



# AGENDA

## BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

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

MEETING LOCATION Board Chambers, 2nd Fl., County Courthouse, 278 Main St., Bridgeport, CA 93517

### Regular Meeting January 3, 2017

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**TELECONFERENCE LOCATIONS:** 1) First and Second Meetings of Each Month: Mammoth Lakes CAO Conference Room, 3rd Floor Sierra Center Mall, 452 Old Mammoth Road, Mammoth Lakes, California, 93546; 2) Third Meeting of Each Month: Mono County Courthouse, 278 Main, 2nd Floor Board Chambers, Bridgeport, CA 93517. Board Members may participate from a teleconference location. Note: Members of the public may attend the open-session portion of the meeting from a teleconference location, and may address the board during any one of the opportunities provided on the agenda under Opportunity for the Public to Address the Board.

**NOTE:** In compliance with the Americans with Disabilities Act if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (760) 932-5534. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (See 42 USCS 12132, 28CFR 35.130).

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

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

9:00 AM Call meeting to Order

Pledge of Allegiance

### Ceremonial Swearing in of Newly Elected Officials

Judge Eller will administer the oath of office to Superior Court Judge Mark Magit, District District 2 Supervisor Fred Stump, District 3 Supervisor Bob Gardner, and District 4 Supervisor John Peters

### 1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

## 2. **APPROVAL OF MINUTES**

### A. **Board Minutes**

Departments: Clerk of the Board

Approve minutes of the Regular Meeting held on November 15, 2016.

### B. **Board Minutes**

Departments: Clerk of the Board

Approve minutes of the Special Meeting held on November 22, 2016.

### C. **Board Minutes**

Departments: Clerk of the Board

Approve minutes of the Regular Meeting held on December 6, 2016.

## 3. **RECOGNITIONS**

### A. **Election of New 2017 Board Chair**

Departments: Clerk of the Board

(Outgoing Board Chair) - The outgoing Board Chair will call for nominations to elect the Chair of the Board for 2017.

**Recommended Action:** Elect the new Chair of the Board for 2017.

**Fiscal Impact:** None.

### B. **Presentation to Outgoing Chairman Stump**

Departments: Clerk of the Board

(Board Chair) - Presentation to Chairman Stump by newly elected Board Chair honoring Supervisor Stump's service to the Board in 2016.

**Recommended Action:** None.

**Fiscal Impact:** None.

### C. **Election of New 2017 Vice Chair to the Board**

Departments: Clerk of the Board

(Board Chair) - The newly elected Board Chair will call for nomination to elect the Vice Chair of the Board for 2017.

**Recommended Action:** Elect the new Vice Chair of the Board for 2017.

**Fiscal Impact:** None.

**D. Election of New 2017 Chair Pro-Tem**

Departments: Clerk of the Board

(Board Chair) - The newly elected Chair will call for nominations to elect the Chair Pro-Tem of the Board for 2017.

**Recommended Action:** Elect the new Chair Pro-Tem of the Board for 2017.

**Fiscal Impact:** None.

**4. BOARD MEMBER REPORTS**

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

**5. COUNTY ADMINISTRATIVE OFFICE**

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

**6. DEPARTMENT/COMMISSION REPORTS**

**7. 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. Inmate Welfare Fund Annual Report**

Departments: Sheriff

Submit the Inmate Welfare Fund Annual Report for Fiscal Year 2015-2016, as required by law.

**Recommended Action:** Receive the Inmate Welfare Fund Annual Report for Fiscal Year 2015-2016.

**Fiscal Impact:** None.

**B. Monthly Treasury Transaction Report**

Departments: Finance

Treasury Transaction Report for the month ending 11/30/2016.

**Recommended Action:** Approve the Treasury Transaction Report for the month ending 11/30/2016.

**Fiscal Impact:** None.

**C. Employment Agreement for Paul Roten**

Departments: Human Resources

Proposed resolution approving a contract with Paul Roten as Senior Engineer, and prescribing the compensation, appointment and conditions of said employment.

**Recommended Action:** Approve Resolution #R17-\_\_\_, approving a contract with Paul Roten as Senior Engineer, 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 additional cost for this position for the remainder of FY 2016-2017 (January 3 to June 30th) is approximately \$14,611 of which \$8,976 is salary; \$2,140 is the employer portion of PERS, and \$3,495 is the cost of the benefits. Total additional cost for a full fiscal year (2016-2017) would be \$29,222 of which \$17,952 is annual salary; \$4,280 is the employer portion of PERS, and \$6,990 is the cost of benefits. The funds for these additional costs will require a midyear budget amendment.

**D. Out of State Travel Authorization for Nate Greenberg**

Departments: Information Technology

Nate Greenberg has been invited to attend the Mountain Ventures Summit in Telluride, CO to present on the topic of Digital 395 and the new opportunities it brings to Mono County and Town of Mammoth Lakes. This item is to request authorization for travel to this event.

**Recommended Action:** Authorize Nate Greenberg to travel to Telluride, CO to attend the Mountain Ventures Summit on behalf of Mono County from February 1st - 6th, 2017.

**Fiscal Impact:** Approximately \$2,000 which is entirely within the FY 16-17 Information Technology Department budget.

**E. First Amendment to Agreement for Services of Special**

**Counsel** Departments: Assessor

Proposed amendment to contract with Norman Dowler LLP & Brett L. Price.

**Recommended Action:** Approve County entry into proposed contract amendment and authorize Barry Beck, Mono County Assessor, to execute said contract on behalf of the County. Provide any desired direction to staff.

**Fiscal Impact:** Depends on usage. The amendment would increase Mr. Price's hourly billing rate from \$245 per hour to \$260 per hour.

**F. Appointment in Lieu of Election**

Departments: Clerk of the Board

Appointment of Director of Special District In Lieu of Election. The following Special District has vacancies to be filled: Southern Mono Healthcare District: One position. This Special District has submitted a recommendation for appointment/reappointment, as outlined in the staff report. The term will expire on 11/30/2020. The Board of Supervisors is the governing body under Elections Code Section 10515 to make this appointment.

**Recommended Action:** Appoint David Anderson to Southern Mono Healthcare District, as recommended, to fill a vacancy on that board .

**Fiscal Impact:** None.

**G. Building Code Cycle Adoption**

Departments: Community Development Department

California Building Standards Code Cycle adoption.

**Recommended Action:** Adopt ordinance #17-01, Amending Chapter 15.04 of the Mono County Code pertaining to building regulations and uniform codes.

**Fiscal Impact:**

No fiscal impacts are anticipated. The ordinance updates existing local requirements to apply in conjunction with the 2016 California Building Standards Code that will take effect on January 1, 2017.

**8. CORRESPONDENCE RECEIVED**

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

**A. Notice of Public Hearing Regarding Aspen Fales Shoulder**

**Widening** Departments: Clerk of the Board

Letter received from Caltrans regarding a Public Hearing to be held for the Aspen Fales Shoulder Widening Project, to take place on January 10, 2017 at the Bridgeport Caltrans Maintenance Station. A CD with the Environmental Impact Report is available for viewing in the Clerk's office.

**B. Letter from John Boynton**

Departments: Clerk of the Board

Letter from John Boynton to the Board of Supervisors regarding Certified Range Management Consultants for Conway Ranch/ Mattly Ranch.

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**9. REGULAR AGENDA - MORNING**

**A. Supervisors' Appointments to Boards, Commissions and Committees for 2017**

Departments: Clerk of the Board

30 minutes (5 minute presentation; 25 minute discussion)

(Shannon Kendall; Board Chair) - Mono County Supervisors serve on various board, commissions and committees for one-year terms that expire on December 31st. Each January, the Board of Supervisors makes appointments for the upcoming year.

**Recommended Action:** Appoint Supervisors to boards, commissions and committees for 2017.

**Fiscal Impact:** None.

**B. 2017 Calendar of Regular Meetings of the Board of Supervisors**

Departments: Clerk of the Board

10 minutes (5 minute presentation; 5 minute discussion)

(Shannon Kendall) - Rule 3 of the Mono County Board Rules of Procedure specifies that: an annual calendar of meetings shall be adopted by the Board at their first meeting in January. The calendar will include all known regular meetings. Any meeting may be canceled upon the order of the Chair or by a majority of Board members.

**Recommended Action:** Approve proposed calendar of regular meetings for 2017. Cancel any agreed upon meeting for 2017.

**Fiscal Impact:** None.

**C. 3rd Meeting Location Change in Mammoth Lakes**

Departments: Clerk of the Board; CAO; IT

15 minutes (5 minute presentation; 10 minute discussion)

(Shannon Kendall, Leslie Chapman, Nate Greenberg) - Discuss and potentially adopt resolution permanently moving Mammoth Lakes meetings of the Board of Supervisors to a new location in Suite Z of the Minaret Mall, located at 437 Old Mammoth Road, Mammoth Lakes, CA.

**Recommended Action:** Adopt Resolution R17-\_\_\_\_, permanently changing the location of the third regular monthly Board of Supervisors' Meeting to Suite Z of the Minaret Mall located at 437 Old Mammoth Road, Mammoth Lakes, CA superceding and replacing Resolution R14-01.

**Fiscal Impact:** Although undetermined at this time, there will be some cost associated with incorporating Mono County's seal onto the Town of Mammoth

Lakes current backdrop. We are currently discussing the best way to address this and will bring the specifics back to the Board soon.

**D. RCRC Policy Principles**

Departments: Board of Supervisors

20 minutes (10 minute presentation; 10 minute discussion)

(Supervisor Corless) - Comments to be incorporated in Mono County's response to the RCRC Policy Principles

**Recommended Action:** 1. Review and discuss comments regarding the proposed RCRC Policy Principles 2. Direct Staff to compose letter of comment based on today's discussion 3. Approve Board Chair to review and approve comment letter for distribution to RCRC staff.

