



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

Regular Meeting August 10, 2021

TELECONFERENCE INFORMATION

The meeting will be held in person and via teleconferencing, as authorized by Governor Newsom's Executive Order, N-29-20, dated March 17, 2020, with members of the Board attending from separate remote locations. This hybrid format recognizes that the state is moving beyond the Blueprint for a Safer Economy beginning June 15, 2021.

Members of the public may participate in person, or via the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below. 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=8c4d8d56-9aa6-4b8a-ace3-1fbaaecbf14a

To join the meeting by computer:

Visit <https://monocounty.zoom.us/j/92905326237>

Or visit <https://www.zoom.us/>, click on "Join A Meeting" and enter the Zoom Webinar ID 929 0532 6237.

To provide public comment, press the "Raise Hand" button on your screen.

To join the meeting by telephone:

Dial (669) 900-6833, then enter Zoom Webinar ID 929 0532 6237.

To provide public comment, press *9 to raise your hand and *6 to mute/unmute.

NOTE: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (760) 932-5530 or bos@mono.ca.gov. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (See 42 USCS 12132, 28CFR 35.130).

Full agenda packets are available for the public to review in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517) and online. Any writing distributed less than 72 hours prior to the meeting will be available for public inspection in the Office of the Clerk of the Board and online.

ON THE WEB You can view the upcoming agenda at <http://monocounty.ca.gov/bos>. 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

Opportunity for the public to address the Board on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.) Please refer to the Teleconference Information section to determine how to make public comment for this meeting via Zoom.

2. RECOGNITIONS - NONE

3. COUNTY ADMINISTRATIVE OFFICE

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

4. DEPARTMENT/COMMISSION REPORTS

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 - June 15, 2021

Departments: Clerk of the Board

Approval of the Board Minutes from the Regular Meeting on June 15, 2021.

Recommended Action: Approve the Board Minutes from the Regular Meeting on June 15, 2021.

Fiscal Impact: None.

B. Board Minutes - July 6, 2021

Departments: Clerk of the Board

Approval of the Board Minutes from the Regular Meeting on July 6, 2021.

Recommended Action: Approve the Board Minutes from the Regular Meeting on July 6, 2021.

Fiscal Impact: None.

C. 2021 Fall Special Events Road Closures

Departments: Public Works - Roads

When road impacts exist due to special events held within the County, roads must be closed, or traffic controlled, in accordance with County Policy which includes an approving Board Resolution.

Recommended Action:

- 1) Adopt proposed resolution R21-__ “A resolution of the Mono County Board of Supervisors authorizing the intermittent closure of county roads in the Antelope Valley area for the 2021 Eastern Sierra ATV & UTV Jamboree.”
- 2) Adopt proposed resolution R21-__ “A resolution of the Mono County Board of Supervisors authorizing the temporary closure of Sinclair Street for the Wrecks and Rods Car Show.”

Fiscal Impact: Approximately \$500 per event. These costs result from the assistance provided by the respective Road Districts for personnel, equipment, and supplies relating to signage and blockades to effectuate the closures.

D. Revisions to County Code Chapter 7.28 - Camping

Departments: Public Works

Proposed Ordinance of the Mono County Board of Supervisors Amending Chapter 7.28 of the Mono County Code Pertaining to Camping.

Recommended Action: Adopt proposed ordinance.

Fiscal Impact: None.

E. Proposed Ordinance Adopting General Plan Amendment 21-01 (GPA 21-01): Safety Element, Land Use Element Cleanup & Chapter 16, Accessory Dwelling Units

Departments: Community Development

Second reading for proposed ordinance for General Plan Amendment 21-01 (GPA 21-01): Safety Element, Land Use Element Cleanup & Chapter 16, Accessory Dwelling Units Update.

Recommended Action: Adopt proposed ordinance.

Fiscal Impact: None.

6. CORRESPONDENCE RECEIVED

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

A. Letter from Mono Lake Committee to Los Angeles Department of Water and Power Regarding Restoration of Streams Tributary to Mono Lake

A letter from the Mono Lake Committee to Los Angeles Department of Water

and Power regarding the restoration of streams tributary to Mono Lake.

7. REGULAR AGENDA - MORNING

A. COVID-19 (Coronavirus) Update

Departments: CAO, Public Health

30 minutes

(Robert C. Lawton, CAO, Bryan Wheeler, Public Health Director) - Update on Countywide response and planning related to the COVID-19 pandemic. Discussion of planning for changes to County operations, including, but not limited to: status of emergency declarations; returning to in-person County meetings; returning remote employees to work.

Recommended Action: None, informational only.

Fiscal Impact: None.

B. 2020 California State Redistricting Letter

Departments: Board of Supervisors, sponsored by Supervisor Corless

15 minutes

(Elaine Kabala, ESCOG) - At the Eastern Sierra Council of Governments (ESCOG) meeting held June 11, 2021, the ESCOG Board directed staff to prepare correspondence to the California Redistricting Commission providing recommendations on State Senate and Assembly Redistricting.

Recommended Action: Review the recommendations and comment letter of the ESCOG on State Representation Redistricting, and provide direction to the ESCOG Board to submit as is, or provide modifications to the proposed redistricting requests.

Fiscal Impact: None.

C. 2021 Supervisorial Redistricting Update

Departments: CAO

20 minutes

(Robert C. Lawton, CAO, Christian Milovich, Assistant County Counsel) - Update from staff regarding the 2021 Redistricting Process, including discussion about public outreach, scheduling public hearings and creation of informational website.

Recommended Action: Receive update from staff. Provide any desired direction to staff.

Fiscal Impact: None.

D. Proposed Amendment to Mono County Personnel System 080 to Allow Hiring at Step Higher than A

Departments: CAO, Human Resources

10 minutes

(Robert C. Lawton, CAO, Ryan Roe, Acting HR Director) - Proposed Resolution of the Mono County Board of Supervisors to Amend Section 080 of the Personnel Systems for the Mono County Public Employees' Association, Mono County Paramedic Rescue Association, Mono County Probation Officers' Association, Mono County Public Safety Officers' Association and Mono County Deputy Sheriffs' Association.

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

Fiscal Impact: Unknown.

E. Update on Federal Litigation Concerning the Waters of the Walker River

Departments: County Counsel

30 minutes (15 minutes presentation, 15 minutes discussion)

(Emily Fox, Deputy County Counsel) - Presentation by County Counsel to update the Board and the public regarding the status of litigation in *United States of America v. Walker River Irrigation District, et al.*, in the United States District Court for the Northern District of Nevada, including claims in intervention brought by the Walker River Paiute Tribe and Mineral County, Nevada.

Recommended Action: None (informational only). Provide any desired direction to staff.

Fiscal Impact: None.

F. Adult Protective Services Departmental Update and Overview

Departments: Social Services

45 minutes

(Krista Cooper, Social Worker Supervisor, Michelle Raust, Child and Adult Services Manager) - Presentation by Krista Cooper regarding Adult Protective Services (APS) overview and update.

Recommended Action: None (informational only). Provide any desired direction to staff.

Fiscal Impact: None.

G. Agreement Between Mono County Social Services and Community Service Solutions for In-Home Supportive Services and Corresponding Budget Amendment

Departments: Social Services

10 minutes

(Kathy Peterson, Social Services, Amanda Phillips, Community Service Solutions) - Proposed Agreement with Community Service Solutions for the provision of In-Home Supportive Services professional services, and associated budget amendment.

Recommended Action:

- 1) Approve proposed Agreement between the County of Mono and Community Service Solutions of Walker, California, for the provision of In-Home Supportive Services professional services for a five-year period, July 1, 2021 through June 30, 2026; and authorize the Board Chair to execute the Agreement on behalf of the County.
- 2) Amend the Social Services Department fiscal year 2021-22 budget by increasing state and federal revenues, and associated expenditures, by \$59,336 (requires 4/5ths approval).

Fiscal Impact: Costs related to this Agreement are funded by a combination of state and federal matching funds (\$140,000 annually) for IHSS Public Authority Administration, and state and federal matching funds (\$6,000 annually) to operate an IHSS Advisory Committee. The cost of the proposed five-year Agreement is \$145,976 annually and \$729,880 in total over the five years. The fiscal year 2021-22 Social Services approved budget will need to be amended to include sufficient appropriation authority for the increase of \$59,336 in expenditures described in this agenda item. No additional County General funds are requested.

8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Opportunity for the public to address the Board on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.) Please refer to the Teleconference Information section to determine how to make public comment for this meeting via Zoom.

9. CLOSED SESSION

A. Closed Session - Labor Negotiations

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Bob Lawton, Stacey Simon, Janet Dutcher, 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.

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

10. 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.

11. REGULAR AGENDA - AFTERNOON

A. Response to 2020-21 Grand Jury Report on "Fiber Internet Connection as Essential Infrastructure in Mono County"

Departments: CAO, IT

30 minutes (10 minutes presentation, 20 minutes discussion)

(Robert C. Lawton, CAO, Nate Greenberg, IT Director) - Review of draft letter to Mono County Grand Jury in response to 2020-21 Grand Jury Report "Fiber Internet Connection as Essential Infrastructure in Mono County".

Recommended Action: Review Grand Jury report and draft letter and provide direction to staff for development of final response.

Fiscal Impact: None.

B. Response to 2020-21 Grand Jury Report on "Workforce Housing Crisis"

Departments: CAO, Community Development

30 minutes (10 minutes presentation, 20 minutes discussion)

(Robert C. Lawton, CAO, Wendy Sugimura, Community Development Director) - Review of draft letter to Mono County Grand Jury in response to 2020-21 Grand Jury Report "Mono County Workforce Housing Crisis".

Recommended Action: Review Grand Jury report and draft letter and provide direction to staff for development of final response.

Fiscal Impact: None.

12. BOARD MEMBER REPORTS

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

ADJOURN



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

REGULAR AGENDA REQUEST

Print

MEETING DATE August 10, 2021

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Board Minutes - June 15, 2021

**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 June 15, 2021.

RECOMMENDED ACTION:

Approve the Board Minutes from the Regular Meeting on June 15, 2021.

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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DRAFT Minutes

History

Time	Who	Approval
7/30/2021 8:51 AM	County Counsel	Yes
8/4/2021 10:19 AM	Finance	Yes
8/5/2021 1:05 PM	County Administrative Office	Yes



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

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

Meeting Location: Mammoth Lakes Suite Z, 437 Old Mammoth Rd, Mammoth Lakes, CA 93546

**Regular Meeting
June 15, 2021**

Backup Recording	Zoom
Minute Orders	M21-137 – M21-143
Resolutions	R21-44 – R21-47
Ordinance	ORD21-04 Not Used

9:06 AM Meeting Called to Order by Chair Kreitz.

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

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

Pledge of Allegiance led by Supervisor Peters.

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

2. RECOGNITIONS – NONE

3. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

Bob Lawton, CAO:

- Attended Business Roundtable meeting – discussed reopening
- Thanked Ken Brengle and Chamber for inviting the entire EOC to be Grand Marshalls of the Fourth of July parade this year
- Working on compensation item before the Board today

Note:

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

- Administered oath of office to new employee in Public Works, Bryan Kaiser

4. DEPARTMENT/COMMISSION REPORTS

Wendy Sugimura, Community Development Director:

- Update on staffing levels in department

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 - May 19, 2021

Departments: Clerk of the Board

Approval of the Board Minutes from the Special Meeting on May 19, 2021.

Action: Approve the Board Minutes from the Special Meeting on May 19, 2021.

Duggan motion. Peters seconded.

Vote: 5 yes, 0 no

M21-137

B. Cancellation of July 13, 2021 Regular Meeting of the Board of Supervisors

Departments: Clerk of the Board

Cancellation of the July 13, 2021 regular meeting of the Board of Supervisors.

Action: Cancel the July 13, 2021 regular meeting of the Board of Supervisors.

Duggan motion. Peters seconded.

Vote: 5 yes, 0 no

M21-138

C. Megabyte Contract Renewal

Departments: Finance/Assessor

Proposed contract with Megabyte Systems, Inc. pertaining to software maintenance agreement for FY 2021-22.

Action: Approve and authorize board chair signature on proposed contract and addendum with Megabyte Systems, Inc. for software maintenance and web services pertaining to the County property tax system not to exceed \$132,506.

Duggan motion. Peters seconded.

Note:

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

Vote: 5 yes, 0 no
M21-139

D. Call for Bids - Chalfant Cell Site

Departments: Information Technology; Public Works; County Counsel

Request for bids to conditionally license a portion of the now-closed Chalfant landfill for potential use as a site to construct a cellular tower and related infrastructure for the purpose of providing cellular service to the Chalfant Valley. Conditions to the ultimate use of the site for cellular infrastructure by the successful bidder include the obtaining of applicable planning approvals, amendment to the joint technical document for the site, and any associated CEQA review.

Action: Approve bid package without modifications, direct staff to post and publish call for bids.

Duggan motion. Peters seconded.

Vote: 5 yes, 0 no

M21-140

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. Letter from Johanna and Daniel Tackitt Regarding Mountain View Fire Rebuilding Concerns

A letter from Coleville residents, Johanna and Daniel Tackitt, regarding Mountain View Fire rebuilding concerns.

Supervisor Peters:

- Letter lays out what multiple residents have expressed to Mary Booher, CAO Lawton, and self
- Spoke to fire survivors on Saturday. Residents want more face-to-face opportunities, Town Hall opportunities

Wendy Sugimura, Community Development Director:

- Staff have spoken about holding an open house on June 26 at the Walker Community Center

7. REGULAR AGENDA - MORNING

Note:

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

A. Compensation Policy and Salary Adjustments for At-Will Management-Level Employees and Elected Officials

Departments: CAO

(Robert C. Lawton, CAO) - Following implementation of Memoranda of Understanding (MOUs) for all five employee bargaining units, this item proposes a salary and compensation policy for at-will (unrepresented) management-level employees and elected officials. The proposed policy includes a conversion from flat salaries to a five-step salary range for non-elected at-will positions. The associated resolution adjusts salaries for those non-elected positions upwards to conform to the five-step salary matrix and increases the salaries of elected department heads (but not the Board of Supervisors) to market rate, based on a 2021 salary survey of all at-will and elected positions.

Action:

- 1) Adopt proposed resolution implementing the Mono County Policy Regarding Compensation of At-Will and Elected Management-Level Officers and Employees ("Management Compensation Policy"); and
- 2) Announce positions and salaries as listed on revised Exhibit B and adopt proposed resolution implementing salary matrix to establish ranges and steps for at-will management-level positions and adjusting current salaries for both elected department heads and appointed at-will employees to conform to that matrix and the Management Compensation Policy.

Fiscal Impact: The estimated increase in county-wide salary and benefit cost is \$186,2148 for FY 2021-22, \$368,880 for FY 2022-23, and \$507,445 for FY 2023-22. See the Revised Base Salary Adjustments document attached to these minutes for full fiscal impact (p.13). See the Revised Cost Implementation Analysis schedule attached to these minutes for greater details and documentation of the analysis' assumptions and conditions (p.14).

Peters motion. Gardner seconded.

Vote: 5 yes, 0 no

R21-44, R21-45

Bob Lawton, CAO:

- Overview of item
- Provided background

Doug Johnson, Ralph Andersen & Associates:

- Presented compensation report, discussed methodology

Dave Wilbrecht, Special Project Coordinator:

- Reviewed policy document

Janet Dutcher, Finance Director:

Note:

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

- Financial analysis

Break: 10:27 AM

Reconvened: 10:37 AM

Stacey Simon, County Counsel:

- Reviewed proposed Resolutions to be approved

B. Ordinance Amending Section 2.04.030 of the Mono County Code to Adjust Salaries for the Positions of Member and Chair of the Board of Supervisors

Departments: CAO

(Robert C. Lawton, CAO, Dave Wilbrecht, Special Project Coordinator) - Proposed ordinance amending Mono County Code section 2.03.040 to adjust salaries for the elected positions of Supervisor and Chair of the Board of Supervisors in accordance with Mono County's Management Compensation Policy and the 2021 Salary Survey of management positions.

Action: Introduce, read title and waive further reading of amended ordinance amending Mono County Code section 2.04.030 to adjust salaries for the elected positions of Supervisor and Chairperson of the Mono County Board of Supervisors in accordance with the Management Compensation Policy and 2021 Salary Survey.

Peters motion. Duggan seconded.

Vote: 3 yes, 2 no

M21-141

Roll Call:

Corless - N

Duggan - Y

Gardner - N

Kreitz - Y

Peters - Y

Bob Lawton, CAO:

- Overview of item

Supervisor Duggan:

- Clarification regarding Chair salary being adjusted back to Supervisor salary when they are no longer the Chair
- Supports Ordinance

Supervisor Gardner:

- Does not support Ordinance – believes strongly against voting for an increase in salary for self without opportunity for taxpayers to vote on it
- Will not accept increase if passed

Note:

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

Supervisor Corless:

- Does not support Ordinance – timing and process issue, not included in budget, would personally prefer to wait until mid-year
- Will not accept increase if passed

Supervisor Peters:

- Supports Ordinance

Chair Kreitz:

- Supports Ordinance

Stacey Simon, County Counsel:

- Amendment to Ordinance – Ordinance shall take effect 60 days from the date of its final passage, not 30 days

C. Budget Public Hearing and Planned Adoption for FY 2021-22

Departments: CAO, Finance

(Janet Dutcher, Finance Director; Megan Mahaffey, Accountant II) - Public hearing and adoption of the 2021-2022 County of Mono Recommended Budget, as presented or amended. The Mono County Recommended Budget for fiscal year 2021-2022 is available on the Mono County Website: <https://www.monocounty.ca.gov/auditor/page/2021-2022-budget-portal>

Action:

- 1) Conduct public budget hearing.
- 2) Adopt resolution R21-46, A Resolution of the Mono County Board of Supervisors Adopting the Final Mono County Budget for Fiscal Year 2021-2022, as presented or amended.

Fiscal Impact: The recommended budget includes \$124,932,764 in expenditures, \$116,055,940 in revenues, and relies on \$8,876,824 in carryover balance. The General Fund includes \$41,480,282 in expenditures, \$40,280,282 in revenues, and relies on \$1,200,000 in carryover balance.

Janet Dutcher, Finance Director:

- Presented item

Public Hearing Opened: 11:23 AM

No Public Comment

Public Hearing Closed: 11:28 AM

Gardner motion. Corless seconded.

Vote: 5 yes, 0 no

R21-46

Bob Lawton, CAO:

Note:

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

- Thanked Janet for helping Board navigate financial challenges during an extremely uncertain time

Public Comment:

- Fred Stump

D. List of Allocated Positions for Fiscal Year 2021-22

Departments: CAO, Finance

(John Craig, Assistant CAO; Janet Dutcher, Finance Director) - Proposed resolution to adopt the Fiscal Year 2021-22 Position Allocation List for positions classified in the Recommended Budget

Action: Adopt resolution R21-47, Adopting a Schedule for Position Classifications in Conjunction with the Adoption of the 2021-2022 Budget as modified to reflect the changes to the Assistant District Attorney and Assistant County Counsel positions.

Kreitz motion. Peters seconded.

Vote: 5 yes, 0 no

R21-47

John Craig, Assistant CAO:

- Noted two corrections to the Allocation List based on changes to staffing item passed earlier today – Assistant County Counsel and Assistant District Attorney

E. County Wildfire Coordinators Grant

Departments: Board of Supervisors, sponsored by Chair Kreitz

(Chair Kreitz) - The CA Fire Safe Council, in partnership with CSAC and RCRC, and funded by a CAL FIRE grant are seeking county interest in receiving funds for a County Wildfire Coordinator position.

Action: None. Board direction to confirm interest in the grant with CA Fire Safe Council.

Supervisor Corless:

- Purpose of putting this item on today's agenda is to get Board direction and confirmation that this is something Mono County would want to pursue
- Confirmed that indicating County interest is not a commitment to applying for the grant
- Volunteered to serve as the Board Liaison

Supervisor Peters left the meeting at 11:40 AM

F. COVID-19 (Coronavirus) Update

Departments: CAO, Public Health

(Robert C. Lawton, CAO, Bryan Wheeler, Public Health Director) - Update on Countywide response and planning related to the COVID-19 pandemic.

Note:

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

Discussion of planning for changes to County operations as the State moves into its "Beyond the Blueprint" stage, including, but not limited to: status of emergency declarations; returning to in-person County meetings; returning remote employees to work.

Action: None.

Bryan Wheeler, Public Health Director:

- PPT presentation (can be found under Supporting Documents on the meeting webpage: <https://monocounty.ca.gov/bos/page/board-supervisors-120>) – 7-day metrics, Blueprint for a Safer Economy, Beyond the Blueprint – reopening with capacity and distancing restrictions lifted for most businesses and activities

Bob Lawton, CAO:

- EOC meeting once a week, discussion to move it to once a month until the emergency declaration is lifted
- Returning remote employees to work at the Civic Center

Janet Dutcher, Finance Director:

- Finance branch of EOC update – currently meeting every other week.
- Transitioning into what will be the last week of incurring costs relative to the cost share agreement

G. Mountain View Fire Update and Review of Emergency Declarations

Departments: Mountain View Fire Emergency Operations Center

(Justin Nalder, EOC Director) - 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.

Action: Find that 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 (ratified by the Board on November 24, 2020).

Gardner motion. Kreitz seconded.

Vote: 4 yes, 0 no, 1 absent

M21-142

Justin Nalder, EOC Director:

- Recommendation to continue the local state of emergency until all the remediation is completed

Break: 12:11 PM

Reconvened: 12:22 PM

H. Justice, Equity, Diversity, and Inclusion (JEDI) Update

Departments: CAO, Board of Supervisors

Note:

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

(Robin Roberts, Behavioral Health Director) - Update on the proposed Justice, Equity, Diversity, and Inclusion (JEDI) training plan.

Action: None.

Postponed to July 6, 2021 Board of Supervisors Meeting.

I. Mono County Behavioral Health FY 2020-2023 Mental Health Services Act Three-Year Plan and FY 2021-2022 Annual Update

Departments: Behavioral Health

(Amanda Greenberg, Program Manager, Robin Roberts, Behavioral Health Director) - Presentation by Amanda Greenberg regarding the Mono County Behavioral Health FY 2020-2023 Mental Health Services Act Three-Year Plan and FY 2021-2022 Annual Update.

Action: Review and approve Three-Year Plan and Annual Update.

Corless motion. Duggan seconded.

Vote: 5 yes, 0 no

M21-143

Amanda Greenberg, Program Manager:

- PPT presentation (can be found under Supporting Documents on the meeting webpage: <https://monocounty.ca.gov/bos/page/board-supervisors-120>) – What is MHSA, Community Program planning process, top community needs, top strategies to promote mental health, MHSA funding components, community services and supports, prevention and early intervention, innovation, workforce education and training, capital facilities and technological needs, key achievements and outcomes

Robin Roberts, Behavioral Health Director:

- Thanked Amanda and Marcella for all their hard work on this
- Staff core values: honor the work, practice vulnerability, and take good care

Supervisor Peters returned at 12:50 PM.

8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

Moved to Item 10.

9. CLOSED SESSION

Closed Session: 1:15 PM

Reconvened: 2:05 PM

No action to report out of Closed Session.

Note:

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

A. Closed Session - Labor Negotiations

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Bob Lawton, Stacey Simon, Janet Dutcher, and Dave Wilbrecht. 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.

10. BOARD MEMBER REPORTS

Supervisor Corless:

- RCRC meeting planning continued, thank you Supervisor Duggan for all your help!
- Golden State Natural Resources meeting (affiliate of RCRC working on biomass utilization)
- Wildlife Stewardship Team fundraising meeting, looking to support 395 wildlife crossing project.
- Listened in on the Justice Equity Diversity Inclusion staff working group meeting - this group continues to work with Dr. Cameron Wedding to start implementing training, board update coming July 6.
- Eastern Sierra Council of Governments
- Yosemite Area Regional Transportation System: in addition to approving a short-term strategic plan, board approved lifting of covid occupancy restrictions and buses will return to full capacity.
- Behavioral Health Advisory Board: reviewed, discussed, and approved the three-year MHSa plan. Still looking for more advisory board members in all county communities.
- On the board of Mono Arts Council, reminder about Arts on the 4th art festival in Mammoth over the July 4 holiday, proceeds benefit arts education throughout Mono County.

Supervisor Duggan:

- 06/08/21 – I participated in a Special Meeting of the IMACA Board, along with Supervisor Peters, addressing temporary employment contract for an interim Executive Director.
- 6/9/21 – I assisted with the Lakes Basin Tour presentation for the RCRC Annual Board meeting.
- 6/14/21 – I participated in the monthly LTC meeting along with Commissioners Kreitz and Peters, where we discussed the Innovative Call for Concepts, the Draft District 9 CAT Plan. Updates from ESTA and YARTS were also presented.

Supervisor Gardner:

Note:

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- On Wednesday, June 9 I participated in the monthly meeting of the Mono Basin RPAC. Topics discussed included a presentation from a member of the Kutzadika Tribe about a proposed Interpretive Trail and Heritage Park in the north Mono Basin area, and a review of the Mono Basin Community Plan.
- On Thursday, June 10 I participated in a meeting of the Justice, Equity, Diversity, and Inclusion Working Group. This group is working on several activities that will be presented to staff very soon.
- On Friday, June 11 I participated with Supervisor Corless in the meeting of the Eastern Sierra Council of Governments. We heard a presentation from staff from the California Governor's Office of Business and Economic Development, and discussed several topics including the ESCOG 2021-2022 Budget, California Redistricting, California Fire Safe Council County Fire Coordinators, regional housing funding opportunities, and ESSRP projects.
- Yesterday I joined Supervisor Corless again for a special meeting of the Yosemite Area Regional Transportation System Board of Directors. We approved a Short-Term Strategic Plan that includes several service-related and other recommendations that will enable YARTS to continue to operate into the future. The changes for our area include cutting back service from the current end date of October 15 each year back to Sept. 15. This change will not occur until 2023, however.

Supervisor Kreitz:

- After our Tuesday, June 8th meeting I participated on conversation with CCRH Board members and the HCD Director Gustavo Velasquez to discuss various housing topics including the \$1.75 billion in the budget for moving along housing development projects waiting for 4% LIHTC funding. The program will be over the counter with a simple application beginning in September. Some details around Article 34 and developer fee are still being worked out. There was also a case made by the Board to restore the Infrastructure Infill Grant (IIG) to include language from the 2019 allocation which made small, rural areas of the state more competitive. This language was included in a one-time allocation and the Board would like to see it in all of the NOFA guidelines.
- On Wednesday, June 9th I spoke with Assessor Beck regarding the GIS and Parcel Viewer. Staffing the mapping position has been a challenge and the Assessor said after this tax roll is closed he plans to work with HR to create a staffing plan that will create more growth opportunities for the position. We agreed that the Parcel Viewer provides critical information and is a top priority for the Assessors Department and impacts a plethora of departments across the county.
- I tuned into the Cal/OSHA special meeting on Wednesday. It was an educational endeavor both on the structure and policy side of the organization and the breadth of public comment, which lasted three hours. The Board is comprised of volunteers that are compensated \$100/month. The Board had plenty of notice that on June 15th the state would be moving beyond the Blueprint, yet they struggled to get in sync with the
- Friday, June 11th the CCRH Board met. We spent two of the three hours working on Racial Equity Diversity and Inclusion. We discussed the impacts of Redlining, a federal policy, and how it's still present in rural communities today, though not explicitly. The Board met for regular business the last hour of the meeting where we decided to hold the annual Rural Housing Summit virtually once again this year and then afterward have a staff and board retreat in early 2022.
- Yesterday, June 14th I participated in the Mono County LTC meeting. We approved the Overall Work Program for fiscal year 2021-22. We also received an upstate from ESTA and YARTS on their summer programs and services. Both

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agencies have removed their capacity limits, but will continue to require masks on the buses. Later that day, I volunteered at another Mono County COVID-19 vaccination clinic. Slower pace of clients, but still a dozen or so getting their first vaccines.

Supervisor Peters:

- Attended Bridgeport RPAC last Tuesday – presentation from Humboldt-Toiyabe Forest Service, strategic changes with staffing
- Met separately with Kim Murcia and Duncan Leao, HT staff, regarding how messaging from the HT could be improved, upcoming projects
- With Supervisor Duggan, attended the IMACA Emergency Meeting. Focused on new recruitment for Executive Director
- Attended the Bi-State Sage Grouse Local Area Working Group meeting
- Over the weekend, attended the Antelope Valley Senior Center Lions Club Thrift Store Picnic in the Park
- Yesterday, attended Local Transportation Commission meeting

Moved to Item 9.

ADJOURNED AT 2:05 PM.

ATTEST

**JENNIFER KREITZ
CHAIR OF THE BOARD**

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

EXHIBIT B

Mono County

Base Salary Adjustments

For Incumbent At-Will Employees and Elected Officials (excluding members of the Board of Supervisors)

Current Title	Current Salary	Range	Step	Nearest Dollar Placement		
				Salary	\$ Change	% Change
Assistant Assessor	\$ 8,991	13	D	\$9,146	\$155	1.7%
Assistant County Administrative Officer	\$ 12,500	21	C	\$12,870	\$370	3.0%
Assistant County Counsel	\$ 11,006	18	E	\$12,257	\$1,251	11.4%
Assistant Director of Finance	\$ 9,293	14	D	\$9,603	\$311	3.3%
Assistant District Attorney	\$ 11,006	18	E	\$12,257	\$1,251	11.4%
Assistant to the County Administrative Officer	\$ 7,573	9	E	\$7,901	\$328	4.3%
Chief of Emergency Medical Services	\$ 10,325	17	C	\$10,588	\$263	2.5%
Chief Probation Officer	\$ 11,014	19	B	\$11,117	\$104	0.9%
County Administrative Officer	\$ 15,000	25	C	\$15,643	\$643	4.3%
County Assessor	\$ 10,325	16	M	\$11,117	\$792	7.7%
County Clerk / Recorder / Registrar of Voters	\$ 9,981	14	E	\$10,084	\$102	1.0%
County Counsel	\$ 15,488	25	C	\$15,643	\$156	1.0%
County Engineer	\$ 10,502	15	E	\$10,588	\$86	0.8%
Deputy County Counsel II	\$ 9,211	13	E	\$9,603	\$392	4.3%
Deputy District Attorney III	\$ 10,108	15	E	\$10,588	\$480	4.7%
Director of Behavioral Health	\$ 11,014	18	C	\$11,117	\$104	0.9%
Director of Community Development	\$ 11,014	18	C	\$11,117	\$104	0.9%
Director of Economic Development	\$ 9,981	16	C	\$10,084	\$102	1.0%
Director of Finance	\$ 12,532	21	C	\$12,870	\$337	2.7%
Director of Information Technology	\$ 12,906	21	D	\$13,513	\$607	4.7%
Director of Public Health	\$ 11,014	18	C	\$11,117	\$103	0.9%
Director of Public Works /Road Operations	\$ 12,046	20	C	\$12,257	\$211	1.7%
Director of Social Services	\$ 11,014	18	C	\$11,117	\$104	0.9%
District Attorney	\$ 13,106	21	M	\$14,189	\$1,082	8.3%
District Attorney Chief Investigator	\$ 10,094	15	E	\$10,588	\$494	4.9%
District Attorney Investigator II	\$ 8,640	11	E	\$8,711	\$71	0.8%
District Attorney Operations and Prg Supervisor	\$ 6,812	4	Y	\$6,812	\$0	0.0%
Eastern Sierra Recreation Coordinator	\$ 5,852	5	C	\$5,896	\$44	0.7%
Economic Development Manager	\$ 7,571	12	B	\$7,901	\$329	4.4%
Environmental Health Manager	\$ 9,363	13	E	\$9,603	\$241	2.6%
Parks and Facilities Superintendent	\$ 8,604	11	E	\$8,711	\$107	1.2%
Public Works Project Manager	\$ 6,874	9	C	\$7,166	\$292	4.2%
Risk Manager	\$ 7,916	12	C	\$8,296	\$380	4.8%
Road Superintendent	\$ 8,608	11	E	\$8,711	\$103	1.2%
Sheriff-Coroner	\$ 12,604	21	M	\$14,189	\$1,585	12.6%
Solid Waste Superintendent	\$ 7,689	9	E	\$7,901	\$212	2.8%
Undersheriff	\$ 12,783	19	E	\$12,870	\$87	0.7%

M = Fixed Market Rate for Countywide Elected Officials

Y = Current Salary is in excess of Step E and will remain constant

Note:

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REVISED 6-14-2021

Mono County
 Cost Implementation Analysis
 At-Will and Elected Positions (excluding members of the Board of Supervisors)

Current Title	Current Salary	Range	Nearest Dollar Placement		Cost Impact per Fiscal Year		
			Step	Salary	FY 2021-22	FY 2022-23	FY 2023-24
Assistant Assessor	\$ 8,991	13	D	\$ 9,146	\$ 155	\$ 613	\$ 613
Assistant Clerk / Recorder	7,572	10	D	7,901	328	723	723
Assistant County Administrative Officer	12,500	21	C	12,870	370	1,013	1,689
Assistant County Counsel	11,007	18	E	12,257	1,250	1,250	1,250
Assistant County Counsel	11,007	18	E	12,257	1,250	1,250	1,250
Assistant Director of Finance	9,293	14	D	9,603	311	791	791
Assistant Director of Finance	9,293	14	D	9,603	311	791	791
Assistant District Attorney	11,006	18	E	12,257	1,251	1,251	1,251
Assistant to the Chief Administrative Officer	7,573	9	E	7,901	328	328	328
Chief of Emergency Medical Services	10,325	17	C	10,588	263	792	1,348
Chief Probation Officer	11,014	19	B	11,117	104	659	1,243
County Administrative Officer	15,000	25	C	15,643	643	1,425	2,246
County Assessor	10,325	16	E	11,117	792	792	792
County Clerk / Recorder	9,981	14	E	10,084	102	102	102
County Counsel	15,488	25	C	15,643	156	938	1,759
County Engineer	10,502	15	E	10,588	86	86	86
Deputy County Counsel II	9,211	13	E	9,603	392	392	392
Deputy District Attorney III	10,108	15	E	10,588	480	480	480
Deputy District Attorney III	10,108	15	E	10,588	480	480	480
Director of Animal Services	6,825	6	E	6,825	-	-	-
Director of Behavioral Health	11,014	18	C	11,117	104	659	1,243
Director of Community Development	11,014	18	C	11,117	104	659	1,243
Director of Economic Development	9,981	16	C	10,084	102	607	1,136
Director of Finance	12,532	21	C	12,870	337	981	1,657
Director of Human Resources	10,756	16	E	11,117	362	362	362
Director of Information Technology	12,906	21	D	13,513	607	1,282	1,282
Director of Public Health	11,014	18	C	11,117	103	659	1,243
Director of Public Works /Road Operations	12,046	20	C	12,257	211	823	1,466
Director of Social Services	11,014	18	C	11,117	104	659	1,243
District Attorney	13,106	21	E	14,189	1,082	1,082	1,082
District Attorney Chief Investigator	10,094	15	E	10,588	494	494	494
District Attorney Investigator II	8,640	11	E	8,711	71	71	71
District Attorney Operations and Prg Supervisor	6,812	4	Y	6,812	-	-	-
Eastern Sierra Recreation Coordinator	5,852	5	C	5,896	44	338	648
Economic Development Manager	7,571	12	B	7,901	329	725	1,140
Environmental Health Manager	9,363	13	E	9,603	241	241	241
Housing Coordinator	9,034	14	C	9,146	112	569	1,049
Parks and Facilities Superintendent	8,604	11	E	8,711	107	107	107
Public Health Officer	18,200	27	E	19,014	814	814	814
Public Works Project Manager	6,874	9	C	7,166	292	650	1,026
Risk Manager	7,916	12	C	8,296	380	794	1,230
Road Superintendent	8,608	11	E	8,711	103	103	103
Sheriff-Coroner	12,604	21	E	14,189	1,585	1,585	1,585
Solid Waste Superintendent	7,689	9	E	7,901	212	212	212
Undersheriff	12,783	19	E	12,870	87	87	87
Monthly Salary Cost	\$ 463,156			\$ 480,190	\$ 17,034	\$ 28,717	\$ 38,376
Annual Salary Cost	\$ 5,557,873			\$ 5,762,281	\$ 204,408	\$ 344,602	\$ 460,510
Annual Benefit Cost	\$ 778,102			\$ 806,719	\$ 28,617	\$ 48,244	\$ 64,471
Total Fiscal Cost Increase	\$ 6,335,975			\$ 6,569,000	\$ 233,025	\$ 392,846	\$ 524,981

PROPOSED
 ANNUAL
 SALARIES &
 INCREMENTAL
 BENEFIT
 INCREASE

NOTES:

This analysis estimates the incremental increases in salary and benefit cost resulting from implementation of the proposed management compensation policy, excluding elected board of supervisors members. It excludes performance pay as that component of the policy is discretionary. The analysis assumes every participant is successful at exceeding job standards making each employee eligible to advance to the next higher step in their respect range. Benefit cost exclude health care, 401a contributions, and the annual payment towards the County's unfunded accrued pension liability.

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OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE August 10, 2021

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Board Minutes - July 6, 2021

**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 July 6, 2021.

RECOMMENDED ACTION:

Approve the Board Minutes from the Regular Meeting on July 6, 2021.

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

[DRAFT Minutes](#)

History

Time	Who	Approval
8/4/2021 9:01 AM	County Counsel	Yes
8/4/2021 10:19 AM	Finance	Yes
8/5/2021 1:05 PM	County Administrative Office	Yes



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

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

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

**Regular Meeting
July 6, 2021**

Backup Recording	Zoom
Minute Orders	M21-144 – M21-155
Resolutions	R21-48 – R21-52
Ordinance	ORD21-04

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

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

Supervisors Absent: None.

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 Duggan.

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

2. RECOGNITIONS

None.

3. COUNTY ADMINISTRATIVE OFFICE

None.

Note:

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4. DEPARTMENT/COMMISSION REPORTS

None.

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 - June 1, 2021

Departments: Clerk of the Board

Approval of the Board Minutes from the Regular Meeting on June 1, 2021.

Action: Approve the Board Minutes from the Regular Meeting on June 1, 2021.

Corless motion. Peters seconded.

Vote: 5 yes, 0 no

M21-144

B. Letter of Support - Legislative Action to Ensure Child Support Payments go to Families First

Departments: Clerk of the Board

Letter of support from the Mono County Board of Supervisors to State legislators regarding legislative action to ensure child support payments go to families first.

Action: Approve letter as presented and authorize Board Chair to sign.

Corless motion. Peters seconded.

Vote: 5 yes, 0 no

M21-145

C. Appointments to the Assessment Appeals Board

Departments: Clerk of the Assessment Appeals Board

Appointment of one regular member to the Mono County Assessment Appeals Board (AAB).

Action: Appoint John Migliore as a regular member of the Assessment Appeals Board, for a term which ends September 05, 2021.

Corless motion. Peters seconded.

Vote: 5 yes, 0 no

M21-146

D. Monthly Treasury Transaction Report

Departments: Finance

Note:

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Treasury Transaction Report for the month ending 5/31/2021.

Action: Approve the Treasury Transaction Report for the month ending 5/31/2021.

Corless motion. Peters seconded.

Vote: 5 yes, 0 no

M21-147

E. Advisement of Nonprofit Organization Represented on the Juvenile Justice Coordinating Council

Departments: Probation

Pursuant to WIC 749.22, the Board of Supervisors is to be advised of the nonprofit entity selected to have a representative on the Juvenile Justice Coordinating Council. Accordingly, Susi Bains, who is the Director of the nonprofit entity SHINE, has been selected and approved by the Juvenile Justice Coordinating Council to sit on the Council.

Action: Pursuant to WIC 749.22, the Board of Supervisors is advised of the nonprofit entity selected to have a representative on the Juvenile Justice Coordinating Council. Accordingly, Susi Bains, who is the Director of the nonprofit entity SHINE, has been selected and approved by the Juvenile Justice Coordinating Council to sit on the Council.

Corless motion. Peters seconded.

Vote: 5 yes, 0 no

M21-148

F. Long Valley Streets Project

Departments: Public Works Engineering

The Long Valley Streets project was approved and the STIP funding was allocated by the California Transportation Commission (CTC) at the June 23-24, 2021 meeting. Upon receiving Mono County Board of Supervisor approval, this project will be bid for construction on the County's Bid Management Systems. The following county maintained roads will be rehabilitated as part of this project: Substation Rd, Wildrose Dr, Sierra Springs Dr, Pearson Rd (portion), Elderberry Ln, Crowley Lake Circle, Aspen Terrace, Hilton Creek Place, Hilton Creek Dr, Delta Dr, Placer Rd (portion), Lake Manor Place, Meadow View Dr, Sunny Slopes Rd, Wheeler View / Montana Road, Foothill Rd, and a portion of Mountain View Dr. Roadside curbs, signs, and traffic paint striping will also be rehabilitated as part of this project. The Project Manual and Plan Set for this item are available as additional documents on the meeting site found by visiting: <https://monocounty.ca.gov/bos/page/board-supervisors-121>

Action:

1) Approve the attached bid package and authorize the Public Works

Note:

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Department to advertise the project for bids.

2) Authorize the Public Works Director to execute the contract contained in the attached bid package with the lowest responsive and responsible bidder in an amount less than or equal to allotted project funds of \$2,550,000.

3) Authorize the Public Works Director, in consultation with County Counsel, to administer that contract, including making minor amendments to said contract from time to time as the Public Works Director may deem necessary, and issue change orders to the contract in accordance with Public Contract Code §20142, provided such amendments and change orders do not substantially alter the scope of work, do not cause spending on the project to exceed the budgeted authority.

4) Authorize the Public Works Director to reject all bids if no bid is received that is less than or equal to allotted funds.

Corless motion. Peters seconded.

Vote: 5 yes, 0 no

M21-149

G. COVID-19 Safe School Funding Award and Appropriations Increase Request for FY 2021-22 Public Health Budget

Departments: Public Health

Request increase in FY 2021-22 Public Health appropriations of \$60,000 for the Safe Schools for All grant participation, funded through AB 86. The goals of the grant include increasing safety mitigation strategies and addressing barriers to in-person instruction. Requires 4/5ths approval of the Board.

Action: Approve increasing appropriations in the amount of \$60,000 to participate in the Safe Schools for All AB 86 grant funding opportunity to support the public health response to COVID-19 (requires 4/5ths vote approval).

Corless motion. Peters seconded.

Vote: 5 yes, 0 no

M21-150

H. Maternal, Child, and Adolescent Health (MCAH) Agreement Funding Application FY 2021-22

Departments: Public Health

Maternal, Child, and Adolescent Health (MCAH) Agreement Funding Application (AFA) for FY 2021-22.

Action: Approve the Maternal, Child, and Adolescent Health (MCAH) Agreement Funding Application (AFA) for FY 2021-22, and authorize the Chairperson to sign the MCAH AFA Agency Information Form to execute

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the agreement on behalf of the County. 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.

Corless motion. Peters seconded.

Vote: 5 yes, 0 no

M21-151

I. Proposed Contract with Crestwood Behavioral Health, Inc. Pertaining to Residential Treatment Services

Departments: Behavioral Health

Proposed contract with Crestwood Behavioral Health, Inc. pertaining to Residential Treatment Services.

Action: Approve County entry into proposed contract and authorize CAO to execute said contract on behalf of the County.

Corless motion. Peters seconded.

Vote: 5 yes, 0 no

M21-152

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. Letter from Lahontan Regional Water Quality Control Board Regarding Termination of Septic Tank Guidelines Memorandum of Understanding

The Lahontan Regional Water Quality Control Board is terminating the Septic Tank Guidelines Memorandum of Understanding between the Water Board and Mono County. The MOU was issued in 1989, amended in 1991, and will terminate 30 days after the date on this letter pursuant to MOU Section X(10). The MOU authorized the County to issue construction permits for individual subsurface disposal systems without Water Board approval, provided those projects complied with MOU conditions.

Stacey Simon, County Counsel:

- Discussed this matter with Environmental Health Director Louis Molina and clarified that this is a housekeeping item, it does not impact any operation

Note:

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B. Mono County Grand Jury 2020-2021 Workforce Housing Crisis Final Report

The Mono County Grand Jury released their 2020-2021 Workforce Housing Crisis Final Report on June 14, 2021. The Mono County Grand Jury recommends that more specificity be introduced into the housing plans from Mono County and the Town of Mammoth Lakes, that dedicated responsible parties be identified, and that innovations be investigated and implemented now.

Chair Kreitz:

- Talked with staff about this, will be reviewing report formally in August as an agenda item. Providing input and having a discussion to shape the response.

C. Letter from Claudia Bonnet Regarding Positive Experience with Mono County Staff Related to Mountain View Fire Recovery Process

A letter from Coleville resident, Claudia Bonnet, thanking Mono County staff for assistance during the Mountain View Fire recovery process.

Supervisor Peters:

- Acknowledged that there are still people with high levels of frustration, but also high levels of satisfaction. Thanked Claudia for her letter.

D. Letter from Antelope Valley Fire Protection District Regarding Mitigation Fees Waiver Due to the Mountain View Fire Loss

A letter from Antelope Valley Fire Protection District requesting the Board of Supervisors waive the mitigation fees for homes being rebuilt due to the Mountain View Fire with certain requirements.

Stacey Simon, County Counsel:

- The mitigation fees are adopted by Board of Supervisors and then remitted to the districts

Supervisor Peters:

- Direction to staff to return with the resolution to waive the mitigation fees

E. Lieutenant Governor's Proclamation of the California Gubernatorial Recall Election

Departments: Elections

A proclamation by the Lieutenant Governor of the State of California Eleni Kounalakis that the California Gubernatorial Recall Election will be held throughout the state on Tuesday, September 14, 2021.

Scheereen Dedman, Acting Clerk-Recorder-Registrar:

- The Secretary of State, vendors, and everyone involved has been very supportive of the new change in our County and department

Note:

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7. REGULAR AGENDA - MORNING

A. PUBLIC HEARING: Mono County Ambulance Rate Increase

Departments: Emergency Medical Services

(Chris Mokracek, EMS Chief) - Public hearing regarding increasing ground ambulance rates in Mono County for Fiscal Year 2022.

Action: Conduct public hearing. Adopt Resolution R21-48 increasing ambulance rates in Mono County for Fiscal Year 2022.

Public Hearing Opened: 9:10 AM

Chris Mokracek, EMS Chief:

- Provided background on increase

Stacey Simon, County Counsel:

- County still heavily subsidizes its EMS program. Allowed to charge rates up to the actual cost of providing services. These rates are still below the actual cost to the County.

No Public Comment

Public Hearing Closed: 9:20 AM

Gardner motion. Corless seconded.

Vote: 5 yes, 0 no

R21-48

B. Suddenlink/Altice Internet Service Issues

Departments: County Counsel and IT

(Stacey Simon and Nate Greenberg) - Letter to Suddenlink/Altice and the California Public Utilities Commission regarding service issues with Suddenlink internet service. A draft letter has been developed by staff from Mono, Placer and Nevada Counties and the cities of Truckee and Mammoth Lakes, which are all experiencing issues similar to those experienced by customers in Mono County. The proposed letter will be provided at your meeting.

Action: Approve proposed letter as amended - add CSAC, RCRC and NACO to the "cc" list, insert a mention of the Mono County Grand Jury report on broadband issues and change the order of one of the bullets.

Corless motion. Duggan seconded.

Vote: 5 yes, 0 no

M21-153

Note:

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Stacey Simon, County Counsel:

- Introduced item
- Came to our attention on Friday that there is an opportunity now resulting from renewal of the Suddenlink franchise with the State that makes it time sensitive to get this letter approved and sent to Suddenlink with a copy of the Public Utilities Commission and our State representatives.

Nate Greenberg, IT Director:

- Reviewed contents of letter

C. Justice, Equity, Diversity, and Inclusion (JEDI) Update

Departments: CAO

(Scheereen Dedman, JEDI Coordinator) - Update on the proposed Justice, Equity, Diversity, and Inclusion (JEDI) training plan.

Action: None.

Scheereen Dedman, JEDI Coordinator:

- Read letter received by the County regarding a visitor's experience with racism
- Met with key observers and participants of the JEDI group in order to solidify what everybody believes is the point to JEDI
- This is a group that will be trained by Dr. Cameron Wedding
- Reviewed phase training

Supervisor Corless:

- Encourage having a JEDI representative from every department
- Suggest working with Chair Kreitz on sending an email to all staff regarding JEDI participation

D. COVID-19 (Coronavirus) Update

Departments: CAO, Public Health

(John C. Craig, Assistant CAO, Bryan Wheeler, Public Health Director) - Update on Countywide response and planning related to the COVID-19 pandemic. Discussion of planning for changes to County operations as the State continues in its "Beyond the Blueprint" stage, including, but not limited to: status of emergency declarations; returning to in-person County meetings; returning remote employees to work.

Action: None.

