIN PORTION OF REAL PROPERTY FOR THE CONTINUED OPERATION AND MAINTENANCE OF CERTAIN INSTALLED TELECOMMUNICATIONS EQUIPMENT

WHEREAS, Steve and Kathleen Olsen (“Lessee”) own certain real property within the County of Mono, which is serviceable to the County for the continued operation and maintenance of certain installed telecommunications equipment; and

WHEREAS, Lessee is willing to lease that portion of real property to the County for the continued operation and maintenance of certain installed telecommunications equipment pursuant to the terms and conditions set forth in the Lease Agreement, which is attached hereto as Exhibit A and incorporated herein by this reference (“Lease”), for an initial period of 10 years at an annual rate of \$1200.00; and

WHEREAS, the proposed project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) as it involves negligible or no expansion of use.

WHEREAS, pursuant to Government Code section 25350.51 and Mono County Code Chapter 3.04.025, the Board desires to approve County entry into said Lease; and

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 1: The Mono County Board of Supervisors approves County entry into the Lease Agreement (Exhibit A) with Steve and Kathleen Olsen for use of real property for the continued operation and maintenance of certain installed telecommunications equipment.

SECTION 2: The Lease is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) as it involves negligible or no expansion of use.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stacy Corless, Chair
Mono County Board of Supervisors

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ATTEST:

APPROVED AS TO FORM:

Clerk of the Board

County Counsel

EXHIBIT "A"

LEASE AGREEMENT

By this lease, which shall be effective upon its execution by both parties, STEVE OLSEN and KATHLEEN OLSEN, husband and wife, referred to in the lease as LESSOR, lease to MONO COUNTY, a political subdivision of the State of California, referred to in this lease as LESSEE, certain premises in the County of Mono, State of California, described as follows:

The Northerly 200 plus feet plus a 25-foot-wide strip running along the entire western border of Mono County Tax Assessor's parcel no. 62-120-05 which has as its legal description the following:

The Westerly 150 feet of the Southwest quarter of the Southwest quarter of Section 28, Township 4 South, Range 30 East, M.D.M., County of Mono, State of California according to the Official Plat thereof, lying Northerly of the line described as follows:

Commencing at the Southwest corner of said Section 28 of U.S. general land Office Brass Cap; thence South 89 deg. 09' 50" East 150 feet along the South line of said Section to a 1" x 1" stake, thence North 0 deg. 10' East 870.19 feet to half inch iron pipe; thence South 84 deg. 22' West 162.74 feet along the South side of a roadway to a half inch iron pipe.

ARTICLE 1. TERM OF LEASE

Original Term

- 1.01. The term of this lease shall be for a period of ten years, commencing October 15, 2020, and ending on October 15, 2030, unless terminated sooner as provided in this lease.

Option to Renew Lease

- 1.02 Lessee shall have the option to renew the term of this lease for an additional period of ten years commencing on expiration of the full term on October 15, 2020, provided:
- (1) Lessee shall have fully and faithfully performed all the terms, covenants and conditions of this lease for the full original term specified above in section 1.01.
 - (2) Written notice of Lessee's election to renew the term of this lease is served by

EXHIBIT "A"

Lessee on Lessor at least sixty days prior to expiration of the original term.

- (3) The renewed term of this lease shall be subject to the same terms and conditions as are contained in this lease, but at such rental as will reflect any increase in value of the premises.

Holding Over

- 1.03 Should Lessee hold over and continue in possession of the premises after termination of the term of this lease or any renewal or extension of the term, Lessee's continued occupancy of the premises shall be deemed a tenancy from month to month at a minimum rental of \$100.00 per month subject to all terms and conditions contained in this lease.

Termination Before Expiration of Term

- 1.04 Lessor or Lessee may terminate this lease by giving the other one-year written notice of the intention to terminate. If, during the first two months of this lease, the premises prove to be unsuitable for installation and maintenance of television antennae and related electronic equipment, Lessee shall have the right to terminate the lease upon thirty days written notice to the Lessor.

ARTICLE 2. RENT

- 2.01 Lessee agrees to pay rent for the use and occupancy of the premises during the term of this tenancy at the rate of \$100.00 per month, payable in advance on October 15 of every year in the lump sum of \$1,200.00.

ARTICLE 3. REPAIRS AND MAINTENANCE

- 3.01 Lessee shall, at Lessee's costs and expense, during the term of this lease or any renewal or extension of the term of this lease, maintain the premises and the television equipment placed on the premises in a safe and neat condition, including maintaining the natural appearance of any unimproved portion of the premises and keeping the area surrounding the television antennae and electronic equipment free from public or private nuisance.

Surrender of Premises

- 3.02 On expiration or sooner termination of this lease, Lessee shall promptly surrender possession of the premises to Lessor in as good condition as the premises are in on the date of this lease, removal of certain natural vegetation in the course of installing the

EXHIBIT "A"

television antennae excepted.

ARTICLE 4. USE OF PREMISES

- 4.01 Lessee shall use the premises for installation and maintenance of two television antennae and related electronic equipment and the installation of a power pole on one corner of the premises and underground power cable running from the power pole to the electronic equipment and for no other purpose without the written consent of Lessor, which consent shall not be unreasonably withheld. Lessor hereby affirms its permission for Lessee to allow Schat.net to place equipment on the leased premises and to use that equipment to provide high speed internet access to residents of the County, on the condition that Lessee will require Schat.net to comply with and observe all relevant requirements and conditions of this lease.
- 4.02 The premises shall not be used or permitted by Lessee to be used in violation of any law or ordinance. Lessee shall maintain the premises in a clean and sanitary manner and in compliance with all laws, ordinances, and rules applicable to the premises enacted or promulgated by any public or governmental authority or agency having jurisdiction over the premises.

ARTICLE 5. INSURANCE

- 5.01 Lessee shall, at Lessee's expense, obtain and keep in force during the term of this lease, a policy of combined single limit, bodily injury and property damage insurance insuring Lessor and Lessee from any liability arising out of the ownership, use, occupancy or maintenance of the premises and all areas appurtenant to the premises.

ARTICLE 6. INDEMNITY FROM LIABILITY

Hold Harmless Clause

- 6.01 Lessee shall indemnify and hold Lessor and the property of Lessor harmless from any liability, claims, loss, damages, or expenses, arising by reason of the death or injury of any person, including any person who is an employee or agent of Lessee or by reason of damages to or destruction of any property, including property owned by Lessee or any person who is an employee or agent of Lessee, caused by any negligent act or omission by Lessee on the premises or by any person on the premises with the permission and consent of Lessee.

Excepted Acts of Lessor

- 6.02 Notwithstanding the provisions of section 6.01 of this lease, Lessee shall be under no

EXHIBIT "A"

duty to indemnify and hold Lessor harmless from any liability, claims or damages because of any act of negligence by Lessor or any intentional or willful acts by Lessor or any person who is an agent of Lessor acting in the course and scope of his/her agency.

ARTICLE 7. EVENTS OF DEFAULT

- 7.01 All covenant and agreements contained in this lease are declared to be conditions of this lease. The occurrence of any one or more of the following events shall constitute a default and breach of this lease by Lessee:
- a. Failure to pay rent as set forth in Article 2 of this lease.
 - b. Failure to perform any of the provisions of this lease if the failure to perform is not cured within fifteen days after written notice has been given to Lessee.

ARTICLE 8. WAIVER

- 8.01 The waiver by Lessee or Lessor of any term, covenant, or condition contained in this lease shall not be deemed a waiver of any subsequent breach of such term, covenant or condition.

ARTICLE 9. PARTIAL INVALIDITY

- 9.01 Any provision of this lease which is held by a court of competent jurisdiction to be invalid or unenforceable, shall not impair or invalidate any other provision of this lease.

ARTICLE 10. INABILITY TO PERFORM

- 10.1 This lease and the obligations of the Lessee hereunder shall not be affected or impaired because the Lessee is unable to fulfill any of its obligations or is delayed in doing so, if such inability or delay is cause by reason of strike, labor troubles, acts of God, or any other cause beyond the reasonable control of Lessor.

ARTICLE 11. APPLICABLE LAW

- 11.01 This lease shall be governed by and construed in accordance with the laws of the state of California.

ARTICLE 12. ATTORNEYS FEES

- 12.01 In the event of any action or proceeding brought by either party against the other under this lease, the prevailing party shall be entitled to recover its attorney fees in such

EXHIBIT "A"

action or proceeding including costs of appeal, if any, in such amounts as the court may adjudge reasonable as attorney's fees.

ARTICLE 13. NOTICES

13.01 All notices and demands which may or are to be required or permitted to be given by either party on the other, shall be in writing. All notices and demands by Lessor to the Lessee shall be sent by electronic mail to the addresses set forth below and to such other person or place as the Lessor may from time to time designate in notice to the Lessee. All notices and demands by the Lessee to the Lessor shall be sent by electronic mail to the address set forth below, and to such other person or place as the Lessor may from time to time designate in notice to the Lessee.

To Lessor:

Steve & Kathleen Olsen
skojai@sbcglobal.net

To Lessee:

Mono County
Attn: Tony Dublino, Public Works Director
tdublino@mono.ca.gov

EXHIBIT "A"

IN WITNESS of the foregoing provisions, the parties or their authorized representatives have signed this lease:

Lessor:

Lessee:

Steve Olsen Date

Mono County CAO Date

Kathleen Olsen Date

APPROVED AS TO FORM:

County Counsel

APPROVED AS TO RISK MANAGEMENT:

Risk Manager



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

Departments: Public Health

TIME REQUIRED

SUBJECT Addition of One (1) Limited Term
Position in the Department of Public
Health through November 2022

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Request approval of proposed resolution amending Mono County List of Allocated Positions to add one limited-term position within the Department of Public Health related to COVID-19. The term of the position is through November 2022.

RECOMMENDED ACTION:

Adopt proposed Resolution R20-____, Authorizing the County Administrative Officer to amend the list of allocated positions to add one (1) new limited-term position consisting of one FTE Community Health Outreach Specialist in the Department of Public Health.

FISCAL IMPACT:

There is no impact to the County General Fund. The ELC/EDF Grant supports \$1,587,439 in expenditures over the next two and a half years. Estimated additional remaining 20/21 Community Health Outreach Specialist position cost is \$45,244.

CONTACT NAME: Bryan Wheeler

PHONE/EMAIL: 760-924-1835 / bwheeler@mono.ca.gov

SEND COPIES TO:

Bryan Wheeler, Dave Butters, Stephanie Butters

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Resolution - Allocation List
Grant Allocation Letter

History

Time	Who	Approval
12/3/2020 7:42 AM	County Administrative Office	Yes
12/10/2020 4:41 PM	County Counsel	Yes
12/10/2020 12:46 PM	Finance	Yes



MONO COUNTY HEALTH DEPARTMENT

Public Health

P.O. BOX 476, BRIDGEPORT, CA 93517 PHONE (760) 932-5580 • FAX (760) 924-1831
P.O. BOX 3329, MAMMOTH LAKES, CA 93546 PHONE (760) 924-1830 • FAX (760) 924-1831

DATE: December 15, 2020

TO: Honorable Board of Supervisors

FROM: Bryan Wheeler, Public Health Director

SUBJECT: Amendment of Position Allocation List for Enhancing Laboratory Capacity/Enhancing Detection Funding (ELC/EDF) Grant

Recommendation:

Approve the following action:

1. Adopt proposed resolution R20-_____, Authorizing the County Administrative Officer to amend the list of allocated positions to add one (1) new limited-term position consisting of one FTE Community Health Outreach Specialist in the Department of Public Health.

Background:

On October 6, 2020, the Board of Supervisors authorized appropriations and amendment of the Positions Allocation List via Resolution 20-90 relating to the COVID-19 Enhancing Laboratory Capacity/Enhancing Detection Funding Grant Award.

Discussion:

Through the COVID-19 Enhancing Laboratory Capacity/Enhancing Detection Funding Grant Award, the California Department of Public Health (CDPH) has allocated \$1,587,439 to Mono County for the grant period of May 18, 2020 to November 17, 2022. The grant application has been submitted and approved by the CDPH. Funds are intended to provide critical resources to local health departments in support of a broad range of COVID-19/SARS-CoV-2 testing and epidemiologic surveillance related activities.

In order to deliver on the defined grant Scope of Work strategies, an additional position has been identified and is therefore requested to be added to the Allocated Position List:

Community Health Outreach Specialist, 63C

This position is fully funded through the grant but was not included in the FY 2020-21 adopted budget. Because the positions are grant-funded, the positions are limited-term positions ending with the grant termination date of November 17, 2022.

Fiscal Impact/Budget Projections:

There is no impact to the County General Fund.

The ELC/EDF Grant supports \$1,587,439 in expenditures over the next two and a half years.

Estimated additional remaining 20/21 ELC/EDF position cost is \$45,244:

Community Health Outreach Specialist, 63C, \$28,818 in Salaries and \$16,426 in Benefits

For questions regarding this item, please call Stephanie Butters at (760) 932-5587.

Submitted by Stephanie Butters, Public Health Fiscal and Administrative Officer

Reviewed by Bryan Wheeler, Public Health Director



R20-__

**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 COMMUNITY HEALTH OUTREACH SPECIALIST
IN THE DEPARTMENT OF PUBLIC HEALTH**

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 that:

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 limited-term Community Health Outreach Specialist in the Department of Public Health by one (new total of three) (salary of \$4,357 to \$5,295 per month) with term ending November 17, 2022.

PASSED, APPROVED and **ADOPTED** this 15th day of December 2020, by the following vote, to wit:

AYES:

NOES:

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ABSENT:

ABSTAIN:

Stacy Corless, Chair
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board

County Counsel



SANDRA SHEWRY, MPH, MSW
Acting Director

State of California—Health and Human Services Agency
California Department of Public Health



GAVIN NEWSOM
Governor

August 11, 2020

Dr. Thomas Boo
Health Officer
County of Mono
437 Old Mammoth Road, Suite Q
Mammoth Lakes, CA 93546

COVID-19 ELC Enhancing Detection Funding
Award Number COVID-19ELC26
County of Mono

Authority:

Section 311(c)(1) of the Public Health Service Act (42 USC 243(c)(1))

Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (P.L. 116-123)

Coronavirus Aid, Relief, and Economic Security Act, 2020 (CARES Act) (P.L. 116-136)

Paycheck Protection Program and Health Care Enhancement Act, 2020 (P.L. 116-139)

Dear Dr. Thomas Boo:

This letter covers the reimbursement for the Paycheck Protection Program and Health Care Enhancement Act Response Activities for Cross-Cutting Emerging Issues. Funding for these activities is covered for the period May 18, 2020 to November 17, 2022. The California Department of Public Health (CDPH) is allocating **\$1,587,439** to **County of Mono**. These funds are intended to provide critical resources to local health departments (LHD) in support of a broad range of COVID-19/SARS-CoV-2 testing and epidemiologic surveillance related activities, including the establishment of modernized public health surveillance systems. The work supported by ELC Enhancing Detection expands upon previous COVID-19 awards (ELC CARES and ELC Community-based Surveillance). These funds will support the public health response to COVID-19 and lay the foundation for the future of public health surveillance.

This allocation spans six different strategies that collectively build upon current investments and better prepare California to address COVID-19 response needs over the next 24 months and allow the state to prioritize and target resources to those most vulnerable to the impacts of the disease. Below is a table which outlines each strategy and corresponding allocation for your Agency:

Strategy	Allocation
1. Enhance Laboratory, Surveillance and Other Workforce Capacity for local health department staffing needs to implement actions across all strategies identified by this source of funding.	\$406,791



2. Strengthen Laboratory Testing to include building high throughput capacity in California's public health laboratories as well as expanding partnerships to increase the reach of testing services.	\$0
3. Advance Electronic Data Exchange at Public Health Laboratories by improving and/or replacing the existing disease reporting system, CalREDIE.	\$0
4. Improve Public Health Surveillance and Reporting of Electronic Health Data by enhanced disease monitoring activities to identify disparities and track progress in reducing disparities over time.	\$325,528
5. Use Laboratory Data to Enhance Investigation, Response and Prevention by supporting the State of California's comprehensive contact tracing program, California Connected, which was developed in April 2020 and includes an academic training institute, statewide data management and communications platform to support COVID-19 contact tracing work by local health departments.	\$452,000
6. Coordinate and Engage with Partners. Under the state's Roadmap to Resilience, counties who wish to open sectors of the community at their own speed were required to submit a Variance Attestation which included engagement with skilled nursing facilities to reduce disease transmission in these facilities.	\$403,120
Total Allocation	\$1,587,439

Funding:

The funding term is May 18, 2020 to November 17, 2022. CDPH plans to evaluate spending at the local level after a ten month period from the date of this letter. CDPH, in consultation with the California Conference of Local Health Officers and California Health Executives Association of California, will consider options for possible redirection of funds at that time.

Submission Requirements:

1. Complete a Workplan by **August 31, 2020** and submit to the California Department of Public Health at CDPHELC@cdph.ca.gov. See *Attachment 1*.
2. Complete a Spend Plan by **August 31, 2020** and submit to the California Department of Public Health at CDPHELC@cdph.ca.gov. See *Attachment 2*. Your Agency should consider the following when developing your Spend Plan:

- Staffing: You are encouraged to hire an Epidemiologist for Strategy 4; and a minimum 1 FTE Infection Preventionist for Strategy 6.
- Your Agency must work in coordination with tribal governments, community-based organizations, and faith-based organizations within Strategy 2 and 5, particularly those with experience with high-risk populations based upon county COVID-19 testing data. There is no explicit cap or percentage that must go to these partners; however, you must reach out to them and enlist their help where it makes sense (i.e. outreach, testing strategy, education, or housing, etc.). Such engagement must include a community meeting and the plan should include a list of community engagement participants.
- Your agency is encouraged to recruit and give hiring preference to unemployed workers, underemployed workers, and applicants from local communities disproportionately affected by COVID-19, who are qualified to perform the work. In addition, you are encouraged to work with applicants from your community when executing contracts and other services.

Reporting Requirements:

As a subrecipient of the COVID-19 ELC Enhancing Detection funding, the CDC requires submission of the following reporting documents to CDPH. Additionally, CDPH will require additional data metric reporting related to Strategy 5 (contact tracing and isolation and quarantine activities). For your convenience, your Contract Manager will issue reminders as these dates get closer.

1. Submit quarterly progress reports on status of timelines, goals, and objectives in the approved work plan. Such report must include a list of tribal governments, community-based organizations, and faith-based organizations that the county has included in its efforts. See *Attachment 1*.
2. Submit quarterly expenditure reports following the dates listed in the table below. See *Attachment 2*.

Quarter	Reporting Period	Due Date
Year 1/Q1	May 18, 2020 – July 31, 2020	August 31, 2020
Year 1/Q2	August 1, 2020 – October 31, 2020	November 30, 2020
Year 1/Q3	November 1, 2020 – January 31, 2021	March 1, 2021
Year 1/Q4	February 1, 2021 – April 30, 2021	May 31, 2021
Year 2/Q1	May 1, 2021 – July 31, 2021	August 30, 2021
Year 2/Q2	August 1, 2021 – October 31, 2021	November 30, 2021
Year 2/Q3	November 1, 2021 – January 31, 2022	February 28, 2022
Year 2/Q4	February 1, 2022 – April 30, 2022	May 31, 2022
Year 3/Q1	May 1, 2022 – July 31, 2022	August 31, 2022
Final	August 1, 2022 – November 17, 2022	December 15, 2022

3. Your Agency may be requested to report on performance measures as needed.

4. For Agencies not using the CalCONNECT Contact Tracing data management system comprehensively for all of their COVID-19 cases, there may be additional reporting required on a monthly basis related to Strategy 5 activities. CDPH will provide a template to use to facilitate the reporting of these additional data metrics.

Reimbursement/Invoicing:

CDPH will reimburse your Agency upon receipt of invoice. In order to receive your reimbursements, please complete and submit your invoices to: CDPHELC@cdph.ca.gov. See *Attachment 3*.

1. First Quarter Payment: CDPH will issue warrants (checks) to your Agency for 25% of each Strategy which equates to 25% of your total allocation, this will be issued as an advance payment.
2. Future Payments: Future payments will be based on reimbursement of expenditures. In order to receive future payments, your Agency must complete and submit reporting documentation within Attachments 1 and 2 following the due dates in the table on the previous page.
3. Your Agency must maintain supporting documentation for any expenditures invoiced to CDPH against this source of funding. Documentation should be readily available in the event of an audit or upon request from your Contract Manager. Documentation should be maintained onsite for five years.

Thank you for the time your Agency has and will continue to invest in this response. We are hopeful that this additional funding can support the needs of your local health department and that it provides adequate resources for your participation in ELC Enhancing Detection. If you have any questions or need further clarification regarding this funding, please reach out to CDPHELC@cdph.ca.gov.

Sincerely,



Melissa Relles
Assistant Deputy Director
Emergency Preparedness Office
California Department of Public Health

Attachments

- Attachment 1: Workplan and Progress Report
- Attachment 2: Spend Plan and Expenditure Report
- Attachment 3: Invoice Template
- Attachment 4: ELC Enhancing Detection Guidelines
- Attachment 5: Local Allocations



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

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

Departments: Human Resources/CAO

TIME REQUIRED

SUBJECT Requested Salary Range Increases
for the Equipment Mechanic Series

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Proposed resolution to reclassify the salary grades of the Equipment Mechanic series as follows: Equipment Mechanic I from level 56 to 60, Equipment Mechanic II from level 60 to 64, Equipment Mechanic III from level 64 to 68, Lead Equipment Mechanic from level 68 to 72, and the Fleet Services Superintendent from level 77 to 79.

RECOMMENDED ACTION:

Adopt proposed resolution R20-____, Reclassifying the Salary Grades of the Equipment Mechanic Series.

FISCAL IMPACT:

There are adequate funds in this year's budget to cover these adjustments because of salary saving from two positions which have remained open for the entire fiscal year to date.

CONTACT NAME: David R Butters

PHONE/EMAIL: 706-207-2143 / dbutters@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Resolution (SS)

History

Time	Who	Approval
12/3/2020 7:55 AM	County Administrative Office	Yes
12/10/2020 2:18 PM	County Counsel	Yes
12/10/2020 12:57 PM	Finance	Yes



County of Mono

County Administrative Office

Robert Lawton
County Administrative Officer

Dave Butters
Human Resources Director

Date: December 8, 2020

To: The Honorable Board of Supervisors

From: Dave Butters
Tony Dublino

Subject: Requested Salary Range Increases for the Equipment Mechanic Series

Recommendation: Adopt proposed resolution R20-____, Reclassifying the Salary Grades of the Equipment Mechanic Series.

Background: Mono County has struggled in our efforts to recruit well qualified equipment mechanics who possess the qualifications and experience to work on heavy equipment which is so critical to county operations. Standard recruitment efforts have been expanded at various times over the past 3 years to include postings in local newspapers, on technical school billboards, on LinkedIn accounts and through personal contacts.

Through 36 months of recruitment, the County has received only 3 applications from skilled mechanics. All three were interviewed, offered positions, and all 3 declined the offer. All cited the salary as a reason they would not accept the offered position, with the working location of Bridgeport as an additional challenging factor.

During this 3-year recruitment, the County has avoided a crisis within our equipment fleet by deferring maintenance, contracting outside repairs where necessary, and leaning heavily on the skills of our sole equipment mechanic, Lead Mechanic Joel Erickson. With Mr. Erickson retiring in December of 2020, the county will face a major challenge in maintaining equipment readiness. We will be forced to rely on outside contracted repairs which will be very expensive and delay the time in getting equipment back into service.

Skilled mechanics are highly prized and well compensated in today's market, particularly heavy equipment mechanics. Although we made a 5% salary adjustment (effective 1-1-20) to this series of positions in the recent negotiations with MCPE, the base compensation for our

equipment mechanic series lags that of key local competitors such as the Town of Mammoth, Caltrans, LADWP and adjacent counties in Nevada.

Provided the challenges ahead and the competitive nature of the mechanic market, and because the cost of outside repairs will far exceed the cost of these recommended increases, we are requesting that the MCPE salary range for the Equipment Mechanic series and the Fleet Services Superintendent who supervises them increase as outline in the table below.

POSITION	CURRENT SALARY GRADE	PROPOSED SALARY GRADE	PROPOSED GRADE MINIMUM	PROPOSED GRADE MAXIMUM
EQUIPMENT MECHANIC I	56	60	\$48,545	\$59,007
EQUIPMENT MECHANIC II	60	64	\$53,585	\$65,133
EQUIPMENT MECHANIC III	64	68	\$59,148	\$71,894
LEAD EQUIPMENT MECHANIC	68	72	\$65,288	\$79,358
FLEET SERVICES SUPT	77	79	\$77,607	\$94,332

We believe these increases will put Mono County in a competitive position in our local labor market and incentivize applicants to accept positions at the Bridgeport facility.

Fiscal Impact: There are adequate funds in this year’s budget to cover these adjustments because of salary saving from two positions which have remained open for the entire fiscal year to date.



R20-__

A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS TO RECLASSIFY THE SALARY GRADES OF THE EQUIPMENT MECHANIC SERIES

WHEREAS, Section 25300 of the Government Code authorizes the Board of Supervisors to prescribe the compensation, appointment, and conditions of employment for all County employees; and

WHEREAS, the Mono County Public Employee (MCPE) bargaining unit includes employees who are responsible for the maintenance of the county vehicles and heavy equipment which is essential to providing services to county residents; and

WHEREAS, Mono County has been unsuccessful in recruitment effort to fill open equipment mechanics for the past two years; and

WHEREAS, Mono County has determined our wage scale for these positions is not competitive in the current labor market; and

WHEREAS, MCPE employees represented by the International Union of Operating Engineers, Stationary Local 39, AFL-CIO; and Mono County has met and conferred with MCPE Union representatives and negotiated in good faith, and both parties have agreed to reclassify the salary scale for the Equipment Mechanic job series as follows, Equipment Mechanic I from level 56 to 60, Equipment Mechanic II from level 60 to 64, Equipment Mechanic III from level 64 to 68, Lead Equipment Mechanic from level 68 to 72, and the Fleet Services Superintendent from level 77 to 79.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO RESOLVES that the salaries of the Equipment Mechanic Series of job positions shall be reclassified as follows, effective December 28, 2020:

Equipment Mechanic I from level 56 to 60,
Equipment Mechanic II from level 60 to 64,
Equipment Mechanic III from level 64 to 68,
Lead Equipment Mechanic from level 68 to 72, and
Fleet Services Superintendent from level 77 to 79.

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1 **NOW THEREFORE BE IT FURTHER RESOLVED** that the Human Resources
2 Director is authorized to update Exhibit B to the Memorandum of Understanding between the
3 County of Mono and the International Union of Operating Engineers, Stationary Local 39, AFL-
4 CIO, on behalf of the Mono County Public Employees (MCPE) bargaining unit to reflect the
5 changes approved by this Resolution.

6 **PASSED, APPROVED** and **ADOPTED** this 15th day of December, 2020, by the
7 following vote, to wit:

8 **AYES:**

9 **NOES:**

10 **ABSENT:**

11 **ABSTAIN:**

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15 Stacy Corless, Chair
16 Mono County Board of Supervisors

17 **ATTEST:**

18 **APPROVED AS TO FORM:**

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21 Clerk of the Board

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23 _____
24 County Counsel



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

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

Departments: Elections

TIME REQUIRED

SUBJECT One Time Increase to the Amount of
Poll Worker Tokens of Recognition

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

The Mono County Registrar requests a one-time increase to the maximum dollar amount otherwise authorized to be spent on tokens of appreciation for elections poll workers, from \$300 total, to \$60 per person (\$3,660 for 61 workers), using approved Center for Tech and Human Life (CTCL) grant funds.

RECOMMENDED ACTION:

Approve Resolution R20-____, authorizing a one-time increase to the amount which may be spent on tokens of recognition for elections poll workers, as authorized by Resolution R11-89.

FISCAL IMPACT:

The net fiscal impact to the General Fund is \$0 because \$3,660 is paid from the CTCL grant funds received earlier this fiscal year.

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: 5533 / skendall@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"/> R11-89

History

Time	Who	Approval
12/9/2020 1:38 PM	County Administrative Office	Yes
12/9/2020 3:48 PM	County Counsel	Yes
12/10/2020 12:53 PM	Finance	Yes



C L E R K – R E C O R D E R – R E G I S T R A R
C O U N T Y O F M O N O

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

Shannon Kendall
Clerk-Recorder-Registrar
760-932-5533
skendall@mono.ca.gov

Scheereen Dedman
Asst. Clerk-Recorder-Registrar
760-932-5538
sdedman@mono.ca.gov

To: Honorable Board of Supervisors
From: Shannon Kendall, Clerk/Recorder/Registrar of Voters
Date: December 15, 2020

Subject:

Resolution to Authorize a One Time Increase to the Amount Allowable to be Spent on Poll Worker Tokens of Recognition.

Discussion:

On December 20, 2011, the Board of Supervisors approved Resolution #11-89, determining compensation for Mono County poll workers. This included a “small token of recognition, motivating and recognizing election worker service, in an amount not to exceed \$300.”

The past November 3, 2020 General Election was carried out in an unprecedented way – poll workers volunteered during a time where most people were encouraged to not leave their homes, as a means to stay safe from Covid-19. Poll workers and volunteers came together this past November to ensure that normal electoral process in Mono County would not be interrupted due to a pandemic.

On October 20, 2020, the Board approved a grant agreement with Center for Tech and Civic Life in the amount of \$8401.50.

For this reason, the Mono County Registrar would like the Board to approve a one-time increase to the amount permitted for poll worker tokens of recognition, to \$60 per person, using the approved grant funds.

Recommendation:

Approve Resolution R20-____, authorizing a one-time increase to the amount which may be spent on tokens of recognition for elections poll workers, as authorized by Resolution R11-89.

Fiscal Impact:

There is no impact to the General Fund. Up to \$3,660 of the CTCL grant funds, approved by the Board on October 20, 2020.



R20- ____

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
AUTHORIZING A ONE-TIME INCREASE TO THE AMOUNT ALLOWABLE TO BE
SPENT ON POLL WORKER TOKENS OF RECOGNITION UNDER RESOLUTION
R11-89**

WHEREAS, Resolution R11-89 was passed on December 20, 2011, outlining expenditures pertaining to Election Workers and designating the amount of compensation to be paid to election workers; and

WHEREAS, the previously approved resolution should remain intact and this resolution is requesting a one-time modification of certain portions of said resolution for the November 3, 2020, Presidential General Election only; and

WHEREAS, the November 3, 2020 Election was conducted during a pandemic, making it hard to recruit and retain volunteers; and

WHEREAS, the Elections Office was fortunate enough to recruit enough volunteers to work at the polling locations in spite of the pandemic; and

WHEREAS, the previously approved resolution (#11-89) allows the Elections Office to spend a total of \$300 on tokens of appreciation for poll workers following an election; and

WHEREAS, the elections official has received a grant from the Center for Tech and Civil Life (previously approved by the Board) that allows for such expenditures; and

WHEREAS, the Elections Office would like to spend additional monies on the token of appreciation, for the November 3, 2020 General Election only utilizing the aforementioned grant monies; and

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1 **NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF**
2 **MONO RESOLVES** that: notwithstanding anything to the contrary in Resolution R11-89, with
3 respect to the November 3, 2020 Presidential General Election *only*, the County Elections
4 Official or her designee is hereby authorized to spend the above-mentioned grant funds for the
5 following purpose and as follows: \$60 per poll worker to be spent on a token of appreciation,
6 motivating and recognizing election workers' service to the Elections Office and the citizens of
7 Mono County for stepping up and agreeing to work during a Pandemic.

8 **PASSED, APPROVED and ADOPTED** this 15th day of December, 2020, by the
9 following vote, to wit:

10 **AYES:**

11 **NOES:**

12 **ABSENT:**

13 **ABSTAIN:**

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16 _____
17 Stacy Corless, Chair
18 Mono County Board of Supervisors

19 **ATTEST:**

20 **APPROVED AS TO FORM:**

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23 Clerk of the Board

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25 _____
26 County Counsel



RESOLUTION NO. R11- 89

A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS AUTHORIZING CERTAIN EXPENDITURES PERTAINING TO ELECTION WORKERS AND DESIGNATING THE AMOUNT OF COMPENSATION TO BE PAID TO ELECTION WORKERS

WHEREAS, county elections are labor-intensive events whose success depends largely on the willingness of civic-minded individuals to serve as poll workers, inspectors, and coordinators, herein referred to as election workers; and

WHEREAS, election workers receive minimum monetary compensation for their services on Election Day and, prior to that, must attend training sessions; and

WHEREAS, unlike obligatory civic services that citizens may perform, such as serving on a jury, no one is required to serve as an election worker, thus the County Elections Official (County Clerk) must actively recruit and retain election workers, and has sometimes found it difficult to recruit a sufficient number of election workers; and

WHEREAS, the elections official has proposed certain modest expenditures of public funds as incentives for the recruitment and retention of election workers and to promote morale: specifically, providing election workers with meals and/or refreshments during training events or on Election Day, certificates of appreciation, and pins motivating and recognizing services; and

WHEREAS, the elections official has proposed a reasonable hourly rate of pay for those who attend training and for services provided on Election Day by election workers; and

WHEREAS, the Board finds and determines that providing incentives for the recruitment and retention of election workers and promotion of morale serve valid public purposes of the County and, furthermore, are a reasonable form of additional compensation for election workers as County "employees;" and

WHEREAS, the Board finds and determines that paying election workers a reasonable hourly rate to attend training and for services provided on Election Day;

NOW, THEREFORE, BE IT RESOLVED by the Mono County Board of Supervisors that with respect to any given election, the County Elections Official or his/her designee is hereby authorized (but not required) to spend County funds for the following purposes: provision of meals and/or refreshments for election workers at training events and/or on Election Day, in an amount not to exceed \$500; certificates of appreciation, in an amount not to exceed \$50; and pins, or some other small token of recognition, motivating and recognizing election worker service, in an amount not to exceed \$300.

BE IT FURTHER RESOLVED by the Mono County Board of Supervisors that election workers shall be paid \$8.50 an hour to attend training and shall receive compensation for their work on Election Day as follows: Poll Workers shall be paid an hourly rate of \$8.50; Inspectors shall be paid an hourly rate of \$11.00; Coordinators shall be paid a stipend of \$250 for the full day.

BE IT FURTHER RESOLVED by the Mono County Supervisors that this Resolution shall prospectively supersede Resolution R09-68 in its entirety.

PASSED AND ADOPTED this 20th day of December 2011, by the following vote:

AYES : Supervisors Bauer, Hansen, Hazard, Hunt and Johnston.

NOES : None.

ABSTAIN: None.

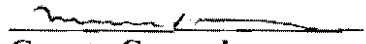
ABSENT : None.

ATTEST:


Clerk of the Board


Duane "Hap" Hazard, Chair
Board of Supervisors

APPROVED AS TO FORM:


County Counsel



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

Departments: County Counsel

TIME REQUIRED 15 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Stacey Simon, County Counsel

SUBJECT Review of Emergency Declarations -
Mountain View Fire

AGENDA DESCRIPTION:

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

Review of continuing need for Board of Supervisor's November 17, 2020, Declaration of Local Emergency of and Mono County Health Officer's November 19, 2020, Declaration of Local Health Emergency for the Mountain View Fire.

RECOMMENDED ACTION:

Hear report from Incident Command and involved staff regarding status of Mountain View Fire response and recovery efforts and determine whether there is a need to continue the local state of emergency declared on November 17, 2020 and/or the local health emergency declared on November 19, 2020.

FISCAL IMPACT:

The declarations continue the County's eligibility for state and federal disaster assistance funding.

CONTACT NAME: Stacey Simon

PHONE/EMAIL: x1704 / ssimon@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> Staff report
<input type="checkbox"/> Board Declaration of Emergency
<input type="checkbox"/> Health Officer Declaration
<input type="checkbox"/> Board Ratification of Health Emergency

History

Time	Who	Approval
12/3/2020 7:54 AM	County Administrative Office	Yes
12/9/2020 6:42 PM	County Counsel	Yes
12/10/2020 1:15 PM	Finance	Yes

County Counsel
Stacey Simon

Assistant County Counsels
Christian E. Milovich
Anne L. Frievault
Jason T. 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/Office Manager
Kevin Moss

To: Board of Supervisors
From: Stacey Simon
Date: December 15, 2020
Re: Review of Emergency Declarations – Mountain View Fire

Recommended Action

Review need for continuing local emergency declared by the Board of Supervisors on November 17, 2020, and for continuing the local health emergency declared by the Mono County Health Officer on November 19, 2020, (ratified by the Board of Supervisors on November 24, 2020).

Determine that the need for continuing the declarations of emergency continues to exist or determine that need no longer exists and terminate one or both declarations.

Strategic Plan Focus Areas Met

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

Discussion

On November 17, 2020, a fire broke out in the Community of Walker (the “Mountain View Fire”) in the midst of a hurricane-force wind event. More than 140 structures were destroyed, including 74 homes. On that date, by emergency action, the Board of Supervisors declared a state of local emergency under the California Emergency Services Act (CESA) (Cal. Gov’t Code § 8630). On November 19, 2020, the Governor of the State of California also proclaimed a State of Emergency under CESA, and the Mono County Health Officer declared a local health emergency under Health and Safety Code § 101080, related to the presence of hazardous and toxic materials associated with fire debris. The Board of Supervisors ratified the Health Officer’s declaration on November 24, 2020.