**Fiscal Impact:** None.

**10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

**11. CLOSED SESSION**

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

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Stacey Simon, Leslie Chapman, and Dave Butters. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

**B. Closed Session - Real Property Negotiations**

CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: Sierra Center Mall, Mammoth Lakes. Agency negotiators: Leslie Chapman, Janet Dutcher, Tony Dublino, Stacey Simon. Negotiating parties: Mono County and Highmark Mammoth Investments, LLC. Under negotiation: Price and terms of payment.

**C. Closed Session - Exposure to Litigation**

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one.

**THE REGULAR AGENDA WILL RECONVENE NO EARLIER THAN 1:00 P.M.**

**12. 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.)

**13. REGULAR AGENDA - AFTERNOON**

**A. Jail Needs Assessment Workshop**

Departments: Sheriff, Public Works

1 hour (30 minute presentation; 30 minute discussion)

(Garrett Higerd, Sheriff Braun, and Eric Fadness) - Nacht & Lewis has prepared a draft Jail Needs Assessment for the Bridgeport jail in close coordination with the Sheriff's Department and the Public Works Department and two feasible project alternatives have been identified: (1) construct new facility at site of old County Hospital on Twin Lakes Hospital; or (2) construct jail annex at site of Frontier warehouse adjacent to existing jail.

**Recommended Action:** Receive presentation on the Jail Needs Assessment and preparation of an application for state lease-revenue bond funding for jail improvements under SB 844. Provide direction to staff regarding selected alternative.

**Fiscal Impact:** It is our current understanding that SB 844 does not require a minimum local match. However, expenses prior to project selection are not reimbursable. Reimbursements do not begin until a project is under construction which can require a significant amount of capital for cash flow during the architecture, engineering, and bidding phases. The full scope and cost of a potential jail project will be further developed as a project is identified and takes shape, but may be substantial.

**ADJOURN**





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

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** January 3, 2017

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT** Board Minutes

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

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

Approve minutes of the Regular Meeting held on November 15, 2016.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Helen Nunn

**PHONE/EMAIL:** x5534 / hnunn@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

<p>Click to download</p> <p> <a href="#">Draft Minutes</a></p>
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**History**

Time	Who	Approval
12/24/2016 11:12 AM	County Administrative Office	Yes
12/24/2016 12:13 AM	County Counsel	Yes
12/27/2016 5:21 PM	Finance	Yes



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

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

MEETING LOCATION Mammoth Lakes BOS Meeting Room, 3rd Fl. Sierra Center Mall, Suite 307,  
452 Old Mammoth Rd., Mammoth Lakes, CA 93546

**Regular Meeting  
November 15, 2016**

<b>Flash Drive</b>	<b>#</b>
<b>Minute Orders</b>	M16-230 to M16-234
<b>Resolutions</b>	R16-77 to R16-82
<b>Ordinance</b>	ORD16-10

9:00 AM Meeting Called to Order by Chairman Stump.

*Supervisors Present: Alpers, Corless, Johnston, and Stump.  
Supervisors Absent: Fesko.*

*Break: 10:37 a.m.  
Reconvene: 10:54 a.m.  
Closed Session: 11:20 a.m.  
Reconvene: 1:23 p.m.  
Adjourn: 1:25 p.m.*

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

Pledge of Allegiance led by Rick LaBorde

- 1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**  
*No one spoke.*

**Note:**

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

## 2. APPROVAL OF MINUTES

### A. Board Minutes

Departments: Clerk of the Board

Approve minutes of the Regular Meeting held on October 4, 2016, as corrected.

**Corless moved; Alpers seconded**

**Vote: 4 yes; 0 no; Absent: Fesko**

**M16-230**

**Supervisor Johnston:**

- Page 6, under his comments, it should read "He read this in the digital clipping service as it relates to the recent bear problems reported in June Lake."
- Page 7, under his comments, it should read "Feels the geothermal groundwater is the public's resource", and "Takes issue with a former employee of ORMAT now overseeing ORMAT's project for the State."

### B. Board Minutes

Departments: Clerk of the Board

Approve minutes of the Regular Meeting held on October 11, 2016, as corrected.

**Alpers moved; Johnston seconded**

**Vote: 4 yes; 0 no; Absent: Fesko**

**M16-231**

**Supervisor Johnston:**

- Page 7, is claiming the second to the motion on item 9c.

**Supervisor Stump:**

- Page 1, the public speaker's name is Ron Day.
- Page 2, in his Board report, change "they has" to "they have".

## 3. RECOGNITIONS

### A. Resolution of Appreciation for Rick LaBorde

Departments: Board of Supervisors

Resolution of appreciation for Rick LaBorde's service with the Inyo National Forest.

**Alpers moved; Corless seconded**

**Vote: 4 yes; 0 no; Absent: Fesko**

**M16-232**

**Supervisor Corless:**

- Recognize new employee Paul McFarland for writing the resolution.
- Read the resolution into the record.

**Supervisor Alpers:**

- Had the opportunity to work with Rick on the cross country trails. Rick made a fantastic difference for the trails program and was very dedicated and conscientious.

**Note:**

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**Supervisor Corless:**

- Worked with Rick when she worked with Friends of the Inyo. Very gracious, but tough when needed. Recalled a restoration crew he worked with and the affect he had on the youth.

**Supervisor Stump:**

- Used to live next door to Rick, has always been impressed at his quiet contributions.

**Paul McFarland:**

- At a time when we're surrounded by words, actions speak so loudly, and Rick has had four decades of actions.

#### 4. BOARD MEMBER REPORTS

**Supervisor Alpers:**

- He attended the ESTA meeting the morning of the 9<sup>th</sup>, and the Mono Basin RPAC meeting the evening of the 9<sup>th</sup>.

**Supervisor Corless:**

- ESCOG canceled for this Friday; joint meeting with town council tomorrow.
- National Assoc of Counties Public Lands Steering Committee Update: NACO staff sent a survey to committee members to determine 2017 policy priorities last week that is due Nov. 18. I responded, using our legislative platform as a guide, and out of the 10 policy items listed, named three: "Maintain Full Funding for Payments in Lieu of Taxes (PILT) Program"; "Full Funding for Secure Rural Schools (SRS) Program"; "Support Common Sense Federal Wildfire Suppression and Prevention Policy." Though committee members were directed to name up to five priorities, none of the others given were in line with our legislative platform, and in some cases were counter to our positions. There was an option to write in a different issue/priority, so per our platform and our recent comment letter on the draft Inyo National Forest Management plan, I wrote to suggest this as a possible policy item: adequate funding for the forest service and other land management agencies to support recreation and tourism in gateway communities. I'd like to further this position at the upcoming NACO legislative conference in DC in late February—I will be coming back to the board with a travel request and want to be sure to update our legislative platform before the meeting.
- Went to Sacramento to lead a CSAC Institute course—Drama in the Boardroom. Great experience with about 20 participants from several counties, thanks to Supervisor John Gioia for teaching the class with me.
- Elections—great turnout, issues reported probably related to high interest, postal service complications, would like to see the county work on making elections even more accessible and include the public in the process, 2017 would be a good time to do this—perhaps an elections committee?
- There is some fear and anxiety regarding the Presidential election in our communities regarding deportation of undocumented residents—board members received a letter from Jeanne Oakeshott, teacher at Mammoth Elementary regarding fear expressed by her students. We need to reassure our residents and visitors that Mono County is a safe place, and remind them of the safety net that the county provides.
- I want to request that the letter be added to correspondence received, and that we schedule a community meeting around this topic. In the meantime, Sheriff Braun had this to say about local law enforcement: "The County is working to address the community concerns regarding the potential changes with the new presidential administration...For now, I can only answer what will change with the Mono County Sheriff's Office, which is nothing. We will not become enforcers of immigration law. We will continue to notify ICE [Immigration and Customs Enforcement] of the scheduled release of someone in our custody in which they have expressed an interest, but we will not hold them beyond their scheduled release. We will not participate in immigration "raids" or any similar activity."

**Supervisor Johnston:**

**Note:**

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- Attended the Veterans Day ceremony last week at the Mammoth Fire Station. We were well represented by Chairman Stump in his part of the presentation. It was well attended with probably more than 100 people.
- Attended the Great Basin Unified Air Pollution District meeting Thursday. There was a "symposium" on Forest and Air Quality including tree mortality, smoke, and smoke transport, air quality planning and many other issues. Also, Ann Peirsall was introduced as the new assistant Air Pollution Control Officer (replacing Duane Ono).
- Attended the Local Transportation Commission meeting yesterday. Items included reports on the Eastern Sierra Transit Authority, YARTS, deer migration, RSTP, pavement management system in Mono County, and a Reds Meadow Road update (which is going well). Of note is the unexpected funding of Segment 1 of State Route 14, just south the intersection of Hwy 395; there was "leftover" STIP funding and construction will begin in May, 2017!
- Noted the great turnout of Mono County voters, 80% overall, with some precincts almost 90%. I believe we were in the top 5 in the State as far as voter turnout.