Bryan Wheeler, Public Health Director:

- PPT presentation (can be found under Supporting Documents on the meeting webpage: <https://monocounty.ca.gov/bos/page/board-supervisors-121>) – 7-day metrics, County COVID-19 transition plan, testing schedule
- Longevity of effectiveness of various vaccines available – preliminary data released suggesting the vaccine could be good for several years
- Addressed possible Delta variant cases in Mono County
- Vaccinations for teenagers

Note:

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John Craig, Assistant CAO:

- Civic Center reopening update

Break: 10:23 AM

Reconvened: 10:40 AM

E. Mountain View Fire Update and Review of Emergency Declarations

Departments: Mountain View Fire Emergency Operations Center

(Mary Booher, Mountain View Fire Consultant) - 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.

Action: Hear report from Incident Command and involved staff regarding status of Mountain View Fire response and recovery efforts.

Find that 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 (ratified by the Board on November 24, 2020).

Peters motion. Duggan seconded.

Vote: 5 yes, 0 no

M21-154

Mary Booher, Mountain View Fire Consultant:

- It is important to continue the emergency declaration for several reasons: until we have completed the debris removal process, fee waivers

F. Resolution Urging Governor Newsom to Adopt the Federal Weekly Hours Work Standard for Shepherders in California

Departments: Agricultural Commissioner

(Nathan D. Reade, Agricultural Commissioner) - Proposed resolution urging Governor Newsom to adopt the federal weekly hours work standard for shepherders in California due to recent legislative changes that require changes in how herder's hours are calculated for overtime pay.

Action: Approve Resolution R21-49 urging Governor Newsom to adopt the federal weekly hours work standard for shepherders in California.

Peters motion. Corless seconded.

Vote: 3 yes, 2 no

R21-49

Roll Call:

Corless - Y

Duggan - Y

Note:

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

Gardner - N
Kreitz - N
Peters - Y

Brent Calloway, Agricultural Commissioner Office:

- Presented item

Andree Soares, California Wool Growers Association:

- Provided background on legislative changes

G. Ordinance Amending Mono County Code Chapter 7.28 - Camping

Departments: Public Works

(Tony Dublino, Director of Public Works) - Proposed ordinance revising Mono County Code Chapter 7.28 - Camping - to clarify existing restrictions on camping in general and in or around County facilities and include a prohibition on camping on paved County Roads.

Action: Introduce, read title, and waive further reading of proposed ordinance.

Gardner motion. Peters seconded.

Vote: 4 yes, 1 no

M21-155

Roll Call:

Corless - Y

Duggan - Y

Gardner - Y

Kreitz - N

Peters - Y

Tony Dublino, Director of Public Works:

- Presented item

Supervisor Corless:

- Expressed concerns regarding unintended consequences of this ordinance and the potential need to support unhoused residents
- Give the County more flexibility should we need to address the needs of unhoused residents such as safe parking designated area on County property

Stacey Simon, County Counsel:

- Clarified that the Ordinance prohibits camping in County parks which is defined to include a recreational facility or a community center. It would not apply to the courthouse of Civic Center parking lot or any other County owned property.
- Can add additional language under exceptions:
 - "County Park" means all County Parks, Community Centers and Recreation Facilities and accompanying parking lots.
 - Notwithstanding anything to the contrary in this Ordinance, the Board of Supervisors may designate specific county properties, including a County Park or Paved County, for overnight use in its discretion.

Note:

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

Chair Kreitz:

- Cannot support this Ordinance without a solution in place to accommodate unhoused residents

H. Ordinance Amending Section 2.04.030 of the Mono County Code to Adjust Salaries for the Positions of Member and Chair of the Board of Supervisors

Departments: CAO

(John C. Craig, Assistant CAO) - Proposed ordinance amending Mono County Code section 2.03.040 to adjust salaries for the elected positions of Supervisor and Chair of the Board of Supervisors in accordance with Mono County's Management Compensation Policy and the 2021 Salary Survey of management positions.

Action: Announce proposed salaries for Board Member and Board Chair and adopt proposed ordinance.

Fiscal Impact: Approval of the salary adjustment ordinance for the Board will increase maximum Board compensation from \$4,109 to \$4,792 per month for regular Board members (an increase of \$683) and from \$4,462 to \$5,202 per month (an increase of \$740) for the Chair position. The maximum annual fiscal impact for the next fiscal year is estimated to be \$41,644, which is not included in the approved budget.

Peters motion. Duggan seconded.

Vote: 3 yes, 2 no

ORD21-04

Roll Call:

Corless - N

Duggan - Y

Gardner - N

Kreitz - Y

Peters - Y

Stacey Simon, County Counsel:

- Clarified that the Ordinance is on the regular agenda for a second reading due to the requirement for the Fiscal Impact needing to be read into record.

I. Employment Agreement - Animal Services Director

Departments: Human Resources

(Ryan Roe, Acting Human Resources Director) - Proposed resolution approving a contract with Malinda Huggins as Animal Services Director,

Note:

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

and prescribing the compensation, appointment and conditions of said employment.

Action: Announce Fiscal Impact. Approve Resolution R21-50, approving a contract with Malinda Huggins as Animal Services Director, 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: The cost for an entire fiscal year would be \$106,791 of which \$74,286 is salary and \$32,505 is the cost of benefits. The increase in compensation of \$19,398 is not included in the approved budget.

Corless motion. Peters seconded.

Vote: 5 yes, 0 no

R21-50

Ryan Roe, Acting HR Director:

- Presented item

Supervisor Peters:

- County is lucky to have Malinda Huggans as the Animal Services Director

Stacey Simon, County Counsel:

- Pointed out that this contract and the two that follow it do follow the new model in terms of including language related to setting specific performance goals, having those evaluated by their supervisors each year, and eliminating the three year term.

J. Employment Agreement - Assistant District Attorney

Departments: Human Resources

(Ryan Roe, Acting Human Resources Director) - Proposed resolution approving a contract with David M. Anderson as Assistant District Attorney, and prescribing the compensation, appointment and conditions of said employment.

Action: Announce Fiscal Impact. Approve Resolution R21-51, approving a contract with David M. Anderson as Assistant District Attorney, 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: The cost for an entire fiscal year is \$190,499 of which \$147,084 is salary and \$44,415 is the cost of benefits, and was included in the approved budget.

Peters motion. Duggan seconded.

Vote: 5 yes, 0 no

R21-51

Note:

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

Ryan Roe, Acting HR Director:

- Presented item

K. Employment Agreement - Assistant to the CAO

Departments: Human Resources

(Ryan Roe, Acting Human Resources Director) - Proposed resolution approving a contract with Scheereen Dedman as Assistant to the County Administrative Officer, with a temporary appointment as Acting Clerk/Recorder/Registrar of Voters, and prescribing the compensation, appointment and conditions of said employment.

Action: Announce Fiscal Impact. Adopt Resolution R21-52, approving a contract with Scheereen Dedman as Assistant to the CAO, and temporarily as Acting Clerk/Recorder/Registrar of Voters, 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: The cost for an entire fiscal year would be \$118,288 of which \$94,809 is salary and \$23,479 is the cost of benefits and was included in the approved budget, with an additional estimated amount of \$770 (\$662 salary and \$108 benefits) for two months of serving temporarily as Acting Clerk/Recorder/Registrar of Voters.

Corless motion. Kreitz seconded.

Vote: 5 yes, 0 no

R21-52

Ryan Roe, Acting HR Director:

- Presented item

8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

Moved to Item 10.

9. CLOSED SESSION

Closed Session: 12:15 PM

Reconvened: 12:54 PM

No action to report out of Closed Session.

A. Closed Session - Labor Negotiations

Note:

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

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): John C. Craig, Stacey Simon, 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-MCEKJN.

C. Closed Session - Existing Litigation

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Claim for damages filed by Adam Flores against Mono County.

D. Closed Session - Existing Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: *Ormat Technologies v. The County of Mono California, Mono County CUPA, Cal OES.* (Case No. CV210049).

10. BOARD MEMBER REPORTS

Supervisor Corless:

- 6/16-18: RCRC board meeting and tour—many thanks to all county staff and partners who made this meeting such a big success.
- 6/23: California Fire Safe Council webinar regarding the county wildfire coordinator grant opportunity
- 6/25: CA Association of Local Behavioral Health Boards and Commissions meeting and training
- 6/30: Shady Rest/Inyo Craters recreation ;planning discussion; Western Governors' Association virtual meeting, including presentation by Interior Sec. Haaland; Town meeting regarding proposed bus turnaround at Woodman Street and bus service in Old Mammoth.
- 7/1: Great Basin Unified Air Pollution Control District meeting: Board met in Markleeville; approved the Coso Junction Planning Area PM 10 maintenance plan; approved an order to LADWP to implement dust control mitigation in the Sibi Patsiata-wae-tu cultural resource area; and approved a letter from the governing board to LADWP regarding Mono Lake Air Quality.

Note:

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

- July 4 festivities in Mammoth Lakes area: Busy and seemingly successful weekend. Negative impacts of recreation/tourism use impacts appeared to be more successfully mitigated, thanks to increased management efforts and volunteerism.
- Would like to encourage department/commission reports during regular board meetings.

Supervisor Duggan:

- 06/15/21 – I participated in the annual meeting of the Mono County Housing Authority with my fellow Board member. We were briefed on Mono County Housing programs by Staff and engaged in housing policy discussion and Mono County's response to housing affordability issues regarding SB 35 funding.
- 6/17/21 – I assisted with the Lakes Basin Tour presentations for the RCRC Annual Board meeting.
- 6/18/21 – I participated in the second of 2 CSAC workshops in Leading for Diversity, Equity, and Inclusion. This was an interactive session with elected officials and staff from multiple counties that I found inciteful, thought provoking, and very helpful with ideas to increase participation in DEI programs in county governments.
- 6/22/21 – I attended the CSA1 Advisory Board meeting where we thanked retiring Board Secretary Marianne O'Connor for her many years of service to the Board and Crowley community. There was a presentation from a Wireless Internet Service Provider that offers an internet option for the northern portion of CSA1 that does not have reliable service. I will share the presentation materials with staff and follow up with the CSA1 Board for options or next steps.
- 6/23/21 – I attended the regular meeting of TVGMD where we discussed board vacancies and new member qualifications, guidelines for fee increases, and possible responses to the upcoming GSP draft from OVGA.
- 6/25/21 – I participated in the ESTA Board of Directors meeting. We approved a new contract and wage increase for the Executive Director, along with the LSC service contract, and received an update from YARTS.
- 6/29/21 – I participated in a Special Meeting of the IMACA Board to accept the 2022-2023 Community Needs Assessment to meet deadlines for pending grants.
- 7/1 – I participated in the in-person meeting of the Great Basin Air Pollution Control District Governing Board Meeting in Markleeville along with Board Member Corless (thanks again for the donuts!) Items on the agenda included adoption and approval of the 2021 Coso Junction PM10 Planning Area Second 10-year Maintenance Plan, the order to implement dust control measures in the Sibi Patsiata wae-tu Cultural Resource Area at Owens Dry Lake, and the approval of a letter from the governing board to LADWP Water and Power Board regarding Mono Lake air quality.
- 7/2 – I attended the CSA1 Special Meeting where the advisory board suggested pay rate increased for yoga class instructors and for the activities programmer. The Board Secretary will work with the appropriate staff on process for approval and implementation.

Supervisor Gardner:

- On Thursday June 17 I chaired a meeting of the Mono County First 5 Commission. We approved several contracts, reviewed the First 5 California State Evaluation Report, reviewed and approved the First 5 budget, and discussed childcare needs and possible responses.

Note:

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- On Friday June 18 I participated in a meeting of the NACO Public Lands Policy Steering Committee. We reviewed proposed policy resolutions for the upcoming NACO Conference and heard an update on pending legislation.
- On Wednesday June 23 I participated in a Zoom call about the proposed County Wildfire Coordinator positions funded by the state. We need to make sure County staff are planning to move forward with the application for these funds.
- On June 23 I also listened to a webinar on Policies to Protect Working Families: Rethinking Social Insurance. This was very informative about the extent to which current unemployment and related programs provide adequate support for working families.
- On June 23 I also participated in the monthly meeting of the Juvenile Justice Coordinating Council. This group continues to get organized to meet recent state legislative requirements.
- Finally, on June 23 I spoke with Robert Bendorf about our planned strategic planning workshop this month.
- On Friday June 25 I participated in the monthly meeting of the Eastern Sierra Transit Authority Board. We approved some contracts and reviewed regular operations and financial reports.
- Finally, on Monday, June 28 I participated in a meeting of the NACO Finance and Other Related Policy Committee. I spoke about my resolution to encourage the Congress and the President to approve all federal budget legislation on time to avoid any Federal agency shutdowns.

Chair Kreitz:

- June 16th I attended the Community Corrections Partnership General Committee meeting. The committee had a lengthy discussion on transitional housing. There is interest in using some of the trailers from LA possibly in conjunction with some of Mono County's land for this purpose.
- I participated in several of the RCRC events during June 15-18th.
- June 22, I provided a brief oral overview of our Board's letter to the Board of Forestry on their proposed changes to the State's Minimum Fire Safe Regulations at their special meeting to hear from the public.
- Thursday, June 24th I attended the Mammoth Lakes Tourism coffee where a large, diverse panel of folks discussed the upcoming summer tourist season.
- Later, June 24th, I attended a special meeting of the NACo Community, Economic, and Workforce Development Committee to review the resolutions for the annual meeting. I shared the resolution I am sponsoring on supporting changes to the four percent Low Income Housing Tax Credit's Private Activity Bond requirement from 50% to 25%.
- Friday, June 25th I met with some members of ESCOG and staff to discuss a regional housing gathering. Looking to have a regional meeting to discuss various topics of housing and strategies to make more progress.
- On July 1, I attended another ILG housing workshop, this one on Equity and Housing. The panelist included folks from HCD, BBK, Vice-Mayor of Berkeley, and a non-profit. There was good background on fair housing policy. Several highlights for me was the city of Berkeley's work on changing their historic zoning that is discriminatory in nature to be inclusionary, including allowing more density and less single family residence only zoning. And the importance and focus area of the Three Ps - Production, Preservation and Protection for affordable housing.
- I spoke with CAO Lawton about this, and want to socialize it here, that I believe we need to declare housing as a public health emergency. I also suggest that we use some of our housing fund to do an RFP for help implementing the

Note:

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policies we supported at our June 15th Housing Authority meeting since Mono County Community Development Department lacks the capacity to tackle those priorities.

Supervisor Peters:

- Participated in multiple NACo broadband taskforce meetings to finalize the literature that will be coming out this week at the NACo Conference
- Participated in Human Services and Education policy discussion
- Attended RCRC event in Mammoth – very well organized
- Met with Robert Bendorf to discuss Strategic Planning process
- Participated in the Mountain View Fire community meeting
- County Wildfire Playbook meeting
- Request Inventory of County Land

Moved to Item 9.

ADJOURNED AT 12:54 PM in memory of David Newman.

ATTEST

**JENNIFER KREITZ
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 August 10, 2021

Departments: Public Works - Roads

TIME REQUIRED

SUBJECT 2021 Fall Special Events Road
Closures

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

When road impacts exist due to special events held within the County, roads must be closed, or traffic controlled, in accordance with County Policy which includes an approving Board Resolution.

RECOMMENDED ACTION:

- 1) Adopt proposed resolution R21-__ "A resolution of the Mono County Board of Supervisors authorizing the intermittent closure of county roads in the Antelope Valley area for the 2021 Eastern Sierra ATV & UTV Jamboree."
- 2) Adopt proposed resolution R21-__ "A resolution of the Mono County Board of Supervisors authorizing the temporary closure of Sinclair Street for the Wrecks and Rods Car Show."

FISCAL IMPACT:

Approximately \$500 per event. These costs result from the assistance provided by the respective Road Districts for personnel, equipment, and supplies relating to signage and blockades to effectuate the closures.

CONTACT NAME: Kevin Julian

PHONE/EMAIL: 7609325449 / kjulian@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Staff Report](#)

[Jamboree Resolution](#)

[Car Show Resolution](#)

History

Time	Who	Approval
8/4/2021 10:49 AM	County Counsel	Yes
8/4/2021 10:25 AM	Finance	Yes
8/5/2021 1:06 PM	County Administrative Office	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: August 10, 2021
To: Honorable Chair and Members of the Board of Supervisors
From: Kevin Julian, Road Operations Superintendent
Subject: 2021 Special Event Road Closures

Recommended Action:

1. Adopt proposed resolution R21-__ "A resolution of the Mono County Board of Supervisors authorizing the intermittent closure of county roads in the Antelope Valley area for the 2021 Eastern Sierra ATV & UTV Jamboree."
2. Adopt proposed resolution R21-__ "A resolution of the Mono County Board of Supervisors authorizing the temporary closure of Sinclair Street for the Wrecks and Rods Car Show."

Fiscal Impact:

Approximately \$500 per event. These costs result from the assistance provided by the respective Road Districts for personnel, equipment, and supplies relating to signage and blockades to effectuate the closures.

Discussion:

Special events are held throughout the year in Mono County and are widely recognized as having beneficial impacts to local communities in the form of economic activity and regional notoriety.

Some of the events occur on or near County Roads and include traffic impacts. When such impacts exist, roads must be closed, or traffic controlled in accordance with County policy which includes an approving Board Resolution.

ATV Jamboree

The ATV Jamboree is an annual event in September (9/7-9/11) that requires the closure of certain County Roads in the Antelope Valley during the course of the event. This event utilizes the CHP to provide traffic control on the paved County roads and closure of two unpaved roads and coordinates the effort between local law enforcement agencies as well as the Department of Public Works

Wrecks and Rods Car Show

The Wrecks and Rods Car show requires the temporary closure of Sinclair Street between US395 and Kingsley Street on September 11th 2021.

Pursuant to Section 982 of the Streets and Highways Code, the attached Resolutions have been prepared for Board consideration and approval.

If you have any questions regarding this item, please contact me at 760-932-5449. I may also be contacted by email at kjulian@mono.ca.gov.

Respectfully submitted,



Kevin Julian
Road Operations Superintendent

Attached:
2 separate Resolutions (21-__x__)



RESOLUTION NO. R21-

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
AUTHORIZING THE INTERMITTENT CLOSURE OF COUNTY
ROADS IN THE ANTELOPE VALLEY AREA
FOR THE 2021 EASTERN SIERRA ATV & UTV JAMBOREE**

WHEREAS, the Northern Mono Chamber of Commerce (NMCC) has requested the intermittent closure and use of certain County roads for trail rides associated with the 2021 Eastern Sierra ATV & UTV Jamboree; and

WHEREAS, in conformance with Section 982 of the California Streets and Highways Code, the Board of Supervisors is authorized to temporarily close County roads and grant the use thereof to the managers of said functions; and

WHEREAS, through the years the annual Eastern Sierra ATV & UTV Jamboree sponsored by the NMCC has resulted in substantial benefits to the residents and businesses of Mono County and visitors to the County; and

WHEREAS, The NMCC will utilize the California Highway Patrol to perform traffic control at closures and road intersections as required by CHP along the various routes; and

NOW, THEREFORE, BE IT RESOLVED by the Mono County Board of Supervisors that the following County streets in the communities of Walker, Coleville and Topaz will be intermittently closed in conformance with the County's Special Events Policy and made available to the NMCC from 5pm until 9pm on Tuesday September 7th; from 6am until 6pm on Wednesday and Thursday September 8th and 9th; and from 6am until 9pm on Friday and Saturday September 10th and 11th:

1. Larson Lane, from Highway 395 to Eastside Lane;
2. Eastside Lane, from Camp Antelope Road to end of pavement north of Topaz Lane;
3. Offal Road at intersection with Eastside Lane;
4. Topaz Lane at intersection with Eastside Lane;

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- 5. Cunningham Lane at intersection with Eastside Lane;
- 1. Lone Company Road at intersection with Eastside Lane;
- 2. Eastside Road at intersection with Eastside Lane;
- 3. Camp Antelope Road from Eastside Lane to Burcham Flat Road;
- 4. Burcham Flat Road, from Camp Antelope Road to Lobdell Lake Road;
- 5. Lobdell Lake Road from Burcham Flat Road to Lobdell Lake.

BE IT FURTHER RESOLVED that the Mono County Board of Supervisors authorizes the Director of the Department of Public Works to utilize County equipment and personnel to work with the NMCC and other officials to effectuate said intermittent road closures.

APPROVED AND ADOPTED this ___ day of _____, 2021, by the following vote of the Board of Supervisors, County of Mono:

AYES:

NOES:

ABSENT :

ABSTAIN :

Jennifer Kreitz, Chair
Mono County Board of Supervisors

ATTEST:

Approved as to Form:

Clerk of the Board

County Counsel



RESOLUTION NO. R21-

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
AUTHORIZING THE TEMPORARY CLOSURE OF SINCLAIR STREET
FOR THE WRECKS AND RODS CAR SHOW**

WHEREAS, the Twin Lakes Trout Foundation has requested the temporary closure and use of Sinclair Street in Bridgeport to hold the Wrecks and Rods Car Show; and

WHEREAS, in conformance with Section 982 of the California Streets and Highways Code, the Board of Supervisors is authorized to temporarily close County roads and grant the use thereof to the managers of said functions; and

WHEREAS, the Wrecks and Rods Car Show has resulted in substantial benefits to the residents and businesses of Mono County and visitors to the County;

NOW, THEREFORE, BE IT RESOLVED by the Mono County Board of Supervisors that the following County road shall be temporarily closed and the use thereof granted to the managers of the Wrecks and Rods Car Show, at times and dates listed below:

1. Sinclair Street, between US 395 and Kingsley St, from 8:00 a.m. until 5:00 p.m Saturday, September 11th, 2021.

BE IT FURTHER RESOLVED that the Mono County Board of Supervisors recognizes and supports the request from the Twin Lakes Trout Foundation and authorizes the Director of the Department of Public Works to provide staff, as needed, to effectuate said road closure.

APPROVED AND ADOPTED this _____ day of _____, 2021, by the following vote of the Board of Supervisors, County of Mono:

AYES :
NOES :
ABSENT :

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ABSTAIN :

Jennifer Kreitz, Chair
Mono County Board of Supervisors

ATTEST:

Approved as to Form:

Clerk of the Board

County Counsel



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

REGULAR AGENDA REQUEST

Print

MEETING DATE August 10, 2021

Departments: Public Works

TIME REQUIRED

SUBJECT Revisions to County Code Chapter
7.28 - Camping

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Proposed Ordinance of the Mono County Board of Supervisors Amending Chapter 7.28 of the Mono County Code Pertaining to Camping.

RECOMMENDED ACTION:

Adopt proposed ordinance.

FISCAL IMPACT:

None.

CONTACT NAME: Tony Dublino

PHONE/EMAIL: 7607096713 / tdublino@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Ordinance
Exhibit A

History

Time	Who	Approval
8/5/2021 10:34 AM	County Counsel	Yes
8/5/2021 10:56 AM	Finance	Yes
8/5/2021 1:06 PM	County Administrative Office	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: August 10, 2021
To: Honorable Chair and Members of the Board of Supervisors
From: Tony Dublino, Director of Public Works
Subject: Revisions to Mono County Code Chapter 7.28 - Camping

Recommended Action:

Adopt proposed Ordinance.

Fiscal Impact:

None.

Discussion:

Mono County Code Chapter 7.28 establishes restrictions on camping within certain areas of the County.

Proposed revisions to Chapter 7.28 were introduced to the Board on July 6th. The revisions are intended to address emerging issues with camping in residential neighborhoods throughout the County. The ensuing discussion triggered changes/additions to the proposed language, and an updated revision was re-introduced on July 20th. Staff reports from those Board meetings provide a more detailed history and purpose behind the proposed revisions.

Today's item is to request Board adoption of the 'Ordinance of the Mono County Board of Supervisors Amending Chapter 7.28 of the Mono County Code Pertaining to Camping,' that were introduced on July 20.

If you have any questions regarding this item, please contact me at 760-932-5459. I may also be contacted by email at tdublino@mono.ca.gov.

Respectfully,

Tony Dublino
Director of Public Works

Attached: Draft Ordinance and Exhibit A



ORDINANCE NO. ORD21-__

**AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS AMENDING
CHAPTER 7.28 OF THE MONO COUNTY CODE PERTAINING TO CAMPING**

WHEREAS, the County of Mono is experiencing an increasing amount of recreational camping in areas outside of designated County campgrounds or other authorized campsites or dispersed camping areas on federal lands within the County, and in particular on County roads, including in residential areas and in or around other County facilities, including community centers and recreation facilities; and

WHEREAS, such camping activities are often associated with health and safety impacts, for example, camping on or alongside a County road interferes with roadway traffic and creates a hazard for other vehicles and, further, if the road is in a residential area, such camping disrupts the residential neighborhood character; and

WHEREAS, camping in or around County community centers and recreation facilities has resulted in accumulations of trash and human and animal waste, vandalism and unsafe campfires in areas designed for day use and children's play. When encampments in these public locations are vacated, it is common for County staff to remove human and animal waste and substantial amounts of trash and debris; and

WHEREAS, Mono County Code (MCC) Chapter 7.28 sets forth policies pertaining to camping within the unincorporated area of the County; and

WHEREAS, the Mono County Board of Supervisors now wishes to amend MCC Chapter 7.28 to strengthen and clarify restrictions on camping, including camping on paved County roads (or adjacent right-of-way) and in County owned or maintained day-use parks, community centers and recreation facilities in order to protect and preserve the health, safety and welfare of the inhabitants of the County of Mono; and

WHEREAS, the amendments to MCC Chapter 7.28 are intended to address the public health and safety concerns outlined above including fire risk, unsanitary conditions, public safety hazards and environmental degradation, associated with unauthorized camping on or along County roads and in or around County facilities and community centers; and

WHEREAS, even with these restrictions on camping in or around County facilities and on or alongside paved County roads, there are ample public camping sites, dispersed camping areas and other areas available within Mono County for public use; and

WHEREAS, the County has evaluated the environmental effects of this ordinance and finds the adoption of the ordinance to be exempt under Sections 15307 and 15308 of the Guidelines for the Implementation of the California Environmental Quality Act and under Section 15061(b)(3) of the California Code of Regulations.

1 **NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF**
2 **MONO ORDAINS** that:

3 **SECTION ONE:** Chapter 7.28 of the Mono County Code is replaced in entirety with
4 Exhibit A, attached hereto and incorporated herein by this reference.

5 **SECTION TWO:** This ordinance shall become effective 30 days from the date of its
6 adoption and final passage, which appears immediately below. The Clerk of the Board of
7 Supervisors shall post this ordinance and also publish it in the manner prescribed by Government
8 Code Section 25124 no later than 15 days after the date of its adoption and final passage. If the
9 Clerk fails to publish this ordinance within said 15-day period, then the ordinance shall not take
effect until 30 days after the date of publication.

10 **PASSED, APPROVED** and **ADOPTED** this _____ day of _____, 2021,
by the following vote, to wit:

11 **AYES:**

12 **NOES:**

13 **ABSENT:**

14 **ABSTAIN:**

15
16 _____
17 Jennifer Kreitz, Chair
Mono County Board of Supervisors

18
19 **ATTEST:**

APPROVED AS TO FORM:

20 _____
21 Clerk of the Board

County Counsel

EXHIBIT A

MONO COUNTY CODE Chapter 7.28 - CAMPING

7.28.010 - Definitions.

As used in this chapter:

- A. "Camp" or "Camping" means the act of occupying any ground or spot upon which tents, vehicles, huts, trailers, semitrailers or any such device for shelter is placed for any period of time between sunset and sunrise.
- B. "County Park" means all County Parks, Community Centers and Recreation Facilities and accompanying parking lots.
- C. "Paved County Road" are those roads maintained by Mono County, listed on the County's Maintained Road Mileage as "paved", and which are generally located within the residential communities of the County.
- D. "Semitrailer" means a vehicle designed for carrying persons or property and having one or more axles, and one or more wheels used in conjunction with a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
- E. "Trailer" means a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle.
- F. "Vehicle" means a device in, upon or by which any person or property is or may be propelled, moved or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

7.28.020 – Restrictions.

- A. Camping in County Parks. No person shall camp in any area designated as a "County Park", with the exception of temporary camping in support, or as a result, of an emergency incident such as fire or flood. Such temporary emergency use may be approved by the Director of Public Works from time to time, as dictated by emergency needs.
- B. Camping on paved County Roads. Camping on, or alongside, a Paved County Road is strictly prohibited.

7.28.030 - Exceptions.

- A. Not inclusive in this chapter are vehicles, trailers, semitrailers or other wheeled or skidded vehicles authorized by authorized representatives of the county or by law.
- B. Camping on land owned or controlled by the County may be permitted through a Special Event Permit, issued pursuant to Mono County Code Chapter 5.50, from time to time.
- C. Notwithstanding anything to the contrary in this Ordinance, the Board of Supervisors may designate specific county properties, including a County Park or Paved County, for overnight use in its discretion.

7.28.040 - Violation—Infraction.

EXHIBIT A

Any person or persons who violates any of the provisions of this chapter is guilty of an infraction.

7.28.050 - Violation—Vehicle removal.

Any vehicle, trailer, semitrailer, camp or other item of occupancy found in violation of this chapter shall, upon the presence of signs so notifying campers of the fact of this chapter, be removed, towed away or otherwise taken from the area occupied at no expense to the county or its authorized agents, representatives or departments.

7.28.060 - Enforcement.

Enforcement of this chapter shall be by Mono County Code Enforcement, pursuant to Chapter 1.12, as well as any peace officer, special deputy or regular deputy of the Mono County sheriff's office.

7.28.070 - Sign placement.

Appropriate signs and placement thereof shall be the obligation of the Mono County public works department or their agents, representatives or personnel or subclassification.

7.28.080 - Rules and regulations for Camping in County Designated Campgrounds.

- A. No person shall discharge sewage or other waste, or the effluent of treated sewage or other waste, in any manner which will result in contamination, pollution or a nuisance.
- B. No person shall cut, deface or harm any standing tree, dead or alive, within the campground area.

No person shall start or maintain a campfire within any county-operated campground if the Mono County sheriff, board of supervisors, or the county public works director has determined in writing that fire danger in the area is extreme and a notice informing the public of the prohibition has been posted at the campground fee station.

1. For purposes of this section, and except as provided in subsection 2, the determination of whether fire danger is extreme shall be made based on factors including, but not limited to, climate, precipitation, and wind forecasts, and may include consultation with the chief of the fire protection district in which the campground is located (if any) and/or with the National Forest unit for the region.

2. If fires are prohibited at campgrounds within the National Forest for the region, then it shall be presumed that fire danger is extreme and, upon written declaration by the sheriff, board of supervisors or public works director that fire danger is extreme in the area, signs shall be posted informing the public of the prohibition.

3. A violation of this section is punishable by a fine not exceeding five hundred dollars or by imprisonment in county jail for up to six months, or by both that fine and imprisonment.

- D. No person shall litter or leave a campsite without placing all refuse, trash, cans and bottles having been placed in appropriate refuse containers.
- E. Vehicles, trailers and/or other personal property shall not be left unattended for more than seventy-two hours in a county campground. Any such vehicles or personal property left unattended for more than seventy-two hours may be cited or removed by county.
- F. No person shall have any animal or pet within a county campground except on a leash, not to exceed ten feet in length. No animal or pet shall be left unattended within a county campground.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE August 10, 2021

Departments: Community Development

TIME REQUIRED

**PERSONS
APPEARING
BEFORE THE
BOARD**

SUBJECT Proposed Ordinance Adopting
General Plan Amendment 21-01
(GPA 21-01): Safety Element, Land
Use Element Cleanup & Chapter 16,
Accessory Dwelling Units

AGENDA DESCRIPTION:

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

Second reading for proposed ordinance for General Plan Amendment 21-01 (GPA 21-01): Safety Element, Land Use Element Cleanup & Chapter 16, Accessory Dwelling Units Update.

RECOMMENDED ACTION:

Adopt proposed ordinance.

FISCAL IMPACT:

None.

CONTACT NAME: Bentley Regehr

PHONE/EMAIL: 760-924-4602 / bregehr@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Ordinance GPA 21-01

History

Time	Who	Approval
8/5/2021 11:31 AM	County Counsel	Yes
8/5/2021 12:10 PM	Finance	Yes
8/5/2021 1:07 PM	County Administrative Office	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

August 10, 2021

To: Honorable Chair and Members of the Board of Supervisors

From: Bentley Regehr, Planning Analyst
Kelly Karl, Associate Planner

Re: General Plan Amendment 21-01 (GPA 21-01) Safety Element, Land Use Element Cleanup & Chapter 16, Accessory Dwelling Units Update Second Ordinance Reading

RECOMMENDED ACTION

1. Adopt Proposed Ordinance 21-__ making the required findings, certifying the Addendum, and adopting General Plan Amendment 21-01.

FISCAL IMPACT

No fiscal impact expected from the minor technical changes to the General Plan.

BACKGROUND

General Plan Amendment (GPA) 21-01 consists of three components, which were reviewed at the first reading of the ordinance at the August 3 Board meeting:

1. A comprehensive update to the Safety Element to be consistent with the recently adopted “Mono County and the Town of Mammoth Lakes Multi-Jurisdictional Hazard Mitigation Plan (including the Mono County Community Wildfire Protection Plan)” (MJHMP), adopted May 21, 2019, and the “2019-2027 Mono County Housing Element,” adopted November 5, 2019;
2. Minor technical corrections and clarifications to the Land Use Element proposed as part of the annual General Plan cleanup; and
3. A comprehensive update to Land Use Element Chapter 16, Accessory Dwelling Units (ADU) to be consistent with recent changes to state law and address the County’s discretion over short-term rentals and height limitations for ADUs.

The proposed amendment was also supported by the Planning Commission at the June 17 meeting through Resolution R21-01.

The adopting ordinance is included as Attachment 1 with Exhibit A, a redline version of the proposed General Plan amendments, and the California Environmental Quality Act (CEQA) Addendum for consideration by the Board. Your Board completed the first reading of the Ordinance at the August 3, 2021, meeting. The Ordinance is presented today for final adoption.

This staff report has been reviewed by the Community Development Director.

ATTACHMENTS

1. Ordinance 21-__ with Exhibit A: Proposed General Plan Amendment 21-01 – redline version



ORD21-__

**AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS
ADOPTING GENERAL PLAN AMENDMENT (GPA) 21-01 – CONSISTING OF THREE
PARTS: 1) SAFETY ELEMENT; 2) ANNUAL CLEANUP; AND 3) CHAPTER 16, ACCESSORY
DWELLING UNITS, IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT (CEQA)**

WHEREAS, state planning law (Government Code §65302 (g)(1)) requires a Safety Element to provide "...for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, slope instability leading to mud slides and landslides, liquefaction, and other seismic and geologic hazards known to the legislative body, flooding, and wildland and urban fires;" and

WHEREAS, state planning law (Government Code §65302 (g)(2)) requires comprehensive update to the fire section of Safety Elements upon revision of the Housing Element on or after January 1, 2014 (Government Code §65302 (g)(1)); and

WHEREAS, in accordance with the Federal Disaster Mitigation Act of 2000 (Public Law 106-390) revision of a local hazard mitigation plan adopted on or after January 1, 2017, requires the Safety Element to be reviewed and updated to address climate adaptation and resiliency strategies (see Government Code §65302(g)(4)); and

WHEREAS, Mono County adopted the "Mono County and the Town of Mammoth Lakes Multi-Jurisdictional Hazard Mitigation Plan (including the Mono County Community Wildfire Protection Plan)" (MJHMP) on May 21, 2019 and the "2019-2027 Mono County Housing Element" on November 5, 2019, which triggered a comprehensive update to the Safety Element; and

WHEREAS, the Planning Commission conducted a workshop on August 20, 2020, to review and make recommendations on the new policies and actions proposed in the draft Safety Element; and

WHEREAS, as an outcome of the annual General Plan review, several adjustments to the Land Use Element of the General Plan are proposed to make technical corrections, minor additions, and respond to changes in State law; and

WHEREAS, recent changes to state law intended to streamline the construction of ADUs to help address the statewide housing crisis by reducing restrictive regulations and lessening the need for discretionary review triggered a comprehensive update to Land Use Element, Chapter 16, ADUs; and

WHEREAS, workshops on the proposed changes to Chapter 16, ADUs were conducted at the August 8, 2020, Planning Commission meeting and at the November 17, 2020, and May 11, 2021, Board of Supervisors meetings; and

1 **WHEREAS**, the Community Development Department conducted public outreach via the
2 Regional Planning Advisory Committees, including Antelope Valley, Bridgeport Valley, Mono Basin,
3 June Lake, and Long Valley in late 2020 and early 2021 to receive public input and community feedback
4 on all three components of proposed amendment; and

5 **WHEREAS**, in accordance with the California Environmental Quality Act and CEQA
6 Guidelines Section 15164, a 2019 Addendum to the final Environmental Impact Report (EIR) for the
7 2015 Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and
8 Noise Ordinance Updates, and Repeal of the Conway Ranch Specific Plan certified December 2015 is
9 proposed; and

10 **WHEREAS**, on May 20, 2021, the Planning Commission held a duly noticed public hearing
11 regarding GPA 21-01; and

12 **WHEREAS**, having reviewed and considered all the information and evidence presented to it,
13 including public testimony, written comments, staff reports and presentations, the Planning Commission
14 recommends that the Board of Supervisors make required findings and adopt GPA 21-01 amending text
15 in the General Plan Safety Element and Land Use Element and certify the Addendum.

16 **WHEREAS**, on August 3, 2021, the Board of Supervisors held a duly noticed public hearing
17 regarding GPA 21-01; and

18 **WHEREAS**, having reviewed and considered all the information and evidence presented to it,
19 including public testimony, written comments, staff reports and presentations, the Board of Supervisors
20 make the required findings and adopt GPA 21-01 amending text in the General Plan Safety Element and
21 Land Use Element.

22 **NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF**
23 **MONO FINDS AND ORDAINS AS FOLLOWS:**

24 **SECTION ONE:** The Board of Supervisors certifies the Addendum for GPA 21-01.

25 **SECTION TWO:** The Board of Supervisors makes the following findings for General Plan
26 Amendment 21-01:

- 27 1. All text changes to the Safety Element and Land Use Element of the Mono County
28 General Plan, which are attached hereto as Exhibit A and incorporated herein by
29 reference, are consistent with:
 - 30 a. The text and maps of the General Plan;
31 *No conflicts with General Plan text or maps have been identified; the proposed*
32 *changes provide for better alignment of current and intended use of properties*
 based on current or anticipated ownership, and meet state update requirements.
 - b. The goals and policies contained in applicable area plans;
 No conflicts have been identified in staff analysis or outreach with local
 communities via Regional Planning Advisory Committees (RPACs), the Planning
 Commission, and the Board of Supervisors.

- c. The sites of the proposed changes are suitable for any of the land uses permitted within that proposed land use designation;
The analysis demonstrates proposed land use designation changes provide for better alignment of current and intended use of properties based on current or anticipated ownership.
- d. The proposed changes are reasonable and beneficial at this time; and
The policy clarifications and facilitation of public uses and transference of housing to the Benton tribe are both reasonable and beneficial.
- e. The proposed changes will not have a substantial adverse effect on surrounding properties.
The changes are primarily clarifying in nature and the only new uses are similar to and not more obnoxious than existing uses within a land use designation, and therefore will not result in substantial adverse effects on surrounding properties.

SECTION THREE: This ordinance shall become effective 30 days from the date of its adoption and final passage, which appears immediately below. The Clerk of the Board of Supervisors shall post this ordinance and also publish the ordinance in the manner prescribed by Government Code section 25124 no later than 15 days after the date of this ordinance’s adoption and final passage. If the Clerk fails to so publish this ordinance within said 15-day period, then the ordinance shall not take effect until 30 days after the date of publication.

PASSED AND ADOPTED this 10th day of August 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jennifer Kreitz, Chair

Attest:

Approved as to form:

Clerk of the Board

County Counsel

MONO COUNTY GENERAL PLAN

SAFETY ELEMENT

TABLE OF CONTENTS

I. INTRODUCTION 1

- Relationship to Other Elements and Plans 1
- Mono County Master Environmental Assessment (MEA) 1
- Climate Change Vulnerability Assessment 1
- Mono County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) 1
- Fire Plans..... 2
- Emergency Operations Plan (EOP) 2
- Mono County Land Development Regulations..... 2
- Airport Land Use Compatibility Plans..... 2
- Federal Agency Documents..... 2

II. ISSUES/OPPORTUNITIES/CONSTRAINTS 3

- Seismic Hazards..... 3
 - Earthquakes 3
 - Fault Movement..... 3
 - Ground Shaking 3
 - Ground Failure 3
- Other Geologic Hazards 4
 - Rockfall, Mudflow and Landslide Hazards..... 4
 - Subsidence 4
 - Volcanic Hazards 4
- Flooding..... 5
 - Flood Hazards..... 5
 - Dam Failure 5
 - Seiches 5
- Fire 5
 - Wildland Fires 5
 - Structural Fires 6
- Avalanche 6
 - Avalanche Hazards 6
 - Avalanche Studies and Maps 7
 - Avalanche Monitoring and Evacuation..... 7
- Evacuation Routes 7

III. POLICIES..... 8

I. INTRODUCTION

State Planning law (Government Code § 65302 (g)) requires the Safety Element of a General Plan provide "for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, slope instability leading to mud slides and landslides, liquefaction, and other seismic and geologic hazards known to the legislative body, flooding, and wildland and urban fires." In addition, the General Plan Guidelines state that the aim of the Safety Element is to "reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, earthquakes, landslides and other hazards."

This Element outlines goals, policies and implementation measures designed to reduce the risk from locally significant natural hazards to an acceptable level. Successful implementation of this Element should reduce the loss of life, injuries, major damage to property, and the economic and social dislocation which may result from public safety hazards. Maps of known natural hazard areas are included in the **Master Environmental Assessment (MEA)**, the General Plan map at <https://monomammoth.maps.arcgis.com/home/>, and the Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) at https://www.monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/9617/mono_county_mjhmp_final_052919_w-appdx.pdf.

RELATIONSHIP TO OTHER ELEMENTS AND PLANS

Issues and policies presented in this Element are closely linked to the Land Use, Conservation and Open Space, Housing, and Circulation elements of the Mono County General Plan.

This Element outlines goals, policies and action items designed to reduce the risk from locally significant hazards to an acceptable level. A number of other planning documents also address hazards in the county. A complete list of those documents is included in the Safety section of the Mono County Master Environmental Assessment.

MONO COUNTY MASTER ENVIRONMENTAL ASSESSMENT (MEA)

The MEA contains background information on hazards in the county including maps of known hazard areas and is complemented by additional information and maps in the 2015 Environmental Impact Report for the General Plan/Regional Transportation Plan Update at (<https://monocounty.ca.gov/planning/page/general-plan-eir>).

CLIMATE CHANGE VULNERABILITY ASSESSMENT

Section 65302 of the California Government Code requires every general plan safety element to include a vulnerability assessment identifying the risks that climate change poses and the geographic areas at risk from climate change impacts. The Mono County Vulnerability Assessment was completed in 2018 and includes the technical basis for informing policies that address changing vulnerabilities as a result of climate change included in this element. **A copy of the assessment is available by request from the Community Development Department.**

MONO COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN (MJHMP)

The Mono County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) addresses the unincorporated areas of Mono County as well as the Town of Mammoth Lakes, the county's only incorporated area. It also considers areas outside the county that either may impact areas within the county; e.g., Rock Creek Lake in Inyo County, or that are accessed from the county; e.g., Reds Meadow in Madera County. The MJHMP is a planning document intended to identify

MONO COUNTY GENERAL PLAN

hazards and provide mitigation so impacts to people and property from identified hazards can be minimized. The MJHMP is incorporated by reference and cross-referenced when applicable.

FIRE PLANS

The Mono County California Community Wildfire Protection Plan (CWPP) outlines fire hazards in Mono County, analyzes existing local preparedness and firefighting capabilities, and contains suggested solutions to address identified hazards. In addition, local fire protection districts, in some cases, have local community wildfire protection plans (CWPP) or other fire protection planning documents. The CWPP and local fire district plans are integrated into the Mono County MJHMP.

EMERGENCY OPERATIONS PLAN (EOP)

The Mono County Emergency Operations Plan (EOP) addresses specific emergency procedures for a variety of events, including natural hazard events, terrorism, airplane crashes, bioterrorism, etc. The EOP is available by request from the Mono County Sheriff's office, which is also the Mono County Office of Emergency Services. The Town of Mammoth Lakes also has an Emergency Operations Plan.

MONO COUNTY LAND DEVELOPMENT REGULATIONS

The Mono County Land Development Regulations in the Land Use Element contain regulations that specifically address flood and fire hazards; i.e., Chapter 21, Floodplain Regulations, and Chapter 22, Fire Safe Regulations.

AIRPORT LAND USE COMPATIBILITY PLANS

The Airport Land Use Compatibility Plans for the County airports address safety issues at Bryant Field in Bridgeport and at Lee Vining Airport. Mammoth Yosemite Airport, which is owned and operated by the Town of Mammoth Lakes, also has an Airport Land Use Compatibility Plan. Those plans focus primarily on safety issues related to land use in the area surrounding the airports.

FEDERAL AGENCY DOCUMENTS

The majority of the land in Mono County is public land. The various state and federal agencies responsible for the management of those lands have land management plans and specific hazard management plans such as fire safety plans that address hazard prevention on public lands. In addition, federal agencies responsible for certain hazards, such as the US Geological Survey, have documents that focus on specific hazards in the county such as volcanic hazards.

II. ISSUES/OPPORTUNITIES/CONSTRAINTS

Significant potential hazards to public health and safety exist in Mono County. The Safety Element contains a discussion, goals and policies for hazards that pose the greatest risk including avalanches; floods; fires; geologic hazards such as landslides, mudflows, and seismic hazards; and volcanic eruptions. The following section briefly discusses the constraints to development posed by each of these high-risk hazards. In addition, the County's Multi-Jurisdictional Hazard Mitigation Plan contains additional measures to address these and other hazards that may affect the county's population and assets. Additional hazards addressed by the Multi-Jurisdictional Hazard Mitigation Plan include dam failure, diseases and pests, drought, earthquake, extreme heat, severe wind, hazardous materials, severe winter weather and snow, wildlife collisions, and climate change-related hazardous conditions.

SEISMIC HAZARDS

Earthquakes

Mono County covers an area that is relatively young by geologic standards. It is located at a stress point where the earth's crustal plates are exerting opposite pressures against each other. This combination creates both "tectonic" earthquakes (e.g., land mass movement) and volcanic activity that can trigger earth shaking (e.g., magma chamber movement and lava dyke formations).

Fault Movement

Earthquakes are usually caused by sudden movement along geologic faults. The California Department of Conservation, Division of Mines and Geology (DMG), has evaluated potentially and recently active faults throughout Mono County including most of the community areas. Based upon these DMG studies, fault hazard zones (Alquist-Priolo Special Studies Zones) have been designated for the county (see the **General Plan Map or MJHMP**).

Ground Shaking

The primary seismic hazard in the county is strong to severe ground shaking generated by movement along active faults. The entire county, except for a small portion of the Sierra crest, is in an area where intense ground shaking is possible. This area has been designated as a Seismic Zone D, the zone of greatest hazard defined in the California Building Code. Probabilistic Seismic Hazard Assessment (PSHA) maps prepared by the California Geological Survey (CGS) and the USGS show that the areas with the greatest earthquake shaking hazard in Mono County include the Long Valley Caldera, the western portion of the Mono Basin extending north along the Eastern Sierra escarpment, the western edge of the White Mountains, the southeast corner of the county around Oasis, and the northern tip of the county around Topaz.

The Long Valley-Mammoth Lakes region has experienced numerous earthquakes caused by the movement of magma below the earth's surface. The oval-shaped Long Valley Caldera spans an area approximately 10 by 20 miles, and is among the largest volcanoes in the continental United States. Scientists suspect that the earthquakes are caused by shifts of buried stone slabs that are made unstable as magma moves within the volcano.

Ground Failure

Ground failure induced by ground shaking includes liquefaction, lateral spreading, lurching, and differential settlement, all of which usually occur in soft, fine-grained, water-saturated sediments, typically found in valleys. Areas at high risk are mapped in the **MJHMP**. During the 1980 Mammoth Lakes earthquake sequence, ground failure was prevalent at Little Antelope

Valley, along margins of the Owens River in upper Long Valley, along the northwest margins of Lake Crowley, and along Hot Creek Meadow.

All of Mono County is situated within Seismic Zone D, and consequently new construction in the county must comply with stringent engineering and construction requirements. Existing buildings that may be subject to seismic hazards must comply with the requirements of the unreinforced masonry building law (Government Code § 8875).

OTHER GEOLOGIC HAZARDS

Rockfall, Mudflow and Landslide Hazards

Rockfalls and landslides are particularly common along the very steep slopes of the eastern scarp of the Sierra Nevada, where talus slopes provide evidence of abundant past rockfalls. During the winter and spring months, rockfalls can be lubricated with snow and ice and can become extremely fast moving and destructive. Landslides in areas of hilly and mountainous terrain can be triggered by ground shaking, heavy rains or human activities such as road cuts, grading, construction removal of vegetation, and changes in drainage.