Under the CESA, the Board must review the need for continuing the local emergency at least once every 60 days until it terminates the emergency. Under Health and Safety Code § 101080, the Board must review the need for continuing the local health emergency at least once every 30 days. Under both provisions, the Board must terminate the local emergency at the earliest possible date that conditions warrant.

This item is on the Board’s agenda for a review of the conditions necessitating the declarations of emergency as follows:

1. Declaration of Local Health Emergency

A local health emergency exists under § 101080 when an area is affected by release or escape of hazardous waste which is an imminent threat to the public health or imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent.

The potential for widespread toxic exposures and threats to public health and the environment exists in the aftermath of a major wildfire disaster. Debris and ash from residential structure fires contain hazardous substances and the health effects of hazardous substances releases after a wildfire are well-documented.

The combustion of building materials such as siding, roofing tiles, and insulation result in dangerous ash that may contain asbestos, heavy metals, and other hazardous materials. Household hazardous waste such as paint, gasoline, cleaning products, pesticides, compressed gas cylinders, and chemicals that have been stored in homes, garages, or sheds also produce hazardous materials when burned.

Exposure to hazardous substances may lead to acute and chronic health effects, long-term public health and environmental impacts. Uncontrolled hazardous materials and debris pose significant threats to public health through inhalation of dust particles and contamination of drinking water supplies. Improper handling can expose workers to toxic materials, and improper transport and disposal of fire debris can spread hazardous substances throughout the community

As of this date, hazardous debris removal associated with the Mountain View Fire is not complete and conditions warranting the continuation of the declared health emergency continue to exist.

2. Declaration of Local Emergency

A local emergency exists under subdivision (c) of section 8558 of the CESA when conditions exist of disaster or of extreme peril to the safety of persons and property caused by fire, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the local government and require the combined forces of other entities to combat.

As noted above, debris removal and other remediation of the events of November 17-18 is ongoing. These activities require the combined forces of Mono County, CalOES and other entities to combat.

Attachments:

November 17, 2020 Board Declaration

November 19, 2020 Health Officer Declaration

November 24, 2020 Board Ratification of Health Officer Declaration



R20-101

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS DECLARING
A LOCAL EMERGENCY DUE TO SEVERE WILDFIRE IN THE ANTELOPE
VALLEY AREA CAUSED BY THE MOUNTAIN VIEW FIRE**

WHEREAS, today, November 17, 2020, during a severe wind event, a fast-moving fire erupted in the Antelope Valley in Northern Mono County (the “Mountain View Fire”); and

WHEREAS, by 4:00, the fire had destroyed structures and homes and taken at least one life; evacuations are ongoing, and animals have been let free; and

WHEREAS, the Board has determined that conditions of disaster and extreme peril exist which are beyond the control of the normal protective services, personnel, equipment, and facilities within the County of Mono;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Mono, State of California, does hereby declare a state of emergency as a result of the Mountain View Fire in Northern Mono County, based on the findings stated above and other information presented to it during its meeting of today’s date.

BE IT FURTHER RESOLVED THAT consideration for a U.S. Small Business Administration Disaster Declaration for Individual Assistance and funding through the California Disaster Assistance Act, in addition to any and all recovery assistance the State of California can provide, are requested to respond to the emergency herein described, including as necessary to respond to such eligible damages resulting from the emergency which may later be discovered.

PASSED, APPROVED and ADOPTED this 17th day of November 2020, by the following vote, to wit:

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

NOES: None.

ABSENT: None.

ABSTAIN: None.

Stacy Corless, Chair
Mono County Board of Supervisors

ATTEST:

Queenie Barnard (Nov 18, 2020 12:25 PST)

Clerk of the Board

APPROVED AS TO FORM:

Stacey Simpson (Nov 18, 2020 12:40 PST)

County Counsel



MONO COUNTY HEALTH DEPARTMENT

LOCAL PUBLIC HEALTH ORDER

P.O. BOX 3329, MAMMOTH LAKES, CA 93546 • PHONE (760) 924-1830 • FAX (760) 924-1831

**EMERGENCY ORDER OF THE MONO COUNTY HEALTH OFFICER
DECLARING A LOCAL HEALTH EMERGENCY DUE TO THE
MOUNTAIN VIEW FIRE; LIMITING RE-ENTRY TO AFFECTED AREAS TO
PROTECT PUBLIC HEALTH AND SAFETY; AND PROHIBITING ENDANGERMENT
OF THE COMMUNITY THROUGH THE UNSAFE REMOVAL,
TRANSPORT, AND DISPOSAL OF FIRE DEBRIS**

WHEREAS, the Mono County Board of Supervisors proclaimed a local state of emergency on November 17, 2020, and the Governor issued a Proclamation of a State of Emergency on November 19, 2020, due to conditions of extreme peril caused by the Mountain View Fire, which destroyed 96 homes and damaged various other structures, including Mono County's solid waste transfer station, in the Walker area of Mono County; and

WHEREAS the potential for widespread toxic exposures and threats to public health and the environment exists in the aftermath of a major wildfire disaster. Debris and ash from residential structure fires contain hazardous substances and the health effects of hazardous substances releases after a wildfire are well-documented; and

WHEREAS, the combustion of building materials such as siding, roofing tiles, and insulation result in dangerous ash that may contain asbestos, heavy metals, and other hazardous materials. Wells may be contaminated and require chlorination following a period of power outages. Household hazardous waste such as paint, gasoline, cleaning products, pesticides, compressed gas cylinders, and chemicals may have been stored in homes, garages, or sheds that may have burned in the fire, also producing hazardous materials; and

WHEREAS, exposure to hazardous substances may lead to acute and chronic health effects, and may cause long-term public health and environmental impacts. Uncontrolled hazardous materials and debris pose significant threats to public health through inhalation of dust particles and contamination of drinking water supplies. Improper handling can expose workers to toxic materials, and improper transport and disposal of fire debris can spread hazardous substances throughout the community, and

WHEREAS, areas affected by the fire were evacuated by Incident Command, and reentry by residents and the public for safety reasons must be regulated until such time as hazardous materials inspection and removal is conducted; and

WHEREAS, California Health and Safety Code section 101080 authorizes the local health officer to declare a local health emergency in areas affected by release or escape of hazardous waste which is an imminent threat to the public health or imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent; and

WHEREAS, Health and Safety Code section 101040 further authorizes the Health Officer to issue orders to protect public health and safety in the context of a local emergency; and

WHEREAS, the Mono County Health Officer finds that the Mountain View Fire has created conditions hazardous to public health and safety in the form of contaminated debris from household hazardous waste/materials and structural debris, which poses a substantial threat to human health and the environment unless its removal and disposal is performed in a manner that protects the public health and safety.

NOW THEREFORE, the Mono County Health Officer **DECLARES** and **ORDERS** as follows:

1. Pursuant to California Health and Safety Code sections 101040 and 101080, a local health emergency exists in Mono County due to debris resulting from the Mountain View Fire being or containing hazardous materials and the imminent and proximate threat of release thereof, which are public health hazards and immediate threats to the public health and safety.
2. Effective immediately and continuing until it is extended, rescinded, superseded, or amended in writing by the Public Health Officer, this Order continues existing closures and prohibits re-entry into specified areas affected by the Mountain View Fire as shown in Exhibit A (“Current Evacuation Area (11/19/20)”), which is attached to this Order and incorporated by this reference, until such time as those areas can be assessed for hazards and, where necessary, remediated.
3. Upon notification by the County of Mono’s Building and Environmental Health Divisions that additional areas or premises are safe to re-enter, the Health Officer may replace Exhibit A, without otherwise modifying this Order, by posting and distributing a revised map labeled “Current Evacuation Area” with the date of such revision and a reference to this Order.
4. In coordination with local law enforcement, re-entry for the limited purpose of retrieving possessions may be allowed, provided no hazards have been identified on the property being accessed.
5. Regardless of when re-entry occurs, no cleanup activities of burned structures or other construction activities shall commence without the prior written authorization of the County

of Mono's Building and Environmental Health Divisions and in compliance with adopted cleanup standards and construction safety guidelines.

6. Pending the enactment of additional requirements to address the Mountain View Fire disaster clean up, no debris bins shall be provided to property owners for the purposes of the removal of fire debris without the authorization of the Mono County Public Health Department – Environmental Health Division.
7. Pending the enactment of additional requirements to address the Mountain View Fire disaster clean up, property owners choosing not to participate in a State Fire Debris Clearance Program, if one is established in Mono County, must register with and obtain the permission of the Mono County Public Health Department – Environmental Health Division, before beginning the removal of fire debris and conduct their private debris removal, transport, and disposal in a manner that does not endanger the community.
8. No one shall temporarily occupy or camp on private property unless and until standards for such temporary occupancy are approved by the Mono County Building and Environmental Health Divisions, (and the Board of Supervisors if required under County or State law).

IT IS FURTHER DECLARED, pursuant to California Health and Safety Code section 101080, that the local health emergency created and presented by the Mountain View Fire shall not remain in effect for a period in excess of seven (7) days unless it has been ratified by the Mono County Board of Supervisors and shall be reviewed by the Board of Supervisors at least every 14 days until the local health emergency is terminated.

IT IS SO ORDERED:

Date: November 19, 2020

Thomas Boo, MD

Dr. Tom Boo
Mono County Public Health Officer

EXHIBIT A
CURRENT EVACUATION AREA (11/19/20)

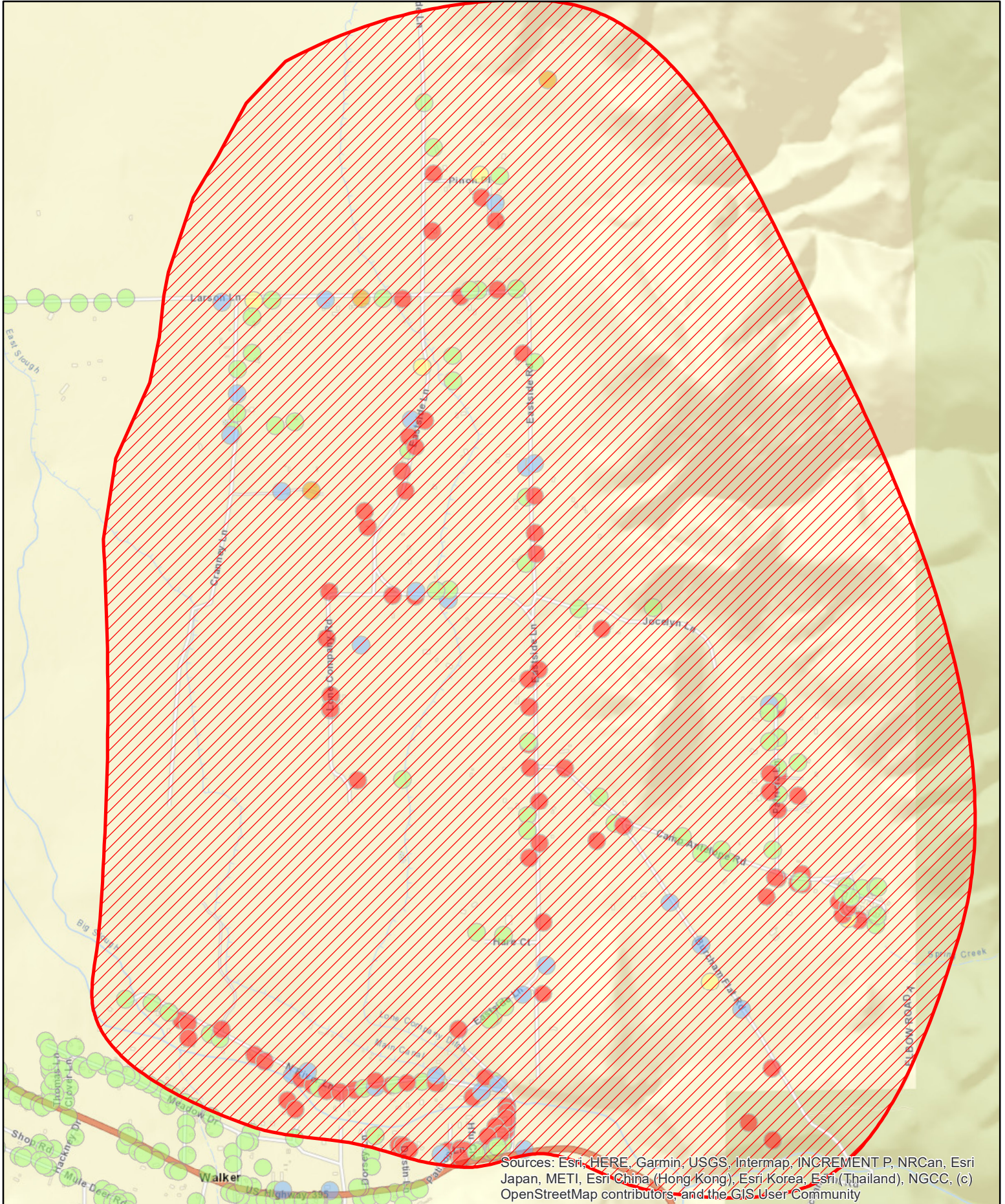


CURRENT EVACUATION AREA

As of 11/19/2020 - 10:45a

For updates visit

<https://on.mono.ca.gov/mountainviewfire>



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



R20-102

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
RATIFYING PROCLAMATION OF LOCAL HEALTH
DUE TO THE PRESENCE OF TOXIC AND HAZARDOUS DEBRIS
RESULTING FROM THE MOUNTAIN VIEW FIRE IN WALKER**

WHEREAS, the Local Health Officer did, on the 19th day of November, 2020, declare a local public health emergency in the County of Mono as a result of the Mountain View Fire, a fast-moving and devastating blaze which began on November 17, 2020, and burned more than 140 structures, including 74 homes which were completely destroyed and an additional 2 homes which were damaged, in the community of Walker, California; and

WHEREAS, the Health Officer declaration, which is hereby incorporated by this reference, included a restriction on re-entry into areas affected by the fire in order to protect the public from toxic and hazardous materials typically present following a fire that burns residential or commercial structures. The order also included guidance and restrictions for safe debris removal, transport and disposal; and

WHEREAS, the Mono County Building and Environmental Health Departments, with support, expertise and resources provided by the California Office of Emergency Services (CalOES), thereafter assessed the fire-damaged areas and a plan was made to allow residents to commence safely re-entering the area on November 22, 2020. The Health Officer therefore issued a revised order on that date allowing for controlled re-entry, but continuing the prior restrictions on debris removal, transport and disposal; and

WHEREAS, the continuation of these restrictions, as well as the continued assistance and resources of CalOES and others with expertise in remediating fire damage, remain necessary in order to protect public health, safety and the environment and are required for a safe and effective response to the conditions of disaster and extreme peril resulting from the Mountain View Fire, which is beyond the control of the normal protective services, personnel, equipment, and facilities within the County of Mono;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Mono, State of California, adopts the above findings and does hereby ratify the aforementioned proclamation of local health emergency and declares a continued state of local health emergency in the County which is beyond the control of the normal protective services, personnel, equipment and facilities within the County, as a result of the Mountain View Fire.

1 **BE IT FURTHER RESOLVED THAT** consideration for a U.S. Small Business
2 Administration Disaster Declaration for Individual Assistance and funding through the California
3 Disaster Assistance Act, in addition to any and all recovery assistance the State of California can
4 provide, are requested to respond to the emergency herein described, including as necessary to
5 respond to such eligible damages resulting from the emergency which may later be discovered.

6 **PASSED, APPROVED and ADOPTED** this 24th day of November, 2020, by the
7 following vote, to wit:

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

9 **NOES:** None.

10 **ABSENT:** None.

11 **ABSTAIN:** None.

12 

13 _____
14 Stacy Corless, Chair
15 Mono County Board of Supervisors

16 **ATTEST:**

16 **APPROVED AS TO FORM:**

17 
18 _____
19 Queenie Barnard (Nov 24, 2020 12:57 PST)
20 Clerk of the Board

17 
18 _____
19 Stacey Simon (Nov 24, 2020 13:14 PST)
20 County Counsel



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

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

Departments: CAO

TIME REQUIRED 30 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Robert C. Lawton, CAO, Dr. Tom Boo,
Mono County Health Officer

SUBJECT COVID-19 (Coronavirus) Update

AGENDA DESCRIPTION:

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

Update on Countywide response and planning related to the COVID-19 pandemic, including reports from the Emergency Operations Center (EOC), Unified Command (UC), and the various branches of the EOC, including Community Support and Economic Recovery, Joint Information Center (JIC), and Public Health.

RECOMMENDED ACTION:

None, informational only.

FISCAL IMPACT:

None.

CONTACT NAME: Robert C. Lawton, Dr. Tom Boo

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)
No Attachments Available

History

Time	Who	Approval
12/3/2020 7:54 AM	County Administrative Office	Yes
12/9/2020 5:35 PM	County Counsel	Yes
12/3/2020 10:43 AM	Finance	Yes



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

Departments: Public Health, Community Development and County Counsel

TIME REQUIRED 20 minutes

SUBJECT Administrative Penalty Procedure for COVID-19-Related Violations

PERSONS APPEARING BEFORE THE BOARD

Dr. Tom Boo, Mono County Health Officer, County Counsel Simon, Wendy Sugimura, CDD Director

AGENDA DESCRIPTION:

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

The County's existing administrative penalty system (Mono County Code Chapter 1.12) provides for the imposition of penalties for violations of state and county law, including health orders. Chapter 1.12 is general in nature and was not specifically-tailored to address violations of public health orders related to COVID-19. This ordinance would create a more-tailored administrative penalty procedure for violations involving public health orders and establish penalty amounts for those violations.

RECOMMENDED ACTION:

Take one of the following actions:

- (1) Adopt proposed ordinance establishing administrative citation procedure specific to violations of public health orders and state guidelines/orders related to preventing the spread of COVID-19. (Requires 4/5 vote); or
- (2) Introduce, read title and waive further reading of proposed ordinance. Direct staff to schedule the ordinance for adoption on January 5, 2021, effective February 5, 2021. (Requires 3/5 vote); or
- (3) Do not adopt ordinance, provide direction to staff.

FISCAL IMPACT:

The ordinance may result in de minimus fine revenue to the County, which would partially offset the costs of enforcement.

CONTACT NAME: Stacey Simon

PHONE/EMAIL: x1704 / ssimon@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)

[Staff Report](#)

[Ordinance \(redline changes\)](#)

[Ordinance \(final version\)](#)

History

Time	Who	Approval
12/11/2020 9:44 AM	County Administrative Office	Yes
12/10/2020 4:40 PM	County Counsel	Yes
12/10/2020 5:18 PM	Finance	Yes

County Counsel
Stacey Simon

Assistant County Counsels
Christian E. Milovich
Anne L. Frievalt
Jason T. Canger

**OFFICE OF THE
COUNTY COUNSEL**

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P.O. BOX 2415
MAMMOTH LAKES, CALIFORNIA 93546

Telephone
760-924-1700

Facsimile
760-924-1701

Office Manager
Vacant

To: Board of Supervisors

From: Stacey Simon and Dr. Tom Boo, Mono County Health Officer

Date: December 15, 2020

Re: Proposed Ordinance creating administrative citation procedures independent of existing Mono County Code Chapter 1.12

Recommended Action

Take one of the following actions:

- (1) Adopt proposed ordinance establishing administrative citation procedure specific to violations of public health orders and state guidelines/orders related to preventing the spread of COVID-19. (Requires 4/5 vote); or
- (2) Introduce, read title and waive further reading of proposed ordinance. Direct staff to schedule the ordinance for adoption on January 5, 2021, effective February 5, 2021. (Requires 3/5 vote); or
- (3) Do not adopt ordinance, provide direction to staff.

Strategic Plan Focus Areas Met

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

Fiscal Impact

The ordinance may result in de minimus fine revenue to the County, which would partially offset the costs of enforcement.

Discussion

At the Board's December 8, 2020, meeting there was extensive discussion regarding the need for and utility of creating an administrative citation procedure, in addition to the procedures already available in Mono County Code Chapter 1.12, which would be more tailored to enforcement of COVID-19 prevention measures.

From that discussion, the Board gave direction to staff to make revisions to the ordinance proposed to address the following and to return for further discussion:

1. Include references to and reaffirm the County's existing enforcement philosophy of education, support and voluntary compliance, with the use of citation or other prosecution tools as last resorts.
2. Limit the reach of the ordinance to unincorporated Mono County, unless agreed by the Town of Mammoth Lakes.
3. Require training of any staff newly-designated as Enforcement Officers in the county's enforcement philosophy and the procedures and requirements for administrative citation.

This revised ordinance includes the requested changes and is provided in both redline and final form for discussion by your Board.

If you have any questions regarding this item prior to your meeting, please call me at 760-924-1704.

Encl:

Proposed Ordinance
Proposed Ordinance (redline)



ORD20-__

**URGENCY ORDINANCE OF THE MONO COUNTY BOARD
OF SUPERVISORS ADOPTING AN ADMINISTRATIVE PENALTY
PROCEDURE ~~AND PENALTY AMOUNTS~~ FOR VIOLATIONS OF PUBLIC
HEALTH ORDERS AND STATE GUIDELINES OR ORDERS RELATED TO
PREVENTING THE SPREAD OF COVID-19**

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency in the State of California related to the COVID-19 pandemic; and

WHEREAS, the County of Mono Health Officer declared a local health emergency related to COVID-19 on March 15, 2020; and

WHEREAS, on March 17, 2020, the Board of Supervisors of the County of Mono ratified the local health emergency related to COVID-19 as proclaimed by the Health Officer and additionally declared a local emergency; and

WHEREAS, in light of the COVID-19 pandemic and Governor Newsom's emergency proclamation, on March 12, 2020, the Governor issued Executive Order N-25-20, ordering residents to heed any order by local public health officials, "including but not limited to the imposition of social distancing measures, to control the spread of COVID-19;" and

~~**WHEREAS**, a violation of the Governor's Executive Order N-25-20 is a misdemeanor pursuant to California Government Code section 8665; and~~

~~**WHEREAS**, California Health and Safety Code section 120275 and 120295 additionally make it a misdemeanor to violate certain sections of the Health and Safety Code, including those requiring individuals to comply with State or local health orders related to communicable, contagious and infectious disease prevention; and~~

~~**WHEREAS**, California Government Code section 25132 make it a misdemeanor to violate any county ordinance unless by ordinance it is made an infraction; and~~

~~**WHEREAS**, failure to follow orders of the Local Health Officer or State Orders or guidelines related to the control of the spread of COVID-19 ("Public Health Orders") presents an immediate threat to the public peace, health and safety as described in Government Code section 25123(d) by increasing the likelihood that the COVID-19 virus will spread throughout the County in a manner that may overwhelm health care systems and may lead to injury and death that might otherwise be substantially reduced through adherence to Public Health Orders; and~~

1 ~~WHEREAS, the immediate enforcement of Public Health Orders is necessary for~~
2 ~~the effective implementation of such orders for the purpose of controlling the spread of~~
3 ~~COVID-19 in Mono County; and~~

4 ~~WHEREAS, California Government Code section 53069.4 provides authority for~~
5 ~~the Mono County Board of Supervisors to set administrative penalties for violation of any~~
6 ~~ordinance enacted by the County; and~~

7 ~~WHEREAS, establishing administrative penalties as a mechanism to enforce the~~
8 ~~orders of the Health Officer on an urgency basis is necessary for such remedy to be effective~~
9 ~~and useful; and~~

10 ~~WHEREAS, administrative penalties~~ the administrative procedures under this
11 Ordinance provide an alternative enforcement mechanism to the existing process in Chapter
12 1.12 of the Mono County Code, that will augment the County's ability to combat the
13 negative effects of the COVID-19 pandemic, provide relief to employees currently
14 responsible for enforcement under Chapter 1.12 or other authorities and streamline and adapt
15 the enforcement process to the unique circumstances of the COVID-19 pandemic; and

16 ~~WHEREAS, this Ordinance maintains the County's current practices and~~
17 ~~enforcement philosophy, which provide for education, support and warnings where possible,~~
18 ~~with citation or other prosecution as remedies of last resort; and~~

19 ~~WHEREAS, Government Code § 25131 expressly authorizes the Board of Supervisors to~~
20 ~~adopt an urgency ordinance immediately upon its introduction. The Board finds that, as set forth~~
21 ~~herein, the facts and circumstances support adoption of this Ordinance on an urgency basis. The~~
22 ~~Board further finds that this Ordinance should apply within both unincorporated and, where~~
23 ~~requested by the Town of Mammoth Lakes, incorporated areas to provide the County with broad~~
24 ~~authority to address violations of Public Health Orders that contribute to the spread of COVID-19~~
25 ~~in the county;~~

26 **NOW, THEREFORE,** The Board of Supervisors of the County of Mono, State of
27 California, **HEREBY ORDAINS** as follows:

28 **SECTION 1. Findings and Purpose.**

29 The Board of Supervisors of the County of Mono finds and declares all of the following:

- 30 A. The above recitals are true and correct, and are incorporated herein.
- 31 B. In order to address the immediate threat to the public peace, health, safety
and welfare, this Ordinance helps to ensure that Public Health Orders issued
for the purpose of controlling the spread of the COVID-19 virus, are
followed by providing an effective administrative enforcement mechanism as
an alternative to the mechanisms already available and where other
mechanisms to address the situation, such as education and support, are not
available or have been ineffective.

1 ~~C. Issuance of administrative penalties provides a significant deterrent to violating~~
2 ~~Public Health Orders respecting COVID-19, will help promote compliance~~
3 ~~with contact tracing and any resulting isolation and quarantine orders, social~~
4 ~~distancing requirements, the wearing of facial coverings and other means of~~
5 ~~controlling the spread of COVID-19.~~

6 ~~D.C.~~ This alternative enforcement mechanism is also designed to provide some relief
7 to ~~law enforcement and code enforcement~~existing enforcement staff, to enable
8 additional ~~County~~ staff to assist with enforcing the Health Officer's orders, and
9 to enhance the County's ability to control the spread of COVID-19.

10 D. Pursuant to Section 53069.4 of the California Government Code, the Board of
11 Supervisors elects to create an administrative ~~penalty and citation hearing~~
12 process and to specify that violation of ~~such COVID-19~~ Orders constitutes a
13 violation of this Ordinance, in addition to a violation of Chapter 1.12 and other
14 laws.

15 E. The procedures set forth in this Ordinance are available, where needed, when
16 conventional efforts to educate and support in order to obtain voluntary
17 compliance are not available or have been ineffective.

18 ~~F. The potential damage caused by a violation of Public Health Orders demands a~~
19 ~~substantial penalty so as to provide an effective and significant deterrent to~~
20 ~~violating such orders.~~

21 ~~G. For violations of Public Health Orders involving activities designed to make a~~
22 ~~profit, the administrative penalties must be substantial so as not to be relegated~~
23 ~~as "the cost of doing business".~~

24 SECTION 2. Citation.

25 This ordinance may be referred to as the "COVID-19 Administrative Penalties Ordinance."

26 SECTION 3. Definitions.

- 27 A. "Board" means the Mono County Board of Supervisors.
- 28 B. "Citation" or "Administrative Citation" means a civil citation issued pursuant to
29 this Ordinance.
- 30 C. "County" means the county of Mono.
- 31 D. "Days" means calendar days.
- E. "Enforcement Officer" means the Health Officer of the County, anyone
designated by the Health Officer, any Public Health staff authorized by the
Health Department Director who has participated in training specific to
administrative citation procedures and the County's philosophy of using
citation as a last resort, any Code Enforcement Officer from the Division of
Code Enforcement in the Community Development Department, any peace

1 officer with jurisdiction in the unincorporated territory of Mono County, or
2 anyone identified by resolution of the Board.

3 F. "COVID-19 Order" means:

4 (1) all orders of the County Health Officer that are now in existence, or later
5 come into existence, which are issued for the purpose of controlling the
6 spread of or treating the COVID-19 virus, and which reflects the Governor's
7 order to all residents to heed the orders of local public health officials, as
8 stated in paragraph 1 of Executive Order N-25-20 issued on March 12, 2020.

9 (2) All orders of the State Public Health Officer, state guidance documents
10 issued for businesses and activities that have been adopted or approved by the
11 County Health Officer, as well as any state guidance and directives posted on
12 covid19.ca.gov that are described as mandatory, binding, or otherwise
13 presented as enforceable obligations.

14 G. "Responsible Party" means an individual or legal entity, or the agent or
15 legal guardian of such individual or entity, whose action or failure to act
16 violated a COVID-19 Order.

17 **SECTION 4. Adoption of County Health Officer Orders as County Law.**

18 All COVID-19 Orders are hereby incorporated into this ordinance as the law of the County of
19 Mono.

20 **SECTION 5. Violation and Enforcement.**

21 A. Misdemeanor. A violation of a COVID-19 Order is a misdemeanor, a public
22 nuisance, and a violation of this Ordinance, and as such, a violation of this
23 ordinance may be enforced as a misdemeanor, as a nuisance, or as a civil
24 violation through imposition of administrative penalties as detailed in this
25 ordinance.

26 B. Enforcement. This Ordinance may be enforced by any Enforcement Officer.

27 C. County Discretion. Use of this Ordinance shall be at the sole discretion of the
28 County, its officers, agents and employees.

29 ~~D. False Statements. Every person who willfully states anything which that person
30 knows to be false in any oral or written statement to an Enforcement Officer or
31 Hearing Officer regarding the subject of an investigation, Citation, or hearing
occurring pursuant to this Ordinance shall be guilty of a misdemeanor, punished by
a fine not exceeding \$1,000, or by imprisonment in a County jail not to exceed one
year, or by both that fine and imprisonment.~~

1
2 **SECTION 6. Nonexclusivity and Election of Proceedings.**

3 This Ordinance provides for enforcement proceedings that are supplemental to all
4 other enforcement proceedings provided by local, state or federal law, whether
5 administrative, civil or criminal in nature. As such, the provisions of this ordinance may be
6 utilized alone or in conjunction with other remedies. Election to employ one or more
7 proceedings provided by this ordinance shall be at the sole discretion of the County, and
8 shall be without prejudice to the County choosing to also proceed simultaneously or
9 subsequently by pursuing different enforcement proceedings with respect to the same
10 violation.

11 The Office of the County Counsel is hereby authorized to file a civil action on behalf of
12 the County to enjoin any violation(s) of this Ordinance and to obtain other appropriate relief
13 needed to cease and abate such violations, as well as to recover all associated County costs,
14 attorneys' fees, and any fines or penalties imposed. No further Board authority or permission to
15 initiate litigation is required to enforce violations of this Ordinance.

16 **SECTION 7. Issuance of Citation; Penalty Amounts.**

- 17 A. Each Day Separate Violation. Each and every day a violation of a
18 COVID-19 Order exists constitutes a separate and distinct offense, each
19 of which may be subject to a separate Citation.
- 20 B. Issuance of Citation. Any Responsible Party violating any provision of a
21 COVID-19 Order within the unincorporated areas of Mono County may be
22 issued an Administrative Citation by an Enforcement Officer. Unless the
23 violation poses an immediate and imminent risk to public health or safety, prior
24 to issuance of a Citation, the Enforcement Officer, or another County employee
25 or representative, shall first attempt to gain voluntary compliance through
26 education and support. Examples of violations posing an immediate and
27 imminent risk to public health or safety include, but are not limited to: non-
28 cooperation in time-sensitive contact tracing efforts or violation of a Health
29 Officer order to isolate or quarantine.
- 30 B-C. Evidence. The Enforcement Officer shall have credible evidence of violation
31 prior to issuing a Citation. Credible evidence includes eyewitness testimony,
photographic evidence, or other evidence typically utilized in administrative
enforcement proceedings. The Enforcement Officer may issue a Citation for a
violation not committed in his or her presence, if he or she determines through
investigation, including but not limited to credible input from County staff, that
the Responsible Party did commit or is otherwise responsible for the violation.
- C. Optional Correction Period. If a violation is capable of being cured within an
extended period of time (i.e., is an ongoing violation and the Responsible Party
has the apparent ability to effect a resolution within a certain period of time), an

1 Administrative Citation may include a correction period to cure the violation(s)
2 and avoid the civil penalty set forth in the Citation. The correction period may
3 range from 1-72 hours from the date of the Citation. In determining whether to
4 provide a correction period and in determining the length of any correction
5 period included in a Citation, the Enforcement Officer shall consider the
6 following factors. All matters relating to correction periods, including whether
7 one is to be provided, are within the sole discretion of the Enforcement Officer
8 and are not appealable.

- 9 1) The gravity of the public health risk posed by the violation;
- 10 2) Whether the Responsible Party has been previously counseled
11 regarding the violation;
- 12 3) For a violation arising from commercial activities, whether the
13 violation is likely to result in increased revenue or avoided costs;
- 14 4) Whether the violation is the subject of a prior Citation;
- 15 5) Whether the Responsible Party is making good faith efforts to achieve
16 and maintain compliance with Public Health Orders; and
- 17 6) Any other matters relating to the nature, circumstances, extent, and
18 gravity of the violation.

19 D. Compliance Reporting. If a correction period is provided, the Responsible
20 Party must cure each cited violation and must report to the Enforcement Officer
21 when each cited violation is cured prior to expiration of the correction period.
22 Each such report must include the Responsible Party's contact information and
23 availability information sufficient to ensure the Enforcement Officer can verify
24 compliance within 72 hours of the date of cure.

25 E. Penalty Amount —Non-commercial Activity. The civil penalty for each
26 violation ~~involving a non-commercial activity shall be a fine not to exceed~~
27 ~~\$250 shall be as set forth in Mono County Code Chapter 1.12 (\$100 per day for~~
28 ~~the first five days and \$500 per day thereafter that the violation continues).~~

29 F. ~~Penalty Amount —Commercial Activity~~. ~~The civil penalty for each violation~~
30 ~~involving a commercial activity shall be a fine not to exceed \$500 for the first~~
31 ~~occurrence, \$1000 for the second occurrence and \$2,000 for each subsequent~~
~~occurrence.~~

G.F. Payment. The administrative penalty becomes effective and due immediately
upon issuance of the Citation or failure to correct within any correction period.
The Responsible Party has ninety (90) days from the date of service of the
Citation to pay the penalty in the absence of a timely submitted request for an
administrative appeal under Section 10.

SECTION 8. Form and Service for Citation.

- 1 A. The Administrative Citation shall contain the following information:
- 2 1. The name and address of the Responsible Party;
- 3 2. The date and address or description of the location where the violation
- 4 3. Reference to the COVID-19 Order that was violated, including
- 5 reference to the paragraph number containing the provision violated
- 6 and the date of issuance of the COVID-19 Order; a brief description of
- 7 the violation should be included if greater specificity is required to
- 8 identify the violation;
- 9 4. The amount of the penalty for the violation;
- 10 5. A statement that the actual costs to the county incurred as a result of
- 11 the violation may be charged to them in addition to the penalty and an
- 12 estimate of those costs, if known;
- 13 6. If a correction period is provided, the length of that period;
- 14 7. Identification of appeal rights and a description of how to seek review
- and appeal;
8. The signature of the Enforcement Officer issuing the Citation along with
- the date of issuance of the Citation.
- B. Any Administrative Citation issued pursuant to this ordinance shall be served
- upon the Responsible Party pursuant to Section 9.

15 **SECTION 9. Service Procedures.**

16 An Administrative Citation may be served on the Responsible Party under either of the

17 following procedures:

- 18
- 19 A. Personal service: personal service may be accomplished without violating the
- 20 COVID-19 Orders by setting the Citation documents down near the Responsible
- 21 Party and stating, in a voice loud enough to be heard by the Responsible Party,
- 22 that the documents are for the Responsible Party, if the Responsible Party
- subsequently either picks up the documents or makes an indication that they
- understand that the documents are intended for them; or
- 23
- 24 B. Posting and Mailing: posting and mailing by doing both of the following:
- 25 1. Posting the Citation on any real property within the County in which the County
- 26 has knowledge that the Responsible Party has a legal interest, or at the location
- 27 at which the violation occurred; posting shall be placed in a position that is
- 28 likely to catch the attention of a person entering the property, including but not
- 29 limited to a front door, gate, or near a mailbox; and
- 30 2. Mailing the Citation by first-class mail, postage prepaid, to the address
- where the Citation was posted, or to any other mailing address of the
- Responsible Party that is known to the County if the County reasonably

1 believes that such mailing address will be at least as effective at reaching the
2 Responsible Party, including but not limited to an address provided by a
3 Responsible Party in a request for appeal of a Citation.

4 Service shall be complete at the time of personal service, or five days after posting and mailing.

5 **SECTION 10. Procedure to Appeal an Administrative Citation.**

- 6 A. Any recipient of a Citation who is identified as a Responsibly Party may
7 contest the violation as cited by appealing the Citation to the County.
- 8 B. To appeal the Citation, the recipient must give written notice of appeal to
9 the County within ten (10) days from the date of service of the Citation. The
10 notice to the County may be made by either completing and returning a
11 form created by the County for appealing Citations, or by providing a
12 document, in writing, bearing the title, "Appeal of Administrative Citation",
13 containing the following:
- 14 1. The name, address and phone number of the appellant; and
 - 15 2. Sufficient information to identify the Citation; and
 - 16 3. The grounds on which the Citation is being contested; and
 - 17 4. All information, including copies of any exhibits, that supports the
18 grounds for appealing the Citation.