**Supervisor Stump:**

- 11-9 : Attended the Tri Valley Water Commission meeting. The Commission directed County Staff to start the process of the Tri Valley Commission becoming a Groundwater Sustainability Agency.
- 11-10 : Attended the Great Basin Unified Air Pollution Control District meeting and wildland fire / controlled burn smoke workshop. Excellent presentations. Number of dead trees on the west side is staggering.
- 11-11 : Attended and spoke at the Veterans Day event in Mammoth Lakes. The keynote speaker is the new Inyo / Mono Veterans Affairs representative. She gave an excellent speech. I invited her to address the Board. Her name is Jessica Allmon. She is a Bishop native. She will be attending a Veterans Service Academy between now and January so her presentation to the Board will probably have to wait to the new year.
- 11-14 : Attended LTC. Had an excellent update on the Reds Meadow road project by the Inyo Forest engineer.
- 11-14 : Attended CSA 1 meeting. The CSA is considering joining with the Sierra Club to fund blinds for the Crowley Community Center to enable projected presentations.

## 5. COUNTY ADMINISTRATIVE OFFICE

**Leslie Chapman:**

- Attended a Resource Family Approval training given by Social Services, also attended by Probation. Gave her more respect for those who provide these services and what they have to deal with.
- Active Shooter Training were put on last week by a representative from the FBI. Over 50 people attended in Mammoth 30 in Bridgeport.

## 6. DEPARTMENT/COMMISSION REPORTS

**Louis Molina, Environmental Health:**

- On Monday the 21<sup>st</sup>, working on replacing a fire hydrant. Letter from the contractor says mall will have water shut off. Departments over there will have no water that day, requesting to shut down those offices for the day, either relocate to other offices or work from home.
- **Leslie Chapman:**
  - Has already made the mgmt. decision to direct staff to work from home. Town staff is already taking the day off as well.

**Robin Roberts, Behavioral Health:**

- In response to the election results. Was at a conference on Tuesday, then met on

**Note:**

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Wednesday to discuss if Affordable Care Act will be changed, how to deal with changes. There could be some very significant changes for our residents in the county. Staff came together on how to help families / clients who may be afraid. Concern over immigration issues, LBGT issues, and potential impacts on climate and global warming and our future. We need to come up with positive ways for our residents to move forward, make our community feel stronger and more connected. Afraid people will isolate themselves.

- We don't know how things are going to land. However, the emotional landscape has changed. People are now speaking out in ways that are damaging, bullying is on the rise. We need to let people know we care about them.

**Bob Musil, Elections:**

- Very large turnout, 82.67% of registered voters have voted, still have approximately 340 provisional ballots to count. Very happy to see our voter turnout. Started processing provisionals this morning, every valid ballot will be counted.
- An alternate member of the Assessment Appeals Board was approved a few weeks ago, and a regular member has since resigned so we again need an additional member.

## 7. 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. Ordinance Authorizing Biweekly Pay Periods

Departments: CAO, Finance, Human Resources

Proposed ordinance authorizing biweekly pay periods.

**Action:** Adopt proposed ordinance authorizing biweekly pay periods.

**Alpers moved; Corless seconded**

**Vote: 4 yes; 0 no; Absent: Fesko**

**ORD16-10**

### B. Amendment to MOUs with Deputy Sheriff's Association and Sheriff's Management Association to Allow for Bi Weekly Pay Periods

Departments: Finance, CAO

Proposed resolution adopting and approving third amendment to the 2014-2016 Memorandum of Understanding between the County and the Mono County Sheriffs' Officers Association (AKA the Deputy Sheriffs' Association).

**Action:** Adopt proposed resolution #R16-77, adopting and approving third amendment to the 2014-2016 Memorandum of Understanding between the County and the Mono County Sheriffs' Officers Association (AKA the Deputy Sheriffs' Association) to allow for bi-weekly pay periods and approving the first amendment to the 2015-2018 MOU between the County of Mono and the Mono County Sheriff's Management Association to allow for bi-weekly pay periods.

**Alpers moved; Corless seconded**

**Vote: 4 yes; 0 no; Absent: Fesko**

**R16-77**

**Note:**

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**C. Treasury Transaction Report**

Departments: Finance

Treasury Transaction Report for the month ending 9/30/2016

**Action:** Approve the Treasury Transaction Report for the month ending 9/30/2016

**Alpers moved; Corless seconded**

**Vote: 4 yes; 0 no; Absent: Fesko**

**M16-233**

**D. Resolution Increasing the Rate of Pay for Position of District Attorney**

Departments: District Attorney

Proposed resolution changing salary range for elected position of District Attorney.

**Action:** Approve Resolution #R16-78, Amending the rate of pay for the position of the District Attorney, in order to provide parity and salary structure to the Office of the District Attorney. Authorize the Board Chair to execute said contract on behalf of the County.

**Alpers moved; Corless seconded**

**Vote: 4 yes; 0 no; Absent: Fesko**

**R16-78**

**E. Resolution Amending Employment Agreement with Brad Braaten**

Departments: District Attorney

Proposed resolution amending employment agreement with Brad Braaten to increase the rate of pay to provide parity with other professional class attorneys employed by the County.

**Action:** Approve Resolution #R16-79, Amending the employment agreement with Brad Braaten, to increase the rate of pay to provide parity with other professional class attorneys employed by the County. Authorize the Board Chair to execute said contract on behalf of the County.

**Alpers moved; Corless seconded**

**Vote: 4 yes; 0 no; Absent: Fesko**

**R16-79**

**F. Resolution Amending Employment Agreement with David Anderson**

Departments: District Attorney

Proposed resolution amending employment agreement with David Anderson to increase the rate of pay to provide parity with other professional class attorneys employed by the County.

**Action:** Approve Resolution #R16-80, Amending the employment agreement with David Anderson, to increase the rate of pay to provide parity with other professional class attorneys employed by the County. Authorize the Board Chair to execute said contract on behalf of the County.

**Alpers moved; Corless seconded**

**Vote: 4 yes; 0 no; Absent: Fesko**

**Note:**

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

**R16-80.**

**G. Resolution and Employment Agreement for Frank Smith**

Departments: Human Resources

Proposed resolution approving a contract with Frank Smith as Chief Investigator, and prescribing the compensation, appointment and conditions of said employment.

**Action:** Approve Resolution #R16-81, approving a contract with Frank Smith as Chief Investigator and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

**Alpers moved; Corless seconded**

**Vote: 4 yes; 0 no; Absent: Fesko**

**R16-81**

**H. Probation Agreement for Services for Juvenile Detention**

Departments: Probation

Proposed contract with El Dorado County pertaining to juvenile detention, including use of El Dorado County juvenile detention facilities to house long-term juvenile detainees.

**Action:** Approve County's entry into proposed contract and authorize Chair of the Board of Supervisors to execute said contract on behalf of the County.

**Alpers moved; Corless seconded**

**Vote: 4 yes; 0 no; Absent: Fesko**

**M16-234**

**8. CORRESPONDENCE RECEIVED - NONE**

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

**9. REGULAR AGENDA - MORNING**

**A. Moody's Assigns an Initial Aa3 Issuer Rating to Mono County, CA**

Departments: Finance

(Janet Dutcher) - Moody's Investor Report assigning an initial Aa3 Issuer Rating to Mono County, CA.

**Action:** Receive Moody's Investor Report assigning an initial Aa3 Issuer Rating to Mono County, CA, discuss the County's credit strengths, challenges and rating outlook and provide any desired direction to staff.

**Janet Dutcher:**

- Went through her staff report, explained how the rating is assigned, what the ratings mean.

**Note:**

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



## B. Location Change for Mammoth Board Meeting

Departments: CAO

(Leslie Chapman) - Proposed location change for the third Board meeting of each month from the Sierra Center Mall in Mammoth to the Town Council chambers.

**Action:** Authorize staff to seek approval from the Town Council, Town of Mammoth Lakes, to use the Town Council Chamber for the Mammoth Board meeting for the third Tuesday of each month on a permanent basis.

**Leslie Chapman:**

- Is this something the Board would entertain? Need to see if the Board is interested, and would still need to go before the Town Council for approval. The town manager and the board clerk both think our once a month meeting will not be a problem.

**Nate Greenberg:**

- Didn't plan the outage today, but is indicative of the challenges we face with this room. Town has invested money into their board room and their technology to be able to record and televise meetings. Very easy for us to make our Granicus work there, and ease of videoconferencing to our remote locations as well. We should be seeing some revenue in the future because of broadband connections. Feels it makes a lot of sense, this room needs to be reevaluated for Audio/Visual.
- Setting up A/V in the courtroom in Sierra Center Mall wouldn't save us money; the A/V is already set up across the street. Maybe \$20k to replicate what we have and need.

**PUBLIC COMMENT:**

**Paul Rudder:**

- We have a courtroom we aren't using, and we don't have any immediate need for in the future. Wanted to make it available to the County to use. Would it save the County money to put video equipment there instead of across the street? It's an option.
- Would provide courtroom without charge, County would have exclusive use, no sharing.

**Board consensus:**

Move forward with Suite Z, but keep options open for the future.

## C. Resolution Amending Personnel Rules to Provide for Biweekly Pay Periods

Departments: CAO, Finance, Human Resources

(Leslie Chapman, Janet Dutcher, Dave Butters) - Proposed resolution amending sections 090 and 240 of the Mono County Personnel Rules to provide for biweekly pay periods and making corresponding adjustments to the timing of step increases.

**Action:** Adopt proposed resolution #R16-82, amending sections 090 and 240 of the Mono County Personnel Rules to provide for biweekly pay periods and making corresponding adjustments to the timing of step increases. Provide any desired direction to staff.

**Johnston moved; Corless seconded**

**Vote: 4 yes; 0 no; Absent: Fesko**

**R16-82**

**Dave Butters:**

- Explained his staff report regarding the two changes that need to be implemented.