The state Department of Conservation, Division of Mines and Geology has yet to prepare maps of earthquake-induced landslide hazards for Mono County as required by the Seismic Hazards Mapping Act. However, a landslide susceptibility map is included in the MJHMP based on California Geological Society mapping. Maps of rockfall hazard areas are based upon slope conditions and local and historical knowledge. Community areas in the county affected by rockfall hazards include Lundy Canyon and the June Lake Loop (primarily the Down Canyon area). The remaining rockfall risk areas are outside community areas.

Mud and debris flows involve very rapid downslope movement of saturated soil, sub-soil, and weathered bedrock. Large mud and debris flows, such as the one that occurred in 1989 in the Tri-Valley area, can be destructive, particularly at the mouths of canyons. Previous evidence of extensive mud and debris flows are evident in the large alluvial fans in the Tri-Valley area.

Subsidence

Subsidence in Mono County has been caused primarily by the tectonic movement of the earth and the movement of magma beneath the Long Valley Caldera. During the May 1980 sequence of earthquakes near Mammoth Lakes, the ground surface dropped about four inches at several locations near the Hilton Creek fault, and up to 12 inches of vertical offset occurred along the Mammoth Yosemite Airport fault zone. Magma movement in the Long Valley Caldera has caused bulging of the resurgent dome in the Casa Diablo area by about two and a half feet since 1980.

No subsidence has been observed in the county due to fluid withdrawals, or hydrocompaction of water impoundment. All major groundwater basins (see the **MEA**), however, have been identified by the Division of Mines and Geology as areas where subsidence could occur as a result of excessive groundwater pumping. None of these basins are identified as medium or high priority under the Sustainable Groundwater Management Act (SGMA) except, possibly, the Owens Valley basin in the Tri-Valley, which has been reprioritized from a medium to low basin.

Volcanic Hazards

Evidence of volcanic activity in Mono County extends from Black Point north of Mono Lake to the deposits of Bishop Tuff in southern Mono County. The source of volcanic risk in Mono County is the Inyo-Mono crater chain and the Long Valley Caldera. Vents in the Inyo-Mono crater chain have erupted about every 500 years over the last 2,000 to 3,000 years, with the most recent eruption occurring approximately 500 years ago. Eruptions in the Long Valley Caldera have occurred approximately every 2,000 years over the last 7,000 years. The volcanic hazards

mapped in the **MJHMP** estimate the extent of explosive blasts, hot flowing material, and ash flow.

FLOODING

Flood Hazards

The Federal Emergency Management Agency (FEMA) has prepared Flood Insurance Rate Maps illustrating 100-year flood hazard areas for several streams. Floods in these areas have a 1% probability of occurring in any given year. Such flooding could result in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief. Flood losses may be increased by the cumulative effect of obstructions in flood hazard areas that increase flood heights and velocities, and when inadequately anchored, can damage downstream uses.

Flooding is a potential risk to private properties situated in the vicinity of several waterways within the county. The community areas most likely to be impacted by a 100-year flood include properties along the East and West Walker River, Reversed Creek, and Spring Canyon Creek including portions of the Antelope Valley, Bridgeport Valley, the June Lake Loop, and the Tri-Valley area (see **General Plan maps**).

Some FEMA maps lack information regarding the base flood elevation, and are therefore of limited use for local development review and site-specific planning purposes. Some maps lack information concerning local alluvial fan and mudflow hazards. There is a significant need to update the flood hazard maps where these deficiencies exist. The California Department of Water Resources publishes flood-awareness area maps that, while non-regulatory, can provide additional flooding potential information, particularly for areas that remain unmapped by FEMA.

Dam Failure

The Mono County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) indicates that 22 dams are located in Mono County. The Lower and Upper Twin Lakes, Lundy Lake, Long Valley/Crowley Lake, Rush Creek meadows, and Saddlebag dams are identified as presenting some threat to downstream developed areas if dam failure were to occur.

The **MJHMP** illustrates the areas subject to flood hazards and dam failure inundation.

Seiches

Seiches are earthquake-generated waves within enclosed or restricted bodies of water such as lakes and reservoirs. Similar to the sloshing of water in a bowl or a bucket when it is shaken or jarred, seiches can overtop dams and pose a hazard to people and property within their reach. There is no available evidence that seiches have occurred in Mono County lakes and reservoirs.

FIRE

Wildland Fires

The combination of highly flammable fuel, long dry summers and steep slopes creates a significant natural hazard of wildland fire potential in most of Mono County. Wildland fires can result in death, injury, economic loss, and significant public investment in firefighting efforts. Woodlands and other natural vegetation can be destroyed resulting in a loss of timber, wildlife habitat, scenic quality and recreational resources. Soil erosion, sedimentation of fisheries and reservoirs, and downstream flooding can also result.

Fire hazard severity has been mapped by Cal Fire for most of the privately owned land in Mono County. Portions of the Antelope Valley, Sonora Pass (Sonora Junction), Swauger Creek, Lundy

MONO COUNTY GENERAL PLAN

Canyon (Mono Basin), June Lake, Upper Owens, Mammoth Vicinity, and Long Valley Planning Areas are in the High Fire Hazard Severity Zone. Portions of June Lake and Sonora Junction are in Very High Fire Severity Zones. Most of the Bridgeport Valley, Mono Basin and Tri-Valley Planning Areas are mapped Moderate Hazard Severity Zones.

The Mono County Community Wildfire Protection Plan (CWPP) and the Cal Fire San Bernardino/Inyo/Mono Unit Fire Plan are incorporated by reference into this Safety Element. The CWPP provides community-level data concerning fire hazards in the county, including community fuel reduction treatment areas and fuel breaks and other wildfire mitigation recommendations, particularly in Wildland-Urban Interface areas.

Much of the privately owned land in the county is located outside of fire protection districts, and therefore lacks formal emergency fire protection service. It is difficult for existing fire districts to receive additional property tax revenues for annexation of these unserved areas, or for new fire districts to be formed. Consequently, future development in these areas without adequate fire protection will be limited.

The State of California has adopted wildland protection regulations for future development in the State Responsibility Area (SRA); Mono County has adopted and periodically updates a local ordinance that has the same practical effect as the Cal Fire regulations (Mono County Land Use Element Ch. 22, Fire Safe Regulations).

These fire safe regulations address requirements for adequate clearance of flammable vegetation around individual structures and clusters of structures and construction methods to prevent the spread of fire from the wildland to structures, and from structures to wildlands. Minimum water capacities for fire protection purposes are established in the regulations to ensure the availability of water for fire suppression purposes. Adequate road widths and load capacities are required to ensure ready movement of fire engines, and other heavy firefighting equipment to developed areas of the county; the Mono County Department of Public Works also has established similar road improvement standards for new development.

Structural Fires

The 11 fire protection districts in the county provide fire-prevention services through such activities as education and development review. The districts also provide varying levels of fire suppression and emergency medical response services to community areas. The MJHMP and 2015 General Plan/Regional Transportation Plan Environmental Impact Report provides a summary description of fire district service levels and capabilities, including the general capabilities and availability of local community water service in the county.

AVALANCHE

Avalanche Hazards

Although avalanches in Mono County occur primarily on national forests in the Sierra Nevada backcountry, some avalanche hazards present a significant risk to community areas. Both property damage and loss of life have resulted from avalanches in Mono County. Community areas influenced by avalanche hazards include Twin Lakes (Bridgeport area), Virginia Lakes, Lundy Lake, Mono Basin, June Lake, Long Valley/McGee Creek, Mammoth Vicinity and Wheeler Crest. In addition, roadway sections threatened by potential avalanches include portions of Lower Rock Creek Road; US 395 at Long Valley, Wilson Butte, and just north of Lee Vining; S.R. 158 entering the June Lake Loop; and several County roads entering eastern-slope community areas.

Avalanche Studies and Maps

In accordance with State law, avalanche hazard maps have been developed to illustrate areas of known avalanche occurrences. These maps were prepared by five Board-appointed avalanche advisory committees consisting of local residents and landowners. All pertinent information concerning the work of the five appointed committees and the avalanche policy formulation process – including committee recommendations and position papers – is posted as part of the General Plan maps and on file in the county Planning Division. Other County avalanche hazard studies prepared by avalanche consultants and that project potential avalanche run-out areas, and an archive of photographs documenting evidence of avalanche damage and occurrences are also on file in the Planning Division.

Avalanche Monitoring and Evacuation

A backcountry avalanche monitoring program is operated by the Eastern Sierra Avalanche Center. This monitoring program issues avalanche hazard warnings during periods of high avalanche danger in the backcountry. The county Sheriff's Department keeps in contact with avalanche experts and should a hazardous situation develop, advises those within the hazard-prone area of the critical nature of the hazard.

EVACUATION ROUTES

The Mono County Multi-Jurisdictional Hazard Mitigation Plan indicates that major routes (State and County), immediate access routes to community areas, and internal community street systems could be subject to closure by avalanches, landslides, snow and fog whiteouts, and flooding. In addition, imminent hazards such as high avalanche hazard conditions could prohibit travel even along open access routes. Several community areas have only a single access route, including portions of June Lake, McGee Creek, Crowley Lake, and Chalfant, and the entire community of Swall Meadows. Area Plan policies call for development of additional emergency access routes into these community areas.

The Mono County Multi-Jurisdictional Hazard Mitigation Plan, sets general evacuation procedures and available routes during all seasons for various emergency situations.

III. POLICIES

GOAL 1. Avoid the exposure of people and improvements to unreasonable risks of damage or injury from earthquakes and other geologic hazards.

Objective 1.A.

Direct development to occur in a manner that reduces the risks of damage and injury from seismic and other geologic hazards to acceptable levels.

Policy 1.A.1. In order to mitigate risk from seismic hazards such as surface fault-rupture, and other geologic hazards, regulate development near active faults, seismic hazard zones and other geologic hazards consistent with the provisions of the Alquist-Priolo Special Studies Zone Act and the Seismic Hazard Mapping Act.

Action 1.A.1.a. Applicable development proposals in Alquist-Priolo fault hazard zones, seismic hazard zones, or other known geologic hazard areas, shall provide a geologic or geotechnical report prior to project approval. The report shall:

- a. be funded by the applicant;
- b. be prepared by a registered geologist or certified engineering geologist;
- c. if a fault hazard, locate existing faults, evaluate their historic activity and determine the level of risk they present to the proposed development;
- d. if another geologic hazard, including a seismic hazard other than a fault hazard, locate site-specific geologic/seismic hazards affecting the project, identify areas containing geologic/seismic hazards that could adversely affect the site in the event of an earthquake or other geologic episode, and determine the level of risk they present to the proposed development;
- e. recommend measures to reduce risk to acceptable levels; and
- f. be prepared in sufficient detail to meet the criteria and policies of the State Mining and Geology Board, and to allow for review by the County's consulting geologist (see also Action 1.3).

Mitigation measures shall be included in the project plans and specifications and shall be made a condition of approval for the project.

Action 1.A.1.b. Require the scope of investigation for geologic and geotechnical reports to be commensurate with the complexity and exposure to risk of the proposed project. As an example, reports for hospitals, multi-story buildings, and other critical, sensitive, or high-intensity structures should be prepared in greater detail than those for lower-density wood-frame structures.

Action 1.A.1.c. Retain a qualified consulting geologist to review geologic/geotechnical studies prepared in accordance with Action 1.A.1.a. The consulting geologist shall evaluate the adequacy of the report, interpret or set standards where they are unclear, and advise the County of the report's acceptability. Project proponents shall be required to fund the costs associated with the County's consulting geologist's review of project geologic hazard studies. The County's consulting geologist shall be retained in conformance with the Mono County Environmental Handbook.

Action 1.A.1.d. During the initial project review process, encourage applicants to design or redesign their projects as necessary to avoid unreasonable risks from surface fault rupture and other geologic/seismic hazards. Work with the State Geologist to exempt from special geologic study requirements those projects that will clearly not be impacted by fault rupture or other geologic/seismic hazards.

Action 1.A.1.e. Deny applications for planning permits where geologic studies provide substantial evidence that the proposed project will be exposed to unreasonable risks from surface faulting, fault creep or other seismic hazards. Projects that include measures to reduce risks to acceptable levels may be approved. Consistent with Seismic Hazard Mapping Regulations, "acceptable level" means a reasonable assurance of public safety, although structural integrity and continued functionality are not ensured.

Action 1.A.1.f. Work with the State Geologist to address development proposals in areas where recent geologic/seismic episodes have occurred, but where special study zones or seismic zones have yet to be delineated.

Action 1.A.1.g. Require that all applicants for County permits in delineated special study zones or geologic/seismic hazard zones be notified of the area's potential for surface displacement or other seismic/geologic hazards, and that they be referred to this Element, support documents, seismic hazard-zone maps (when available) and the Alquist-Priolo maps on file in the county Planning Division for further information.

Policy 1.A.2. Identify and mitigate seismic/geologic hazards to existing structures, and ensure that new construction is designed to withstand seismic/geologic events.

Action 1.A.2.a. Consider conducting a comprehensive survey of the structural condition of all buildings, and identify potentially hazardous buildings in accordance with the Unreinforced Masonry Building Law (Government Code Section 8875). Input the results into the GIS system and update as needed.

Action 1.A.2.b. Utilizing the structural survey detailed in Action 1.A.2.a., consider developing a mitigation program for potentially unsafe structures in accordance with the Unreinforced Masonry Building Law.

Action 1.A.2.c. Continue to require new construction to comply with the engineering and design requirements of Seismic Design Category D.

Action 1.A.2.d. The County may require geotechnical studies as necessary to comply with the California Building Code.

Policy 1.A.3. Identify areas of seismic and geologic hazards.

Action 1.A.3.a. Utilize historical data and geotechnical studies to designate areas of geologic hazards.

Action 1.A.3.b. Work with the Federal Emergency Management Agency, the State Department of Water Resources, and other appropriate agencies to designate alluvial fans and mudflow areas on Flood Insurance Rate Maps where appropriate.

Action 1.A.3.c. Coordinate with the US Geologic Survey and other research entities in volcanic hazard research and monitoring activities for the Long Valley Caldera and the Inyo-Mono Crater chain.

Action 1.A.3.d. Request the Division of Mines and Geology to establish Mono County as a priority area for mapping areas of ground shaking, liquefaction, and earthquake-induced landslides in accordance with Seismic Hazard Mapping Regulations.

Policy 1.A.4. Limit the intensity of development in seismic and other geologic hazard areas.

Action 1.A.4.a. Designate known hazardous areas for low-intensity uses in the Land Use Element; assign low-intensity land use designations for such areas.

Action 1.A.4.b. Utilizing the established land ownership adjustment process, facilitate land trades or purchases that result in placing properties subject to major geologic hazards into federal ownership or into the ownership of land conservation organizations.

Action 1.A.4.c. Through the permit process, including site plan review, direct development to avoid locating in hazardous areas.

Policy 1.A.5. Regulate land uses that may increase the potential for natural hazards, such as activities that disturb vegetative cover on steep slopes, or which could divert hazard flows toward down-gradient development.

Action 1.A.5.a. Prior to site development, require geotechnical evaluation of the potential for landslides and mudslides in applicable areas.

GOAL 2. Avoid exposure of people and improvements to unreasonable risks of damage or injury from flood hazards.

Objective 2.A.

Plan for and regulate development in flood hazard areas in a manner that protects people and property from unreasonable risks of damage due to flooding.

Policy 2.A.1. Seek to reduce the number of structures and regulate the placement of new structures and major renovation of existing structures, in the 100-year flood plain.

Action 2.A.1.a. Work with the Federal Emergency Management Agency (FEMA), the State Department of Water Resources, and other appropriate agencies to update flood hazard studies and FEMA National Flood Insurance Program (NFIP) maps for developing areas of the county.

Action 2.A.1.b. Continue to participate in the NFIP by enforcing and updating as necessary the provisions of the Mono County Flood Plain Regulations (Chapter 21 of the Land Development Regulations)

Action 2.A.1.c. In accordance with the stream setback requirements of the Mono County General Plan, require new development to set back adequately from surface waters for flood and habitat protection purposes. Any deviations from the stream setback requirements within the 100-year floodplain should be reviewed by the county Floodplain Administrator prior to permit issuance.

Action 2.A.1.d. Future development projects with the potential to cause substantial flooding, erosion, or siltation shall provide an analysis of the potential impacts prior to project approval. The analysis shall:

- a. be funded by the applicant;

- b. be prepared by a registered geologist or civil engineer;
- c. identify the nature of the hazard, and assess the impacts of the development on downstream development and resources; and
- d. recommend alternatives and/or mitigation measures to mitigate potential impacts to downstream resources to a level of non-significance, unless a statement of overriding considerations is made through the EIR process.

Mitigation measures shall be included in the project plans and specifications and shall be made a condition of approval for the project.

Action 2.A.1.e. Limit the intensity of development within the 100-year floodplain in the Land Use Element.

Action 2.A.1.f. Continue to implement Mono County Code Chapter 13.08, Land Clearing, Earthwork and Drainage Facilities, and update as necessary.

Action 2.A.1.g. Continue to address flood management issues during the planning and implementation of stream restoration efforts.

Action 2.A.1.h. Document past flood events and incorporate local data into the County GIS.

Action 2.A.1.i. Update the County GIS as new FEMA Flood Insurance Rate Maps and DWR flood-awareness area maps are made available.

Action 2.A.1.j. Seek priority funding from FEMA and the State Water Resource Control Board (SWRCB) to update the flood hazard maps of community areas where needed, including providing information regarding base-flood elevations, alluvial fans and mudflow hazards.

Action 2.A.1.j. Seek priority funding from FEMA and the SWRCB to establish a program to fund homeowners to lift existing residential structures out of the 100-year floodplain and fund buyouts for repetitive loss structures.

Action 2.A.1.k. Require flood proofing of existing public structures and critical facilities that are in the 100-year flood plain and 500-year floodplain.

Action 2.A.1.l. Regularly update and revise flood risk data and flood maps in coordination with FEMA to reflect the most current scientific data.

Action 2.A.1.m. Develop plans for phased use and adaptation of infrastructure that can be used as floodwater levels rise over time due to climate change.

GOAL 3. Avoid exposure of people and improvements to unreasonable risks of damage or injury from fire hazards.

Objective 3.A.

Plan for and regulate development in a manner that protects people and property by minimizing risks from wildland and structural fire hazards.

Policy 3.A.1. Continue to plan for wildfire protection in Mono County.

Action 3.A.1.a. The Mono County Community Wildfire Protection Plan (CWPP) Wheeler Crest CWPP, Mammoth Lakes CWPP, and any other CWPPs within Mono County, and the Cal Fire San Bernardino/Inyo/Mono Unit Fire Plan are incorporated by reference into this Safety Element.

Action 3.A.1.b. Ensure that the CWPP and Unit Fire Plan are updated as needed to contain up-to-date evaluations of fire hazards, assessments of assets at risk, prioritization of hazard mitigation actions, and implementation and monitoring elements.

Action 3.A.1.c. Facilitate implementation of development and education measures identified in the CWPP to protect human life and property, critical infrastructure, and natural resources from wildfire.

Action 3.A.1.d. Utilize fire hazard maps to identify and disclose wildland urban interface hazards. Fire hazard maps in the MJHMP and CWPP are incorporated by reference in the Element.

Action 3.A.1.e. Work with Cal Fire to update fire hazard mapping to reflect changing fuels and climate conditions. Upon release of updated hazard severity zones, incorporate revised mapping into the Safety Element and update community fire risk assessments contained in the CWPP.

Action 3.A.1.f. Facilitate distribution of information from the Great Basin Unified Air Pollution Control District to the public on the status of air quality as requested, provide alerts on poor air quality days, and include educational materials on the health effects of air pollution.

Action 3.A.1.g. Encourage local Fire Safe Councils to prepare community and parcel-specific CWPPs and, to the extent feasible, support recommended projects that emerge from these plans, such as activities that educate community members about fire risk and how to prepare and protect their own properties against fire risk.

Policy 3.A.2. Require adequate structural fire protection for new development projects.

Action 3.A.2.a. Development projects including subdivisions shall demonstrate the availability of adequate structural fire protection consistent with California Government Code §66474.02 and the California Building Code, including safe access for emergency vehicles, safe egress for residents, and adequate water supply prior to or as a condition of permit issuance. Applicants shall provide either a will-serve letter from the applicable fire protection district or a fire protection plan. The fire protection plan shall be part of the development application and shall identify the nature of the local fire hazard, assess the risk of wildland and structural fires presented by the project, and specify measures for detecting and responding to fires on the project site throughout all phases of the proposed development. Project approvals shall include a finding that adequate structural fire protection is or will be available.

Action 3.A.2.b. Require development projects within the sphere of influence of a fire protection district to annex into the district.

Action 3.A.2.c. Require the formation of a fire protection entity for specific plan areas that include significant residential uses, unless the area is within the Sphere of Influence of an existing local fire protection agency

Policy 3.A.3. Require new construction in State Responsibility Areas (SRAs) to comply with minimum wildland fire safe standards, including those established for emergency access, signing and building numbering, private water supply reserves for fire use, and vegetation modification, as contained in the county Fire Safe Ordinance (Ch. 22 of the Mono County Land Development Regulations) and consistent with State laws 4290 and 4291.

Action 3.A.3.a. Work with Cal Fire to implement the county's Fire Safe Regulations.

Action 3.A.3.b. Adopt the Wildland Urban Interface Building Codes, established by the Office of the State Fire Marshall.

Action 3.A.3.c. Request the Mono County Fire Services Association, which consists of the 11 fire protection districts in the county, to review and comment on fire protection plans and major development proposals situated outside existing fire district spheres of influence.

Action 3.A.3.d. When the subdivision ordinance is updated, consider a policy stipulating that approval of parcel maps and tentative maps in SRAs or very high fire hazard severity zones is conditional based on meeting the SRA Fire Safe Regulations and the Fire Hazard Reduction Around Buildings and Structures Regulations, particularly those regarding road standards for ingress, egress, and fire equipment access. (See Government Code §66474.02).

Action 3.A.3.e. Consider programming, as resources allow, emergency access routes identified in the MJHMP.

Action 3.A.3.f. Require development proposals to meet emergency access routes a specified in Chapter 22 of the Land Use Element and Public Resources Code §4290 and §4291.

Action 3.A.3.g. When the subdivision ordinance is updated, consider a requirement to identify fuel breaks in the layout/siting of subdivisions and an ongoing fuel break maintenance plan.

Action 3.A.3.h. Require development projects to provide ongoing maintenance of existing or proposed fuel breaks within the project site.

Policy 3.A.4. Mitigate fire hazards through the environmental and project review process.

Action 3.A.4.a. Consider the severity of natural fire hazards, the potential for damage from wildland and structural fire, the adequacy of fire protection, appropriate project modifications and mitigation measures consistent with this Element in the review of projects.

Action 3.A.4.b. Refer project proposals to local fire protection districts and Cal Fire for review and comment.

Action 3.A.4.c. Require on-site detection and suppression, such as automatic sprinkler systems consistent with the California Building Code.

Action 3.A.4.d. Limit the intensity of development in areas lacking adequate structural fire protection.

Policy 3.A.5. Assist fire protection districts in securing adequate funding for capital facilities and ongoing operations to serve new development.

Action 3.A.5.a. Assist fire protection districts in the establishment and implementation of appropriate funding sources – such as fees, exactions, charges, and assessments – to enable existing fire districts to annex appropriate areas, and to enable new fire protection districts to be formed.

Policy 3.A.6. Consider mitigating fire hazards in previously developed areas that do not meet current fire safe development standards.

Action 3.A.6.a. Consider identifying and mapping existing housing that does not conform to current fire standards in terms of building materials, access, and vegetative hazards as identified in the CWPP.

Action 3.A.6.b. Consider developing plans to address the substandard housing identified above, including structural rehabilitation, occupancy reduction, fuels hazard reduction projects, community education, and improvements pertaining to access, fire flows, signage, and defensible space.

Policy 3.A.7. Reduce fuel around developed areas throughout the county to minimize wildland fire hazard risks to people and property.

Action 3.A.7.a. Review the County’s land use designation maps to ensure that land uses near high or very-high-hazard fire severity zones are compatible with wildland fire protection and suppression activities.

Action 3.A.7.b. Consider amending the CWPP to establish wildfire defense zones around community areas (e.g., fuel breaks, shelter zones, back fire areas, and staging areas to support fire-suppression activities).

Action 3.A.7.c. Site and design development to minimize the likelihood of a wildfire spreading to structures by minimizing pockets or peninsulas, or islands of flammable vegetation within a development.

Action 3.A.7.d. Coordinate with Public Works, Cal Fire, U.S. Forest Service, local Fire Protection Districts, local Fire Safe Councils, and private property owners to maintain fuel breaks and appropriate flammable vegetation clearance along public and private roads.

Action 3.A.7.e. Support fuel management programs and plans, consistent with state law, that require fuel management/modification within established defensible space boundaries and when strategic fuel modification is necessary outside of defensible space, balance fuel management needs to protect structures with the preservation of native vegetation, wildlife, and sensitive habitats.

Action 3.A.7.f. Support appropriate fuel management projects to remove hazardous fuel loads and improve ecosystem health.

Action 3.A.7.g. Consistent with Senate Bill 1122 (2012) and Senate Bill 859 (2016), facilitate efforts to establish a biomass facility in the County, with the goal of reducing forest fuel loads and wildfire hazard risk.

Action 3.A.7.h. Support efforts by Fire Safe Councils and community groups to promote fire prevention, fuels treatments, invasive species control, and defensible space in the

WUI and assist in identifying and pursuing funding opportunities to complete these activities.

Action 3.A.7.i. Support incentive programs that provide free or affordable residential green waste disposal to encourage vegetation management on private property.

Policy 3.A.8. Mitigate the effects of fire hazards within Mono County.

Action 3.A.8.a. Implement the fire hazard mitigation recommendations contained in the CWPP, which pertain to addressing, public education, local preparedness and firefighting capabilities, home mitigation, and fuels modification projects.

Action 3.A.8.b. Work with other jurisdictions and agencies to prepare for Public Safety Power Shutoffs (PSPS) and support, to the extent feasible, viable plans to provide resources for the community and vulnerable populations during and after PSPS events.

Action 3.A.8.c. Develop community outreach and education programs to facilitate the distribution of information about PSPS events including the current status of outages in Mono County, how to prepare for PSPS events, and information on existing rebate and incentive programs to assist community members in purchasing emergency backup generators.

Action 3.A.8.d. Identify communities most in need of backup generators for continued water supply operation during PSPS and severe weather events. Work with those communities to obtain the appropriate equipment and permits.

Action 3.A.8.e. Consider developing incentive programs to assist private property owners with private wells in purchasing, installing, and maintaining a backup generator for continued access to their water supply during PSPS and severe weather events.

Action 3.A.8.f. Encourage the installation of generators to enable continued operation of community and private water systems during PSPS events or severe weather-related outages.

Action 3.A.8.g. Work with regional partners to identify a technology backup power system and energy resource center to provide alternative telecommunication services.

Policy 3.A.9. Ensure the existing and future transportation system within Mono County adequately supports fire protection and suppression activities.

Action 3.A.9.a. Work with local fire districts, Cal Fire and federal and state land management agencies to prioritize pertinent transportation-related recommendations in the CWPP.

Action 3.A.9.b. Ensure that the Mono County Regional Transportation Plan (RTP) and the Mono County Circulation Element contain adequate policies pertaining to fire infrastructure; e.g., turnouts, helispots, safety zones, and vegetation management programs for state and county streets and highways.

Policy 3.A.10. After a large fire, evaluate the potential to reduce future vulnerabilities to fire hazard risks through site preparation, redevelopment layout (when possible), landscape design, and fire-resistant building materials.

Action 3.A.10.a. Coordinate with appropriate public and private entities to remove debris and promote the sound, equitable, and expedient reconstruction of property

damaged/destroyed by wildfire and facilitate the upgrading of the built environment as expeditiously as possible.

Action 3.A.10.b. Seek resources to address fire hazard vulnerabilities and bring sub-standard development/subdivisions into compliance with current fire safe standards.

GOAL 4. Avoid exposure of people and improvements to unreasonable risks of damage or injury from avalanche hazards.

Objective 4.A.

Limit development that attracts concentrations of people in historical avalanche paths (Conditional Development Areas) during the avalanche season.

Policy 4.A.1. Prohibit new subdivisions, new winter commercial uses, and multi-family developments in conditional development areas unless proper mitigation is provided. A Conditional Development Area¹ denotes private property that has previously experienced avalanche activity.

Action 4.A.1.a. Prior to approving new development, other than single-family residential, in conditional development areas or within the Twin Lakes Avalanche Influence Area, the Planning Commission or Board of Supervisors shall either find:

- a. On the basis of a site-specific study by a qualified snow scientist, that the site is not within a potential avalanche hazard; or
- b. That the project has been designed by a registered civil engineer to withstand potential avalanche impact, or other appropriate structural mitigation measures have been incorporated into the project.
- c. Unless otherwise mitigated, all building sites created through new subdivisions shall be identified and located outside avalanche areas.

Action 4.A.1.b. Impose subdivision and use restrictions in conditional development areas through future rezoning and Use Permit conditions.

Policy 4.A.2. Promote seasonal rather than year-round land uses in conditional development areas.

Action 4.A.2.a. Require new commercial development projects in conditional development areas to discontinue operations during the avalanche season, unless mitigated as specified in Action 4.A.1.a. The avalanche season is considered to run from November 1 to April 15 of the following calendar year. Upon application, the Board of Supervisors may change the foregoing dates for specific areas if it finds that public health and safety will not be affected.

¹Conditional Development Areas have been identified by local avalanche advisory committees appointed by the Board of Supervisors. In some communities where insufficient historical data exist, the high-hazard zones identified in prior avalanche studies (i.e., Wilson, Beck, or Mears/Whitmore) have supplemented available historical information in defining the Conditional Development Area. The entire parcel shall be considered within the Conditional Development Area if any portion of a lot appears to be within the boundary. It should be noted the Conditional Development Areas are not highly precise and do not necessarily coincide with parcel lines.

Action 4.A.2.b. Encourage the use of seasonal trailers in conditional development areas where such use does not conflict with local land use designations or private restrictive covenants.

Policy 4.A.3. Utilizing the established land ownership adjustment process, facilitate land trades or purchases that result in placing properties, which on the basis of prior studies may be impacted by avalanches, into federal ownership or into the ownership of land conservation groups, for permanent open-space use.

Action 4.A.3.a. Survey landowners who own properties which, on the basis of prior studies, may be impacted by avalanches, for interest in land trades or purchases.

Action 4.A.3.b. Initiate land trade/purchase discussions between landowners and appropriate federal, state, or county agencies, or land conservation groups.

Action 4.A.3.c. Request applicable federal or state agencies to assign high- priority land acquisition status to private lands in areas that, on the basis of prior studies, may be impacted by avalanches.

Policy 4.A.4. Maintain and update historical avalanche data.

Action 4.A.4.a. Appropriate County agencies shall continue to compile avalanche data, including photographing and archiving avalanche damage when it occurs.

Action 4.A.4.b. The historical maps contained in the **MEA** should be revised and updated as necessary to reflect the run-out boundaries of actual avalanches; maps shall be compiled by the Planning Division and approved by the Board of Supervisors.

Action 4.A.4.c. Where the boundary of an actual avalanche area is in question, require site-specific analysis of the historical avalanche impact to the parcel prior to issuance of any County permits, other than building permits for single-family residential development. Such analysis should be conducted by a qualified snow scientist, and the conclusions of the analysis should be incorporated into this Element.

- APN 015-085-010-000 in June Lake: a site-specific avalanche study concluded this parcel is in the White Zone, which is a low-risk zone with an estimated return period of 300 years or impact pressures less than a gale force wind (21 lbs/ft²).²

Objective 4.B.

Inform residents and visitors of the potential avalanche hazards in or near local communities.

Policy 4.B.1. Inform affected persons of potential avalanche hazards in the area during the permit process and during transfer of property ownership.

Action 4.B.1.a. Designate community areas containing private lands influenced by historic avalanche path as "Avalanche Influence Areas" in this Element. The Avalanche Influence Area designation shall define community areas in which residents and visitors should be notified of where potential avalanche hazards exist in the vicinity.

Action 4.B.1.b. Designate historical avalanche paths as "conditional development zones" in this Element.

² Use Permit 18-003/High Sierra Cannabis Retail (DeCoster)

Action 4.B.1.c. Require that all applicants for County permits in avalanche influence areas be notified of the area's potential avalanche hazards, and require that they be referred to this Element and avalanche documents on file in the county Planning Division for further information.

Action 4.B.1.d. In accordance with State law, sellers of property will notify buyer/transferees of potential avalanche and seismic hazards affecting subject property.

Policy 4.B.2. Inform visitors of potential avalanche hazards by posting notification signs on roadways entering avalanche areas as designated by the Board of Supervisors.

Action 4.B.2.a. Continue to post signs on local roads warning of avalanche potential.

Action 4.B.2.b. Require that new roads constructed in areas which may be impacted by avalanches be properly signed to notify of potential avalanche hazards.

Objective 4.C.

Plan for and provide emergency services in the event of avalanches.

Policy 4.C.1. Initiate avalanche warning procedures during hazard periods in accordance with adopted procedures such as the Mono County Sheriff Code Red Emergency Alert System.

Policy 4.C.2. Provide emergency access to avalanche-influence areas where feasible.

Action 4.C.2.a. Evaluate potential emergency access routes for avalanche influence areas in the county Circulation Element.

Action 4.C.2.b. Seek state or federal funding for emergency access road construction in avalanche-influence areas.

Policy 4.C.3. Provide snow-removal services to County roads only during periods of acceptable avalanche risks.

Action 4.C.3.a. The Director of Public Works will utilize broad discretion in determining when roads should be plowed.

Objective 4.D.

Work cooperatively with the US Forest Service (USFS) and Caltrans in mitigating local avalanche hazards.

Policy 4.D.1. Seek cooperation from the USFS in mitigating avalanche hazards that originate on land managed by the USFS and that threaten private property.

Action 4.D.1.a. Continue to promote and encourage local and/or regional USFS offices to:

- a. Support and expand the backcountry avalanche forecasting program to include threatened community areas;
- b. Structurally mitigate (i.e., environmentally sensitive supporting structures, deflecting berms, retarding mounds, catching dams, snow fences, etc.) avalanche hazards threatening community areas; and
- c. Initiate land exchanges with willing property owners in avalanche hazard areas.

Policy 4.D.2. Seek cooperation from Caltrans in mitigating avalanche hazards to local State highways.

Action 4.D.2.a. Promote and encourage Caltrans' assistance in funding local avalanche forecasting programs.

Action 4.D.2.b. Support Caltrans efforts to expand avalanche mitigation efforts in the June Lake community. Implement pertinent policies of the June Lake Area Plan.

Action 4.D.2.c. Encourage Caltrans to post avalanche warning signs along potential avalanche sections of US 395, such as in the Long Valley area, the Wilson Butte area, and the area north of Lee Vining during the avalanche season.

GOAL 5. Reduce the risks from natural hazards by planning for safe development, increasing public awareness of the natural hazards in Mono County, and providing an integrated multi-agency approach to emergency response.

Objective 5.A.

Identify areas of the county susceptible to hazards.

Policy 5.A.1. The County GIS system should include or integrate all available hazard mapping, including multi-hazard and repetitive-loss properties.

Action 5.A.1.a. Periodically assess the data and mapping products available on the County GIS system to integrate additional hazards information as it becomes available.

Policy 5.A.2. Maintain an inventory of existing assets (structures, infrastructure) in order to understand more fully the areas and types of development most susceptible to identified hazards and to identify more-specific mitigations for each hazard.

Action 5.A.2.a. Complete a detailed inventory of existing assets and enter that inventory into the County GIS. The inventory should include all data required by hazard mitigation planning such as type of structure, occupancy, construction type, size, value, etc.

Policy 5.A.3. Identify areas with the greatest potential for loss from identified hazards.

Action 5.A.3.a. In compliance with FEMA requirements for loss estimation, develop loss-estimation values and corresponding GIS products and update as needed.

Objective 5.B.

Limit development in areas identified as hazardous.

Policy 5.B.1. Restrict development in areas subject to hazards, including but not limited to, fire, flood, geologic, seismic, volcanic, and avalanche.

Action 5.B.1.a. Limit the intensity of development in hazard areas through the assignment of appropriate land use designations.

Action 5.B.1.b. Design public facilities such as power and water distribution pipes and sewer lines to avoid hazard areas and utilize valves and switches to mitigate hazards when no routing alternatives are feasible.

Action 5.B.1.c. Consistent with government code 66474.2, avoid intensive development outside existing fire protection districts, unless an appropriate fire protection entity is established as a condition of project approval.

Policy 5.B.2. Maintain, update and integrate hazard planning documents.

Action 5.B.2.a. Update and work to integrate the Safety Element, Multi-Jurisdictional Hazard Mitigation Plan, Emergency Operations Plans, Airport Land Use Compatibility Plans, Community Wildfire Protection and other fire plans, and any other safety documents on a regular basis.

Action 5.B.2.b. Work with local fire protection districts, law enforcement, land management agencies, and Cal Fire to pursue funding and update and integrate planning documents.

Policy 5.B.3. Utilize Local Agency Formation Commission (LAFCO) municipal service reviews to evaluate existing emergency service providers and to identify needed improvements.

Action 5.B.3.a. Map existing emergency service facilities and areas lacking service, analyze which areas in identified hazard zones are missing adequate emergency services and integrate into applicable safety plans.

Objective 5.C.

Inform the public as to the nature and extent of natural hazards in Mono County.

Policy 5.C.1. Inform affected persons during the County permit process and during the transfer of property of potential seismic, geologic, volcanic, fire, flood, avalanche, and other natural hazards in the area.

Action 5.C.1.a. Prior to issuing planning or building permits in hazardous areas, refer the applicant to this Element, and support documents and studies on file in the county Planning Division for further information concerning potential hazards. In order to ensure that the applicant has been notified of potential hazards, the applicant may be required to sign a statement recognizing that potential hazards exist in the area.

Action 5.C.1.b. In accordance with State law, sellers of property will notify buyer/transferees of all potential hazards affecting subject property, including but not limited to, geologic, seismic, fire, flood, and avalanche.

Policy 5.C.2. Work cooperatively with other public agencies in the area to develop a public awareness program to inform residents and visitors of natural hazards in the county and emergency response procedures.

Action 5.C.1.a. In accordance with procedures adopted by the county Office of Emergency Services, provide notification to residents and visitors during emergencies and elevated hazard periods.

Objective 5.D.

Provide for safe ingress and egress of emergency vehicles/equipment and evacuation of populations.

Policy 5.D.1. Assess and pursue primary and secondary access improvements for all community areas for emergency purposes.

Action 5.D.1.a. Review development proposals to ensure the provision of primary and secondary access.

Action 5.D.1.b. Refer applications for planning and building permits to Cal Fire and local fire protection districts for review and comment regarding, emergency-access considerations.

Action 5.D.1.c. The Department of Public Works shall continue to review the adequacy of primary and secondary access for development projects on a case-by-case basis.

Action 5.D.1.d. Delineate community evacuation routes and plans for areas with high or very-high fire hazard residential areas, flood areas, avalanches influence areas, etc.

Action 5.D.1.e. Encourage local and regional partnerships to create evacuation routes and shelter locations to provide safe refuge during emergencies.

Action 5.D.1.f. For communities with only one access route, evaluate options to provide an emergency access route, prioritized based on multi-hazard risk to existing access. Design and create the alternative access route(s) if an option is chosen, and if funding and resources are available.

Action 5.D.1.g. Require individuals, as well as companies, that provide home or accommodation rentals to clearly post available emergency evacuation routes for guests.

Action 5.D.1.h. Encourage the incorporation of backup powered emergency response systems into evacuation centers (locations where visitors and residents can seek refuge during an incident)

Action 5.D.1.e. Work with federal land management agencies to ensure adequate access to high-hazard wildland areas, particularly adjacent to communities, for fire suppression activities and public evacuation.

Policy 5.D.2. All projects using hazardous materials or generating hazardous waste shall conform to the requirements of the county's Integrated Waste Management Plan for transportation, storage, and disposal.

Policy 5.D.3. Transportation, storage, and use of explosive materials shall comply with applicable county, state, and federal permit requirements.

Objective 5.E.

Work with local, state, and federal agencies and organizations to provide an integrated approach to emergency response, including search-and-rescue operations, in Mono County for all hazards.

Policy 5.E.1. Implement and update as needed the Mono County Emergency Operations Plan, Mono County Multi-Jurisdictional Hazard Mitigation Plan, and the Mono County Community Wildfire Preparedness Plan.

Action 5.E.1.a. Periodically review emergency response plans during the General Plan review process.

Policy 5.E.2. Work toward implementing a standardized emergency management system for responding to large-scale situations requiring multi-agency response.

Action 5.E.2.a. Review mutual aid agreements with adjoining emergency service providers to ensure a coordinated approach to emergency services.

Goal 6. Prepare for changing climate conditions in Mono County.³

Objective 6.A. Prepare for changing precipitation levels in the region.

Policy 6.A.1. Plan for reduced levels of precipitation and mitigate the impacts that will occur to water availability.

Action 6.A.1.a. Encourage water conservation regulations and encourage public reporting of violations.

Action 6.A.1.b Protect groundwater resources from contamination and overdraft through methods such as encouraging capture of precipitation in tanks and the use of treated wastewater for groundwater recharge and protecting important groundwater recharge areas.

Objective 6.B. Prepare for an increase in severe weather conditions and storm events.

Policy 6.B.1. Develop procedures and practices to reduce the impacts of more extreme storms, temperatures and their related impacts in Mono County, to help protect residents from the health hazards associated with severe weather.

Action 6.B.1.a. Follow County procedures in the event of severe weather conditions such as extreme heat events and more frequent and severe combined snow and rainstorms, including the deployment of emergency services, opening of additional local heating/cooling shelters, and community notification procedures. Cooling shelters may be of particular importance in the Tri-Valley.

Action 6.B.1.b. Develop and utilize emergency notification and information systems to promote public awareness of severe weather hazards and the impacts to the conditions on local and regional roadways. Expand the use of Spanish translation for information distributed to the public during severe weather or disaster events.

Action 6.B.1.c. Coordinate with health and social service providers from multiple sectors to identify data sources and strategies for community resilience and reaching out to vulnerable populations.

Action 6.B.1.d. Assist with seeking funding to address anticipated additional repairs to damaged infrastructure that will be required due to increased stress from climate effects such as intense snow and rainstorms.

Action 6.B.1.e. Continue to work with state and federal agencies and wireless providers to expand and improve coverage and interoperability of cell and radio service throughout the County.

Action 6.B.1.f. Work with Caltrans to install real-time wind and visibility tracking system for key access road segments and incorporate warnings into online notifications and emergency notification system.

Objective 6.C. Increase the resiliency and adaptability of residents, buildings, infrastructure, the natural environment, and the Mono County economy to climate change hazards.

³ Policies to address climate change related to wildfire and flood are incorporated directly into those goals in the Safety Element.

Action 6.C.1.a. Prepare to address environmental hazards and vulnerabilities that climate change influences currently and in the future.

Action 6.C.1.b During the periodic future updates of the Safety Element, hazards and vulnerabilities shall be reviewed, updated and new policies adopted to reflect the most current information available regarding climate change and strategies to reduce hazard risks compounded by climate change.

Action 6.C.1.c. Identify strategies to foster resiliency to climate change influences in both the built and undeveloped lands based on current and updated science.

Action 6.C.1.d. Identify mitigation measures to reduce climate change causes and adaptation plans to decrease the effects of climate change and protect residents and business from increased risks of natural disasters, such as flooding, drought, severe weather events and wildfire.

Action 6.C.1.e. Work with State agencies on adaptation strategies to address climate change impacts.

Exhibit A: Part 2

Red = Proposed Edits
Blue = PC Edits

MISCELLANEOUS LAND USE ELEMENT UPDATES

1. WHEELER CREST AREA PLAN

Policy 24.A.3. Retain the rural residential character of the entire study area.

Action 24.A.3.f. Prohibit ~~not owner occupied all types of~~ short-term rentals (see that may be permitted under Chapter 25) in the Wheeler Crest Planning Area.

2. LAND USE DESIGNATION CHAPTERS

Commercial (C)

INTENT: The “C” designation is intended to provide for a wide range of uses and services for the resident and visitor including retail, business and professional uses and services in community areas, including commercial lodging and higher density housing, when found compatible with retail and service functions.

The creation of a pleasant and efficient environment for shopping and business is an important function of this district.

USES PERMITTED SUBJECT TO DIRECTOR REVIEW (Director Review Processing, Ch. 31)

- All permitted uses if determined necessary by the Director
- Temporary uses: model homes, mobile-home display units, etc., only if one year or less
- All new construction for the purpose of conducting sales, business or services, including any uses listed above.
- All conversions from a prior use when exterior structural alterations or additional parking are required.
- Accessory buildings and uses.
- Transient rentals (fewer than 30 consecutive days)

USES PERMITTED SUBJECT TO USE PERMIT (Use Permit Processing, Ch. 32)

- Household units; if found compatible with the district, apartments, condominiums, etc.
- Lodging – e.g., hotels, motels, time-share, RV parks, campgrounds, glamping, bed-and-breakfast establishments, etc.

Commercial Lodging, Moderate (CL-M) and High (CL-H)

INTENT: The “CL-M” designation is intended to provide commercial lodging units for short-term occupation in or near residential uses.

The “CL-H” designation is intended to provide short-term commercial lodging units in close proximity to commercial/recreational centers.

USES PERMITTED SUBJECT TO USE PERMIT (Use Permit Processing, Ch. 32)

- Mobile-home parks (see Dev. Standards –Mobile-home and RV Parks, Ch. 17)
- Recreational-vehicle parks (see Ch. 17), campgrounds and glamping
- Projects containing four or more units such as condominiums, cooperatives, townhomes, cluster developments, and/or apartments
- Hotels, motels, lodges, bed-and-breakfast establishments, cabins, and other uses found to be similar by the Commission. Ancillary uses such as limited dining, lounges and convenience retail, provided the ancillary use does not occupy more than 25% of the project's habitable space
- Transient rentals (fewer than 30 consecutive days) in multi-family units under single ownership of four or more dwelling units
- Conversion of five or more apartment units into transient rentals
- Conversion of existing habitable space into ancillary uses
- Parking lots and parking structures other than required off-street parking
- Construction of an accessory building prior to construction of the main building

Industrial Park (IP)

INTENT: The “IP” designation is intended to provide for a combination of light- and moderate-intensity industrial uses that do not create environmental nuisances or hazards to a degree that might be obnoxious or offensive to persons conducting business in this or adjacent areas.

PERMITTED USES

- Any proposed change of use when conducted within an existing, conforming, legally developed structure, for those uses subject to a Director Review or Use Permit
- Adult-oriented businesses conducted in compliance with the locational requirements of Chapter 19 of the Land Development Regulations (set forth in Section VI of this Land Use Element) and with the permit and other operational requirements of Chapter 5.45 of the Mono County Code
- Caretaker unit – one per district

Mixed Use (MU)

INTENT: The “MU” designation is intended to provide for a wide range of compatible resident- and visitor-oriented residential and commercial uses, including business, professional, and retail uses; to provide for efficient use of land and increased opportunities for affordable housing; to provide a transition between intensive commercial uses and residential uses; and to be applied to areas with existing mixed-use development.

MU transitional areas can limit the size of business establishments and restrict uses incompatible with residential district. Not all areas need contain residential uses. Commercial uses shall conform to strict standards that prohibit obnoxious odors, obtrusive light and glare, and excessive noise.

USES PERMITTED SUBJECT TO DIRECTOR REVIEW (Director Review Processing, Ch. 31)

- Residential uses – e.g., condominiums, townhomes, commercial lodging, cluster developments, and apartments
- Retail trade – e.g., food, drug, hardware, apparel, arts and crafts, sporting goods, bookstores, bakery, florist
- Social care facilities – e.g., medical and dental offices, welfare and charitable services
- Professional offices – e.g., real estate, financial, insurance, rental and reservation services, legal services
- Business services – e.g., business centers, general advertising, business and management consulting
- Recreational activities – e.g., health clubs, dance studios
- Food service establishments – e.g., restaurants, cafes, delicatessens
- Conversion or expansion of existing operations
- Transient rentals (fewer than 30 consecutive days)

USES PERMITTED SUBJECT TO USE PERMIT (Use Permit Processing, Ch. 32)

- All of the above uses subject to Director Review, if determined to be necessary by the Community Development director
- Parking lots and parking structures other than required off-street parking when abutting a commercial district
- Religious and cultural activities – e.g., museums, art galleries, churches
- Small-scale malls, plazas, parks and related pedestrian open space
- Conversion or expansion of existing operations
- Mobile-home parks (see Development Standards – Mobile-home Parks and RV Parks, Ch. 17) ^c
- Recreational-vehicle parks (see Ch. 17), campgrounds and glamping
- Manufactured housing subdivision (see Ch. 18)

- Commerical cannabis activity: Manufacturing Type N, Manufacturing Type P, Distribution, Testing, Retail, and Microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a Microbusiness), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code.

