

**June Lake Citizens Advisory Committee (CAC)**  
**June 6, 2018 - Meeting Minutes**

1. Meeting called to order @ 6:05pm by Chairperson Jora Fogg (Vice Chair Ann Tozier later took over as Chairperson). Other members in attendance were Julie Brown, Lindsey Chargin, John DeCoster, Janet Hunt, David Rosky, and Jamie Schectman.
2. Public Comment - None
3. Approval of March 7, 2018 and May 2, 2018 Minutes
  - a. March 7, 2018 Minutes - Lindsey motioned to approve, John seconded, motion passed.
  - b. May 2, 2018 Minutes – Member of the public provided a correction [Chipper Days = 7/14-7/15 @ 9am @ June Mountain Parking Lot] - Julie motioned to approve, Jamie seconded, motion passed.
4. Supervisor Gardner Report
  - a. The Mono County Board of Supervisors (BOS) is working on the budget in June then will revisit in September based on what was spent. There is nothing big in the budget for June Lake.
    - i. Paramedics spending = \$4 million for the County (\$1 million per station). Mono County has some of the best paramedics in the State, which is expensive and is paid for by 50% taxes and 50% fees. BOS is looking to data and performance to shift more of the costs towards fees.
    - ii. Questions about annual budget? Email Supervisor Gardner (Bob) at [bgardner@mono.ca.gov](mailto:bgardner@mono.ca.gov).
    - iii. Ann mentioned that the cannabis tax passed. Bob replied that yes, cannabis regulations go into effect 6/7/18 and the short-term rental regulations go in effect the next week. Both processes are being implemented and studied.
  - b. June Lake Trails Day = 6/23/18 @ 8:30am-1pm (Lunch Provided)
  - c. Ben Affleck film production near the June Lake Loop (the Loop) = \$250,000 being spent on production with over 1,700 rooms rented in Mono County. 2 more movies are being produced in the area this year.
  - d. Prescribed burns are happening still. As of 6/5/18, 250 acres were burned. Helps with fire control.
  - e. Watch out for deer while driving.
  - f. The road construction in the Loop will be done 6/8/18.
    - i. Ann pointed out that where there were 12-foot travel lanes before, there are now 11-foot travel lanes with a 1-foot shoulder on either side (wherever the speed limit is 40mph or less) from The Village to the Edison plant.
  - g. Eastern Sierra Transit Authority (ESTA) free shuttle needs \$1,200 more (of \$2,500) in donations. It will have a set schedule in the AM/PM, with Dial-A-Ride the rest of the day.
    - i. A question was asked if the shuttle will run through 9/9/18 for the June Lake Jam Fest and Bob responded that it should be possible.
  - h. Congrats to The Lift on opening up in The Village.
  - i. Bob is pushing for Southern California Edison (SCE) to hold a Town Hall meeting on the upcoming helicopter work (punching a hole in the 3<sup>rd</sup> dam). No decision has been made on the schedule or the base. They will not fly over homes with equipment and work will likely start after Chipper Weekend (7/14). There will be a little work at the power plant and less flights than last year.

- i. Emails will be sent to RPAC/CAC and fliers will be posted regarding Town Hall.
- j. The SCE power plant has gotten noisy again. Bob is pushing SCE about it but no feedback yet.
  - i. David asked if this issue could also be on the Town Hall meeting agenda.

## 5. Chairperson Report – Ann Tozier

- a. Will miss upcoming meetings due to being out of town.
- b. Noticed and appreciates that with Type 3 rentals the permit now stays (or goes) with the owner.