**Note:**

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

10. **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

*No one spoke.*

11. **CLOSED SESSION**

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

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Stacey Simon, Leslie Chapman, and Dave Butters. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

B. **Closed Session - Exposure to Litigation**

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one. Facts and circumstances: California Department of Resources Recycling and Recovery (CalRecycle) and Local Enforcement Agency (LEA) investigation of apparent illegal dumping at or near Paradise Camp dump site.

C. **Closed Session - Existing Litigation**

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Names of cases: United States of America, *et al.* v. Walker River Irrigation District, *et al.* (Two appeals in subdivision "B" of underlying action, generally regarding additional water rights asserted by United States and Walker River Paiute Tribe.)

D. **Closed Session - Real Property Negotiations**

CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: Sierra Center Mall, Mammoth Lakes. Agency negotiators: Leslie Chapman, Janet Dutcher, Tony Dublino, Stacey Simon. Negotiating parties: Mono County and Highmark Mammoth Investments, LLC. Under negotiation: Price and terms of payment.

**REPORT OUT OF CLOSED SESSION:**

- **A:** no report
- **B:** In closed session, the Board considered an ongoing investigation by the California Department of Resources Recycling and Recovery regarding

**Note:**

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possible illegal dumping near the Paradise Transfer Station. This investigation also involves the Los Angeles Department of Water and Power. Approval was given for the County to continue to participate and to represent its interests in connection with this investigation.

- **C:** In closed session, the Board considered coordinating with Centennial Livestock and other parties to jointly oppose consolidated appeals filed by the United States of America and the Walker River Paiute Tribe. These appeals are pending in the Ninth Circuit U.S. Court of Appeals, and generally involve claims for additional water rights in the Walker River system claimed by the federal government and the Tribe, beyond those rights adjudicated in the Walker River Decree. Both appeals are captioned *United States of America, et al. v. Walker River Irrigation District, et al.* Approval was given to oppose these appeals in coordination with Centennial and any other interested parties.
- **D:** no report.

#### **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

*No one spoke.*

**ADJOURN @1:25 P.M.**

**ATTEST**

---

**FRED STUMP**  
**CHAIRMAN OF THE BOARD**

---

**HELEN NUNN**  
**SR. 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** January 3, 2017

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT** Board Minutes

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

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

Approve minutes of the Special Meeting held on November 22, 2016.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Helen Nunn

**PHONE/EMAIL:** x5534 / hnunn@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

<p>Click to download</p> <p> <a href="#">Draft Minutes</a></p>
--

**History**

Time	Who	Approval
12/24/2016 9:43 AM	County Administrative Office	Yes
12/24/2016 12:14 AM	County Counsel	Yes
12/27/2016 5:48 PM	Finance	Yes



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

MEETING LOCATION Mammoth Lakes BOS Meeting Room, 3rd Fl. Sierra Center Mall, Suite 307, 452 Old Mammoth Rd., Mammoth Lakes, CA 93546

**Special Meeting  
November 22, 2016**

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TELECONFERENCE LOCATIONS: 1) 201 S. Back Nine Trail, Reno, NV 89523. 2) 120 Lake Manor Place, Crowley Lake, CA 93546. Note: Members of the public may attend the open-session portion of the meeting from a teleconference location, and may address the board during any one of the opportunities provided on the agenda under Opportunity for the Public the Address the Board.

<b>Flash Drive</b>	#portable
<b>Minute Orders</b>	M16-235
<b>Resolutions</b>	R16-83 not used
<b>Ordinance</b>	ORD16-11 not used

8:30 AM Meeting Called to Order by Chairman Stump.

*Supervisors Present: Corless, Johnston, and Stump.  
Supervisor Participating remotely: Alpers.  
Supervisors Absent: Fesko.*

*Adjourn: 8:39*

Pledge of Allegiance

**1 OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD  
Larry Johnston:**

- Speaking as a private citizen, does not condone recent racist acts in the wake of the November 8, 2016 General Election.

**2. AGENDA ITEMS**

**A. Appointments In Lieu of Election**

**Note:**

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

Departments: Registrar of Voters

(Bob Musil) - Appointment of Directors of Special Districts In Lieu of Election

**Action:** Appoint Kathryn Mandichak, Don Morris, and Dave Robbins to Antelope Fire Protection District; Albert Pegorare and James Reid to Bridgeport Fire Protection District; Gina Barsi to Chalfant Valley Fire Protection District; David Naaden, Keith Potter, and Jon Simmons to June Lake Fire Protection District; Cedar Barager to Lee Vining Fire Protection District; Thomas Beveridge, Hank Brown, and Ron Day to Long Valley Fire Protection District; Carole Schilz and David Wahl to Mammoth Lake Fire Protection District; Ann Klinefelter to Paradise Fire Protection District; Michael Bornfeld, William Goodman, and Helmut Grigereit to Wheeler Crest Fire Protection District; Dan Love to Bridgeport Public Utility District; Thomas Cage, Robert Creasy, Earl Henderson, and Thomas Smith to Mammoth Community Water District; John Michael Day and Brent Miller to Hilton Creek Community Services District; Laurey Carlson and Stephen Swisher to Southern Mono Healthcare District; Dave Doonan, Frank Ormiston, and Phil West to Tri-Valley Groundwater Management District; with terms to end in 2020 unless otherwise specified.

**Johnston moved; Corless seconded**

**Vote: 4 yes; 0 no; Absent: Fesko**

**M16-235**

**ADJOURN at 8:39 a.m.**

**ATTEST**

---

**FRED STUMP  
CHAIRMAN OF THE BOARD**

---

**BOB MUSIL  
CLERK OF THE BOARD**

**Note:**

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

**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** January 3, 2017

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT** Board Minutes

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

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

Approve minutes of the Regular Meeting held on December 6, 2016.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Helen Nunn

**PHONE/EMAIL:** x5534 / hnunn@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

<p>Click to download</p> <p> <a href="#">Draft Minutes</a></p>
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**History**

Time	Who	Approval
12/24/2016 9:55 AM	County Administrative Office	Yes
12/24/2016 12:15 AM	County Counsel	Yes
12/29/2016 7:48 AM	Finance	Yes





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

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

MEETING LOCATION Board Chambers, 2nd Fl., County Courthouse, 278 Main St., Bridgeport, CA 93517

Regular Meeting  
December 6, 2016

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Flash Drive	#
Minute Orders	M16-236 to M16-243
Resolutions	R16-83 to R16-86
Ordinance	ORD16-11 NOT USED

9:00 AM Meeting Called to Order by Vice-Chairman Corless.

*Supervisors Present: Alpers, Corless, Fesko, and Johnston.  
Supervisors Absent: Stump.*

*Break: 10:37 a.m.  
Reconvene: 10:54 a.m.  
Closed Session: 11:55 a.m.  
Reconvene: 1:15 p.m.  
Adjourn: 2:01 p.m.*

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

Technical difficulties were experienced during this meeting. Please contact the Clerk's office if you wish to review an audio recording.

Pledge of Allegiance led by Supervisor Alpers.

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

## 1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

### Eric Swab:

- Read from a prepared statement concerning the Health and Safety of the Lone Pine Paiute-Shoshone Reservation and the Owens Valley Indian Housing Authority, available in Additional Documents on the County website.

## 2. APPROVAL OF MINUTES

### A. Board Minutes

Departments: Clerk of the Board

Approve minutes of the Regular Meeting held on October 18, 2016, as corrected.

**Alpers moved; Fesko seconded**

**Vote: 4 yes; 0 no; Absent: Stump**

**M16-236**

## 3. RECOGNITIONS - NONE

## 4. BOARD MEMBER REPORTS

### Supervisor Alpers:

- No report, leaving for RCRC right after BOS meeting with Supervisor Corless. Thank you to Supervisor Johnston for being at the CAC meeting tonight.

### Supervisor Corless:

- Great Thanksgiving holiday in Mammoth—and turkey trot, thanks to Mammoth Track Club and Mammoth Lakes Recreation for the event that attracted almost 200 trotters of all ages.
- Constituent concern regarding changes in Eastern Sierra Transit Service in District 5. Namely—the “Gray Line” route, servicing Old Mammoth Road from Snowcreek Athletic Club to Red Fir Rd, is ending on December 17. At the 11/2 council meeting, the service change was presented as adding service to Meridian Blvd—no mention in the agenda item of ending the Gray Line. Many schoolchildren use this service to get to school, so I want to urge ESTA and the town to work with Mammoth Unified to monitor the situation and make sure kids in Old Mammoth have safe transportation to school, and to track resident concerns regarding the end of bus service to the area.
- State Assoc. of Counties Conference in Palm Springs—as always, information sessions on issues affecting the county, including public safety, transportation funding, marijuana regulation, housing and Women’s Leadership Forum how to work effectively with the state legislature.
- 12/5 Behavioral Health Advisory Board—discussion of Davison House project and outreach, we are putting together a q and a to get preliminary information out to the public about the project and to address concerns.

### Supervisor Fesko:

- 9-20 Having spent 12 days in Tennessee and much of the Nashville, Chattanooga, Knoxville and Pigeon Forge areas, and seeing the destruction that multiple fires are having in these areas, I would ask that we adjourn today’s meeting in memory of those that lost their homes, belongings and in some cases their lives.
- I would like to Thank Tony Dublino for putting together an information sheet on the States Plastic Bag law. Also note that I asked Tony to verify whether or not the bags themselves are

### Note:

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taxable and after research, he found that they are not. He will be updating the Info Sheet.  
Thanks Tony!

- Oakland fire – A tragic fire took the lives of many in the Oakland fire. I would ask that we take a moment of silence in memory of these people.