Rural Resort (RU)

INTENT: The “RU” designation is intended to provide appropriate sites for outdoor recreation facilities and limited visitor-oriented facilities and services in rural areas of the county. The district is intended to protect the environment and rural character of an area while allowing for compatible development.

USES PERMITTED SUBJECT TO USE PERMIT (Use Permit Processing, Ch. 32)

- Construction of an accessory building prior to construction of the main building
- Recreational-vehicle parks (see Dev. Standards – Mobile-home and RV Parks, Ch. 17), campgrounds and glamping facilities
- Hotels, motels, bed-and-breakfast establishments, cabins and other uses found to be similar by the Commission. Ancillary uses such as limited restaurants, lounges and convenience retail, provided the ancillary use does not occupy more than 25% of the project's habitable space
- Transient rentals (fewer than 30 consecutive days)
- Developed campgrounds
- Commercial recreational facilities such as cross country ski facilities, equestrian facilities, golf courses and facilities (if developed in conjunction with lodging facilities), marinas and boathouses
Employee housing, if developed in conjunction with recreational/lodging facilities

Resource Management (RM)

INTENT: The “RM” designation is intended to recognize and maintain a wide variety of values in the lands outside existing communities. The RM designation indicates the land may be valuable for uses including but not limited to recreation, surface water conservation, groundwater conservation and recharge, wetlands conservation, habitat protection for special-status species, wildlife habitat, visual resources, cultural resources, geothermal or mineral resources. The land may also need special management consideration due to the presence of natural hazards in the

area; e.g., avalanche-prone areas, earthquake faults, flood hazards, or landslide or rockfall hazards.

The RM designation provides for low-intensity rural uses in a manner that recognizes and maintains the resource values of the parcel.

Land subject to the land use authority of an agency other than the County may be designated RM with a reference to the appropriate plan as follows:

Humboldt-Toiyabe National Forest Land & Resource Management Plan – RM/TNF

Inyo National Forest Land & Resource Management Plan – RM/INF

Mono Basin National Forest Scenic Area Comprehensive Management Plan – RM/MB

Bureau of Land Management, Bishop Resource Management Plan – RM/BLM

California Department of Fish and Game Lands – RM/DFG

Mammoth Yosemite Airport Land Use Plan – RM/ALUP

These designations recognize the planning authority of other agencies on publicly owned lands only; the County has authority over private and LADWP (Los Angeles Department of Water and Power) lands throughout the unincorporated area.

USES PERMITTED SUBJECT TO DIRECTOR REVIEW (Director Review Processing, Ch. 31)

- ~~Resource exploratory activities that involve excavation, devegetation, or other potentially significant environmental effects~~
- None stated

USES PERMITTED SUBJECT TO USE PERMIT (Use Permit Processing, Ch. 32)

- Limited-scale lodging, such as small inns, bed-and-breakfast establishments, and cabins, if found by the Commission to be compatible
- Recreation facilities, such as improved bike trails, cross country ski trails, and pedestrian trails requiring modification of the natural landscape, if found by the Commission to be compatible with the natural habitat of the area
- Construction of an accessory building prior to construction of the main building
- Airports, heliports, taxiways, and landing strips for aircraft
- Mining and geothermal exploration projects
- Commercial composting facilities
- Resource exploratory activities that involve excavation, devegetation, or other potentially significant environmental effects

3. CHAPTER 01 – INTRODUCTORY PROVISIONS

01.040 **Permissive Zoning & Interpretation.**

A. Mono County uses permissive zoning where, any use that is not enumerated or listed in the land use designation as permitted is presumed to be prohibited, except for those instances provided for in section 01.040.B. Interpretation.

B. Unless otherwise provided, any ambiguity concerning the content or application of the Land Development Regulations shall be resolved by the Planning Commission (see Section 04.030, Interpretation of "Similar Uses") or, on appeal therefrom, by the Board of Supervisors.

4. CHAPTER 02 – DEFINITIONS

02.730 **Lot coverage.**

"Lot coverage" means the percentage of a lot encumbered by impervious areas, structures and modifications, ~~structures~~ including decks ~~and areas devoted to vehicular traffic or parking.~~ Specified requirements may be modified for substandard lots.

02.230 **Campground.**

"Campground" means any area or tract of land ~~that is used or intended for use, or to be let or rented with one or more spaces available for transient recreational occupancy (less than 30 days) by campers on a temporary basis without provisions for electrical or sanitary hookups at individual campsites~~ that includes vehicles, huts, trailers, semitrailers or any such device for shelter is placed for any period of time between sunset and sunrise.

02.231. **Caretaker's unit.**

"Caretaker's unit" means a dwelling unit that is secondary and accessory to an existing allowed use that is occupied by a person engaged on-site for the purpose of care and protection of the property.

02.541 **Glamping.**

"Glamping" means a form of 'glamorous camping' for a transient occupancy, where guests occupy detached units and/or permanently installed vintage recreational vehicles but which are not conventional hotel, motel, or cabin facilities. Permanent units must comply with the California Building Code. "Glamping" does not include "Campgrounds" as defined in 02.230 or "Recreational-vehicle park" as defined in 02.980.

CHAPTER 04 – GENERAL

04.040 Uses subject to Director Review.

The following uses are permitted subject to Director Review in all districts, in addition to those listed in individual land use designations:

A. Placement and Use of Recreational Vehicles (RVs) on Vacant Property.

2. Long-term temporary use of an RV – not to exceed six months of each year for a five-year period – may be permitted in designated ~~hazard avalanche~~ zones as a primary use subject to Director Review permit.

04.340 Mobile Vendor Standards and Guidelines

The sale of food and other retail items from a motorized vehicle or from a trailer, or from a portable unit, is permitted in Commercial and Mixed Use (MU) land use designations. Temporary uses (i.e., fewer than 180 days) may be permitted through a Director Review or Special Event permit. Longer-term or permanent operations shall be permitted through a use permit. The following standards and guidelines shall apply to all operations:

5. CHAPTER 22 – FIRE SAFE STANDARDS

22.110 Emergency Access.

Road and street networks, whether public or private, unless exempted under Section 22.020(e), shall provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with this section.

J. Driveways.

All driveways shall be constructed to provide a minimum of one 10-foot traffic lane.

1. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.

2. A turnaround shall be provided at all building sites on driveways over 300 feet in length, and shall be within 50 feet of the building.

3. Driveways shall be designed and maintained to support at least 36,000 pounds.

6. CHAPTER 25 – SHORT-TERM RENTALS

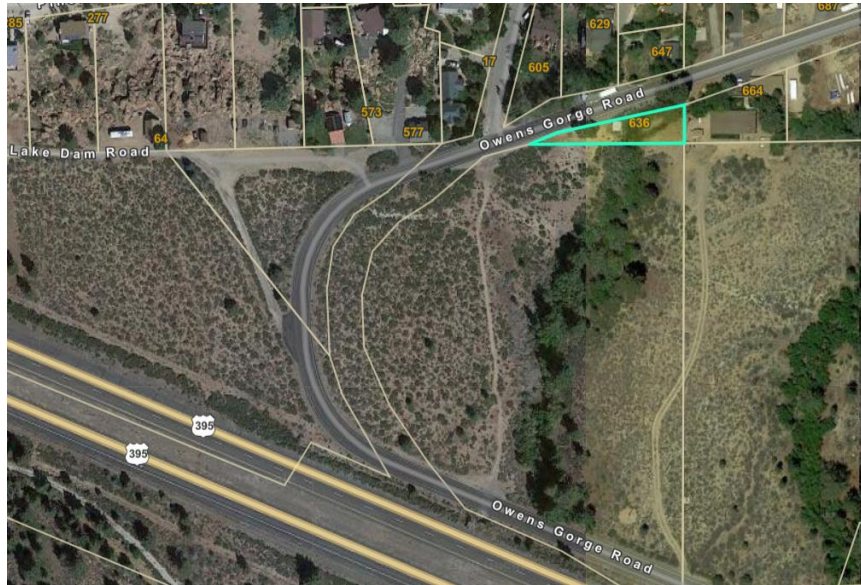
25.015 General Requirements and Applicability.

C. Unless explicitly states otherwise in this Chapter, short-term rentals covered by this Chapter shall operate in compliance with this Chapter, Chapter ~~5-605.65~~ of the Mono County Code, and all applicable Area Plan policies,¹⁴ and must exhibit no reasonable opposition from neighbors within 500 feet of the subject parcel.

D. Pursuant to Chapter ~~5.605.65~~ of the Mono County Code and the required Short-Term Rental Activity Permit, short-term rentals covered by this Chapter shall be specific to the owner and shall terminate upon a change of ownership.

7. LAND USE DESIGNATION CHANGES

- Sunny Slopes (636 Owens Gorge Road) – APN: 062-070-035 from SFR- ½ to Public Facilities (PF) designation.



- Benton (36 Christie Lane) - APN: 024-131-029 change the housing portion of the parcel from Public Facilities (PF) to Mixed Designation (MD). Multi-Family Residential (MFR-L) for the western half of the parcel (indicated by the gray polygon) and Public Facilities (PF) for the eastern half of the parcel.



Exhibit A: Part 3

CHAPTER 16 – ACCESSORY DWELLING UNITS

Sections:

16.010	Intent.
16.020	Definition.
16.030	Applicable Land Use Designations.
16.040	General Provisions.
16.050	Standards for Accessory Dwelling Units.

16.010 Intent.

The intent of this chapter is to allow for Accessory Dwelling Units in accordance with State law in order to provide additional affordable housing opportunities, including housing for the elderly in Mono County.

16.015 Consistency with State Law

This chapter is consistent with State Law, including AB 881, AB 670, AB 587, AB 671, AB 68, and SB 13.

16.020 Definition.

"Accessory Dwelling Unit" (also referred to as "dependent," "Secondary Housing," or "granny unit") means residential occupancy of a living unit located on the same parcel as the primary residential unit. It provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit is situated. An Accessory Dwelling Unit shall meet the minimum regulations for an efficiency dwelling unit in the California Building Code.

The Accessory Dwelling Unit can be either attached to or detached from the primary residential unit but in either case shall have similar architectural elements as the primary unit (i.e., materials, textures, colors, etc.; see 16.050 G below). The Accessory Dwelling Unit shall be clearly subordinate to the primary unit.

“Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure. The junior accessory dwelling unit must contain cooking facilities.

Utilities that are installed for future expansion, such as stub outs that would allow a kitchen to be installed at a later date, shall be considered as complete cooking facilities in accessory dwelling units. In units required by deed restriction, complete cooking facilities shall be installed resulting in a usable kitchen at final permit issuance, and interior access between attached units shall be no more than a single personnel door.

16.030 Applicable Land Use Designations.

An Accessory Dwelling Unit and Junior Accessory Dwelling Unit may be permitted in any land use designation that allows single-family residences as a permitted use or as allowed in Specific Plan (SP) areas subject to the General Provisions below.

16.040 General Provisions.

- ~~A. On parcels less than 7,500 sq. ft. in net area, an attached Accessory Dwelling Unit not exceeding 500 sq. ft. in size may be permitted with a building permit.~~
- ~~B. On parcels of 7,500 sq. ft. up to 10,000 sq. ft. in net area, an attached Accessory Dwelling Unit not exceeding 640 sq. ft. in size is allowed with a building permit. A detached Accessory Dwelling Unit not exceeding 640 sq. ft. may be permitted by application for a Director Review.~~
- ~~C. On parcels of 10,000 sq. ft. up to one acre in net area, an Accessory Dwelling Unit not exceeding 640 sq. ft. in size (attached or detached) is allowed with a building permit.~~
- ~~D. On parcels one acre or greater, an Accessory Dwelling Unit not exceeding 640 sq. ft. in size (attached or detached) is allowed with a building permit. In this same parcel size range, an Accessory Dwelling Unit exceeding 640 sq. ft. but not exceeding 1,400 sq. ft. in size (attached or detached) may be permitted by application for a Director Review. In this same parcel size range, an Accessory Dwelling Unit exceeding 1,400 sq. ft. may be permitted by application for a use permit.~~
- A. Accessory Dwelling Units are permitted with a building permit if any of the following instances apply:
- (i) The accessory dwelling unit or junior accessory dwelling unit is located within a single-family dwelling or existing space of a single-family dwelling, whether existing or proposed, or accessory structure and may include an expansion of not more than 150 square feet beyond the physical dimensions of the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress. The space must have exterior access. Side and rear setbacks must meet fire protection standards and prevent snow shedding onto adjacent properties.
 - (ii) One-bedroom detached accessory dwelling units not exceeding 850-square feet and two-bedroom accessory dwelling units not exceeding 1,000-square feet. The unit may not exceed four-foot side and rear yard setbacks and must meet fire and safety standards, including prevention of snow shedding onto adjacent properties.
 - (iii) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. An existing multifamily unit is allowed at least one accessory dwelling unit or up to, and not exceeding, 25 percent of the existing multifamily dwelling units.
 - (iv) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling. Side and rear yard setbacks may be reduced to four feet provided the design demonstrates snow will not shed onto adjacent properties and fire safety standards are met.
- B. The following accessory dwelling units that do not qualify under 16.040A may be permitted through Director Review:
- (i) One-bedroom units between 850 and 1,400-square feet;
 - (ii) Two-bedroom units between 1,000 and 1,400-square.
- C. Accessory dwelling units that do not qualify under 16.040A and exceed 1,400-square feet may be permitted through Use Permit.

- E. Square footage of accessory dwelling units shall be calculated based on the exterior dimensions of the unit. All interior living space shall count toward the total square footage of the unit.
- F. Consistent with Government Code section 65852.2, ministerial reviews shall occur within ~~120~~ 60 days after receiving an accessory dwelling unit application, **unless the accessory dwelling unit is built concurrently with the primary unit.**

16.050 Standards for New Accessory Dwelling Units.

- A. All construction shall conform to the height, setback, lot coverage, fees (including school impact fees and fire district fees), snow storage, and other development requirements applicable to residential construction in the land use designation in which the property is located. **Side and rear yard setbacks may be reduced to four feet provided the design demonstrates snow will not shed onto adjacent properties. The unit shall be exempt from development impact fees if less than 750-square feet and all units are exempt from Housing Mitigation Ordinance (HMO) fees.**
- B. If a well and/or septic system is/are to be utilized, a clearance letter shall be obtained from the Environmental Health director and shall accompany the building permit application (or if applicable, the Director Review or Use Permit application). For Accessory Dwelling Units that are served by a public water and/or sewer system, a letter from the serving entity that indicates adequate service shall be submitted as part of the application.
- C. **One of the units on the parcel must be owner occupied if the property contains a junior accessory dwelling unit (either the primary unit or the junior accessory dwelling unit); for detached accessory dwelling units, there is no owner occupancy requirement. For units that do not qualify under 16.040.A, one unit on the property must be owner occupied.**
- D. ~~If the Accessory Dwelling Unit is 640 sq. ft. or less in size, one off-street parking space must be provided for the Accessory Dwelling Unit in addition to parking required for the primary unit. If the Accessory Dwelling Unit is larger than 640 square feet, two parking spaces must be provided for the Accessory Dwelling Unit in addition to parking required for the primary unit, if it contains two or more bedrooms. Parking shall be in accordance with Chapter 06 of the Mono County Land Use Element, unless the following instances exist, in which case. Required parking shall be one space for a one-bedroom unit and two spaces for units of two or more bedrooms, and is in addition to the required parking for the primary unit. There is no parking requirement for studio units. No parking standards shall be imposed in the following instances:~~
 - (1) The accessory dwelling unit is located within one-half mile of public transit.
 - (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - (3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
 - (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (5) When there is a car-share vehicle located within one block of the accessory dwelling unit.
- E. Whether attached or detached, the Accessory Dwelling Unit shall be architecturally compatible with the primary residence. The Community Development Department shall determine the architectural compatibility of the structures and shall consider roofing, siding, trim, door and window frame colors **and materials; roofing, siding, trim, door, and window materials;** roof slope and pitch; and wall articulation, roof line articulation, eaves,

railings, chimneys, porches, and similar features; landscaping should also be considered in helping to make the units compatible. The Accessory Dwelling Unit shall be clearly subordinate to the primary unit in terms of size and placement on the property. If attached, the two units shall have the appearance of a single-family residence; the Accessory Dwelling Unit entrance shall be located on the side or rear of the building.

- F. Pursuant to the California Building Code, accessory dwelling units shall not be required to provide fire sprinklers if they were not required for the primary residence. Accessory dwelling unit utility connections and related fees shall comply with Government Code section 65852.2.
- G. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than ~~five~~ four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage, provided the design demonstrates snow will not shed onto adjacent properties and fire safety standards are met.
- H. Short-term rentals are prohibited in all accessory dwelling units.



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE August 10, 2021

TIME REQUIRED

SUBJECT

Letter from Mono Lake Committee to Los Angeles Department of Water and Power Regarding Restoration of Streams Tributary to Mono Lake

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

A letter from the Mono Lake Committee to Los Angeles Department of Water and Power regarding the restoration of streams tributary to Mono Lake.

RECOMMENDED ACTION:

FISCAL IMPACT:

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

[Letter](#)

History

Time	Who	Approval
8/4/2021 9:02 AM	County Counsel	Yes
8/4/2021 10:45 AM	Finance	Yes
8/5/2021 1:06 PM	County Administrative Office	Yes



MONO LAKE COMMITTEE

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Kristine Zeigler

Directors Emeriti

Helen Green
Ed Grosswiler
Richard Lehman

Executive Director

Geoffrey McQuilkin

Southern California Office

1718 Wellesley Ave
Los Angeles, CA
90025-3634

On the Internet

monolake.org
monobasinresearch.org

July 21, 2021

Cynthia McClain-Hill, LADWP Board Commissioner President
Susana Reyes, LADWP Board Commissioner Vice President
Jill Banks Barad-Hopkins, LADWP Board Commissioner
Nicole Neeman Brady, LADWP Board Commissioner
Mia Lehrer, LADWP Board Commissioner
Martin Adams, LADWP General Manager and Chief Engineer

Los Angeles Department of Water & Power
P.O. Box 51111
Los Angeles, California 90051-5700

Sent via email

RE: Restoration of Streams Tributary to Mono Lake

Dear President McClain-Hill, Commissioners, and General Manager Adams:

I write today to offer congratulations and, on behalf of the Mono Lake Committee, to say “thank you.” Stream restoration in the Mono Basin is poised to leap forward thanks to our collaborative work together.

This past week a major milestone was achieved in the fulfillment of the 2013 Settlement Agreement between the LA Department of Water & Power, the Mono Lake Committee, the California Department of Fish and Wildlife, and CalTrout. On July 12, the State Water Resources Control Board issued its Draft Administrative Order to approve LADWP’s Petition to implement beneficial stream restoration measures built on decades of independent scientific research and monitoring.

We appreciated discussing these benefits at your Commission meeting in April. By reactivating a full range of ecological and geomorphological processes, this new era of stream restoration will provide 20 miles of Rush, Lee Vining, Parker and Walker creeks a programmatic path to restore environmental integrity and much-needed resilience, especially important in a time of climate disruption.

The journey we have been on has not always been easy and many challenges remain before us. We share a goal of healing the Mono Basin ecosystem—the streams, lake and habitat—from environmental damage done decades ago by excessive aqueduct water diversions and returning these vital natural resources to health.

The Draft Order reflects our mutual success from working together. The voluntary Settlement Agreement between our four agencies and organizations is today

providing a meaningful and valuable framework for regulatory implementation of the State Water Board's mandates.

According to the Draft Order, the State Water Board anticipates approving LADWP's Petition later this summer by amending the City's Mono Basin water licenses to include the stream restoration provisions of the Settlement Agreement. This will be a major step forward in the restoration of these damaged habitats, and it also will deliver the benefits our organizations agreed to, such as incentivized cost offsets for the outlet construction at Grant Reservoir, streamlining management of the stream restoration monitoring program, and providing for science-based adaptive management.

The progress made here through collaboration is a model for approaching the challenges that lie ahead, from a sustainable water supply in the City to the restoration of Mono Lake. The Mono Lake Committee looks forward to continued collaboration with the Commission, LADWP, the City of Los Angeles, and Los Angeles residents to pursue the protection of the public trust at Mono Lake and its tributary streams.

Sincerely,



Geoffrey McQuilkin
Executive Director

Cc: State Water Resources Control Board
California Department of Fish and Wildlife
California Trout
Mayor Garcetti, City of Los Angeles
Los Angeles City Council
Mono County Supervisors
Mono Lake Kutzadika'a Tribe
Inyo National Forest
Great Basin Unified Air Pollution Control District
Governor, State of California
Secretary, California Natural Resources Agency
Secretary, CalEPA



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

REGULAR AGENDA REQUEST

Print

MEETING DATE August 10, 2021

Departments: CAO, Public Health

TIME REQUIRED 30 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Robert C. Lawton, CAO, Bryan
Wheeler, Public Health Director

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. Discussion of planning for changes to County operations, including, but not limited to: status of emergency declarations; returning to in-person County meetings; returning remote employees to work.

RECOMMENDED ACTION:

None, informational only.

FISCAL IMPACT:

None.

CONTACT NAME: Robert C. Lawton

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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

Time	Who	Approval
7/30/2021 8:53 AM	County Counsel	Yes
8/4/2021 10:20 AM	Finance	Yes
8/5/2021 1:05 PM	County Administrative Office	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE August 10, 2021

Departments: Board of Supervisors, sponsored by Supervisor Corless

TIME REQUIRED 15 minutes

PERSONS APPEARING BEFORE THE BOARD Elaine Kabala, ESCOG

SUBJECT 2020 California State Redistricting Letter

AGENDA DESCRIPTION:

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

At the Eastern Sierra Council of Governments (ESCOG) meeting held June 11, 2021, the ESCOG Board directed staff to prepare correspondence to the California Redistricting Commission providing recommendations on State Senate and Assembly Redistricting.

RECOMMENDED ACTION:

Review the recommendations and comment letter of the ESCOG on State Representation Redistricting, and provide direction to the ESCOG Board to submit as is, or provide modifications to the proposed redistricting requests.

FISCAL IMPACT:

None.

CONTACT NAME: Elaine Kabala

PHONE/EMAIL: / ekabala@escog.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Board Request
Letter

History

Time

Who

Approval

7/30/2021 8:49 AM	County Counsel	Yes
8/4/2021 10:45 AM	Finance	Yes
8/5/2021 1:06 PM	County Administrative Office	Yes



Date: July 27, 2021

To: Honorable Board of Supervisors

From: Elaine Kabala, Eastern Sierra Council of Governments (ESCOG)

Subject: 2020 California State Redistricting

Recommended Action:

Request the Board of Supervisors review the recommendations and comment letter of the ESCOG on State Representation Redistricting, and provide direction to the ESCOG Board to submit as is, or provide modifications to the proposed redistricting requests.

Fiscal Impact:

None

Discussion:

At the Eastern Sierra Council of Governments meeting held June 11, 2021, the ESCOG Board directed staff to prepare correspondence to the California Redistricting Commission providing the following recommendations on State Senate and Assembly Redistricting. The recommendations were developed by a subcommittee of the ESCOG which included: Supervisor Stacy Corless, Mono County; Supervisor Jeff Griffiths, Inyo County; Councilmember Lynda Salcido, Town of Mammoth Lakes; and Karen Schwartz, City of Bishop.

The first priority of the ESCOG is that Eastern Sierra counties, specifically Inyo and Mono Counties, should be defined as a community of interest with shared state and federal representation. Currently, Mono County is represented by State Assembly District 5 served by Assemblyman Frank Bigelow and Inyo County is represented by Assembly District 26 served by Assemblyman Devon Mathis. Both Counties are represented by California Senate District 8. Historically, our constituents in both Counties have felt underrepresented at the State level, largely due to our geographic isolation on the east side of the Sierra Nevada. No State representative maintains a local office in either Inyo or Mono County.

As a second priority, the ESCOG would like to share regional representation with other Sierra Nevada counties, including Mariposa County, Tuolumne County, Calaveras

County, Amador County, Alpine County, and past of El Dorado County, Placer County, Nevada County and Sierra County to form an Sierra Nevada district defined by shared issues, geographies, watersheds, histories, and cultures.

In order to provide these recommendations to the California Redistricting Commission, the ESCOG Board needs the feedback and approval each member agency on the recommendations included in the attached correspondence.

ESCOG staff is requesting the Board review the attached correspondence and provide authorization for the ESCOG Board to submit the comments to the California Redistricting Commission.



EASTERN SIERRA COUNCIL OF GOVERNMENTS (ESCOG) Joint Powers Authority

July 23, 2021

California Citizens Redistricting Commission
C/O Public Comment
721 Capitol Mall, Suite 260
Sacramento, CA 95814

RE: 2020 California Citizens Redistricting

Dear Honorable California Citizens Redistricting Commission:

Thank you for the opportunity to provide input on California's 2020 redistricting process. Following regional discussions with the Mono County Board of Supervisors, the Inyo County Board of Supervisors, the City of Bishop, and the Town of Mammoth Lakes, the Eastern Sierra Council of Governments (ESCOG) would like to request the following considerations be made to better configure representation for our area to align with our shared culture, geography, and issues.

The first priority of the ESCOG is that Eastern Sierra counties, specifically Inyo and Mono Counties, should be defined as a community of interest with shared state and federal representation. Currently, Mono County is represented by State Assembly District 5 served by Assemblyman Frank Bigelow and Inyo County is represented by Assembly District 26 served by Assemblyman Devon Mathis. Both Counties are represented by California Senate District 8. Historically, our constituents in both Counties have felt underrepresented at the State level, largely due to our geographic isolation on the east side of the Sierra Nevada. No State representative maintains a local office in either Inyo or Mono County.

Eastern California Districts are currently connected to greater population centers on the western slope of the Sierra Nevada and Central Valley that do not share any of those characteristics in common with the east side of the Sierra Nevada. Access to the Eastern Sierra from the west side of the Sierra Nevada requires traversing the 14,000 foot mountain range over high mountain passes – travel that is lengthy and circuitous in

summer months, and significantly extended when mountain passes close for winter months.

Indeed, these mountains present such a formidable barrier between the Central Valley and Eastern Sierra that no roads cross the Sierra Nevada for a span of approximately 250 miles between Sherman Pass to the south and Tioga Pass to the north. When residents of Inyo and Mono Counties need to access urban amenities such as an international airport or a big-box retailer, they tend to travel south to the Los Angeles area or north to the Reno area, as traveling west over the mountains is inefficient and difficult. Thus, the ESCOG feels that it makes little sense and dilutes the voice of the residents of Inyo and Mono Counties to tether east-side residents to west-side counties that are so geographically divided from the Eastern Sierra.

The Eastern Sierra is foremost defined by its proximity to the striking eastern escarpment of the Sierra Nevada. The region represents unique geology and ecology in California, as the westernmost valley of the Great Basin region in the rain shadow of the Sierra Nevada. The Eastern Sierra, known as Payahuunadu or Panawe, has been and continues to be the ancestral home of the Paiute (Nuumu), Shoshone (Newe) and Timbisha peoples for over ten thousand years. Eastern Sierra counties have a shared history of pioneers, prospectors, farmers, and ranchers.

More contemporarily, the region is defined by a shared frontier culture that celebrates its connection to the mountains, to its rural identity, and the abundance of outdoor and adventure recreation opportunities in our mutual backyard. Inyo County and Mono County have regionally connected economies centered on shared resources and integrated tourism markets. Bishop, in Inyo County, serves as the regional hub for federal and state services. Mammoth Lakes, in Mono County, is home to the premier ski resort destination for greater southern California, which continues to be a primary driver for business opportunities along the Highway 395 corridor. Inyo County is a gateway to Death Valley and Kings Canyon – Sequoia National Parks. Mono County is a gateway to Yosemite National Park. Many visitors travel through the region to enjoy each park in succession, and tourism travel is a shared base economy for both Counties.

The Eastern Sierra region has unique and unifying regional issues that would benefit from united regional state representation. Both counties are characterized by significant percentages (>90%) of federally owned and managed land, as well as water exportation and land management by the Los Angeles Department of Water and Power. No other county in the State of California is characterized greater than 50% of private land owned by California municipality outside their boundaries. Both Counties have less than 5% of their land area available for private ownership or development – a shared community and economic development constraint impacting shared regional housing and retail development opportunities.

As a second priority, Inyo and Mono Counties would like to share regional representation with other Sierra Nevada counties, including Mariposa County, Tuolumne County, Calaveras County, Amador County, Alpine County, and past of El Dorado County, Placer

County, Nevada County and Sierra County to form an Sierra Nevada district defined by shared issues, geographies, watersheds, histories, and cultures.

The ESCOG respectfully requests the Honorable California Citizens Redistricting Commission redraw representational boundaries to include Inyo and Mono Counties within the same State Senate and Assembly Districts. The Eastern Sierra Council of Governments further requests the Honorable California Citizens Redistricting Commission provide for shared representation for all counties with the Sierra Nevada, and in particular, within the eastern watersheds of the Sierra Nevada. Thank you for the opportunity to participate in the cornerstone of our United States and State of California democracy, which is local representation.

Please feel welcome to contact me with further questions at kschwartz@cityofbishop.com.

Sincerely,

Karen Schwartz
Chair, Eastern Sierra Council of Governments



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

REGULAR AGENDA REQUEST

Print

MEETING DATE August 10, 2021

Departments: CAO

TIME REQUIRED 20 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Robert C. Lawton, CAO, Christian
Milovich, Assistant County Counsel

SUBJECT 2021 Supervisorial Redistricting
Update

AGENDA DESCRIPTION:

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

Update from staff regarding the 2021 Redistricting Process, including discussion about public outreach, scheduling public hearings and creation of informational website.

RECOMMENDED ACTION:

Receive update from staff. Provide any desired direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME: Robert C. Lawton

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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

Time	Who	Approval
8/4/2021 3:53 PM	County Counsel	Yes
8/5/2021 7:47 AM	Finance	Yes
8/5/2021 1:07 PM	County Administrative Office	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE August 10, 2021

Departments: CAO, Human Resources

TIME REQUIRED 10 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Robert C. Lawton, CAO, Ryan Roe,
Acting HR Director

SUBJECT Proposed Amendment to Mono
County Personnel System 080 to
Allow Hiring at Step Higher than A

AGENDA DESCRIPTION:

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

Proposed Resolution of the Mono County Board of Supervisors to Amend Section 080 of the Personnel Systems for the Mono County Public Employees' Association, Mono County Paramedic Rescue Association, Mono County Probation Officers' Association, Mono County Public Safety Officers' Association and Mono County Deputy Sheriffs' Association.

RECOMMENDED ACTION:

Adopt proposed resolution. Provide any desired direction to staff.

FISCAL IMPACT:

Unknown.

CONTACT NAME: Robert Lawton, Ryan Roe

PHONE/EMAIL: 760 932-5442 / rroe@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Resolution
Exhibit A to Resoution to Amend Personnel System 080

History

Time	Who	Approval
8/4/2021 3:53 PM	County Counsel	Yes
8/5/2021 7:47 AM	Finance	Yes
8/5/2021 1:06 PM	County Administrative Office	Yes

County Counsel
Stacey Simon

Assistant County Counsels
Christian E. Milovich
Anne L. Frievalt

Deputy County Counsel
Emily R. Fox

**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
Kevin Moss

To: Board of Supervisors

From: Anne L. Frievalt

Date: August 10, 2021

Re: Proposed Amendment to Personnel System 080 to Allow County Administrative Officer to Independently Authorize Hires at Step Higher Than A

Mono County seeks to recruit and hire qualified employees able to effectively and efficiently perform services to meet the needs of Mono County. To successfully recruit such employees, it is important to be able to expeditiously offer compensation commensurate with a successful applicant's level of qualification and experience.

However, Section 080 of the Personnel Systems for the Mono County Public Employees Association, Mono County Paramedic Rescue Association, Mono County Probation Officers' Association, Mono County Public Safety Officers' Association and Mono County Deputy Sheriffs' Association (collectively referred to herein as "Mono County Personnel Systems") currently requires that all new employees be hired at an "A" Step, regardless of qualifications or experience, , unless specifically approved by the Board of Supervisors.

This proposed amendment would streamline the process for hiring at a step higher than A, by allowing the CAO to authorize such hires, when appropriate, in his or her sole discretion. Enabling Mono County to provide such offers without the delay involved in the process of obtaining preapproval by the Board of Supervisors will enhance Mono County's ability to successfully recruit, hire and retain qualified staff.

Strategic Plan Focus Areas Met

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

Fiscal Impact
Unknown.

Recommended Action

Adopt resolution to amend Personnel Systems 080 to allow the County Administrative Officer to independently authorize hires at step higher than A.

If you have any questions regarding this item prior to your meeting, please call me at 760-924-1707.



R21-__

**A RESOLUTION OF THE MONO COUNTY
BOARD OF SUPERVISORS TO AMEND SECTION 080 OF THE
PERSONNEL SYSTEMS FOR THE MONO COUNTY PUBLIC EMPLOYEES'
ASSOCIATION, MONO COUNTY PARAMEDIC RESCUE ASSOCIATION, MONO
COUNTY PROBATION OFFICERS' ASSOCIATION,
MONO COUNTY PUBLIC SAFETY OFFICERS' ASSOCIATION AND MONO
COUNTY DEPUTY SHERIFFS' ASSOCIATION**

WHEREAS, Mono County seeks to attract highly qualified employees who effectively and efficiently perform services for the benefit of Mono County,

WHEREAS, in order to successfully recruit highly qualified employees to work for Mono County, it is advantageous to be able to offer compensation commensurate with an applicant's level of qualification and experience without undue delay;

WHEREAS, Section 080 of the Personnel Systems for the Mono County Public Employees Association, Mono County Paramedic Rescue Association, Mono County Probation Officers' Association, Mono County Public Safety Officers' Association and Mono County Deputy Sheriffs' Association (collectively referred to herein as "Mono County Personnel Systems") currently requires that new employees be hired at an "A" Step, unless otherwise approved by the Board of Supervisors;

WHEREAS, in furtherance of the interests of economy and efficiency, the Board of Supervisors seeks to amend Section 080 to authorize the County Administrative Officer to hire employees at a step higher than an "A" Step, in his or her discretion, instead of requiring Board of Supervisors' approval for such hires, as currently mandated by Section 080.

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

Effective August 17, 2021, Section 080 of the Mono County Personnel Systems is hereby amended to read as set forth in Exhibit A attached hereto and incorporated by this reference.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

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ABSTAIN:

Jennifer Kreitz, Chair
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board

County Counsel

EXHIBIT A

Personnel Systems for Mono County Public Employees ("MCPE"), Mono County Public Employees ("Other"), Mono County Paramedic Rescue Association, Mono County Public Safety Officers' Association, Mono County Probation Officers' Association and Mono County Deputy Sheriffs' Association

080 Salary Upon Hire

New employees shall be placed on the salary range for their classification at step "A." New employees may be placed above step "A" under the following circumstances:

A. When the results of examinations conducted by or provided to the County as part of its recruitment process show a prospective employee or employee-examinee to possess exceptional qualifications, the County Administrative Officer may, in his or her sole discretion, grant the appointing authority the power to hire such person at any salary step of a particular salary classification.

B. Whenever there are no applications filed for an advertised vacancy in a classification during a period of at least six continuous months, and when the business needs of a Department require the immediate filling of a vacant position, the County Administrative Officer may, in his or her sole discretion, and subject to approval by the Board of Supervisors, determine that the classification is temporarily "hard-to-fill" and, on that basis, authorize the vacancy to be advertised and filled at any step, up to and including step E of that classification.

1. Said determination may be made with respect to classification vacancies within a particular department. (e.g. if the classification is only "hard-to-fill" in certain departments.)
2. The "hard-to-fill" determination shall remain in effect until the County Administrative Officer declares otherwise.
3. In the event the determination is made and the "hard-to-fill" vacancy is filled at any step above step "A," then all existing employees in the same classification (only in the affected department in the event that the hard-to-fill determination has been so limited) shall receive one or more step increases, effective on the date the vacancy is filled (i.e., when the employment of the new employee commences), equal to the number of steps beyond step "A" at which the new employee has started.
4. In the event that more than one vacancy exists or multiple vacancies occur during the period of time that the position is deemed "hard-to-fill" the total number of step increases by existing employees shall not exceed the greatest number of steps beyond step "A," at which any new employee is started. For example, if a new employee in a "hard to fill classification started at Step "C" (which is two steps beyond step "A"), then an existing employee at step "A" would move to step "C", and an existing employee at step "D" would move to step "E", and an existing employee at Step "E" will simply remain at that step. If a subsequent new employee started at step "D" (three steps beyond step "A"), then existing employees would only move one additional step

(not exceeding step "E") in recognition of already having moved two steps previously when the first new employee started at step "C."

5. If further vacancies are then filled while the classification remains "hard-to fill," there would be no additional step increases to existing employees. In other words, existing employees may receive no more than three step increases as a result of vacancies being filled in a "hard to fill" classification.

6. Step increases under this subdivision (B) shall not affect or change otherwise effective dates for step increases as set forth in any other subdivision of this policy.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE August 10, 2021

Departments: County Counsel

TIME REQUIRED 30 minutes (15 minutes presentation, 15 minutes discussion) **PERSONS APPEARING BEFORE THE BOARD** Emily Fox, Deputy County Counsel

SUBJECT Update on Federal Litigation Concerning the Waters of the Walker River

AGENDA DESCRIPTION:

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

Presentation by County Counsel to update the Board and the public regarding the status of litigation in *United States of America v. Walker River Irrigation District, et al.*, in the United States District Court for the Northern District of Nevada, including claims in intervention brought by the Walker River Paiute Tribe and Mineral County, Nevada.

RECOMMENDED ACTION:

None (informational only). Provide any desired direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME: Stacey Simon

PHONE/EMAIL: 7606483270 / ssimon@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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<input type="checkbox"/> Slide Show
<input type="checkbox"/> Support Docs - Order re Service

History

Time	Who	Approval
8/4/2021 10:49 AM	County Counsel	Yes
8/4/2021 10:47 AM	Finance	Yes
8/5/2021 1:06 PM	County Administrative Office	Yes

County Counsel
Stacey Simon

Assistant County Counsels
Christian E. Milovich
Anne L. Frievault

Deputy County Counsel
Emily R. Fox

**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
Kevin Moss

To: Board of Supervisors

From: Emily Fox

Date: August 10, 2021

Re: **Update on litigation concerning the waters of the Walker River Basin**

Recommended Action

Provide desired direction to staff regarding outreach to riparian defendants who will be served with the Second Amended Complaint before December 31, 2021.

Strategic Plan Focus Areas Met

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

Discussion

This staff report will provide the full background on the Walker River Litigation as a whole. However, at issue for this update are developments in the case designated as Sub-File C. The other background is provided as context.

I. BACKGROUND OF LITIGATION

A. The Walker River Basin

The Walker River is an interstate system originating in California and terminating in Nevada. Specifically, its headwaters are located in the Sierra Nevada Mountains west of Bridgeport and Antelope Valley, California (Mono County); it flows across the California-Nevada border and through Smith and Mason Valleys and the Walker River Paiute Reservation, where water is used primarily for irrigation purposes; ultimately, it terminates at Walker Lake in Hawthorne, Nevada.

B. Walker River Decree

Water rights to the Walker River were first adjudicated in 1936 by the United States District Court for the District of Nevada (“District Court”); subsequently, the 1936 decree was amended in 1940 (collectively, the “Walker River Decree” or “Decree”). The Walker River

Decree determines all water rights in the Walker River Basin, including rights to both surface water and groundwater. Specifically, the Decree determines each water right's respective amount, point of diversion, place of use, purpose of use, and other characteristics that define the right to use water from the Walker River. Importantly, the Decree purports to establish and settle all water rights held or owned by all parties in the Walker River Basin as of 1936, and thereby ostensibly prevents the reallocation of water within the basin and precludes the assertion of new rights or the appropriation of additional water for adjudicated rights.

C. Walker River Litigation

Beginning in the 1990s, several parties – some with and some without water rights adjudicated by the Walker River Decree – filed suit in the District Court to amend the Decree and water rights adjudicated in the basin. The Court bifurcated the claims into two separate “sub-file proceedings” for purposes of administrative feasibility (sub-proceedings “C-125 B” (“Sub-File B) and “C-125 C” (“Sub-File C”)), while the original and underlying adjudication remains classified as C-125. In 2015, the District Court issued decisions in each of the two sub-file proceedings, as well as in the underlying adjudication. Thereafter, the District Court decisions were appealed to the United States Court of Appeals for the Ninth Circuit (“Ninth Circuit”), certified to the Nevada Supreme Court, and remanded to the District Court last year.

- i. Sub-File B: USA & Walker River Paiute Tribe v. Walker River Irrigation District, et al., Consolidated Case Nos. 15-16478 and 15-16479

The United States of America and the Walker River Paiute Tribe petitioned the Court in the early 1990s to recognize and/or establish, notwithstanding the Walker River Decree, water rights for lands added to the tribe's reservation both prior to and since entry of the Walker River Decree; a water right for Weber Reservoir; and certain groundwater rights. Following decades during which the United States worked to serve all parties to the case and/or the matter was stayed to allow for the possibility of settlement, the petition was finally heard by the District Court in 2014. The petition was opposed by the Walker River Irrigation District and others on grounds that, under the Decree, the District Court lacked jurisdiction over the petition and because the plaintiffs' claims were barred by the doctrine of res judicata, essentially asserting that the plaintiffs' claims had already been litigated. Mono County joined in these arguments, which were successful at the District Court but, as discussed below, reversed in large part on appeal.

- ii. Sub-File C: Mineral County and Walker Lake Working Group v. Walker River Irrigation District, et al., Case No. 15-16342

In the mid-1990s Mineral County and the Walker Lake Working Group sought to intervene in the action filed by the United States and Walker River Paiute Tribe to ask the Court to provide additional water for the restoration of Walker Lake. As in the “B” case, these claims were stayed for several years to allow for settlement discussions and were also delayed by the many years in which it took the plaintiffs to complete service. The matter was finally heard in 2014, at the same time as the Tribe's and United States' claims. Substantively, Mineral County and the Walker Lake Work Group assert that Nevada's Public Trust Doctrine requires modification of the Walker River Decree and reallocation of the adjudicated water rights in order to provide additional inflows into Walker Lake for the protection of public trust resources and uses in the lake. In addition to opposing plaintiffs' interpretation and application of the Nevada Public Trust Doctrine, the Walker River Irrigation District and other defendants challenged the

plaintiffs' constitutional standing to bring the lawsuit. Mono County joined in several, but not all, of these arguments which, again, were successful at the District Court, but reversed on appeal.

iii. C-125: USA, et al v. US Board of Water Comm'r, et al., Consolidated Case Nos. 15-16316, 15-16317, 15-16319, 15-16321, 15-16323, 15-16489

In 2009, Congress established the Walker Basin Restoration Program, which allocated more than 100 million dollars, now administered by the National Fish and Wildlife Foundation ("Foundation"), to acquire water and water rights for the purpose of restoring and maintaining Walker Lake, the terminus of the Walker River. Under the program, the Foundation has purchased flow and storage rights from willing sellers (e.g., farmers, irrigators) in Nevada in order to use those rights to convey water downstream to feed Walker Lake.

However, in order to change the place and purpose of use of the water rights, the Foundation must obtain approval not only from the Nevada State Engineer and the California State Water Resources Control Board (the latter to the extent that California stored water is involved), but also from the Federal Court. The Foundation petitioned the state agencies, both of which approved the changes. Neither Mono County, nor the Walker River Irrigation District ("District"), opposed the petitions, viewing the purchase and transfer of water from willing sellers to be a preferred alternative to court-ordered mandatory water reductions which might occur as a result of the proceedings described above in the C-125 B or C-125 C sub-proceedings. However, the District Court, taking the matter on in its role as the original adjudicator of the water of the Walker River in the C-125 case, rejected the Foundation's application, as described in more detail below, and the Foundation appealed that decision to the Ninth Circuit Court of Appeals.

In May 2018, the Ninth Circuit issued decisions for the appeals in all three proceedings. The summary below addresses the decisions for all three cases, but Sub-File C is at issue for this update.

D. Ninth Circuit and Nevada Supreme Court Decisions

i. Sub-File B: USA, et al v. Walker River Irrigation Dist., et al.

The District Court had dismissed the United States' and the Walker River Paiute Tribe's claims on the grounds that the court lacked jurisdiction over the claims and also because the claims were barred by the doctrine of res judicata. The Ninth Circuit reversed both of the District Court's conclusions. First, the Ninth Circuit found that the Walker River Decree expressly provides that the District Court "retains jurisdiction" of the case for purposes of "correcting or modifying" the Decree, including amending the Decree to authorize additional water rights pursuant to its terms and conditions. The court rejected defendants' argument that such language should apply only to "a relatively minor, technical change" rather than the recognition of new and additional water rights under the Decree. Similarly, the Ninth Circuit rejected defendants' argument that Decree language that provides that the parties are "forever enjoined and restrained" from asserting claims for additional water rights precludes the United States and the tribe from asserting claims for new water rights following entry of the Decree because that interpretation would preclude such claims despite the Decree expressly authorizing them for consideration. On the res judicata issues, the Ninth Circuit held that the District Court

erred in dismissing the plaintiffs' claims on res judicata ground without giving the parties an opportunity to brief the issue. The Ninth Circuit remanded the issue to the District Court and ordered the matter be reassigned to another judge.

ii. Sub-File C: Mineral County, et al v. Walker River Irrigation Dist., et al.

In this sub-file proceeding, the Ninth Circuit found that resolution of the issue involving the Nevada Public Trust Doctrine depended on the application of unsettled issues of Nevada state law. Accordingly, the Ninth Circuit submitted for decision two certified questions regarding Nevada state law to the Nevada Supreme Court: (1) "Does the [Nevada Public Trust Doctrine] apply to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent?"; and (2) "If the [Nevada Public Trust Doctrine] applies and allows for reallocation of rights settled under the doctrine of prior appropriation, does the abrogation of such adjudicated or vested rights constitute a 'taking' under the Nevada Constitution requiring payment of just compensation?" The Nevada Supreme Court has accepted the first certified question and is considering the Ninth Circuit's request to accept the second certified question. The parties are currently negotiating a briefing schedule for the Nevada Supreme Court. On the second issue in the case, the Ninth Circuit held that Mineral County and the Walker Lake Working Group both had standing to bring the action because they alleged that they had suffered a concrete particularized injury caused by the Walker River Decree that would be redressed by a favorable decision of the District Court.

The Nevada Supreme Court then issued a decision on the two certified questions in 2020, holding that Nevada's "public trust doctrine applies to rights already adjudicated and settled under the doctrine of prior appropriation," but that "the public trust doctrine does not permit reallocating water rights already adjudicated and settled under the doctrine of prior adjudication." *Mineral County v. Lyon County*, 473 P.3d 418, 425, 430 (Nev. 2020). The Ninth Circuit then issued a final ruling in 2021 based on the Nevada Supreme Court's holding. The Ninth Circuit held that the district court properly dismissed the County's public trust claim to the extent it sought a reallocation of water rights adjudicated under the Decree and settled under Nevada's doctrine of prior appropriation, but that the case would be remanded to the District Court to consider the County's public trust doctrine claim to the extent it sought remedies that would not involve a reallocation of adjudicated water rights.

iii. C-125: USA, et al v. US Board of Water Comm'r, et al.

The District Court had determined that, contrary to the conclusions of the Nevada State Engineer and the California State Water Resources Control Board (State Water Board), the Foundation's proposed changes in place and purpose of use of water and water rights to restore Walker Lake would result in legal injury to farmers and other water rights holders. Additionally, the District Court found that Walker Lake was outside of the Walker Basin, and thus held that supplying water to Walker Lake violated the Decree's prohibition on exporting water from the basin. The Ninth Circuit reversed the District Court on both bases. First, the Ninth Circuit held that the Nevada State Engineer correctly found that limiting the amount of water for the restoration of Walker Lake from the water rights acquired from farmers to the consumptive use amount, as proposed as part of the Foundation's restoration program, would not injure Nevada farmers' water rights. Additionally, the Ninth Circuit found that the farmers lacked standing to challenge the State Water Board's no-injury determination because, under California law, downstream users have no legal right to water stored and later released from Topaz and

Bridgeport Reservoirs. The Ninth Circuit also found that the Nevada State Engineer's conclusions and determinations regarding injury were entitled to deference, and the District Court erred when it reached its own contrary conclusion. Second, the Ninth Circuit found that it was not ambiguous that Walker Lake was part of the Walker River Basin, and thus held that the Foundation's proposal to supply water to the lake for restoration purposes did not violate the Decree's prohibition against exporting water from the basin.