## 6. Members' Reports

- a. Lindsey Chargin
  - i. There are 2 vacancies on the June Lake Public Utility District (PUD) board. More information can be found at <http://junelakepud.ourlocalview.com//HomeTown/>.
- b. Janet Hunt
  - i. June Lake Jamfest = 9/7/18 - 9/9/18 (added Friday night at June Mountain this year). More information can be found at <http://monoarts.org/june-lake-jam-fest/>.
  - ii. Would it be possible to get blinds for the big room at the Community Center? Specifically for presentations. The projector does not work because there is too much light.
    - 1. Bob will look into the options. Someone purchased them for the Crowley Community Center.
- c. John DeCoster
  - i. The local United States Postal Service (USPS) is taking a hard stance on PO box rules regarding the PO box needing to be listed on the address.
    - 1. Suggested to USPS staff, to use a list to assign boxes with physical addresses matched with PO boxes.
    - 2. Something needs to change because of the issues it causes for residents and businesses (severe impact to businesses when packages are returned because they're missing the PO box number).
      - a. Julie suggested to try adding "PO ###" behind the street address.
      - b. David commented that renewing PO boxes is even stricter now and Ann added that residents must have a physical address to get a PO box.
      - c. Bob recommended contacting our Congressman (Congressman Cook). He will contact him and urged others to send letters citing economic distress.
    - 3. The group thanked Mike Lear for his work at the USPS.
    - 4. The group agreed that something should change regarding the PO box issue.
- d. Jamie Schectman – None
- e. Jora Fogg
  - i. June Lake Trails Day = 6/23/18 – Free breakfast and lunch with raffle.
  - ii. June Lake Trails Committee Meeting = 6/7/18 @ 9am
  - iii. The Thrift Store and the small "blue" room in the Community Center NEED new windows.
- f. Julie Brown – None

g. David Rosky – None

7. RPAC Purpose and Brown Act Compliance (*Wendy Sugimura, Staff*)

- a. Presentation on how Regional Planning Advisory Committee (RPAC) or Citizens Advisory Committee (CAC) works and what the Brown Act does was given. The presentation is attached to these minutes.
- b. Brown Act = California Open Meeting Law (everything is done in public with an opportunity for the public to weigh in).
  - i. Applies to elected or appointed officials (does not include County staff).
  - ii. All discussions of decisions being made have to be had at meetings where everyone gets all of the information.
  - iii. Information provided to the CAC has to be provided to the public.
  - iv. Public comment opportunity has to be offered.
  - v. There is a limit on talking about items not on the agenda (should be agenzized if conversation is going to go on).
  - vi. Serial meetings are prohibited. Outside of open noticed meetings, no more than a quorum (more than 4) of CAC members can discuss CAC topics (verbal or email).
  - vii. Ad Hoc Committee = project orientated committee with 4 or less CAC members (not subject to brown act).
- c. RPAC Purpose and Procedure handout was distributed. Handout is attached to these minutes.
  - i. Document was adopted by BOS.
  - ii. Core purpose = empowering the community to weigh-in on activity in the County.
  - iii. Staff support includes holding meetings and logistics but staff is not available to implement everything a CAC or RPAC requests.
    1. Sub-Committees can be created but there may not be County staff to support them.
      - a. ANY community member can contact Bob with ideas or issues! Does not have to go through the CAC.
  - iv. CAC recommendations do carry weight with the BOS.
- d. CAC Bylaws were presented. Document is attached to these minutes.
  - i. Member of the public emphasized that it is important to address the public while addressing other CAC members. It is important that the public feel included.

8. Consider recommending inclusion of bicycle lanes on the SR 158 CAPM project (*David Rosky, CAC Member*)

- a. Wendy Sugimura (County Staff) commented that this is a preventative maintenance project to extend the life of the pavement. The project is not programmed or funded to include major facility upgrades. This is not to say that the public should not ask for it, we should just understand the scope and use the Regional Transportation Plan (RTP) to address the issue.
- b. David questioned if the CAC wants to draft a letter requesting more from Caltrans. He offered to draft the letter citing many issues.
  - i. Safety issues (pedestrian and cycling).
  - ii. The RTP identifies pedestrian and cycling importance.
  - iii. The Loop currently has stressful riding conditions.
  - iv. Project could help expand recreational opportunities and local transportation.
  - v. Project could provide increased use of local facilities.