19 Notice of appeal may be submitted by any of the following means:

- 20 1. By email to: countycounsel@mono.ca.gov;
 - 21 2. By mail to: Mono County Counsel, P.O. Box 2415, Mammoth Lakes,
22 CA 93546; or
 - 23 3. By personal delivery to the Clerk of the Board of Supervisors, 74
24 School Street, Bridgeport, California or to the Office of the County
25 Counsel at 1290 Tavern Road, Mammoth Lakes, California.
- 26 C. Upon timely receipt of a request for appeal, the County will present the matter
27 to the County Health Officer, or his or her designee, for an initial determination
28 whether the appellant violated a COVID-19 Order as stated in the Citation
29 being appealed.
- 30 1. The County Health Officer, or designee, will consider the appeal by
31 reviewing any or all of the associated documents presented by the
appellant and the Enforcement Officer;
 2. The County Health Officer, or designee, may choose to consult the
appellant, or any other person they believe may offer relevant
information;
 3. If the County Health Officer, or designee, determines that a violation
did not occur, the County will withdraw the Citation along with the
associated penalty;
 4. If the County Health Officer, or designee, determines that a violation
occurred, the County will give notice to the appellant, pursuant to

1 Section 9, of the determination along with instructions for how to
2 continue pursuing the appeal if desired.

- 3 D. The Health Officer's, or designee's determination shall become the final
4 administrative order if appellant does not submit the matter for a hearing before
5 a Hearing Officer as described below.
- 6 E. If the appellant wishes to submit the matter for a hearing before a Hearing
7 Officer following determination by the County Health Officer or designee,
8 the appellant must provide written notice to the County within ten (10) days
9 of service of the notice of the Health Officer's or designee's determination.
10 Upon timely receipt of such notice, the County will arrange for the matter to
11 be heard by a Hearing Officer as detailed below.
- 12 F. The Hearing Officer shall be a person identified to serve as a Hearing Officer
13 under Mono County Code Chapter 1.12, or such other neutral, unbiased and
14 qualified person(s) as may be designated for this purpose by the County
15 Administrative Officer.
- 16 G. If the matter is sent to a Hearing Officer, the County Counsel will coordinate
17 with the Hearing Officer to cause the matter to be set for a video hearing, or an
18 in-person hearing (if requested by the appellant in the notice of appeal) in
19 accordance with those measures directed by the Health Officer to protect public
20 health. In-person hearings may be delayed based on COVID-19 conditions
21 within the County and upon the advice of the Health Officer.
- 22 H. The Office of the County Counsel will provide notice to the appellant that
23 specifies the date, time and location of the hearing. Notice may be given by
24 regular, first class mail at the mailing address listed in the request for appeal
25 or by email to an address provided by the appellant. If by mail, such notice
26 shall be placed in the mail no later than fifteen (15) days prior to the
27 hearing.
- 28 I. Prior to the hearing, the County will provide the Hearing Officer with all the
29 documents provided by the appellant, along with any additional documents
30 that the County believes are relevant and supportive of its case. If the
31 Hearing Officer communicates with either side for the purpose of seeking
additional documents, asking questions, or for any other purpose that is
relevant to the hearing proceedings, he or she shall include the opposing
party in that communication. If, for any reason, the Hearing Officer
receives information from a party that was not simultaneously provided to
the opposing party, he or she shall provide such information to the opposing
party prior to or at the hearing.
- J. Failure of a Responsible Person to request an appeal pursuant to this Section
10 shall constitute a failure to exhaust administrative remedies.

SECTION 11. Hearing Procedure.

1 The hearing procedures specified in Mono County Code section 1.12.050 shall apply to hearings
2 by a Hearing Officer requested pursuant to this Ordinance.

3 **SECTION 12. Administrative Order.**
4

- 5 A. At the conclusion of the hearing, the Hearing Officer shall determine whether
6 the Responsible Party violated a Covid-19 Order as specified in the Citation
7 being contested, and shall state the reasons for that decision in a written order.
- 8 B. If the Hearing Officer determines that the Responsible Party violated a
9 COVID-19 Order as detailed in the Citation, then the penalty amount
10 identified in the Citation, or as otherwise adjusted by the Hearing Officer,
11 shall be immediately due and payable to the County upon service of the notice
12 of determination.
- 13 C. If the Hearing Officer determines that the Responsible Party did not violate a
14 COVID-19 Order as detailed in the appealed Citation, the Hearing Officer
15 shall order the Citation dismissed, and the Citation will be deemed withdrawn
16 by the County.
- 17 D. The Hearing Officer shall provide a copy of the written decision and
18 administrative order to County, and County shall serve the Hearing Officer's
19 decision and order to appellant either personally or by first class United States
20 mail, postage prepaid.
- 21 E. The Hearing Officer's written decision and order shall become the final
22 administrative order of the County.

23 **SECTION 13. Right to Judicial Review.**
24

25 Any Responsible Party aggrieved by an administrative decision of a Hearing Officer or by
26 the decision of the Hearing Officer may obtain further review by filing a petition for review
27 with the Mono County Superior Court in accordance with the timelines and provisions as set
28 forth in California Government Code Section 53069.4.

29 **SECTION 14. Failure to Pay Penalties.**
30

31 The County may pursue any remedy authorized by law to collect administrative penalties
that are not timely paid, including but not limited to a civil action for collection of civil
penalties.

SECTION 15. Notices.

- A. The Administrative Citation and all notices to be given or served pursuant to
this Ordinance shall be given or served on the Responsible Party in accordance
with the provisions of this ordinance.

1 B. If a notice is required by this Ordinance, including but not limited to a notice of
2 Citation, and the notice is properly given or served pursuant to the provisions
3 of this Ordinance, the failure to receive such notice shall not affect the validity
4 of proceedings conducted pursuant to this Ordinance.

5 **SECTION 16. Severability.**

6 The provisions of this ordinance are separate and severable. If any provision of this
7 ordinance is for any reason held by a court to be unconstitutional or invalid, the Board
8 declares that it would have passed this ordinance irrespective of the invalidity of the
9 provision held to be unconstitutional or invalid. Such unconstitutionality or invalidity shall
10 therefore not affect the remaining provisions of this Ordinance, or the validity of its
11 application to other persons or circumstances.

12 **SECTION 17. Effective Date and Termination.**

13 This ordinance shall take effect immediately as an urgency ordinance, and shall be applicable
14 as of December 8, 2020, the date of approval of this ordinance. This is based on the Board of
15 Supervisors' findings that this ordinance is adopted in compliance with Government Code
16 section 25123, and that it is necessary for the protection of the public peace, health, safety and
17 welfare.

18 This ordinance shall automatically sunset upon termination of the Governor's March 4, 2020,
19 proclamation of emergency related to COVID-19, or any replacement or successor proclamation
20 regarding the same subject matter.

21 **PASSED, APPROVED and ADOPTED** as an urgency item this 8th day of December,
22 2020, by the following vote, to wit:

23 **AYES:**

24 **NOES:**

25 **ABSENT:**

26 **ABSTAIN:**

27 _____
28 Stacy Corless, Chair
29 Mono County Board of Supervisors

30 **ATTEST:**

31 **APPROVED AS TO FORM:**

Clerk of the Board

County Counsel



ORD20-__

**URGENCY ORDINANCE OF THE MONO COUNTY BOARD
OF SUPERVISORS ADOPTING AN ADMINISTRATIVE PENALTY
PROCEDURE FOR VIOLATIONS OF PUBLIC HEALTH ORDERS AND STATE
GUIDELINES OR ORDERS RELATED TO PREVENTING THE SPREAD OF
COVID-19**

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency in the State of California related to the COVID-19 pandemic; and

WHEREAS, the County of Mono Health Officer declared a local health emergency related to COVID-19 on March 15, 2020; and

WHEREAS, on March 17, 2020, the Board of Supervisors of the County of Mono ratified the local health emergency related to COVID-19 as proclaimed by the Health Officer and additionally declared a local emergency; and

WHEREAS, in light of the COVID-19 pandemic and Governor Newsom's emergency proclamation, on March 12, 2020, the Governor issued Executive Order N-25-20, ordering residents to heed any order by local public health officials, "including but not limited to the imposition of social distancing measures, to control the spread of COVID-19;" and

Officer on an urgency basis is necessary for such remedy to be effective and useful; and

WHEREAS, the administrative procedures under this Ordinance provide an alternative enforcement mechanism to the existing process in Chapter 1.12 of the Mono County Code, that will augment the County's ability to combat the negative effects of the COVID-19 pandemic, provide relief to employees currently responsible for enforcement under Chapter 1.12 or other authorities and streamline and adapt the enforcement process to the unique circumstances of the COVID-19 pandemic; and

WHEREAS, this Ordinance maintains the County's current practices and enforcement philosophy, which provide for education, support and warnings where possible, with citation or other prosecution as remedies of last resort; and

WHEREAS, Government Code § 25131 expressly authorizes the Board of Supervisors to adopt an urgency ordinance immediately upon its introduction. The Board finds that, as set forth herein, the facts and circumstances support adoption of this Ordinance on an urgency basis.;

1 **NOW, THEREFORE**, The Board of Supervisors of the County of Mono, State of
2 California, **HEREBY ORDAINS** as follows:

3 **SECTION 1. Findings and Purpose.**

4 The Board of Supervisors of the County of Mono finds and declares all of the following:

- 5 A. The above recitals are true and correct, and are incorporated herein.
- 6 B. In order to address the immediate threat to the public peace, health, safety
7 and welfare, this Ordinance helps to ensure that Public Health Orders issued
8 for the purpose of controlling the spread of the COVID-19 virus, are
9 followed by providing an effective administrative enforcement mechanism as
10 an alternative to the mechanisms already available and where other
11 mechanisms to address the situation, such as education and support, are not
12 available or have been ineffective.
- 13 C. This alternative enforcement mechanism is also designed to provide some relief
14 to existing enforcement staff, to enable additional staff to assist with enforcing
15 the Health Officer's orders, and to enhance the County's ability to control the
16 spread of COVID-19.
- 17 D. Pursuant to Section 53069.4 of the California Government Code, the Board of
18 Supervisors elects to create an administrative citation process and to specify
19 that violation of COVID-19 Orders constitutes a violation of this Ordinance, in
20 addition to a violation of Chapter 1.12 and other laws.
- 21 E. The procedures set forth in this Ordinance are available, where needed, when
22 conventional efforts to educate and support in order to obtain voluntary
23 compliance are not available or have been ineffective.

24 **SECTION 2. Citation.**

25 This ordinance may be referred to as the "COVID-19 Administrative Penalties Ordinance."

26 **SECTION 3. Definitions.**

- 27 A. "Board" means the Mono County Board of Supervisors.
- 28 B. "Citation" or "Administrative Citation" means a civil citation issued pursuant to
29 this Ordinance.
- 30 C. "County" means the county of Mono.
- 31 D. "Days" means calendar days.
- E. "Enforcement Officer" means the Health Officer of the County, anyone
designated by the Health Officer, any Public Health staff authorized by the
Health Department Director who has participated in training specific to
administrative citation procedures and the County's philosophy of using

1 citation as a last resort, any Code Enforcement Officer from the Division of
2 Code Enforcement in the Community Development Department, any peace
3 officer with jurisdiction in the unincorporated territory of Mono County, or
4 anyone identified by resolution of the Board.

5 F. "COVID-19 Order" means:

6 (1) all orders of the County Health Officer that are now in existence, or later
7 come into existence, which are issued for the purpose of controlling the
8 spread of or treating the COVID-19 virus, and which reflects the Governor's
9 order to all residents to heed the orders of local public health officials, as
10 stated in paragraph 1 of Executive Order N-25-20 issued on March 12, 2020.

11 (2) All orders of the State Public Health Officer, state guidance documents
12 issued for businesses and activities that have been adopted or approved by the
13 County Health Officer, as well as any state guidance and directives posted on
14 covid19.ca.gov that are described as mandatory, binding, or otherwise
15 presented as enforceable obligations.

16 G. "Responsible Party" means an individual or legal entity, or the agent or
17 legal guardian of such individual or entity, whose action or failure to act
18 violated a COVID-19 Order.

19 **SECTION 4. Adoption of County Health Officer Orders as County Law.**

20 All COVID-19 Orders are hereby incorporated into this ordinance as the law of the County of
21 Mono.

22 **SECTION 5. Violation and Enforcement.**

23 A. Misdemeanor. A violation of a COVID-19 Order is a misdemeanor, a public
24 nuisance, and a violation of this Ordinance, and as such, a violation of this
25 ordinance may be enforced as a misdemeanor, as a nuisance, or as a civil
26 violation through imposition of administrative penalties as detailed in this
27 ordinance.

28 B. Enforcement. This Ordinance may be enforced by any Enforcement Officer.

29 C. County Discretion. Use of this Ordinance shall be at the sole discretion of the
30 County, its officers, agents and employees.

31 **SECTION 6. Nonexclusivity and Election of Proceedings.**

1 This Ordinance provides for enforcement proceedings that are supplemental to all
2 other enforcement proceedings provided by local, state or federal law, whether
3 administrative, civil or criminal in nature. As such, the provisions of this ordinance may be
4 utilized alone or in conjunction with other remedies. Election to employ one or more
5 proceedings provided by this ordinance shall be at the sole discretion of the County, and
6 shall be without prejudice to the County choosing to also proceed simultaneously or
7 subsequently by pursuing different enforcement proceedings with respect to the same
8 violation.

9 The Office of the County Counsel is hereby authorized to file a civil action on behalf of
10 the County to enjoin any violation(s) of this Ordinance and to obtain other appropriate relief
11 needed to cease and abate such violations, as well as to recover all associated County costs,
12 attorneys' fees, and any fines or penalties imposed. No further Board authority or permission to
13 initiate litigation is required to enforce violations of this Ordinance.

14 **SECTION 7. Issuance of Citation; Penalty Amounts.**

- 15 A. Each Day Separate Violation. Each and every day a violation of a
16 COVID-19 Order exists constitutes a separate and distinct offense, each
17 of which may be subject to a separate Citation.
- 18 B. Issuance of Citation. Any Responsible Party violating any provision of a
19 COVID-19 Order within the unincorporated areas of Mono County may be
20 issued an Administrative Citation by an Enforcement Officer. Unless the
21 violation poses an immediate and imminent risk to public health or safety, prior
22 to issuance of a Citation, the Enforcement Officer, or another County employee
23 or representative, shall first attempt to gain voluntary compliance through
24 education and support. Examples of violations posing an immediate and
25 imminent risk to public health or safety include, but are not limited to: non-
26 cooperation in time-sensitive contact tracing efforts or violation of a Health
27 Officer order to isolate or quarantine.
- 28 C. Evidence. The Enforcement Officer shall have credible evidence of violation
29 prior to issuing a Citation. Credible evidence includes eyewitness testimony,
30 photographic evidence, or other evidence typically utilized in administrative
31 enforcement proceedings. The Enforcement Officer may issue a Citation for a
violation not committed in his or her presence, if he or she determines through
investigation, including but not limited to credible input from County staff, that
the Responsible Party did commit or is otherwise responsible for the violation.
- C. Optional Correction Period. If a violation is capable of being cured within an
extended period of time (i.e., is an ongoing violation and the Responsible Party
has the apparent ability to effect a resolution within a certain period of time), an
Administrative Citation may include a correction period to cure the violation(s)
and avoid the civil penalty set forth in the Citation. The correction period may
range from 1-72 hours from the date of the Citation. In determining whether to

1 provide a correction period and in determining the length of any correction
2 period included in a Citation, the Enforcement Officer shall consider the
3 following factors. All matters relating to correction periods, including whether
4 one is to be provided, are within the sole discretion of the Enforcement Officer
5 and are not appealable.

- 6 1) The gravity of the public health risk posed by the violation;
- 7 2) Whether the Responsible Party has been previously counseled
8 regarding the violation;
- 9 3) For a violation arising from commercial activities, whether the
10 violation is likely to result in increased revenue or avoided costs;
- 11 4) Whether the violation is the subject of a prior Citation;
- 12 5) Whether the Responsible Party is making good faith efforts to achieve
13 and maintain compliance with Public Health Orders; and
- 14 6) Any other matters relating to the nature, circumstances, extent, and
15 gravity of the violation.

- 16 D. Compliance Reporting. If a correction period is provided, the Responsible
17 Party must cure each cited violation and must report to the Enforcement Officer
18 when each cited violation is cured prior to expiration of the correction period.
19 Each such report must include the Responsible Party's contact information and
20 availability information sufficient to ensure the Enforcement Officer can verify
21 compliance within 72 hours of the date of cure.
- 22 E. Penalty Amount. The civil penalty for each violation shall be as set forth in
23 Mono County Code Chapter 1.12 (\$100 per day for the first five days and \$500
24 per day thereafter that the violation continues).
- 25 F. Payment. The administrative penalty becomes effective and due immediately
26 upon issuance of the Citation or failure to correct within any correction period.
27 The Responsible Party has ninety (90) days from the date of service of the
28 Citation to pay the penalty in the absence of a timely submitted request for an
29 administrative appeal under Section 10.

30 **SECTION 8. Form and Service for Citation.**

- 31 A. The Administrative Citation shall contain the following information:
 - 1. The name and address of the Responsible Party;
 - 2. The date and address or description of the location where the violation occurred;
 - 3. Reference to the COVID-19 Order that was violated, including reference to the paragraph number containing the provision violated and the date of issuance of the COVID-19 Order; a brief description

of the violation should be included if greater specificity is required to identify the violation;

4. The amount of the penalty for the violation;
5. A statement that the actual costs to the county incurred as a result of the violation may be charged to them in addition to the penalty and an estimate of those costs, if known;
6. If a correction period is provided, the length of that period;
7. Identification of appeal rights and a description of how to seek review and appeal;
8. The signature of the Enforcement Officer issuing the Citation along with the date of issuance of the Citation.

B. Any Administrative Citation issued pursuant to this ordinance shall be served upon the Responsible Party pursuant to Section 9.

SECTION 9. Service Procedures.

An Administrative Citation may be served on the Responsible Party under either of the following procedures:

A. Personal service: personal service may be accomplished without violating the COVID-19 Orders by setting the Citation documents down near the Responsible Party and stating, in a voice loud enough to be heard by the Responsible Party, that the documents are for the Responsible Party, if the Responsible Party subsequently either picks up the documents or makes an indication that they understand that the documents are intended for them; or

B. Posting and Mailing: posting and mailing by doing both of the following:

1. Posting the Citation on any real property within the County in which the County has knowledge that the Responsible Party has a legal interest, or at the location at which the violation occurred; posting shall be placed in a position that is likely to catch the attention of a person entering the property, including but not limited to a front door, gate, or near a mailbox; and

2. Mailing the Citation by first-class mail, postage prepaid, to the address where the Citation was posted, or to any other mailing address of the Responsible Party that is known to the County if the County reasonably believes that such mailing address will be at least as effective at reaching the Responsible Party, including but not limited to an address provided by a Responsible Party in a request for appeal of a Citation.

Service shall be complete at the time of personal service, or five days after posting and mailing.

SECTION 10. Procedure to Appeal an Administrative Citation.

- 1 A. Any recipient of a Citation who is identified as a Responsibly Party may
2 contest the violation as cited by appealing the Citation to the County.
- 3 B. To appeal the Citation, the recipient must give written notice of appeal to
4 the County within ten (10) days from the date of service of the Citation. The
5 notice to the County may be made by either completing and returning a
6 form created by the County for appealing Citations, or by providing a
7 document, in writing, bearing the title, "Appeal of Administrative Citation",
8 containing the following:
- 9 1. The name, address and phone number of the appellant; and
 - 10 2. Sufficient information to identify the Citation; and
 - 11 3. The grounds on which the Citation is being contested; and
 - 12 4. All information, including copies of any exhibits, that supports the
13 grounds for appealing the Citation.
- 14 Notice of appeal may be submitted by any of the following means:
- 15 1. By email to: countycounsel@mono.ca.gov;
 - 16 2. By mail to: Mono County Counsel, P.O. Box 2415, Mammoth Lakes,
17 CA 93546; or
 - 18 3. By personal delivery to the Clerk of the Board of Supervisors, 74
19 School Street, Bridgeport, California or to the Office of the County
20 Counsel at 1290 Tavern Road, Mammoth Lakes, California.
- 21 C. Upon timely receipt of a request for appeal, the County will present the matter
22 to the County Health Officer, or his or her designee, for an initial determination
23 whether the appellant violated a COVID-19 Order as stated in the Citation
24 being appealed.
- 25 1. The County Health Officer, or designee, will consider the appeal by
26 reviewing any or all of the associated documents presented by the
27 appellant and the Enforcement Officer;
 - 28 2. The County Health Officer, or designee, may choose to consult the
29 appellant, or any other person they believe may offer relevant
30 information;
 - 31 3. If the County Health Officer, or designee, determines that a violation
did not occur, the County will withdraw the Citation along with the
associated penalty;
 4. If the County Health Officer, or designee, determines that a violation
occurred, the County will give notice to the appellant, pursuant to
Section 9, of the determination along with instructions for how to
continue pursuing the appeal if desired.
- D. The Health Officer's, or designee's determination shall become the final
administrative order if appellant does not submit the matter for a hearing before
a Hearing Officer as described below.
- E. If the appellant wishes to submit the matter for a hearing before a Hearing
Officer following determination by the County Health Officer or designee,

1 the appellant must provide written notice to the County within ten (10) days
2 of service of the notice of the Health Officer's or designee's determination.
3 Upon timely receipt of such notice, the County will arrange for the matter to
be heard by a Hearing Officer as detailed below.

- 4 F. The Hearing Officer shall be a person identified to serve as a Hearing Officer
5 under Mono County Code Chapter 1.12, or such other neutral, unbiased and
6 qualified person(s) as may be designated for this purpose by the County
Administrative Officer.
- 7 G. If the matter is sent to a Hearing Officer, the County Counsel will coordinate
8 with the Hearing Officer to cause the matter to be set for a video hearing, or an
9 in-person hearing (if requested by the appellant in the notice of appeal) in
10 accordance with those measures directed by the Health Officer to protect public
11 health. In-person hearings may be delayed based on COVID-19 conditions
12 within the County and upon the advice of the Health Officer.
- 13 H. The Office of the County Counsel will provide notice to the appellant that
14 specifies the date, time and location of the hearing. Notice may be given by
15 regular, first class mail at the mailing address listed in the request for appeal
16 or by email to an address provided by the appellant. If by mail, such notice
17 shall be placed in the mail no later than fifteen (15) days prior to the
18 hearing.
- 19 I. Prior to the hearing, the County will provide the Hearing Officer with all the
20 documents provided by the appellant, along with any additional documents
21 that the County believes are relevant and supportive of its case. If the
22 Hearing Officer communicates with either side for the purpose of seeking
23 additional documents, asking questions, or for any other purpose that is
relevant to the hearing proceedings, he or she shall include the opposing
party in that communication. If, for any reason, the Hearing Officer
receives information from a party that was not simultaneously provided to
the opposing party, he or she shall provide such information to the opposing
party prior to or at the hearing.
- 24 J. Failure of a Responsible Person to request an appeal pursuant to this Section
25 10 shall constitute a failure to exhaust administrative remedies.

26 **SECTION 11. Hearing Procedure.**

27 The hearing procedures specified in Mono County Code section 1.12.050 shall apply to
28 hearings by a Hearing Officer requested pursuant to this Ordinance.

29 **SECTION 12. Administrative Order.**

- 1 A. At the conclusion of the hearing, the Hearing Officer shall determine whether
2 the Responsible Party violated a Covid-19 Order as specified in the Citation
3 being contested, and shall state the reasons for that decision in a written order.
- 4 B. If the Hearing Officer determines that the Responsible Party violated a
5 COVID-19 Order as detailed in the Citation, then the penalty amount
6 identified in the Citation, or as otherwise adjusted by the Hearing Officer,
7 shall be immediately due and payable to the County upon service of the
8 notice of determination.
- 9 C. If the Hearing Officer determines that the Responsible Party did not violate a
10 COVID-19 Order as detailed in the appealed Citation, the Hearing Officer
11 shall order the Citation dismissed, and the Citation will be deemed
12 withdrawn by the County.
- 13 D. The Hearing Officer shall provide a copy of the written decision and
14 administrative order to County, and County shall serve the Hearing Officer's
15 decision and order to appellant either personally or by first class United
16 States mail, postage prepaid.
- 17 E. The Hearing Officer's written decision and order shall become the final
18 administrative order of the County.

19 **SECTION 13. Right to Judicial Review.**

20 Any Responsible Party aggrieved by an administrative decision of a Hearing Officer or by
21 the decision of the Hearing Officer may obtain further review by filing a petition for review
22 with the Mono County Superior Court in accordance with the timelines and provisions as set
23 forth in California Government Code Section 53069.4.

24 **SECTION 14. Failure to Pay Penalties.**

25 The County may pursue any remedy authorized by law to collect administrative penalties
26 that are not timely paid, including but not limited to a civil action for collection of civil
27 penalties.

28 **SECTION 15. Notices.**

- 29 A. The Administrative Citation and all notices to be given or served pursuant to
30 this Ordinance shall be given or served on the Responsible Party in accordance
31 with the provisions of this ordinance.
- B. If a notice is required by this Ordinance, including but not limited to a notice of
Citation, and the notice is properly given or served pursuant to the provisions
of this Ordinance, the failure to receive such notice shall not affect the validity
of proceedings conducted pursuant to this Ordinance.

SECTION 16. Severability.

1 The provisions of this ordinance are separate and severable. If any provision of this
2 ordinance is for any reason held by a court to be unconstitutional or invalid, the Board
3 declares that it would have passed this ordinance irrespective of the invalidity of the
4 provision held to be unconstitutional or invalid. Such unconstitutionality or invalidity shall
5 therefore not affect the remaining provisions of this Ordinance, or the validity of its
6 application to other persons or circumstances.

7 **SECTION 17. Effective Date and Termination.**

8 This ordinance shall take effect immediately as an urgency ordinance, and shall be applicable
9 as of December 8, 2020, the date of approval of this ordinance. This is based on the Board of
10 Supervisors' findings that this ordinance is adopted in compliance with Government Code
11 section 25123, and that it is necessary for the protection of the public peace, health, safety and
12 welfare.

13 This ordinance shall automatically sunset upon termination of the Governor's March 4, 2020,
14 proclamation of emergency related to COVID-19, or any replacement or successor
15 proclamation regarding the same subject matter.

16 **PASSED, APPROVED and ADOPTED** as an urgency item this 8th day of December,
17 2020, by the following vote, to wit:

18 **AYES:**

19 **NOES:**

20 **ABSENT:**

21 **ABSTAIN:**

22 _____
23 Stacy Corless, Chair
24 Mono County Board of Supervisors

25 **ATTEST:**

26 **APPROVED AS TO FORM:**

27 _____
28 Clerk of the Board

29 _____
30 County Counsel



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

Departments: Human Resources/CAO

TIME REQUIRED 10 minutes

PERSONS APPEARING BEFORE THE BOARD David R Butters

SUBJECT Employment Agreement with John C. Craig as Assistant County Administrative Officer

AGENDA DESCRIPTION:

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

Proposed resolution approving a contract with John C. Craig as Assistant County Administrative Officer, and prescribing the compensation, appointment and conditions of said employment.

RECOMMENDED ACTION:

Announce Fiscal Impact. Approve Resolution R20-____, approving a contract with John C. Craig as Assistant County Administrative Officer, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

FISCAL IMPACT:

Total cost for the remainder of fiscal year (2020-2021) will be \$123,468 of which \$75,000 is salary, and \$48,468 is the cost of benefits. Cost for a full fiscal year is \$246,936 of which \$150,000 is the annual salary and \$96,936 is the cost of benefits and is included in the approved budget.

CONTACT NAME: David R Butters

PHONE/EMAIL: 706-207-2143 / dbutters@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Staff Report](#)

[Resolution](#)

[Employment Agreement](#)

History

Time	Who	Approval
12/9/2020 3:07 PM	County Administrative Office	Yes
12/9/2020 3:48 PM	County Counsel	Yes
12/10/2020 12:50 PM	Finance	Yes



County of Mono

County Administrative Office

Robert Lawton
County Administrative Officer

Dave Butters
Human Resources Director

To: Honorable Board of Supervisors

From: Dave Butters, Director of Human Resources

Date: December 15, 2020

Subject: Employment Agreement for John C. Craig for Assistant County Administrative Officer

Recommendation: Approve the Employment Agreement for John C. Craig for Assistant County Administrative Officer for a term of three years from January 4, 2021 to January 3, 2024.

Background: When Robert Lawton was promoted to County Administrative Officer, we began a nationwide recruitment with the help of Prothman to fill the vacant Assistant CAO position. We had a very good response with 41 candidates applying before the deadline. This initial pool of candidates was narrowed down to seven that were judged as the post qualified. An interview team designated by the county was tasked with interviewing each of the 7 semi-finalists and through a competitive selection process make their recommendations for the finalist candidates. The top three candidates were interviewed by Robert Lawton and it was determined to invite them to visit Mono County as all 3 were from out of state (Michigan, Colorado, New Mexico). Ultimately, John Craig from Albuquerque, New Mexico was the successful candidate for this position.

Mr. Craig has more than 20 years' experience in county and city government as well as the private sector. We look forward to Mr. Craig's relocation to Mono County with his family and the contributions he will make to county government functions and the services provided to county residents.

Fiscal Impact: Total cost for the remainder of fiscal year (2020-2021) will be \$123,468 of which \$75,000 is salary, and \$48,468 is the cost of benefits. Cost for a full fiscal year is \$246,936 of which \$150,000 is the annual salary and \$96,936 is the cost of benefits and is included in the approved budget.

For questions, please call Dave Butters at 760-932-5413 or email dbutters@mono.ca.gov



R20-__

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
APPROVING AN EMPLOYMENT AGREEMENT WITH JOHN C. CRAIG AND
PRESCRIBING THE COMPENSATION, APPOINTMENT AND CONDITIONS
OF SAID EMPLOYMENT**

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

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

PASSED and **ADOPTED** this 15th day of December 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stacy Corless, Chair
Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board

County Counsel

EMPLOYMENT AGREEMENT OF JOHN C. CRAIG

This Agreement is entered into this 15th day of December 2020, by and between John C. Craig and the County of Mono.

I. RECITALS

The County wishes to employ John C. Craig as Assistant County Administrative Officer in accordance with the terms and conditions set forth in this Agreement. Mr. Craig wishes to accept employment with the County on said terms and conditions.

II. AGREEMENT

1. The term of this Agreement shall be January 4, 2021 until January 3, 2024, unless earlier terminated by either party in accordance with this Agreement. This Agreement shall automatically terminate in the event the County implements new agreements for its "at-will" employees and executes such new agreement as to Mr. Craig. The County shall notify Mr. Craig in writing no later than July 3, 2023 whether it intends to negotiate a renewal of this Agreement. In the event the County fails to provide such notice, Mr. Craig shall notify the County in writing of its breach of this provision of the Agreement within 30 days of July 3, 2023, and County shall be allowed 30 days from the receipt of that notice to cure the breach. If the County cures the breach and notifies Mr. Craig that it does not intend to negotiate a renewal of the Agreement, then this Agreement shall terminate six months after said notification and no additional compensation or damages shall be owing to Mr. Craig as a result of the cured breach. If the County does not cure the breach, then the Agreement shall automatically renew for another three years on the same terms in effect at the time of renewal.
2. Commencing January 4, 2021, Mr. Craig shall be employed by Mono County as Assistant County Administrative Officer, serving at the will and pleasure of the County Administrative Officer in accordance with the terms and conditions of this Agreement. Mr. Craig accepts such employment. The County Administrative Officer shall be deemed the "appointing authority" for all purposes with respect to Mr. Craig's employment.
3. Mr. Craig's salary shall be \$12,500 per month. Mr. Craig understands that he is responsible for paying the employee's share of any retirement contributions owed to the Public Employees Retirement System (PERS) with respect to his employment for the County, and also any employee share of the "normal cost" of his retirement benefits that may be mandated by the Public Employees Pension

Reform Act of 2013 (PEPRA).

Should a wage increase be granted under the MOU with Local 39, applicable to Mono County Public Employees (MCPE), it is agreed that this contract will be reopened for discussion and potential re-negotiation with respect to Mr. Craig's salary. During such negotiations the County shall consider and discuss the issue of increased compensation with Mr. Craig in good faith, but the County's decision whether or not to grant such additional compensation shall be final and non-appealable.

4. Mr. Craig shall earn and accrue vacation and sick leave in accordance with the County's Management Benefits Policy and in accordance with any applicable County Code provisions not in conflict with said Policy. Also, pursuant to said Policy, in recognition of the fact that his employment will be exempt from the payment of overtime or compensatory time-off under the Fair Labor Standards Act, he shall be entitled to 80 hours of merit leave (aka administrative leave) during each year of service under this Agreement. Mr. Craig will receive an additional 40 hours of merit leave during calendar year 2021 only, for a total of 120 hours in that year, to assist with his relocation to Mono County. Mr. Craig understands that said merit leave does not accrue from one calendar year to the next; rather, it must be used by December 31st of each calendar year in which it is provided, or it is lost.
5. To the extent deemed appropriate by the County Administrative Officer, the County shall pay the professional dues, subscriptions, and other educational expenses necessary for Mr. Craig's full participation in applicable professional associations, for his continued professional growth and for the good of the County.
6. To the extent not inconsistent with the foregoing or any other provision of this Agreement, Mr. Craig shall be entitled to the same general benefits provided by the County to other management-level employees, as described more fully in the County's Management Benefits Policy. Such benefits include but are not limited to CalPERS retirement benefits, CalPERS medical insurance, County dental and vision coverage, and life insurance. Pursuant to the California Public Employees' Pension Reform Act of 2013, the CalPERS retirement formula applicable to Mr. Craig's County employment will be "2% at 62." Any and all references in this Agreement to the County's Management Benefits Policy shall mean the "Policy Regarding Benefits of Management-level Officers and Employees," amended most recently by Resolution R20-56 of the Mono County Board of Supervisors and as the same may be further amended from time to time and unilaterally implemented by the County.

7. Mr. Craig understands and agrees that his receipt of compensation or benefits of any kind under this Agreement or under any applicable County Code provision or policy – including but not limited to salary, insurance coverage, and paid holidays or leaves – is expressly contingent on his actual and regular rendering of full-time personal services to the County or, in the event of any absence, upon his proper use of any accrued leave. Should Mr. Craig cease rendering such services during this Agreement and be absent from work without any accrued leave to cover said absence, then he shall cease earning or receiving any additional compensation or benefits until such time as he returns to work and resumes rendering personal services; provided, however, that the County shall provide any compensation or benefits mandated by state or federal law. Furthermore, should Mr. Craig’s regular schedule ever be reduced to less than full-time employment, on a temporary or permanent basis, then all compensation and benefits provided by this Agreement or any applicable County policies shall be reduced on a pro-rata basis, except for those benefits that the County does not generally pro-rate for its other part-time employees.
8. Consistent with the “at will” nature of Mr. Craig’s employment, the County Administrative Officer may terminate Mr. Craig’s employment at any time during this Agreement, without cause. In that event, this Agreement shall automatically terminate concurrently with the effective date of the termination. Mr. Craig understands and acknowledges that as an “at will” employee, he will not have permanent status nor will his employment be governed by the County Personnel System (Mono County Personnel Rules) except to the extent that System is ever modified to apply expressly to at-will employees. Among other things, he will have no property interest in his employment, no right to be terminated or disciplined only for just cause, and no right to appeal, challenge, or otherwise be heard regarding any such termination or other disciplinary action the County Administrative Officer may, in his or her discretion, take during Mr. Craig’s employment.
9. In the event of a termination without cause occurring after the first six (6) months and before the first twelve (12) months of Mr. Craig’s employment, Mr. Craig shall receive as severance pay a lump sum equal to three months’ salary. In the event of a termination without cause occurring after twelve (12) months of employment Mr. Craig shall receive as severance pay a lump sum equal to six (6) months of salary or, to the extent that fewer than six full calendar months remain (as of that effective date) before this Agreement would have expired, Mr. Craig shall instead receive a lesser amount equal to any remaining salary payments he would have received before expiration of the Agreement had he not been terminated. Notwithstanding the foregoing, Mr. Craig shall receive severance pay equal to six (6) months’ salary in the event that termination occurs after the County has notified Mr. Craig that it intends to negotiate a

renewal of this Agreement but before this Agreement expires. In no event shall the parties' failure or inability to arrive at mutually acceptable terms of a renewed agreement trigger the payment of severance pay. Note: for purposes of severance pay, "salary" refers only to base compensation.