**Supervisor Johnston:**

- Attended the Mammoth Lakes Housing meeting last night. We continue to discuss the housing issues in the Mammoth Lakes area and in particular, the Shady Rest affordable housing site. There will be a meeting this afternoon with the Town's consultant regarding how best to address the issue.
- Also attended the CSAC annual meeting. We had good representation from Supervisors-elect Gardner and Peters, and Supervisor Corless and CAO Chapman. I attended several policy committee meetings (passed out copies of the agenda packets for each to Supervisors). Also attended the Board of Directors meeting (also passed out the Board Packet). Noted newly elected CSAC Board members and that Mono County will be an Alternate on the Executive Committee.

**5. COUNTY ADMINISTRATIVE OFFICE**

**Leslie Chapman:**

- No report this week.

**6. DEPARTMENT/COMMISSION REPORTS**

None.

**7. CONSENT AGENDA**

**Supervisor Johnston pulled item F**

(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. Resolution Designating Applicant's Agent for Hazard Mitigation Grant Program Funding**

Departments: Community Development Department

Proposed resolution designating applicant's agent for the Hazard Mitigation Grant Program and Pre-Disaster Mitigation Program funding.

**Action:** Adopt proposed resolution #R16-83, designating applicant's agent for the Hazard Mitigation Grant Program and Pre-Disaster Mitigation Program funding.  
Provide any desired direction to staff.

**Fesko moved; Alpers seconded**

**Vote: 4 yes; 0 no; Absent: Stump**

**R16-83**

**B. Treasury Transaction Report**

Departments: Finance

**Note:**

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

Treasury Transaction Report for the month ending 10/31/2016

**Action:** Approve the Treasury Transaction Report for the month ending 10/31/2016

**Fesko moved; Alpers seconded**

**Vote: 4 yes; 0 no; Absent: Stump**

**M16-237**

**C. Agreement with Orange County for Autopsy Services**

Departments: Sheriff-Coroner

Proposed contract with Orange County pertaining to Autopsy Services, which Orange County has historically provided.

**Action:** Approve County entry into proposed contract with Orange County pertaining to Autopsy Services and authorize Chair of the Board of Supervisors to execute said contract on behalf of the County.

**Fesko moved; Alpers seconded**

**Vote: 4 yes; 0 no; Absent: Stump**

**M16-238**

**D. Employment Contract for Lynda Salcido, Public Health/EMS Director**

Departments: Human Resources

Proposed resolution approving a contract with Lynda Salcido as Public Health/EMS Director, and prescribing the compensation, appointment and conditions of said employment.

**Action:** Approve Resolution #R16-84, approving a contract with Lynda Salcido as Public Health/EMS Director, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

**Fesko moved; Alpers seconded**

**Vote: 4 yes; 0 no; Absent: Stump**

**R16-84**

**E. Appointments in Lieu of Election**

Departments: Clerk of the Board

Appointment of Directors of Special Districts In Lieu of Election. The following Special Districts have vacancies to be filled: Mono City Fire Protection District (2), Paradise Fire Protection District (1), White Mountain Fire Protection District (2), Lee Vining Public Utility District (3), Birchim Community Services District (2), and Hilton Creek Community Services District (2). These Special Districts have submitted names for appointment/reappointment, as outlined in the staff report. These terms will all expire on 11/30/2020. The Board of Supervisors is the governing body under Elections Code Section 10515 to make these appointments.

**Action:** Appoint Jack Shipley and Barbara Wanner to Mono City Fire Protection

**Note:**

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District, Craig Williams to Paradise Fire Protection District, Chris Carter and Jarret Phillips to White Mountain Fire Protection District, Paul McFarland and Tim Banta to Lee Vining Public Utility District, Patti Hazard and Steve Toups to Birchim Community Services District, and Windsor Czeschin and Steve Shipley to Hilton Creek Community Services District, to fill various special district board vacancies.

**Fesko moved; Alpers seconded**

**Vote: 4 yes; 0 no; Absent: Stump**

**M16-239**

#### **F. Authority To Hire Planning Analyst At Step B**

Departments: Community Development

Request for Authority to hire Planning Analyst at Step B (64).

**Action:** Grant Community Development Director authority to fill Planning Analyst position at Step B (64).

**Johnston moved; Fesko seconded**

**Vote: 4 yes; 0 no; Absent: Stump**

**M16-240**

**Supervisor Johnston:**

- Is in favor, but looks like there's a conflict between the staff report and job description title.

### **8. CORRESPONDENCE RECEIVED**

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

#### **A. Letter from Jeanne Oakshott**

Departments: Clerk of the Board

Correspondence received by the Board of Supervisors from Jeanne Oakshott regarding Election Day and concerns for the communities.

#### **B. Letter from Mono County Staff to the Community Addressing Concerns About the Election Outcome**

Departments: Clerk of the Board

Correspondence prepared by County staff to our community regarding election day concerns for the communities.

**Leslie Chapman:**

- This is an open letter to the community. We've heard concerns from community members; staff got together and compiled a list of concerns.

**Robin Roberts:**

- Will translate into Spanish and publish in papers

**Lynda Salcido:**

**Note:**

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

- One group to be reached are county employees needing to know how to respond to clients. Need to answer people who are frightened.
- Not everyone has a computer, but clients can be reached through radio, newspapers, etc.
- Took our lead from other counties. Majority of counties did something like this

General Board Discussion on methods to reach the majority of the community:

Social media

Partnering agencies

RPACs

Churches

Schools

Libraries

County employees

Post offices

Newspapers, including Sierra Scoop

Chambers of Commerce

Mono County mailing lists

Radio

Senior centers

Discussion of edits for letter:

**Sheriff Braun:**

- To clarify her office's position regarding immigration, they will not change the current process. Will abide by Truth and Trust Act. Wants people to trust the office and come to them when they are the victim of a crime without fear of immigration enforcement.
- We enforce laws on the books, but our role is not to ask for legal papers

**Robin Roberts:**

- There are numerous concerns about Affordable Care, birth control, housing; everyone has their own set of concerns. Potential for significant changes. She and her colleagues are all paying attention, the BOS and CAO putting out a letter is tremendously meaningful to our citizens.
- Yesterday the Behavioral Health Advisory Committee met, hopes there will be a central meeting for what comes next. The BHAC is willing to facilitate those meetings. If people have concerns or ideas, please email her.

**Supervisor Alpers:**

- Feels this will be helpful in making citizens feel safe to come to the county with concerns. County government is an outlet to have community voices heard.

**Supervisor Corless:**

- Thanks to staff members and members of community that encouraged the county to produce this document to make our citizens feel safe.

Board Consensus for changes to letter.

## C. Correspondence from the Center for Biological Diversity

### Departments: Clerk of the Board

Correspondence received by the Board of Supervisors from the Center for Biological Diversity regarding a Request for Notice Regarding Conway Ranch Actions.

**Supervisor Corless:**

**Note:**

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- Recognizing the concern for wildlife in our county planning, acknowledge that sustaining our environment is in our strategic plan.

#### D. Letter from Inyo County re: Critical Habitat of Sierra Nevada Frogs

Departments: Clerk of the Board

Correspondence from the Inyo County Board of Supervisors to the U.S. Department of the Interior regarding the designation of critical habitat for the Sierra Nevada Yellow-Legged Frog, the Northern Distinct population segment of the Mountain Yellow-Legged Frog, and the Yosemite Toad. Mono County was cc'd on this correspondence.

\*\*\*\*\*

### 9. REGULAR AGENDA - MORNING

#### A. Mammoth Lakes Tourism Marketing Campaign Highlights

Departments: Economic Development

(John Urdi, Executive Director, Mammoth Lakes Tourism) - Presentation by Mammoth Lakes Tourism regarding an overview of their marketing initiatives, including promotional videos.

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

##### John Urdi:

- Went through his Power Point.
- A special thank you to Tim Alpers from Mammoth Lakes Tourism Presentation to Tim Alpers for his work with fishing and Alpers Trout.

#### B. Public Works Engineering Division Restructure

Departments: Public Works

(Garrett Higerd) - The structure and position titles for the 5-member Public Works Engineering Division have been adjusted over the past ten years due to staff attrition and budget constraints. The proposed restructure addresses allocated positions, career pathways, and Engineering Division structure to meet the current needs of the department.

**Action:** Approve proposed restructure of the Public Works Department – Engineering Division by adopting proposed resolution #R16-85, Authorizing the County Administrative Officer to amend the County List of Allocated Positions to change an Associate Engineer III to Senior Engineer and change a vacant Engineering Technician III to Associate Engineer I in the Public Works Department.

**Fesko moved; Alpers seconded**

**Vote: 4 yes; 0 no; Absent: Stump**

**R16-85**

##### Note:

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**Garrett Higerd:**

- Went through his staff report and attachments to the agenda item for the Board
- Slight changes from last time, wants to create a road map for engineering employees. In order to get closer to the strategic plan, we need more of a ladder for employees for potential within the dept. Wants employees to be motivated, be positive, and know their efforts are recognized.
- "Public work" is a definition, when you're doing a public work project, prevailing wage must be paid.

**Supervisor Fesko:**

- Thinks everyone knows Public Works is understaffed.
- Wants clarification on what's being asked. What positions would change. Where the increases in salaries are coming from, why leaving one position vacant.

**Supervisor Johnston:**

- In favor, feels Garrett laid out a good argument for this as a way for the engineering division to get their work done. Would like to see good positioning come out of this.

**Supervisor Corless:**

- Supports as a part of a bigger restructure effort done earlier this year. Feels it's a way for the Board to support the goals set earlier.

**Janet Dutcher:**

- This is the beginning of the restructure from 6 months ago. \$30k is only 4% of the Department's total budget; will be rolled up into higher rates for the work the department is doing for others.