- vi. Bridgeport and Lee Vining just had Caltrans projects completed that had multi modal components. Goal is for the HWY 158 maintenance project to include more than just maintenance.
  - c. David proposed to draft a letter to Caltrans asking for bike components in SR 158 CAPM project.
    - i. A discussion took place on rather asking could hurt us when that funding is planned to come to The Loop.
    - ii. Several people commented that asking in the right way matters.
    - iii. Ann suggested to talk to Caltrans first to find out the specific language that should be used and what to ask and how before writing the letter.
9. Discuss skate board park and future of the Chamber of Commerce (*Jamie Schectman, CAC Member*)
- a. Skate Park
    - i. John questioned the tennis courts as a possible location (with a possible portable stage option).
    - ii. A member of the public, Jeff Kramer, cited several reasons for having a skate park.
      - 1. Lots of local interest.
      - 2. Good for kids that live here and that are visiting.
      - 3. Could add to the chain of Mammoth and Crowley skate parks.
      - 4. Cited the ball field area as a possible location.
        - a. Wendy commented that that area is mostly Forest Service land and a special use permit would be required.
      - 5. Skate park would be good to fill in activities during slow seasons.
      - 6. Personally has been approached by skate park building companies.
    - iii. A member of the public noted that there are a lot more kids in town now and they need a nice spot instead of skating in the street.
    - iv. Bob suggested creating a skate park task force. To discuss issues like, land, funding, County planning process, etc.
    - v. A member of the public, Ryan March, added that there would be a lot of outside support and that a skate park would fill a different need.
    - vi. Ann suggested getting every property owner the information and creating handouts at campgrounds during the planning process.
    - vii. Many people attended the meeting in support of the project and a task force is planning to start meeting.
  - b. Chamber of Commerce
    - i. Status of the Chamber was discussed.
    - ii. It was pointed out that the Chamber has been more active. A meeting and mixer is scheduled for 6/20/18 @ 6pm @ the June Lake Community Center.

10. Report of planning activities (*Planning Staff*)

- a. Staff is getting many inquires regarding County projects. Anyone can sign up for notifications from the Land Development Technical Advisory Committee (LDTAC) at <https://monocounty.ca.gov/ldtac>.

11. Meeting adjourned @ 8:30pm by Chairperson, Ann Tozier.

**July Meeting Cancelled Due to Independence Day Holiday**

**Next Meeting = 8/1/18 @ 6pm @ June Lake Community Center**

# The Brown Act

Mono County Counsel's Office

2017

# Declaration of Public Policy

- ▶ Government Code § 54950
  - ▶ In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.
  - ▶ The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

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## Purpose



- To facilitate public participation in local government decisions
- To curb misuse of the democratic process by public bodies

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## Application

- ▶ The Brown Act does not apply to:
  - ▶ Individual decision makers who are not elected or appointed members of legislative bodies such as agency or department heads when they meet with advisors, staff, colleagues or anyone else.
  - ▶ Multi-member bodies which are created by an individual decision maker
  - ▶ A single individual acting on behalf of an agency



# Application

- The Brown Act applies to:
  - ▶ Local agencies
  - ▶ Legislative bodies (and subsidiary bodies)
  - ▶ Persons elected to legislative bodies, even prior to assuming office
  - ▶ Boards and commissions created by statute or ordinance

# Legislative Bodies

- Includes:
  - Governing bodies
    - Board of Supervisors
    - City Council
    - District Board
  - Subsidiary bodies
  - Private or nonprofit corporations and other entities

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# Open Meetings

- All of the deliberative processes by legislative bodies, including discussion, debate and the acquisition of information, must be open and available for public scrutiny (limited exceptions are discussed later in this presentation).



# Public Participation

- ▶ Members of the public can attend, and testify, without giving their names.
- ▶ Information given to the legislative body in connection with an open meeting must be equally available to members of the public.
- ▶ Unless it's disruptive, any person may record (video or audio) or broadcast an open meeting.

# Voting



- ▶ No secret ballots
- ▶ The legislative body must publicly report any action taken and the vote or abstention on that action of each member present for the action
  - ▶ **New requirement as of Jan. 1, 2014**

# Opportunity to Speak

- ▶ Every regular meeting agenda must provide opportunity for the public to speak:
  - ▶ On items of interest to the public
  - ▶ Before/during consideration of each item
  - ▶ On items not on the agenda (but within the jurisdiction of the legislative body)

# Reasonable Regulations

- ▶ The legislative body may:
  - ▶ Adopt regulations limiting the total amount of time for public testimony for certain issues & for each speaker
  - ▶ Order the room to be cleared of persons interrupting orderly conduct of the meeting (except nonparticipating media personnel)



# Reasonable Regulations



- The legislative body may not:
  - Prohibit a speaker from criticizing the policies, procedures, programs or services of the agency or the acts or omissions of the legislative body.