II. LATEST DEVELOPMENTS

A. Second Amended Complaint in Sub-File C

In response to the Nevada Supreme Court's and Ninth Circuit's holdings, Mineral County filed a Second Amended Complaint in the Sub-File C case on June 30, 2021. The Second Amended Complaint is Mineral County's attempt to seek remedies that it argues do not require reallocation of water rights settled under the Decree. The Second Amended Complaint seeks 24 remedies, most of which pertain exclusively to Nevada defendants and waters in Nevada. The key remedies that potentially affect Mono County water rights holders are the following:

- Amend the 1953 Rules and Regulations for the distribution of water under the 1936 Decree to modify the formula used to establish the quantity of water available for diversion on an annual basis
- Mandate for temporary restrictions in years of shortage
- Amend the 1953 Rules and Regulations for the distribution of water under the 1936 Decree to require that water in excess of that needed to satisfy all Decree rights be delivered to the Lake in wet years instead of be delivered to rights holders
- Amend the 1996 Administrative Rules and Regulations to require denial of change applications which would have a negative impact on flows into Walker Lake
- Declare that the Walker River System I over-appropriated, which would cancel all unperfected permits for which no structures have been constructed and require denial of all pending applications for new appropriations or impoundments
- Cancel water rights or portions of water rights for which there is no necessity or no demonstrated beneficial use and require that those flows be re-directed to Walker Lake
- Modify delivery schedules from and management of Topaz and Bridgeport Reservoirs to maximize water delivery to Walker Lake.
- Amend the 1996 Rules and Regulations to subject change applications within the Walker River Irrigation District to be subject to the same procedures as the Walker River Basin
- Mandate efficiency improvements to on and off-farm irrigation water delivery systems to the Walker River channel and tributaries
- Adopt of rules for enforcement of penalties for unauthorized diversions and uses
- Order that real-time gauging stations be installed at all significant points of diversion in the Walker River system and the mouth of Walker Lake

B. Schedule of Service and Responses

Following the filing of the Second Amended the Complaint, on July 19, 2021, the District Court issued an Order Regarding Service requiring Mineral County to complete service on all remaining interested parties in the waters of the Walker River Basin. The only remaining parties are riparian property owners in California. The Court ordered Mineral County to complete service on all Californian riparian property owners by December 31, 2021. There are 320 property owners that were identified in attachment A to the Order Regarding Service. Each of those property owners will receive a packet with a notice of the lawsuit, a copy of the Order Regarding Service, a copy of the Second Amended Complaint, forms for a Notice of Appearance and Intent to Participate, and a form for Disclaimer of Interest in Water Rights.

The District Court has already ordered that no property owner will be treated as in “default” for failing to respond. As such, there is no penalty for any of these 320 property owners who choose not to respond. For those property owners who do wish to participate in the lawsuit, there are three ways for them to participate: (1) to join in the lawsuit with an attorney representing them, (2) to join in the lawsuit without an attorney, or (3) to file a notice disclaiming any ownership in the water right, which will remove them from the lawsuit.

Once served with the packed, a riparian property owner that wishes to participate in the lawsuit as 30 days to file the forms indicating their intention to participate. The property owners choosing to participate then will have 90 days from the date on which they are served with the packet to respond to the Second Amended Complaint by filing an Answer or a Motion to Dismiss.

III. FOR BOARD CONSIDERATION

Given that there are a significant number of riparian property owners in California who will be served with the Second Amended Complaint and packet within the next few months, the Board may wish to consider directing staff to conduct informational outreach to those riparian property owners in Antelope Valley and Bridgeport.

This litigation update does not replace the closed session update County Counsel will bring before the Board ahead of the County’s response deadline of September 28, 2021.

If you have any questions regarding this item prior to your meeting, please call me at 760-924-1712.

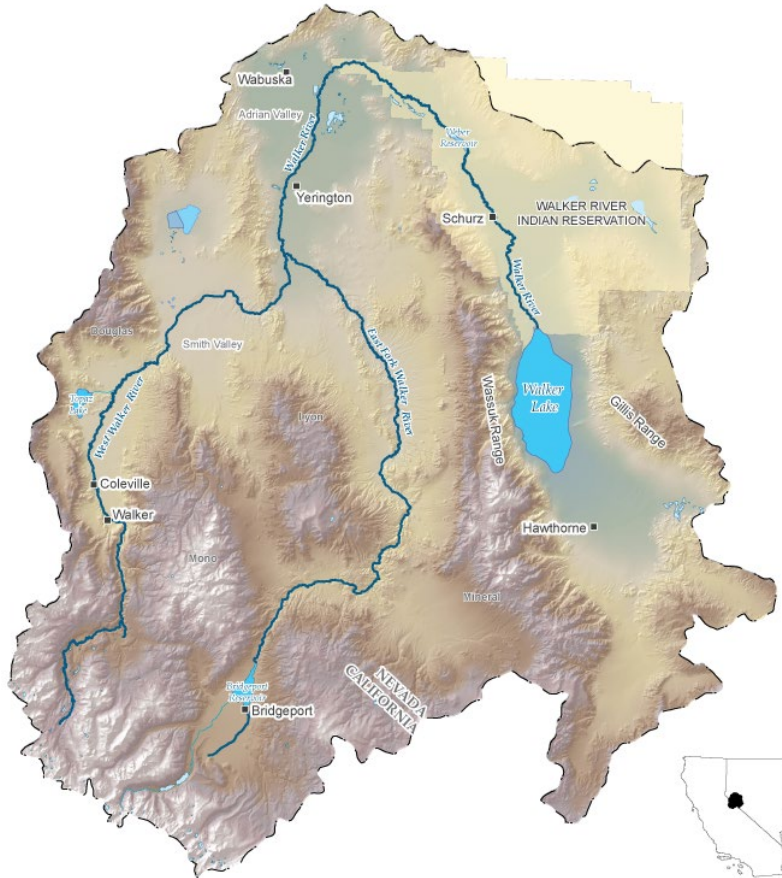


Walker River Litigation Update

Why an update?

- After rulings from the 9th Circuit and Nevada Supreme Court, Mineral County filed an amended complaint on June 30, 2021.
- Mineral County is working to serve all remaining Californian riparian property owners in the Walker River Basin by December 31, 2021.

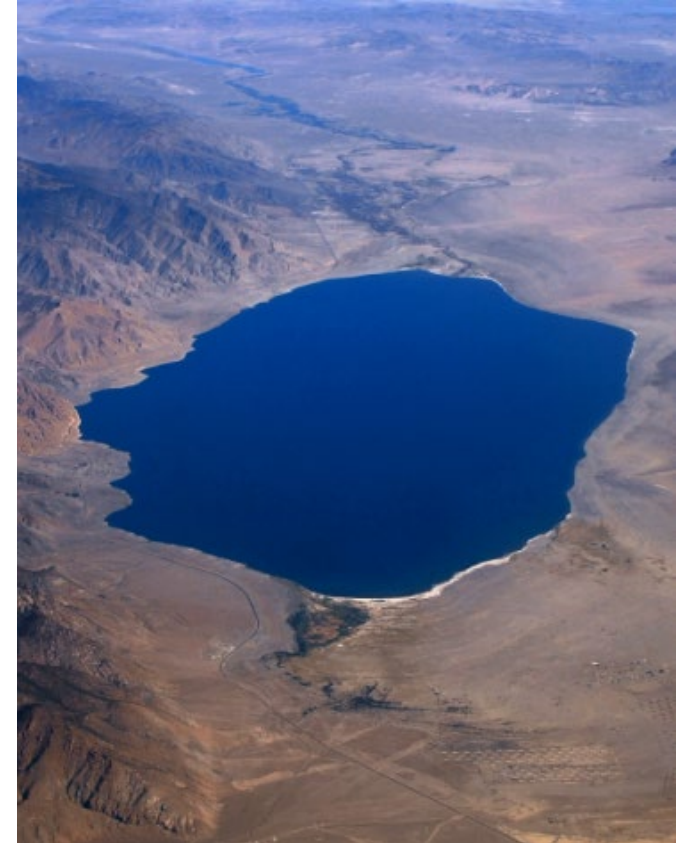
Background & History



- The Walker River is an interstate system originating in California and terminating in Nevada
- Headwaters in Sierra Nevada west of Bridgeport and Antelope Valley
- Two reservoirs on the Walker River in Mono County: Topaz Lake and Bridgeport Reservoir (both controlled by Walker River Irrigation District)
- Terminates at Walker Lake in Hawthorne, Nevada

Legal History

- Walker River Decree in 1936
- 1990s: Litigation initiated and split into two cases:
 - Sub-File B: *USA & Walker River Paiute Tribe v. Walker River Irrigation District, et al.*
 - Claims brought by the United States on behalf of the Walker River Paiute Tribe for water for use on their reservation in Nevada
 - Sub-File C: *Mineral County and Walker Lake Working Group v. Walker River Irrigation District, et al.*
 - Claims brought by Mineral County and the Walker Lake Working Group for additional water for Walker Lake
- Mono County is a defendant



Sub-File C

- Mineral County and the Walker Lake Working Group asserted that Nevada’s Public Trust Doctrine required modification of the 1936 Decree and reallocation of water rights to allow more inflows to the lake
- Appealed to the Ninth Circuit, which certified two questions of state law to the Nevada Supreme Court:
 - (1) “Does the [Nevada Public Trust Doctrine] apply to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent?”
 - (2) “If the [Nevada Public Trust Doctrine] applies and allows for reallocation of rights settled under the doctrine of prior appropriation, does the abrogation of such adjudicated or vested rights constitute a ‘taking’ under the Nevada Constitution requiring payment of just compensation?”
- Nevada Supreme Court held that that Nevada’s “public trust doctrine applies to rights already adjudicated and settled under the doctrine of prior appropriation,” but that “the public trust doctrine does not permit reallocating water rights already adjudicated and settled under the doctrine of prior adjudication.” *Mineral County v. Lyon County*, 473 P.3d 418, 425, 430 (Nev. 2020).

Sub-File C cont.

- Original district court then dismissed Mineral County's and the Walker Lake Working Group's claims that sought reallocation of water rights under the Walker River Decree.
 - The Ninth Circuit affirmed and remanded the case to the district court "to consider the County's public trust doctrine claim to the extent it [seeks] remedies that would *not* involve a reallocation of adjudicated water rights.
- Now, back in the District Court, Mineral County filed a Second Amended Complaint with a public trust claim seeking remedies that they claim do not require reallocation of rights

Second Amended Complaint: Remedies

Seeking 24 remedies in all, most of which pertain exclusively to Nevada. The key remedies that potentially affect Mono County water rights holders include:

- Amend the 1953 Rules and Regulations for the distribution of water under the 1936 Decree to modify the formula used to establish the quantity of water available for diversion on an annual basis
- Mandate for temporary restrictions in years of shortage
- Amend the 1953 Rules and Regulations for the distribution of water under the 1936 Decree to require that water in excess of that needed to satisfy all Decree rights be delivered to the Lake in wet years instead of be delivered to rights holders
- Amend the 1996 Administrative Rules and Regulations to require denial of change applications which would have a negative impact on flows into Walker Lake
- Declare that the Walker River System I over-appropriated, which would cancel all unperfected permits for which no structures have been constructed and require denial of all pending applications for new appropriations or impoundments

Remedies, cont.

- Cancel water rights or portions of water rights for which there is no necessity or no demonstrated beneficial use and require that those flows be re-directed to Walker Lake
- Modify delivery schedules from and management of Topaz and Bridgeport Reservoirs to maximize water delivery to Walker Lake.
- Amend the 1996 Rules and Regulations to subject change applications within the Walker River Irrigation District to be subject to the same procedures as the Walker River Basin
- Mandate efficiency improvements to on and off-farm irrigation water delivery systems to the Walker River channel and tributaries
- Adopt of rules for enforcement of penalties for unauthorized diversions and uses
- Order that real-time gauging stations be installed at all significant points of diversion in the Walker River system and the mouth of Walker Lake

Next Steps: Service & Response

- After the Second Amended Complaint was filed, the Court ordered Mineral County to complete service on all California riparian property owners in the Walker River Basin by **December 31, 2021**.
 - The list of 320 remaining rights holders is attachment A to the Order Regarding Service in the agenda packet.
- Each owner listed will receive a packet with a:
 - Notice
 - A copy of the Order on Service
 - The Second Amended Complaint
 - Forms for a Notice of Appearance and Intent to Participate
 - Form for Disclaimer of Interest in Water Rights

Next Steps, cont.

- There are three ways a riparian owner can respond:
 - To participate in the lawsuit with an attorney representing them
 - To participate in the lawsuit without an attorney
 - To file a notice disclaiming any ownership in a water right
- Once served, a riparian owner has **30 days** to file the forms to indicate that they will participate or that they disclaim any water right.

Next Steps, cont.

- After service, defendants may respond to the complaint with an Answer or a Motion to Dismiss.
- There is **no default** for defendants who do not respond.
 - For defendants who were already served or who returned Waivers of Personal Service forms **before July 19, 2021**, responses are due no later than **September 28, 2021**.
 - For defendants served **after July 19, 2021**, responses to the complaint will be due **90 days** from the date on which Defendant is served or signs a Waiver of Personal Service.

For Board Consideration

- Any direction to staff regarding outreach to riparian owners who may be served
- County Counsel will bring updates regarding Mono County's response to the Second Amended Complaint to closed session.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	3:73-cv-00128-MMD-WGC
)	
Plaintiff,)	
)	
WALKER RIVER PAIUTE TRIBE,)	
)	ORDER RELATING TO
Plaintiff-Intervenor,)	COMPLETION OF SERVICE
)	AND SCHEDULE FOR
v.)	RESPONSES TO MINERAL
)	COUNTY’S SECOND AMENDED
WALKER RIVER IRRIGATION DISTRICT,)	COMPLAINT IN
a corporation, et al.,)	INTERVENTION
)	
Defendants.)	
)	
_____)	
MINERAL COUNTY,)	
)	
Plaintiff-Intervenor,)	
)	
v.)	
)	
WALKER RIVER IRRIGATION DISTRICT,)	
et al.,)	
)	
Defendants.)	
)	
_____)	

Mineral County is now ready to move forward with its final service efforts in this matter by personally serving those California riparian property owners in the Walker River Basin who have not previously waived personal service.

THEREFORE, IT IS HEREBY ORDERED as follows:

1. Based on previous Orders of the Court, Rule 4 service on Decreed water rights holders is complete, *see* Doc. 725, and the final list of California riparian property owners in the Walker River Basin to be served pursuant to Rule 4 submitted by Mineral County is hereby approved and is attached hereto as Attachment A.

1 2. On or before December 31, 2021, Mineral County shall make service pursuant to
2 Rule 4 of the Federal Rules of Civil Procedure of a service package consisting of the following
3 documents on all California riparian property owners in the Walker River Basin listed in
4 Attachment A, who remain to be served:¹

- 5 a. *Notice in Lieu of Summons* properly issued by the Clerk of the Court;
6 b. A copy of this Order;
7 c. *Second Amended Complaint in Intervention* (Doc. No. 936);
8 d. Forms for a *Notice of Appearance and Intent to Participate* as follows:
9 (i) *Notice of Appearance and Intent to participate for Party*
10 Represented by Attorney;
11 (ii) *Notice of Appearance and Intent to Participate for Unrepresented*
12 Party Consenting to Electronic Service;
13 (iii) *Notice of Appearance and Intent to participate for Unrepresented*
14 Party Declaring Hardship Making Electronic Service Impossible; and
15 e. A form for a *Disclaimer of Interest in Water Rights and Notice of*
16 Related Information and Documentation Supporting Disclaimer.

17 3. Responses will be governed by the following provisions, which are included in the
18 *Notice in Lieu of Summons* referenced in paragraph 2 of this Order:

- 19 a. Responses to Mineral County's *Second Amended Complaint in Intervention*
20 shall be filed and served as follows:
21
22
23

24
25
26 _____
27 ¹ Concurrently with this Order, the Court is issuing an *Order Approving Mineral County*
28 *Service Package*, which approves the form and list of documents Mineral County will serve
pursuant to this Order.

1 i. For Defendants who were served or who returned *Waivers of*
2 *Personal Service of Notice in Lieu of Summons* forms prior to the entry of this Order, responses
3 shall be filed and served no later than September 28, 2021; and

4 ii. For Defendants served after the entry of this Order, responses shall
5 be filed and served no later than 90 days from the date on which the Defendant is served or signs
6 a *Waiver of Personal Service of Notice in Lieu of Summons* pursuant to this Order.
7

8 b. Within thirty (30) days of service of the *Notice in Lieu of Summons* or
9 signing of a *Waiver of Personal Service of Notice in Lieu of Summons*, any proposed Defendant
10 who has been served and who wishes to appear in this subproceeding shall file with the Court the
11 applicable *Notice of Appearance and Intent to Participate*.

12 c. Persons, corporations, institutions, associations or other entities who, at the
13 time of service, no longer own a water right subject to this litigation² must file the *Disclaimer of*
14 *Interest* form referenced in paragraph 7 of this Order with the Court within thirty (30) days of
15 service.
16

17 4. If Mineral County intends to seek a waiver of personal service of the above
18 documents, pursuant to the provisions of Fed. R. Civ. P. 4(d), Mineral County shall allow thirty
19 (30) days for return of the *Waiver of Personal Service of Notice in Lieu of Summons* and shall
20 include in the mailing the documents listed in paragraph 2 of this Order, except for the *Notice in*
21 *Lieu of Summons* described in paragraph 2(a) above.³
22

23 ² Pursuant to previous orders of this Court, (Doc Nos. 19 & 736) water rights that are subject
24 to this proceeding include water rights under the Walker River Decree as well as existing and
25 potential riparian water rights possessed by riparian land owners within the California portion
of the Walker River Basin.

26 ³ Mineral County has represented to the Court that while it does not intend to seek waivers
27 from all defendants listed on Attachment A who remain to be served, there may be a limited
28 number of defendants from whom Mineral County will seek a waiver as a result of difficulties
associated with personal service.

1 In addition to the documents listed in paragraph 2, the mailing to each such proposed
2 Defendant seeking a waiver of personal service also shall include a *Notice of Lawsuit and Request*
3 *for Waiver of Personal Service* of the documents included in the mailing and a *Waiver of Personal*
4 *Service of Notice in Lieu of Summons* form generally in accordance with Forms 5 and 6 of the
5 Federal Rules of Civil Procedure, respectively, but modified to cover service of the other
6 documents included in the mailing. The *Notice of Lawsuit and Request for Waiver of Personal*
7 *Service of Notice in Lieu of Summons* and the *Waiver of Personal Service of Notice in Lieu of*
8 *Summons* shall substantially conform to the *Notice of Lawsuit and Request for Waiver of Personal*
9 *Service of Notice in Lieu of Summons* and the *Waiver of Personal Service of Notice in Lieu of*
10 *Summons* approved by the Court in its *Order Approving Mineral County Service Package*.

12 5. At such time as all service required by this Order is complete, Mineral County shall
13 file a statement to that effect, including documentation of waiver of personal service for those
14 defendants listed in Attachment A who returned a signed *Waiver of Personal Service of Notice in*
15 *Lieu of Summons* form in 2015.

17 6. Persons, corporations, institutions, associations or other entities who waive
18 personal service or are personally served but who do not appear shall nevertheless be deemed to
19 have notice of subsequent orders of the Court.

21 7. No default shall be taken against any Defendant for failure to appear, or against any
22 Defendant who, having appeared, fails to respond to or otherwise defend against the Second
23 Amended Complaint in Intervention

24 8. **Treatment of Defendants Who Transferred Their Interest(s) Prior to**
25 **Service:**

26 Pursuant to the Court's September 6, 2011, *Amended Order Concerning Service Issues*
27 *Pertaining to Defendants Who Have Been Served* (Doc. No. 542), if any person or entity
28

1 receiving service by mail or personal service has no interest in any water right subject to this
2 subproceeding, that person or entity shall file a Disclaimer of Interest notifying the Court in
3 writing of that fact. If such a person or entity sold or otherwise conveyed ownership of *all*
4 water rights subject to this subproceeding before being served or otherwise brought into the
5 subproceeding, in addition to disclaiming any interest in this subproceeding that person or
6 entity shall file a Notice providing successor-in-interest information.
7

8 The form and substance of such a Disclaimer and Notice shall substantially conform to
9 the form for a *Disclaimer of Interest in Water Rights and Notice of Related Information and*
10 *Documentation Supporting Disclaimer* included in the service package approved by the Court
11 in its *Order Approving Mineral County Service Package*, and shall be sent to the Court for
12 filing. Any person or entity who files a Disclaimer of Interest form or provides information
13 for this purpose by other means is responsible for the accuracy of that filing. Consequently,
14 any person or entity who files a Disclaimer of Interest of water rights subject to this litigation
15 but in fact retains any such water rights, shall nevertheless be bound by the results of this
16 litigation.
17

18 Following its receipt from any person or entity disclaiming any interest in any of the
19 water rights at issue in this case, Mineral County will review the materials received and, if
20 appropriate, request that the Court dismiss that person or entity from this subproceeding.
21

22 DATED: July 19, _____, 2021

23
24 

25 _____
26 UNITED STATES MAGISTRATE JUDGE
27
28

Order Relating to Completion of Service and Schedule for Responses to Mineral County's
Second Amended Complaint in Intervention

ATTACHMENT A
(California Riparian Defendants)

California Riparian Defendants

1. 69 Ranch, Inc.
2. Aberizk, Debra A.
3. Adams, The Lester G. Adams and Jean D. Survivor's Trust, Vicki Kay Paulbick and Jean D. Adams, Trustees
4. Ahmad, Tariq
5. Alaniz, Nancy
6. Alaniz, Ricardo
7. Aliff, Jay W.
8. Aliff, Rebecca L.
9. Alston, Margaret
10. Amos, The Richard Douglas Revocable Living Trust, Dated December 11, 1992, Richard Amos, Trustee
11. Amp Films, Inc., DBA Paradise Shores RV Park
12. Andreasen, Earl
13. Annett Family Trust, Norman W. and Kellie Annett, Trustees
14. Antelope Valley Fire District
15. Arendas, Christine L.
16. Ashurst, Gary
17. Austin, Maybra A.
18. Babcock, E. & M. Revocable Trust, Dated September 20, 2015, Edward L. Babcock and Marilyn Babcock, Trustees
19. Bacon, The Exempt Decedent's Trust Under the Milton E., Jr. 1992 Trust Agreement (As Restated), Dated April 26, 2007, Mary Lee Parker Bacon, Edward Ford Bacon, and Katherine Bacon, Trustees
20. Bacon, The Nonexempt Decedent's Trust Under the Milton E., Jr. 1992 Trust Agreement (As Restated), Dated April 26, 2007, Mary Lee Parker Bacon, Edward Ford Bacon and Katherine Bacon, Trustees
21. Baima, Sandra K.
22. Baima, Thomas F.
23. Barnato, The Kathleen 2003 Living Trust, Dated March 23, 1994, Kathleen Bernato, Trustee
24. Barnes, The R. & A. Trust, Dated December 16, 1999, Robert I. and Agnes L. Barnes, Trustees
25. Batatian, Mark M.
26. Batatian, Patricia J.
27. Bentley Family Trust, Patty S. Bentley, Trustee
28. Berry, Thomas P.
29. Berry, Timothy
30. Berry, William S.

31. Berry-Rathsack, Lori
32. Billeb, Gregory
33. Billeb, James William
34. Boardman Family Trust, Dated April 30, 2008, Nancy Boardman, Trustee
35. Bostrom, Robert F.
36. Brandon, Arnold Dean
37. Brandon, Matthew Shane
38. Bridgeport Properties Trust, Dated October 25, 2006, Patrick Parraguire, Trustee
39. Bridgeport Public Utility District
40. Bridgeport Storage Units, LLC
41. Bridges, Ann
42. Brooks 2009 Trust, John R. Brooks, Trustee
43. Brooks, The Lynnette L. Survivor's Trust, Lynette L. Brooks, Trustee
44. Brown, Estate of Roy A., Debi L. Smith, Executrix
45. Brown, Robert C. Family Trust, Dated February 28, 2014, Robert C. Brown, Trustee
46. Brown, William Elmwood
47. Brueckner, Eric
48. Bryant, Beverlee A.
49. Bryant, William A.
50. Bundy-Napp, The Leontine 2009 Trust, Leontine Bundy-Nappe, Trustee
51. Byrd, Jerry W.
52. Byrd, Nyla L.
53. Callahan, Michael D.
54. Cano, Albert G.
55. Carruth Family Trust, Dated August 2, 2001, Dennis C. and Lina S. Carruth, Trustees
56. Casados Living Trust, Dated December 10, 2009, Debra Lynn Casados, Trustee
57. Cassidy, Annette
58. Castaneda, Diana Theresa
59. Castaneda, Russell P.
60. Cavnar, Donn
61. Cecil, The John and Shirley Revocable Living Trust, John Dow and Shirley Diane Cecil, Trustees
62. Chango, Damian S.A.
63. Chichester, Gerry Trust, Dwain Chichester Trustee
64. Chichester, Alan
65. Chichester, Dwain
66. Chichester, Judy
67. Chichester, Lloyd K.
68. Chop, Frank Albert
69. Clark, The Family Trust, Dated June 11, 2009, Drew J. and Ruth E. Clark, Trustees

California Riparian Defendants

70. Clark, Veronica I.
71. Cleatus, Scott Hays
72. Clifton, Charles G.
73. Cochran, Lauretta L.
74. Cochran, Phillip A.
75. Coffron, James R.
76. Coffron, Judith M.
77. Cordtz, Jeff
78. Cowcamp, LLC
79. Curry Family Trust, Dated June 14, 2011, Robert R. Curry and Bonnie L. Curry, Trustees
80. Curti Land Company, LLC
81. Curti Ranch, LLC
82. Daniels, Victoria
83. Davis Diane L.
84. Davis, Karen A.
85. Disbro, Heather J.K.
86. Disbro, James S.
87. Donahue, Karen
88. Donahue, Roger
89. Donovan, Dwight
90. Donovan, Heather
91. Double R. Family Ranch, LLC
92. Drew, Stella Marie
93. Duncan, Loraine
94. Dunn, Robert
95. Dunn, Tammy
96. Durfee Trust, Dated October 19, 2007, James Lee and Kathryn M. Durfee, Trustees
97. Dykes, Gary P.
98. Eastern Sierra Land Trust
99. Eaton, The K. J. Family Trust, Dated October 25, 2011, Kenneth A. and Joan C. Eaton, Trustees
100. Eberhardt, Richard L.
101. Eberhardt, Susan W.
102. Emery, Dawne
103. Emery, The Brett A. Revocable Trust UTD December 27, 1999, Brett A. Emery, Trustee
104. Enos, The Maynard M. Enos and Ann L. Revocable Trust Under Trust Agreement Dated March 16, 1995, Maynard M. and Anne L. Enos, Trustees
105. Etcheberry Family Trust, Paul W. Etcheberry and Lois E. Etcheberry Trustees

106. Farias Trust, The, Dated September 1, 2016, Leslie Farias Trustee
- +
107. Fascia, Erick R.
108. Felber, The John H. Trust, Dated September 4, 2002, John H. Felber, Trustee
109. Finch, Sandee F. Revocable Trust, Sandee F. Wills, Trustee
110. Freer, The Linda Family Trust, Dated November 23, 2003, Linda Freer, Trustee
111. Fulstone, Suellen
112. Gansberg Family Trust, Dated December 22, 2003, Chris and Faye Gansberg Trustees
113. Gansberg, Todd 2021 Trust, Todd C. Gansberg, Trustee
114. Gansberg, Todd C.
115. Gerbig, Josephine A.
116. Gilleland, Avery C., Jr.
117. Gilleland, Theresa A.
118. Gilster, The George W. Gilster and Carol D. Family Trust, Dated August 27, 1990, George W. and Carol D. Gilster, Trustees
119. Giovacchini Family 1989 Trust, Trust "A", Sherri Billman, Trustee
120. Gladding Family 1995 Trust, The, Marion A. Gladding, Trustee
121. Gomes, Christopher J.
122. Gomes, Samantha S.
123. Graves, Olive Mae Trust, Olive Mae Graves, Trustee
124. Hair, Rochelle
125. Haley Underground, Inc.
126. Hall Family Trust, The, Dated May 6, 1986, Mark H. Hall and Nadine Hall, Trustees
127. Hall, The Chad T. Irrevocable Trust, Dated January 1, 1989, Mark H. Hall, Trustee
128. Hall, The Gregson B. Irrevocable Trust, Dated January 1, 1989, Mark H. Hall, Trustee
129. Hall, The Mark H. Irrevocable Trust, Dated January 1, 1989, Mark H. Hall, Trustee
130. Hamlin, David R.
131. Hamlin, Joyce
132. Hamlin, Robert E.
133. Hampel Living Trust, Dated March 20, 2006, Robert and Annette L. Hampel, Trustees
134. Haramis Family Trust, Dated May 31, 2018, Costa and Alison Haramis, Trustees
135. Harmon, The Everett E. and Caroline F. Family Trust, Everett E. and Caroline F. Harmon, Trustees
136. Hawkins, Cole C.
137. Hays, Ivan E.
138. Hersey, Estate of Clair L.

139. Hickey Living Trust, The, Dated April 4, 2001, Patrick and Shin M. Hickey, Trustees
140. Hilton, William Barron Trust U/D/T March 16, 1992, William Barron Hilton, Trustee
141. Himmelrick, Jeffrey C.
142. Himmelrick, Martha
143. Hoffman Revocable Trust, Dated February 11, 2019, Walter and Kathleen Hoffman, Trustees
144. Hollender, George W.
145. Holmberg, Michael Frederick
146. Hontalas Trust, Dated August 30, 2012, Theodore J. Hontalas and Randi M. Hontalas, Trustees
147. Hudeco, Inc.
148. Huggans Survivors Trust, Jan K. Huggans, Trustee
149. Humiston, Karin S.
150. Hussman, Mary Fulstone
151. Hysell Family Trust, Carol Hysell, Trustee
152. Johnson, Laurence William and Janus Leta Trust/Survivor's Trust, Dated December 7, 2005, Janus Leta Baez, Trustee
153. Johnson, Richard D.
154. Johnson, The Donald M. Trust, Created December 3, 2009, Donald M. Johnson, Trustee
155. Joseph, Marcia
156. Katusich, Mary L.
157. Katusich, Michael W.
158. Kelly Family Trust, Dated November 1, 2017, Timothy and Lisa Kelly, Trustees
159. Kelly, James V.
160. Kelly, Suzanne D.
161. Kircher, Roger R. 2005 Revocable Trust, Roger R. Kircher, Trustee
162. Knauss, Mark A.
163. Koketsu, Kristen Asano
164. Kraft, Kevin G.
165. Kraft, Trust "B" Warren J. Kraft and Carrell B. Declaration of Trust Dated July 2, 1987, Warren J. Kraft, Trustee
166. Lafferty 2001 Family Trust, Dated November 26, 2001, Loren W. Lafferty and Elizabeth T. Lafferty, Trustees
167. Lancaster Family Living Trust, Shirley J. and Wallace A. Lancaster, Trustees
168. Lembas, The Barbara J. 1982 Trusts, Dated December 8, 1982, Barbara J. and Gerald G. Lembas, Trustees
169. Lezak 2009 Revocable Family Trust, Dated April 27, 2009, Cheryl Lezak, Trustee

170. Linn, The 2013 Family Trust, Dated June 12, 2013, Steven J. and Kathleen L. Linn, Trustees
171. Little, Brinn E. (DBA Virginia Creek Settlement)
172. Little, James Edgar (DBA Virginia Creek Settlement)
173. Locke, Karen M.
174. Locke, Michael E.
175. Long, R. D. Long and Terry R. Trust, Dated June 10, 1997, Richard and Terry Long, Trustees
176. Lozenski, James L.
177. Macbride, John
178. Macbride, Pam A.
179. Madrigal, Maria C.
180. Marine, Robert P. Marine and Rose M. Revocable Living Trust, Dated January 11, 1990, Robert P. Marine and Rose M. Marine, Trustees
181. Marsh, Bick
182. Marti, The Family Trust, Dated June 21, 2013, Stephen A. and Loretta B. Marti, Trustees
183. Martin, The 2005 Lenore Revocable Trust, Dated March 31, 2005, Lenore M. Martin, Trustee
184. Martinez, Marlene Ann
185. Masterson, Marianne J. 2000 Living Trust, Marianne J. Masterson, Trustee
186. May Living Trust, Dated December 30, 2019, Michael M. May, Trustee
187. May, Michael L. Trust, Dated July 7, 2010, Michael L. May, Trustee
188. Mayer, Linda D.
189. Mayer, William T.
190. McCann, John C.
191. McCoy Cheryl Ann
192. McDevitt, Daniel P.
193. McDonnell, Patricia Trust, McDonnell Patricia, Trustee
194. McKnight, Janice
195. McKnight, John
196. McPhee, Allan E.
197. Mendoza, Ann
198. Mendoza, Ralph
199. Mondon, Perry R.
200. Morehead, Hilton 2009 Trust, Dated September 21, 2009, Martin Andrew Hilton and Elizabeth Riegle Morehead, Trustees
201. Morris, Brianna
202. Morris, Lori A.
203. Morris, Robert D.

204. Mueller Family Trust, Dated September 20, 2018, Joseph R. Mueller and Shelby M. Mueller, Trustees
205. Neff, Brian Wayne
206. Neff, Colleen
207. Neff, Glenn
208. Nelson, Jeanette
209. Newbold, Richard D.
210. Newell, James Allen
211. Newell, Patricia Black
212. Nolan, Angelle
213. Nolan, Edward T.
214. Ocheltree, Jeffrey
215. Ocheltree, Tammy
216. Ocskay, Oliver
217. Orchard, The Cathleen Living Trust, Dated March 16, 2000, Cathleen Orchard, Trustee
218. Ossofsky, William E.
219. Padgett, Dawn L. Revocable Trust, Dated January 25, 2006, Dawn L. Padgett and Dick Padgett, Trustees
220. Pagni, David L.
221. Pahmeier, Gailmarie
222. Park Livestock Co., Inc.
223. Park, Estate of Brooks, David Wallace Park and Katie Park Executors
224. Park, Estate of Jeanne C., David Wallace Park and Katie Park Executors
225. Parker, Caroline A.
226. Parraguirre, P.C. Family Trust, Dated April 13, 1993, Ronald and Kathleen Parraguirre, Trustees
227. Pemberton, The Lynda A. Revocable Living Trust, Dated June 14, 1997, Lynda A. Pemberton, Trustee
228. Peters, John
229. Pierce, George A. Pierce and Evangelina C. Revocable Living Trust, George A. Pierce and Evangelina C. Pierce, Trustees
230. Pinecrest on Hackamore, LLC
231. Poore Family Trust, Dated October 4, 2019, Danny Dale Poore and Melissa L. Poore, Trustees
232. Presto Revocable Trust, Renee Presto, Trustee
233. Prindiville, The Family Trust, Dated October 13, 1994, Michael John and Penny Louise Prindiville, Trustees
234. Pritchett, Sandra L.
235. Quinlan/Tiernan Family Trust, The, U/D/T Dated December 18, 1995, Timothy Bev Tiernan and Katherine Jane Quinlan, Trustees
236. Reck, Kristy Lin

California Riparian Defendants

237. Reck, Ronald Ray
238. Reed, Brian R.
239. Rehm, Rudolph
240. Rich, Margaret
241. Rich, Roxanne E.
242. Rowan, Mary Jean
243. Rudd, Laurel L.
244. Russell, Lynn M. Revocable Living Trust U/A/D October 30, 2007, Lynn M. Russell, Trustee
245. Sain, The Harry M. Sain and Mary Phyllis Trust Agreement, Dated January 26, 1993, Harry M. Sain and Mary Phyllis Sain, Trustees
246. Sanchez, Jamie L.
247. Sceirene Enterprises, LLC
248. Joe and David Sceirine Ranches
249. Schoonover Family Trust, Dated May 29, 2003, John B. and George Ann Schoonover, Trustees
250. Sciarani, Arnold Mark
251. Sciarani, Arnold Revocable Living Trust, Dated January 4, 2018, Arnold M. Sciarani, Trustee
252. Sciarani, E., Inc.
253. Seago, Joanne Living Trust, Joanne Seago, Trustee
254. Segerstom, Ann Elizabeth
255. Segerstrom, David Charles
256. Segerstrom, Donald I.
257. Segerstrom, Estate of James Farrell, Shiree Segerstrom, Executrix
258. Segerstrom, Steven Henry
259. Sergieff, Sally
260. Shanahan Family Trust, Patricia Boardman, Trustee
261. Sierra East Homeowners' Association
262. Silvester Family Trust, Dated May 27, 2009, Gerry and Margaret Silvester, Trustees
263. Sims, Nancy W.
264. Skinner/Galisky Family Trust, Dated April 1, 2016, David Skinner and Elaine Galisky, Trustees
265. Skvarna, Edward B.
266. Smith, Barbara
267. Smith, Debi L.
268. Smith, The Inter-Vivos, Revocable Family Trust of Norville W. Smith and Indra A., Norville and Indra Smith, Trustees
269. Sportsmens Bar & Grill LLC
270. Stai, Isla M.

271. Stoffel, The Family Trust U/D/T November 26, 2002, George Donald and Marilyn Stoffel, Trustees
272. Stone Family Trust, The, Dated November 25, 2008, Daniel and Cynthia Stone, Trustees
273. Stone, Douglas D.
274. Stone, Holly A.
275. Stoy Family Trust, Dated October 22, 2015, Karl E. Jr and Jane E. Stoy Trustees
276. Strong, Charles W.
277. Strong, Cornelia Susan
278. Swearngin, Mary
279. Swearngin, Stephan
280. Sweetwater Project, LLC
281. Testerman, Marvin R.
282. The Wildlands Conservancy
283. Tholke, Rachel Smith 1982 Trust, Dated May 9, 1982, Dawn R. Cooper, Successor Trustee
284. Thompson, R.D. & S.K. Trust, Richard D. Thompson and Sharon K. Thompson, Trustees
285. Thompson, Richard C.
286. Tiernan, Carolyn
287. Topaz Ranch, Inc.
288. Torres, Elizabeth
289. Torres, Merlin
290. Triple D Ranches, LLC
291. Ullman Livestock, LLC
292. Valdez, Ramon & Myrna Revocable Trust, Ramon V. Valdez and Myrna E. Valdez, Trustees
293. Valladon, The Brad E. Trust, Dated September 22, 2011, Brad E. Valladon, Trustee
294. Vaughan, Katherine
295. Ventura Hotel Corporation
296. Verdugo, Gayle H.
297. Verdugo, Paul R.
298. Walker Baptist Church, Inc.
299. Walker River Ranch, LLC
300. Wallace, Karen
301. Wallace, Earl K.
302. Webb, Carolyn J.
303. Webb, John S.
304. Wehausen, John
305. Weil, Meghan M.
306. Weil, Robert B
307. Welsh, Diane Jeanne

- 308. Welsh, Ned
- 309. Westfork
- 310. White Trust, Dated November 6, 1990, Jefferey A. and Sharon E. White, Trustees
- 311. White, Barry W.
- 312. Willis, Marlene
- 313. Willis, Randall
- 314. Woods, Eric
- 315. Woods, Merrilee Gray
- 316. Woodworth Family Trust, Bruce and Alison Woodworth, Trustees
- 317. Woodworth, Bruce
- 318. WRL, LLC
- 319. Zakar, Raymond
- 320. Zetterbaum Trust, Dated October 2, 1991, Martha and J.M. Zetterbaum, Trustees



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

REGULAR AGENDA REQUEST

Print

MEETING DATE August 10, 2021

Departments: Social Services

TIME REQUIRED 45 minutes

SUBJECT Adult Protective Services
Departmental Update and Overview

**PERSONS
APPEARING
BEFORE THE
BOARD**

Krista Cooper, Social Worker
Supervisor, Michelle Raust, Child and
Adult Services Manager

AGENDA DESCRIPTION:

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

Presentation by Krista Cooper regarding Adult Protective Services (APS) overview and update.

RECOMMENDED ACTION:

None (informational only). Provide any desired direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME: Michelle Raust

PHONE/EMAIL: 760-924-1758 / mraust@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Powerpoint Slides

History

Time	Who	Approval
7/30/2021 2:08 PM	County Counsel	Yes
8/4/2021 11:35 AM	Finance	Yes
8/5/2021 1:06 PM	County Administrative Office	Yes



KATHRYN PETERSON, MPH
Director

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FAX (760) 924-5431



To: Mono County Board of Supervisors

From: Michelle Raust, Program Manager, Department of Social Services (DSS)

Date: July 26, 2021

Re: Update on the status of Adult Protective Services (APS) in Mono County

Recommended Action

No Action; information only.

Fiscal Impact

None

Discussion

The Department of Social Services routinely brings updates to the Board about the status of programs designed to protect and enhance the lives of vulnerable populations in Mono County. The purpose of this update is to create awareness and ongoing dialogue about the most vulnerable adults in our communities; those at risk of, or victims, of abuse and neglect.



Adults over the age of 65 are a growing percentage of the population in California and in Mono County. As such, there is a growing need for government and community-based services to promote healthy aging. Unfortunately, some elders reach their later years with insufficient resources or support networks to protect them from self-neglect and other forms of abuse.

Adult Protective Services (APS) are a mandated function in all counties in California. Mono County's APS program receives several reports of suspected elder/dependent adult abuse every month. Social Workers respond and investigate these reports and determine if abuse or neglect is occurring. When it is, DSS staff work with the client, their family members and friends, and other service providers to develop plans to protect the senior from ongoing harm.

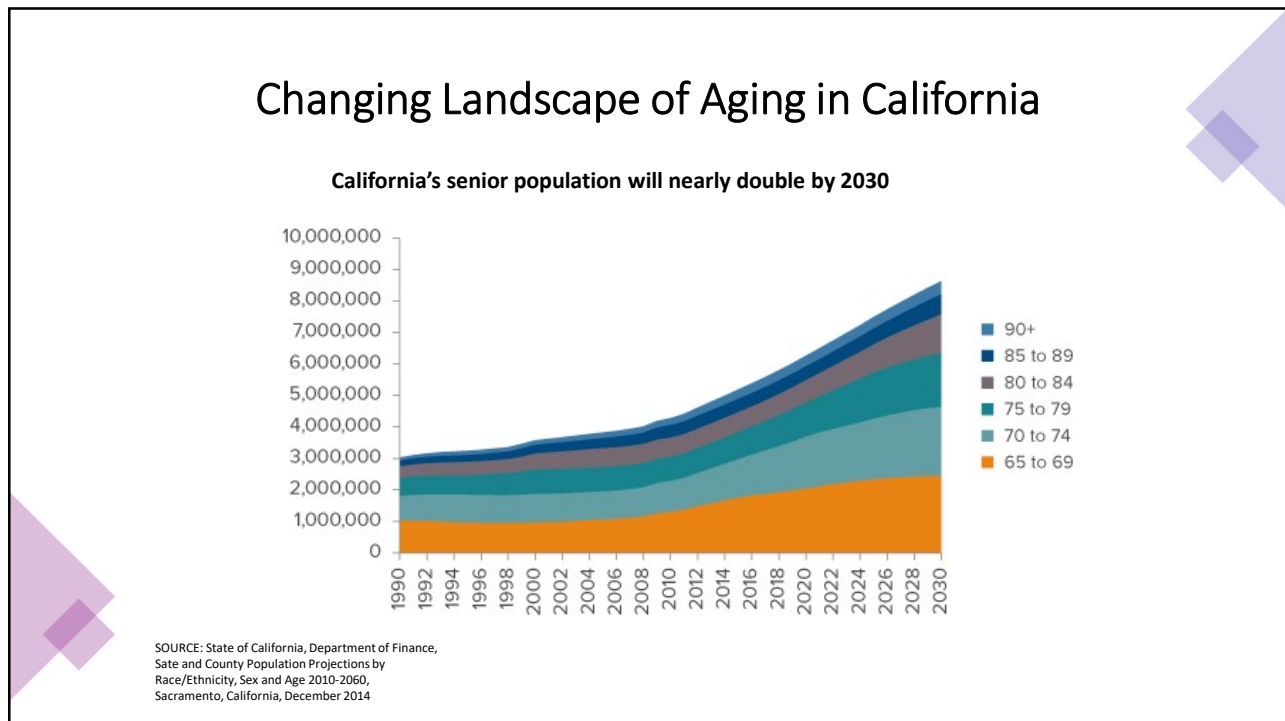
Today's presentation will cover the following areas:

- Aging population trends
- Overview of APS services and interventions in Mono County
- Types of adult abuse that are commonly reported in Mono County.
- Basic data pertaining to adult clients served
- Introduction of California's "Master Plan for Aging"

Mono County Department of
Social Services –
Adult Protective Services
Serving elder and dependent adults within
Mono County
August 10, 2021



1

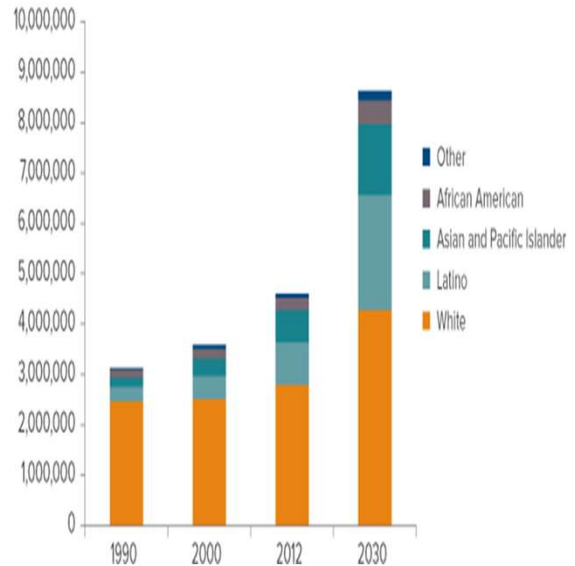


2

Future care needs for *all* communities

California's increased growth for seniors in every ethnic group by 2030 - signaling a growing need for culturally competent care that respects and responds to the values and linguistic needs of seniors from diverse backgrounds

Source: CA Department of Finance



3

Aging Population Trends in Mono County

- Over the next 2 years, the population of 65 years and over in Mono County is expected to increase by approximately 420 residents, from 13.5% to 16.8% of the population.
- Over the next 40 years, this population is expected to rise from 11.7% of the total Mono population (as of 2020) to 18.2%.

* 2019 Mono County Community Health Needs Assessment, State Department of Finance

	2020	2040	2060
Total Population	14,833	15,037	20,755
Under 5	879	963	1,366
5-17	2,578	2,305	3,497
18-64	9,643	9,484	12,123
65 and over	1,733	2,286	3,768
% Total Population	100.0%	100.0%	100.0%
% Under 5	5.9%	6.4%	6.6%
% 5-17	17.4%	15.3%	16.8%
% 18-64	65.0%	63.1%	58.4%
% 65 and over	11.7%	15.2%	18.2%

Source: CA Department of Finance

4

What is Adult Protective Services (APS)?

Adult Protective Services (APS) programs promote the safety, independence, and quality-of-life for vulnerable adults who are (or are in danger of) being abused, neglected, or financially exploited, and who are unable to protect themselves.

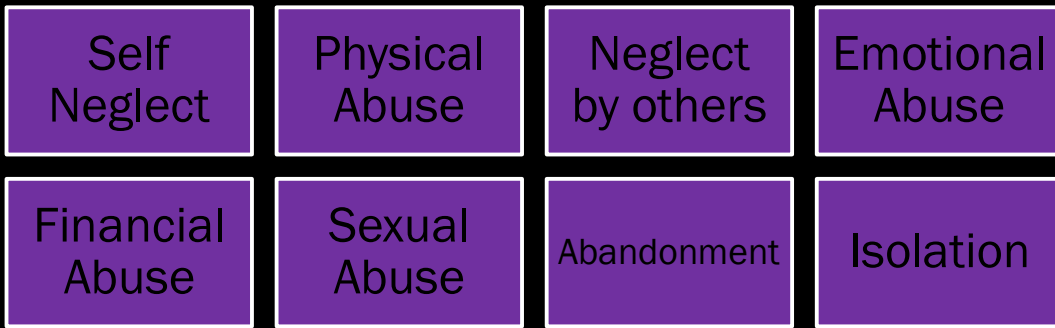
5

Who does Adult Protective Services (APS) serve?

- **Elder Adults:** 65 years and older, who are unable to meet their own needs, or are victims of abuse, neglect or exploitation.
- **Dependent Adults:** Any person between the ages of 18 and 64, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights. Dependency status is a combination of a disability and the inability to protect one's own interest.