10. Notwithstanding the foregoing, Mr. Craig shall not be entitled to any severance pay in the event that the County Administrative Officer has grounds to discipline him on or about the time he gives his notice of termination. For purposes of this provision, grounds for discipline include but are not limited to those specified in the section 520 of the Mono County Personnel Rules, as the same may be amended from time to time. Mr. Craig shall also not be entitled to any severance pay in the event that he becomes unable to perform the essential functions of his position (with or without reasonable accommodations) and his employment is duly terminated for such non-disciplinary reasons.
11. Mr. Craig may resign his employment with the County at any time. His resignation shall be deemed effective when tendered, and this agreement shall automatically terminate on that same date, unless otherwise mutually agreed to in writing by the parties. Mr. Craig shall not be entitled to any severance pay or additional compensation of any kind after the effective date of such resignation.
12. This Agreement constitutes the entire agreement of the parties with respect to the employment of Mr. Craig.
13. The parties agree that the Board of Supervisors' approval of this Agreement on behalf of the County is a legislative act and that through this agreement, the Board of Supervisors is carrying out its responsibility and authority under Section 25300 of the Government Code to set the terms and conditions of County employment. It is not the parties' intent to alter in any way the fundamental statutory (non-contractual) nature of Mr. Craig's employment with the County nor to give rise to any future contractual remedies for breach of this Agreement or of an implied covenant of good faith and fair dealing. Rather, the parties intend that Mr. Craig's sole remedy in response to any failure by the County to comply with this Agreement shall be traditional mandamus. Pursuant to Government Code sections 53243. Mr. Craig shall reimburse the County for any paid leave pending an investigation, legal criminal defense, or cash settlement related to termination by the County if Mr. Craig is convicted of a crime involving abuse of office or position.
14. Mr. Craig acknowledges that this Agreement is executed voluntarily by him, without duress or undue influence on the part or on behalf of the County. Mr. Craig further acknowledges that he has participated in the negotiation and preparation of this Agreement and has had the opportunity to be represented by

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

/////

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III. EXECUTION:

This Agreement is executed by the parties this 15th day of December 2020.

EMPLOYEE

THE COUNTY OF MONO

John C. Craig

By: Stacy Corless, Chair
Board of Supervisors

APPROVED AS TO FORM:

COUNTY COUNSEL



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

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

Departments: Social Services

TIME REQUIRED 10 minutes

PERSONS APPEARING BEFORE THE BOARD Yvonne Freeman, Social Services

SUBJECT California Statewide Automated Welfare System (CalSAWS) Information

AGENDA DESCRIPTION:

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

CalSAWS will be the case management system for county eligibility staff that will provide CalWORKs, CalFresh, Medi-Cal, Foster Care, Refugee Assistance, County Medical Services Program, and General Assistance/General Relief to children, families, and individuals in all 58 California counties. Staff will provide a brief update of their work on the project.

RECOMMENDED ACTION:

None, informational only.

FISCAL IMPACT:

None.

CONTACT NAME: Kathy Peterson

PHONE/EMAIL: 760-924-1763 / kpeterson@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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staff report

History

Time	Who	Approval
12/3/2020 7:43 AM	County Administrative Office	Yes
12/9/2020 3:56 PM	County Counsel	Yes
12/10/2020 12:47 PM	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 and Yvonne Freeman, Eligibility Specialist III
Date: November 29, 2020
Re: California Statewide Automated Welfare System (CalSAWS)

Recommended Action:

Information only

Fiscal Impact:

None.

Discussion:

The California Statewide Automated Welfare System (CalSAWS) System will be an automated, integrated eligibility and case management system that supports key public assistance programs on a cloud-hosted architecture. CalSAWS will be the case management system for county eligibility staff that will provide CalWORKs, CalFresh, Medi-Cal, Foster Care, Refugee Assistance, County Medical Services Program, and General Assistance/General Relief to children, families, and individuals in all 58 California counties.

The CalSAWS journey commenced in June 2019 with 58 California counties coming together as one Joint Powers Authority to build the first California Statewide Automated Welfare System. Mono County staff play a role in the implementation of this system and will provide the Board of Supervisors with a brief update of their work on the project.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

Departments: Public Works - Solid Waste

TIME REQUIRED 20 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Justin Nalder, Solid Waste
Superintendent and Tony Dublino,
Director of Public Works

SUBJECT Request for Proposals from
Contractors for Countywide Solid
Waste Services

AGENDA DESCRIPTION:

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

Presentation and discussion of the Request for Proposals for Countywide Solid Waste Services.

RECOMMENDED ACTION:

Receive presentation and provide any input or direction to staff, including authorization to distribute.

FISCAL IMPACT:

None. The distribution of the RFP will not obligate County Funds.

CONTACT NAME: Justin Nalder

PHONE/EMAIL: 760-932-5453 / jnalder@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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Staff Report
RFP

History

Time	Who	Approval
12/10/2020 4:43 PM	County Counsel	Yes
12/10/2020 4:24 PM	Finance	Yes
12/11/2020 9:44 AM	County Administrative Office	Yes



MONO COUNTY DEPARTMENT OF PUBLIC WORKS SOLID WASTE DIVISION

POST OFFICE BOX 457 • 74 NORTH SCHOOL STREET • BRIDGEPORT, CALIFORNIA 93517
760.932.5440 • FAX 760.932.5441 • monopw@mono.ca.gov • www.monocounty.ca.gov

Date: December 15th, 2020
To: Honorable Chair and Members of the Board of Supervisors
From: Justin Nalder, Solid Waste Superintendent
Subject: Request for Proposals for Countywide Solid Waste Services

Recommended Action

Authorize Public Works to distribute the Request for Proposals, in substantial conformance with the included draft, once the eight accompanying contracts and the proposal form referenced in the RFP are complete, Provide any desired direction or input as to the contents of the RFP.

Fiscal Impact:

None. The distribution of this RFP will not obligate County funds.

History

The County's Benton Crossing Landfill is slated to close on January 1, 2023. Since 2010, the County has been researching and developing plans for a solid waste system to replace the services currently provided at Benton Crossing Landfill.

The efforts began with the 2010 HDR Report, which provided many recommendations for the County's Solid Waste system (that have since been accomplished) and analyzed several options for a system that would replace operations at Benton Crossing Landfill. Those and other options continued to be analyzed by Solid Waste staff and the County's Solid Waste Task Force over the ensuing years. The efforts culminated with the Board's consideration of the SWTF recommendation, and direction to staff to proceed with the preparation of an RFP for Countywide Solid Waste services.

The RFP being presented today is the result of staff's efforts to develop an RFP that is consistent with that framework and with Board direction to date, that is likely to generate as much interest and proposals as possible, and that is legally adequate to support such a complex long-term contract.

RFP Details

The RFP is intended to generate proposals to provide all the services that are currently provided at the Benton Crossing Landfill. It does not require that all services be provided at a specific location (i.e., Pumice Valley Landfill), or at the same location, but groups services into two categories that reflect our best understanding of the regional market, and our internal capacities.

The 'ranking' process, however, provides for the evaluation of these important factors during the ranking of the proposals. Issues such as customer convenience, transportation distance,

and cost will all be evaluated. The reason the RFP was developed in this way is to provide the greatest flexibility for proposers to identify and propose the most efficient and cost-effective approach according to their own existing systems and operations.

The RFP also allows for various services (i.e., transfer, transportation, disposal) to be contracted separately, should the County receive beneficial proposals for individual scopes of work. The RFP also provides for contractors to offer a 'volume discount' should they obtain several of the potential contracts.

In addition to providing services following the closure of Benton Crossing Landfill closure, the RFP also seeks proposals for the operation of the of County's six Transfer Stations, as well as the waste hauling from County facilities.

Within the RFP, the County reserves the right to reject all proposals in the event the Board does not believe any of the proposals provide for the best system for the residents of the County, or for any other reason.

The Board likely has opinions on where, and how these services should be provided. Staff also has opinions about the best approach for County residents. The RFP will allow the Board and staff to weigh those opinions and related costs with the proposals received. The numerous Attachments and Appendices that will accompany the RFP upon distribution are not included with today's item. These attachments number in the hundreds of pages and are not expected to influence the Board's perspective on the issuance of the RFP. In addition, work to develop the contracts and proposal forms required for inclusion with the RFP is still underway. Accordingly, the RFP will be released upon completion of those documents, likely in January.

Next Steps

Following the distribution of the RFP, proposers will be provided two months to develop proposals. The evaluation period is one month following that submittals. The Board should expect the results of the evaluation to be presented to the Board approximately 3 months after release. That presentation will include a recommendation to enter contract(s) with one or more the preferred proposers.

If you have any questions regarding this item, please contact me at (760) 932-5453.

Respectfully submitted,



Justin Nalder
Solid Waste Superintendent

**COUNTY OF MONO
REQUEST FOR PROPOSALS
FROM CONTRACTORS

FOR

COUNTYWIDE
TRANSFER SERVICES;
MATERIALS RE-USE AND RECYCLING SERVICES;
SATELLITE TRANSFER STATION OPERATIONS;
AND FACILITIES WASTE HAULING SERVICES**

Due _____, 2020 at 3:00PM

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RFP ADDITIONAL DOCUMENTS

1. Appendix A – Proposal Form
2. Appendix B -- Master Contract
3. Appendix C – Service Contracts
 - a. Transfer Services Contract
 - b. Long-Haul Transport Contract
 - c. Disposal Contract
 - d. Household Hazardous Waste Contract
 - e. Ancillary Services Handling Contract
 - f. Satellite Transfer Station Operations Contract
 - g. County Facilities Trash and Recycling Collection Contract

LINK TO RFP ATTACHMENTS (WWW.XXXXXXX)

- Attachment No. 1 – Description of current waste stream management practices
- Attachment No. 2 – Countywide Integrated Waste Management Plan
- Attachment No. 3 – Mono County Landfill Joint Technical Documents and Transfer Station Permit Documents
- Attachment No. 4 – Agreement for Project Evaluation, Environmental Review and Processing
- Attachment No. 5 - Five Year Waste Volumes by Site and Jurisdiction
- Attachment No. 6 – Mono County Parcel Fee Resolution
- Attachment No. 7 – Benton Crossing Rate Sheet

ARTICLE I – PURPOSE, NEED AND BACKGROUND INFORMATION

1.1 Summary

When the Benton Crossing Landfill (BCLF) closes December 31, 2022, Mono County Department of Public Works, Solid Waste Division (“County”) may privatize some or all of the integrated waste management services that it currently provides at BCLF.¹ (County may continue to provide certain services if there is no proposal, or no economical proposal, to provide them.) The winning proposer(s) will provide waste management services on private land, or land leased from the County (such as Pumice Valley Landfill). County will automatically award 10 of 110 possible evaluative points to proposals that utilize existing County Facilities. However, 40 of the 110 possible evaluative points will be awarded for Price, allowing for proposals on private land to be evaluated higher, provided they are less expensive than proposals leasing land from the County.

1.1.1 Procurement Goals. County’s top goals include:

1. **Timely Transition:** To transition smoothly and without interruption from providing services at BCLF to services under this RFP before BCLF closes so that all services are available to County’s franchise haulers and the public during normal operating hours, without long lines.
2. **Good Faith Efforts:** To demonstrate County’s good faith efforts to comply with State law regarding diversion of waste from landfill disposal. In their proposals, proposers must estimate their percent of diversion.
3. **Adaptability:** To ensure flexibility to adapt services in response to changes in law, program changes, technology, waste and materials quantity, and materials markets. This includes ensuring that services are provided in a manner consistent with the development of future enhancements, for example: composting, automobile processing, management of plastics #3-7, anaerobic digestion, and/or a waste-to-energy facility.

1.1.2 Services being Procured. County seeks to procure contracts to do all or some of the following:

1. **Replace** in-County disposal of permitted waste at BCLF with transfer and long-haul transport to another permitted disposal site, effective December 31, 2022, including:

¹ County is not re-procuring solid waste collection franchises.

- A. Loading waste into transport trucks (“Transfer Services”) at Contractor’s facility;
 - B. Transporting that waste to a permitted disposal site (“Long Haul Transport”); and
 - C. Disposal at a permitted disposal site (“Disposal”).
2. **Relocate** waste diversion / materials reuse-recycling services (such as beverage containers, white goods, tires, household hazardous waste, C&D, etc.) currently provided at BCLF to a new location within the County (at an “Integrated Materials Management Center” or “IMMC”), including:
 - A. Household hazardous waste handling; and
 - B. Ancillary materials handling.
 3. **Re-procure** satellite transfer station operations and materials collection services currently provided at County facilities under the following contracts, which expire concurrently with the BCLF closure:
 - A. Satellite Transfer Station Operations; and
 - B. County Facilities Trash and Recycling Collection Services.

1.1.2 New Contracts. Contracts to be entered into under this RFP are: the “**Master Contract**” ([Appendix B](#)) which includes general contract provisions applicable to all services (excluding satellite transfer station operations and facilities trash collection services), such as record-keeping, insurance and financial assurances, and multiple “**Service Contracts**” ([Appendix C](#)) which include contract provisions specific to the service provided. Although this procurement solicits proposals for bundled services, contracts may be awarded for individual services or a combination of services that is less than the entire bundle, and the terms of the Service Contracts differ:

- **Transfer Services:** The term for the Transfer Services Contract is 20 years, to allow the proposer to amortize its capital investment in construction or expansion of its transfer station.
- **Other Service Contracts:** The term for all other Service Contracts is 7 years beginning upon commencement of transfer services, to allow the proposer to amortize its capital expenses in acquiring vehicles and equipment to transport waste, *plus* one 3-year extension each.

1.1.3 Service Fees.

- **Separate.** Proposers must propose service fees for each service separately, but must also provide a combined rate to reflect economies of scale, if any, for providing all services within a proposal category, as requested on the Proposal Forms ([Appendix A](#)). In addition, proposers may propose service fees for multiple services within a proposal category but fewer than all services within that category, if the proposer believes that there are efficiencies or benefits from doing so.

- **Evaluation.** County will evaluate service proposals with respect to both *evaluative criteria* (cost, experience, acceptance of terms, etc.) and the *relative monetary value of each service*.
- **Pre-operations Adjustment.** From the date that County and contractor sign contracts until the beginning of transfer service, service fees will be adjusted under the annual adjustment protocol in the contracts, continuing throughout the remaining 20- or 7-year term of the contracts.
- **Adjustments.** The contracts contain service fee adjustment protocols for annual adjustment and in the event of uncontrollable circumstances or change in contract services. Proposals must include the proposed portion of the service fee to be adjusted by each index (e.g., CPI, fuel.) For example, for transport, a proposal might allocate 60% of the adjustment to CPI and 40% to fuel.
- **Service fees v. tipping fees.** County will pay the service fee to contractors from the aggregate tipping fees that it collects at the gate house based on the County's rate schedule. The County sets the rates. It charges the tipping fees at the transfer station, taking into account not only contractor's service fee but other waste management and administration costs.

Note: This RFP summarizes general service specifications and the business transactions in County's integrated waste management services procurement so that County can fairly compare and evaluate proposals. However, proposers must base their proposals, including price, on the specific service specifications and business components detailed in the Master Contract (Appendix B) and applicable Service Contract (Appendix C).

1.2 Overview of Services Currently Provided at Benton Crossing Landfill

The current services provided at the BCLF (further detailed in [Attachment 1](#)) which must be operational at a new location(s) by December 31, 2022 are:

- Municipal Solid Waste (MSW) acceptance and disposal for both commercial trucks and self-haul;
- Construction & Demolition (C&D) acceptance and disposal for both commercial trucks and self-haul (proposals may include disposal at the County's current Pumice Valley site – for assumed price for proposal purposes of \$74/ton. Actual price may vary);
- Clean Wood/Organics acceptance, storage, processing, and re-use;
- C&D Wood acceptance, storage, processing, and re-use;
- Aggregate acceptance, storage, processing, and re-use;
- Appliance acceptance, storage, processing, and transport for recycling;
- Metal collection, acceptance, storage, processing, and transport for recycling
- Household Hazardous Waste (HHW) acceptance, storage, transport for disposal/recycling;
- Tire collection, acceptance, storage, and transport for recycling storage;
- E-waste acceptance, storage, and transport for recycling;

- Paint acceptance, storage, handling, and transport for recycling;
- Carpet acceptance, storage, handling, and transport for recycling;
- Used oil acceptance, storage, handling, and transport for recycling;
- Sludge acceptance, storage, processing, and re-use;
- Automobile acceptance, storage, processing, and transport for recycling;
- Gatehouse/Scale operations and associated record keeping; and
- Operational management and reporting.

1.2.1 Background and History

In 2010, the County hired HDR consultants to produce a report analyzing several alternatives for the future of waste management in the County. The report identified long haul transfer as the preferred alternative based on cost and implementation and environmental challenges. County staff then began researching options for long-haul transfer of County waste, and how various recycling programs could be located, maintained, and enhanced within a long-haul transfer model.

In anticipation of transitioning to long-haul transport, in 2014 the County convened its Solid Waste Task Force (Task Force) (Cal. Pub. Res. Code §40950), to amend the County’s Integrated Waste Management Plan (CIWMP). The Task Force approved amendments to the CIWMP based on the BCLF closure date. The amendments recognized that waste burial within Mono County would be replaced by a system for long-haul transfer and disposal outside of the County. The revised CIWMP was approved by the County Board of Supervisors and adopted by CalRecycle in 2015. The CIWMP is included as **Attachment 2** to this RFP.

In 2015, the County purchased the Pumice Valley Landfill, an active C&D Landfill/Transfer Station site of approximately 48 acres that is centrally located within the County (SWIS # 26-AA-0003). Upon the acquisition, the Joint Technical Document (JTD) for the site was revised to reflect anticipated future activities. The site includes over 10 acres of land available for site development, which would require amendment to the JTD with associated review under the California Environmental Quality Act (CEQA). Information about the Pumice Valley Landfill, and associated Joint Technical Documents for all County landfill sites, are included as **Attachment 3** to this RFP (NOTE: The Pumice Valley Landfill has no water service, and no subsurface water rights. All water must be imported and stored on site). The Pumice Valley Landfill, or one of the County’s six transfer station sites, may be leased to the selected contractor as a location for performing the some or all of the services described in this RFP, as described in Section 1.4 below.

1.2.2 Satellite Transfer Station Operations Included in this Procurement

The County owns six satellite transfer stations (STS) located throughout the unincorporated area and contracts with a solid waste firm to operate those facilities. The six STS are: the Pumice Valley Transfer Station (26-AA-0003), The Benton Transfer Station (26-AA-0006), the Chalfant Transfer Station (26-AA-0005), the Bridgeport Transfer Station (26-AA-0002) and the Walker Transfer Station (26-AA-0001). Information on these sites, including permitted operating requirements and restrictions, maps, and other details, is included as **Attachment 3** to this RFP.

The County's current contract for STS operations expires concurrently with the BCLF closure date, and this RFP includes re-procurement of the contract for operation of the six County-owned STS. – ***except that if the selected Primary/Mandatory Services Proposal includes the provision of long-haul transfer at Pumice Valley, then that site would be excluded from the satellite transfer station operations contract.*** Required hours of operation and operating standards for the STS are set forth in the STS Permit Documents provided in [Attachment 3](#).

1.2.3 County Facilities Trash and Recycling Collection Services Included in this Procurement

The County administers a Facilities Waste Hauling (FWH) contract for the collection and ultimate disposal/transfer of waste from County facilities. This RFP includes re-procurement of FWH services. Service standards are outlined in the FWH Service Contract provided in [Appendix C](#).

1.2.4 Residential and Commercial Waste Collection Excluded from this Procurement

The County administers two agreements for the collection of solid waste from residential and commercial customers throughout the unincorporated area of Mono County (the "Franchise Agreements"). This RFP does not include collection of solid waste from residential and commercial customers in the unincorporated area of the County, and such services will continue to be provided pursuant to those separate Franchise Agreements.

1.2.5 Law and Regulation Pertaining to Solid Waste

Proposals must comply with all State, federal and local laws and regulations applicable to the services provided ("Applicable Law"). This includes, but is not necessarily limited to, laws related to the acceptance, handling, transportation, storage, processing, re-use, recycling, disposal, incineration, and reporting of solid waste. It is the responsibility of the proposer to review, understand, and develop and submit a proposal that complies fully with Applicable Law.

Notwithstanding the above, the County is responsible for ensuring that all solid waste operations, including those provided pursuant to this RFP and those provided through other means, are consistent with the County's State diversion and recycling goals. The work described in this RFP, and resulting contract, represents a portion of the County's good-faith effort to meet those goals. The County shall have the right to make adjustments to the contracts as necessary to maintain compliance in the future.

1.3 Proposals

The County has divided the scope of potential services included in this RFP into three separate proposal categories: **Mandatory Services**, **Optional Services** and **Existing Services**.

This division of services into these proposal categories recognizes that proposers may not be positioned to assume responsibility for all of the necessary services and therefore may determine not to propose on Optional Services. The County currently has systems in place that could be continued for those services if proposers cannot, or do not wish to, provide responsive proposals to all categories of services. Alternatively, contracts may be issued to multiple proposers providing different services in the same category.

However, proposers **must** propose for all **Mandatory Services**, **may** propose for all (but not a portion of) **Optional Services** if they so choose and **may** propose for one or both **Existing Services**. If no proposals are received for **Optional Services**, the County will continue to provide those services and will be responsible for developing, operating and reporting on those programs.

Proposals must include a schedule for completion of specified tasks, with interim milestones that will ensure progress is on track, in accordance with the format provided in the Proposal Forms ([Appendix A](#)).

1.3.1 Mandatory Services Proposal

The **Mandatory Services Proposal** must include acceptance and management of the following materials, in accordance with the Service Contract(s):

Accept and transfer; transport for disposal; and dispose of:

- *Municipal Solid Waste (MSW)*

Accept and store; transport; and provide for the processing, re-use, or disposal of the following materials:

- *Construction and Demolition (C&D) Waste;*
- *Clean Wood Waste;*
- *Organics;*
- *Scrap Metal;*
- *Used Tires;*
- *White Goods / Appliances;*
- *Old Corrugated Cardboard (OCC);*
- *Beverage Containers; and*
- *Mixed Paper.*

Proposers may perform any of those services themselves, or subcontract with 3rd parties.

Under the **Mandatory Services Proposal**, proposers manage the above materials including all of the following:

- Acceptance and storage of the materials at its Materials Management Center;
- Transporting (arranging for transport service from the Materials Management Center to a facility for processing, re-use, recycling, or disposal – “**final disposition**” - through a subcontract, or performing the service itself); and
- Providing “**final disposition**” (arranging for final disposition through a subcontract or performing that service itself). Accordingly, contractor may determine whether to:
 - **Provide for Final Disposition through Subcontract.**

For example, a proposer could accept and store organics at its Materials Management Center, then transport the organics to a composting facility owned and operated by someone else (or arrange for pick-up and delivery to that facility).

For a second example, a proposer could accept C&D waste and contract with the County to dispose of that waste at Pumice Valley.

For proposals to utilize existing County facilities for final disposition, proposals should utilize County's existing rates for those services as presumed rates. The current rate sheet for Benton Crossing is provided in [Attachment 7](#).

o **Or, Final Disposition through Performance by Contractor**

For example, a proposer might manage burial of C&D itself by contracting with the County to operate the County's C&D landfill at Pumice Valley. Proposer would then simultaneously meet its C&D management obligation under the mandatory proposal and expand and vertically integrate its business under the optional proposal.²

For a second example, it might provide composting services at its own composting facility.

1.3.2 Optional Services Proposal

The **Optional Services Proposal** *must* include acceptance, management and final disposition of the following materials (which are not included in **Mandatory Services Proposal**):

- *Household Hazardous Waste*
- *E-Waste*
- *Universal Waste*
- *Automobiles*
- *Mobile Homes*
- *Trailers*

The proposer shall determine, and describe in its proposal, the means and methods to accept, process, recycle, re-use, and/or dispose of these materials, with an associated cost (per ton or per item). Proposals shall not include a plan to deliver such materials to County under any current County program.

² Note that any portion of performance that involves waste burial and/or cover is a public work and requires the payment of prevailing wages.

1.3.3 Existing Services Proposal

In addition to seeking proposals to provide the Mandatory and Optional Services described above, this RFP seeks to re-procure contracts for two services already provided under contract with the County (“**Existing Services**”). Any proposer submitting a Mandatory services proposal may also submit a proposal to provide one or both of the following **Existing Services** under individual contracts each having a 7 year term:

- Operation of the County’s satellite transfer stations (Transfer Station Operations Contract) and delivery of waste and materials from those sites to the transfer station/IMMC; and
- Collection of waste and materials from County facilities for disposal or recycling. (County Facilities Trash and Recycling Collection Services Contract).

1.3.4 Diversion and Recycling

For all materials under the **Mandatory Services Proposal**, and the **Optional Services Proposal**, the proposer shall provide an estimated percentage of diversion. The aggregate total of these diversions will represent a significant evaluative factor of the proposal. The proposed percentages will be carried forward into the resulting contract(s) as a binding annual diversion rate for each material.

1.3.5 Time is of the Essence

Due to the impending deadline for closure of BCLF, time is of the essence for the contractor awarded the Transfer Services Contract (in [Appendix C](#)) to take such steps as are necessary to commence providing transfer services. The Transfer Services Contract requires that transfer operations begin no later than December 31, 2022, (the “Scheduled Acceptance Date”). The Transfer Services Contract also contains readiness benchmarks which must be met in preparation to commence full operation as of the Scheduled Acceptance Date and a financial incentive of \$ 30,000 if full operations commence on or before December 31, 2022. This incentive is reduced by \$333/day for each day after December 31, 2022, that services are not fully operational until March 31, 2023, at which time no incentive is paid and, instead, liquidated damages of \$3,000 per day are imposed until the Scheduled Acceptance Date.

1.4 Availability of County-Owned Landfill and Transfer Station Sites

1.4.1 County Sites

As noted above, the County owns the following sites which are currently operated as satellite transfer stations, landfill facilities or both: the Pumice Valley Landfill and Transfer Station (26-AA-0003), The Benton Transfer Station (26-AA-0006), the Chalfant Transfer Station (26-AA-0005), the Bridgeport Transfer Station (26-AA-0002) and the Walker Landfill and Transfer Station (26-AA-0001) (“County Site(s)”).

1.4.2 Lease Terms

The services are not required to be located/carried out at a County Site. However, the County is willing to issue market-rate, lease(s) for up to a 20-year term, for any County Site that the successful proposer(s), as contractor(s), deem necessary or desirable for the provision of services. Proposers are advised that if lease of a County Site is subsidized in any manner by the County (e.g., if less than full-market rent is paid), then prevailing wage laws apply to any covered work occurring at that site as set forth in Sections 1720 et seq. and 1771 of the California Labor Code. In addition, the requirements of Section 1725.5 that no contractor or subcontractor be listed in a proposal (with limited exceptions stated in Labor Code section 1771.1) or awarded a contract for a public works project unless that contractor or subcontractor is registered with the Department of Industrial Relations. Finally, for any work that is a public work, compliance monitoring and enforcement would be carried out by the California Department of Industrial Relations.

The market rental rate for use of the Pumice Valley site is estimated to be \$4.27/month/acre, which would be adjusted annually by the chained CPI. If a proposer is interested in lease of a different County Site, it may request a determination of market rate from County and such rate will be provided to all proposers.

1.4.3 Coordination Requirements if County Site Used

Any use or development of a County Site must be coordinated through, and approved by, the County to ensure it is not in conflict with County (or other) uses on the Site.

1.4.3 Joint Technical Document and Compliance with California Environmental Quality Act

Each County Site is governed by a solid waste permit (“permit”) and joint technical document (JTD) that govern and restrict its use. The JTD and permit for any County Site identified for use must be revised to accommodate the proposed use(s). The contractor(s) providing the service for which amendment is required will be responsible for preparing and obtaining approval of any necessary revisions to the JTD and permit and for preparing and obtaining approval of any other required permits for development, as well as for the costs of all associated environmental review. A copy of the County’s standard “Agreement for the Provision of Project Evaluation, Environmental Review and Processing Services” is attached to this RFP as [Attachment 4](#), and shall be executed by the contractor(s) if a County Site is utilized or if another discretionary County approval is required for implementation of contractor(s) proposal. JTDs for all County Sites are included as [Attachment 3](#).

1.4.4 No County Liability for Host Fees

If the proposal involves operations at any site that is outside of the jurisdiction of Mono County (i.e., within the Town of Mammoth Lakes or in another County), then the proposer, as contractor, shall be solely responsible for payment of any host fees imposed by that jurisdiction and same shall not be passed through to County in any manner.

1.5 Delivery of Materials

Should proposers select only the Mandatory Services option and a separate entity or the County provides Optional Services, the successful proposer, as contractor, must provide for the delivery of any such materials accepted at its site to the location for processing.

1.6 County Purchase Option

the County strongly prefers proposals that provide the County an option to purchase the transfer facility and IMMC at the end of the contract term or early termination for cause. Preference will be given to proposals that include this purchase option, and proposers should consider the significant influence it will have on the scoring criteria.

1.7 Material Volumes, Business Points

1.7.1 Materials Generated within the Town of Mammoth Lakes

The last 5 years of permitted waste (including waste, refuse and recyclable materials) volumes received and processed at the BCLF are shown in [Attachment 5](#). Although waste originating in the Town of Mammoth Lakes (Town) is shown on this report in addition to materials originating in unincorporated Mono County, proposers should understand that materials generated within the Town are not assured. The Town is an incorporated jurisdiction and is under no obligation to direct waste or materials generated within its boundaries to any County solid waste system or program.

The Town and County continue to work on regional waste management concepts including flow agreements and the development of future infrastructure. It is the proposer's responsibility to investigate the likelihood (or not) of the Town's waste, materials, and associated revenue passing through a proposed facility, and to propose accordingly.

The County controls and represents only that materials from the unincorporated part of Mono County will be handled under this RFP. Any additional material flow, whether from the Town or other jurisdictions, is not assured.

1.6.2 Materials from Other Jurisdictions

If materials from the Town or other jurisdictions are accepted, transported, processed or disposed of by the contractor, then contractor cannot charge any less for those materials than is paid by the County. Additionally, for materials generated outside of the unincorporated area or originating on property for which no solid waste parcel fee ("Parcel Fee") is paid, an amount equivalent to the Parcel Fee must be paid to the County before such materials may be accepted. Information about the Parcel Fee, including the Resolution adopting it, is included as [Attachment 6](#).

1.6.3 Rate Adjustment Provisions

The County understands that uncontrollable circumstances or changes in contract specifications could have impacts on most aspects of these proposals, some of which may require additional capital investment by the contractor. Opportunities and process for rate adjustments under such circumstances are provided in the Master Contract and applicable Service Contracts.

1.7 Term

The term of the Transfer Services Contract will be for 20 years in order to enable the successful proposer, as contractor, to recover its capital investment. Contracts for the remaining services will be for 7 years, with one 3-year extension option each.

1.8 County to Set Gate Fees

Regardless of the scope of the proposal(s), the County's Solid Waste Division has expenses and legal obligations associated with other County landfill sites, state solid waste reporting, recycling/diversion programs and contract management, etc. (i.e., continuing administration costs). The costs to perform these obligations have traditionally been, and will continue to be, integrated into rates charged upon materials accepted at an STS, IMMC, or Transfer Station ("gate fees" or "tipping fees") and a portion of gate fees at any site will be reserved or paid to the County to enable it to continue to meet its obligations under Applicable Law and to administer the countywide solid waste program. At the time this RFP is issued, the County estimates the amount required to cover continuing administration costs to be \$20 per ton, applied to the following waste streams: MSW, C&D, Aggregate, Clean Wood, and Organics. This amount will change during the term of the contract(s) in accordance with actual costs.

The County will continue to develop and adopt gate fees in accordance with legal standards, and such fees will be determined at the County's sole discretion. The gate fees may or may not equal the rates per ton paid to the contractor for the provision of services and established in the Master Contract/any Service Contract. Gate fees may match, increase, or decrease the individual waste stream rates found in the contract, and any such changes will be at the County's sole discretion.

1.9 County Control of Gate House, or Alternative Contractor Plan

The County will provide its employees to staff the gate house at the transfer station/IMMC if located at Pumice Valley Landfill. The County will also provide its employees to staff the gate house at any other site, unless an alternative system is developed by the proposer, and accepted by the County, which ensures that County receives reliable, timely and accurate information regarding the origin of the waste, tonnage, type of waste, amount diverted and fees collected by contractor. Proposals to utilize a site other than Pumice Valley Landfill with contractor's employees staffing the gate house must describe how this will be accomplished.

ARTICLE II – PROPOSAL SPECIFICS

2.1 Mandatory Services Proposal

2.1.1 Scope and Quality of Services

Proposals shall fully address and account for the operation and maintenance of any facility, as well as waste handling and the management of materials delivered to that facility. Proposals shall include the furnishing of all labor, supervision, equipment, tools, materials, supplies, transportation, fuel, maintenance, construction and all other items necessary to perform the

services in accordance with Applicable Law, with the exception that County will staff the gate house, if Pumice Valley site is utilized and may staff the gate house if another site is utilized.

Contractor shall provide staffing adequate to perform all services necessary to the provision of comprehensive and high-quality waste handling and materials management including, but not limited to, ensuring efficient handling and processing.

2.1.2 Use of Subcontractors

Proposals will not be disqualified or scored lower for using subcontractors to conduct select services. However, subcontractors must be covered by or meet the same conditions and requirements to which the contractor is subject. Proposed subcontractors shall be listed in the proposal, as set forth in the Proposal Forms.

2.1.3 Permits, Approvals and Environmental Review

The successful proposer, as contractor, is responsible for the preparation and submittal to regulatory authorities of all Plans of Operations, and other documentation related to the issuance of a Solid Waste Facilities Permit/JTD or amendment thereto, as required, for its operation. In addition, the contractor shall perform or arrange for the performance of any environmental review and obtain appropriate certifications under the California Environmental Quality Act (CEQA) for such permitting or approvals. Notwithstanding, if a County Site is utilized, or County approval is required such that County is a lead or responsible agency under CEQA, then contractor shall execute the County's standard "Agreement for the Provision of Project Evaluation, Environmental Review and Processing Services" ([Attachment 4](#)) and cooperate in all review, processing and approval processes.

2.1.4 Facilities and Operating Assets

Any Integrated Materials Management Center (IMMC) for materials management or transfer facility for waste handling shall be of sufficient size to accommodate material volumes received from unincorporated Mono County, see [Attachment 5](#), and scalable to accommodate additional volumes, as materials may arrive from the Town of Mammoth Lakes by self-haulers or other entities. Any transfer station must accommodate packer trucks and allow for more than one customer to unload at one time. Hours of operation and service specifications and standards are set forth in the Service Contract applicable to the type of service.

Proposer must propose its means and methods of performing these tasks for evaluation. It is assumed the tasks will require the development of, or use of an existing, fully enclosed transfer station with associated storage areas, as well as appropriate areas for providing materials management as applicable.

For proposals that include a County option to purchase the transfer facility and/or the operating assets and equipment utilized in IMMC operations, the design of the facility must be coordinated through the County, and ultimately approved by the County as consistent with future County plans or proposals for waste handling and materials management (County approval will not be unreasonably withheld).

Should any facility, materials, equipment or location provided by the contractor prove inadequate during the term of the contract(s) (due to regulatory issues, customer traffic, nuisance, or for other reasons), it will be the responsibility of the contractor to make necessary improvements to remedy those inadequacies. No extension to operation periods will be provided for this reason.

2.1.5 Facility Information

Proposals shall describe how the proposer will provide and operate the facility(ies) for waste handling and materials management (as applicable), including details on the following:

- a. Location, land use designation
- b. Site plan, including:
 - Traffic flow plan
 - Tipping floors
 - Storage areas
 - Processing areas
 - Future expansion area(s)
- c. Cost estimate
- d. Approach to funding
- e. Required permits (if new facility)
- f. Planning, environmental review, permitting and construction schedule (if new facility)
- g. Necessary equipment and cost
- h. Facility design
- i. Current ownership of land/facility

2.1.6 Throughput and Expandability

Proposals shall include an estimate of throughput capacity, with a discussion of how the facility(ies) could be expanded, provided changes in waste or materials volume, or changes in Applicable Law that may require additional processing or separation of specific waste streams (e.g., organics).

2.1.7 Mandatory Material Acceptance, Handling, Processing, and Transport

Proposals shall describe how waste and materials would be accepted, handled, and processed, disposed of or recycled. The description shall be detailed by waste/material stream as described in the Contract(s), with the following information provided for each waste/materials stream:

- a. Acceptance criteria (if any)
- b. Tonnage limits (if any)
- c. Description of tipping floor or unloading areas
- d. Description of temporary storage (less than 90 days)
- e. Description of long-term storage (90-365 days)

- f. Description of any processing that will occur at the transfer station (and whether such services will be subcontracted)
- g. Description of how material will be removed (hailed) from site and whether such services will be subcontracted
- h. Final disposition of material – % disposed, % recycled, % transformed.

For example, for each waste/material stream, how long will the material be stored on site, where will it be stored, to where will it be hauled, how frequently will it be removed, etc.

2.1.8 County Option to Purchase

Proposals must state whether the County will have an option to purchase the transfer station and site, IMMC, or both upon expiration or termination of the contract term and the proposed terms of the option(s).

2.1.9 Satellite Transfer Station Operations

Contractor will be responsible for operation of the Benton, Bridgeport, Chalfant, Paradise, Pumice and Walker transfer stations (the "STS Facilities") and the transfer of solid waste and diverted materials delivered to the STS Facilities in accordance with Title 14, CCR, Sections 17407.1 through 17414.1, *et seq* as the contracted operator, to the transfer station/IMMC procured through this RFP. ***Note that if the selected Mandatory Services Proposal includes the provision of transfer services at Pumice Valley, then that site would be excluded from the satellite transfer station operations contract*** (i.e., the STS contract will include only five STS locations and not six).

Contractor operating the STS is responsible for the transportation to the transfer station/IMMC procured through this RFP of solid waste, HHW, universal waste and specified diverted materials, and all costs associated with such transportation. Days and hours of STS Facilities operation will continue as currently established.