# Public Access

- Agendas or any other writings, unless exempt from disclosure by the Public Records Act, distributed to all or a majority of the members of a legislative body for discussion or consideration at a public meeting are disclosable to the public upon request

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# Meeting

Any congregation of a majority of the members of a legislative body to hear, discuss, deliberate or take action on a matter within the subject matter jurisdiction of the agency



# Serial Meetings Prohibited

- ▶ Serial meetings – a series of communications, each of which involves less than a quorum of the legislative body, but when taken as a whole, involves a majority of the body's members
  - ▶ Conducted through direct communications, personal intermediaries or technological devices to discuss, deliberate or take action on any item of business that is within the SMJ of the legislative body

# Examples of Serial Meetings



- ▶ Chain (A-B-C)
  - ▶ A talks to B
  - ▶ B talks to C
  
- ▶ Hub (A-B, A-C)
  - ▶ A talks to B
  - ▶ A talks to C

## E-mail deliberations prohibited

A quorum of members may not e-mail each other about a topic within the jurisdiction of the body without violating the Brown Act



## “Meeting” does not include:

- ▶ Contacts by individual board members with the public
- ▶ Attendance at a standing committee meeting (observation only)
- ▶ Purely social or ceremonial occasions
- ▶ Attendance at open & noticed meetings of other local agencies
- ▶ Attendance at conferences open to the public on issues of general interest to the public or public agencies
- ▶ Town meetings or similar gatherings which are open, noticed and organized by a person or organization other than the local agency

**But, don't talk shop outside of the program!**

# Teleconferencing

## Government Code § 54953(b)

- ▶ At least a quorum must participate from locations that are within the local agency's jurisdiction
- ▶ All votes taken during a teleconference meeting must be conducted by roll call
- ▶ Each teleconference location must be fully accessible to members of the public
- ▶ Agendas must be posted at (and list) each teleconference location



## Agendas – Posting & Notice Requirements

- ▶ Agendas must be posted in a location freely accessible to the public 24 hours a day and on the Agency's website
- ▶ Regular meeting - 72 hours prior
- ▶ Special meeting - 24 hours prior



# Agenda Contents

- ▶ Time and place of meeting
- ▶ Public comment period
- ▶ Brief general description (20 words or less) of every item of business to be discussed or transacted, including closed session items

# Agenda Packets

- Agenda packets should be made available to the public at time agenda is posted or when the materials are distributed to all or a majority of the legislative body, whichever is first
- Must post on the Agency's website
- Materials distributed during a meeting:
  - If prepared by the local agency, must be made available for public inspection at the meeting
  - If prepared by some other person, must be made available for public inspection after the meeting

# Agendas

No action or discussion is allowed for any item not listed on an agenda.

No

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# Agenda Exceptions

- ▶ Urgency items
  - ▶ Requires 2/3 vote (or unanimous if less than 2/3 is present)
  - ▶ Finding: Need for immediate action that came to the attention of the agency after the agenda is posted

# Agenda Exceptions

- ▶ Brief announcement or report on member's or staff's own activities
- ▶ Provide reference or information to staff
- ▶ Item continued to another meeting within 5 calendar days
- ▶ Questions to staff for clarification of a matter based on public comment
- ▶ Brief response to statement or question from the public
- ▶ Ask staff to report back at a future meeting on any matter

# Closed Sessions

- ▶ The Act contains specific exceptions to the open meeting requirement where the entity has a demonstrated need for confidentiality.
- ▶ If a specific statutory exception authorizing a closed session cannot be found, the matter must be conducted in public regardless of its sensitivity.

# Penalties & Remedies

- ▶ A member who violates the Brown Act is guilty of a misdemeanor if action is taken and the member intended to deprive the public of information to which the member knows of or has reason to know the public is entitled.



# Penalties & Remedies

- Opportunity to Cure
- Cease and Desist/Unconditional Commitment
- Injunction
- Court Costs & Attorneys' Fees
- Misdemeanor



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## Opportunity to Correct Government Code § 54960.1



This time we will get it right.

- ▶ Written demand to cure or correct the alleged violation
  - ▶ 90 days from the date action was taken
  - ▶ 30 days if action was taken in open session
- ▶ Failure to correct may lead to judicial determination that action taken is null and void.

# THE END

Thank you for participating. Your public service and interest is greatly appreciated.