6

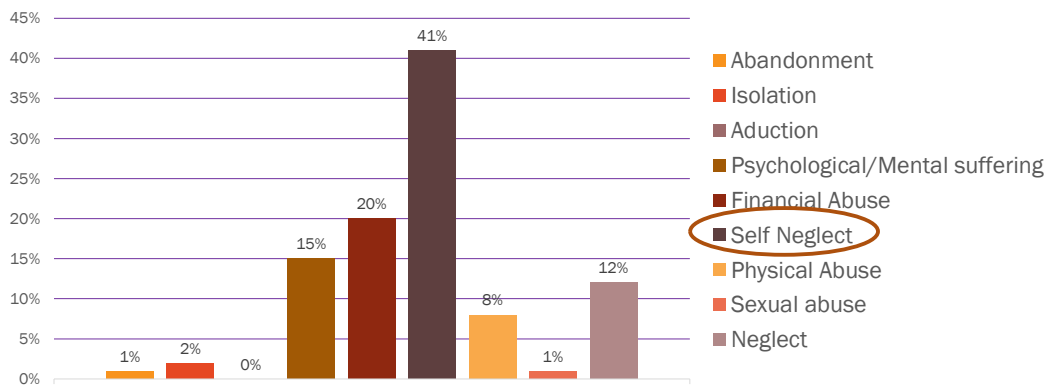
Abuse Types



Source: [CA APS MANUAL](#)

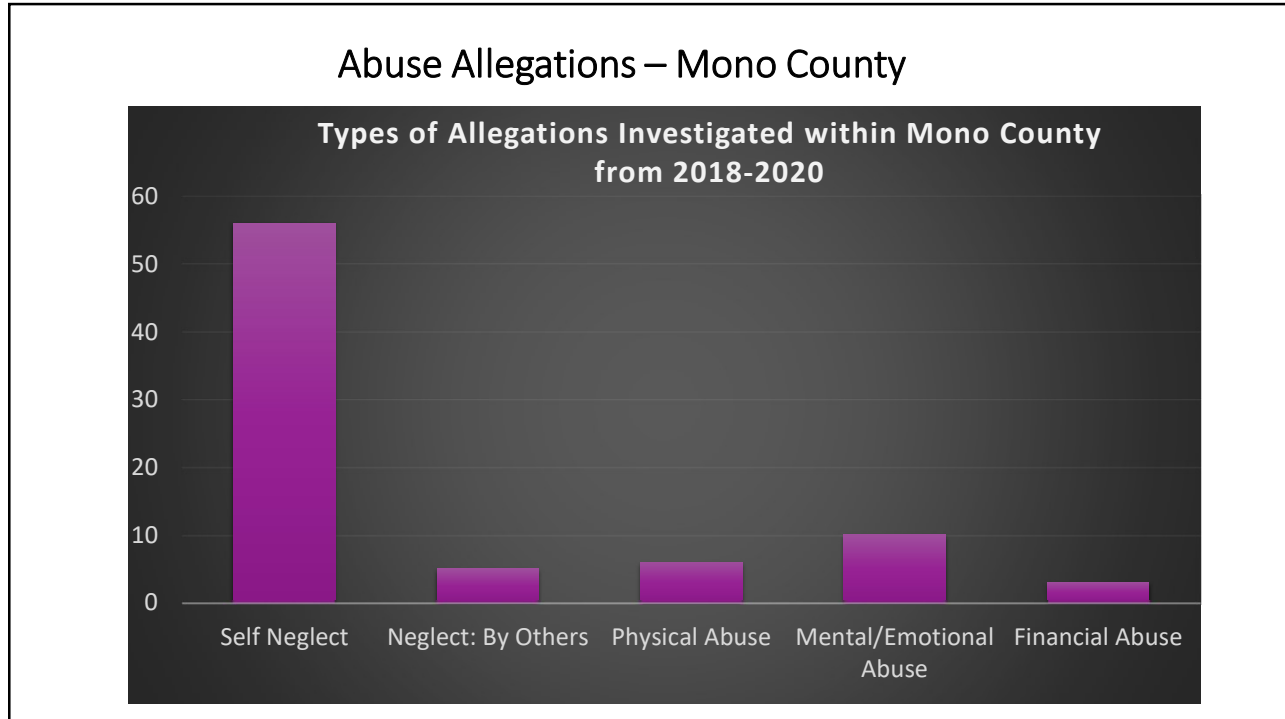
7

Abuse Allegations-Statewide



Data from SOC 242 March 2021 Total Abuse Allegations by Type

8



9

Principles of Adult Protective Services

Adults:

- Have the right to be safe.
- Have the right to make decisions that do not conform with societal norms as long as these decisions do not harm *others*.
- Have the right to accept or refuse services.
- Are presumed to have decision-making capacity unless a court adjudicates otherwise.
- Retain all their civil and constitutional rights unless some of these rights have been restricted by court action.



10

APS must always balance the duty to protect the safety of the vulnerable adult with the adult's right to self-determination. All vulnerable adults should be treated with honesty, care, and respect.



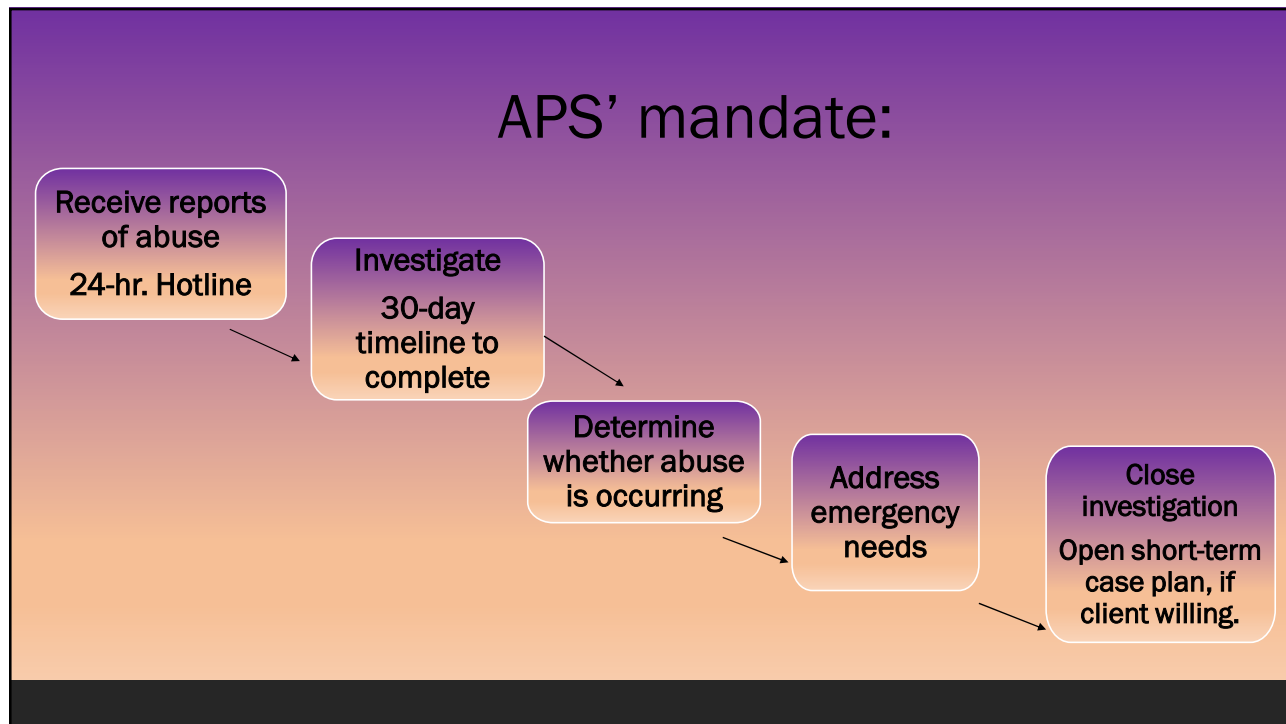
11

APS Services Overview

- Voluntary
- Provide short-term case management when appropriate (not intended to be a long-term intervention)
- Promote self-sufficiency while seeking to stabilize the individual's environment so they can safely function alone or with a support network



12



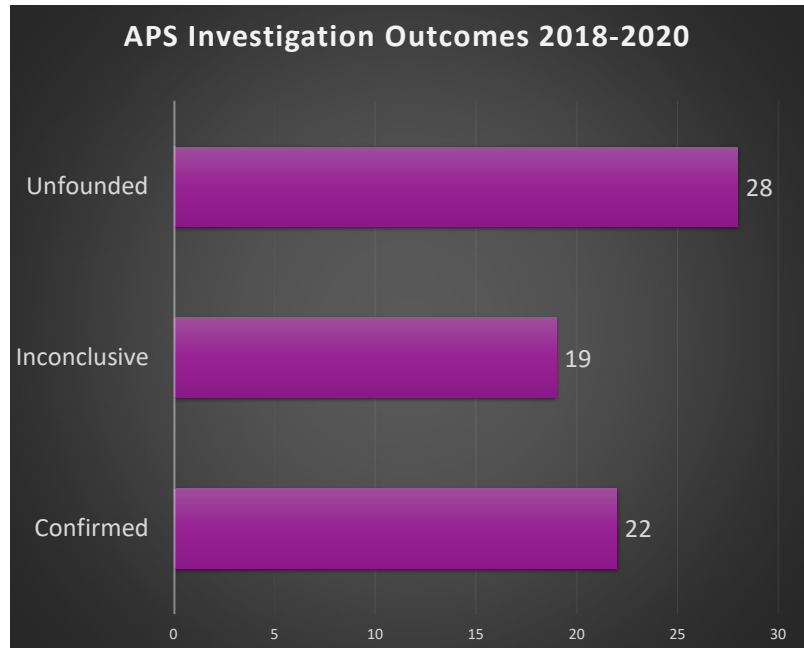
13

When abuse and neglect are identified:

- **Implement safety plans**
- **Facilitate “team meetings” with client’s support-network, family, and other professionals to create plans to prevent ongoing neglect/abuse**
- **Open short-term service plan, if the client is willing**
- **Assess for Conservatorship in cases where a client may have limited capacity to make decisions, to be safe and when there is a threat to community safety**

14

Outcomes of investigated reports within Mono County APS



15

Mono County APS Program Strengths

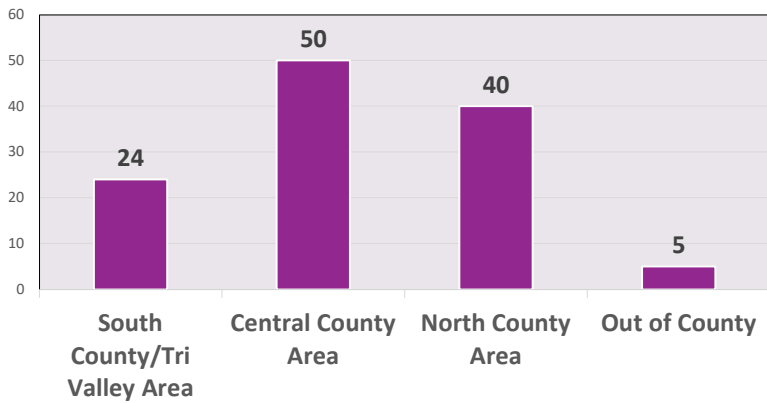
- Creative and resourceful, with limited resources
- Team cohesion, collaboration and innovation
- Strong interagency collaboration with partners, including regular Multi-Disciplinary Team meetings
- Team decision-making approach
- Utilization of support network to safety plan
- Assessment and referrals made as appropriate



16

Communities within Mono County where concerns are being reported

APS Reports received from
October 2018 - December 2020

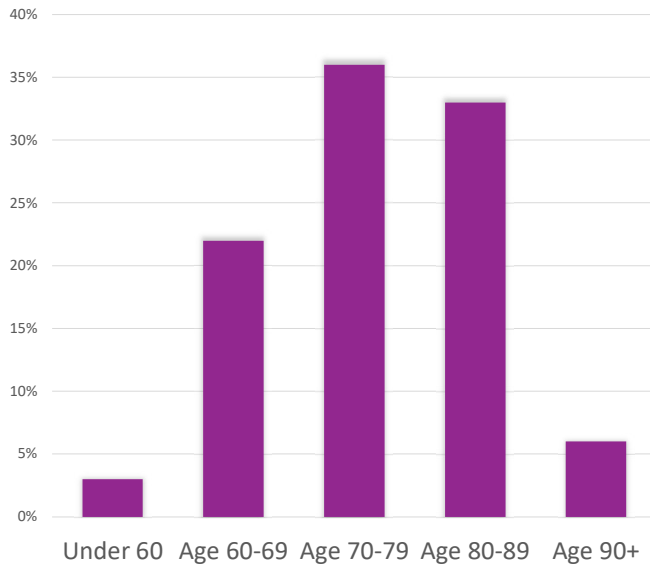


17

Characteristics of alleged victims of APS in Mono County

- Living on their own/isolation
- Moved to rural area to be independent, have less contact and to spend the end of their years and life here
- Limited financial resources and family support to move into a care facility out of the area
- Familial relationships are strained and not willing to provide support
- Ongoing unaddressed medical concerns and/or progression of Alzheimer's/Dementia conditions

AGE (OCTOBER 2018 – DECEMBER 2020)



18

Referrals and Resources within Mono County Department of Social Services (DSS)

- **In Home Supportive Services (IHSS)**
- **Medi-Cal and CalFresh programs**
- **Meals on Wheels Countywide**
- **Senior Center (Walker):**
 - **Activities for Seniors & Congregate Meals**
- **Transportation Assistance**
 - **Bus Passes**
 - **Assisted Medical Transportation**



19

Referrals and Resources (Beyond DSS)



- Toiyabe Indian Health Services
- Mono County Behavioral Health
- Mammoth Hospital Behavioral Health
- IMACA – Food and Housing assistance programs
- Veteran Services
- HICAP - Health Insurance Counseling & Advocacy
- IMAH Inyo Mono Advocates for the Handicapped
- Regional Center Services
- Northern Mono County Hospice Services
- Pioneer Home Health Services (South County)
- Eastern Sierra Area Agency on Aging (ESAAA)

20



Looking Ahead: California's Master Plan for Aging - Framework Goals

Goal 1: Long Term Services and Supports: We will be able to live where we choose as we age and have the help we and our families need to do so.

Goal 2: Age-Friendly Communities: We will live in and be engaged in age-friendly communities.

Goal 3: Health and Well-Being: We will maintain our health and well-being as we age.

Goal 4 Safety and Security: We will have economic security and be safe from abuse, neglect, and exploitation throughout our lives.

21

Questions and Comments



22



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE August 10, 2021

Departments: Social Services

TIME REQUIRED 10 minutes

SUBJECT Agreement Between Mono County
Social Services and Community
Service Solutions for In-Home
Supportive Services and
Corresponding Budget Amendment

**PERSONS
APPEARING
BEFORE THE
BOARD**

Kathy Peterson, Social Services,
Amanda Phillips, Community Service
Solutions

AGENDA DESCRIPTION:

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

Proposed Agreement with Community Service Solutions for the provision of In-Home Supportive Services professional services, and associated budget amendment.

RECOMMENDED ACTION:

- 1) Approve proposed Agreement between the County of Mono and Community Service Solutions of Walker, California, for the provision of In-Home Supportive Services professional services for a five-year period, July 1, 2021 through June 30, 2026; and authorize the Board Chair to execute the Agreement on behalf of the County.
- 2) Amend the Social Services Department fiscal year 2021-22 budget by increasing state and federal revenues, and associated expenditures, by \$59,336 (requires 4/5ths approval).

FISCAL IMPACT:

Costs related to this Agreement are funded by a combination of state and federal matching funds (\$140,000 annually) for IHSS Public Authority Administration, and state and federal matching funds (\$6,000 annually) to operate an IHSS Advisory Committee. The cost of the proposed five-year Agreement is \$145,976 annually and \$729,880 in total over the five years. The fiscal year 2021-22 Social Services approved budget will need to be amended to include sufficient appropriation authority for the increase of \$59,336 in expenditures described in this agenda item. No additional County General funds are requested.

CONTACT NAME: Kathy Peterson

PHONE/EMAIL: 7609376518 / kpeterson@mono.ca.gov

SEND COPIES TO:

kpeterson@mono.ca.gov and cyoung@mono.ca.gov

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Agreement
Attachment A
Attachment B

History

Time	Who	Approval
8/4/2021 10:29 AM	County Counsel	Yes
8/4/2021 11:40 AM	Finance	Yes
8/5/2021 1:06 PM	County Administrative Office	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

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Director

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To: Mono County Board of Supervisors

From: Kathryn Peterson, Social Services Director

Date: August 10, 2021

Re: Agreement between County of Mono (Social Services) and Community Service Solutions for In-Home Supportive Services and corresponding budget amendment

Recommended Action:

1. Approve proposed Agreement between the County of Mono and Community Service Solutions of Walker, California, for the provision of In-Home Supportive Services professional services for a five-year period, July 1, 2021 through June 30, 2026; and authorize the Board Chair to execute the Agreement on behalf of the County.
2. Amend the Social Services Department fiscal year 2021-22 budget by increasing state and federal revenues, and associated expenditures, by \$59,336.

Fiscal Impact:

Costs related to this Agreement are funded by a combination of state and federal matching funds (\$140,000 annually) for IHSS Public Authority Administration, and state and federal matching funds (\$6,000 annually) to operate an IHSS Advisory Committee. The cost of the proposed five-year Agreement is \$145,976 annually and \$729,880 in total over the five years. The fiscal year 2021-22 Social Services approved budget will need to be amended to include sufficient appropriation authority for the increase and expenditures described in this agenda item. No additional County General funds are requested.

BACKGROUND

IHSS is a state program administered by each county in California for the provision of in-home care workers hired by low-income blind, aged or disabled individuals requiring non-medical personal care such as bathing, feeding, dressing, and/or domestic services such as shopping, cooking, housework, and transportation services, including accompaniment to medical appointments. IHSS also allows for the monitoring of persons with cognitive or mental impairments to prevent injury, called Protective Supervision. All combined, these services are intended to allow recipients to remain safely in their own homes and avoid out-of-home placement.

About 500,000 individual consumers in California rely on IHSS. Generally, these consumers have under \$1,000 in monthly income and \$2,000 in assets. Those with a higher income pay a higher share of cost. Funding for this program comes from federal, state and county revenue. Currently in Mono County, there are 29 low-income elders and people with disabilities who are IHSS recipients, and 28 individuals registered to serve as their care providers.

County Social Worker staff are responsible for determining what services applicants for IHSS services may need and how much time they need to receive these services to remain safe at home. They do this by conducting an assessment of the IHSS applicant when then they first apply, and through annual reassessments after that. The total projected recipient hours for this fiscal year are 48,560.

California Assembly Bill (AB) 1682 requires each County to establish a public authority or similar entity. Community Service Solutions (CSS), with an office in Walker, has served as the Mono County IHSS Non-Profit Consortium (IHSS-NPC) aka Public Authority since 2002. CSS acts as the employer of record for IHSS providers for the purposes of negotiating wages and benefits. IHSS providers are not employees of CSS; the providers are employed by the recipients they serve, who have responsibility to find and hire providers, and set their schedule and specific duties. CSS provides a registry of screened applicants to IHSS recipients looking to hire providers and handles the State-mandated enrollment for new IHSS providers, including criminal background checks.

AB 1682 also mandates IHSS Public Authorities to create an advisory committee (aka Board) comprised of volunteers and must, by law, have a majority of members who are current or past users of personal assistance services. The purpose of the advisory board is to provide updates and recommendations to the county board of supervisors on IHSS services.

The existing Agreements between the County of Mono and CSS for employer of record/provider registry management and IHSS advisory board management has not changed in scope or funding since originally executed in 2003. The purpose of the new, proposed Agreement with CSS is to update the scope of work to reflect current needs, priorities, and requirements, and to increase the annual funding consistent with the updated scope of work.

If approved by the Mono County Board of Supervisors, the two existing Agreements with CSS will be terminated and replaced by one, new Agreement encompassing both IHSS employer of record/IHSS registry and IHSS advisory board management functions. Under the new agreement, CSS will continue to serve as employer of record for the IHSS providers, conduct labor negotiations, maintain a provider registry, develop and obtain a PA/NPC administrative rate, coordinate with the Mono County Department of Social Services, and manage the IHSS Advisory Committee.

We also request the Board approve a budget amendment to the current fiscal year Social Services budget related to this item to allow for increased revenues and associated expenditures.

ATTACHMENT(S)

Agreement between the County of Mono and Community Service Solutions; Attachment A-Scope of Work; Attachment B-Budget

**AGREEMENT BETWEEN COUNTY OF MONO
AND COMMUNITY SERVICE SOLUTIONS
FOR THE PROVISION OF IHSS PROFESSIONAL SERVICES**

INTRODUCTION

WHEREAS, the County of Mono (hereinafter referred to as “County”) may have the need for the IHSS Professional services of Community Service Solutions, of Coleville, California (hereinafter referred to as “Contractor”), and in consideration of the mutual promises, covenants, terms and conditions hereinafter contained, the parties hereby agree as follows:

TERMS AND CONDITIONS

1. SCOPE OF WORK

Contractor shall furnish to County, upon its request, those services and work set forth in Attachment A, attached hereto and by reference incorporated herein. Requests by County to Contractor to perform under this Agreement will be made by the Director of Social Services, or an authorized representative thereof. Requests to Contractor for work or services to be performed under this Agreement will be based upon County's need for such services. County makes no guarantee or warranty, of any nature, that any minimum level or amount of services or work will be requested of Contractor by County under this Agreement. By this Agreement, County incurs no obligation or requirement to request from Contractor the performance of any services or work at all, even if County should have some need for such services or work during the term of this Agreement.

Services and work provided by Contractor at County's request under this Agreement will be performed in a manner consistent with the requirements and standards established by applicable federal, state, and county laws, ordinances, and resolutions. Such laws, ordinances, regulations, and resolutions include, but are not limited to, those that are referred to in this Agreement.

This Agreement is subject to the following Exhibits (as noted) which are attached hereto, following all referenced Attachments, and incorporated by this reference. In the event of a conflict between the terms of an attached Exhibit and this Agreement, the terms of the Exhibit shall govern:

- Exhibit 1:** General Conditions (Construction)
- Exhibit 2:** Prevailing Wages
- Exhibit 3:** Bond Requirements
- Exhibit 4:** Invoicing, Payment, and Retention
- Exhibit 5:** Trenching Requirements
- Exhibit 6:** FHWA Requirements
- Exhibit 7:** CDBG Requirements
- Exhibit 8:** HIPAA Business Associate Agreement
- Exhibit 9:** Other _____

2. TERM

The term of this Agreement shall be from July 1, 2021, to June 30, 2026, unless sooner terminated as provided below.

3. CONSIDERATION

A. Compensation. County shall pay Contractor in accordance with the Schedule of Fees (set forth as Attachment B) for the services and work described in Attachment A that are performed by Contractor at County's request.

B. Travel and Per Diem. Contractor will not be paid or reimbursed for travel expenses or per diem that Contractor incurs in providing services and work requested by County under this Agreement, unless otherwise provided for in Attachment B.

C. No Additional Consideration. Except as expressly provided in this Agreement, Contractor shall not be entitled to, nor receive, from County, any additional consideration, compensation, salary, wages, or other type of remuneration for services rendered under this Agreement. Specifically, Contractor shall not be entitled, by virtue of this Agreement, to consideration in the form of overtime, health insurance benefits, retirement benefits, disability retirement benefits, sick leave, vacation time, paid holidays, or other paid leaves of absence of any type or kind whatsoever.

D. Limit upon amount payable under Agreement. The total sum of all payments made by County to Contractor for services and work performed under this Agreement shall not exceed \$729,880, not to exceed \$145,976 in any twelve-month period, plus (for public works) the amount of any change order(s) approved in accordance with authority delegated by the Board of Supervisors (hereinafter referred to as "Contract Limit"). County expressly reserves the right to deny any payment or reimbursement requested by Contractor for services or work performed that is in excess of the Contract Limit.

E. Billing and Payment. Contractor shall submit to County, on a monthly basis, an itemized statement of all services and work described in Attachment A, which were done at County's request. The statement to be submitted will cover the period from the first (1st) day of the preceding month through and including the last day of the preceding month. Alternatively, Contractor may submit a single request for payment corresponding to a single incident of service or work performed at County's request. All statements submitted in request for payment shall identify the date on which the services and work were performed and describe the nature of the services and work which were performed on each day. Invoicing shall be informative but concise regarding services and work performed during that billing period. Upon finding that Contractor has satisfactorily completed the work and performed the services as requested, County shall make payment to Contractor within 30 days of its receipt of the itemized statement. Should County determine the services or work have not been completed or performed as requested and/or should Contractor produce an incorrect statement, County shall withhold payment until the services and work are satisfactorily completed or performed and/or the statement is corrected and resubmitted.

If Exhibit 4 ("Invoicing, Payment, and Retention") is attached to this Agreement, then the language contained in 4 shall supersede and replace this Paragraph 3.E. in its entirety.

F. Federal and State Taxes.

(1) Except as provided in subparagraph (2) below, County will not withhold any federal or state income taxes or social security from any payments made by County to Contractor under the terms and conditions of this Agreement.

(2) County shall withhold California state income taxes from payments made under this Agreement to non-California resident independent contractors when it is anticipated that total annual payments to Contractor under this Agreement will exceed One Thousand Four Hundred Ninety-Nine dollars (\$1,499.00).

(3) Except as set forth above, County has no obligation to withhold any taxes or payments from sums paid by County to Contractor under this Agreement. Payment of all taxes and other assessments on such sums is the sole responsibility of Contractor. County has no responsibility or liability for payment of Contractor's taxes or assessments.

(4) The total amounts paid by County to Contractor, and taxes withheld from payments to non-California residents, if any, will be reported annually to the Internal Revenue Service and the California State Franchise Tax Board.

4. WORK SCHEDULE

Contractor's obligation is to perform, in a timely manner, those services and work identified in Attachment A that are requested by County. It is understood by Contractor that the performance of these services and work will require a varied schedule. Contractor, in arranging his/her schedule, will coordinate with County to ensure that all services and work requested by County under this Agreement will be performed within the time frame set forth by County.

5. REQUIRED LICENSES, CERTIFICATES, AND PERMITS

Any licenses, certificates, or permits required by the federal, state, county, or municipal governments, for Contractor to provide the services and work described in Attachment A must be procured by Contractor and be valid at the time Contractor enters into this Agreement. Further, during the term of this Agreement, Contractor must maintain such licenses, certificates, and permits in full force and effect. Licenses, certificates, and permits may include, but are not limited to, driver's licenses, professional licenses or certificates, and business licenses. Such licenses, certificates, and permits will be procured and maintained in force by Contractor at no expense to County. Contractor will provide County, upon execution of this Agreement, with evidence of current and valid licenses, certificates and permits that are required to perform the services identified in Attachment A. Where there is a dispute between Contractor and County as to what licenses, certificates, and permits are required to perform the services identified in Attachment A, County reserves the right to make such determinations for purposes of this Agreement.

6. OFFICE SPACE, SUPPLIES, EQUIPMENT, ETC

Contractor shall provide such office space, supplies, equipment, vehicles, reference materials, support services and telephone service as is necessary for Contractor to provide the services identified in Attachment A to this Agreement. County is not obligated to reimburse or pay Contractor for any expense or cost incurred by Contractor in procuring or maintaining such items. Responsibility for the costs and expenses incurred by Contractor in providing and maintaining such items is the sole responsibility and obligation of Contractor.

7. COUNTY PROPERTY

A. Personal Property of County. Any personal property such as, but not limited to, protective or safety devices, badges, identification cards, keys, uniforms, vehicles, reference materials, furniture, appliances, etc. provided to Contractor by County pursuant to this Agreement is, and at the termination of this Agreement remains, the sole and exclusive property of County. Contractor will use reasonable care to protect, safeguard and maintain such items while they are in Contractor's possession. Contractor will be financially responsible for any loss or damage to such items, partial or total, that is the result of Contractor's negligence.

B. Products of Contractor's Work and Services. Any and all compositions, publications, plans, designs, specifications, blueprints, maps, formulas, processes, photographs, slides, videotapes, computer programs, computer disks, computer tapes, memory chips, soundtracks, audio recordings, films, audio-visual

presentations, exhibits, reports, studies, works of art, inventions, patents, trademarks, copyrights, or intellectual properties of any kind that are created, produced, assembled, compiled by, or are the result, product, or manifestation of, Contractor's services or work under this Agreement are, and at the termination of this Agreement shall remain, the sole and exclusive property of County. At the termination of the Agreement, Contractor will convey possession and title to all such properties to County.

8. WORKERS' COMPENSATION

Contractor shall provide Statutory Workers' Compensation insurance coverage and Employer's Liability coverage for not less than One Million dollars (\$1,000,000.00) per occurrence for all employees engaged in services or operations under this Agreement. Any insurance policy limits in excess of the specified minimum limits and coverage shall be made available to County as an additional insured. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of County for all work performed by Contractor, its employees, agents, and subcontractors.

9. INSURANCE

A. Contractor shall procure and maintain, during the entire term of this Agreement or, if work or services do not begin as of the effective date of this Agreement, commencing at such other time as may be authorized in writing by County's Risk Manager, the following insurance (as noted) against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work and/or services hereunder and the results of that work and/or services by Contractor, its agents, representatives, employees, or subcontractors:

- General Liability. A policy of Comprehensive General Liability Insurance which covers all the work and services to be performed by Contractor under this Agreement, including operations, products and completed operations, property damage, bodily injury (including death) and personal and advertising injury. Such policy shall provide limits of not less than One Million dollars (\$1,000,000.00) per claim or occurrence and One Million dollars (\$1,000,000.00) general aggregate.
- Automobile/Aircraft/Watercraft Liability Insurance. A policy of Comprehensive Automobile/Aircraft/Watercraft Liability Insurance for bodily injury (including death) and property damage which provides total limits of not less than Three Hundred Thousand dollars (\$300,000.00) per claim or occurrence applicable to all owned, non-owned and hired vehicles/aircraft/watercraft. If the services provided under this Agreement include the transportation of hazardous materials/wastes, then the Automobile Liability policy shall be endorsed to include Transportation Pollution Liability insurance covering materials/wastes to be transported by Contractor pursuant to this Agreement. Alternatively, such coverage may be provided in Contractor's Pollution Liability policy.
- Professional Errors and Omissions Liability Insurance. A policy of Professional Errors and Omissions Liability Insurance appropriate to Contractor's profession in an amount of not less than One Million dollars (\$1,000,000.00) per claim or occurrence and One Million dollars (\$1,000,000.00) general aggregate. If coverage is written on a claims-made form then: (1) the "retro date" must be shown, and must be before the beginning of contract work; (2) insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract work; and (3) if coverage is cancelled or non-renewed, and not replaced with another claims-made policy form with a "retro date" prior to the contract effective date, then Contractor must purchase "extended reporting" coverage for a minimum of five years after completion of contract work.

- Pollution Liability Insurance. A policy of Comprehensive Contractors Pollution Liability coverage applicable to the work being performed and covering Contractor's liability for bodily injury (including death), property damage, and environmental damage resulting from "sudden accidental" or "gradual" pollution and related cleanup costs arising out of the work or services to be performed under this Agreement. Coverage shall provide a limit no less than One Million dollars (\$1,000,000.00) per claim or occurrence or Two Million dollars (\$2,000,000.00) general aggregate. If the services provided involve lead-based paint or asbestos identification/remediation, the Pollution Liability policy shall not contain lead-based paint or asbestos exclusions.

B. Coverage and Provider Requirements. Insurance policies shall not exclude or except from coverage any of the services and work required to be performed by Contractor under this Agreement. The required polic(ies) of insurance shall be issued by an insurer authorized to sell such insurance by the State of California, and have at least a "Best's" policyholder's rating of "A" or "A+". Prior to commencing any work under this agreement, Contractor shall provide County: (1) a certificate of insurance evidencing the coverage required; (2) an additional insured endorsement for general liability applying to County, its agents, officers and employees made on ISO form CG 20 10 11 85, or providing equivalent coverage; and (3) a notice of cancellation or change of coverage endorsement indicating that the policy will not be modified, terminated, or canceled without thirty (30) days written notice to County.

C. Primary Coverage. For any claim made related to this Agreement or work and/or services performed or provided pursuant to this Agreement, Contractor's insurance coverage shall be primary insurance coverage at least as broad as ISO CG 20 01 04 13 as with respect to County, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by County, its officers, officials, employees, or volunteers shall be excess of Contractor's insurance and shall not contribute with it.

D. Deductible, Self-Insured Retentions, and Excess Coverage. Any deductibles or self-insured retentions must be declared and approved by County. If possible, Contractor's insurer shall reduce or eliminate such deductibles or self-insured retentions with respect to County, its officials, officers, employees, and volunteers; or Contractor shall provide evidence satisfactory to County guaranteeing payment of losses and related investigations, claim administration, and defense expenses. Any insurance policy limits in excess of the specified minimum limits and coverage shall be made available to County as an additional insured.

E. Subcontractors. Contractor shall require and verify that all subcontractors maintain insurance (including Workers' Compensation) meeting all the requirements stated herein and that County is an additional insured on insurance required of subcontractors.

10. STATUS OF CONTRACTOR

All acts of Contractor, its agents, officers, and employees, relating to the performance of this Agreement, shall be performed as an independent contractor, and not as an agent, officer, or employee of County. Contractor, by virtue of this Agreement, has no authority to bind or incur any obligation on behalf of, or exercise any right or power vested in, County, except as expressly provided by law or set forth in Attachment A. No agent, officer, or employee of County is to be considered an employee of Contractor. It is understood by both Contractor and County that this Agreement shall not, under any circumstances, be construed to create an employer-employee relationship or a joint venture. As an independent contractor:

A. Contractor shall determine the method, details, and means of performing the work and services to be provided by Contractor under this Agreement.

B. Contractor shall be responsible to County only for the requirements and results specified in this Agreement, and except as expressly provided in this Agreement, shall not be subjected to County's control with respect to the physical action or activities of Contractor in fulfillment of this Agreement.

C. Contractor, its agents, officers and employees are, and at all times during the term of this Agreement shall represent and conduct themselves as, independent contractors, and not employees of County.

11. DEFENSE AND INDEMNIFICATION

Contractor shall defend with counsel acceptable to County, indemnify, and hold harmless County, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of, resulting from or in connection with, the performance of this Agreement by Contractor, or Contractor's agents, officers, or employees. Contractor's obligation to defend, indemnify, and hold County, its agents, officers, and employees harmless applies to any actual or alleged personal injury, death, damage or destruction to tangible or intangible property, including the loss of use. Contractor's obligation under this Paragraph 11 extends to any claim, damage, loss, liability, expense, or other costs that are caused in whole or in part by any act or omission of Contractor, its agents, employees, supplier, or anyone directly or indirectly employed by any of them, or anyone for whose acts or omissions any of them may be liable.

Contractor's obligation to defend, indemnify, and hold County, its agents, officers, and employees harmless under the provisions of this Paragraph 11 is not limited to, or restricted by, any requirement in this Agreement for Contractor to procure and maintain a policy of insurance and shall survive any termination or expiration of this Agreement.

12. RECORDS AND AUDIT

A. Records. Contractor shall prepare and maintain all records required by the various provisions of this Agreement, federal, state, county, municipal, ordinances, regulations, and directions. Contractor shall maintain these records for a minimum of four (4) years from the termination or completion of this Agreement. Contractor may fulfill its obligation to maintain records as required by this Paragraph 12 by substitute photographs, micrographs, or other authentic reproduction of such records.

B. Inspections and Audits. Any authorized representative of County shall have access to any books, documents, papers, records, including, but not limited to, financial records of Contractor, that County determines to be pertinent to this Agreement, for the purposes of making audit, evaluation, examination, excerpts, and transcripts during the period such records are to be maintained by Contractor. Further, County has the right, at all reasonable times, to audit, inspect, or otherwise evaluate the work performed or being performed under this Agreement.

13. NONDISCRIMINATION

During the performance of this Agreement, Contractor, its agents, officers, and employees shall not unlawfully discriminate in violation of any federal, state, or local law, against any employee, or applicant for employment, or person receiving services under this Agreement, because of race, religious creed, color, ancestry, national origin, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation. Contractor and its agents, officers, and employees shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900, et seq.), and the applicable regulations promulgated thereunder in the California Code of Regulations. Contractor shall also abide by the Federal Civil Rights Act of 1964 (P.L. 88-352) and all amendments thereto, and all administrative rules and regulations issued pursuant to said Act.

14. TERMINATION

This Agreement may be terminated by County without cause, and at will, for any reason by giving to Contractor thirty (30) calendar days written notice of such intent to terminate. Contractor may terminate this Agreement without cause, and at will, for any reason whatsoever by giving to County thirty (30) calendar days written notice of such intent to terminate.

Notwithstanding the foregoing, if this Agreement is subject to General Conditions (set forth as an Exhibit hereto), then termination shall be in accordance with the General Conditions and this Paragraph 14 shall not apply.

15. ASSIGNMENT

This is an agreement for the personal services of Contractor. County has relied upon the skills, knowledge, experience, and training of Contractor as an inducement to enter into this Agreement. Contractor shall not assign or subcontract this Agreement, or any part of it, without the express written consent of County. Further, Contractor shall not assign any moneys due or to become due under this Agreement without the prior written consent of County.

16. DEFAULT

If Contractor abandons the work, fails to proceed with the work or services requested by County in a timely manner, or fails in any way as required to conduct the work and services as required by County, then County may declare Contractor in default and terminate this Agreement upon five (5) days written notice to Contractor. Upon such termination by default, County will pay to Contractor all amounts owing to Contractor for services and work satisfactorily performed to the date of termination.

17. WAIVER OF DEFAULT

Waiver of any default by either party to this Agreement shall not be deemed to be a waiver of any subsequent default. Waiver or breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach, and shall not be construed to be a modification of the terms of this Agreement unless this Agreement is modified as provided in Paragraph 23.

18. CONFIDENTIALITY

Contractor agrees to comply with various provisions of the federal, state, and county laws, regulations, and ordinances providing that information and records kept, maintained, or accessible by Contractor in the course of providing services and work under this Agreement, shall be privileged, restricted, or confidential. Contractor agrees to keep confidential, all such privileged, restricted or confidential information and records obtained in the course of providing the work and services under this Agreement. Disclosure of such information or records shall be made by Contractor only with the express written consent of County.

19. CONFLICTS

Contractor agrees that he/she has no interest, and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of the work and services under this Agreement. Contractor agrees to complete and file a conflict-of-interest statement.

20. POST-AGREEMENT COVENANT

Contractor agrees not to use any confidential, protected, or privileged information that is gained from County in the course of providing services and work under this Agreement, for any personal benefit, gain, or enhancement. Further, Contractor agrees for a period of two (2) years after the termination of this Agreement, not to seek or accept any employment with any entity, association, corporation, or person who, during the term of this Agreement, has had an adverse or conflicting interest with County, or who has been an adverse party in litigation with County, and concerning such, Contractor by virtue of this Agreement has gained access to County's confidential, privileged, protected, or proprietary information.

21. SEVERABILITY

If any portion of this Agreement or application thereof to any person or circumstance shall be declared invalid by a court of competent jurisdiction, or if it is found in contravention of any federal, state, or county statute, ordinance, or regulation, then the remaining provisions of this Agreement, or the application thereof, shall not be invalidated thereby, and shall remain in full force and effect to the extent that the provisions of this Agreement are severable.

22. FUNDING LIMITATION

The ability of County to enter into this Agreement is based upon available funding from various sources. In the event that such funding fails, is reduced, or is modified, from one or more sources, County has the option to terminate, reduce, or modify this Agreement, or any of its terms within ten (10) days of notifying Contractor of the termination, reduction, or modification of available funding. Any reduction or modification of this Agreement effective pursuant to this provision must comply with the requirements of Paragraph 23.

23. AMENDMENT

This Agreement may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties hereto, if such amendment or change order is in written form, and executed with the same formalities as this Agreement or in accordance with delegated authority therefor, and attached to the original Agreement to maintain continuity.

24. NOTICE

Any notice, communication, amendments, additions or deletions to this Agreement, including change of address of any party during the term of this Agreement, which Contractor or County shall be required, or may desire to make, shall be in writing and may be personally served, or sent by prepaid first-class mail or email (if included below) to the respective parties as follows:

County of Mono:

Cathy Young, Supervising SSA
Dept. of Social Services
PO Box 2969
Mammoth Lakes, CA 93546
cyoung@mono.ca.gov

Contractor:

Amanda Hoover
Executive Director
PO Box 346
Coleville, CA 96107

25. COUNTERPARTS

This Agreement may be executed in two (2) or more counterparts (including by electronic transmission), each of which shall constitute an original, and all of which taken together shall constitute one and the same instrument.

26. ENTIRE AGREEMENT

This Agreement contains the entire agreement of the parties, and no representations, inducements, promises, or agreements otherwise between the parties not embodied herein or incorporated herein by reference, shall be of any force or effect. Further, no term or provision hereof may be changed, waived, discharged, or terminated, unless executed in writing by the parties hereto.

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS ____ DAY OF _____, _____.

COUNTY OF MONO

CONTRACTOR

By: _____

By: *Amanda Philips*
Amanda Philips (Jul 27, 2021 14:44 PDT)

Title: _____

Title: **EXECUTIVE DIRECTOR**

Dated: _____

Dated: **Jul 27, 2021**

APPROVED AS TO FORM:

Anne Frievall

County Counsel

APPROVED BY RISK MANAGEMENT:

Jacob Sloane
Jacob Sloane (Jul 26, 2021 14:48 PDT)

Risk Manager

ATTACHMENT A

**AGREEMENT BETWEEN COUNTY OF MONO
AND COMMUNITY SERVICE SOLUTIONS
FOR THE PROVISION OF IHSS PROFESSIONAL SERVICES**

TERM:

FROM: JULY 1, 2021 **TO:** JUNE 30, 2026

SCOPE OF WORK:

See attachment.

ATTACHMENT B

**AGREEMENT BETWEEN COUNTY OF MONO
AND COMMUNITY SERVICE SOLUTIONS
FOR THE PROVISION OF IHSS PROFESSIONAL SERVICES**

TERM:

FROM: JULY 1, 2021

TO: JUNE 30, 2026

SCHEDULE OF FEES:

See attachment.

See Attachment B1, incorporated herein by this reference (optional).

SCOPE OF WORK

Contractor will serve as the Nonprofit Consortium (NPC) Employer of Record for In-Home Supportive Service (IHSS) providers in Mono County, providing the following services:

1. Labor Negotiations

- a. Contractor will act as spokesperson on behalf of the Mono County Chief Administrative Officer (CAO), or Designee, in all IHSS contract negotiations, including wages, hours, and other conditions of employment. All proposals and decisions in connection with negotiations on wages, benefits, or policy will be authorized by the CAO before being presented by the Contractor.
- b. Contractor will analyze union proposals, prepare counter proposals, and negotiate final proposals. Contractor will continually report to CAO and Director of Social Services on status of labor negotiations.
- c. Contractor will analyze, interpret, and explain provisions of labor agreements, labor law, and governing entity policies and procedures regarding labor relations.
- d. Contractor will provide advice and consultation on all matters relating to employment conditions and employer-employee relations as they uniquely relate to the IHSS program.
- e. Contractor will obtain and analyze salary and compensation information from comparable agencies/counties.
- f. Contractor will calculate the anticipated cost impact to Mono County to implement recommended changes in salary and benefits, as well as the impact of non-economic changes in terms and conditions of employment.
- g. Contractor will represent the negotiating team in presenting the complete IHSS labor contract to the Mono County Board of Supervisors.
- h. Contractor will review proposed IHSS legislation and analyze the potential effect on county operations, finances, and labor relations.

2. Provider Registry

- a. Contractor will maintain a registry of IHSS providers, with current status, contact information, and availability as back-up provider.
- b. Contractor will provide assistance to recipients in finding a provider(s) on the IHSS registry. Recipients shall maintain the right to interview, hire, supervise, and fire their provider(s).
- c. Contractor will be responsible for conducting all provider enrollment activities, including securing a criminal background check of each applicant to the provider registry.
- d. Contractor will be authorized to utilize the Case Management, Payrolling, and Information System (CMIPS) for all necessary provider-related activities, such as provider enrollment and assignment and/or termination of providers to/from recipient cases.
- e. Contractor will conduct mandatory training for providers and recipients, as directed by State law. This includes but is not limited to eligibility requirements of IHSS providers; rules, regulations, and provider-related processes and procedures, including timesheets; consequences of committing fraud in the IHSS program; how to report suspected fraud or abuse in the provision or receipt of IHSS services; laws regarding minimum wage and overtime pay, including paid travel time and wait time; and other required training pursuant to State and Federal law.

- f. Contractor will provide ongoing assistance and conduct voluntary trainings for providers and recipients as needed, due to identification of local trends or potential issues, or in consultation with the Director of Social Services.
 - g. Contractor will routinely recruit applicants to the provider registry through print and web-based media, including, but not limited to flyers on community bulletin boards, newspapers, job websites, and local social media sites.
 - h. Contractor will create and maintain a website for Mono County IHSS providers and recipients with information pertaining to the IHSS program, including program regulations; training videos; program forms; and other useful resources. Contractor will consult with the Director of Social Services and IHSS staff for input on website content.
 - i. Contractor will create and distribute a quarterly newsletter to all Mono County IHSS providers and recipients with current news, legislative and/or program updates, training opportunities, and other pertinent updates.
3. Bilingual Access
- a. Contractor will ensure Spanish speaking IHSS providers and recipients have equal access to training and program supports. Recruitment of providers will be in English and Spanish.
4. Public Authority/Nonprofit Consortium (PA/NPC) Administrative Rate
- a. Contractor will develop and obtain a PA/NPC administrative rate for approval by the Mono County Board of Supervisors and the California Department of Social Services annually or as necessary, in consultation with the Director of Social Services. The rate will allow Mono County to charge PA/NPC administrative costs to the State through the county claiming process.
5. Coordination with Mono County Department of Social Services
- a. Contractor will routinely solicit input from the Director of Social Services, IHSS supervisor, staff, and consumers regarding provider/recipient training and the provider registry.
 - b. Contractor will review IHSS program updates, letters, and notices from the California Department of Social Services for potential impact on IHSS programs and activities and recommend policy and procedure changes to ensure compliance.
6. IHSS Advisory Committee
- a. Contractor will administer the Mono County IHSS Advisory Committee, to include scheduling meetings; preparing and distributing agendas and minutes; and presenting current issues and topics relating to the IHSS program.
 - b. Contractor will recruit members for IHSS Advisory Committee in consultation with the Mono County Clerk of the Board of Supervisors. Members shall be appointed by the Mono County Board of Supervisors.
 - c. The Advisory Committee shall provide ongoing advice and recommendations regarding the IHSS program to the Mono County Board of Supervisors.

Community Service Solutions
IHSS PROFESSIONAL SERVICES - Registry & Advisory Board Budget

Nonprofit Consortium (NPC) Salaries & benefits

Administrative Salaries

Executive Director .25 FTE	30,000
Registry Coordinator .5 FTE	23,400
Registry Assistant .33 FTE	15,444
Media Coordinator .2FTE	4,680
<i>Total Annual Salaries</i>	<i>\$ 73,524</i>

Administrative Benefits

Health Insurance, Retirement, Paid Time Off	30,836
<i>Total Annual Admin Benefits</i>	<i>\$ 30,836</i>

Operating Expenses

Office Rent	3,000
Office Utilities, Phone	3,514
Transportation and Travel	----
Vehicle maintenance & fuel	1,680
Lodging & Meals	400
Training for Providers and/or Recipients	800
Office Computers & Software	1,297
Office Equipment	500
Office Supplies & Materials	900
Postage	528
Provider Recruitment	1,200
Website hosting & domain	225
Accounting	6,698
Legal Services	3,000
Insurances	3,658
Professional Association Dues (CAPA- CA Assoc of Public Authorities)	5,000
Indirect Costs (.10 operating)	3,240
<i>Total Annual Operating Expenses</i>	<i>\$ 35,640</i>

IHSS Annual Advisory Committee Expense **\$5,976**

TOTAL ANNUAL BUDGET **\$ 145,976**











Community Service Solutions IHSS 2021-2026 FINAL

Final Audit Report

2021-07-27

Created:	2021-07-26
By:	Cathy Young (cyoung@mono.ca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAED9A_zS9dLVymw5nK3B6yaq4deVNnyOS

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-  Email viewed by Amanda Philips (amandahoovercss@gmail.com)
2021-07-26 - 10:09:46 PM GMT- IP address: 66.102.8.95
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Signature Date: 2021-07-27 - 9:44:05 PM GMT - Time Source: server- IP address: 209.23.42.28



Agreement completed.