2.1.10 Facilities Trash and Recycling Collection Services

The Facilities Trash and Recycling Collection Service Proposal (if any) shall include details on the provision of service consistent with the attached contract. Any suggested changes to the scope of the contract may be addressed through the comment/addenda process established in this RFP.

2.2 Optional Services Proposal

The Optional Services Proposal (if any) shall include details on the acceptance, management and ultimate disposition of the additional materials described in Section 1.3.2 consistent with the attached contract(s). Any suggested changes to the scope of the contract may be addressed through the comment/addenda process established in this RFP.

2.2.1 Optional Proposal Material Handling, Processing, and Transport

For each of the waste or materials streams listed in the **Optional Services Proposal**, the proposal must address the following:

- a. Description of any processing that will occur at the IMMC or transfer facility and whether it will be provided by the proposer or subcontracted;
- b. If processing at Pumice Valley, whether the waste or materials would be landfilled on site;
- c. Whether the materials would be re-used on site;
- d. Description of how waste and materials will be removed (hauled) from the site and whether hauling will be provided by the proposer or subcontracted; and
- e. Final disposition of material – % disposed, % recycled, % transformed.

2.2.2 Materials Handling under Optional Services Proposal

The **Optional Services Proposal** includes the acceptance and management (storage, handling, processing and/or contracting for recycling or disposal) of household hazardous waste, e-waste, universal waste, automobiles, mobile homes, and trailers. Proposals must include the following details for each waste stream:

- a. Acceptance criteria (if any);
- b. Tonnage limits (if any);
- c. Description/location of tipping floor or unloading areas;
- d. Description of temporary storage (less than 90 days);
- e. Description of long-term storage (90-365 days);
- f. Description of any processing that will occur at the IMMC or Transfer Station site and whether such work will be subcontracted;
- g. Description of how material will be removed (hauled) from site and whether such work will be subcontracted; and
- h. Final disposition of material – disposed, recycled, or other (by percentage as needed).

ARTICLE III – PROPOSAL SUBMITTAL REQUIREMENTS

3.1 Basis, Content and Format

The proposal form, **Appendix A**, must be filled out in its entirety, providing the details described in Article II above. In the event of a non-applicable answer, proposer shall write n/a instead of leaving a blank line.

Appendix A also requires proposer to establish a cost-per ton for the waste streams indicated, for purposes of evaluation and contract negotiation.

3.1.1 Comments, Clarifications and Writing Requirements

For any comments or clarifications on this RFP, proposers shall submit written requests to the County's primary contact, listed in Article VII of this RFP. Comments and questions will be responded to within 5 business days and distributed to all interested proposers. In no event will questions asked verbally or through other non-written means be responded to, and no proposer shall regard anything other than written responses provided in accordance with this paragraph

to represent an official communication or response. If the comment results in a need to clarify or modify the RFP, the County shall issue an addendum to this RFP.

3.1.2 Non-Collusion Affidavit

A non-collusion affidavit establishing that the organization has not colluded with other proposers or contractors in an effort to influence the desired market-based outcome of this RFP shall be included with the proposal. The non-collusion affidavit shall not preclude proposers from listing subcontractors for specific work who may also be bidding parties.

3.1.3 No Communication – Prohibition

During the period between the release of this RFP and contract award, proposers are forbidden from making direct or indirect contact with Mono County elected officials for any reason relating to the County’s planning efforts leading to this RFP, the RFP itself, the proposal, or any subject matter that would result in a change to an elected official’s view of the same.

3.1.4 Name and Signature of Proposer

Each proposal shall state the proposer’s legal name and the proposer’s legal form of business entity. A signature on a proposal by a corporate officer shall further give the state of incorporation and have the corporate seal affixed.

3.1.5 Untrue or Misleading Information

In addition to and without limitation upon any other RFP document requirements of the County, the County shall have the right to disqualify any proposal should it determine that any information submitted in that proposal is untrue or misleading.

3.1.6 Alterations

Interlineations, alterations and erasures to a proposal must be initialed by each and all of the proposal’s signatories.

3.1.7 Applicable Laws

All proposals must be submitted, filed, made and executed in accordance with Applicable Laws, whether the same are expressly referred to herein or not.

3.1.8 Period of Irrevocability

Proposals (including, without limitation, its firm and fixed prices per ton) shall be held firm and shall be deemed irrevocable as follows: for a period of ninety (90) days from the PROPOSAL SUBMITTAL DEADLINE in the RFP Schedule, as may be modified by Addendum, or until contract(s) execution, whichever occurs first.

3.1.9 Changes to Proposals

Changes, in the form of additions, deletions, or modifications, to proposals, shall not be permitted after the deadline set forth in the RFP Schedule (or any RFP Addendum) for submission.

3.1.10 Exceptions and Alternative Language

Should aspects of this RFP or any proposed contract(s) prove unworkable to a proposer, the proposer may identify exceptions to those specifics, or alternative language that would be satisfactory. The County will consider such proposals during the evaluation process. If the County determines that such comments require response and/or addendum to this RFP, they will be responded to, and distributed to all interested proposers, in accordance with Section 3.1.1.

ARTICLE IV - EVALUATION AND SCORING

4.1 Review of Proposals

Proposals may be opened and reviewed by the RFP evaluation committee consisting of two County staff with knowledge of the Solid Waste system and practices, one outside consultant with relevant experience and a fourth at-large member (“Evaluation Committee”) at any time after the submittal deadline shown on the RFP Schedule. Such review shall not limit the County’s right to thereafter conduct interviews or negotiations under Section 6.6 of this RFP.

4.1.1 Best and Final Offer

Following review of proposals, County may provide a revised contract(s) reflecting additions and/or deletions taken from any or all proposals which are determined by County to enhance the provision of services. Proposers shall make a best and final offer (BAFO) based on the revised contract(s) by County’s deadline. For example, a proposal may include features or services not specified in this RFP, but which County finds beneficial. County may incorporate such features or services into the revised contract(s) for the purpose of allowing all proposers to make a BAFO.

4.2 Scoring and Rating of Proposals

4.2.1 Scoring and Rating

Scoring of proposals is scheduled to occur within one month after the submittal deadline. Scoring will be in accordance with the RFP documents, including, without limitation, Paragraph 4.3 herein (Proposal Evaluation Factors, Scoring and Ranking Methodology).

Upon completion of scoring, proposals will be ranked by the Evaluation Committee from highest total score to the lowest total score. In tabulating the final scores, the County reserves the right to reject any and all proposals.

4.2.2 Adjustments in Rating

The County reserves the right, in its sole and absolute discretion, to adjust, increase, limit, suspend or rescind the rating or ranking based on subsequently-learned information that: (1) if true, would render the proposal, or any information provided therein to be untrue or misleading; or (2) constitutes new information materially affecting the scoring or ranking of the proposal.

4.3 Proposal Evaluation Factors, Scoring and Ranking Methodology

4.3.1. Evaluation Factors – Maximum Points

Each proposal will be evaluated on the basis of the total number of points scored in the County’s evaluation of the proposal out of a possible total of 110 points as indicated below in accordance with the criteria and weighting criteria outlined below and in [Appendix A](#) (Proposal Forms):

Evaluation Category: Points Weight

A. Price Factor:

1. PRICE 40

B. Non-Price Factors:

1. TECHNICAL DESIGN and SITING 10

2. OPERATIONAL EXPERTISE 10

3. APPROACH TO DESIGN / LONGEVITY OF STRUCTURE (20%) 10

4. COUNTY OPTION TO PURCHASE FACILITY 20

5. REGULATORY COMPLIANCE STRATEGY
(e.g., diversion, including food waste) 10

6. USE OF EXISTING COUNTY FACILITIES 10

7. ALTERNATIVES AND EXCEPTIONS (as needed, may add

or deduct points based on benefit or lack of benefit to the County and its citizens)

TOTAL OVERALL POINTS AVAILABLE 110

4.3.2 Ranking Methodology

The ranking of **Mandatory Services Proposals, Optional Services Proposals and Existing Services Proposals**, (“proposal categories”) and each individual contracted service within the proposal category, from “most advantageous” to “least advantageous” will be based on the point totals (the highest point total being the “most advantageous” and the lowest point total being the “least advantageous”) using the point distribution described above.

Proposals **must** include information and price for each individual service within the proposal category, as well as a combined price for all services within that category. Additionally, if a proposer determines that there is an efficient or cost-effective way to bundle some services within a proposal category, but not all services, they **may additionally** provide information (and price) for bundled services that comprise less than all services within the proposal category.

4.3.3 Scoring of Price Factor

Scoring of the price factor shall be based upon a comparison of the total projected annual cost of the proposals, as shown in [Appendix A](#). The lowest total annual cost for each service (or bundle of services) proposed will receive the full points available (40 points). The remaining proposals will lose a percentage of the total points available that is consistent with the ratio of difference from the lowest proposed cost (e.g., if lowest proposed annual cost is \$100,000 and a subsequent

proposed cost is \$110,000, it is 10% above the lowest proposed cost and therefore would lose 10% of the total points available for price - in this case, 10% of 40 points, for a reduction of 4 points).

4.4 Scoring of Non-Price Factors

4.4.1 Technical Design and Siting

This factor evaluates the design of the transfer station and IMMC, and the extent to which the design will result in efficient and convenient use by County citizens and contractors. Additionally, the location of the facility(ies) will be considered against the travel distance from various waste-producing communities in the County (see 4.4.6 for scoring of criteria related to use of Pumice Valley Landfill). With additional consideration of:

- Project approach
- Familiarity with permitting requirements
- Adequately addressing the needs of the County

4.4.2 Operational Expertise

This factor evaluates the proposer's operational expertise at running a transfer station, IMMF, or similar facility. The highest weight will be placed on experienced staff who will be working firsthand at the MMF, as opposed to remote staff working on design or operations from afar. With additional consideration of:

- Past experience on similar waste facility projects;
- Present similar contracts on waste facility projects; and
- Resumes for project leads.

4.4.3 Approach to Design/Longevity of Structure

This factor evaluates the quality of construction of the transfer station and/or IMMC, and how those facilities are likely to withstand the elements and use over the course of the contract. Elements such as tipping floor thickness, use of bollards and other protective measures, snow storage areas and drainage design will be evaluated. With additional consideration of:

- design longevity
- life cycle costs

4.4.4 County Option to Purchase Facility(ies)

Proposals providing an option for the County to purchase the Transfer Station upon expiration or termination of the Transfer Services Contract, for no more than the depreciated value of the facility as outlined in that Contract will be given full score for this criteria. Those that do not will be scored a zero for this criteria.

4.4.5 Regulatory Compliance Strategy

This factor evaluates the proposer’s approach to meeting regulatory mandates relating to the handling, transport, and disposition of waste, as well as the recycling and diversion percentages identified for various waste streams and required by law, such as SB 1383, AB 939, SB 1826. The stronger regulatory approach and higher diversion percentages will yield the higher score.

Scoring will be determined upon both a proposer’s philosophical approach, record of compliance and clearly stated strategic plan to meet increasingly stringent and ever-changing regulatory conditions for the solid waste industry. In other words, how the contractor will meet existing as well as upcoming requirements for diversion and recycling.

4.4.6 Use of Existing County Sites

Priority will be given to proposals which include development and use of County Site(s); with the highest available points (10 out of 110) given for a proposal that includes use of the Pumice Valley Landfill/Transfer Station for waste handling and transfer and materials management.

4.4.7 Alternatives and Exceptions

Proposers may propose alternatives and take exceptions to specific standards or requests in this RFP. In some cases, alternatives may prove more efficient, or forward specific County goals relating to recycling and diversion. Other alternatives may, in the County’s view, be considered a step in the wrong direction. Generally, alternatives and exceptions that reduce cost, increase efficiency, or increase recycling and diversion will be awarded additional points and those that result in additional cost, inconvenience or reduction in service will result in reduced points.

ARTICLE VI - TERMS AND CONDITIONS

6.1 Proposer Representations

Each proposer makes the following representations relative to the submission of its proposal.

6.1.1 Compliance with RFP

Proposer represents that its proposal is made in compliance with the RFP, including all Appendices and Attachments.

6.1.2 Authorization and Standing

Proposer represents that the signer(s) of the proposal and any other documents submitted to the County on behalf of the proposer that are signed by proposer is/are authorized to do so on behalf of the proposer, that proposer is an entity duly authorized to conduct business within the State of California and is in good standing under all Applicable Laws.

6.1.3 Contract

Proposer represents that it has carefully reviewed the terms and conditions of the Master Contract and any applicable Service Contract attached hereto as included in this RFP or as amended via addenda and that the terms and conditions thereof are satisfactory to proposer, or that proposer has indicated its requested changes to those documents in accordance with Sections 3.1.1 and 3.1.9. Proposer agrees that, in its opinion, the contract documents (as proposed or with proposer's requested changes) represent a fair and reasonable allocation and sharing of risks and responsibilities as between the County and the proposer.

6.2 Execution of Contract

6.2.1 Contract

A copy of the Master Contract, and each Service Contract, is attached hereto and included in this RFP. If the County issues a Notice of Intent to Award prior to expiration of the period of irrevocability of the proposal as set forth in Section 3.1.8, above, then the proposer shall, within such period of irrevocability, execute the Master Contract and any awarded Sub-Agreement without any exception or change, other than changes requested in the successful proposer's proposal and accepted by the County. The contract shall not be binding upon the County until it has been approved by its Board of Supervisors and executed.

6.2.2 Changes by the County

The County reserves the right, exercised in its sole discretion, prior to proposal submission, to unilaterally change, by addition, modification or deletion, any of the terms of the Master Contract, or any Sub-Agreement for service, by issuance of an RFP Addendum setting forth the substance of such change.

6.3 Special Performance Requirements

6.3.1 Bonding, Insurance and Financial Assurances

Without limitation to the other requirements of the RFP, the successful proposer to whom a notice of intent to award is issued shall possess and be required to submit evidence of: (1) bonding in acceptable form and amount; (2) evidence of insurance and (3) a letter of credit. The foregoing bonds, insurance and financial assurance shall be provided in accordance with the requirements of the contract(s) and the costs thereof shall be deemed included in any Base Price that Proposer submits. Bonds shall be issued by an Admitted Surety as defined by California Code of Civil Procedure, Chapter 2, Bonds and Undertaking Section 995.120(a).

6.3.2 Labor Compliance

For proposal components that constitute a "public work" as defined in Labor Code sections 1720 or 1771, that work is subject to compliance monitoring and enforcement by the Department of Industrial Relations. No contractor or subcontractor may be **listed on a bid proposal or awarded** a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a).]

6.4 Award Submittals

6.4.1 Basis of Award

Following the ranking of the proposals by the Evaluation Committee, the Board of Supervisors will be presented with the proposals and their associated ranking and requested to make a determination on contract award. If so directed by the Board, the County will either issue a Notice of Intent to Award the Master Contract and some or all Service Contracts to the Board's selected proposer(s) or reject all proposals or portions thereof.

Alternatively, the County may initiate simultaneous negotiations with two or more of the highest ranked proposers to determine which of the negotiated proposals, or whether the County's proposal, represents the highest and best opportunity for the County and, thereafter, present the final negotiated proposal(s) to the Board for award, partial award or rejection.

6.4.2 Notice of Intent to Award

As directed by the Board and in accordance with the RFP Schedule, the County will issue a Notice of Intent to Award identifying the name of the proposer(s) to whom the County intends to award the contract(s). Such notice will be provided to all proposers submitting a proposal. The County may, in its sole and exclusive discretion, elect to shorten or extend the time for issuance of its Notice of Intent to Award.

6.4.3 Cancellation

The County reserves the right, exercised in its sole and absolute discretion, to cancel award of the contract(s) and/or to retract any Notice of Intent to Award at any time before the contract is executed by both the County and the proposer to whom the Notice of Intent to Award is issued by the County.

6.4.4 Award

Award may include all services for which the proposer submitted a proposal, or only some of those services. In the event only a portion of all services described in this RFP is awarded to a single proposer, the County may award the remaining or portions of the remaining services to another proposer or may provide those services itself.

6.5 Post-Award Processes

6.5.1 Post-Award Submittals

The proposer to whom Notice of Intent to Award is issued by the County shall, within such periods of time as are set forth below, after receipt of Notice of Intent to Award, complete and furnish to the County the following post-award submittals using the forms provided in the RFP and, where required, signed and executed by the proposer. Such signature(s) shall, unless otherwise stated in such form, comply with the same requirements applicable to signature(s) required for initial submission of proposals:

1. Within fourteen (14) Days after the receipt of Notice of Intent to Award, the proposer shall furnish to the County the following documents duly executed by proposer (where execution by the proposer is called for by the document):

- a. Proposer's Federal Tax Identification Number in the form of a W-9;
- b. Proposer's Worker's Compensation Certificate;
- c. The contract(s), in the form included in this RFP or as modified by addenda, duly executed by the proposer in accordance with its Letter of Organization; and
- d. Proposer's Letter of Organization.

2. Within ten (10) days of contract approval by the Board of Supervisors, the contractor shall furnish to the County the following documents, as applicable, executed by the contractor (where execution by the contractor is called for by the document):

- a. Required bonds on the forms provided;
- b. Letter of Credit; and
- c. All required insurance certifications.

6.5.2 Letter of Organization

The successful proposer is required, at the time of submitting the contract(s) executed by the proposer, to furnish a Letter of Organization setting forth those persons authorized to sign legal documents on behalf of the proposer. If the person(s) authorized to sign are signing on behalf of a corporation, the Letter of Organization shall set forth as to such corporation either: (1) the names, titles and signatures of two persons authorized to sign, one from among the chairperson of the board of directors, president or vice president, and one from among the secretary, chief financial officer or assistant treasurer; or (2) in lieu of one of the two signers required by Clause (1) of this Paragraph 6.5.2, the name, title and signature of another authorized corporate officer or agent who is authorized by corporate resolution to sign on behalf of the corporation, along with a copy of such resolution.

6.5.3 Failure to Submit

Failure of the successful proposer to submit the post-award submittals in accordance with this Section, within the time periods specified, shall: (1) if the contract is not executed be deemed to be a failure or refusal to execute the contract; or (2) if the contract is executed, constitute a material breach of the contract.

6.5.4 Change to Dates

The County reserves the right, in its sole and absolute discretion, to modify the dates for submission of post-award submittals at any time or for any reason, either before or after Award.

Any such changes that are made prior to issuance of the Notice of Intent to Award shall be by RFP Addendum.

6.6 Rules for Interviews and Negotiations

6.6.1 Rules for Interviews

1. If the County elects to conduct Interviews, the proposer shall be represented by a person or persons who is/are familiar with all aspects of the proposer's proposal. At least one person acting on behalf of the proposer shall have the power to speak with authority on behalf of the proposer in regard to the proposal without requiring further authorization of persons not present in the Interviews. No firm shall be represented, and no person shall be present in the interview that is not directly interested and involved in the outcome of the RFP process; observers will not be permitted.

2. The date, time and place for interviews, if conducted, shall be scheduled by the County and notice thereof given to each proposer.

3. The length of interviews may be dictated by the subject matters discussed but shall not be more than 1-1/2 hours in length.

4. There shall be no disclosure to competing proposers during interviews of prices or pricing information or of technical information that is, and is appropriately marked as constituting "Proprietary Information."

5. The County shall have the right to disclose and discuss with any or all proposers technical information contained in a proposal that does not constitute "Proprietary Information"

6. Proposers shall be accorded fair and equal treatment; provided, however, that this requirement shall not be interpreted as requiring that the communications that occur during Interviews be limited to identical subject matters for all proposers with whom interviews are conducted.

7. Communications during interviews will not include exchanges, in the nature of "bargaining," but may include informing the proposer that its price is considered too high, or too low, or that its technical approach is viewed as too elaborate, inefficient or otherwise disadvantageous, and may include revealing the results of any analysis used to support these conclusions.

8. Nothing stated in these rules for interviews shall be interpreted as limiting or precluding the County's right to conduct negotiations.

6.6.2. Rules for Conduct of Negotiations

County reserves the right to conduct simultaneous negotiations among top proposers.

1. At the negotiations, the proposer shall be represented by a person or persons who is/are familiar with all aspects of the proposer's proposal. At least one person acting on behalf of the proposer shall have the power to speak with authority on behalf of the proposer in

regard to the proposal and to contractually bind the proposer, without requiring further authorization of persons not present. No person or entity shall be present that is not directly interested and involved in the outcome of the RFP process; observers will not be permitted. If both negotiations and limited negotiations are conducted, the person or persons having authority to contractually bind the proposer shall be the same person or persons acting on behalf of the proposer.

2. The date, time and place for negotiations shall be scheduled by the County. notice thereof shall be given separately to the proposer or proposers selected to engage in negotiations.

3. The length of negotiations shall be dictated by the subject matters discussed. Such time may be devoted as the RFP Evaluation Committee determines is appropriate and necessary. Negotiations may be held, at the discretion of the County, in one or multiple rounds.

4. There shall be no disclosure to competing proposers during negotiations of prices or pricing information contained in competing proposals or of technical information that is, and that is appropriate marked as, "Proprietary Information". In the event of a request for information marked by proposer as "Proprietary Information", County shall provide proposer with notice of the request and an opportunity to seek a court order enjoining release. If County determines that the material is exempt from disclosure and that determination is ultimately challenged in court, County will inform the proposer and will not oppose a motion by proposer to intervene in the action. County is not obligated to defend the action and may release the material sought without liability.

5. The County shall have the right to disclose and discuss with any or all proposers technical information contained in a proposal that is not marked "Proprietary Information".

6. Negotiations may in a fair and impartial manner include "bargaining", which includes persuasion, alteration of assumptions and positions, give-and-take, and may apply to price, schedule, technical requirements, and contract terms.

ARTICLE VII – RFP SCHEDULE

RFP Release Date	
Questions, clarifications, addenda and proposal preparation	2 months from release date
Proposal submission deadline	2 months from release date (concurrent with above)
BAFO period (in County's discretion)	1 week from when County provides its request for BAFO
Evaluation period, Interviews	1 month after proposal submission deadline

Simultaneous negotiation period (in County's discretion)	Up to 1 month, following evaluation period
Presentation/recommendation to the Board of Supervisors and execution of contract	Upon completion of negotiation period

All proposals must be received by Mono County on, _____ 2020, no later than 3:00PM.

TOTAL TIME FROM RFP RELEASE TO EXECUTION: UP TO 4 MONTHS (w/o BAFO period)

Please submit your proposal in a SEALED, OPAQUE envelope labeled with "Countywide Waste Management Services RFP" and the name of the Proposer printed on the outside of the envelope to the County's **Primary Contact** for this RFP, shown below:

<u>If by U.S. Mail::</u> Mono County Solid Waste Division ATTN: Justin Nalder P.O. Box 715 Bridgeport, CA 93517	<u>If by hand delivery, FedEx, UPS, other carriers:</u> Mono County Solid Waste Division ATTN: Justin Nalder 74 School Street Bridgeport, CA 93517
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Proposals received via US Mail or other private carrier that are unsealed will not be considered. Also, proposals received via facsimile (fax) transmission or electronic mail will not be considered.

PLEASE BE ADVISED that, despite information and assurances from mail services/carriers, "overnight delivery" by the U.S. Postal Service, UPS, FedEx, and other carriers may actually require two days to deliver to Bridgeport, California due to the remote location of central Mono County. Therefore, prospective bidders are encouraged to submit/mail their bids well in advance of the below Bid Submission Deadline.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

Departments: Community Development, County Counsel's Office

TIME REQUIRED 1 hour

**PERSONS
APPEARING
BEFORE THE
BOARD**

Wendy Sugimura, Michael Draper,
Stacey Simon, Jason Canger

SUBJECT Update on Owens Valley
Groundwater Authority (OVGA) and
Request from Tri-Valley Groundwater
Management District for Mono
County to Withdraw from the OVGA

AGENDA DESCRIPTION:

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

Staff Update on Owens Valley Groundwater Authority and Tri-Valley Groundwater Management District Activities and Tri-Valley Groundwater Management District Request for the County to Withdraw from the Owens Valley Groundwater Management District.

RECOMMENDED ACTION:

1. Receive staff update on OVGA membership and activities;
2. Approve and provide any direction to staff on County's membership in the OVGA; and
3. Provide any desired direction to staff.

FISCAL IMPACT:

None at this time. Mono County pays annual membership dues to the OVGA, and the OVGA reimburses Mono County for staff time. Staff time for the Tri-Valley Groundwater Management District is not reimbursed but is included in the staffing costs of annual department budgets.

CONTACT NAME: Wendy Sugimura, Jason Canger

PHONE/EMAIL: 760-924-1814, 760-924-1712 / wsugimura@mono.ca.gov, jcanger@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Correspondence - Mono County Tri-Valley Groundwater Management District

[Correspondence - U.S. Fish and Wildlife Service](#)

[Correspondence - Christi Kruse](#)

History

Time	Who	Approval
12/11/2020 9:44 AM	County Administrative Office	Yes
12/10/2020 6:27 PM	County Counsel	Yes
12/11/2020 9:22 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

Planning Division

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

Date: December 15, 2020

To: Honorable Mono County Board of Supervisors

From: Jason Canger, Deputy County Counsel & Tri-Valley Groundwater Management District staff
Wendy Sugimura, Director & OVGA staff
Michael Draper, Planning Analyst & OVGA staff

Re: **Update on Owens Valley Groundwater Authority (OVGA) and Request from Tri-Valley Groundwater Management District for Mono County to Withdraw from the OVGA**

RECOMMENDATION

1. Receive staff update on OVGA membership and activities;
2. Approve and provide any direction to staff on County's membership in the OVGA; and
3. Provide any desired direction to staff.

FISCAL IMPACT

None at this time. Mono County pays annual membership dues to the OVGA, and the OVGA reimburses Mono County for staff time. Staff time for the Tri-Valley Groundwater Management District is not reimbursed but is included in the staffing costs of annual department budgets.

BACKGROUND

A. The Sustainable Groundwater Management Act. In 2014, the California Legislature enacted the Sustainable Groundwater Management Act (SGMA), which requires local public agencies overlying groundwater basins that are designated by the California Department of Water Resources (DWR) as high- and medium-priority basins (as opposed to low- and very low-priority basins) to form separate legal entities known as "groundwater sustainability agencies" (GSAs) and to prepare "groundwater sustainability plans" to ensure those basins are sustainably managed. Under SGMA, the failure of local public agencies in high- and medium-priority basins to satisfy these requirements subject those basins to "state intervention," meaning the preparation and enforcement of a GSP by the State Water Resources Control Board. Low- and very low-priority basins are not subject to state intervention.

B. The Owens Valley Groundwater Authority. In 2015, following the enactment of SGMA, DWR designated the Owens Valley Groundwater Basin (Basin) as a medium-priority basin, thus requiring a GSA to be formed and a GSP to be prepared or else risk state intervention. Accordingly, local public agencies in Inyo and Mono Counties, including the County and the District, decided to be the GSAs for their respective portions of the Basin. In 2017, Inyo County approached the local public agencies in the Basin, including the County and the District, with the idea of forming a joint powers agency to be the single GSA for the entire Basin. The argument in favor of this idea was that forming a single GSA covering the entire Basin would further prevent state intervention and make the group more competitive when applying for a DWR grant for the preparation of a GSP. However, this approach would require the County and the District to give up their GSA status, and thus their autonomy, and subjecting the County's and the District's residents to the OVGA's authority.

Accordingly, prior to agreeing to this approach and joining this joint powers agency, the County offered several comments and changes to the joint powers agreement that, among other things, would have preserved the autonomy of each participating agency such that, even if a GSA were formed and a GSP implemented, each individual agency would remain able and responsible for implementing the GSP within its jurisdictional boundary and would not be subject to the regulations of the

OVGA or any of its members. Mono County's proposed changes and comments were not included, leaving Mono County to make a decision on the JPA as proposed. Ultimately, the County and the District joined the joint powers agency, rescinding their GSA status in order to cede to the OVGA the authority to be the single GSA for the entire Basin. In 2018, the OVGA was officially formed and shortly thereafter recognized by DWR as the GSA for the Basin. Later in 2018, DWR awarded the OVGA a grant of approximately \$725,000 for the preparation of a GSP.

C. Reprioritization of the Owens Valley Groundwater Basin. In early 2019, DWR reclassified the Basin as low priority. This change eliminated the requirement that a GSA be formed and a GSP be prepared for the Basin. Equally important, the low-priority rating means, for purposes of SGMA, that groundwater extraction and use in the Basin was being conducted sustainably. Accordingly, over the next couple months, more than half of the original 13 members of the OVGA withdrew from the OVGA reasoning that there was no longer a need to comply with mandates and requirements of SGMA and state intervention was no longer a threat. However, five of the original members of the OVGA, including the County and Inyo County, chose to remain OVGA members and continued to prepare the GSP because DWR had awarded the OVGA funds for GSP preparation.

DISCUSSION

A. Update on OVGA Activities. The OVGA has continued to make progress on development of the GSP with its consultant providing regular Board workshops on available data, analysis, database development, and other issues. Development of sustainability criteria is quickly becoming a priority, and should be informed by local input. A Community Engagement Plan (CEP) has been developed and approved, a logo has been selected, and a website designer was selected through a Request for Proposals (RFP) process and the new website is now live at <https://ovga.us/>. However, although the consultant anticipates preparing a draft GSP by April 2021, a specific schedule of calendar dates for SGMA-required community outreach/engagement is not yet available and the pandemic has further complicated outreach and engagement. Other GSAs in the state have requested additional time to adjust for public outreach during the pandemic, which has been rejected by DWR.

B. County Staff Committed to the OVGA. Mono County typically provides three staff, one from County Counsel's office and two from the Community Development Department. Although staff hours committed to the OVGA fluctuate considerably, in 2020 staff time obligation has totaled approximately 40 hours per quarter. Staff commitments to specific projects, like sitting on the committee to develop the CEP and leading the RFP for a website designer, result in more significant time commitments.

C. Update on Tri-Valley Groundwater Management District Activities and Request. The District is concerned that the OVGA will adopt the GSP and thereafter seek to enforce its requirements, and related regulatory restrictions and fees on groundwater extraction and use, to the detriment of the Tri-Valley area agricultural economies and residents. Again, any such attempt to implement and enforce the GSP in Mono County and the District would be by the OVGA, which is comprised of a majority of elected – and unelected – officials that are not accountable to Mono County or District residents and constituents.

In order to prevent this possibility, the District is currently seeking to regain its status as an exclusive GSA for the area of the Basin consistent with its jurisdictional boundaries. If the District regains its GSA status, then it would again be responsible for sustainably managing groundwater in its portion of the Basin pursuant to SGMA. If it failed to do so, then the state could assume such management. The District is currently scheduled to take such action and make a formal request to DWR at its December and January meetings. The County's withdrawal from the OVGA would support that application. Further, although the District may not participate in the preparation of an OVGA GSP, it has expressed an intent to begin taking a more active planning and regulatory role with respect to groundwater management in the District. Accordingly, the District has requested that the County withdraw from the OVGA immediately.

D. County Continued Membership in the OVGA. The County's withdrawal from the OVGA would result in the Mono County portions of the Basin not being covered by the jurisdiction of a local agency member of the OVGA. Because there would be some uncovered portions of the Basin, the OVGA may not be able to enforce the GSP or any related regulation or fee in the Mono County portions of the Basin. Based on its December 10 meeting, the inability to enforce the GSP is one of many concerns that OVGA members expressed with the County's withdrawal from the OVGA. Even if it decides not to withdraw at this time, the Board should understand that its ability to withdraw in the future, in effect, amounts to a veto of OVGA authority, regulation, and enforcement within the Mono County portions of the basin.

OPTIONS FOR RECOMMENDED ACTION

The County has several options pertaining to membership in the OVGA:

A. Remain an OVGA Member and Withdraw Once GSP Complete. Consistent with previous Board direction, this option allows the County to continue to provide comment and input related to its groundwater interests and concerns, and those groundwater interests and concerns of District members and residents. The County would be able to directly support local interests and concerns during the preparation of the GSP as a decision maker on the Board. In addition, remaining an OVGA member would allow the County to better understand the current OVGA members' interests in actually enforcing the GSP while the Basin remain rated a low-priority. Accordingly, if there is any concern by the County or the District that the OVGA were to implement a plan or regulation in the Mono County portions of the Basin that it disagreed with, felt unfair, or threatened local agency autonomy and interests, then the County could withdraw following the OVGA's adoption of the GSP, which would effectively preempt enforcement by the OVGA in Mono County. The joint powers agreement allows for withdrawal after the GSP is adopted and three months in advance of the OVGA's adoption of its next annual budget.

This option includes the continued commitment of staff resources to the OVGA until such time as the County withdraws from the OVGA. It will continue to result in continued staff resources to the District to monitor and address OVGA actions and activities.

B. Withdraw Immediately. The County could request a withdrawal from the OVGA immediately. The OVGA joint powers agreement includes the following withdrawal provision:

A Member may not withdraw from this Agreement...until the GSP is approved for implementation. After the GSP is approved for implementation, any Member may withdraw from this Agreement upon written notice given (3) three months prior to the adoption of the next annual budget. Any such withdrawal shall not become effective until the later of the end of the fiscal year within which the withdrawal notice was provided or when a replacement GSP has been adopted and implemented for any areas that would otherwise become unmanaged by virtue of the Member's withdrawal.

Notwithstanding this language, following the Basin being rerated a low-priority, the OVGA allowed more than half of its original membership to withdraw. Accordingly, the OVGA might also allow the County to withdraw, but given comments from OVGA board members at its December 10 meeting, staff anticipates significant objection to Mono County withdrawing.

This option will result in the elimination of the County committing staff resources to the OVGA, but will significantly increase staffing needs for the District itself as it moves forward to seek its own GSA status and more actively manage groundwater. Existing Mono County staff resources are likely not sufficient to assist the District with its preparation of a GSP; accordingly, staff anticipates the District having to hire its own staff or return to the Board to discuss the allocation of additional resources for additional staff hires.

C. Remain a Member of the OVGA. The County's membership in the OVGA allows the entire Basin to be covered by the jurisdiction of the local public agencies that are OVGA members. Ultimately, if the actions of OVGA are acceptable to the County (for example, if a GSP is adopted but not enforced due to the basin's low rating, or a GSP is adopted and enforced but contains provisions acceptable to Mono County residents), then Mono County could remain a member of OVGA indefinitely. This information cannot be known until a later time.

This option will result in the continued commitment of staff resources to the OVGA but will significantly increase staff resources committed to the District, unless the District is able to develop a funding source to pay for non-County staff; accordingly, staff anticipates the District having to hire its own staff or return to the Board to discuss the allocation of additional resources for additional staff hires to address these additional needs.

MONO COUNTY TRI-VALLEY GROUNDWATER MANAGEMENT DISTRICT

P.O. Box 936
Benton, CA 93512
www.tvgmd.org

Carol Ann Mitchell, Chairperson
Phil West, Vice-Chairperson
Marion Dunn, Secretary
Geri Bassett
Dr. Dave Doonan
Richard Moss
Matt Doonan
Fred Stump, Mono County District 2 Supervisor

December 10, 2020

VIA ELECTRONIC MAIL ONLY

Mono County Board of Supervisors
c/o Shannon Kendall, Clerk of the Board
PO Box 715
Bridgeport, CA 93517
skendall@mono.ca.gov

RE: Mono County Withdrawal from the Owens Valley Groundwater Authority

Mono County Board of Supervisors:

On behalf of the Mono County Tri-Valley Groundwater Management District (District), I write to request that the Board of Supervisors take immediate action to withdraw Mono County from the Owens Valley Groundwater Authority (OVGA) for the following reasons:

1. Reprioritization Eliminates Need for OVGA

In 2017, the District, like the County, decided to join the OVGA and relinquish its statutorily defined status as an “exclusive groundwater sustainability agency” under the Sustainable Groundwater Management Act (SGMA) based on upon the faulty premise of the California Department of Water Resources (DWR) that the Owens Valley Groundwater Basin (Basin) was a high- or medium-priority basin for which a groundwater sustainability agency (GSA) must be formed for the purpose of preparing and implementing a groundwater sustainability plan (GSP) for the Basin. In addition, the District joined the OVGA to further prevent the possibility of “state intervention,” the SGMA process where the State Water Resources Control Board prepares, implements, and enforces a GSP in a basin that fails to satisfy the GSA and GSP requirements, and to make the group of local public agencies more competitive for DWR grant purposes.

In 2019, however, DWR reevaluated groundwater use and other factors related to the Basin and rerated it a low-priority. DWR’s low priority rating means, for purposes of SGMA, that groundwater extraction and use in the Basin is being managed sustainably. More importantly, the low-priority rating eliminated the requirement that local agencies within the Basin form GSAs and prepare/implement GSPs and eliminated the threat of state intervention. Accordingly, the need for the OVGA no longer exists. However, because the OVGA did not itself dissolve after the Basin was rerated a low priority, the possibility remains that the OVGA could implement a GSP and related regulations and fees in the District

Mono County Board of Supervisors

RE: Mono County Withdrawal from the Owens Valley Groundwater Authority

December 10, 2020

Page 2 of 2

portion of the Basin that drastically impact the agricultural operations and use of water. However, the County's withdrawal from the OVGA would prevent the OVGA from exercising any such regulatory authority in the Mono County portions of the Basin, including those portions within the District boundaries.