**Leslie Chapman:**

- Other departments are watching to see how to move forward. In the last 7 or 8 years, many people have moved on and not been replaced. This department provides a tremendous amount of support,. Trying to step back and look at the structure in each department and how to replace positions.

## C. Review and Declaration of Election Results

Departments: Elections

(Leslie Chapman) - Presentation of certified election results.

**Action:** Declare elected to office the candidates who received the highest number of votes in each contest of the Primary Election. Declare the results of each measure voted on at the election.

**Leslie Chapman:**

- Bob Musil will not be with us anymore after Friday. Any questions she can't answer she can bring back in the afternoon.
- Went through the staff report. Explained what a canvass means, what ballots were counted.
- Three glitches in the packet. JL PUD
  - All mail ballot glitch; software company resolved, recounted.
  - Hand count of 1% of vote, Bridgeport was counted, count was good.
  - Concluded that results in packet are valid.
  - Explained the hand count
- Suggested to approve a recount for the purposes of the PUD and have citizens observe. It will cost staff time.

### PUBLIC COMMENT:

**Dorothy Burdette:**

- Not confident in whole process. She has considered a recount. Asked to delay certification. So many issues have gone on, she feels it needs to be looked into. Doesn't have a lot of

**Note:**

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



- confidence in the hand count.
- She is making a request for an official recount.

**Stacey Simon:**

- The basis for waiving a fee would be for a public purpose, to establish public faith in the results. Cannot waive fees without public purpose. Would prepare resolution to that effect.

**Supervisor Corless:**

- Item will be continued to the afternoon to find answers on elections law and whether to declare elections results before the recount.

**CONTINUED TO AFTERNOON**

**D. Employment Agreement for Anne M. Larsen as Deputy County Counsel**

Departments: County Counsel and Human Resources

(Stacey Simon) - Proposed resolution approving a contract with Anne Larsen as Deputy County Counsel II and prescribing the compensation, appointment and conditions of said employment.

**Action:** Adopt Resolution #R16-86, approving a contract with Anne Larsen as Deputy County Counsel II and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

**Johnston moved; Alpers seconded**

**Vote: 4 yes; 0 no; Absent: Stump**

**R16-86**

**Stacey Simon:**

- Pleased and honored to introduce Anne as successful candidate for County Counsel.

**Anne Larsen:**

- Introduced herself; she's happy to be here.

**E. Antelope Valley RPAC Member Terms**

Departments: Community Development Department

(Gerry Le Francois) - Establishment of terms for the 10 existing Antelope Valley RPAC members

**Action:** Establish staggered terms, expiring December 31, 2018, or December 31, 2020, for the 10 existing Antelope Valley RPAC members, as more specifically described in the staff report.

**Fesko moved; Alpers seconded**

**Vote: 4 yes; 0 no; Absent: Stump**

**M16-241**

**Gerry LeFrancois:**

- In order to conform to Board's revisions to RPAC guidelines, these members agreed to either a 2 or 4 year term.

**F. Two Appointments to the Antelope Valley RPAC**

**Note:**

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

Departments: Community Development Department

(Gerry Le Francois) - Consider the appointments of Patti Hamic-Christensen and Charles Brown to the Antelope Valley RPAC

**Action:** Appoint Patti Hamic-Christensen and Charles Brown to the Antelope Valley RPAC for terms ending December 31, 2018.

**Fesko moved; Alpers seconded**

**Vote: 4 yes; 0 no; Absent: Stump**

**M16-242**

**Gerry LeFrancois:**

- Two recommended appointments. This will round out the RPAC to the full 15 members. Both Supervisor Fesko and Supervisor-Elect Peters have been approached with regard to this.

**Supervisor Fesko:**

- Each person brings something unique to this RPAC. Sometimes things can be political, but as with someone with a genuine desire to serve, politics should not come into play. May see some new vacancies in the next year or so.

**John Peters:**

- He has spoken with one of the recommended appointees. Can't see any reason to not appoint these two. He has also spoken with Gerry about it.

#### **G. June Lake Citizens Advisory Committee Appointment**

Departments: Community Development and Board of Supervisors

(Scott Burns) - June Lake Citizens Advisory Committee (CAC) member appointment.

**Action:** Appoint Jora Fogg to the June Lake CAC, as recommended by Supervisor Alpers.

**Alpers moved; Johnston seconded**

**Vote: 4 yes; 0 no; Absent: Stump**

**M16-243**

**Supervisor Alpers:**

- Please that someone of Jora's caliber is going to be on this committee.

**Bob Gardner:**

- Supports

**Dorothy Burdette:**

- Supports

#### **10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

No one spoke.

#### **11. CLOSED SESSION at 11:48**

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

**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): Stacey Simon, Leslie Chapman, and Dave Butters. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

**B. Closed Session - Exposure to Litigation**

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Number of potential cases: Two.

**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: Desert Survivors, et al. v. United States Department of Interior, et al. (Case No. 3:16-cv-01165-JCS).

**D. Closed Session - Public Employment**

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Assistant County Clerk/Recorder.

**E. Closed Session - Public Employment - Addendum**

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Clerk/Recorder.

**THE AFTERNOON SESSION WILL RECONVENE NO EARLIER THAN 1:00 P.M.  
Reconvened at 1:15 p.m.**

**NOTHING TO REPORT OUT OF CLOSED SESSION**

12.

**13. REGULAR AGENDA - AFTERNOON**

**A. Presentation by Sierra Life Flight re: Change of Ownership**

Departments: Clerk of the Board

(Mike Patterson, Program Director) - Presentation by Mike Patterson of Sierra Life Flight regarding the change of ownership of the company and the minimal

**Note:**

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

operational impacts to Mono County. This item has been sponsored by Supervisor Stump.

**Lisa Bennett, Chief Flight Nurse, and Mike Patterson, Program Director:**

- Being purchased by REACH Air Medical out of Santa Rosa. Presented a new option for \$65/year per household, any services would be covered. Also looking at a fleet upgrade, 2 new aircraft coming in the next two years.
- Purchase agreement has been signed, currently working through the transition. Looking at January 15 for transfer. EMS Department and Mammoth Hospital have also been notified.

**Supervisor Fesko:**

- Asked for clarification on the reciprocity of using another company for care flight services

**Supervisor Corless:**

- Time frame for transfer?

### **Continuation of Review and Declaration of Election Results**

Departments: Elections

(Leslie Chapman) - Presentation of certified election results.

**Action:** Declare elected to office the candidates who received the highest number of votes in each contest of the Primary Election. Declare the results of each measure voted on at the election.

**Leslie Chapman:**

- Question we left off with is can the board declare the election results if there is a recount? The Board has no deadline for the declaration. We can do the recount on Monday, just waiting to hear back from observers. We can put the item back on for next Tuesday. What's important is the certification that goes to the Secretary of State by Friday. If the recount changes anything, we can do an amendment to the State. Recount is only for the June Lake PUD.

**Board consensus.**

**Back into closed session at 1:31 p.m.**

**ADJOURN at 2:01 p.m.**

**ATTEST**

---

**STACY CORLESS  
VICE-CHAIRMAN OF THE BOARD**

**Note:**

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

---

**HELEN NUNN**  
**SR. DEPUTY CLERK OF THE BOARD**



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

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** January 3, 2017

**Departments: Clerk of the Board**

**TIME REQUIRED**

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

Outgoing Board Chair

**SUBJECT** Election of New 2017 Board Chair

**AGENDA DESCRIPTION:**

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

The outgoing Board Chair will call for nominations to elect the Chair of the Board for 2017.

**RECOMMENDED ACTION:**

Elect the new Chair of the Board for 2017.

**FISCAL IMPACT:**

None.

**CONTACT NAME:** Shannon Kendall

**PHONE/EMAIL:** x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

[Click to download](#)

No Attachments Available

**History**

**Time**

12/16/2016 10:26 AM

**Who**

County Administrative Office

**Approval**

Yes

12/20/2016 9:20 AM

County Counsel

Yes

12/27/2016 5:56 PM

Finance

Yes



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

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** January 3, 2017

**Departments: Clerk of the Board**

**TIME REQUIRED**

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

Board Chair

**SUBJECT** Presentation to Outgoing Chairman  
Stump

**AGENDA DESCRIPTION:**

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

Presentation to Chairman Stump by newly elected Board Chair honoring Supervisor Stump's service to the Board in 2016.

**RECOMMENDED ACTION:**

None.

**FISCAL IMPACT:**

None.

**CONTACT NAME:** Shannon Kendall

**PHONE/EMAIL:** x5533 / skendall@mono.ca.gov

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**ATTACHMENTS:**

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**History**

Time	Who	Approval
12/27/2016 12:05 PM	County Administrative Office	Yes



12/23/2016 11:53 PM

County Counsel

Yes

12/28/2016 8:33 AM

Finance

Yes



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

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** January 3, 2017

**Departments: Clerk of the Board**

**TIME REQUIRED**

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

Board Chair

**SUBJECT** Election of New 2017 Vice Chair to  
the Board

**AGENDA DESCRIPTION:**

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

The newly elected Board Chair will call for nomination to elect the Vice Chair of the Board for 2017.

**RECOMMENDED ACTION:**

Elect the new Vice Chair of the Board for 2017.

**FISCAL IMPACT:**

None.