2021-07-27 - 9:44:05 PM GMT



POWERED BY
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SCOPE OF WORK

Contractor will serve as the Nonprofit Consortium (NPC) Employer of Record for In-Home Supportive Service (IHSS) providers in Mono County, providing the following services:

1. Labor Negotiations

- a. Contractor will act as spokesperson on behalf of the Mono County Chief Administrative Officer (CAO), or Designee, in all IHSS contract negotiations, including wages, hours, and other conditions of employment. All proposals and decisions in connection with negotiations on wages, benefits, or policy will be authorized by the CAO before being presented by the Contractor.
- b. Contractor will analyze union proposals, prepare counter proposals, and negotiate final proposals. Contractor will continually report to CAO and Director of Social Services on status of labor negotiations.
- c. Contractor will analyze, interpret, and explain provisions of labor agreements, labor law, and governing entity policies and procedures regarding labor relations.
- d. Contractor will provide advice and consultation on all matters relating to employment conditions and employer-employee relations as they uniquely relate to the IHSS program.
- e. Contractor will obtain and analyze salary and compensation information from comparable agencies/counties.
- f. Contractor will calculate the anticipated cost impact to Mono County to implement recommended changes in salary and benefits, as well as the impact of non-economic changes in terms and conditions of employment.
- g. Contractor will represent the negotiating team in presenting the complete IHSS labor contract to the Mono County Board of Supervisors.
- h. Contractor will review proposed IHSS legislation and analyze the potential effect on county operations, finances, and labor relations.

2. Provider Registry

- a. Contractor will maintain a registry of IHSS providers, with current status, contact information, and availability as back-up provider.
- b. Contractor will provide assistance to recipients in finding a provider(s) on the IHSS registry. Recipients shall maintain the right to interview, hire, supervise, and fire their provider(s).
- c. Contractor will be responsible for conducting all provider enrollment activities, including securing a criminal background check of each applicant to the provider registry.
- d. Contractor will be authorized to utilize the Case Management, Payrolling, and Information System (CMIPS) for all necessary provider-related activities, such as provider enrollment and assignment and/or termination of providers to/from recipient cases.
- e. Contractor will conduct mandatory training for providers and recipients, as directed by State law. This includes but is not limited to eligibility requirements of IHSS providers; rules, regulations, and provider-related processes and procedures, including timesheets; consequences of committing fraud in the IHSS program; how to report suspected fraud or abuse in the provision or receipt of IHSS services; laws regarding minimum wage and overtime pay, including paid travel time and wait time; and other required training pursuant to State and Federal law.

- f. Contractor will provide ongoing assistance and conduct voluntary trainings for providers and recipients as needed, due to identification of local trends or potential issues, or in consultation with the Director of Social Services.
 - g. Contractor will routinely recruit applicants to the provider registry through print and web-based media, including, but not limited to flyers on community bulletin boards, newspapers, job websites, and local social media sites.
 - h. Contractor will create and maintain a website for Mono County IHSS providers and recipients with information pertaining to the IHSS program, including program regulations; training videos; program forms; and other useful resources. Contractor will consult with the Director of Social Services and IHSS staff for input on website content.
 - i. Contractor will create and distribute a quarterly newsletter to all Mono County IHSS providers and recipients with current news, legislative and/or program updates, training opportunities, and other pertinent updates.
3. Bilingual Access
 - a. Contractor will ensure Spanish speaking IHSS providers and recipients have equal access to training and program supports. Recruitment of providers will be in English and Spanish.
4. Public Authority/Nonprofit Consortium (PA/NPC) Administrative Rate
 - a. Contractor will develop and obtain a PA/NPC administrative rate for approval by the Mono County Board of Supervisors and the California Department of Social Services annually or as necessary, in consultation with the Director of Social Services. The rate will allow Mono County to charge PA/NPC administrative costs to the State through the county claiming process.
5. Coordination with Mono County Department of Social Services
 - a. Contractor will routinely solicit input from the Director of Social Services, IHSS supervisor, staff, and consumers regarding provider/recipient training and the provider registry.
 - b. Contractor will review IHSS program updates, letters, and notices from the California Department of Social Services for potential impact on IHSS programs and activities and recommend policy and procedure changes to ensure compliance.
6. IHSS Advisory Committee
 - a. Contractor will administer the Mono County IHSS Advisory Committee, to include scheduling meetings; preparing and distributing agendas and minutes; and presenting current issues and topics relating to the IHSS program.
 - b. Contractor will recruit members for IHSS Advisory Committee in consultation with the Mono County Clerk of the Board of Supervisors. Members shall be appointed by the Mono County Board of Supervisors.
 - c. The Advisory Committee shall provide ongoing advice and recommendations regarding the IHSS program to the Mono County Board of Supervisors.

Community Service Solutions
IHSS PROFESSIONAL SERVICES - Registry & Advisory Board Budget

Nonprofit Consortium (NPC) Salaries & benefits

Administrative Salaries

Executive Director .25 FTE	30,000
Registry Coordinator .5 FTE	23,400
Registry Assistant .33 FTE	15,444
Media Coordinator .2FTE	4,680
<i>Total Annual Salaries</i>	<i>\$ 73,524</i>

Administrative Benefits

Health Insurance, Retirement, Paid Time Off	30,836
<i>Total Annual Admin Benefits</i>	<i>\$ 30,836</i>

Operating Expenses

Office Rent	3,000
Office Utilities, Phone	3,514
Transportation and Travel	----
Vehicle maintenance & fuel	1,680
Lodging & Meals	400
Training for Providers and/or Recipients	800
Office Computers & Software	1,297
Office Equipment	500
Office Supplies & Materials	900
Postage	528
Provider Recruitment	1,200
Website hosting & domain	225
Accounting	6,698
Legal Services	3,000
Insurances	3,658
Professional Association Dues (CAPA- CA Assoc of Public Authorities)	5,000
Indirect Costs (.10 operating)	3,240
<i>Total Annual Operating Expenses</i>	<i>\$ 35,640</i>

IHSS Annual Advisory Committee Expense **\$5,976**

TOTAL ANNUAL BUDGET **\$ 145,976**



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE August 10, 2021

TIME REQUIRED

SUBJECT Closed Session - Labor Negotiations

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Bob Lawton, Stacey Simon, 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.

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 August 10, 2021

Departments: CAO, IT

TIME REQUIRED 30 minutes (10 minutes presentation, 20 minutes discussion) **PERSONS APPEARING BEFORE THE BOARD** Robert C. Lawton, CAO, Nate Greenberg, IT Director

SUBJECT Response to 2020-21 Grand Jury Report on "Fiber Internet Connection as Essential Infrastructure in Mono County"

AGENDA DESCRIPTION:

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

Review of draft letter to Mono County Grand Jury in response to 2020-21 Grand Jury Report "Fiber Internet Connection as Essential Infrastructure in Mono County".

RECOMMENDED ACTION:

Review Grand Jury report and draft letter and provide direction to staff for development of final response.

FISCAL IMPACT:

None.

CONTACT NAME: Emily Fox

PHONE/EMAIL: 4106278893 / efox@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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Staff Report
Grand Jury Report re Fiber Internet Connection
Draft Responses to Grand Jury Report re Fiber Internet Connection

History

Time	Who	Approval
8/4/2021 9:41 AM	County Counsel	Yes
8/4/2021 11:45 AM	Finance	Yes
8/5/2021 1:06 PM	County Administrative Office	Yes

County Counsel
Stacey Simon

Assistant County Counsels
Christian E. Milovich
Anne L. Frievalt

Deputy County Counsel
Emily R. Fox

**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
Kevin Moss

To: Board of Supervisors

From: Emily Fox

Date: August 10, 2021

Re: Workshop for Responses to Grand Jury Report: "Fiber Internet Connection as Essential Infrastructure in Mono County."

Recommended Action

Review and provide direction to staff regarding draft responses to the Grand Jury Report.

Discussion

Mono County received the Grand Jury's report entitled "Fiber Internet Connection as Essential Infrastructure in Mono County" on June 28, 2021. Pursuant to Penal Code section 933(c), the County must respond to each finding and recommendation in the Grand Jury's report and return such response to the presiding judge no later than 90 days after the Grand Jury submitted the report. As such, the County's responses will be due by Monday, September 27.

Staff in the Community Development Department have prepared draft responses to each of the findings and recommendations, in consultation with other relevant departments and staff. Staff seeks direction regarding the content of the responses ahead of submission to the Board for final approval at the September 7 meeting.

If you have any questions regarding this item prior to your meeting, please call me at 760-924-1712.



MONO COUNTY GRAND JURY

2020-2021

FIBER INTERNET CONNECTION AS ESSENTIAL INFRASTRUCTURE IN MONO COUNTY

FINAL REPORT

Submitted June 28, 2021

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MONO


IN RE:

2020-2021 Grand Jury

GENERAL ORDER

I certify that the 2020-2021 Fiber Internet Connection as Essential Infrastructure in Mono County Final Report, pursuant to California Penal Code § 933 (a), complies with Title Four of the California Penal Code and direct the County Clerk to accept and file the final report as a public document.

Dated this 1st day of July 2021.



MARK MAGIT
Presiding Judge of the Superior Court

Mono County Grand Jury Report 2021

FIBER INTERNET CONNECTION AS ESSENTIAL INFRASTRUCTURE IN MONO COUNTY

June 28, 2021

SUMMARY

With the installation of Digital 395, a 450-mile backbone extending from Reno, Nevada to Barstow, California, broadband access in Mono County and the Town of Mammoth Lakes is better than many rural areas, but improvement is needed.

Some areas of Mono County are underserved with little or no broadband access. Other areas that have access suffer from frequent outages and unacceptable customer service.

The increase in demand caused by the COVID-19 pandemic and the subsequent shelter-in-place orders have highlighted shortcomings in broadband access in our communities. Overall demand has skyrocketed: online school, remote work, multiple devices per person connected to the Internet for communication as well as entertainment have driven this demand. At the same time there has been increased second homeowner occupation and tourist visitation. Due to the delivery methods of entertainment and information, demand will continue to increase.

Members of the Mono County Grand Jury are aware of widespread dissatisfaction with the current state of broadband access. While the Grand Jury cannot investigate private contracts between individuals and independent service providers, the Grand Jury can investigate local broadband availability, shortcomings, and potential solutions that are within the purview of our local government entities.

Two separate entities were identified that can influence the quality of local broadband access. The Grand Jury believes Mono County and the Town of Mammoth Lakes management are in a position to improve broadband availability and reliability for residents, visitors and businesses. In the county, the Mono County Board of Supervisors has the ability to make broadband access a priority in underserved portions of the county. In the Town of Mammoth Lakes, the Town Council can establish policies that encourage and support high quality broadband access and customer service.

BACKGROUND

Broadband access in rural areas in the United States is limited at best, and Mono County is no exception. The completion of the Digital 395 project in 2014 (made possible by The American Recovery and Reinvestment Act of 2009 and the FCC Rural Digital Opportunity Fund) was a

tremendous improvement to broadband access in Mono County. Supervisor John Peters in the June 10, 2021 *Mammoth Times* was quoted as saying, “The pandemic showed us how critical modern broadband access (100 mbps) is for education, health, economic opportunities and equity. Broadband is now just as essential to modern life as electricity and running water.”

At one time, broadband providers that were present in the area had local offices and good customer service. Over time, local offices were closed, and service became unreliable, demonstrated by the number of formal and informal complaints made by local residents.

The Mono County Grand Jury is aware of widespread complaints in the community, on social media, in letters to the editor in local newspapers and during public meetings.

Internet usage has grown in recent years with streaming of entertainment, work from home and use of social media, to mention just a few activities. In the last year with Covid-19 lockdowns and school closures, Internet usage skyrocketed and became an essential tool of life. It is now a necessity to have fast, reliable Internet service in the county and the town for the economic well being of the community. Not only does the community benefit from robust, reliable, and lightning fast Internet, it is a requirement for a healthy tourist economy. Further, the same robust, reliable, and lightning fast Internet is necessary to support people who choose to live in Mono County or Mammoth and work from home.

METHODOLOGY

The Mono County Grand Jury interviewed multiple key people associated with the Town of Mammoth Lakes and Mono County, some of them multiple times. In addition, interviews were conducted with individuals in Ashland, Oregon, which bills itself as “one of only 178 communities across the nation that provides residents with a locally-owned, lightning-fast fiber optic infrastructure.” The Grand Jury also consulted with legal counsel to determine any limitations imposed by agreements with the state of California that impact Mono County. Notes and videos from Mammoth Lakes Town Council meetings, Planning Commission meetings and Mono County Board of Supervisors meetings were reviewed as were anecdotal stories and complaints in local and social media.

DISCUSSION

Broadband for All?

When the Digital 395 project concluded in 2014, Mono County government representatives used their influence to encourage Suddenlink to invest a significant amount of money to upgrade the existing digital infrastructure in order to realize the high speeds provided by Digital 395. In 2015

Mono County's broadband services were among the best available almost anywhere - although in limited areas of the county.

Altice purchased Suddenlink in December of 2015. Following that acquisition, maintenance was neglected, local presence was reduced, customer satisfaction declined. The Mammoth Lakes office was closed, then the Bishop office was also closed, although recently reopened in January 2021. During this time, customer complaints about sporadic and unreliable service increased, and at the same time Suddenlink (Altice) customer service went from local offices to centralized call centers that provided little assistance. Ongoing and prolific complaints by friends and neighbors, letters in the local newspapers, and personal experiences all influenced the Grand Jury to investigate the state of broadband services in our county.

DIVCA - Digital Infrastructure and Video Competition Act of 2006

Under the Digital Infrastructure and Video Competition Act of 2006 (DIVCA) television and Internet service providers hold franchise agreements with the state of California rather than with the local counties or municipalities. This means that neither Mono County nor the Town of Mammoth Lakes has the authority to terminate or replace the current franchise holder - Suddenlink (Altice). Only the state of California has that power. The county and town can by themselves, or in cooperation with other jurisdictions, try to influence the California Public Utilities Commission (PUC) to pressure Suddenlink (Altice) to better their performance and customer service.

When cable TV service was established in Mono County and the Town of Mammoth Lakes by a predecessor of Suddenlink (Altice), cable television service was the issue. DIVCA was enacted at a time when that was still the case. More recently Internet usage has exploded and cable service providers like Suddenlink (Altice) have repurposed their cable systems to accommodate the change. Cable TV service was designed to provide fast download speeds for web browsing and video streaming. In the last two years with intense use of video conferencing applications like Zoom, speed in both directions - download and upload - is necessary, putting strain on existing systems that were not designed for that purpose.

Under DIVCA there is no legal barrier to another provider coming into the area to provide Internet service. There is, however, a high initial investment involved to create the infrastructure in the form of fiber and/or coaxial cable to provide service to the *last mile*, connecting to individual homes and businesses. This financial hurdle is sufficient to discourage competition. Basically June Lake and Mammoth Lakes residents are stuck with what they have.

Customer Service or Lack Thereof

The current providers are held only to the customer service standards set by the Digital Infrastructure and Video Competition Act of 2006 (DIVCA) with regards to cable TV service. In

fact, the Grand Jury's understanding of DIVCA customer service standards is that they only apply to television service and not Internet service even when supplied by the same provider, as for example in the case of Suddenlink (Altice). At this time, there are no customer service standards of any kind with regard to Internet service under DIVCA.

During a public Mammoth Lakes Town Council meeting (April 21, 2021), the town attorney said that several jurisdictions are working together to influence the California Public Utilities Commission (PUC) and state legislature to address this problem. While the scope of DIVCA customer service standards and penalties could be broadened to include internet service through precedent in the court, this has not yet happened.

A representative from Suddenlink (Altice) has presented to public meetings: County Board of Supervisors, Town Council of Mammoth Lakes, Town Planning Commission and Mammoth Lakes Chamber of Commerce in recent months to address ongoing dissatisfaction with Suddenlink (Altice) service. In such a discussion at the November 20, 2020 Mono County Board of Supervisors meeting, both the Suddenlink (Altice) representative and individual supervisors discussed citizens calling their county supervisor when customer service response became intolerable. The supervisor would then call the Mono County IT Director who would proceed to escalate the problem to a Suddenlink (Altice) contact.

In response to this issue, in mid-April the Mono County IT department set up a Suddenlink Escalation Portal on the Mono County website. This portal was announced in the Town of Mammoth Lakes e-News on May 7, 2021. The informal instructions presented in several meetings (referenced above) as potential solutions to problems with service include calling Suddenlink (Altice) to initiate a trouble ticket. If the issue is not resolved to the customer's satisfaction, the customer can enter the information through the Suddenlink Escalation Portal. While there has been an attempt to publicize the portal which is linked on the Mono County web page, it is still quite difficult to find. The Grand Jury has been told that it is Suddenlink (Altice) that determines whether resolution is successful. If the customer is not satisfied and disagrees, their only recourse is to open another trouble ticket and go through the entire process again.

The Last Mile

Part of the challenge with broadband access locally, as well as in many other rural communities, is the hurdle of *last mile* connection. *Last mile* is a term widely used in telecommunications, cable television and Internet industries to refer to the telecommunications networks that deliver telecommunication services to retail end-users (customers). More specifically, the *last mile* describes the portion of the telecommunications network chain that physically reaches the end-user's premises. Digital 395 is considered a *middle mile* network; the *last mile* is the connection from Digital 395 to the end user. The *last mile* can be any combination of copper wire (as used by Frontier Communications in Mono County), coaxial cable (used by Suddenlink (Altice)), or fiber optic cable (used by Race Communications among others). Fiber optic cable provides the fastest, highest quality broadband service. Fiber is state-of-the-art. The issue addressed in this Grand Jury report is the *last mile* connection.

Many for-profit Internet service providers are not willing to invest the tremendous amount of money required to install, upgrade or connect the needed *last mile* infrastructure to the fiber provided by Digital 395. The return on investment (ROI) is not enough for them to invest based on the number of households serviced by an infrastructure improvement.

Some communities in Mono County are physically close to the Digital 395 fiber so that the costs are low enough for it to be feasible for an internet service provider (ISP) to recoup their initial investment to make the *last mile* connection. For example, Crowley Lake's connection and physical proximity to Digital 395 has allowed two different broadband Internet providers to offer services in that area: Suddenlink (Altice) and Race Communications.

Other communities don't have adequate broadband service, such as Virginia Lakes (only satellite access for internet and phone) and Hammil Valley (only wireless Internet and spotty cell phone service available). The distance from these communities to Digital 395 would make the *last mile* investment very expensive. There are also islands within served areas that never had the infrastructure installed and cannot receive high speed broadband, such as areas of the Industrial Park in Mammoth Lakes, which has two parcels without a Suddenlink (Altice) broadband connection.

The new Starlink satellite system is a possibility for addressing some of the underserved communities in the unincorporated areas of the county. Starlink is at an early stage of development and it remains to be seen whether the capacity and speed of access are sufficient. There are also questions about the affordability of a Starlink subscription.

Because Digital 395 service does come into the Town of Mammoth Lakes and is accessible to some areas physically close to the Digital 395 fiber network, some homeowners' associations are exploring setting up their own private *last mile* networks. This points to the possibility of inequitable access. Finally, the patchwork of fiber infrastructure in Mammoth Lakes that already exists is convoluted and messy.

The Town of Mammoth Lakes has one major Internet Service Provider (ISP), which is Suddenlink (Altice). Frontier Communications offers Internet service in Mammoth Lakes, but it is over copper wire (DSL) and is therefore significantly slower than the coaxial cable connection offered by Suddenlink (Altice). Because Mammoth currently has these two Internet providers, it is likely not considered underserved when applying for grants to improve digital infrastructure.

During this investigation, it was discovered that conduit infrastructure is being installed into the Parcel and to the Community Recreation Center which will help facilitate fiber connections to the new structures. Unfortunately, that will not solve conduit infrastructure issues in other areas in town.

Public Utility

One direction this investigation explored was how communities and government entities could manage broadband access much like a public utility. One example is the city of Ashland, Oregon, that, when upgrading their infrastructure for city-managed utilities, installed conduit and fiber

optic cables to 95% of the units within the city limits. Ashland Fiber is an internet service provider and a city department. It has its own service technicians and customer support team, and has been successful in providing high-speed broadband internet all while paying off the debt incurred during the initial installation as well as contributing to the City's general fund. Their infrastructure is also available to other providers at a fee that allows consumers to choose their provider while having access to high speed fiber broadband. This serves as another source of revenue for the City of Ashland. The service provided by Ashland Fiber has been relatively reliable over the years and has not increased in price for five years according to an Ashland Fiber representative.

President Biden's American Jobs Plan

President Biden's American Jobs Plan, recently released to the public, addresses broadband inequities, proposes \$100B to bring high speed broadband to 100% of communities in the country, and specifically mentions promoting transparency and competition among broadband providers ([FACT SHEET: The American Jobs Plan](https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/)<https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/>). This could be extremely beneficial to Mono County residents and businesses if it provides funding for *last mile* infrastructure improvements for broadband to unserved and underserved communities in Mono County.

FINDINGS - MONO COUNTY

F1-C Broadband access in parts of unincorporated Mono County is inadequate leading to frustration among the citizenry. This unequal access to services negatively affects students requiring online instruction as well as the economic vitality of the region.

F2-C Starlink is a possible provider of broadband services in unincorporated and remote areas of Mono County. However, it is not clear at this point whether the service would be sufficient and affordable to residents in areas suffering from poor access.

RECOMMENDATIONS - MONO COUNTY

The Mono County Civil Grand Jury recommends:

R1-C The Mono County Board of Supervisors instruct staff to create a list of areas in Mono County that have inadequate broadband access and assign a priority sequence to the list by September 30, 2021.

R2-C Using the priority list created in recommendation R1-C above, the Mono County Board of Supervisors instruct staff to create and commit to a timeline for addressing the inadequate broadband access in the county. This timeline should identify funding sources to complete the

project. Staff should produce a comprehensive management plan for Internet access throughout the county by December 31, 2021 and update the Board of Supervisors quarterly.

FINDINGS - MONO COUNTY AND TOWN OF MAMMOTH LAKES

F1-C&T The Grand Jury is aware that state of California legislation is not within our purview. However, considering how great the impact of the Digital Infrastructure and Video Competition Act of 2006 (DIVCA) is and how immense the frustration at all levels from citizen customers through county and town staff up to and including the Mono County Board of Supervisors and Town of Mammoth Lakes Town Council, the Grand Jury feels it is necessary to address this issue as a finding. The fact that all control of franchise agreements and enforcement of penalties for poor customer service have been removed from local control results in tremendous frustration at every level. The Grand Jury sees how it also results in unintended consequences as the local jurisdictions seek ways to work around the restrictions and support their citizens' needs. At the same time local citizens are attempting to deal with the situation through homeowners' associations and other informal groups to access more robust broadband service.

F2-C&T Mono County and the Town of Mammoth Lakes have little leverage over customer service standards that are established at the state level through DIVCA. Suddenlink (Altice) provides inconsistent and/or poor customer service. Further, Suddenlink (Altice) is using the County and Town IT staff to help manage its customer service without paying for the service provided, resulting in a strain on staff and frustration for customers and staff.

F3-C&T Recently a Suddenlink (Altice) escalation portal on the Mono County website has been created to address the ongoing customer service issues in the county and town and is intended to alleviate frustration among the citizenry. Little instruction is provided on how to use the escalation portal.

RECOMMENDATIONS - MONO COUNTY AND TOWN OF MAMMOTH LAKES

The Mono County Civil Grand Jury recommends:

R1-C&T The Mammoth Lakes Town Council (MLTC) and the Mono County Board of Supervisors (BOS) encourage their legal counsels to continue to coordinate with each other and other jurisdictions to address the shortcomings of the DIVCA legislation. A quarterly report detailing progress should be presented to the BOS and MLTC no later than October 31, 2021. Ongoing.

R2-C&T The Mammoth Lakes Town Council (MLTC) and the Mono County Board of Supervisors (BOS) instruct the of Mammoth Lakes town manager and Mono County CAO respectively to coordinate with their respective staff and legal counsel to develop a plan to

pursue enforcement of the customer service standards outlined by DIVCA, which may include leveraging penalties for not meeting customer service standards. The joint plan to be submitted to the MLTC and BOS by October 31, 2021 with quarterly followup.

R3-C&T The Mammoth Lakes Town Council (MLTC) and the Mono County Board of Supervisors (BOS) instruct the Mammoth Lakes town manager and Mono County CAO respectively to coordinate and instruct the IT department to follow up on complaints submitted on the Suddenlink (Altice) escalation portal to determine if they are successfully resolved. This may necessitate follow-up communications to complainants and could include expanding the IT department. Follow-up on complaints to be addressed monthly and reported back to MLTC and BOS beginning no later than October 31, 2021.

R4-C&T The Mammoth Lakes Town Council (MLTC) and the Mono County Board of Supervisors (BOS) instruct the Mammoth Lakes town manager and Mono County CAO respectively to coordinate and instruct the IT department to create more detailed and easy-to-follow instructions on how to use the newly established Suddenlink escalation portal no later than September 30, 2021.

COMMENDATIONS - MONO COUNTY AND TOWN OF MAMMOTH LAKES

The Grand Jury commends the Mono County IT department for supporting the citizens of the county and town in dealing with ongoing Suddenlink customer service problems.

The Grand Jury commends the Mono County and Town of Mammoth Lakes legal counsels for working together and with other jurisdictions to address the problems presented by the DIVCA state legislation.

FINDINGS - TOWN OF MAMMOTH LAKES

F1a-T The franchise contract for cable television and Internet is controlled by the state but there is no legal barrier to competitors entering the local market. The initial investment in *last mile* infrastructure is the barrier to competition. The high cost of entering the market creates extreme frustration for the citizens of the town because they have no good alternatives to the current Internet service providers and no prospects for the situation to improve.

F1b-T The technology of using coaxial cable, which is efficient for television transmission, is not the best technology for delivering high speed Internet to customers who are suffering from poor and inconsistent Internet access. Fiber optic cable is a better alternative.

F1c-T Town of Mammoth Lakes does not qualify as an underserved community because of the two providers of broadband access in the town. This may hinder grant funding for upgrading the system or installing a new one under control of the town.

F2-T Inaction by the Town Council on the issues of poor and inconsistent fiber Internet access has resulted in an exacerbated patchwork of availability that depends upon local homeowners’ associations and other informal groups to install their own systems making it difficult and potentially more costly. Each of these systems has to be maintained throughout its lifetime (e.g.: Village homeowners group).

RECOMMENDATIONS - TOWN OF MAMMOTH LAKES

The Mono County Civil Grand Jury recommends:

R1-T Mammoth Lakes Town Council instruct town staff to complete a feasibility study by December 31, 2021 regarding creation of a *last mile* fiber network connected to Digital 395 throughout the Town of Mammoth Lakes. This study is to include an analysis of whether such a network may be owned and managed by a distinct government entity (examples include the town itself, a special district, community service district, or joint powers authority) that retains control over ownership, monitoring and granting access as an Internet service provider. This entity would also be poised to apply for funding such as the American Jobs Act. The study, to be completed by March 31, 2022 should include cost and time estimates, possibly for several different alternative solutions for consideration by the Town Council no later than April 30, 2022.

R2-T Mammoth Lakes Town Council instruct public works staff to develop a plan to facilitate future installation of conduit and fiber optic connections within the town through a policy of installing conduit, as is being done in the Parcel and CRC projects, anywhere where in-ground repairs and improvements are being made. This may require establishing cooperative activity with other entities as, for example, AmeriGas. The plan to be presented to the Town Council no later than January 31, 2022.

R3-T The Mammoth Lakes Town Council instruct staff to create a comprehensive management plan for the patchwork of municipal fiber and Internet access via fiber for the town (*last mile*), by June 1, 2022.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

	Findings	Recommendations
Board of Supervisors	F1-C, F2-C, F1-C&T to F3-C&T	R1-C, R2-C, R1-C&T to R4-C&T
Mammoth Lakes Town Council	F1a to F1c-T, F2-T,	R1-T to R3-T

	F1-C&T to F3-C&T	R1-C&T to R4-C&T
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Pursuant to Penal Code §933 and §933.05, the Mono County Civil Grand Jury requests responses from the following governing bodies within 90 days:

- Mono County Board of Supervisors
- Mammoth Lakes Town Council

INVITED RESPONSES

- Nate Greenberg, Mono County IT Director: all findings and recommendations.
- Stacey Simon, Mono County Counsel: R1-C&T and R2-C&T
- Andrew Morris, Town of Mammoth Lakes Attorney: R1-C&T and R2-C&T

GLOSSARY

DIVCA - Digital Infrastructure and Video Competition Act of 2006

Escalation Portal - A [website](#) created by the Mono County IT department to allow Suddenlink (Altice) customers to register customer service issues that have not been addressed to their satisfaction, so that the issue is escalated to a higher level of management in the company.

ISP - Internet Service Provider

Last Mile - *Last mile* is a term widely used in telecommunications, cable television and Internet industries to refer to the telecommunications networks that deliver telecommunication services to retail end-users (customers). More specifically, the *last mile* describes the portion of the telecommunications network chain that physically reaches the end-user's premises. Digital 395 is considered a *middle mile* network; the *last mile* is the connection from Digital 395 to the end user.

MBPS - Megabits per second, a term used to describe Internet speeds.

<p>Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.</p>



Responses to Final Report: Fiber Internet Connection as Essential Infrastructure in Mono County

Findings:

F1-C: Broadband access in parts of unincorporated Mono County is inadequate leading to frustration among the citizenry. This unequal access to services negatively affects students requiring online instruction as well as the economic vitality of the region.

Response to F1-C: The Board agrees in part and disagrees in part with this finding. Nearly all of the unincorporated communities in Mono County have some form of internet access. In most cases this is a fiber-optic network with Gigabit capacity. However, some of our smaller communities only have wireless internet. While Mono County is actively working with internet providers to encourage expansion of broadband services into these communities, the County has no purview over such efforts.

F2-C: Starlink is a possible provider of broadband services in unincorporated and remote areas of Mono County. However, it is not clear at this point whether the service would be sufficient and affordable to residents in areas suffering from poor access.

Response to F2-C: The Board agrees with this finding. Mono County sees Starlink as a good solution for the most remote and least dense unincorporated communities where wireline service is unlikely to be developed. However, the startup costs for Starlink may be a barrier to entry for some residents.

F1-C&T: The Grand Jury is aware that state of California legislation is not within our purview. However, considering how great the impact of the Digital Infrastructure and Video Competition Act of 2006 (DIVCA) is and how immense the frustration at all levels from citizen customers through county and town staff up to and including the Mono County Board of Supervisors and Town of Mammoth Lakes Town Council, the Grand Jury feels it is necessary to address this issue as a finding. The fact that all control of franchise agreements and enforcement of penalties for poor customer service have been removed from local control results in tremendous frustration at every level. The Grand Jury sees how it also results in unintended consequences as the local jurisdictions seek ways to work around the restrictions and support their citizens' needs. At the same time local citizens are attempting to deal with the situation through homeowners' associations and other informal groups to access more robust broadband service.

Response to F1-C&T: The Board agrees with this finding. First, the 2006 DIVCA legislation is designed to only regulate video service, not broadband itself. While most all video service is today delivered via a broadband provider, there is no regulatory authority directly over the internet aspects of those connections. Further, DIVCA eliminates all regulatory authority over these providers and instead standardizes the franchise agreements via the State. There is pending legislation (SB 28) which, if adopted as currently drafted, would create some additional regulatory opportunities within the CPUC, although it remains to be seen as to whether this would truly resolve the issues being felt on the ground today.

F2-C&T: Mono County and the Town of Mammoth Lakes have little leverage over customer service standards that are established at the state level through DIVCA. Suddenlink (Altice) provides inconsistent



and/or poor customer service. Further, Suddenlink (Altice) is using the County and Town IT staff to help manage its customer service without paying for the service provided, resulting in a strain on staff and frustration for customers and staff.

Response to F2-C&T: The Board agrees in part and disagrees in part. It is true that Mono County and the Town of Mammoth Lakes have no leverage over customer service standards. Further, it is clear that Suddenlink (Altice) is unable to provide effective customer service. However, with the launch of the new Suddenlink Escalation Portal, the actual strain on IT staff is not significant and is providing customers with a means to effectively escalate service requests which are not being met.

F3-C&T: Recently a Suddenlink (Altice) escalation portal on the Mono County website has been created to address the ongoing customer service issues in the county and town and is intended to alleviate frustration among the citizenry. Little instruction is provided on how to use the escalation portal.

Response to F3-C&T: The Board agrees with this finding, however, IT recently added basic language on how to use the escalation portal.

Recommendations:

R1-C: The Mono County Board of Supervisors instruct staff to create a list of areas in Mono County that have inadequate broadband access and assign a priority sequence to the list by September 30, 2021.

Response to R1-C: The Board agrees with this recommendation and the work has already been completed.

R2-C: Using the priority list created in recommendation R1-C above, the Mono County Board of Supervisors instruct staff to create and commit to a timeline for addressing the inadequate broadband access in the county. This timeline should identify funding sources to complete the project. Staff should produce a comprehensive management plan for Internet access throughout the county by December 31, 2021 and update the Board of Supervisors quarterly.

Response to R2-C: The Board disagrees with this recommendation as Mono County does not have the authority or purview to regulate or direct the development of broadband. However, Mono County staff are continuously working with broadband providers to resolve outstanding issues and continue to deploy high-quality broadband solutions to as many residents of Mono County as practicable.

R1-C&T: The Mammoth Lakes Town Council (MLTC) and the Mono County Board of Supervisors (BOS) encourage their legal counsels to continue to coordinate with each other and other jurisdictions to address the shortcomings of the DIVCA legislation. A quarterly report detailing progress should be presented to the BOS and MLTC no later than October 31, 2021. Ongoing.

Response to R1-C&T: The Board agrees with this recommendation. County Counsel and Information Technology are actively working on this.

R2-C&T: The Mammoth Lakes Town Council (MLTC) and the Mono County Board of Supervisors (BOS) instruct the of Mammoth Lakes town manager and Mono County CAO respectively to coordinate with their respective staff and legal counsel to develop a plan to pursue enforcement of the customer service standards outlined by DIVCA, which may include leveraging penalties for not meeting customer



service standards. The joint plan to be submitted to the MLTC and BOS by October 31, 2021 with quarterly follow-up.

Response to R2-C&T: The Board agrees in part and disagrees in part with this recommendation. Only recently were Customer Service Standards provided by Suddenlink to the agencies. Under DIVCA, there are very specific violation thresholds which must be crossed before any agency may take action against the company. There is some legal complexity and ambiguity as to what extent these thresholds would also apply to broadband alone (as opposed to video). Further, with the implementation of the escalation process between Suddenlink and the agencies, it is unlikely that the time thresholds in DIVCA would be crossed making it difficult to further enforce the standards.

R3-C&T: The Mammoth Lakes Town Council (MLTC) and the Mono County Board of Supervisors (BOS) instruct the Mammoth Lakes town manager and Mono County CAO respectively to coordinate and instruct the IT department to follow up on complaints submitted on the Suddenlink (Altice) escalation portal to determine if they are successfully resolved. This may necessitate follow-up communications to complainants and could include expanding the IT department. Follow-up on complaints to be addressed monthly and reported back to MLTC and BOS beginning no later than October 31, 2021.

Response to R3-C&T: The Board agrees with this recommendation, and this work is already happening on an ongoing basis.

R4-C&T: The Mammoth Lakes Town Council (MLTC) and the Mono County Board of Supervisors (BOS) instruct the Mammoth Lakes town manager and Mono County CAO respectively to coordinate and instruct the IT department to create more detailed and easy-to-follow instructions on how to use the newly established Suddenlink escalation portal no later than September 30, 2021.

Response to R4-C&T: The Board agrees with this recommendation and corrective action has already been taken to provide more clear instructions on the Suddenlink Escalation Portal.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE August 10, 2021

Departments: CAO, Community Development

TIME REQUIRED	30 minutes (10 minutes presentation, 20 minutes discussion)	PERSONS APPEARING BEFORE THE BOARD	Robert C. Lawton, CAO, Wendy Sugimura, Community Development Director
SUBJECT	Response to 2020-21 Grand Jury Report on "Workforce Housing Crisis"		

AGENDA DESCRIPTION:

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

Review of draft letter to Mono County Grand Jury in response to 2020-21 Grand Jury Report "Mono County Workforce Housing Crisis".

RECOMMENDED ACTION:

Review Grand Jury report and draft letter and provide direction to staff for development of final response.

FISCAL IMPACT:

None.

CONTACT NAME: Stacey Simon

PHONE/EMAIL: 7606483270 / ssimon@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Grand Jury Report re Workforce Housing
Exhibit A - Draft Response

History

Time	Who	Approval
8/4/2021 10:31 AM	County Counsel	Yes
8/4/2021 11:35 AM	Finance	Yes
8/5/2021 1:05 PM	County Administrative Office	Yes

County Counsel
Stacey Simon

Assistant County Counsels
Christian E. Milovich
Anne L. Frievault

Deputy County Counsel
Emily R. Fox

**OFFICE OF THE
COUNTY COUNSEL**
Mono County

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Paralegal
Kevin Moss

To: Board of Supervisors

From: Emily Fox

Date: August 10, 2021

Re: Workshop for Responses to Grand Jury Report: Workforce Housing Crisis

Recommended Action

Review and provide direction to staff regarding draft responses to the Grand Jury Report.

Discussion

Mono County received the Grand Jury's report entitled "Workforce Housing Crisis" on June 14, 2021. Pursuant to Penal Code section 933(c), the County must respond to each finding and recommendation in the Grand Jury's report and return such response to the presiding judge no later than 90 days after the Grand Jury submitted the report. As such, the County's responses will be due by Monday, September 13.

Staff in the Community Development Department have prepared draft responses to each of the findings and recommendations, in consultation with other relevant departments and staff. Staff seeks direction regarding the content of the responses ahead of submission to the Board for final approval at the September 7 meeting.

If you have any questions regarding this item prior to your meeting, please call me at 760-924-1712.



**MONO COUNTY GRAND JURY
2020-2021**

**WORKFORCE HOUSING CRISIS
FINAL REPORT
Submitted June 14, 2021**

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2
3
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5
6
7
8
9
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11
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13
14
15
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17
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20
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22
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28

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MONO


IN RE:

2020-2021 Grand Jury

GENERAL ORDER

I certify that the 2020-2021 Grand Jury Workforce Housing Crisis Final Report, pursuant to California Penal Code § 933 (a), complies with Title Four of the California Penal Code and direct the County Clerk to accept and file the final report as a public document.

Dated this 17th day of JUNE 2021.



MARK MAGIT
Presiding Judge of the Superior Court

WORKFORCE HOUSING CRISIS FINAL REPORT

June 14, 2021

SUMMARY

Local housing for Mono County and Town of Mammoth Lakes workforce is at a crisis level and needs more committed attention and financial resources from the local governing bodies. Mono County and the Town of Mammoth Lakes have recently reported to the State of California on their progress in improving housing availability as directed by State mandated requirements. These plans tend to emphasize ongoing activity without actually producing results. For better outcomes, the Mono County Grand Jury recommends that more specificity be introduced into the plans, that dedicated responsible parties be identified, and that innovations be investigated and implemented now. The various communities of Mono County need to become more involved in order to get community buy-in for adding workforce housing in their communities. Finally, the cost of actually accomplishing these goals needs to be addressed with plans from both County and Town for identifying and acquiring dedicated funding.

BACKGROUND

Need for Workforce Housing

The need for more housing has been evident in Mono County and the Town of Mammoth Lakes for a long time. Beginning in 1969, California required that all local governments plan to meet the housing needs of everyone in the community. Over the decades since then the various Mono County Boards of Supervisors and Mammoth Lakes Town Councils have created a significant number of studies and plans to improve the supply of housing but have not been successful in meeting housing needs. As the County and Town populations have grown, the emphasis on providing workforce housing has not grown at the same pace. The problem continues due to insufficient funding, lack of available private land and lack of innovative solutions. In addition, the recent evolution of Airbnb and similar entities have created more incentives for property owners to turn their units into short term rentals (STR) instead of providing long term rental housing that is needed by locals.

The biggest challenge in developing housing is at the low-income levels of the workforce as housing prices have increased at a faster pace than income. The State of California has for decades continued to study the problem. As recently as September of 2018, the state established requirements for municipalities to increase housing using a matrix of income levels based on household size and the percentage of the average income of the region. Regions within California currently have until 2027 to achieve the goals set for them by the state. Despite the long lead time given by the state, it is clear that the need for housing in Mono County and Mammoth Lakes is more immediate (The Sheet, March 20, 2021, pg. 2 “[Good Housekeeping](#)”) and needs to be aggressively addressed.

High Cost and Scarcity of Housing

Housing costs have been influenced by non-residents who are drawn to the area. They are willing and able to pay top dollar for second homes that they can visit occasionally. The 2020 COVID-19 pandemic has exacerbated the problem since employers are allowing more workers to work from remote locations - a trend that is likely to continue in some form. Anecdotally, these remote workers have been adding to the number of renters and buyers in both the county and town viewing the Eastern Sierra as an ideal alternative to big city life. In addition, non-locals have been buying housing at an alarming rate with the intent of turning it into income-producing nightly rentals. The result of this is more local residents are pushed out of the market. This continues to decrease available housing for full-time residents.

The median price of condos sold in the county in 2016 was \$299,750 but went to \$450,000 in 2019 and continues to escalate. The median price of existing single family homes in Mono County was \$699,750 as of September 2019, the tenth most expensive county in California and 12.4% higher than the previous year (Federal Census). The current inventory of available homes is extremely low. As an example, historical February inventory of single family homes and condos combined in the town was approximately 150 units whereas only 28 properties were listed mid-month February 2021 per a local real estate newsletter.

Below Market Rate Housing

Not only is housing scarce but workers at many different income levels find what is available to be unaffordable. Generally, the state expects that a worker can afford to pay up to 30% of their income on housing. The area median household income in 2019 was \$62,260 in Mono County and \$59,620 in the Town of Mammoth Lakes compared to \$80,440 in the State of California. More importantly, the median income of individual full-time, year round workers in the Town of Mammoth Lakes was only \$34,341 for female workers and \$42,933 for male workers per the United State Census bureau ([Census - Geography Profile](#)).

Mammoth Lakes Housing, Inc. (MLHI) maintains a waiting list of applicants for “low-income housing” which as of May 1, 2021, stands at 108 households. This encompasses 341 individuals of whose gross annual income is below 100% of the Area Median Income.

AMI - Area Median Income levels are defined in the State as:

- **Extremely low income:** 0-30% of AMI.
- **Very low income:** 30% to 50% of AMI.
- **Lower income:** 50% to 80% of AMI; the term may also be used to mean 0% to 80% of AMI.
- **Moderate income:** 80% to 120% of AMI.

Some workers in the county resort to commuting to Bishop in Inyo County to find affordable units. Others have given up and moved out of the area completely. Government funding support is necessary to provide “below market rate” (BMR) units, whether for rent or ownership. BMR housing is being addressed by the state by review of the AMI income levels above.

(<https://www.monocounty.ca.gov/housing-authority>)

General Fund allocations for housing in both Mono County and the Town of Mammoth Lakes are relatively small compared to the costs of BMR programs. Although there are portions of various taxes that are legally dedicated for funding other functions of the government, housing is still a discretionary allocation by the town council when considering the annual budget; the county board of supervisors has a specific allocation.

Currently only 0.85% of the 13% Transient Occupancy Tax (TOT) collected in the Town of Mammoth Lakes is allocated to support housing. Mono County and Town of Mammoth Lakes apply to the state and federal government for additional funding through grants. However, the probability of acquiring grants is not guaranteed as virtually every county and city in California is competing for the same funds. The Town of Mammoth Lakes is also applying for grants through non-profits like Mammoth Lakes Housing, Inc.

Workers with Above Median Income

There are housing shortages at the professional level in addition to those at the lower income levels. However, this grand jury report focuses on housing for the medium and lower income workforce.

Unincorporated Mono County's situation and the Town's situation vary significantly and are treated separately in this report.

METHODOLOGY

- The Grand Jury reviewed numerous documents, a list of which can be found at the back of this report in Appendix A.
- Grand Jury members also conducted interviews with 15 officials or staff of Mono County, the Town of Mammoth Lakes, and Mammoth Lakes Housing, Inc.
- Websites for the County Board of Supervisors and the Town of Mammoth Lakes Town Council were reviewed for information relevant to housing that was discussed during the course of this fiscal year.
- Various County Board of Supervisors, Mammoth Lakes Town Council and Mammoth Lakes Housing meetings were reviewed.

DISCUSSION

State Government Requirements for Housing Element in General Plans

The State of California requires all communities to develop a General Plan with a Housing Element within the General Plan. The county's and town's current respective housing elements were established in 2019 and extend through 2027. The state has provided Mono County with a Regional Housing Needs Determination (RHND) that specifies the number of housing units to be

provided for workers at various income levels by 2027. Although the target for compliance is 2027, the housing crisis is now.

An annual report evaluating progress on the status of the Regional Housing Needs Determination (RHND) goals is due to the State's Housing and Community Development (HCD) Department on April 1 of each year. The county and the Town of Mammoth Lakes each completed their report by April 1, 2021 as required by the state.

COUNTY OF MONO

County General Plan Housing Element

The Mono County General Plan establishes policies to guide decisions on future growth, development and conservation of natural resources in the unincorporated areas of the county. Regional Planning Advisory Committees (RPACs) have been established in the various communities within the county. The housing element of the county's current general plan was developed with input from the community, as well as the Board of Supervisors. Goals were prioritized. The four main goals are:

- Goal 1: Increase overall housing supply, consistent with county's rural character
- Goal 2: Increase the supply of community housing
- Goal 3: Retain existing community housing
- Goal 4: Ensure all other needs related to housing are met

Each of the goals has been broken down into action plans with responsibilities and timelines. Land availability has been addressed and found to be adequate to accomplish the goals.

Goal 1 of the Plan is actually two separate goals: the first of increasing the overall housing supply can be in conflict with the latter goal of keeping communities consistent with the county's rural character.

Community housing as mentioned in goal 2 includes workforce housing. Some of that housing must be more affordable than the current mix of housing in a community. To make it affordable, the housing units need to be smaller and possibly attached to other units, i.e. multiple family residence (MFR) housing. Many communities have zones for MFR housing on which nothing but single family residences (SFRs) have been built. Another possibility for affordable housing is building accessory dwelling units (ADU) or "tiny houses."

One section of the housing element estimates that the unmet demand for rental units in the unincorporated area of the county is from 50 to 100 units. In addition, it reports that approximately 100 people left the area when they couldn't find housing or their rentals were converted to seasonal housing.

Antelope Valley, Benton/Hammil, Bridgeport Valley, Chalfant, June Lake, Long Valley, Mono Basin, Paradise and Wheeler Crest each have a Regional Planning Advisory Committee (RPAC) that supports the county housing element. The stated purpose of an RPAC, per the Mono County website (<https://www.monocounty.ca.gov/rpac>), is to advise the Mono County Board of Supervisors, Planning Commission, and Planning Division on the development, review,

implementation and update of the Mono County General Plan and associated Area / Community Plans.

The planning areas of June Lake and Mono Basin have separately published area or community plans, which are incorporated into the land use element of the General Plan.

The County Board of Supervisors is aware of housing needs within the county. There are multiple entities within the county that have responsibilities with respect to housing. There is a need to centralize the housing development effort. The position of a Housing Coordinator who could more effectively address this issue, has been approved to report to the County Administrator.

Regional Housing Needs Determination for the County

The housing element of the general plan ([General Plan](#)) states that there is adequate acreage to accommodate the housing needs projected by the California Housing and Community Development Department (HCD) in the Regional Housing Needs Determination (RHND) provided to the county. This element has an extensive list of programs for achieving the goals.

The April 1, 2021 HCD report to the state discusses the progress made to date based on 2014 goals and not the 2019 goals. This means that Mono County is reporting progress based on obsolete goals ([Housing Elements](#) - State of CA site).

The Regional Housing Needs Determination (RHND) set by the state for Mono County covers the projection period of December 31, 2018 through August 15, 2027 and is shown below. The progress reported to the state through December 31, 2020, in the report issued April 1, 2021 is shown beside it.

Income Category	Percent	Housing Unit Need Net of Units Assigned to Mono County	Progress reported to State as of December 31, 2020
Very-low*	16.2%	39	0
Low	18.9%	46	9
Moderate	23.1%	55	10
Above-Moderate	41.8%	100	10
Total	100.0%	240	29
*Extremely-Low	6.9%	Included in Very-Low Category	

Income Distribution: Income categories are prescribed by California Health and Safety Code (Section 50093, et seq.). Percents are derived based on Census/ACS reported household income brackets and county median income

It should be noted that the total requirement for the county is 240 units, which includes 155 units to be provided by the Town of Mammoth Lakes. The remaining 85 units must be provided by the communities in the unincorporated areas of the county.

High Price of Housing in the County

The high price of housing is a significant issue in Mono County. An overpaying household is defined as those paying in excess of 30% of their income toward housing cost. Approximately 42% of households in the unincorporated county are considered to be overpaying.