2. Withdrawal Supports District's Efforts to Reclaim GSA Status

Under SGMA, the District is recognized as a statutorily created agency responsible for managing groundwater within its boundaries, and thus considered to be "the exclusive local agency" for groundwater management within its district boundaries. In order to join the OVGA, the District, like the County, was required to give up that status and thus its ability to act as the GSA for the District portion of the Basin. Currently, the District is in the process of reclaiming its exclusive GSA status in order to ensure that groundwater within the District is managed sustainably in accordance with and for the benefit of the communities, residents, and interests of the District and to prevent any outside enforcement of a GSP or related regulation by the OVGA, whose members are not accountable to Mono County citizens and District residents. The County's withdrawal from the OVGA would demonstrate support for the District reclaiming its GSA status and concern about the OVGA's intent to adopt a plan over a part of the Basin which its member have no regulatory authority.

3. Prevents Regulatory Intrusion by OVGA in Mono County

So long as the County remains a member of the OVGA, the entire Basin will be covered by the jurisdictions of OVGA members, and the OVGA may have the authority to enforce a GSP as well as regulations and fees related to groundwater extraction and use, in the Mono County portions of the Basin, including those portions within the District. However, if the County withdraws from the OVGA, then the OVGA will no longer be considered a GSA under SGMA and will not have the authority to enforce a GSP in the Mono County portions of the Basin. Therefore, the County's withdrawal will prevent the OVGA and its individual members, including several that are not accountable in any way to Mono County citizens, from enforcing a GSP and any regulation or fee on Mono County and District constituents. Accordingly, the District requests that the County withdraw immediately from the OVGA.

In closing, I note that the County's withdrawal from the OVGA does not necessarily mean an end to the SGMA processes and sustainable groundwater management in the Basin and/or the District. The County could withdrawal to protect itself and its citizens from extraterritorial regulations by the OVGA; and form its own GSA with the District to work collaboratively with the OVGA on sustainable groundwater management. This would allow sustainable groundwater management to continue free from the extraterritorial regulation by the OVGA. In any event, I hope that the Board considers seriously the District's request that the County withdrawal from the OVGA so as to protect Mono County citizens and residents from unwanted and unnecessary regulation that will likely adversely affect the agricultural economies and independent spirit of the District's citizens and residents.

If you have any questions, please contact me directly at (760) 924-1712 or jcanger@mono.ca.gov.

Sincerely,

Jason Canger
District Counsel



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Reno Fish and Wildlife Office
1340 Financial Boulevard, Suite 234
Reno, Nevada 89502



December 10, 2020
File No: 2021-CPA-0003

Board of Supervisors
Mono County
Post Office Box 715
Bridgeport, California 93517

Subject: Concerns Regarding Mono County's Potential Withdrawal from the Owens Valley Groundwater Authority and Potential Effects to Federally Listed and Petitioned Species

Dear Honorable Mono County Board of Supervisors:

The U.S. Fish and Wildlife Service (Service) recently became aware of Mono County's upcoming decision on whether to continue participating as a member of the Owens Valley Groundwater Authority (OVGA). The Service would appreciate the opportunity to discuss the Mono County and Tri-Valley Groundwater Management District's (TVGMD) management and use of groundwater resources and their current and potential impacts on federally-listed as endangered Owens pupfish (*Cyprinodon radiosus*) and threatened *Astragalus lentiginosus* var. *piscinensis* (Fish Slough milkvetch). In addition, the Service was recently petitioned to list Owens speckled dace (*Rhinichthys oculus* spp). These species occur in Fish Slough, an invaluable spring/wetland complex that occurs within Mono County and the TVGMD's jurisdictions.

Following the passage of California's Sustainable Groundwater Management Act (SGMA, Ca. Water Code §10720 et seq.), TVGMD and Mono County joined other management agencies in the Owens Valley Groundwater Basin to form the Owens Valley Groundwater Authority (OVGA) and draft the required sustainable groundwater management plan. The California Department of Water Resources made subsequent decisions on SGMA implementation and removed the plan requirement from the Owens Basin. However, groundwater management agencies in the Owens Basin decided to continue to voluntarily pursue plan development using previously awarded state funds. It is the Service's understanding that TVGMD has since withdrawn from the large-scale management planning effort and has requested that Mono County withdraw as well. Withdrawal from the larger group may halt the collection of valuable data and potentially impact the creation of a voluntary groundwater management plan in the Tri-Valley area.

The Service's concerns including the following rationale:

- (1) Groundwater monitoring to the north of Fish Slough in the Chalfant and Hammil Valleys documents a multi-decadal decline in groundwater surface elevation, and this has coincided with a decline in spring discharge at Fish Slough for the last 80 years at a rate of 16–20 percent per decade. The reduction in spring discharge is dramatically accelerating; one of the three spring sources for Fish Slough (Northeast Spring) is predicted to dry up within 5 years, and another (Northwest Spring) is predicted to dry up within 2 years.
- (2) The California Department of Fish and Wildlife (CDFW) contacted the Reno Fish and Wildlife Office with their concerns relating to the potential effects of TVGMD and Mono County withdrawing from the OVGA. Because CDFW has numerous species under their management, including the Owens pupfish, they have been studying the source(s) and effects of water withdraw on Fish Slough and adjacent springs. As described above, the information gathered thus far is painting a dire picture of rapid depletion of Fish Slough's groundwater resources.
- (3) This past summer, declining flows at the Northwest Spring resulted in the partial desiccation of Marvin's Marsh within Fish Slough, resulting in take (mortality) of federally-listed Owens pupfish and degradation of aquatic habitat. While the loss of groundwater resources supporting Fish Slough cannot be argued, the cause(s) are much more difficult to ascertain. The Service and other agencies require more time to determine with certainty the causes of groundwater loss in an effort to prevent additional take of federally-listed species.

It is the Service's opinion that the OVGA's sustainable groundwater management plan would fill information gaps and set management thresholds to safeguard resources like Fish Slough. Therefore, we recommend that prior to making a decision on whether or not to withdraw from OVGA, Mono County meet with the Service and CDFW to better understand the potential implications of withdrawing from the collective effort to conserve groundwater resources.

Thank you for your continued commitment to the conservation values of natural resources in Mono County. We believe that we have a robust and productive partnership with Mono County, as evidenced by our mutual efforts to protect and conserve the Bi-State population of the greater sage-grouse (*Centrocercus urophasianus*) and Sierra Nevada bighorn sheep (*Ovis canadensis sierrae*). We are hopeful that we can extend our partnership to the conservation of Owens pupfish, Fish Slough milkvetch, and the multitude of other species that rely on the Fish Slough habitat for their persistence.

We look forward to future discussions relating to OVGA membership and conservation of Fish Slough aquatic resources. If you have any questions regarding this letter or would like to discuss this matter further, please contact me at (775) 861-6300; or email RFWEmail@fws.gov.

Sincerely,

Marc Jackson
Field Supervisor

cc:

Boardmembers, Mono County Tri-Valley Groundwater Management District, Benton, California
Leslie MacNair, Regional Manager, California Department of Fish and Wildlife, Ontario, California

From: Christi Kruse <christi.a.kruse@gmail.com>
Sent: Thursday, December 10, 2020 8:00 PM
To: BOS <BOS@mono.ca.gov>
Subject: Public comment 12/15

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mono County Board of Supervisors:

This comment is for the 12/15 agenda in regards to the Owens Valley Groundwater Authority and Tri-Valley Groundwater Management District Activities. I ask that Mono County remains in the Owens Valley Groundwater Authority (OVGA) because I believe that cooperation between Inyo and Mono Counties over groundwater management is vital for the future ecological health of Fish Slough in the Owens Valley.

This decision is of concern because groundwater declines are causing spring discharge levels in Fish Slough to decrease which threatens to destroy the immense ecological and cultural resource of the region. There may as well be a connection between the aquifer used for watering crops in the Tri-Valley region of Mono County and the aquifer that feeds the springs of Fish Slough.

If you're not familiar, Fish Slough is a wetland within the volcanic tablelands with archaeological evidence from the Paiute people dating back at least 8000 years and is home to plants and animals that are not found anywhere else. The springs provide habitat for plants and animals that are extremely resilient to the harsh temperatures and salinity levels of the marsh but vulnerable to desiccation. Reductions in spring discharge threaten this ecosystem that is already very fragile and vulnerable. Among the species that risk extinction if groundwater extraction increases are the Owens pupfish (federally endangered), the Fish Slough milkvetch (federally threatened), and the Fish Slough springsnail (California species of special concern). Fish Slough is also designated an Area of Critical Environmental Concern by the Bureau of Land Management.

Lastly, I think it's important for the board to consult the Bishop Paiute tribe to fully understand the weight of this decision. Thank you for considering my comments.

-Christi Kruse



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE December 15, 2020

TIME REQUIRED

SUBJECT Closed Session - Public Employee
Evaluation

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

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

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 December 15, 2020

Departments: Community Development

TIME REQUIRED	PUBLIC HEARING: 12:30 PM (Please note that the Public Hearing may start later than 12:30 PM)	PERSONS APPEARING BEFORE THE BOARD	Wendy Sugimura, Gerry LeFrancois
SUBJECT	PUBLIC HEARING: Consideration of Tioga Inn Specific Plan Amendment		

AGENDA DESCRIPTION:

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

Public hearing regarding Tioga Inn Specific Plan Amendment and Final Subsequent Environmental Impact Report (FSEIR) to amend the 1993 Tioga Inn Specific Plan ([1993 Specific Plan and EIR](#)) located at 22, 133, and 254 Vista Point Road in Lee Vining and consisting of four parcels (APN 021- 080-014, -025, -026 & -027). The Specific Plan Amendment proposes up to 150 new workforce housing bedrooms in up to 100 new units, a third gas-pump island with overhead canopy, additional parking to accommodate on-site guest vehicles as well as a general-use park-and-ride facility and bus parking for Yosemite transit vehicles, a new package wastewater treatment system tied to a new subsurface drip irrigation system, replacement of the existing water storage tank with a new tank of the same size in the same area, a new 30,000-gallon on-site propane tank (eventually replacing the existing five on-site tanks), modification to the boundaries and acreage of designated open space, and modification of parcel boundaries. The 1993 approvals, which include a still unconstructed two-story, 120-room hotel and full-service restaurant on the site, remain in effect regardless of whether the Proposed Amendment is approved.

RECOMMENDED ACTION:

Recommended Action (applies to all options):

1. Receive staff report and presentation, hold public hearing, and receive public testimony on the Tioga Inn Specific Plan Amendment #3 ("Project") and Alternative #7-Hybrid Plan ("Preferred Alternative") (Attachment 1).

Option 1: Approve the Project (Preferred Alternative #7), Incorporating Board Direction from the 13-14 October 2020 Public Hearing as Presented, or with Further Modifications.

Adopt proposed Resolution (Attachment 2): 1) adopting the Mitigation Monitoring and Reporting Program as recommended by the Planning Commission and revised (Attachment 1), or with further modifications; and 2) approving the Project (Preferred Alternative #7) as presented (Attachment 1) or with further modifications. Direct staff to file a Notice of Determination for the Final Subsequent Environmental Impact Report.

Option 2 – Deny the Project.

If the Board is unable to make one of the Specific Plan findings listed in Section Three of the proposed Resolution, then it is recommended that it articulate which (or all) of those finding(s) cannot be made and explain its reasoning. (If the Board determines to make this finding, staff may ask for a short recess to develop appropriate language for the Board to make a formal motion.)

FISCAL IMPACT:

Project approval would result in increased property taxes.

CONTACT NAME: Wendy Sugimura

PHONE/EMAIL: 760-924-1814 / wsugimura@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> staff report
<input type="checkbox"/> 2 Resolution
<input type="checkbox"/> 3 Alt #7 plans
<input type="checkbox"/> 4 Caltrans letter
<input type="checkbox"/> 5 Approval of tribal mitigation measure
<input type="checkbox"/> 6 Public hearing notice
<input type="checkbox"/> 7 Public comments

History

Time	Who	Approval
12/9/2020 1:40 PM	County Administrative Office	Yes
12/10/2020 4:49 PM	County Counsel	Yes
12/10/2020 1:16 PM	Finance	Yes

Mono County Community Development Department

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

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

December 15, 2020

To: Honorable Board of Supervisors

From: Gerry Le Francois, Principal Planner
Wendy Sugimura, Planning Director
Michael Draper, Planning Analyst

Re: PUBLIC HEARING: Consideration of Tioga Inn Specific Plan Amendment #3

I. RECOMMENDATION

Recommended Action (applies to all options):

1. Receive staff report and presentation, hold public hearing, and receive public testimony on the Tioga Inn Specific Plan Amendment #3 ("Project") and Alternative #7-Hybrid Plan ("Preferred Alternative") (Attachment 1).

Option 1: Approve the Project and Preferred Alternative #7, Incorporating Board Direction from the 13-14 October 2020 Public Hearing as Presented, or with Further Modifications.

Adopt proposed Resolution (Attachment 2): 1) adopting the Mitigation Monitoring and Reporting Program as recommended by the Planning Commission and revised (Attachment 1), or with further modifications; and 2) approving the Project (Preferred Alternative #7) as presented (Attachment 1) or with further modifications. Direct staff to file a Notice of Determination for the Final Subsequent Environmental Impact Report.

Option 2 – Deny the Project.

If the Board is unable to make one of the Specific Plan findings listed in Section Three of the proposed Resolution, then it is recommended that it articulate which (or all) of those finding(s) cannot be made and explain its reasoning. (If the Board determines to make this finding, staff may ask for a short recess to develop appropriate language for the Board to make a formal motion.)

II. BACKGROUND AND PREVIOUS BOARD MEETINGS

All project documentation is available on the project website at
<https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>.

REVIEW OF PREVIOUS BOARD MEETINGS

The public hearing held at the Board of Supervisors meeting of 29-30 June 2020 included the following information in the staff report (available at <https://monocounty.ca.gov/bos/page/board-supervisors-special-meeting-35>):

- Project Document Availability
- Project Location, Land Uses & History
- Tioga Inn Specific Plan Amendment #3 Project Description, including Alternative #6 which was the preferred alternative at the time
- Environmental Review & Significant Impacts
- Public Hearing Notice & Comments, and Tribal Consultation
- Planning Commission Recommendation
- Additional Considerations including Eastern Sierra Unified School District, housing demand, and trail and SR 120 crossing
- Recommended Modification(s) including shuttle service mitigation measure modification, corrections to FSEIR visual analysis, Specific Plan modifications, lighting plan amendment
- Findings
- Attachments & Weblinks to Documents

In addition, several changes were proposed in the PowerPoint presentation to the Board of Supervisors in response to comments including addition of housing prioritization for employees and refinements to individual mitigation measures related to site disturbance, phasing plan, and shuttle, all of which would reduce impacts and were accepted by the applicant. At the meeting, the Board directed several modifications which are carried forward in the 6 August 2020 staff report, and directed a new alternative be crafted by combining Project elements from two different alternatives analyzed in the SEIR (Alternative 6 and the Cluster Alternative) in order to further reduce visual impacts of the Project, creating a Hybrid Plan Alternative.

The staff report for the public hearing held at the Board of Supervisors meeting on 6 August 2020 (<https://monocounty.ca.gov/bos/page/board-supervisors-special-meeting-37>) referred to the June staff report for background information that remained unchanged, and included the following new information:

- Modifications as Directed at the June 29-30 Meeting
- Project Clarifications: roundabout at SR 120/US 395 junction, protections for stockpiled soils, and response to hydrology concern raised in public comment letters.
- Unresolved Issues and Further Modifications, Attachment 5: presentation of Alternative #7-Hybrid Plan, revisions to the visual analysis for Alternative 6, and the environmental impact analysis for Alternative #7-Hybrid Plan.
- Unresolved Issues and Further Modifications, Attachment 6: phasing of grading, evacuation routes to SR 120 and US 395, propane tank location, connectivity trail, deed restriction of units and Lee Vining Fire Protection District concerns.
- Public Hearing Notice & Comments

Following the 6 August 2020 Board meeting and at the request of Supervisor Stump, a memorandum was sent to Supervisors regarding the "Expectation of Level of Detail in Specific Plan Site Plans." The memorandum reviews the hierarchy of planning documents used to regulate development and the specific plan's place within that hierarchy, the role of specific plans specifically within Mono County planning regulations, typical expectations of site plan detail, and staff determination of compliance with the site plan. The memorandum is available on the project webpage at <https://monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>.

The staff report for the public hearing held at the Board of Supervisors meeting on 13-14 October 2020 (<https://monocounty.ca.gov/bos/page/board-supervisors-89> and <https://monocounty.ca.gov/bos/page/board-supervisors-continuation-october-13-regular-meeting-tioga-inn>) referred to the previous staff reports for background information that remained unchanged, and included the following new information:

- Refined layout for each of the three project phases and an explanation of the “substantially compliant” standard to evaluate consistency of the final site plan with the Specific Plan.
- Refined Landscape Concept Plan identifying the number, size, location and species of trees to be planted; a mitigation measure providing for the timing of plantings and monitoring of survival; and description of screening efficacy.
- Clarification of proposed grading and required infrastructure for each phase.
- List of “voluntary” project measures.
- Issues for discussion including hydrology concerns, propane tank usage and location, affordable housing, evacuation route to US 395, Lee Vining Fire Protection District concerns, connectivity trail, and refined Alternative #7-Hybrid Plan.
- Attachment 6 included a summary of policy points and issues resolved at the 6 August 2020 Board meeting, which were carried through the project as described in the 13-14 October 2020 staff report.
- Public comments and select responses to comments as requested by the Board (Attachment 7).

CEQA CERTIFICATION

At the 20 October 2020 meeting, the Board of Supervisors adopted Resolution R20-96 certifying the Tioga Inn Specific Plan #3 Final Subsequent Environmental Impact Report (FSEIR) and making required findings as set forth in the Resolution (<https://monocounty.ca.gov/bos/page/board-supervisors-100>). The Board directed staff to further resolve two remaining issues pertaining to Caltrans involvement in the pedestrian connection trail and concerns by the Kutzadika’a Tribe.

III. PROJECT DESCRIPTION

PROJECT SITE AND HISTORY

The proposed Tioga Inn Specific Plan Amendment #3 (Project) is located at 22 Vista Point Drive, close to the intersection of SR 120 and US 395 and about ½ mile south of Lee Vining. The subject property consists of four parcels and totals approximately 67 acres in size. To the west of the project site is open space owned and managed by Southern California Edison (SCE). To the north, east, and south of the project site is open space land owned and managed by Los Angeles Department of Water and Power (LADWP).

The Tioga Inn Specific Plan was originally adopted in 1993 with the purpose of providing a full range of services and facilities for tourists. Current entitlements (i.e., uses that were approved in 1993) include a 120-room hotel, a 100-seat restaurant, a convenience store and gas station, up to 10 units of residential housing, and ancillary uses to operate the project. These approved components can be constructed regardless of the outcome of the proposed housing project. The Tioga Inn Specific Plan land uses include residential, convenience store/gas station, restaurant, hotel/conference, open space preserve, open space facilities, and open space support.

The first amendment to the Tioga Inn Specific Plan was approved in 1995 and shifted the location of the water storage tank, allowed a two-bedroom apartment above the convenience store, and revised phasing to allow construction of the convenience store before the hotel. The second amendment in 1997 included the following:

- Clarified the location of the full-service restaurant.
- Affirmed that water and sanitation services could not serve projects other than the Tioga Specific Plan.
- Prohibited project access onto US 395.
- Clarified Specific Plan financing.
- Included public restroom/shower/laundry facilities as allowed uses in the hotel.
- Established development standards for the hotel and for the full-service restaurant.
- Provided new details regarding the Master Sign Program.
- Provided new details regarding night lighting.

In 2012, a Director Review permit, DR 12-007, was approved to 1) recognize other modifications to the convenience store/deli and to allow for a 316-square foot expansion of the kitchen area; 2) require the expansion to match existing building material, colors, and roof height; 3) affirm that Chapter 23 Dark Sky Regulations apply to the project; and 4) mandate any future improvements and or expansions would be a specific plan amendment.

PROJECT OBJECTIVE

The approved Tioga Inn Specific Plan objective is to provide central Mono County with an inclusive resort facility that can draw upon north-south traffic traveling through Mono County as well as Yosemite-oriented visitor traffic traveling over Tioga Pass. The facility is intended to provide a complete range of services for the Mono Basin visitor including accommodations, meals, vehicle fuel, supplies, meeting/banquet rooms, and business center facilities. The resort hotel is designed to serve both the transient traveler and those whose destination includes the Mono Lake Basin or Yosemite National Park. The project is also intended to serve local residents with meeting facilities, a swimming pool that can be used by school swim teams and area swim clubs, and a full-service restaurant.

The proposed Tioga Inn Specific Plan Amendment #3 (Project) objectives, if approved, will be added to the Specific Plan objectives described above. These Project objectives are to substantially increase housing on the project site for employees of on-site uses (hotel, full-service restaurant and other) as well as off-site land uses in the larger community; to achieve the development goals of the original 1993 Tioga Inn Specific Plan, adapted to current needs; to lower energy costs and increase the energy- and water-efficiency of existing and future uses on the project site; and to maintain onsite infrastructure in good condition and ensure that sizing is adequate to meet existing and future needs.

PROJECT DESCRIPTION

The proposed Project includes the elements outlined below (Attachment 1). Note that the hotel, restaurant, and 10-unit residential components are existing entitlements (i.e., approved in 1993), and are not a part of Amendment #3.

1. **Community Housing:** Allow up to 150 new community housing bedrooms in up to 100 units (including one manager's unit with up to 4 bedrooms);
2. **Day Care Center:** Allow construction of a staffed day care center for use by community housing residents and residents of the Mono Basin;
3. **Gas Island:** Allow construction of a third gas pump island with 4 new fueling stations, one new underground gasoline storage tank and an overhead canopy and lighting;
4. **Water Storage:** Allow demolition of the existing 300,000-gallon water storage tank and its replacement with a new 300,000-gallon water storage tank on a pad located in the same approximate location as the existing tank;

5. **Parking:** Allow additional parking to serve oversize vehicles, park & ride vehicles, ESTA & Yosemite transit;
6. **Internal Access:** Realign the road providing access to the existing hilltop residential area and reconfigure lanes and turning areas near the main entry to eliminate conflict between the hotel and the gas station/convenience store;
7. **Sanitation & Reuse:** Replace the septic tank with a new package wastewater treatment facility including new subsurface irrigation facilities and retention of the existing leach field for disposal of surplus treated water;
8. **Parcel Boundaries:** Modify the acreage and boundaries of the four parcels;
9. **Propane:** Replace the five existing propane tanks (combined 2,500-gallon capacity) with a new 30,000-gallon propane tank to meet demand for onsite heating and offer commercial propane sales to area residents and businesses;
10. **Equipment & Personal Storage:** Construct a new building for storage of residents' items and maintenance vehicles and equipment;
11. **Open Space:** Allow a change in the location of designated open space areas including a 13.0-acre increase in Open Space-Preserve acreage, a 0.9-acre decrease in Open Space-Facilities, and an 11.4-acre decrease in Open Space-Support.

PREFERRED ALTERNATIVE: ALTERNATIVE 7-HYBRID PLAN

The preferred alternative for the Tioga Community Housing Project, “Alternative #7-Hybrid Plan,” consists of project elements previously analyzed as Alternative 6 and the Cluster Alternative, with refinements directed by the Board. The plans (Attachment 3) are presented as the “Alt #7 Housing Concept Site Plan” (Alt #7 Concept Site Plan) with a plan sheet for both the full site and zoomed in on the community housing area, and “Landscape Concept Plan,” and primarily address the following issues:

LAYOUT: Building layout has been refined for each of the three project phases. Future building permit application submittals must be deemed “substantially compliant” with the Alt #7 Concept Site Plan by the Community Development Department.

- **Phase 1:** Phase 1 contains the 30 units that, unscreened, would be least visible (without screening) from offsite locations. Phase 1 will consist entirely of small units including studios, 1-bedroom, and 2-bedroom units, with a combined maximum total of 38 rooms, the majority of which will be designed as individual stand-alone and detached units. A small percentage of units are likely to be two-unit attached structures (e.g., duplexes). All buildings are separated by a minimum of 10 feet and connected to the adjacent parking area by a sidewalk. All 30 of the Phase 1 units are located on the lower-elevation eastern row of housing units.
- **Phase 2:** Phase 2 consists of 40 units with mid-level visibility from offsite locations (without screening), including the Manager’s Unit. The 40 Phase 2 units consist of studios, 1-bedroom units, and 2-bedroom units, with a combined maximum total of 54 bedrooms. As with Phase 1, most of the Phase 2 units are expected to be stand-alone and detached structures; a small number of the studio units would be designed as two-unit attached structures. All buildings are separated by a minimum of 10 feet and connected to the adjacent parking area by a sidewalk. All 40 of the Phase 2 units are located at the north end of the housing complex, with roughly half on the lower-elevation eastern row and half on the higher-elevation western row, except the Manager’s Unit which is located outside the building footprint to the west of the housing area.
- **Phase 3:** Phase 3 consists of up to 30 units located on the south end of the housing complex on the higher-elevation western row. Absent screening, the Phase 3 units would have the highest level of visibility from offsite locations. The design, layout, and form of the 30 Phase 3 units remains flexible to allow future construction of multi-unit structures, individual units, or a mix. The final layout will be designed in response to demand for onsite housing and demographic characteristics of future tenants, which is unknown at this time.

LANDSCAPING: The Landscape Concept Plan (Attachment 3) identifies the number, size, location and species of trees to be planted and is specifically designed to assure comprehensive screening of project elements which would otherwise be visible from offsite locations including South Tufa, Navy Beach, and US 395. Mitigation Measure 5.12(a,b-2)(Visual Screening & Landscaping) provides for the timing of the plantings and monitoring to assure plant establishment and survival. The Plan was prepared by Bob Weiland of Weiland Design Group, Inc., who specializes in landscape architecture.

IV. PEDESTRIAN CONNECTIVITY AND CALTRANS

Caltrans is committed to partnering with the County to explore potential pedestrian/bicycle connectivity solutions between the project site and the town of Lee Vining.

Caltrans has memorialized its partnering commitment through a letter (Attachment 4). Hence, the County, Caltrans, the property owner, and other partners will work together to explore and evaluate potential pedestrian/bicycle connectivity and funding solutions. While some of the funding will be provided by the development project on a “fair share” basis if a feasible alternative is identified, additional funding would be

needed to fully cover all project costs including environmental analysis, potential right-of-way purchase, design, and construction.

In addition, Caltrans District 9 has already applied for supplemental funding to pursue a multi-use path between the project site and Lee Vining. (The County Community Development also supplied a letter of support.)

V. KUTZADIKA'A TRIBE COORDINATION

GENERAL TRIBAL CONSULTATION REQUESTS AND HISTORY

No formal, written requests for consultation were received from any tribe for this project. However, the County responded to any tribe expressing interest in the project through phone/email communications and meetings with both staff and consultants. The following timeline provides a history of discussions with tribes and formal consultation letters and discussions:

- 2016
 - April: Request for notification of projects under AB 52 received by County from Washoe Tribe of California and Nevada.
 - July: Tioga Inn project application deemed complete by the County.
 - November: Bridgeport Indian Colony expressed interest in the project in a meeting with County staff on another subject, and the Tribe was invited to meet with the County and CEQA consultants.
 - December: Notice of Preparation (NOP) scoping meeting held.
- 2017: The project was revised based on NOP input.
 - March: Request for notification of projects under AB 52 received by County from the Mono Lake Kutzadika'a Tribe.
- 2018
 - February: CEQA consultants on behalf of County staff contacted Chairwoman Charlotte Lange.
 - April: AB 52 consultation letters sent via certified mail to the Washoe Tribe of California and Nevada and the Mono Lake Kutzadika'a Tribe at the addresses on listed their AB 52 request letters. The County received no responses.
- 2019
 - January: Chairwoman Lange communicated to the County's CEQA consultant that she did not receive the AB 52 letter. The Bridgeport Indian Colony and Mono Lake Kutzadika'a Tribe were invited to meet with County staff and consultants. The Bridgeport Indian Colony did not attend; at some point the Cultural Coordinator/Tribal Historic Preservation Officer left and County efforts to communicate with his successor or other staff were unsuccessful. The meeting was eventually held with only the Kutzadika'a Tribe.
 - June: The Draft Subsequent Environmental Impact Report (DSEIR) was released for public comment.
 - June: SB 18 consultation letters were sent to the Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, Bridgeport Indian Colony, Mono Lake Kutzadika'a Tribe, Utu Utu Gwaitu Tribe of the Benton Paiute Reservation, Walker River Reservation, and Washoe Tribe of California and Nevada. The SB 18 letter for the Mono Lake Kutzadika'a Tribe was also subsequently emailed to Chairwoman Charlotte Lange on July 29, 2019. No responses were received.
 - August: County staff and consultants met with the Kutzadika'a Tribe. The County explained that mitigation measures imposed on the project must be related to and proportional to evidence of

tribal cultural resources on the site, which do not exist in the record, and that ground disturbance from construction of the approved hotel and restaurant may be permitted regardless of the outcome of the currently proposed project. Further emails and discussions continued after the meeting.

- 2020

- January: Email received from the Kutzadika'a Tribe's attorney that Chairwoman Lange "approves" the new proposed mitigation measure for tribal cultural resources (Attachment 5). The approved mitigation measure was included in the Final Subsequent Environmental Impact Report. The County considered consultation to be complete.
- March: Two courtesy SB 18 letters were sent to the same tribes as in 2019 to provide updated meeting information. The Washoe Tribe of California and Nevada responded via email on March 3, 2020, that they had no further interest in the project and deferred to the closest affiliated tribe in the local area. No other tribes responded.
- March: The Final Subsequent Environmental Impact Report was released.
- April: Planning Commission heard the project and recommended the Board of Supervisors approve the project.
- June, August, October Board of Supervisors meetings: Verbal and written comments from Kutzadika'a Tribe members, the Chairwoman, and Vice Chairwoman were received in opposition to the project. In addition to requesting the project be denied, concerns were raised about impacts to: water supply, nearby wells (particularly the wells of a tribal family located to the south), night sky, noise, scenic views, law enforcement, medical services, community character, pollution, and the landfill. None of the letters requested mitigation measures or contained suggestions for project improvements to better address tribal cultural heritage concerns. The County responded with additional information and analysis or noted that the concerns were addressed in staff reports or the CEQA analysis. The October staff report provided responses to tribal letters in Attachment 5, including offers of County assistance to locate and establish a Cry Dance site and advocate for federal tribal recognition. No responses were received.
- October: At the Board of Supervisors meeting, the Kutzadika'a Tribe requested a meeting with the project applicant and the Board supported the request. The Board of Supervisors also certified the Final Subsequent Environmental Impact Report.
- 6 November: The applicant sent an invitation to Chairwoman Lange to meet.
- Week of November 9: The County responded to inquiries from the State Native American Heritage Commission and Attorney General's office for SB 18 and AB 52 documentation for the project. The County compiled and submitted the requested documentation, and has not heard further from either office.
- 18 November: The Tribe cancelled the meeting with the applicant due to inclement weather and rescheduled for 4 December.
- 25 November: The Tribe's attorney submitted a public records act request related to tribal consultation records. The County responded the following week.
- 30 November: The County received a letter from the Tribe's attorney postponing the 4 December meeting with the applicant for two weeks in order to provide the Tribe with more time to prepare. The County responded that the applicant is willing to meet at the convenience of the Tribe, however consideration of the project is scheduled for the 15 December Board meeting.
- 2 December: The applicant sent an email to Chairwoman Lange inviting her to meet onsite given the current mild weather.

On 7 December, the County and applicant received a letter (Attachment 7) from the Tribe's attorney requesting the 15 December public hearing be postponed due to scheduling issues, the Tribe considering what issues to discuss

and desired outcomes, and COVID restrictions under the State Stay-At-Home order that went into effect on 7 December. In considering this request, the following should be noted by the Board:

- As indicated above, direct discussions were opened with the Tribe as early as 2018, and the County consulted with the Tribe and reached a mutually agreed upon solution. The Tribe has had several years to consider which issues to raise and desired outcomes.
- Housing projects such as Tioga Inn qualify under the State's definition of "essential business," and therefore a meeting could proceed under the Stay-At-Home order. An onsite meeting would have been outdoors with all participants masked and respecting six-foot social distancing to ensure COVID safety.
- No impacts to tribal cultural resources were identified in the certified SEIR and therefore the County has no nexus to impose requirements on the project. The proponent has already volunteered a mitigation measure of 50 hours of paid monitoring and any further concessions would also be on a voluntary basis, and therefore can be negotiated outside the County's Specific Plan process. To state another way, the County's Specific Plan process has no further regulatory role in crafting these voluntary concessions.

Given these considerations, the recommendation is to proceed with the public hearing on 15 December and, if the specific plan amendment is approved, request the applicant meet with the Tribe in good faith to further discuss concerns and potential solutions as originally agreed to at the 14 October meeting.

The key points in this detailed timeline are that the County has 1) responded promptly to any interest by any tribe, 2) completed consultation with the Kutzadika'a Tribe in good faith, and 3) complied with (and went above and beyond) state law under SB 18 and AB 52 to invite consultation and provide project notification, and 4) no responses were received to consultation invitations (except one declination by the Washoe Tribe).

The purpose of tribal consultation is to 1) ensure information is received to preserve options for protecting tribal cultural resources early in the process, 2) build working relationships with tribes, and 3) avoid inadvertent discoveries of Native American burials and work in advance on solutions in the event of inadvertent discoveries.¹ Tribal consultation is considered complete when a) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists to a tribal cultural resource; or b) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2, subd. (b)).² An important note is that support by a tribe for the proposed project is not part of the purpose or conclusion of tribal consultation, and tribal support is not necessary to approve a project. However, the County takes tribal heritage very seriously and has accordingly met the purpose of and completed tribal consultation as follows:

- No information establishing evidence of tribal cultural resources onsite was provided.
- The County's meetings with the Kutzadika'a Tribe seemed friendly and cordial, and County staff thought our mutual understanding of the project, concerns, and legal requirements of imposing mitigation measures had been improved.
- A voluntary mitigation measure was crafted for tribal monitoring and inadvertent discoveries, including 50 hours of paid tribal monitoring time.
- The County received an agreement from the tribe on a mitigation measure.

Finally, concerns have been raised about compliance with tribal consultation requirements during the 1993 approval process for the hotel and restaurant. The tribal consultation requirements in place at that time were less

¹ Robinson, Terrie L., General Counsel, Native American Heritage Commission. Powerpoint presentation: Tribal Consultation Under AB 52: Requirements and Best Practices. http://nahc.ca.gov/wp-content/uploads/2015/04/AB52TribalConsultationRequirementsAndBestPractices_Revised_3_9_16.pdf. Accessed on 5 December 2020.

² Ibid.

robust; however, the policies, procedures, and laws that did exist in 1993 were followed. Regardless, those approvals are not under consideration as a part of this current project.

VI. PUBLIC HEARING NOTICE & COMMENTS

A public hearing notice was published in The Sheet on 5 December 2020 (Attachment 5) and a courtesy notice was sent to the Mono Basin Regional Planning Advisory Committee (RPAC) on 3 December 2020. Notices were also sent to adjacent property owners at least 10 days in advance of the hearing and emails were sent to service providers that may be affected.

Written public comments received at the time this staff report was drafted are included in Attachment 7. Public comments received after this staff report was written will be provided to the Board prior to the close of the public hearing.

VII. REVISIONS & FINDINGS

Revisions to mitigation measures and specific plan conditions incorporated since the project was presented to the Planning Commission in April 2020 are comprehensively listed in Section One of the Resolution (Attachment 2) to ensure a clear understanding of project modifications. If the Board approves the proposed Tioga Inn Specific Plan Amendment #3, with any modifications desired, the Board must adopt the findings contained in the proposed Resolution.