**CONTACT NAME:** Shannon Kendall

**PHONE/EMAIL:** x5533 / skendall@mono.ca.gov

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**History**

Time	Who	Approval
12/16/2016 10:39 AM	County Administrative Office	Yes

12/20/2016 9:21 AM

County Counsel

Yes

12/27/2016 5:56 PM

Finance

Yes



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

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** January 3, 2017

**Departments: Clerk of the Board**

**TIME REQUIRED**

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

Board Chair

**SUBJECT** Election of New 2017 Chair Pro-Tem

**AGENDA DESCRIPTION:**

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

The newly elected Chair will call for nominations to elect the Chair Pro-Tem of the Board for 2017.

**RECOMMENDED ACTION:**

Elect the new Chair Pro-Tem of the Board for 2017.

**FISCAL IMPACT:**

None.

**CONTACT NAME:** Shannon Kendall

**PHONE/EMAIL:** x5533 / skendall@mono.ca.gov

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**ATTACHMENTS:**

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**History**

Time	Who	Approval
12/16/2016 10:37 AM	County Administrative Office	Yes

12/20/2016 9:20 AM

County Counsel

Yes

12/27/2016 5:56 PM

Finance

Yes



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

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** January 3, 2017

**Departments: Sheriff**

**TIME REQUIRED**

**SUBJECT** Inmate Welfare Fund Annual Report

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

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

Submit the Inmate Welfare Fund Annual Report for Fiscal Year 2015-2016, as required by law.

**RECOMMENDED ACTION:**

Receive the Inmate Welfare Fund Annual Report for Fiscal Year 2015-2016.

**FISCAL IMPACT:**

None.

**CONTACT NAME:** Ingrid Braun

**PHONE/EMAIL:** 760-932-7549 / ibraun@monosheriff.org

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32 DAYS PRECEDING THE BOARD MEETING***

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**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<input type="checkbox"/> <a href="#">Staff Report</a>
<input type="checkbox"/> <a href="#">Inmate Welfare Fund Annual Report</a>

**History**

Time	Who	Approval
12/16/2016 10:30 AM	County Administrative Office	Yes

12/20/2016 9:22 AM

County Counsel

Yes

12/27/2016 6:18 PM

Finance

Yes



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**Ingrid Braun**  
Sheriff/Coroner

**MONO COUNTY SHERIFF'S OFFICE**

**Michael Moriarty**  
Undersheriff

DATE: January 3, 2017  
TO: The Honorable Board of Supervisors  
FROM: Ingrid Braun, Sheriff-Coroner  
SUBJECT: Inmate Welfare Fund Annual Report, Fiscal Year 2015-2016

**BACKGROUND**

California Penal Code Section 4025 (e) states:

The money and property deposited in the inmate welfare fund shall be expended by the sheriff primarily for the benefit, education, and welfare of the inmates confined within the jail. ... An itemized report of these expenditures shall be submitted annually to the board of supervisors.

**DISCUSSION:**

Attached is an accounting of the Inmate Welfare Fund for Fiscal Year 2015-2016.

**FINANCIAL IMPACT:**

The Inmate Welfare Fund is not part of the General Fund. Therefore, there is no financial impact.

**RECOMMENDATION:**

Receive the Inmate Welfare Fund Annual Report for Fiscal Year 2015-2016.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "IB", written over a white background.

Ingrid Braun  
Sheriff-Coroner



**INMATE WELFARE FUND**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGE IN FUND BALANCE**  
**JULY 1, 2015 - JUNE 30, 2016**

**BALANCE AS OF 7/1/15**                    \$        **122,896.73**

**REVENUE**

Interest Income	\$	1,063.91
Commissary Income	\$	32,311.64
Phone Card Commission	\$	3,519.81
AWP Fees	\$	2,518.00
<b>TOTAL REVENUE</b>	<b>\$</b>	<b><u>39,413.36</u></b>

**EXPENDITURES**

Commissary Supplies	\$	8,696.13
Commissary Sales Tax	\$	246.00
Phone Cards	\$	11,926.72
Communications	\$	2,054.22
Equip Maint & Repair	\$	1,597.36
Building /Land Maint & Repair	\$	78.14
Professional Services	\$	363.56
Small Tools	\$	4,301.77
Special/Misc Expenses	\$	2,080.47
<b>TOTAL EXPENSES</b>	<b>\$</b>	<b><u>31,344.37</u></b>

**BALANCE AS OF 6/30/16**                    \$        **130,965.72**



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** January 3, 2017

**Departments: Finance**

**TIME REQUIRED**

**SUBJECT** Monthly Treasury Transaction Report

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

---

### AGENDA DESCRIPTION:

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

Treasury Transaction Report for the month ending 11/30/2016.

---

### RECOMMENDED ACTION:

Approve the Treasury Transaction Report for the month ending 11/30/2016.

---

### FISCAL IMPACT:

None.

---

**CONTACT NAME:** Gerald Frank

**PHONE/EMAIL:** 760-932-5483 / gfrank@mono.ca.gov

---

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**32 DAYS PRECEDING THE BOARD MEETING**

### SEND COPIES TO:

---

### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

Click to download

[Treasury Transaction Report for the month ending 11/30/2016](#)

---

### History

**Time**

12/16/2016 10:32 AM

**Who**

County Administrative Office

**Approval**

Yes

12/19/2016 1:33 PM

County Counsel

Yes

12/8/2016 2:58 PM

Finance

Yes



# Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 10/31/2016, End Date: 11/30/2016

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
<b>Buy Transactions</b>									
Buy	11/3/2016	3133EGC78	1,000,000.00	FFCB 1.49 5/3/2021-17	99.93	999,250.00	0.00	1.51	999,250.00
Buy	11/4/2016	3130A9MG3	1,000,000.00	FHLB 1.5 9/30/2021-16	99.88	998,750.00	1,416.67	1.53	1,000,166.67
Buy	11/4/2016	29976DW48	245,000.00	EVERBANK 1.3 11/4/2019	100.00	245,000.00	0.00	1.30	245,000.00
Buy	11/23/2016	3136G4GG2	1,000,000.00	FNMA 1.5 5/25/2021-17	100.00	1,000,000.00	0.00	1.50	1,000,000.00
<b>Subtotal</b>			<b>3,245,000.00</b>			<b>3,243,000.00</b>	<b>1,416.67</b>		<b>3,244,416.67</b>
Deposit	11/3/2016	LAIF6000Q	3,000,000.00	Local Agency Investment Fund LGIP-Quarterly	100.00	3,000,000.00	0.00	0.00	3,000,000.00
Deposit	11/10/2016	OAKVALLEY0670	1,001.79	Oak Valley Bank Cash	100.00	1,001.79	0.00	0.00	1,001.79
Deposit	11/22/2016	LAIF6000Q	1,000,000.00	Local Agency Investment Fund LGIP-Quarterly	100.00	1,000,000.00	0.00	0.00	1,000,000.00
Deposit	11/30/2016	OAKVALLEY0670	2,117.15	Oak Valley Bank Cash	100.00	2,117.15	0.00	0.00	2,117.15
Deposit	11/30/2016	OAKVALLEY0670	15,425,474.73	Oak Valley Bank Cash	100.00	15,425,474.73	0.00	0.00	15,425,474.73
<b>Subtotal</b>			<b>19,428,593.67</b>			<b>19,428,593.67</b>	<b>0.00</b>		<b>19,428,593.67</b>
<b>Total Buy Transactions</b>			<b>22,673,593.67</b>			<b>22,671,593.67</b>	<b>1,416.67</b>		<b>22,673,010.34</b>
<b>Interest/Dividends</b>									
Interest	11/1/2016	283309KM3	0.00	El Monte CA School District GO 1.698 5/1/2018		0.00	4,245.00	0.00	4,245.00
Interest	11/1/2016	56117PDQ6	0.00	MALIBU CA COPS (MALCTF) 1.6 11/1/2018		0.00	2,000.00	0.00	2,000.00
Interest	11/1/2016	3134G3S50	0.00	FHLMC 0.625 11/1/2016		0.00	6,250.00	0.00	6,250.00
Interest	11/3/2016	594918BG8	0.00	MICROSOFT CORP 2 11/3/2020-20		0.00	5,000.00	0.00	5,000.00
Interest	11/3/2016	037833AJ9	0.00	Apple Inc 1 5/3/2018		0.00	2,500.00	0.00	2,500.00
Interest	11/3/2016	9497486Z5	0.00	WELLS FARGO BK NA SIOUXFALLS SD 1.6 8/3/2021		0.00	332.93	0.00	332.93
Interest	11/5/2016	981571CE0	0.00	Worlds Foremost Bk Sidney NE 1.75 5/5/2021		0.00	297.26	0.00	297.26
Interest	11/6/2016	254672NC8	0.00	DISCOVER BK GREENWOOD DEL 1.9 5/6/2020		0.00	2,346.63	0.00	2,346.63
Interest	11/6/2016	3135G0K69	0.00	FNMA 1.25 5/6/2021		0.00	4,427.08	0.00	4,427.08
Interest	11/10/2016	OAKVALLEY0670	0.00	Oak Valley Bank Cash		0.00	1,001.79	0.00	1,001.79
Interest	11/11/2016	20033APV2	0.00	COMENITY CAP BK SALT LAKE CITY UTAH 1.6 4/12/2021		0.00	332.93	0.00	332.93
Interest	11/12/2016	35633MAG7	0.00	FREEDOM BK OF VA VIENNA VA 0.75 11/14/2017		0.00	156.06	0.00	156.06



# Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 10/31/2016, End Date: 11/30/2016