Overpaying Households, Unincorporated Mono County		
Total Households Characteristics	Number	% of Total Households
Total occupied units (households)	2,210	100.00%
Lower income households paying more than 50%	170	7.70%
Total Households Overpaying	940	42.50%
Total Renter Households Overpaying	365	16.50%
Total Owner Household Overpaying	575	26.00%

Additional Housing Burden of the County Due to the Mountainview Fire

The Mountainview Fire destroyed 96 homes in northern Mono County. At least a third of the homes destroyed had minimal or no insurance coverage for fire and citizens will need help in rebuilding. This places an additional burden on the county. These “lost” units, once rebuilt, will not count toward the additional housing units required per the state.

The county is working with the residents to find ways to assist in rebuilding, for example waiving certain fees, expediting permits, streamlining and reviewing plans.

Availability of Housing and Land in the County

Per the 2010 Census, 52% of total housing units in TOML were listed as “seasonal, recreational or occasional use” (4,981 of 9,629 total); in June Lake 59% (487 of 820); in Mono County overall 46% (6,383 of 13,912).

A more recent Census Bureau report indicates that Mono County, including the Town of Mammoth Lakes currently has 14,114 units of housing, of which 4,765 are occupied full time. The rest are units subject to vacancies. Of these units, only 60 were built in 2010 - 2018.

The housing element has identified 48 parcels in Bridgeport suitable for high density development resulting in a total of 185 potential units. Of the Bridgeport properties, 73 of the potential units would be for low and very low income residents whereas the remaining would be for moderate or above moderate income level residents. There are 41 parcels in June Lake

suitable for a total of 123 potential units. Of the June Lake properties, only 5 would be targeted for low or very low income residents.

Availability of Funds

The Board of Supervisors established a housing reserve in FY 2018-19 with a \$200,000 allocation from the general fund. They added another \$200,000 to the affordable housing reserve in the 2019-20 budget. These funds have since been supplemented with additional funds from the sale of county owned housing in June Lake. While noteworthy, there is no specific affordable housing plan outlining how to use those dollars.

Funds can be used for buying units to be converted to deed restricted housing or for subsidized housing. The former approach is initially expensive but provides a permanent low-income unit. The latter approach provides for more units but funds need to be replenished regularly.

Rehabilitation of Units vs. Sale/Demolition

There are two specific goals stated in the Mono County HCD report worth pointing out. The first is a stated program to “Continue to participate in the state's Community Development Block Grant (CDBG) program for rehabilitation of owner-occupied housing units.” The County's goal is to rehabilitate five units during the planning period. The County will apply annually for CDBG funds. Although the HCD report states this is an ongoing objective it also indicates that no loans were received during 2020 and the county is waiting for state funding.

The second objective is to encourage the rehabilitation of existing units over their demolition where practical through various measures identified in the HCD report including but not limited to providing flexibility in administering building code requirements to facilitate the repair, remodel and refurbishment of existing units instead of their demolition; developing a user-friendly process for repair, remodel and refurbishment, including handouts, etc. The status of this objective indicates it is ongoing, but whether or not any of the recommended steps have taken place is not shown. There were no demolitions in 2020.

TOWN OF MAMMOTH LAKES

Town General Plan Housing Element

The Town of Mammoth Lakes is incorporated and therefore has its own general plan including a housing element ([Town of Mammoth Lakes](#)) that establishes the Town’s policy relative to the maintenance and development of safe, decent, and affordable housing for existing and future residents. It addresses the state’s planning period of 2019 to 2027. The element covers a discussion of the housing needs, availability and a strategy that establishes housing goals, policies and programs. Some of the actions for implementation, especially those related to funding in the town’s housing element (e.g. Action H.2.A.1 and Action H.2.A.5), have no designated responsible party and no specific target date for completion.

Prior to developing the response to state mandates, in 2017 the Town had developed a comprehensive Community Housing Action Plan (CHAP) with the assistance of community leaders and members ([Housing Action Plan: Live, Work, Thrive! | Mammoth Lakes, CA - Official Website](#)). It lists the following goals:

- Provide 200 to 300 community housing units within 5 years (by 2022), through a combination of new development, redevelopment, housing programs and policies. The Plan will have life beyond this 5-year period and goals will be updated as dictated by needs;
- Target the full range of community housing needs currently not being met by the market, including rentals for households earning less than 80% area median income (AMI) and ownership housing for households earning up to 200% area median income (AMI);
- Produce community housing at a rate faster than job growth in the near term to help address the current housing shortage, unfilled jobs and provide opportunities for in-commuters who want to move to town; and
- Retain a strong base of residents and employees living in town.

CHAP goals and action plans have continued to be a priority for the Community Development Department although the CHAP is not considered an officially adopted document.

Regional Housing Needs Determination for the Town

The State of California determined the housing units by income category needed for Mono County and allocated a portion of those housing units to the Town of Mammoth Lakes. The following chart shows the current allocation to the town made in 2019 to be reached by 2027.

Income Category	Percent	Housing Unit Need
Extremely low	6.9%	10
Very-low*	10.3%	16
Low	19.4%	30
Moderate	21.9%	34
Above-Moderate	41.3%	65
Total	100.0%	155
<i>Income Distribution: Income categories are prescribed by California Health and Safety Code (Section 50093, et.seq.). Percents are derived based on Census/ACS reported household income brackets and county median income</i>		

The town submitted its April 1, 2021 report to the California Housing and Community Development Department on the progress made during 2020. Developers have submitted Housing Development Applications (proposed development projects for all commercial and multi-family developments and where code requirements cannot be determined through other means) for 81 units in the Parcel of which 16 are for very low income families, 64 low income

and one (1) above-moderate. None of these applications have been approved by the Town of Mammoth Lakes as of May 2021. An application by Mammoth Lakes Housing Inc. for 11 low-income units was approved by the TOML for a property on Sierra Manor Road. This project is not yet fully funded.

Although the April 1, 2021 HCD report to the State indicated numerous units receiving certificates of occupancy (permit to move into a completed dwelling), every one was for above-moderate income units (more than 120% of AMI). The extremely-low, low, lower and moderate income levels are not being addressed.

A review of the narrative of the housing element components listed two (2) goals to be accomplished in 2021, four (4) in 2024, one (1) related to dedicated funding is postponed (no date), and 25 target dates are listed as “ongoing.” One element concerning involvement of the Chamber of Commerce was considered completed.

High Price of Housing in the Town

The Mammoth Lakes housing market is subject to high demand for vacation and second homes. Housing prices are driven by relatively affluent second-home buyers; the rental market is also affected by the higher prices commanded for seasonal and nightly rentals of homes and condominiums making it substantially more expensive than in neighboring areas, such as Bishop, even with the additional cost of commuting.

Per the 2010 Census, 52% of total housing units in TOML were listed as “seasonal, recreational or occasional use” (4981 of 9629 total units 9629/4981). Approximately 63% of all households in the Town of Mammoth Lakes are considered to be overpaying.

According to data in the Community Housing Action Plan Part 2 ([CHAP](#)) based on 2012-2016 American Community Survey (ACS) data, approximately 75 percent of Mammoth Lakes' households are in the extremely-low, very-low, low-, and moderate-income categories, and cannot afford the market rate rental or owner-occupied housing in the town.

In addition to the problem of low income, the town has an estimated 575 special needs households and 354 disabled or homeless residents. For these residents, housing is just one of their issues but it is most basic to solving their other existing problems.

According to the Housing California: Fact Sheet, Focusing on Solutions: Homelessness in Rural Areas¹, “rural areas are often susceptible to larger numbers of “hidden homeless” — people who do not have a home, but may move from place-to-place (couch surfers) or live in their vehicles. Although this population is not visibly homeless, they are still consumers of government resources.”² Additionally, there are long-term tent and RV campers and dispersed campers, all of whom also need a place to live.

Due to the high cost and lack of availability of workforce housing in Mammoth Lakes, many workers have relocated to Bishop/Inyo County. This requires commuting and increased carbon emissions.

(¹ - Olmstead, Zack. HOUSING CALIFORNIA: FACT SHEET, FOCUSING ON SOLUTIONS: Homelessness in Rural Areas, Ed. Karen C. Naungayan, Housing California, 2010.)

(² - California Housing and Community Development - <https://www.hcd.ca.gov/>)

Availability of Land in the Town

The Town has identified several sites that are available for affordable housing units, subject to approved permits, plans, or affordable housing overlay zoning. Appendix B provides the list of those sites as shown in the town's housing element. It does not include sites being developed by Mammoth Lakes Housing Inc. to provide housing for low-income workers. Although the housing plan does not show that it will meet the Regional Housing Needs Determination (RHND) by the specific income levels indicated by the state, interviews with town officials indicate that the current plans show compliance will be met. A review of the April 1, 2021 report to the state shows no units in extremely low, very low, lower, or moderate area median income (AMI) levels.

At the April 28, 2021 meeting of the Town Council, the Council approved a resolution authorizing the Town Manager to execute the Disposition and Development Agreement (DDA) with Pacific West Communities, Inc. related to the construction of affordable, community housing on The Parcel (Phase I of the Parcel Plan). The Infill Infrastructure Grant (IIG) received by the Town and Pacific West requires that 368 (82%) of the total 450 planned units are for persons at 60% AMI or lower. The Phase 1 plan indicates that one of the 81 planned units in Phase 1 is to have occupants at above the 80% of AMI level; 64% (or 51-52 units) are at 60% of AMI or below.

The Council in its April 28, 2021 special meeting discussed that parking in Phase 1 of the Parcel project will be provided at the level of 1.3 spots per unit. This was identified as a problem when multiple community discussions were held on the Parcel. A council member stated that experience from Manzanita and Aspen Village shows that workforce housing requires more than 2.0 parking spots per unit. This will cause overflow parking in the neighboring areas. The Council left this an open item at that time to be reviewed as each phase goes forward.

Vacant Housing

The Census Bureau 2019 report states that the Town has 9,795 units, of which 2,514 are occupied full time (26%). The rest are units subject to vacancies. The CHAP report estimated that 59% were of occasional or seasonal use. Of the units existing in 2019, only 13 were built in 2010 or later. Some of these vacant units may be convertible into rentable units for workforce housing. However there is significant pressure caused by on-line rental services that entice owners to employ nightly vs. longer-term term rentals that could otherwise be made available for workforce housing ([Explore Census Data](#)).

The housing problem in Mammoth Lakes has gotten so severe that the Town's Chamber of Commerce, normally focused on improving, serving and advocating for the business community, used its resources as well as additional town resources, to match workers with potential housing. This project was developed in late 2018 and implemented in 2019. It is the only goal listed in the 2020 housing element report that is deemed to be accomplished.

Availability of Funding for Housing

The Town's budget sets aside a small amount for housing at the beginning of the fiscal year. If at the end of the fiscal year, there is money left over in the budget, additional funds may be assigned to housing. The CHAP report recognizes that if the housing plan is to succeed, a dedicated source of funding needs to be developed. See "TOT dedication to a Housing Fund" (CHAP report, pg. 19). While an action plan exists (H.2.A.5), it lacks specificity of responsibility. Section H.2.A.5 in the California Housing and Community Development (HCD) report refers to increasing transient occupancy tax (TOT) from Measure A: the Town was considering a ballot measure for the November 2020 general election to increase the TOT amount by 1% to be used specifically for affordable housing. However, due to the unknown long-term economic impacts associated with COVID-19, the ballot measure was postponed. The Town will continue to explore placing a dedicated local tax initiative on a future ballot.

In years prior to 2015 developer fees were charged in lieu of providing on-site workforce housing. Fees went towards creating housing for residents who might not otherwise be able to afford it. In addition, Development Impact Fees (DIF) were charged to mitigate a project's environmental and service impacts. Opposition to the fees resulted in a study to determine whether or not the policy was "developer-friendly." Fees were dropped approximately 75%, a level that would stay in effect until 2019 and in 2019 the fees were increased from 5 to 10% ([Affordable Housing Nexus Study and Fee Recommendation](#)).

TOML currently allocates .85% of the Measure A transient occupancy tax (TOT) income to housing; 2.35% to Mammoth Lakes Tourism and .85% to transportation. These distributions are advisory, and can be readjusted at any time with action by the Town Council. The amount allocated to housing has not increased for many years even though this is one of the few controllable sources of funds to provide for housing. The current housing allocation from TOT appears to be insufficient to meet the stated goals of the Town's Housing Element and CHAP, although neither plan has a specific price tag.

MAMMOTH LAKES HOUSING INC.

Mammoth Lakes Housing Inc. (MLHI) is a nonprofit public benefit corporation contracted by the town to accomplish some of its housing goals and provide stewardship of the town's ownership deed restricted housing portfolio totaling 39 homes, among other responsibilities. In 2020, MLHI raised funds amounting to close to one million dollars through donations, allocations from the Town Council, and grants to be used for an Emergency Rent Payment Assistance Program to support local residents during the Covid-19 crisis. MLHI screened and assisted applicants for the program in addition to their ongoing responsibilities. They provided buyer assistance loans and oversaw transfer of deed restricted units. In addition, MLHI worked with the town to screen requests for purchase of housing assistance during that time.

MLHI is currently renovating the Country Glass Building on Sierra Manor Road in Mammoth Lakes to modify it to provide 11 workforce housing units.

MLHI has been operating under a contract with the town that is up for renewal at the time of the writing of this report. Their board of directors includes one member of the Town Council and

one member of the County Board of Supervisors. At least one of the previous contracts between MLHI and the TOML was voted on and signed by a town council member who serves on the MLHI Board. This represents a conflict of interest.

MLHI's allocation from housing funds provided through TOT has not been increased since 2012 although their workload has. Their participation in The Parcel has also yet to be determined at the time of the writing of this report.

MLHI is the nonprofit organization that is also contracted and compensated by the county to administer some of its grant money related to housing. A previous contract with the county has expired and a new contract is currently being drawn up. MLHI assists the county with screening applicants for their housing program and provides select services to Inyo County as well.

MONO COUNTY

FINDINGS

F1-C The county administration has been advertising for a Housing Coordinator position for a significant period of time and has not been able to fill it; as a result the county has no designated specialist to oversee the housing needs.

F2-C The county's housing element of the general plan - designed to give the state specific analytical information, is updated to the state annually on the state's prescribed form by the required deadline of April 1. However, there is no detailed annual reporting to the Mono County Board of Supervisors on any specific goals and timelines that are not being met or need to be modified or changed. As a result there is minimal ongoing accountability to and by the Board of Supervisors and that can affect actions.

F3-C(a)The county's housing element states that there is plenty of land within the county for housing. One of the bigger barriers to developing below market rate (BMR) housing (rental or purchased housing units whose market rate cost must be subsidized if low income wage earners are to afford them) is an attitude that it may be acceptable for the county to support the development of housing for those who need it but it shouldn't be developed in one's own neighborhood, also known as NIMBY.

F3-C(b)June Lake and Mono Basin, have their own housing elements, however, they contain no specifics of who is responsible for the action plans and there are no timelines. The June Lake Housing Element is reviewed annually, the Mono Basin appears to not have been reviewed since its development in 2012. As a result there is a lack of consistency and accountability.

F4-C The first of the four goals listed in the county's housing element is to "Increase Overall Housing Supply, Consistent with County's Rural Character." Multi-family housing, tiny houses and Accessory Dwelling Units (ADUs) may be some of the solutions to the County's deficiency in workforce housing but they have the potential of changing the rural character. As a result the latter constraint can be self-defeating to the primary goal of increasing housing supply.

F5-C There are instances in the county where zoning for housing is approved for multi-family residences (MFR) but where single-family residences (SFR) exist and may or may not be in good condition. As a result, existing land space is not being effectively used to improve housing availability.

F6-C The Board of Supervisors has set aside funding for housing. However, there are no instructions as to the use of these funds. As a result there is a lack of clarity as to the county's management of housing funds and their use.

F7-C The Board of Supervisors has adopted a comprehensive housing element plan that brings the housing crisis picture into focus and has plans that should be completed by 2027 - the date set by the state in their RHND. Many of the specific action items are labeled as "ongoing." Target dates have already slipped on some of the items which casts doubt on the county's ability to meet the goals.

F8-C The current 2020 HCD Report to the state updates 2014 goals rather than addressing the 2019 goals to determine progress. As a result the severity of the housing needs may be misstated.

F9-C The county has some excellent objectives related to rehabilitation of existing properties but did not receive any CDBG funds in 2020 to effect those goals.

RECOMMENDATIONS

R1-C In light of the high priority need for the Housing Coordinator position, the Mono County Civil Grand Jury recommends that the County Board of Supervisors review the current hiring strategy and examine how it is promoting the position, the position description, payscale and any other elements of the position that might influence a potential candidate and expedite any administrative roadblocks. This review should be completed by August 31, 2021 and a candidate hired by December 31, 2021.

R 2-C The Mono County Civil Grand Jury recommends that the County Board of Supervisors work with the County Administrator to revisit the goals and timelines of the housing element of the general plan on an annual basis - at a minimum, starting with a meeting no later than September 30, 2021. The goal of this process is to recognize any modifications that will be necessary to meet the goals as specified in the general plan.

R3-C Community ownership in the housing plans is a step toward mitigating NIMBY. The Mono County Civil Grand Jury believes that when individual communities take ownership in creating housing plans, the goals are more likely to be achieved. It therefore recommends that the Board of Supervisors direct communities within the county to take responsibility for increasing housing and do the following by December 31, 2021 and annually thereafter and provide funds to accomplish this goal:

(a) Review the June Lake and Mono Basin Community Housing Plans and include specific responsibilities and timelines for achieving the goals.

(b) All other communities (RPACs) outlined in the county housing element who have not previously developed their own community housing plan are to develop one and include

specific responsibilities and timelines for achieving the goals with the assistance of the County administrators.

(c) To accomplish community support the County Board of Supervisors is asked to identify those findings by January 31, 2022.

R4-C The Mono County Civil Grand Jury recommends the Board of Supervisors encourage development of tiny houses and ADUs by having staff develop several sample pre-approved building plans that meet county codes and have them available to interested parties by December 31, 2021.

R5-C The Mono County Civil Grand Jury recommends the Board of Supervisors direct staff to identify areas of multi family residential (MFR) zoning that have single family residential (SFR) dwellings in poor condition in order to encourage MFR building in lieu of rehabilitation of the existing SFRs and apply to the state for CDBG funds to accomplish the rehabilitation. Staff to report back to the Board by October 31, 2021.

R6-C With respect to the Housing Fund, the Mono County Civil Grand Jury recommends that the Board of Supervisors develop a specific plan for the management of the housing fund including priorities, timelines and responsibilities to administer the money designated as the housing fund. The plan to be completed and approved by December 31, 2021.

R7-C The Mono County Civil Grand Jury recommends that the Board of Supervisors direct the County Administrator to develop a long-range funding plan to address the housing crisis. The plan should be developed by January 31, 2022 for consideration by the County Board of Supervisors.

R8-C The Mono County Civil Grand Jury recommends that the Board of Supervisors direct County Administrator to review and modify goals including target dates in the housing element no later than December 31, 2021, utilizing the most current (2019) housing element goals with the intent to bring as many dates forward as possible. This recommended action to be done in recognition that the need for acting on the housing crisis is now, especially in light of the added pressures of the Mountainview Fire.

R9-C The Mono County Civil Grand Jury recommends that the Board of Supervisors direct county administration to review and modify goals regarding ways to expedite rehabilitation of existing properties including developing a list of those properties, assigning target dates, developing department objectives where appropriate and assigning a responsible party to manage the rehabilitation goals no later than January 31, 2021.

TOWN OF MAMMOTH LAKES

FINDINGS

F1-T The Town’s housing element of the General Plan contains specific details as to plans for developing housing at various income levels. The state’s needs requirements indicate a larger need for the housing for individuals in the very low to moderate AMI levels than the Town’s housing element goals indicate. As a result, the potential for the town to meet the needs of lower income individuals is at risk.

F2-T Many town resources have been dedicated to marketing and recreation. Specifically Mammoth Lakes Tourism (MLT), an NGO, currently receives 2.35% of transient occupancy tax (TOT) money (13% room tax) up to \$14.5 million in the current TOML budget and all of the Tourism Business Improvement District (TBID) money collected annually. The current housing crisis is exacerbated by their success in bringing tourists to town. The CHAP and Housing Element goals include consideration of an increase in TOT by 1% to be used exclusively for housing. Currently, funding for housing is considered only after the budget of \$14.5 million in income has been reached. As a result, funding for housing is inconsistent and there is no serious set of spending goals to accomplish.

F3-T A specific objective of the HCD report specifies an annual planning report to the town council, however, the status states that reporting to the state “is the primary way in which the town reports and tracks its progress towards RHNA.” There is no mention of reporting to the town council and components of the plan update are presented in a consent agenda. and thus not discussed in public session. As a result, town council’s potential lack of familiarity with the details of housing progress due to a lack of a formal and public presentation, can diminish their understanding of the seriousness of the issues, and therefore reduce the effectiveness of their decisions as they relate to housing.

F4-T A number of personnel who work in the town live in Bishop. While there is public transportation between the town and Bishop for those personnel to use there is no coordination with the work schedules of Bishop-based workers and the bus schedules. Nor is there a town sanctioned effort to provide help in coordinating carpool and/or public transportation schedules resulting in higher carbon footprints and additional costs for transportation.

F5-T The Town has a contract with Mammoth Lakes Housing, Inc. to oversee owned and rented units of workforce housing built or purchased for that specific purpose within the town, to ensure they are properly supported, maintained and used. In addition, the CHAP recognizes the importance of Mammoth Lakes Housing, Inc. to the overall plan for expanding housing. However, the contract payments to support the efforts of MLHI have not increased proportionately to the tasks resulting in an increased burden on MLHI.

F6-T The Mono County Civil Grand Jury found that several actions for implementation in the housing element, especially those related to funding for housing (e.g. Action H.2.A.1 and ActionH.2.A.5.), have no designated single responsible party and no specific target date. The original target deadline for rezoning to accommodate housing development was December 2020.

The update merely extends the deadline to 2021. The lack of specificity and accountability raises the potential to miss deadlines and therefore miss the opportunity to solve the housing crisis as soon as possible.

F7-T The goals of both the CHAP and the housing element include construction of accessory dwelling units (ADUs) indicating they can be a viable means of alleviating the housing crisis in town if they are restricted so as to not allow for nightly rentals and as a result be an excellent tool for providing additional workforce housing.

F8-T The housing element objective (H.2.A.5) is to explore placing a dedicated fee for housing on the ballot. However, the progress report says this is postponed due to COVID-19. As a result, this means of acquiring additional funding for housing is not being addressed resulting in the lack of ability to provide more workforce housing.

F9-T The Town Council is aware that parking at The Parcel will be provided at the level of 1.3 spots per unit as of the April 28, 2021 special Town Council meeting. This was identified as a problem when numerous community discussions were held on the Parcel. A council member stated that experience from Manzanita and Aspen Village complexes shows that workforce housing requires more than 2.0 parking spots per unit. This will result in unwanted overflow parking in the neighboring areas.

F10-T Deed restricted units maintain affordability for lower income individuals. The plans for The Parcel currently include the possibility of a number of for-sale units. Whether or not these would be deed-restricted is not addressed. If these units are not deed-restricted the town's ability to provide and maintain affordable housing is hampered.

F11-T Airbnb and like entities have created more incentives for (1) second homeowners to rent their houses/condos for short periods of time when vacant instead of reserving them for housing for locals and/or long-term rental and (2) out-of-town visitors/investors to purchase available units and turn them into nightly rentals. As a result, the available affordable long term housing market is being severely diminished and results in loss of workforce.

RECOMMENDATIONS

R1a-T The Mono County Civil Grand Jury recommends that the Town Council require town administration to provide a public presentation to Council on the status of the housing element goals as shown in the HCD Report after its April 1 submission to the state each year - and ask for the update no later than the 3rd Town Council meeting of April each year. For the current year, this public report is to be requested and presented no later than September 30, 2021.

R1b-T The Mono County Civil Grand Jury recommends that the Town Council revisit the Goals and Timelines of the Housing Element of the General Plan in depth on at least an annual basis, starting no later than December 31, 2021. The goal of this process is to recognize the housing crisis is now and to recommend any modifications that will be necessary to meet the goals as specified in the plan or earlier.

R2-T The Mono County Civil Grand Jury recommends that the Town Council recognize that the commute to Bishop for housing is not going to go away soon and assign the town administration to study ways to assist workers in a safe and economical commute. Such study to be done by October 31, 2021 with implementation by the end of the year.

R3-T The Mono County Civil Grand Jury recommends to the Town Council that Mammoth Lakes Housing, Inc. be given an escalation in its new contract that will enable its efforts to expand its duties related to housing support for the town in compliance with the responsibilities assigned in CHAP. If the contract has been completed before this report is issued, the contract should be so amended. A contract to reflect this recommendation should be completed no later than September 30, 2021.

R4-T The Mono County Civil Grand Jury recommends that the Town Council monitor increases in housing based on plans proposed by developers and or individuals to assure there is compliance with the state's requirements for housing at the specific income levels indicated in the RHND. This activity to be done no later than December 31, 2021 and annually thereafter.

R5-T The Mono County Civil Grand Jury recommends that the Town Council increase the TOT by one percent to be dedicated exclusively to housing, in line with the CHAP report priorities. If TOT is not increased, then increase the percentage of the current TOT that is allocated to housing. The increased funds to be used to support development of workforce housing in line with the CHAP priorities. This should be done ideally no later than the adoption of the 2021 budget or should be modified by December 31, 2021.

R6-T The Mono County Civil Grand Jury recommends that the Town Council instruct town management to identify a specific responsible party and target date for each action in the housing element by December 31, 2021. (e.g. actions 2.4 and 2.5)

R7-T The Mono County Civil Grand Jury recommends that the Town Council encourage development of ADUs by having staff develop several sample pre-approved building plans that meet the town codes and have their existence publicized and be available to interested parties by December 31, 2021.

R8-T The Mono County Civil Grand Jury recommends that the Town Council instruct town administration to investigate the feasibility of placing a dedicated housing fee on the ballot to be done no later than March 31, 2022.

R9-T The Mono County Civil Grand Jury recommends that the Town Council revisit the parking allocations for The Parcel no later than 6 months after occupancy of Phase 1 to determine adequacy and create a remedy as necessary.

R10-T The Mono County Civil Grand Jury recommends that the Town Council work with Pacific West to include a number of deed-restricted for-sale units in The Parcel plan to accommodate local workers interested in home ownership and this intent be addressed and codified no later than December 31, 2021.

R11-T The Mono County Civil Grand Jury recommends that the Town Council consider a graduated TOT fee schedule for non-residents who have more than one nightly rental unit in town and request town management investigate and report on that feasibility to the Town Council no later than January 31, 2022.

MAMMOTH LAKES HOUSING

FINDINGS

F1-MLH The MLHI Board includes one member of the Town Council and one member of the County Board of Supervisors. At least one of the previous contracts has been voted on and signed by a Town Council member; this represents a conflict of interest.

RECOMMENDATIONS

R1-ML. The Mono County Civil Grand Jury recommends that Mammoth Lakes Housing review its current procedures to ensure that conflicts of interest are avoided, i.e. contracts between MLHI and a government entity should not be voted on or signed by the MLHI board member representing that government entity. This to be done by September 30, 2021.

REQUIRED RESPONSES

	Findings	Recommendations
Board of Supervisors	F1-C to F9-C	R1-C to R9-C
Mammoth Lakes Town Council	F1-T to F11-T	R1-T to R11-T
Board of Directors of MLHI	F1-MLH and F3-T	

Pursuant to Penal Code §933 and §933.05, the Mono County Civil Grand Jury requests responses from the following governing bodies within 90 days:

- Mono County Board of Supervisors
- Mammoth Lakes Town Council
- Mammoth Lakes Housing

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX A

DOCUMENTS REVIEWED

1. Governor's Office of Planning and Research General Plan Information and Guidance Documents/. <https://opr.ca.gov/planning/general-plan/>
2. AB 686 Summary of Requirements in Housing Element Law Government Code Section 8899.50, 65583(c)(5), 65583(c)(10), 65583.2(a) <https://www.hcd.ca.gov/policy-research/plans-reports/docs/executivesummary.pdf> This law addresses the requirement to affirmatively further fair housing.
3. Mono County Financial Statements 2018-19 and 2020-21 Budget. <https://monocounty.ca.gov/auditor/page/auditor-controller-audits>
4. Town 2018-19 and 2019-20 Financial Statements and 2020-21 Budget. <https://www.townofmammothlakes.ca.gov/199/Financial-Documents>
5. Letter from the California Department of Housing and Community Development to the County Board of Supervisors relating their Regional Housing Need Determination of 240 low-income housing units by 2027.
6. 2019-2027 Housing Elements of the General Plans for Mono County, June Lake, Mono Basin and the Town of Mammoth Lakes. <https://monocounty.ca.gov/housing-authority/page/mono-county-housing-element>
<https://www.townofmammothlakes.ca.gov/DocumentCenter/View/8407/Housing-Element-2019-2027---Amended-by-GPA-19-001?bidId=>
7. Annual Housing Element Progress Reports for years ended 12/31/2019 and 12/31/2020 for County of Mono and the Town of Mammoth Lakes.
8. (<https://www.monocounty.ca.gov/planning/page/2019-housing-element-update>)
9. The Mammoth Lakes Community Housing Action Plan (CHAP) of November 2017. <https://ca-mammothlakes2.civicplus.com/DocumentCenter/View/8169/Part-1-Housing-Needs-Accomplishments-and-Challenges?bidId=> and Housing Action Plan
10. <https://www.latimes.com/homeless-housing/story/2021-04-30/covid-wfh-boosts-palm-springs-lake-tahoe-housing-markets>
11. U.S. Government Census Bureau Date for Mono County as of 2019 <https://data.census.gov/cedsci/profile?g=05000000US06051>

APPENDIX B

Summary of Projected Housing Units 2019-2027, By Category in Mammoth Lakes

Site or Project Name	Site Size (Acres)	Estimated Production of Housing Units	Extremely low	Very Low	Low	Moderate	Above Moderate	Total
1. The Parcel - Master Plan	24.72	172	3	57	60	52	0	172
2. Lodestar Housing Site	3.6	28		8	10	10		28
3. Snowcreek Master Plan	143	47					47	47
4. Tihana Townhomes (48 Lupin Street)	0.53	9					9	9
5. Large Vacant /underutilized RMF Sites	4.35 (RMF-1) 2.54 (RMF-2)	57				11	46	57
		313	3	65	70	73	102	313

GLOSSARY

ACS: American Community Survey, a resource for various community data.

ADU: accessory dwelling units: are units that are adjacent to a primary housing unit. They may be an add-on to the structure or free standing and are significantly smaller than the average US house.

Affordable Housing: considered to be housing that requires a monthly outflow of 30% of the household income or less.

AMI: area median income. The source for AMI used in this report is the Census Bureau, and the amounts are income for 2019 in inflation-adjusted dollars. <http://data.census.gov>

BMR: below market rate housing: refers to rental or purchased housing units whose market rate cost must be subsidized if low income wage earners are to afford them.

CDBG: Community Development Block Grant Programs: HUD provides annual grants on a formula basis to states, cities, and counties to develop viable urban communities.

CHAP: Community Housing Action Plan developed by the Town of Mammoth Lakes.

Community housing: all housing that meets the needs of long-term residents over a range of income levels.

DDA: Disposition and Development Agreement.

DIF: Development or Developer Impact Fee (used both ways)

ELI: extremely low income: 0-30% of the area median income (AMI).

General Plan: A **general plan** is each local government's blueprint for meeting the community's long-term vision for the future. The State of California provides guidelines for the structure of the document.

HCD: State of California Housing and Community Development Department

Housing Development Applications: Proposed development projects for all commercial and multi-family developments and where code requirements cannot be determined through other means.

Housing Element: a defined section of the General Plan related to housing that each city or town must create to be in compliance with California State Law. The Housing Element assesses current and future housing needs, identifies constraints in meeting those housing needs, and establishes housing goals, policies, and actions.

IMACA: Inyo Mono Advocates for Community Action, a non-profit providing family services to the communities, including housing assistance and food.

LI: Low-income: Very low to extremely low - 0 - 50% of the area median income (AMI) subject to adjustments for areas with unusually high or low incomes or housing costs. Income limits are adjusted for family size so that larger families have higher income limits.

Lower Income: 50% to 80% of AMI; the term may also be used to mean 0% to 80% of AMI.

Moderate income: 80% to 120% of AMI.

MFR: Multiple Family Residences.

MLT: Mammoth Lakes Tourism is a non-governmental organization (NGO).

Median Income: the amount which divides the income distribution into two equal groups, half having income above that amount, and half having income below that amount. **Mean income** (average) is the amount obtained by dividing the total aggregate income of a group by the number of units in that group.

Moderate income: 80-120% of AMI.

Missing Middle: population with an AMI of 81-120%

MLHI: Mammoth Lakes Housing, Inc. a non-profit public benefit corporation dedicated to low-income housing.

NGO: non-governmental organization is a non-profit group that functions independently of any government. NGOs, sometimes called civil societies, are organized on community, national and international levels to serve a social or political goal such as humanitarian causes or the environment.

NIMBY: not in my back yard.

RHND: Regional Housing Needs Determination. The California Department of Housing and Community Development (HCD) identifies the total number of homes for which each region in California must plan in order to meet the housing needs of people at all income levels. The total number of housing units from HCD is separated into four income categories that cover everything from housing for very low-income households all the way to market rate housing.

SFR: Single Family Residence.

Special Needs Groups: State Housing Element Law defines special needs groups to include the following: senior households, female-headed households, large households, persons with disabilities (including developmental disabilities), homeless persons, and agricultural workers.

STR: short term rental - in Mammoth Lakes and Mono County this is a unit rented for less than 30 days.

(TBID) Tourism Business Improvement District - an assessment on gross revenue collected from Mammoth Lakes' tourism related businesses. Funds generated be spent on programs and activities that directly benefit the businesses paying into the TBID. These services are designed to increase visitation, generating more revenue for tourism-focused businesses, growing the TBID fund and allowing the town to prosper. .

Tiny House: a dwelling unit with a maximum of 37 square metres (400 sq ft) of floor area, excluding lofts.

TOT: Transient Occupancy Tax, or TOT, in Mammoth Lakes - is a 13% tax that is charged "for the privilege of occupancy of any transient occupancy facility" (Town of Mammoth Lakes Municipal Code § 3.12.040). The tax is required to be paid *by the guest* to the operator of the transient facility at the time that the rent is paid. It is the operator's responsibility to remit the TOT to the Town.

Unincorporated County: parts of Mono County excluding the Town of Mammoth Lakes, the only incorporated entity in the County.

VLI: very low income: 30-50% of AMI.



Response to Final Report: Workforce Housing Crisis

Findings:

F1-C: The county administration has been advertising for a Housing Coordinator position for a significant period of time and has not been able to fill it; as a result the county has no designated specialist to oversee the housing needs.

Response to F1-C:

County Administration Response: Administration agrees with the finding. Revised advertising plan is to hire a professional consultant to create a brochure and advertise the position nationally. The consultant has been hired, the position has been readvertised and applications are being received. Administration anticipates having an employee in this position prior to the end of 2021.

F2-C: The county's housing element of the general plan - designed to give the state specific analytical information, is updated to the state annually on the state's prescribed form by the required deadline of April 1. However, there is no detailed annual reporting to the Mono County Board of Supervisors on any specific goals and timelines that are not being met or need to be modified or changed. As a result there is minimal ongoing accountability to and by the Board of Supervisors and that can affect actions.

Response to F2-C:

Board Response: The Board agrees with the finding. Numbers from the Annual Progress Report, along with building permit data, is reported on during the annual Housing Authority meeting. The Housing Authority is comprised of the same members as the Board of Supervisors. However, there is interest in more regular reporting on programs and timelines. The Board has requested for staff to report on housing programs and progress on a quarterly basis going forward.

F3-C(a): The county's housing element states that there is plenty of land within the county for housing. One of the bigger barriers to developing below market rate (BMR) housing (rental or purchased housing units whose market rate cost must be subsidized if low income wage earners are to afford them) is an attitude that it may be acceptable for the county to support the development of housing for those who need it but it shouldn't be developed in one's own neighborhood, also known as NIMBY.

Response to F3-C(a):

Board Response: The Board agrees in part with the finding. The County's Housing Element does, in fact, identify plenty of land within the county for housing. The insinuation of the role of NIMBY attitudes is unclear in this finding; however, the Board wishes to make clear that public input is required by state law to process development projects and California Environmental Quality Act (CEQA) documents, and that the public may make any statements they wish. The County cannot dictate content or censure comments. Public input is taken seriously, which is the obligation of a democratic government, and an effort is made to address concerns through project modifications. The staff recommendation to adopt or deny a project is based on substance and not NIMBY comments, and staff has recommended approval of all



housing projects that have been proposed in the last year, including those with significant community opposition.

Additional Input/direction from the Board Required

F3-C(b): June Lake and Mono Basin, have their own housing elements, however, they contain no specifics of who is responsible for the action plans and there are no timelines. The June Lake Housing Element is reviewed annually, the Mono Basin appears to not have been reviewed since its development in 2012. As a result there is a lack of consistency and accountability.

Response to F3-C(b):

Board Response: The Board does not agree with the finding. Only one Housing Element exists for the entire county; June Lake and the Mono Basin do not have their own housing elements. These two communities do, however, have their own area plans, which are primarily directed at land use planning. The June Lake Area Plan and Mono Basin Community Plan were citizen-driven planning documents, created out of workshops facilitated by Community Development staff. The plans identify goals and policies for the specific communities on a variety of topics and may include housing. The primary function of the goals and policies are to inform decision makers during discretionary projects. However, the programs related to housing for these communities are identified in the countywide Housing Element.

A fundamental mischaracterization of the County's role appears to be embedded through many of the findings and recommendations with which the County disagrees. To be clear, the County does not have the authority to dictate the development program on private land, only regulate proposals based on adopted standards and regulations, and the County does not build housing units or manage or maintain existing housing units.

F4-C: The first of the four goals listed in the county's housing element is to "Increase Overall Housing Supply, Consistent with County's Rural Character." Multi-family housing, tiny houses and Accessory Dwelling Units (ADUs) may be some of the solutions to the County's deficiency in workforce housing but they have the potential of changing the rural character. As a result the latter constraint can be self-defeating to the primary goal of increasing housing supply.

Response to F4-C:

Board Response: The Board does not agree with the finding. The intent of the goal is to encourage development within and adjacent to existing community areas and structures with rustic design character. Many parcels outside of existing communities have limited infrastructure capacity and access to services, which necessitates maintaining lower density development. The County supports the increased development of ADUs, as indicated by recent updates to its General Plan ADU chapter (Chapter 16) and development of prescriptive designs for ADUs, which is currently underway. The County has explored allowing for tiny homes in additional situations, but many tiny homes are on a chassis and therefore fit the current state definition for vehicles. Under the current definition, tiny homes on a chassis would be permitted the same as an RV, which are limited to a small number of land use designations.



F5-C: There are instances in the county where zoning for housing is approved for multi-family residences (MFR) but where single-family residences (SFR) exist and may or may not be in good condition. As a result, existing land space is not being effectively used to improve housing availability.

Response to F5-C:

Board Response: The Board agrees with the finding. SFRs exist on MFR land use designations which may not be the maximum permissible density or capacity. Development proposals, however, are the right of the private property owner, subject to County standards and regulations.

F6-C: The Board of Supervisors has set aside funding for housing. However, there are no instructions as to the use of these funds. As a result there is a lack of clarity as to the county’s management of housing funds and their use.

Response to F6-C:

Input/direction from Board required

F7-C: The Board of Supervisors has adopted a comprehensive housing element plan that brings the housing crisis picture into focus and has plans that should be completed by 2027 - the date set by the state in their RHND. Many of the specific action items are labeled as “ongoing.” Target dates have already slipped on some of the items which casts doubt on the county’s ability to meet the goals.

Response to F7-C:

Board Response: The Board does not agree with the finding that labeling action items as “ongoing” is an issue or that the ability of the County to meet goals is in doubt (other than low-income housing), but the Board does agree that the target dates have not been met on some of the action items. Items labeled as ongoing are projects that are continuously worked on and/or applied as relevant development proposals are processed and have no end date. The goal of the Housing Element is to meet the Regional Housing Needs Allocation (RHNA), which are reported to HCD annually. The most recent report indicates the County is on target to meet RHNA goals except for the low-income housing category, which likely requires a willing developer to deed restrict units to that income level and is therefore outside the County’s control. Further, a progress report on Housing Element goals are completed as part of the Annual Progress Report to HCD. The 2020 progress report is included as an attachment.

F8-C: The current 2020 HCD Report to the state updates 2014 goals rather than addressing the 2019 goals to determine progress. As a result the severity of the housing needs may be misstated.

Response to F8-C:

Board Response: The Board does not agree with the finding. The Housing Element is required to provide a progress report on the previous cycle (2014-2019). The current goals that are analyzed annually are for the 2019-2027 cycle.

F9-C: The county has some excellent objectives related to rehabilitation of existing properties but did not receive any CDBG funds in 2020 to effect those goals.

Response to F9-C:



Board Response: The Board agrees with the finding, but would like to provide further explanation. Mono County applied for and received housing rehabilitation funds in the 2013 HOME grant but received no applications to utilize those funds. As a result, the County strategically focused on homebuyer assistance funding, which was in demand and has resulted in the successful utilization of funds. The CDBG and HOME programs are competitive grants, and the County is penalized by becoming less competitive and/or ineligible for future grant rounds if the awarded funding is not spent. Therefore, given the lack of demand demonstrated for rehabilitation, seeking funding for rehabilitation could jeopardize the County’s ability to receive homebuyer assistance funding in future NOFA rounds.

Recommendations:

R1-C: In light of the high priority need for the Housing Coordinator position, the Mono County Civil Grand Jury recommends that the County Board of Supervisors review the current hiring strategy and examine how it is promoting the position, the position description, payscale and any other elements of the position that might influence a potential candidate and expedite any administrative roadblocks. This review should be completed by August 31, 2021 and a candidate hired by December 31, 2021.

Response to R1-C:

County Administration Response: Administration agrees with the finding. Administration has reviewed the hiring strategy, promotion, description and payscale for the position. This has resulted in a revised plan to find a qualified candidate for the position. As noted above, the position is currently being advertised by a national recruiting firm and Administration anticipates meeting the recommendation of the Grand Jury and having an employee on board prior to December 31, 2021.

R2-C: The Mono County Civil Grand Jury recommends that the County Board of Supervisors work with the County Administrator to revisit the goals and timelines of the housing element of the general plan on an annual basis - at a minimum, starting with a meeting no later than September 30, 2021. The goal of this process is to recognize any modifications that will be necessary to meet the goals as specified in the general plan.

Response to R2-C:

Board Response: The Board agrees with the recommendation. The goals and timelines of the Housing Element will be reviewed on an annual basis, with the first review occurring by Sept. 30, 2021.

R3-C: Community ownership in the housing plans is a step toward mitigating NIMBY. The Mono County Civil Grand Jury believes that when individual communities take ownership in creating housing plans, the goals are more likely to be achieved. It therefore recommends that the Board of Supervisors direct communities within the county to take responsibility for increasing housing and do the following by December 31, 2021 and annually thereafter and provide funds to accomplish this goal:

- (a) Review the June Lake and Mono Basin Community Housing Plans and include specific responsibilities and timelines for achieving the goals.

Response to R3-C(a):



Board Response: The Board does not agree with the recommendation. As stated under the Findings, community housing plans do not exist for June Lake or the Mono Basin communities. The required format by the State includes all the communities within the Housing Element. Further, neither the communities nor the County have the authority to designate or encumber private land owned by other entities for affordable housing use; therefore, such a plan would have no enforceability unless eminent domain is used and no site could be developed unless a willing developer is identified. Community members may have conversations with private landowners to advocate for housing uses, but the landowner has the final authority to make a decision and develop a project for submittal. Community Development Department staff must remain objective as the evaluators and processors of any application, and therefore advocacy for a certain type of use compromises staff's regulatory role. Advocating for affordable housing uses and projects has been considered as a potential role for the Housing Coordinator.

Input/direction from Board required

(b) All other communities (RPACs) outlined in the county housing element who have not previously developed their own community housing plan are to develop one and include specific responsibilities and timelines for achieving the goals with the assistance of the County administrators.

Response to R3-C(b):

Board Response: The Board does not agree with the recommendation for the reasons stated in R3-C(a).

Input/direction from Board required

(c) To accomplish community support the County Board of Supervisors is asked to identify those findings by January 31, 2022.

Response to R3-C(c):

Board Response: The Board does not agree with the recommendation for the reasons stated in R3-C(a) and (b).

Input/direction from Board required

R4-C: The Mono County Civil Grand Jury recommends the Board of Supervisors encourage development of tiny houses and ADUs by having staff develop several sample pre-approved building plans that meet county codes and have them available to interested parties by December 31, 2021.

Response to R4-C:

Board Response: The Board agrees with the recommendation. The County is already in the process of implementing prescriptive designs for ADUs. The County has hired a consultant to create prescriptive designs for ADUs. Completion of designs is expected by June 2022. The County is exploring a General Plan amendment to allow tiny homes and RVs on Commercial and Mixed Use properties.



R5-C: The Mono County Civil Grand Jury recommends the Board of Supervisors direct staff to identify areas of multi family residential (MFR) zoning that have single family residential (SFR) dwellings in poor condition in order to encourage MFR building in lieu of rehabilitation of the existing SFRs and apply to the state for CDBG funds to accomplish the rehabilitation. Staff to report back to the Board by October 31, 2021.

Response to R5-C:

Board Response: The Board does not agree with the recommendation. The County does not have right of entry to evaluate conditions of existing structures unless a violation or public health and safety issues are being investigated, in which case staff may “condemn” a building and revoke occupancy rights. Beyond condemnation, staff does not determine whether living conditions are satisfactory. Further, landowners have private property rights by which the County has no authority to require private property owners to build certain projects as long as they comply with County standards and regulations. The County has provided a financial program to encourage rehabilitation of existing units which was not well utilized (see response to F9-C).

Input/direction from Board required

R6-C: With respect to the Housing Fund, the Mono County Civil Grand Jury recommends that the Board of Supervisors develop a specific plan for the management of the housing fund including priorities, timelines and responsibilities to administer the money designated as the housing fund. The plan to be completed and approved by December 31, 2021.

Response to R6-C:

Board Response: The Board agrees in part with the recommendation. The development of an implementation plan for the management of housing funds is tasked to the Housing Coordinator. Once hired, this implementation strategy will be a top priority for this position. This is expected to be completed by December 31, 2021.

Input/direction from Board required

R7-C: The Mono County Civil Grand Jury recommends that the Board of Supervisors direct the County Administrator to develop a long-range funding plan to address the housing crisis. The plan should be developed by January 31, 2022 for consideration by the County Board of Supervisors.

Response to R7-C:

Board Response: The Board agrees in part with the recommendation. A long-range funding plan needs to be developed and is necessarily dependent upon the implementation strategy. Both the implementation strategy and funding plan are tasked to the Housing Coordinator. Once this position is filled, expected to be completed by December 31, 2021, this will be a top priority. As the Board of Supervisors approves the annual budget in June of each year, it is anticipated that the long range funding plan will be approved by the Board of Supervisors at that time.

Input/direction from Board required

R8-C: The Mono County Civil Grand Jury recommends that the Board of Supervisors direct County Administrator to review and modify goals including target dates in the housing element no later than



December 31, 2021, utilizing the most current (2019) housing element goals with the intent to bring as many dates forward as possible. This recommended action to be done in recognition that the need for acting on the housing crisis is now, especially in light of the added pressures of the Mountainview Fire.

Response to R8-C:

Board Response: The Board does not agree with this recommendation. As stated under R2-C, the Board will review the Housing Element goals and programs. However, the Board does not have the authority to unilaterally modify the Housing Element, which requires a process of several months for public input and HCD approval, in addition to a process of several months to complete a General Plan Amendment. A much more efficient and effective strategy would be to implement the housing actions that will most benefit the local communities. Further, direction to implement Housing Element programs is dependent upon resources and capacity. The Board has already raised the following policy concepts for further consideration: adding housing as a permitted use in the Specific Plan Land Use Designation, adding duplexes as an outright permitted use in certain single family residential designations, considering the ability for multi-family developments to add more ADUs than currently allowed by the State, among other policies. However, even if these policies, which are subject to public input and the California Environmental Quality Act (CEQA), are adopted, the County cannot impose a certain development project on private property. Therefore, a willing private property owner and/or developer is required for any successful project.

R9-C: The Mono County Civil Grand Jury recommends that the Board of Supervisors direct county administration to review and modify goals regarding ways to expedite rehabilitation of existing properties including developing a list of those properties, assigning target dates, developing department objectives where appropriate and assigning a responsible party to manage the rehabilitation goals no later than January 31, 2021.

Response to R9-C:

Board Response: The Board does not agree with this finding. As stated in R5-C, the County does not have right of entry to private properties except under specific circumstances, nor the authority to determine satisfactory living conditions beyond health and safety requirements. Further the County has provided funding for rehabilitation projects and received little to no interest, as explained in F9-C. The County does not manage private properties, including the condition of those properties.

Input/direction from Board required