VIII. ATTACHMENTS & WEBLINKS TO DOCUMENTS

1. The Tioga Inn Specific Plan Amendment #3, along with other project documents, are available on the Mono County website at: <https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>
2. Proposed Resolution R20-__ Adopting Tioga Inn Specific Plan Amendment #3 and the Mitigation Monitoring and Reporting Plan
3. Alternative #7-Hybrid Plan concept site plans and concept landscape plan
4. Caltrans Letter
5. Letter from Kutzadika'a Tribe Attorney approving project mitigation measure
6. Public hearing notice
7. Public comments



RESOLUTION R20-___

RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS ADOPTING TIOGA INN SPECIFIC PLAN AMENDMENT #3 AND MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the Tioga Inn Specific Plan was originally approved and adopted in 1993, and thereafter was amended in 1995 and 1997, and then modified pursuant to a Director Review approval in 2012; and

WHEREAS, the 1993 Specific Plan authorizes a hotel (two stories, 120 rooms), full-service restaurant, 10 hilltop residential units, gas station with two gas pump islands, convenience store (4,800 square feet), infrastructure, convenience store deli, two-bedroom apartment above the convenience store, and clarifications regarding infrastructure, access, financing, phasing, signage and development standards; and

WHEREAS, the project application was deemed complete in July 2016 and, as originally proposed, included 80 residential units, an increase in the height of the 120-room hotel, and an increase in the size of the promontory restaurant, among other features; and

WHEREAS, due to scoping comments, the project was modified to its current iteration, which modifications comprise the proposed Tioga Inn Specific Plan Amendment #3, and include up to 100 housing units, a daycare facility, an increase in Open-Space Preserve acreage, a decrease in Open Space-Support and Open Space-Facilities acreage, three new gas pump islands under one new canopy, the replacement of the existing water tank with a new tank in a different location, the addition of a new 30,000 gallon propane tank, and an onsite wastewater treatment plant with recycled water irrigation; and

WHEREAS, in response to public comment and suggestions, the project was re-titled the Tioga Community Housing Project in February 2020, and included a new Alternative #6, which was accepted by the applicant and determined to be the new preferred alternative due to reduced visual and other impacts, and included other project changes; and

WHEREAS, at the 29-30 June 2020 meeting, the Board of Supervisors directed another alternative be developed that consisted of elements previously analyzed under Alternative 6 and the Cluster Alternative. This new alternative was accepted by the applicant and presented as Alternative #7-Hybrid Plan for consideration at the 6 August 2020 Board meeting; and

WHEREAS, the Board of Supervisors selected Alternative #7-Hybrid Plan as the preferred alternative at meetings on the 6 August and 13-14 October 2020 and provided additional direction for refinements; and

WHEREAS, on 16 April 2020, the Planning Commission held a duly noticed public hearing regarding Tioga Inn Specific Plan Amendment #3 and the Final Subsequent Environmental Impact Report (FSEIR), received approximately seven hours of public testimony and approximately 150 written comments, and recommended the adoption of the preferred alternative at that time to the Board of Supervisors by adopting Resolution R20-01; and

WHEREAS, on 29-30 June, 6 August and 13-14 October 2020, the Board of Supervisors held duly noticed public hearings regarding Tioga Inn Specific Plan Amendment #3 and the Final SEIR; and

WHEREAS, on 20 October 2020, the Board of Supervisors adopted Resolution R20-96 certifying the Tioga Inn Specific Plan Amendment #3 FSEIR, making all required findings and adopting the statement of overriding considerations;

NOW, THEREFORE, THE MONO COUNTY BOARD OF SUPERVISORS DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

SECTION ONE: Having reviewed and considered the analysis in the staff report, all information and evidence in the record and testimony provided in the public hearings, the Board of Supervisors directs that the refinements below are hereby incorporated into the Tioga Inn Specific Plan Amendment #3 and Mitigation, Monitoring and Reporting Plan (MMRP). These same refinements were incorporated into the certified Final Subsequent Environmental Impact Report. The Tioga Inn Specific Plan Amendment #3 and the MMRP are included as **Exhibit A** and incorporated herein by this reference. The 1993 Tioga Inn Specific Plan and FEIR is available on the Community Development page of the Mono County website at <https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir> and incorporated herein by this reference.

- A. Staff is authorized to make corrections to the SEIR that do not affect project substance or meaning, such as grammatical and typographical errors, numbering corrections, formatting changes, etc.
- B. Add: The description, analysis, and plan sheets (full site concept plan, housing concept plan, and landscaping concept plan) of the “Refined Preferred Alternative: Alternative 7-Hybrid Plan” from Section III of the staff report for the 13 October 2020 Board of Supervisors meeting as the preferred alternative.
- C. Add: Each housing phase and building permit application (if filed separately from a complete phase) shall receive a separate will serve letter from the applicable fire protection jurisdiction.
- D. Add: The property owner voluntarily proposed and agrees to prefund an update to the Lee Vining Fire Protection District (LVFPD) development impact fee structure (nexus study) in response to currently unquantified LVFPD capital improvement needs. The cost associated with this development impact fee structure update (nexus study) will be credited back to any outstanding LVFPD impact fees imposed on the project as a result of this updated study. This obligation shall inure to any future property owner.
- E. Add: The property owner voluntarily proposed and agrees to host a fundraising and recruiting event to encourage donations and volunteers to support LVFPD. This obligation shall inure to any future property owner.
- F. Add: Mitigation monitoring and reporting is a project requirement under CEQA. The County requires that costs associated with the implementation, monitoring and/or compliance with the Tioga Inn Community Housing Specific Plan, which may be performed by staff or County contractors, shall be paid for by the property owner.
- G. Add the following species to the Plant Palette:

Tree	White Birch	<i>Betula Pendula</i>
Tree	Limber Pine	<i>Pinus Flexilis</i>
Tree	Ponderosa Pine	<i>Pinus Nigra</i>
Tree	Austrian Pine	<i>Pinus Ponderosa</i>
Tree	Colorado Spruce	<i>Picea P 'Dark Green & Blue'</i>
Tree	Colorado Spruce	<i>Picea Pungens 'Fat Albert'</i>
shrub	Red Twig Dogwood	<i>Cornus Sericea 'Bailey'</i>
groundcover	Hancock	<i>Symphoricarpos x Chenaultii</i>

- H. Add Secondary Fire Access map:
https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29999/tioga_in_n_secondary_fire_120_access.pdf.
- I. Add: The Open Space-Support designation shall also permit construction and maintenance of a permanent secondary emergency access road, to be located in the southwest quadrant of the Tioga site.
- J. Eliminate the commercial propane service and relocate the propane tank to the Tioga sub-parcel east of US 395, near the two existing Tioga wells. Screening of the propane tank will be provided, consistent with the conceptual landscaping standards, which requires that screening trees and shrubs be planted to provide a visual break of facility views as seen from the scenic highways.
- K. Add: Onsite employees shall have first priority for vacant housing units, and rental practices shall comply with the California Fair Employment and Housing Act (FEHA) and the federal Fair Housing Act (FHA). In the event of a conflict with FEHA/FHA or a future grant award for project implementation, the grant requirements and FEHA/FHA shall take precedence.
- L. Add: Automated External Defibrillator (AED) units shall be provided on the community housing site in compliance with standards established by the American Heart Association, including use of a 3-minute maximum response time to determine the required number of AED units and where the units should be located on the project site.¹
- M. Add: The property owner shall provide Mono County Public Health Department with monthly measurements and recordings of static water levels, pumping water levels, pumping rates and pumped volumes for the onsite wells. The monthly measurements shall be provided to the County for at least the first year to establish a baseline; monitoring shall continue on at least a quarterly basis thereafter and results provided to Mono County Public Health.
- N. Add: If an emergency access road to US 395 is required by another agency with the authority to do so and the necessary permitting and CEQA analysis has been completed by that entity, then the Specific Plan may be modified by discretionary action of the Board to allow the road and to state: “other than access to an emergency egress route and for authorized personnel to the parcels adjacent to US 395, there shall be no access to the project from US 395.”
- O. Incorporate the environmental impact analysis of Alternative 6 and Alternative 7 (as applicable to the refined Alternative 7) from Attachment 5 to the staff report for the 6 August 2020 Board of Supervisors meeting, including the Lines of Sight and Visibility Cones from Navy Beach and South Tufa Parking

¹ American Heart Assn. pamphlet, *Implementing an AED Program*, 2/12/2012

Lot (Exhibits 3 and 4), and the “Refined Preferred Alternative: Alternative 7-Hybrid Plan” from Section III of the staff report for the 13 October 2020 Board of Supervisors meeting.

- P. Add: Mitigation Measure BIO 5.3(a-6) (Signage): Signage stating “Do Not Feed the Wildlife” shall be posted on the road leading into the housing complex, at the entry to Vista Point Drive, and at the access points from Vista Point Drive into the gas station, the hotel, and the full-service restaurant.
- Q. Refine Mitigation Measure BIO 5.3(a-4) (Badger and Fox Survey): A pre-disturbance denning badger and denning fox survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of 500 feet in all directions. Survey results will be reported to CDFW-Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active badger or fox dens will be buffered by a minimum distance of 500 feet, until the biologist finds that den occupation has ended. In the unlikely event that an active fox den that could be occupied by Sierra Nevada red fox is found, ground-disturbing work at the project will be halted pending consultation with CDFW regarding buffering and avoidance.
- R. Refine Mitigation Measure POP 5.6(a-1) (Phasing Plan)

Mitigation Measure 5.6(a-1) (Phasing Plan). Development of the Tioga Community Housing Project shall be phased in accordance with the schedule below.

Phase	# Units	Schedule
1	70	The 70 Phase I units, childcare facility, and grading for all three phases are authorized for construction upon submittal of a complete building permit application for the hotel to the Mono County Community Development Department.
2	30	Construction of the 30 Phase 2 units would begin when the phase 1 units reach an 80% occupancy rate (i.e., when 56 of the Phase 1 units are rented) and building permits have been issued for Phase 1. All Phase 2 units will be in the westernmost row of units.

- S. Add: Mitigation Measure SFTY 5.7(e-3) (Emergency Access to SR 120): The Gibbs Siphon Emergency Access Road onto SR 120 will include a 40-foot irrevocable easement from SCE to the property owner, shall be bladed annually to maintain full easement width, and shall be maintained to be passable by vehicles year round, to be recorded prior to issuance of project building permits.
- T. Add: Mitigation Measure SVCS 5.8(a-2) (Shuttle Service): A shuttle service shall be provided between the project site and Lee Vining, beginning when all Phase 1 units of the housing complex have received occupancy permits. The shuttle service will (1) be staffed by qualified drivers, (2) be equipped with ADA-compliant features, (3) follow established routes with regular minimum drop-off and pick-up times (including a minimum of 3 daily round trips during the operating season), and (4) begin the operating season, at minimum, each year no later than July 4, and end the operating season each year no sooner than Labor Day. The operating season may be expanded for additional periods as needed based on an annual survey of the Lee Vining community and Tioga Housing residents conducted by the property owner. The shuttle service will be free of charge and available for use by hotel guests, residents of the Community Housing Complex, and the public. If a pedestrian/bicycle trail is constructed between Lee Vining and the project site per MM SVCS 5.8(a-4), then shuttle

operation frequency and duration may be reduced based on ridership demand subject to approval by the Community Development Director.

- U. Refine Mitigation Measure SVCS 5.8(a-4)(Pedestrian Safety): The establishment of a trail connection between the project site and Lee Vining was determined to be infeasible in the FSEIR because: the trail would ultimately lead pedestrians to a SR 120 at-grade crossing (creating the potential for conflicts with high-speed vehicles); requirement for action by other parties over whom the County and the property owner lack legal control (i.e., SCE and Caltrans) and which, until recently, were unwilling to cooperate; and for other reasons including uncertainty of funding costs not attributable to the project and ultimate implementation. Infeasible mitigation measures need not be analyzed under CEQA and may not be relied upon to conclude that an impact has been reduced to a less-than-significant level. In addition, a pedestrian trail has been documented as an existing need and the proposed project may only be held responsible for its proportional and incremental contribution.

The property owner and County shall work collaboratively with SCE, Caltrans, and the local community to pursue future options for a pedestrian/bicycle connection to Lee Vining which include, but are not limited to, a safe crossing of SR 120 combined with (1) a trail across SCE property; and (2) an on-system sidewalk connector along SR 120 and US 395. If a feasible option is identified, a “fair share” cost attributable to the project will be calculated by the County and contributed by the property owner, to be held in an account by Mono County, toward the design, CEQA analysis, and construction of the trail project. If the trail project is not approved by any public agency (including the County) with jurisdiction, then such funds shall be reimbursed to the property owner. The feasibility analysis of the connectivity trail project shall commence within six months of the Board of Supervisors’ approval of the Tioga Inn Specific Plan Amendment #3.

- V. Add: Mitigation Measure AES 5.12(a,b) (Design Criteria): To be consistent with requirements of Tioga Inn Specific Plan Amendment #3, all housing structures within the residential complex must at a minimum conform to the following five criteria:

1. **Limits of Construction:** All Community Housing residential structures, whether attached or detached units, must be located within the building envelope indicated on the Alternative 7 Concept Site Plan except for the manager’s unit, which is located outside the building envelope to the west.
2. **Maximum Heights:** All Community Housing residential structures shall be of single-story construction with a maximum roof height not to exceed 16 feet.
3. **Number of Units and Bedrooms:** As previously stated in the project description, the Community Housing complex shall not contain more than 100 residential units and 150 bedrooms, including the manager’s unit, and shall conform to the phasing plan.
4. **Screening Landscaping:** Screening landscaping shall be provided consistent with the Landscape Concept Plan developed by Weiland Design Group, Inc., dated 9-8-20. The Landscape Concept Plan was developed to be consistent with (a) Mitigation Measure AES 5.12(a,b-2) (Visual Screening & Landscaping) and (b) the Conceptual Landscaping standards outlined in Specific Plan Table 4-12.
5. **Visibility of Residential Units and Structures:** All structures and units within the Community Housing complex shall be within the sight lines and visibility cones depicted in the CEQA visual analysis.

- W. Add: Mitigation Measure AES 5.12(a,b-2) (Visual Screening & Landscaping): All landscaping shall be planted consistent with the Alternative 7 Landscape Concept Plan as soon as Phase 1 site grading

is complete. A landscaping or restoration specialist approved by the County shall monitor tree health, screening efficacy and replacement requirements for the first 5-years of growth. The landscape/restoration specialist shall have authority to replace plantings as needed to attain within five years a goal of providing at minimum the number of trees shown on the Landscape Concept Plan.

None of the housing structures or housing parking areas shall be visible from public vantage points including (1) the shore of Mono Lake at South Tufa, (2) Navy Beach, (3) US 395 between the junction of Hwy 120 W and Test Station Rd. A housing structure or parking area is “visible” if any part of the buildings or parked vehicles or any reflection, glare, or other direct light from the housing or parked vehicles in the housing area at any time are clearly identifiable to the naked eye or with a high-quality 400 mm telephoto lens as used in the visual analysis.

Compliance with this mitigation measure shall be monitored by conducting visual inspections from each of the public vantage points listed above at least once each year for five years after certificate of occupancy is issued for Phase 1. The monitoring inspection shall be conducted during winter with at least one conducted after dark and one in the two hours after dawn from each vantage point.

The goal of the monitoring inspections shall be to develop a record of compliance with this standard from each vantage point and at varying times of potential high visibility including dawn, nighttime, and daytime. Documented observations of noncompliance with this standard from the public should be sent to the Code Enforcement Division for a response.

X. Refine Mitigation Measure AES 5.12(c) (Outdoor Lighting Plan): An outdoor lighting plan must be submitted with the building permit application and approved by the Community Development Department before the building permit can be issued. The plan shall comply with Chapter 23 of the Mono County General Plan and provide detailed information including but not limited to:

- (a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted. Furthermore, although lighting is not required for parking areas, roads and pedestrian walkways, Mono County will permit safety lighting to be provided in the parking areas, roads and pedestrian walkways provided that such lighting must meet all other applicable requirements of this Outdoor Lighting Plan (i.e., shielded, down-directed, etc.) and may not exceed 10,000 lumens per acre maximum.² Kelvin color temperature should be approximately 2300K, and temperatures over 3000K are prohibited. Safety lighting shall be permitted only during the hours between 30 minutes following sunset, and 30 minutes prior to sunrise;
- (b) pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to limit light impacts to the least necessary for public health and safety. Kelvin color temperatures over 3000K are prohibited. Bollards shall be spaced a minimum of 10 to 15 feet apart³ on pedestrian pathways. The height of bollard lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded and not exceed 125 bollards at 1,000 lumens⁴;

² Guidelines for Good Exterior Lighting Plans, the Dark Sky Society (<http://www.darksksociety.org/>), 2009: <http://www.darksky.org/handouts/LightingPlanGuidelines.pdf>.

³ Access Fixtures, *Bollard Light Spacing*, 2020: https://www.accessfixtures.com/bollard_light_spacing/

⁴ Yosemite National Park Lighting Guidelines, May 2011: <https://www.nps.gov/yose/learn/nature/upload/Lighting-Guidelines-05062011.pdf>

- (c) accent lighting shall be limited to residential lighting required by the building code for safety, and any up-lighting shall be prohibited;
- (d) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and
- (e) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.
- (f) the Landscape Concept Plan outlined in MM AES 5.12(a,b-2) shall be applied to place trees and landscaping to screen project structures and lighting, subject to the five-year monitoring plan and tree replacement as needed, to screen direct light glare from offsite.

Chapter 23 gives the CDD discretion to require additional information following the initial Outdoor Lighting Plan review. Additional information requirements may include, but not limited to:

- (a) A written narrative to demonstrate lighting objectives,
- (b) Photometric data,
- (c) A Color Rendering Index (CRI) of all lamps and other descriptive information about proposed lighting fixtures,
- (d) A computer-generated photometric grid showing foot candle readings every 10 feet within the property or site, and 10 feet beyond the property lines, and/or
- (e) Landscaping information to describe potential screening.

In addition to the above, the project shall include landscaping to shield offsite views of lighting. Further, the project shall be prohibited from allowing accent uplighting of architectural or landscape features, seasonal lighting displays (including use of multiple low-wattage bulbs) except that seasonal lighting shall be permitted on the north, south and west facing building sides that are not visible to the public viewshed.

SECTION TWO: Having reviewed and considered all information and evidence presented to it including public testimony, written comments, the Draft and Final Subsequent Environmental Impact Report (DSEIR and FSEIR, respectively), the 1993 Tioga Inn Specific Plan and FEIR and staff reports and presentations, the Board of Supervisors makes the following findings regarding the Tioga Inn Specific Plan Amendment #3 and Preferred Alternative (Alternative #7-Hybrid Plan):

- A. *The proposed changes in the specific plan are consistent with the text and maps of the General Plan because:*

The proposed changes to the Tioga Inn Specific Plan, the Tioga Inn Specific Plan Amendment #3, Alternative #7 (Amendment), are consistent with General Plan policies directing the County to utilize the specific plan process for large-scale projects and consistent with Land Use Element policies to contain growth in and adjacent to existing community areas (LU Element Objective A, Policies 1, 2). The project site is an existing specific plan approved for development and is proximate to the existing town of Lee Vining, separated only by Highway 120 and one parcel owned by an electric utility company from the closest commercial property, about ¼ mile away. The amendment is also consistent with General Plan policies for amending Specific Plans (Chapter 36 and Chapter 48).

The Amendment is reasonable within the context of providing housing for the approved unconstructed commercial uses and compatible with surrounding and proposed development of the

Tioga Inn Specific Plan, and does not alter the adopted Tioga Inn Specific Plan in a manner that makes it inconsistent with the text or maps of the General Plan.

Further, the Amendment is consistent with Housing Element programs that require specific plans for large-scale development within community expansion areas (Mono County General Plan Housing Element 1.8) to utilize mixed use developments to more efficiently and economically utilize the County's limited land base for housing (Mono County General Plan Housing Element 1.9).

In addition, the Amendment is consistent with the Land Use Element policy which "require[s] future development ... to provide a fair share of affordable and workforce housing units" through compliance with the Housing Mitigation Ordinance.

B. *The proposed changes in the specific plan are consistent with the goals and policies contained within any applicable area plan because:*

As discussed in both the Draft and Final SEIR documents, the specific plan changes are consistent with area plan polices. The site has long been identified for development, with commercial hotel, housing, restaurant and other uses approved in 1993. The Amendment incorporates energy efficient designs such as solar panels, southern orientation, and a graywater irrigation system, and includes requirements stricter than the General Plan Dark Sky requirements (Chapter 23) to protect the night sky.

Small-town character is preserved by providing housing for future employees of the approved commercial components so that the existing housing stock is impacted less and induced growth/overcrowding in the existing Lee Vining townsite is limited. Overcrowding within Lee Vining would result in parking, traffic, and noise impacts, and generally a more urban environment as the density of people increases in town. Additional impacts include, but are not limited to, increases in rent and decreases in the already limited availability of units. In addition, a significant portion of the infrastructure required to accommodate the increase in population, such as water and sewer, are provided on site. Other services and environmental impacts such as fire protection, emergency medical services, law enforcement, traffic, greenhouse gas emissions, etc., have been evaluated based on an increase of approximately 300 residents and mitigated when possible or identified as significant and unavoidable. Further, population estimates are well within General Plan build-out projections and do not exceed generally understood population definitions of small towns (e.g., less than 10,000 people) or the Census Bureau's definition of a rural area (less than 2,500 people). Finally, the population increase is generated by the previously approved restaurant and hotel, not by the proposed project. The proposed project affects the distribution of that population, increasing the likelihood that the employees will become residents of the Lee Vining area rather than living within existing residential structures in Lee Vining or commuting from adjacent communities such as Bridgeport, June Lake, Crowley Lake, and Mammoth Lakes. The Amendment also enhances and supports the area's tourism-based economy and economic sustainability.

The proposed project is consistent with the Mono Basin Area Plan as follows:

Policy 10.C.2. Support design practices that protect scenic vistas, energy efficiency, and "green" building practices.

- The development is located below the ridgeline on a lower plateau and is not silhouetted against the skyline. The project incorporates energy efficiency and green building practices, such as

graywater irrigation, solar panels, and housing onsite with employment (e.g., jobs-housing balance).

Policy 10.C.3. Preserve the dark night sky of the Mono Basin.

Action 10.C.3.a. Require compliance with and enforce Dark Sky Regulations.

- Chapter 23, Dark Sky Regulations, is not only applied, but additional regulations are required such as the prohibition of seasonal light strings on walls facing US 395, limitation on lumens and kelvin light temperature, and the requirement of pedestrian bollard lighting rather than overhead lighting.

Action 10.D.2.d. Consult the Kutzadika'a Mono Lake Indian Community on potential impacts to cultural and historic resources as described in Government Code §65352.3, which outlines local government requirements for tribal consultation.

- Consultation was held and the voluntary mitigation measure offered by the applicant was accepted via email from the California Indian Legal Services attorney representing the Tribe on 13 January 2020. Responses have continued to be provided to any further comments submitted by Tribal members. Letters were sent under AB 52 and SB 18 to the Kutzadika'a Tribe to invite tribal consultation and the County received no responses.

Objective A: Provide for the orderly growth of Lee Vining in a manner that retains the small-town character by directing future development to occur in and adjacent to Lee Vining.

- The project site is an existing specific plan approved for development and is proximate to the existing town of Lee Vining, separated only by Highway 120 and one parcel owned by an electric utility company from the closest commercial property, about ¼ mile away.

Objective C: Encourage building types and architectural design compatible with scenic and natural attributes of the Mono Basin.

- Through public comment, the building types have been reduced to one story structures with a maximum height of 16 feet, and a landscaping plan has been developed to ensure screening of walls, windows, and roof in addition to lighting. Visual impacts are additionally reduced by the lowering of the grading line to sink the structures into the hillside of an existing moraine, the requirement of dark colors and non-reflective materials, and the vast distance from the site to scenic vista areas which reduces the size and scale of the structures. Impacts to the night sky are also mitigated to less than significant with the addition of more restrictive dark sky lighting requirements; however, visual impacts remain significant overall because of downward directed lighting on the ground where none existed before. This policy does not prohibit approval of projects with identified impacts; rather, the applicable policy would be General Plan Conservation/Open Space Policy 20.C.1, which requires a statement of overriding considerations through the Environmental Impact Report process. The Board of Supervisors adopted the statement of overriding considerations on 20 October 2020.

Objective D: Maintain, protect and enhance the natural, historical and recreational attributes of the Mono Basin.

- Cultural protections have been addressed through consultation with the Mono Lake Kutzadika'a Tribe and continued correspondence.
- Pedestrian connectivity is an existing issue that cannot be attributed entirely to the project, and therefore cannot be solely resolved by this project, and certain constraints make the construction of pedestrian connectivity infeasible at this time. However, the applicant will fund studies and

work toward overcoming those barriers to pursue a trail or other connection from the project site to town.

Objective E: Promote well-planned and functional community uses that retain small-town character and increase quality of life.

- Based on population data in the FSEIR/DSEIR, the estimated project population of 300 plus the 2018 population of 167 results in a total population of 476. While this population is almost a threefold increase in the current population, it is less than the population from the 2000 Census (496). Therefore, the Mono Basin has supported such population levels in the past.
- The small-town character is retained by providing housing onsite for the commercial uses already approved. Without the project, the employees of those commercial uses will seek housing in Lee Vining, impacting the already inadequate housing stock which typically results in overcrowding. Overcrowding then results in parking, traffic, and noise impacts, and generally a more urban environment as the density of people increases in town.
- The assumption that the hotel will not be built without the housing is speculation. The hotel and restaurant are approved and therefore reasonably foreseeable under CEQA, and must be assessed under the cumulative impact evaluation.

Objective F: Provide appropriate public infrastructure and service capability expansion to support development, public safety, and quality of life.

- In terms of capacity needs, the Lee Vining Fire Protection District had raised concerns about the technical expertise to plan check and inspect the construction phase of the project, and the need for an evacuation plan. Mono County offered to cover the plan check and inspection needs at no cost to the District, and a specific plan implementation measure was added to require the development of an evacuation plan.
- The District more recently raised capacity needs in terms of volunteer numbers, funding, and an update to the Development Impact Fee (DIF) study. The FSEIR discusses that residents in the project are likely to volunteer, but a specific number could be mandated. The Mono County Counsel's office provides free legal services to the District, and the applicant has offered to prefund the cost of the consultant, provided the cost is credited against the amount of DIF due for the proposed project when the building permit is due. The applicant has also offered to host a fundraising and volunteer drive for the District, and offer housing priority for onsite employees agreeing to volunteer.
- The population is still well below the build-out anticipated by the General Plan, and existing parking standards should provide for adequate parking. If older projects previously built in Lee Vining were not built to standards, those are existing impacts for which the proposed project is not responsible.

Goal 2: Grow a sustainable local economy with diverse job opportunities that offers year-round employment and wages that reflect the cost of living in the area.

Objective A: Plan for a diversified, sustainable economy.

Objective B: Enhance and support the existing tourism-related economy.

Objective C: Diversify the existing economic base and employment opportunities to achieve a more sustainable economy.

- Housing in and of itself is a major barrier for business retention and expansion. The 2018 Mono County Business Retention & Expansion Survey found housing is the greatest barrier to workforce retention and recruitment with 79% of businesses attributing availability/affordability of housing as the overriding barrier. Housing is most critical for seasonal frontline employees

according to 62% of businesses, however nearly as many (59%) mention housing scarcity for year-round employees. Almost 40% of businesses attempt to address housing issues by providing some employee lodging but only 34% of those say the amount is adequate.

- In the opinion of the Mono County Economic Development Department, improving the quality and quantity of visitor services is needed throughout the county and in Lee Vining

Policy 11.C.5. Support the revitalization of Main Street.

- The proposed project is not located on Main Street and therefore this policy is not applicable. Further, the policy does not prohibit, either directly or in an implied manner, any project that is not located on Main Street or directly supportive of Main Street revitalization. The intent of this policy was to support Main Street development, but there was no intention to penalize or prohibit other business efforts with no direct tie to Main Street.

Goal 3: Build a safe, Friendly community where people feel connected, work together to resolve community issues and are involved in community activities and events.

Objective A: Build healthy social connections and interactions that contribute to a sense of community.

Objective B: Encourage and support local events and programs that provide community and youth activities, capitalize on the tourist economy, and bring the community together.

Objective C: Encourage people to volunteer in the community and participate in events.

- The proposed project provides stable housing that contributes to a sense of safety and establishment, supporting the ability of people to feel connected to one other through proximity of both their residences and employment, interact together on a regular basis, and ultimately contribute to a sense of community both onsite and within the Mono Basin as a whole. The project also includes a day care facility, which provides for additional social stability and healthy family lives, and is open to offsite residents as well which will help bring community together. An offer has been made to the Lee Vining Fire Protection District to hold a fundraiser and volunteer recruitment drive, and the workforce supported by the project supports the tourist economy.

- C. *The site of proposed change in the specific plan is suitable for any of the land uses permitted within the proposed specific plan because:*

The project site contains existing and approved (but unconstructed) commercial uses and is large enough to provide a significant portion of needed infrastructure improvements, including roads meeting fire safe standards (LU Element Chapter 22 and 14 CCR §1273.00, et.seq.), an onsite wastewater treatment plant, and water supply from wells, among other infrastructure. The proposed residential uses are suitable for the site because they will provide housing for the approved commercial uses and phased to coincide with the expected generation of onsite employees, which is consistent with General Plan policies (LU Element, Objective A, Policy 1, Actions 1.2; and Housing Element Program 1.9). The gas pump and propane tank expansions are similar to commercial uses already in place on the site, and therefore are appropriate uses. The adjustment to the land use designations within the specific plan accommodate the development proposal, mitigate biological impacts, and increase overall open space acreage in recognition of the rural nature of the general landscape in the vicinity, and are therefore appropriate changes.

- D. *The proposed changes to the specific plan are reasonable and beneficial at this time because:*

The 2017 Mono County Housing Needs Assessment identified a need for 120-170 units to meet existing demand and accommodate future employment growth, and the Tioga Inn Specific Plan prior to this Amendment provided for 10 housing units for the approximately 187 employees estimated to be generated by the approved commercial uses. This Amendment provides up to 100 units, which will house significantly more employees on site and reduce impact to the community's housing stock. The phasing plan in the Amendment ties the construction of housing units to the construction of the commercial uses and the demonstrated occupancy of units. If the hotel is not built, then the project is limited to a maximum of 30 housing units to help meet the need of 120-170 units identified in the Housing Needs Assessment.

In addition, the 2018 Mono County Business Retention & Expansion Survey found housing is the greatest barrier to workforce retention and recruitment countywide with 79% of businesses attributing availability/affordability of housing as the overriding barrier. Housing is most critical for seasonal frontline employees according to 62% of businesses, however nearly as many (59%) mention housing scarcity for year-round employees. Almost 40% of businesses attempt to address housing issues by providing some employee lodging but only 34% of those say the amount is adequate. This project will help address housing needs to improve workforce retention and recruitment.

- E. *The proposed changes to the specific plan will not have a substantial adverse effect on surrounding properties because:*

As described in the FSEIR for the project and in the associated Statement of Overriding Considerations, impacts have been reduced to the lowest possible level. The five significant effects are limited to impacts to the project site, adjacent transportation routes and rights-of-way, traffic (which exists without the project), wildlife, and the general scenic nature of the Mono Basin area, with no direct adverse effects to specific surrounding properties. The Statement of Overriding Considerations was adopted by the Board of Supervisors on 20 October 2020 via Resolution R20-96, and is incorporated herein by this reference.

SECTION THREE: The recitals to the Resolution are hereby adopted as findings of the Board.

SECTION FOUR: The Board of Supervisors hereby takes the following actions: 1) adopts the Mitigation Monitoring and Reporting Program as refined by Section One of this Resolution; and 2) approves the Tioga Inn Specific Plan Amendment #3, Alternative 7-Hybrid Plan, as refined by Section One of this Resolution.

PASSED AND ADOPTED this 15th day of December 2020, by the following vote of the Board:

AYES :

NOES :

ABSENT :

ABSTAIN :

Jennifer Kreitz, Vice Chair

ATTEST:

APPROVED AS TO FORM:

Queenie Barnard
Clerk of the Board

Stacey Simon
County Counsel

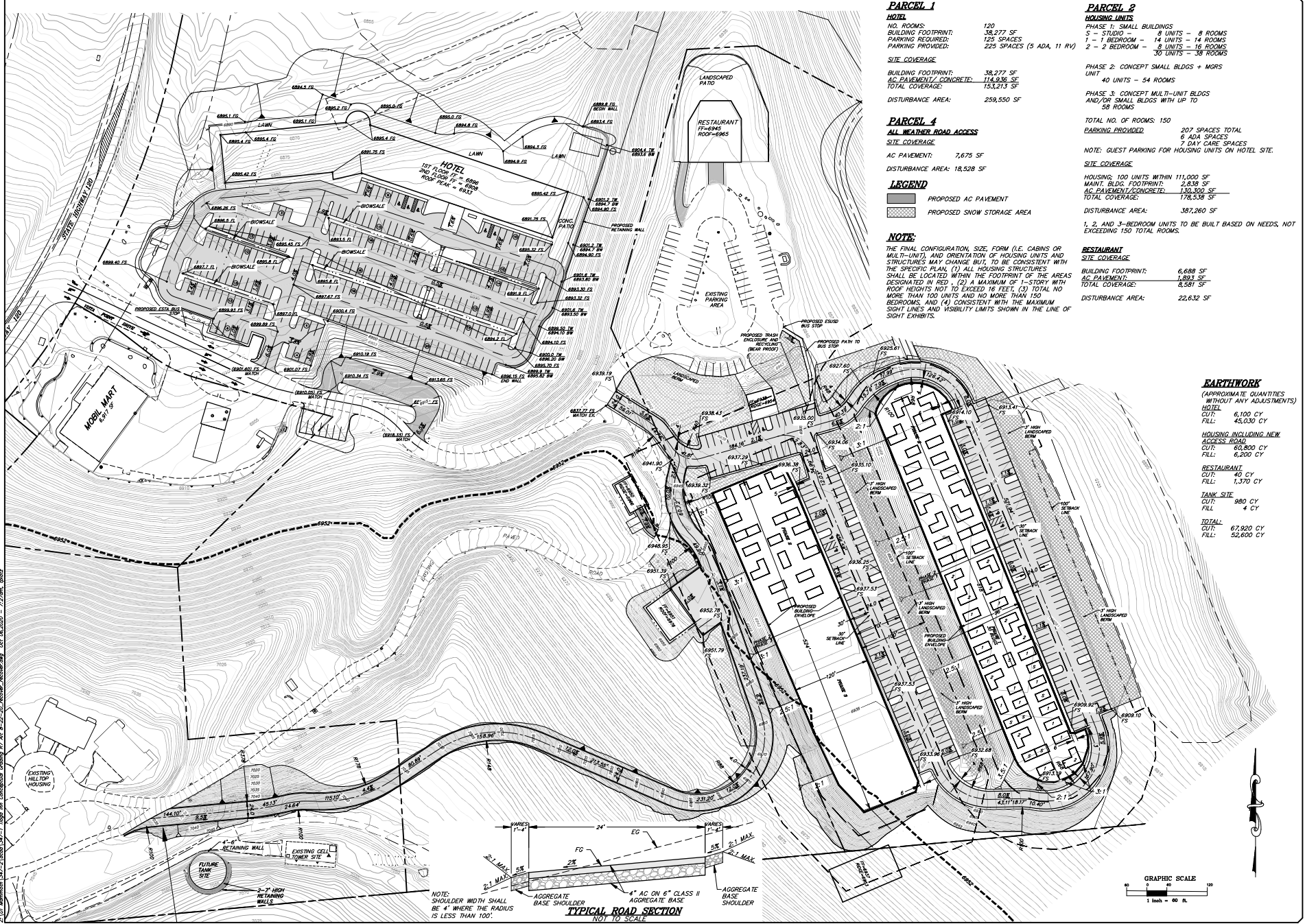
Exhibit A to Board of Supervisors Resolution R20-__

The Tioga Inn Specific Plan Amendment #3 and corresponding Tioga Community Housing Project Subsequent Final Environmental Impact Report (FSEIR) are available on the Mono County website. The links are provided below:

<https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>

The document in the link above is broken down into the following sections for ease of viewing:

- [Board Resolution R20-96](#) Certifying the Tioga Inn FSEIR
- [Alternative #7-Hybrid Plan Conceptual Site Plan – Full Site Plan](#)
- [Alternative #7-Hybrid Plan Conceptual Site Plan – Housing Area](#)
- [Alternative #7-Hybrid Plan drafts](#): Narrative description of Alternative #7-Hybrid Plan and draft site plan and landscape plan
- [Board memorandum](#) on “Expectation of Level of Detail in Specific Plan Site Plans”
- Alternative #7-Hybrid Plan documents
- Staff report and exhibits from the following Board of Supervisors meetings: [29-30 June](#), [6 August](#), [13 October](#), [14 October](#), [20 October](#) 2020
- Staff report and attachments from the [16 April 2020 Planning Commission meeting](#)
- [DSEIR & FSEIR consolidated](#): Changes and updates made to the Draft SEIR through the Final SEIR have been consolidated into a single “redline” version to facilitate final review.
- [DSEIR & FSEIR Appendices](#)
- [DSEIR & FSEIR Exhibit 3.3](#)
- [DSEIR & FSEIR Exhibit 4.1](#)
- [DSEIR & FSEIR Exhibit 5.1-2](#)
- [DSEIR & FSEIR Exhibit 5.2-1](#)
- [DSEIR & FSEIR Exhibit 5.3-6](#)
- [DSEIR & FSEIR Exhibit 5.5-5](#)
- [DSEIR & FSEIR Exhibit 5.12-10](#)
- [DSEIR & FSEIR Exhibit 5.12-11](#)
- [DSEIR & FSEIR Exhibit 7.1](#)
- [Response to Supervisor Stump’s Inquiry](#)
- [1 FSEIR, sections 1-5](#)
- [2 FSEIR, sections 6-8](#)
- [3 Appendix A](#)
- [4 Appendix B, 1 of 3](#)
- [4 Appendix B, 2 of 3](#)
- [4 Appendix B, 3 of 3](#)
- [5 Appendix C](#)
- [6 Appendix D](#)
- [7 Appendix E](#)
- [Tioga Inn Specific Plan Amendment #3](#)
- [Complete Specific Plan & DSEIR document](#)
- DSEIR Table of Contents
- [DSEIR Chapters ONLY](#)
- [DSEIR Appendices ONLY](#)
- [Exhibit 3-3. Project Site Plan](#)
- [Exhibit 4-1. Site Context Map](#)
- [Exhibit 5.1-2. Conceptual Grading Plan](#)
- [Exhibit 5.2-1. Conceptual Drainage Plan](#)
- [Exhibit 5.3-6. Open Space Plan](#)
- [Exhibit 5.5-5. Proposed Land Use Plan, Amendment #3](#)



PARCEL 1

HOTEL
 NO. ROOMS: 120
 BUILDING FOOTPRINT: 38,277 SF
 PARKING PROVIDED: 225 SPACES (5 ADA, 11 RV)
 DISTURBANCE AREA: 259,550 SF

PARCEL 2

HOUSING UNITS
 PHASE 1: SMALL BUILDINGS
 5 - STUDIO - 8 UNITS - 8 ROOMS
 1 - 1 BEDROOM - 14 UNITS - 14 ROOMS
 2 - 2 BEDROOM - 8 UNITS - 16 ROOMS
 30 UNITS - 38 ROOMS
 PHASE 2: CONCEPT SMALL BLDGS + MGRS
 UNIT 40 UNITS - 54 ROOMS

PARCEL 4

ALL WEATHER ROAD ACCESS
 SITE COVERAGE: 7,675 SF
 DISTURBANCE AREA: 18,528 SF

LEGEND

- PROPOSED AC PAVEMENT
- PROPOSED SNOW STORAGE AREA

NOTE:

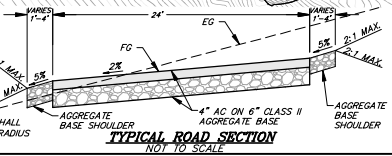
THE FINAL CONFIGURATION, SIZE, FORM (L.E. CABINS OR MULTI-UNIT), AND ORIENTATION OF HOUSING UNITS AND STRUCTURES MAY CHANGE BUT TO BE CONSISTENT WITH THE SPECIFIC PLAN. (1) ALL HOUSING STRUCTURES SHALL BE LOCATED WITHIN THE FOOTPRINT OF THE AREAS DESIGNATED IN RED. (2) A MAXIMUM OF 1-STORY WITH ROOF HEIGHTS NOT TO EXCEED 16 FEET. (3) TOTAL NO MORE THAN 100 UNITS AND NO MORE THAN 150 BEDROOMS. AND (4) CONSISTENT WITH THE MAXIMUM SIGHT LINES AND VISIBILITY LIMITS SHOWN IN THE LINE OF SIGHT EXHIBITS.

PARCEL 4

RESTAURANT
 BUILDING FOOTPRINT: 6,688 SF
 AC PAVEMENT: 1,893 SF
 TOTAL COVERAGE: 8,581 SF
 DISTURBANCE AREA: 22,632 SF

EARTHWORK

(APPROXIMATE QUANTITIES WITHOUT ANY ADJUSTMENTS)
HOTEL
 CUT: 6,100 CY
 FILL: 45,030 CY
HOUSING INCLUDING NEW ACCESS ROAD
 CUT: 60,800 CY
 FILL: 6,200 CY
RESTAURANT
 CUT: 40 CY
 FILL: 1,370 CY
TANK SITE
 CUT: 980 CY
 FILL: 4 CY
TOTAL:
 CUT: 67,920 CY
 FILL: 52,600 CY



NOTE: SHOULDER WIDTH SHALL BE 4' WHERE THE RADIUS IS LESS THAN 100'

t h a
 titrod/homes assoc.
 civil engineering
 land surveying

MAMMOTH LAKES
 BISHOP
 REDWOOD CITY

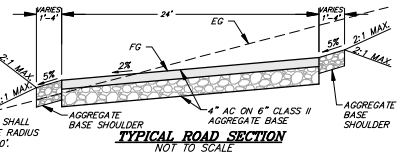
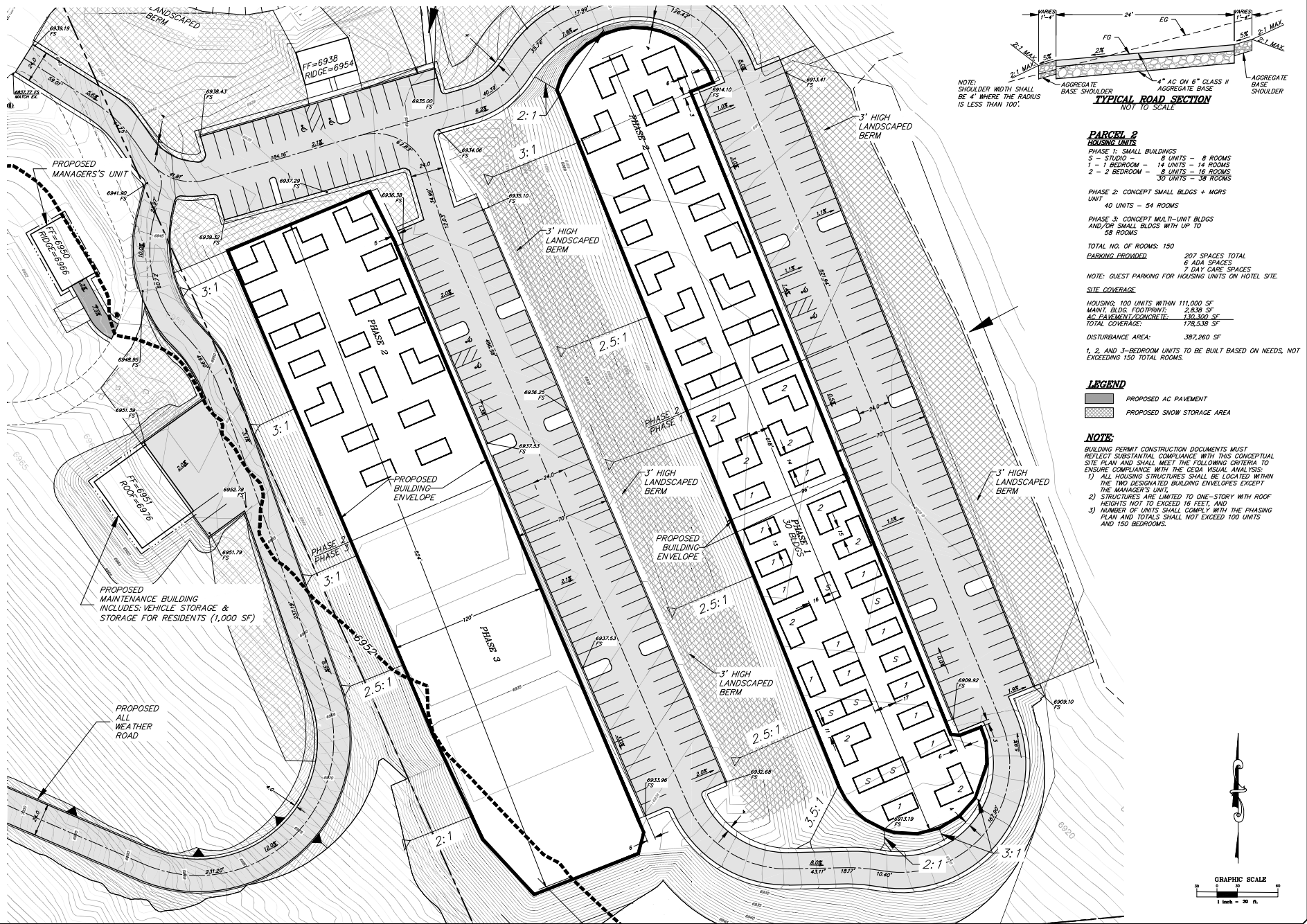
PREPARED & SUBMITTED BY: [Signature]
 DATE: 09/30/2020

REVISIONS: [Table with 2 columns: Description, Date]

PREPARED FOR:
 DENNIS DONALD
 P.O. BOX 2727
 MAMMOTH LAKES, CA 93246

TIOGA INN
 ALTERNATIVE 7 GRADING PLAN
 FOR TIOGA INN REVISED SPECIFIC PLAN

DATE: 09/30/2020
 SCALE: 1"=60'
 DRAWN: SR/MP
 JOB NO.: 01.0347.2
 DTD: C2
 SHEET 2 OF 3



PARCEL 2 HOUSING UNITS
 PHASE 1: SMALL BUILDINGS
 S - STUDIO - 8 UNITS - 8 ROOMS
 1 - 1 BEDROOM - 14 UNITS - 14 ROOMS
 2 - 2 BEDROOM - 30 UNITS - 38 ROOMS

PHASE 2: CONCEPT SMALL BLDGS + MGRS UNIT
 40 UNITS - 54 ROOMS
 PHASE 3: CONCEPT MULTI-UNIT BLDGS AND/OR SMALL BLDGS WITH UP TO 58 ROOMS

TOTAL NO. OF ROOMS: 150
 PARKING PROVIDED: 207 SPACES TOTAL
 7 DAY CARE SPACES

NOTE: GUEST PARKING FOR HOUSING UNITS ON HOTEL SITE.

SITE COVERAGE
 HOUSING: 100 UNITS WITHIN 111,000 SF MAINT. BLDG. FOOTPRINT: 2,838 SF
 AC PAVEMENT/CONCRETE: 130,300 SF
 TOTAL COVERAGE: 178,138 SF

DISTURBANCE AREA: 387,260 SF
 1, 2, AND 3-BEDROOM UNITS TO BE BUILT BASED ON NEEDS, NOT EXCEEDING 150 TOTAL ROOMS.

LEGEND

 PROPOSED AC PAVEMENT
 PROPOSED SNOW STORAGE AREA

NOTE:
 BUILDING PERMIT CONSTRUCTION DOCUMENTS MUST REFLECT SUBSTANTIAL COMPLIANCE WITH THIS CONCEPTUAL SITE PLAN AND SHALL MEET THE FOLLOWING CRITERIA TO ENSURE COMPLIANCE WITH THE CEQA VISUAL ANALYSIS:
 1) ALL HOUSING STRUCTURES SHALL BE LOCATED WITHIN THE TWO DESIGNATED BUILDING ENVELOPES EXCEPT THE MANAGER'S UNIT.
 2) STRUCTURES ARE LIMITED TO ONE-STORY WITH ROOF HEIGHTS NOT TO EXCEED 18 FEET, AND
 3) NUMBER OF UNITS SHALL COMPLY WITH THE PHASING PLAN AND TOTALS SHALL NOT EXCEED 100 UNITS AND 150 BEDROOMS.

th
 thd/homes assoc
 civil engineering
 land surveying
 MAMMOTH LAKES
 BISHOP
 REDWOOD CITY

PREPARED & SEALING BY

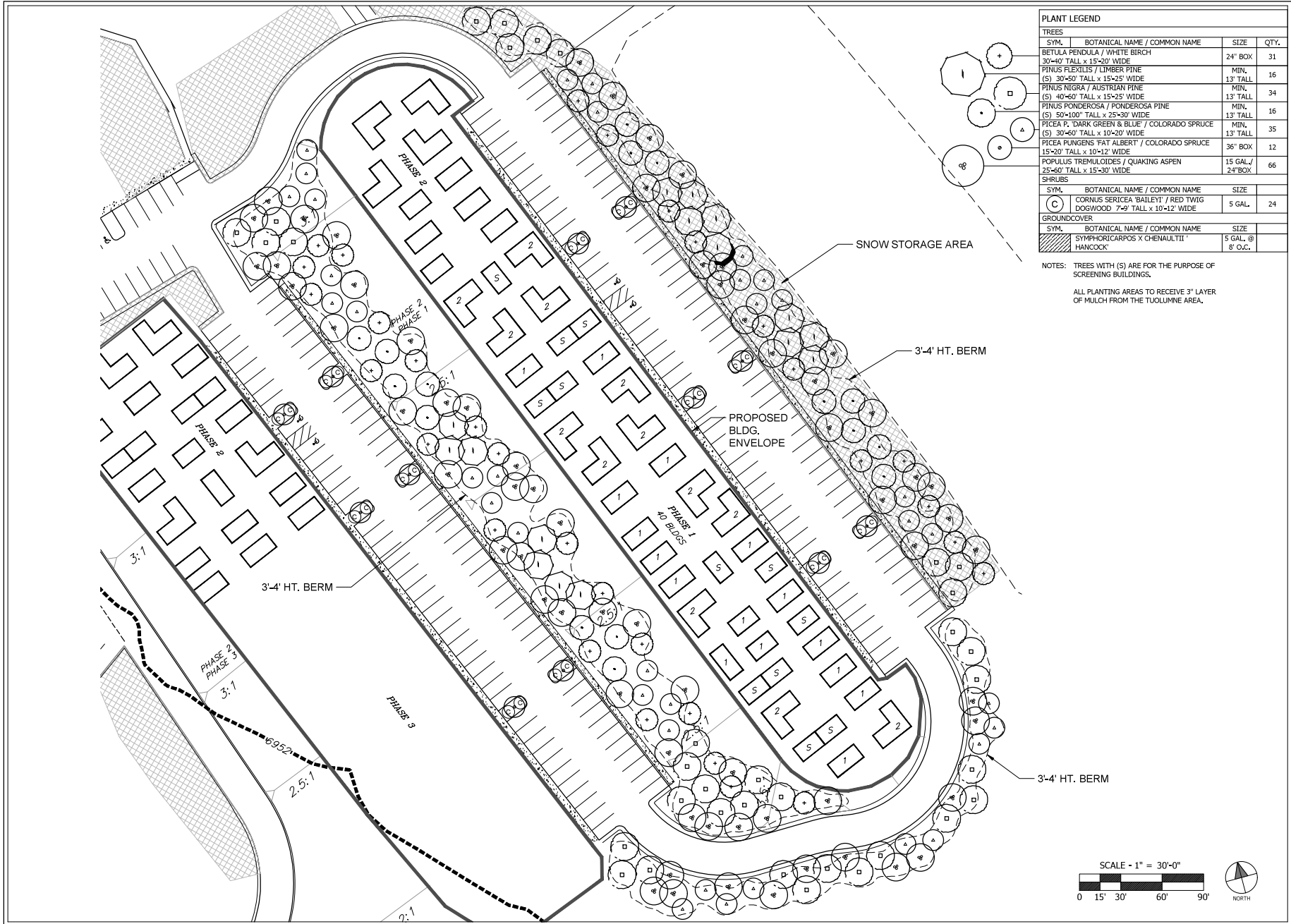
 DENNIS DOMALLE
 P.O. BOX 2727
 MAMMOTH LAKES, CA
 93246

REVISED FOR:
 DENNIS DOMALLE
 P.O. BOX 2727
 MAMMOTH LAKES, CA
 93246

TIOGA INN
ALT #7 HOUSING CONCEPT SITE PLAN
FOR TIOGA INN REVISED SPECIFIC PLAN

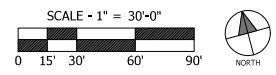
DATE: 09/29/2020
 SCALE: 1" = 30'
 DRAWN: SR/MP
 JOB NO.: 01.0347.2
C4
 SHEET 2 OF 3

D:\01 Mammmoth MP-2\01\0347.2\Tioga Inn Conceptual Drawing.dwg, Alt. # 7-29-20.dwg, 01/06/2020, - JI, Adam, Jantz



PLANT LEGEND			
TREES			
SYM.	BOTANICAL NAME / COMMON NAME	SIZE	QTY.
	BETULA PENDULA / WHITE BIRCH	24" BOX	31
	PINUS FLEXILIS / LAMBER PINE	MIN.	16
(S)	30'-60" TALL x 15'-25' WIDE	MIN.	
	PINUS NIGRA / AUSTRIAN PINE	13" TALL	34
(S)	40'-60" TALL x 15'-25' WIDE	MIN.	
	PINUS PONDEROSA / PONDEROSA PINE	13" TALL	16
(S)	50'-100" TALL x 25'-30' WIDE	MIN.	
	PICEA P. 'DARK GREEN & BLUE' / COLORADO SPRUCE	13" TALL	35
(S)	30'-60" TALL x 10'-20' WIDE	MIN.	
	PICEA PUNGENS 'FAT ALBERT' / COLORADO SPRUCE	36" BOX	12
	15'-20" TALL x 10'-12" WIDE	15 GAL / 24" BOX	66
	25'-60" TALL x 15'-30" WIDE		
	POPULUS TREMULOIDES / QUAKING ASPEN		
	SHRUBS		
SYM.	BOTANICAL NAME / COMMON NAME	SIZE	
(C)	CORNUS SERICEA 'BAILEY' / RED TWIG DOGWOOD	7-9' TALL x 10'-12" WIDE	5 GAL. 24
GROUNDCOVER			
SYM.	BOTANICAL NAME / COMMON NAME	SIZE	
	SYMPHORICARPOS X CHENAULTII	5 GAL. @	
	HANCOCK	8" O.C.	

NOTES: TREES WITH (S) ARE FOR THE PURPOSE OF SCREENING BUILDINGS.
ALL PLANTING AREAS TO RECEIVE 3" LAYER OF MULCH FROM THE TUOLUMNE AREA.



WLDG
WELAND DESIGN GROUP, INC.
 LANDSCAPE ARCHITECTURE • PLANNING • ARCHITECTURE MANAGEMENT
 1000 COLLEGE AVENUE, SUITE 200
 TEMECULA, CALIFORNIA 92592
 PHONE: 951-695-1200
 FAX: 951-695-1201
 WWW.WELANDDESIGNGROUP.COM
 201 SERRA AVENUE, SUITE 100, TEMECULA, CA 92592

TIOGA INN
 LANDSCAPE CONCEPT PLAN

REVISIONS	DATE



DATE: 09/08/20
 SCALE: SEE SHEET
 JOB # 20-077
 DRAWN BY: NL
 SHEET: **1**
 OF 1

DEPARTMENT OF TRANSPORTATION

DISTRICT 9
500 SOUTH MAIN STREET
BISHOP, CA 93514
PHONE (760) 872-0602
FAX (760) 872-0605
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

December 8, 2020

Lynda Salcido, Chair
Mono County Local Transportation Commission (LTC)
PO Box 347
Mammoth Lakes, CA 93546

Multi-Use Path Proposal - Lee Vining to State Route 120

Dear Ms. Salcido:

The California Department of Transportation (Caltrans) District 9 supports the Departmental Safety and Health goal – to provide a safe transportation system for all and promote health through active transportation in communities. District 9 and Mono County continually engage regarding transportation decisions via the LTC, Regional Planning Advisory Committees, the Local Development-Intergovernmental review process, grant opportunities, individual projects, and community outreach efforts.

Caltrans supports development of a multi-use path project connecting “downtown” Lee Vining with other business services and the transit stop along SR 120. We are committed to working with the County, community members, and other stakeholders toward the realization of such a project. To further this effort, we request that the LTC and Mono County conduct public outreach to gather project ideas/support; and amend the Mono County Regional Transportation Plan to document outreach results and LTC support.

Currently, District 9 has no funding for project development of a multi-use path at this location. Caltrans district staff have submitted a proposal to Caltrans headquarters for Complete Streets supplemental funds and will continue to research options for additional funding sources. Any state funds could complement local, regional, and/or private developer funding dedicated for the project. Based on available funds, the Caltrans Lee Vining Road Rehabilitation project (possible construction year 2024/2025) could include a path segment from the wall to Utility Road along US 395's west side.

We value our cooperative working relationship with Mono County regarding multi-modal facilities for the transportation system. For any questions, feel free to contact Dennee Alcala at (760) 784-4236 or Dennee.Alcala@dot.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ryan A. Dermody'.

RYAN A. DERMODY
District 9 Director

From: [Sandra Bauer](#)
To: [Wendy Sugimura](#)
Subject: FW: another possible idea for the tioga workforce housing project?
Date: Tuesday, April 7, 2020 9:36:21 AM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Wendy,

Below for your review and files is the email from Michael Godbe approving of the revised Cultural Resource Mitigation language:

From: Michael Godbe [mailto:mgodbe@calindian.org]
Sent: Monday, January 13, 2020 1:36 PM
To: Mary Farrell
Cc: charlotte Lange; Sandra Bauer; Dorothy Alther
Subject: RE: another possible idea for the tioga workforce housing project?

Mary and Sandra,

I have discussed the new proposed language with Chairwoman Lange and she approves. We would like to move forward with this new language proposed by Mary (copied from Mary's 12/12 email below):

"MITIGATION CULT 5.4(a). Discovery of Cultural Resources: Prior to initiation of any earthwork on the project site, The Mono Lake Kutzadika'a Tribe shall receive reasonable compensation in an amount equivalent to 50 hours of time and travel costs. The Tribe may use the 50 hours of compensated time for training of the onsite construction crew and/or for tribal monitoring, with the allocation of time to be at their discretion. Additionally, all construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried cultural resources, which would require implementation of the procedures described below . The interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork. Tribal monitors are invited to observe the work at any time, either as paid professionals within the 50-hour pre-discovery allotted compensation or as non-paid volunteers. In the event of the discovery of archaeological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated, by Tribal cultural resource experts assisted by a qualified archaeologist. The selection of the archaeologist will be approved by Mono County, the Mono Lake Kutzadika'a Tribe, Bridgeport Indian Colony, and the project proponent. The Tribal cultural resource experts and the archaeologist will be fairly compensated. Work shall not resume in the defined area until sufficient research and data collection are conducted to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the Tribal cultural resource experts and archaeologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate collection facility. Evaluation and recommendations shall be developed in collaboration with the Kutzadika'a Indian Community of Lee Vining and the Bridgeport Indian Colony, and the tribes shall be responsible for determining who will monitor the subsequent ground disturbance. Post-discovery,

the tribal monitor shall receive reasonable compensation for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.

Thank you both for your continued engagement with the Tribe on this project.

Best,

Mike

Michael Godbe

Registered Legal Aid Attorney



California Indian Legal Services

873 N. Main Street, Suite 120

Bishop, CA 93514

760.873.3581

Fax: 760.873.7461

www.calindian.org

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From: Mary Farrell [mailto:mollyofarrell@gmail.com]

Sent: Monday, January 13, 2020 10:59 AM

To: Michael Godbe <mgodbe@calindian.org>

Cc: charlotte Lange <char54lange@gmail.com>; Sandra Bauer <sandra@bpsinc.com>; Dorothy Alther <dalther@calindian.org>

Subject: Re: another possible idea for the tioga workforce housing project?

Great, Thank you!

Mary M. Farrell
760-644-4284

On Mon, Jan 13, 2020 at 10:55 AM Michael Godbe <mgodbe@calindian.org> wrote:

Mary and Sandra,

Apologies for the delay. I am meeting with Chairwoman Lange today and plan to respond by the close of business.

Thank you,

Mike

Michael Godbe

Registered Legal Aid Attorney



California Indian Legal Services

873 N. Main Street, Suite 120

Bishop, CA 93514

760.873.3581

Fax: 760.873.7461

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From: Mary Farrell [mailto:mollyofarrell@gmail.com]

Sent: Thursday, January 2, 2020 5:34 PM

To: Michael Godbe <mgodbe@calindian.org>

Cc: charlotte Lange <char54lange@gmail.com>; Sandra Bauer <sandra@bpesinc.com>

Subject: Re: another possible idea for the tioga workforce housing project?

Happy new year, Charlotte and Michael!

Hope you are keeping healthy and happy. Just want to check in on you to see if you have further thoughts on the alternative wording for the Tioga Workforce Housing project. Charlotte, do you agree with Michael that the new wording would be better? With all the holidays, I realize you might not have had a chance to talk with the Bridgeport folks yet, so this note is sort of a reminder! Plus an excuse to wish you happy new year!

I'm copying Sandra Bauer, too, if you want to let her know your preference directly. She said if you could let her know by January 14 (or

maybe it was Jan 15) it would be good!

Thank you both for all you do,
Mary

Mary M. Farrell
760-644-4284

On Mon, Dec 23, 2019 at 11:34 AM Michael Godbe <mgodbe@calindian.org> wrote:

Mary,

I apologize for the delay – I had my first trial on Friday and these past two weeks have been very busy (trial went very well, but it's not over, continued in January).

I have not had a chance to discuss the proposal below with Charlotte yet, but I just re-read the revised one we approved (in my 11/19 email) and this one and I like this one much better. Your language below will allow the tribe to put on one or a few trainings that in total probably won't total more than 6 hours (three 2-hour trainings?) for the construction workers, but then be also able to compensate a tribal monitor for a not insignificant amount of time. Additionally, your language below improves the current version by requiring the Bridgeport and Mono Lake tribes to both approve the selection of the archeologist if one is called in – a much appreciated change.

I think this language is a big improvement. **Charlotte, please let me know if I am missing anything or if you agree.** Here is the language that is currently approved (with the changes after we met with Sandra and the county in red):

MITIGATION CULT 5.4(a). Discovery of Archaeological Resources: Prior to initiation of any earthwork on the project site, a Tribal member shall provide training to the onsite construction crewmembers. The training shall focus on teaching construction workers how to recognize cultural resources that are unearthed during grading. The tribal monitor shall receive reasonable compensation for up to 50 hours of time and travel costs during the training effort, and all construction crewmembers shall be required to attend the training sessions. Additionally, all construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried archaeological resources. The interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork, and are invited to observe the work at any time without compensation. In the event of the discovery of archaeological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by a qualified archaeologist. Work shall not resume in the defined area until the archaeologist conducts sufficient research and data collection to make a

determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the archaeologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate collection facility. Because archaeological resources are likely to also be tribal cultural resources, evaluation and recommendations shall be developed in collaboration with the Kutzedika'a Indian Community of Lee Vining and the Bridgeport Indian Colony, and the tribes shall be responsible for determining who will monitor the subsequent ground disturbance. The tribal monitor shall receive reasonable compensation for time and travel costs. [1]

[1] Reasonable compensation shall include mileage at standard IRS rates, and an hourly fee (including training, **monitoring** and travel time) not to exceed \$40.

Mary, thank you for your efforts regarding this project and taking the time and initiative to discuss the above with Sandra. We appreciate your care and attention to this important matter.

Happy holidays,

Mike

Michael Godbe

Registered Legal Aid Attorney



California Indian Legal Services

873 N. Main Street, Suite 120

Bishop, CA 93514

760.873.3581

Fax: 760.873.7461

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From: Mary Farrell [mailto:mollyofarrell@gmail.com]

Sent: Thursday, December 12, 2019 1:20 PM

To: charlotte Lange <char54lange@gmail.com>; Michael Godbe <mgodbe@calindian.org>

Subject: another possible idea for the tioga workforce housing project?

Hello, Charlotte! I hope you are doing well, and that you have been able to keep some of your famous quilts to keep you warm!

Sandra Bauer just called me to say she got a note from Michael Godbe about the Tioga workforce housing project. Sandra says that she, and the county planning department folks, are very grateful to you and Michael for all the work and thought you have put into reviewing this project, and for your well-considered ideas. They plan to use the EIR wording (revised and sent to you in September) that you have reviewed and approved, via Michael's email of November 19.

The reason Sandra called me today is because after she sent you that email or letter in September, I had suggested another option, and she thought maybe I should run it by you and Michael to see what you think. I don't know if it's any better than the "train the construction workers" mitigation measure you have (somewhat reluctantly) approved, but it gives the Tribe more flexibility in using the funding set aside for you. If you like it better, let Sandra or me or the county know by January 15, and they'll use it instead. I know you don't need more work, but it seems pretty cool that the county wants to keep the dialogue going, right? So, with apologies for taking more of your time, here's what I had suggested:

"MITIGATION CULT 5.4(a). Discovery of Cultural Resources: Prior to initiation of any earthwork on the project site, The Mono Lake Kutzadika'a Tribe shall receive reasonable compensation in an amount equivalent to 50 hours of time and travel costs. The Tribe may use the 50 hours of compensated time for training of the onsite construction crew and/or for tribal monitoring, with the allocation of time to be at their discretion. Additionally, all construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried cultural resources, which would require implementation of the procedures described below. The interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork. Tribal monitors are invited to observe the work at any time, either as paid professionals within the 50-hour pre-discovery allotted compensation or as non-paid volunteers. In the event of the discovery of archaeological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated, by Tribal cultural resource experts assisted by a qualified archaeologist. The selection of the archaeologist will be approved by Mono County, the Mono Lake Kutzadika'a Tribe, Bridgeport Indian Colony, and the project proponent. The Tribal cultural resource experts and the archaeologist will be fairly compensated. Work shall not resume in the defined area until sufficient research and data collection are conducted to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the Tribal cultural resource experts and archaeologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and

recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate collection facility. Evaluation and recommendations shall be developed in collaboration with the Kutzedika'a Indian Community of Lee Vining and the Bridgeport Indian Colony, and the tribes shall be responsible for determining who will monitor the subsequent ground disturbance. Post-discovery, the tribal monitor shall receive reasonable compensation for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.

Meanwhile, best wishes for a good winter season!

Mary

Mary M. Farrell
760-644-4284

[\[1\]](#) Reasonable compensation shall include mileage at standard IRS rates, and an hourly fee (including training, monitoring and travel time) not to exceed \$40.

Mono County Community Development

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

Date: December 1, 2020
To: The Sheet
From: Wendy Sugimura, Mono County Community Development
Re: Legal Notice for the **December 5** issue
Billing: Becky Peratt, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Board of Supervisors will conduct a Public Hearing on **December 15, 2020**, with remote videoconferencing at <https://zoom.us/join> or by phone at (669) 900-6833, and then enter Meeting ID 919 0200 2503, to consider the following: **12:30 p.m. TIOGA INN SPECIFIC PLAN AMENDMENT #3**. The Tioga Inn Specific Plan is located on four parcels (APN 021-080-014, -025, -026 & -027) at 22, 133, and 254 Vista Point Road and the amendment proposes up to 150 new workforce housing bedrooms in up to 100 new units, a third gas-pump island and overhead canopy, additional parking to accommodate on-site guest vehicles as well as a general-use park-and-ride facility and bus parking for Yosemite transit vehicles, a new package wastewater treatment system tied to a new subsurface drip irrigation system, replacement of the existing water storage tank with a new tank of the same size in the same area, a new 30,000-gallon on-site propane tank (eventually replacing the existing five on-site tanks), modification to the boundaries and acreage of designated open space, and modification of parcel boundaries. The public hearing is intended to solicit public comment on modified project information, specifically, a one-story site plan, now referred to as the current preferred project, Alternative 7 - Hybrid Site Plan, which consists of project elements previously analyzed as Alternatives 6 and the Cluster Alternative, modified plans showing phasing of all proposed 100 community housing units with the layout of Phase 1; a detailed Landscape Plan; and clarification of proposed grading and required infrastructure for each phase of project development. You may wish to limit testimony to comments that have not previously been stated; previous comments submitted remain a part of the record for consideration. The Final Subsequent Environmental Impact Report to the 1993 Environmental Impact Report for the Tioga Inn Specific Plan was certified for this project on October 20, 2020, by the Board of Supervisors. Project documents are available at <https://monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir> or by calling 760-924-1800. Hard copies of documents are available for the cost of reproduction. INTERESTED PERSONS may provide comments to the Board of Supervisors by emailing cddcomments@mono.ca.gov or by mail to: Community Development Department, Attn: Michael Draper, PO Box 347, Mammoth Lakes, CA 93546. **Written comments must be received by 2:00 p.m. on December 15.** Written comments will not be read into the record but will be transmitted to the Board prior to deliberation. Please note that if you challenge the Board's decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in testimony delivered to the Community Development Department at, or prior to, the public hearing, including at a previous public hearing.

###

Tioga Inn Specific Plan Amendment #3 & SEIR
Public comments received as of December 9, 9:00 am.



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873 N. Main St, Suite 120, Bishop, California 93514 – 760-873-3581 – fax: 760-873-7461
www.calindian.org ~ contactCILS@calindian.org

December 7, 2020

VIA ELECTRONIC MAIL

Mono County Board of Supervisors
c/o Clerk of the Board
Shannon Kendall
PO Box 715
Bridgeport, CA 93517
Email: skendall@mono.ca.gov

Re. Request to Remove Tioga Workforce Housing Project for December 15, 2020 County Board of Supervisors' Meeting

Dear Mono County Board of Supervisors,

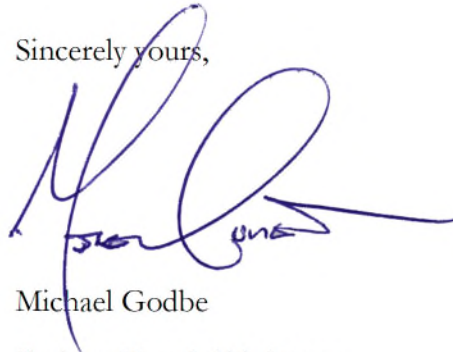
My client, the Mono Lake Kutzedika'a Tribe (Tribe), has informed me that the County Board of Supervisors will be considering action on the Tioga Workforce Housing Project at its December 15, 2020 meeting. I have been unable to verify this since, as of this writing, the Board's December 15th agenda has not been posted on its website. However, if the Project is on the agenda, the Tribe requests that it be removed until such time that the Tribe and other tribal representatives have had an opportunity to meet with the Project developer, Dennis Domaille, as requested by the Board at the October 14, 2020 Board of Supervisors' meeting.

The Tribe and Mr. Domaille have been unsuccessful in confirming a meeting date due to scheduling issues and the Tribe requesting additional time to consider what issues it believes should be focused on at the meeting and a desired outcome. Now with the COVID-19 Regional stay-at-home order in place for the Southern California Region (which includes Mono County), an in-person on-site meeting, as suggested by Mr. Domaille, is not possible until after December 27th, at the earliest. The Tribe would also like to stress that it may take more than one meeting with Mr. Domaille to resolve or reach an understanding on the Tribe's outstanding concerns. Therefore, a meeting considering action on the Tioga Workforce Housing Project at this time is premature.

In light of the fact that the Tribe and Mr. Domaille have not met and several tribal concerns remain unresolved, we would request that the Project be removed from the Board's December 15th meeting agenda.

Thank you for your time and consideration of this matter. Please feel to contact me should you have any questions or need further information.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Michael Godbe". The signature is stylized with large loops and a long horizontal stroke extending to the right.

Michael Godbe

Registered Legal Aid Attorney

Cc: Charlotte Lange, Tribal Chairwoman
Stacey Simon, Mono County Counsel

Michael Draper

From: Wendy Sugimura
Sent: Wednesday, October 28, 2020 8:53 AM
To: CDD Comments
Subject: FW:

Follow Up Flag: Follow up
Flag Status: Flagged

From: Joan Edwards <jdithers17@gmail.com>
Sent: Monday, October 26, 2020 2:33 PM
To: Comm Dev <commdev@mono.ca.gov>
Subject:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Mono county supervisors and staff members
re: Tioga Inn decision
Date: October 26, 2020

I am pleading with you to deny the Mobil Station the ability to build a monstrous hotel, with additional apartments, "for workers" in the lovely surrounding hillsides , (moraines).

The many rich folk from LA, Las Vegas, Reno will snatch up these units so fast your heads will spin. Maybe you would like to see thousands of view apartments built above this fragile lake, but remember the people who come to the scenic area to experience its solitude and sheer beauty. If more housing is a MUST for Lee Vining, please build it IN Lee Vining, not the lovely unspoiled hillsides. How dare you?

From: Joan Edward's
2031 channelford rd
Westlake vlg ca 91361
8052173792. My family and I visit Mono County every year.

Michael Draper

From: Courtney Greytak <csscrib@yahoo.com>
Sent: Friday, October 16, 2020 2:09 PM
To: CDD Comments
Subject: Tioga Project

Follow Up Flag: Follow up
Flag Status: Flagged

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To whom it may concern. I'm a Lee Vining resident and I'm in favor of the Tioga Inn project. I also recognize the need for housing in the area and I believe this project will provide housing for our area.

Courtney Greytak
Sent from my iPhone

Michael Draper

From: Wendy Sugimura
Sent: Tuesday, December 8, 2020 1:10 PM
To: CDD Comments
Subject: FW: Tioga Inn Project

Wendy Sugimura

Community Development Director
760.924.1814

From: Bob Gardner <bgardner@mono.ca.gov>
Sent: Tuesday, December 8, 2020 12:39 PM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: FW: Tioga Inn Project

fyi

From: Michelle Lange <michellenfuzz@gmail.com>
Sent: Tuesday, October 13, 2020 11:31 AM
To: Bob Gardner <bgardner@mono.ca.gov>
Subject: Tioga Inn Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a member of the Mono Lake Kutzadika Tribe and oppose the Tioga Inn Project. I Vote no for the disturbance of our cultural resources, trails, water, pollution to the earth, more septic to seep into Mono Lake and KEEP Lee Vining serene. Thank you for hearing our voices.
Vote NO for the Tioga Inn Project.

Michelle Lange

Michael Draper

From: John Williams <johnwilliams.landsurvey@gmail.com>
Sent: Monday, December 7, 2020 8:05 AM
To: CDD Comments
Subject: Support of Tioga Inn Project

Follow Up Flag: Follow up
Flag Status: Flagged

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I have expressed positive support for this project in the past and feel it has been through the planning process long enough. It's time to approve all applicable resolutions and amendments to move forward.

I am a 25 year Mono County resident working in land development and living within our community. I feel large numbers of opposing comments have been generated by people outside of the area that see one side of their story, scenic disruption by land development. This project of Private Property land development needs to be approved with public protections addressed, but also with respect to the property owner's rights.

Housing is a critical issue to this community and due to limited private land available this is the proper time and location for such a project. Please value your constituent comments towards providing additional housing and economic opportunity for our small communities.

In addition, I have reviewed many planning documents throughout the State. I feel that the project proponent and Engineering team have provided excellent project packages compared to many other land development projects.

Thank you,

John Williams, PLS