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest/ Dividends	YTM @ Cost	Total
Interest	11/15/2016	55266CCE9	0.00	MB FINANCIAL BANK, NATIONAL ASSN 1.8 1/15/2021		0.00	374.55	0.00	374.55
Interest	11/15/2016	34387ABA6	0.00	FLUSHING BANK N Y 1.8 12/10/2018		0.00	374.55	0.00	374.55
Interest	11/15/2016	91159HHD5	0.00	US Bancorp 1.65 5/15/2017		0.00	4,125.00	0.00	4,125.00
Interest	11/17/2016	855736DA9	0.00	STATE BK & TR CO DEFIANCE OHIO 1.6 2/17/2021		0.00	332.93	0.00	332.93
Interest	11/17/2016	095067AD6	0.00	BLOOMSDALE BANK 0.6 12/19/2016		0.00	124.85	0.00	124.85
Interest	11/19/2016	3133EGBE4	0.00	FFCB 1.06 11/19/2018-16		0.00	5,300.00	0.00	5,300.00
Interest	11/22/2016	337630AZ0	0.00	FIRSTTRUST SVGS BK CONSHOCKENPA 0.7 10/23/2017		0.00	145.66	0.00	145.66
Interest	11/26/2016	062683AC1	0.00	BBCN BANK 0.9 2/26/2018		0.00	187.27	0.00	187.27
Interest	11/26/2016	20070PHK6	0.00	COMMERCE ST BK WEST BEND WIS 1.65 9/26/2019		0.00	343.34	0.00	343.34
Interest	11/26/2016	17284CAF8	0.00	CIT BK SALT LAKE CITY 2.25 11/26/2019		0.00	2,778.90	0.00	2,778.90
Interest	11/26/2016	91330ABA4	0.00	UNITY BK CLINTON NJ 1.5 9/26/2019		0.00	312.12	0.00	312.12
Interest	11/27/2016	3136G32J3	0.00	FNMA 1.25 11/27/2019-17		0.00	3,776.04	0.00	3,776.04
Interest	11/27/2016	27113PBG5	0.00	EAST BOSTON SVGS NK BOSTON MA 0.7 10/27/2017		0.00	145.66	0.00	145.66
Interest	11/27/2016	35637RCQ8	0.00	FREEDOM FIN BK W DES MOINES 1.5 7/26/2019		0.00	312.12	0.00	312.12
Interest	11/27/2016	596689EC9	0.00	MIDDLETON COMMUNITY BANK 1.4 11/27/2018		0.00	291.32	0.00	291.32
Interest	11/28/2016	20786ABA2	0.00	CONNECTONE BK ENGLEWOOD 1.55 7/29/2019		0.00	322.53	0.00	322.53
Interest	11/28/2016	3136G33W3	0.00	FNMA 1.5 5/28/2021-17		0.00	3,666.67	0.00	3,666.67
Interest	11/28/2016	59013JDB2	0.00	MERRICK BK SOUTH JORDAN UTAH 0.85 1/30/2017		0.00	176.87	0.00	176.87
Interest	11/28/2016	464209CD5	0.00	ISABELLA BANK 0.75 3/28/2017		0.00	156.06	0.00	156.06
Interest	11/29/2016	06414QVT3	0.00	BANK NORTH CAROLINA THOMASVILLE NC 1 6/30/2017		0.00	208.08	0.00	208.08
Interest	11/29/2016	11373QCC0	0.00	BROOKLINE BK MASS 0.75 10/30/2017		0.00	156.06	0.00	156.06
Interest	11/29/2016	2027505G6	0.00	COMMONWEALTH BUSINESS BK LOS ANGELES CALIF 0.75 8/		0.00	156.06	0.00	156.06
Interest	11/29/2016	139797FF6	0.00	CAPITAL BK LITTLE ROCK 0.9 2/28/2018		0.00	187.27	0.00	187.27
Interest	11/30/2016	843383AX8	0.00	SOUTHERN BANK 1 1/30/2018		0.00	208.08	0.00	208.08
Interest	11/30/2016	45340KDR7	0.00	INDEPENDENCE BK KY OWENSBORO 0.9 2/28/2018		0.00	181.23	0.00	181.23



# Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 10/31/2016, End Date: 11/30/2016

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Interest	11/30/2016	3135G0F73	0.00	FNMA 1.5 11/30/2020		0.00	7,500.00	0.00	7,500.00
Interest	11/30/2016	105245GN8	0.00	BRAND BKG CO LAWRENCEVILLE GA 0.85 11/30/2017		0.00	176.87	0.00	176.87
Interest	11/30/2016	29266N3Q8	0.00	ENERBANK USA SALT LAKE CITYUTAH 1.05 8/31/2018		0.00	211.44	0.00	211.44
Interest	11/30/2016	3137EADG1	0.00	FHLMC 1.75 5/30/2019		0.00	8,750.00	0.00	8,750.00
Interest	11/30/2016	OAKVALLEY0670	0.00	Oak Valley Bank Cash		0.00	2,117.15	0.00	2,117.15
		<b>Subtotal</b>	<b>0.00</b>			<b>0.00</b>	<b>71,988.36</b>		<b>71,988.36</b>
<b>Total Interest/Dividends</b>			<b>0.00</b>			<b>0.00</b>	<b>71,988.36</b>		<b>71,988.36</b>
<b>Sell Transactions</b>									
Matured	11/1/2016	3134G3S50	2,000,000.00	FHLMC 0.625 11/1/2016	0.00	2,000,000.00	0.00	0.00	2,000,000.00
		<b>Subtotal</b>	<b>2,000,000.00</b>			<b>2,000,000.00</b>	<b>0.00</b>		<b>2,000,000.00</b>
Withdraw	11/30/2016	OAKVALLEY0670	16,234,501.40	Oak Valley Bank Cash	0.00	16,234,501.40	0.00	0.00	16,234,501.40
		<b>Subtotal</b>	<b>16,234,501.40</b>			<b>16,234,501.40</b>	<b>0.00</b>		<b>16,234,501.40</b>
<b>Total Sell Transactions</b>			<b>18,234,501.40</b>			<b>18,234,501.40</b>	<b>0.00</b>		<b>18,234,501.40</b>



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** January 3, 2017

**Departments: Human Resources**

**TIME REQUIRED**

**SUBJECT** Employment Agreement for Paul  
Roten

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

---

### AGENDA DESCRIPTION:

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

Proposed resolution approving a contract with Paul Roten as Senior Engineer, and prescribing the compensation, appointment and conditions of said employment.

---

### RECOMMENDED ACTION:

Approve Resolution #R17-\_\_\_, approving a contract with Paul Roten as Senior Engineer, 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 additional cost for this position for the remainder of FY 2016-2017 (January 3 to June 30th) is approximately \$14,611 of which \$8,976 is salary; \$2,140 is the employer portion of PERS, and \$3,495 is the cost of the benefits. Total additional cost for a full fiscal year (2016-2017) would be \$29,222 of which \$17,952 is annual salary; \$4,280 is the employer portion of PERS, and \$6,990 is the cost of benefits. The funds for these additional costs will require a midyear budget amendment.

---

**CONTACT NAME:** Dave Butters

**PHONE/EMAIL:** 760 932-5413 / dbutters@mono.ca.gov

---

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

---

### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

Click to download

[Staff Report - Paul Roten Employment Contract](#)

[Resolution](#)

**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
12/28/2016 8:37 AM	County Administrative Office	Yes
12/28/2016 1:37 PM	County Counsel	Yes
12/28/2016 8:30 AM	Finance	Yes





## COUNTY OF MONO

---

P.O. BOX 696, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5413 • FAX (760) 932-5411

Dave Butters

Director of Human Resources

To: Honorable Board of Supervisors

From: Dave Butters, Director of Human Resources

Date: January 3, 2017

Subject: Employment Agreement for Paul Roten as Senior Engineer

Recommendation: Approve the Employment Agreement of Paul Roten as Senior Engineer for a term of three years from January 3, 2017 through January 2, 2020.

Background: Paul Roten has served as Associate Engineer III since being hired on May 7, 2014. As part of the Public Works Engineering restructure it was approved in Resolution No. R16-85 to replace the Associate Engineer III position with a Senior Engineer position and add it to the allocation list.

Fiscal Impact: Paul's base salary as Associate Engineer III is \$84,000 per year and the requested salary in this employment contract for Senior Engineer is an annualized base salary of \$102,000. The additional cost for this position for the remainder of FY 2016-2017 (January 3 to June 30th) is approximately \$14,611 of which \$8,976 is salary; \$2,140 is the employer portion of PERS, and \$3,495 is the cost of the benefits.

Total additional costs for a full fiscal year (2016-2017) would be \$29,222 of which \$17,952 is annual salary, \$4,280 is the employer portion of PERS, and \$6,990 is the cost of benefits. The additional funds for this position will require a budget amendment at midyear.

For questions, please call Dave Butters at 760 932-5413 or email [dbutters@mono.ca.gov](mailto:dbutters@mono.ca.gov)



RESOLUTION NO. R17-

A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS APPROVING AN EMPLOYMENT AGREEMENT WITH PAUL ROTEN AND PRESCRIBING THE COMPENSATION, APPOINTMENT, AND CONDITIONS OF SAID EMPLOYMENT

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

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

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

AYES :
NOES :
ABSTAIN :
ABSENT :

ATTEST: \_\_\_\_\_
Clerk of the Board

\_\_\_\_\_  
Stacy Corless, Chair  
Board of Supervisors

APPROVED AS TO FORM:
\_\_\_\_\_  
COUNTY COUNSEL

## **AGREEMENT RE EMPLOYMENT OF PAUL ROTEN**

This Agreement is entered into this 3rd day of January, 2017, by and between Paul Roten and the County of Mono.

### **I. RECITALS**

Paul Roten has been employed by Mono County as an Associate Engineer since May of 2014. The County now wishes to employ Mr. Roten as the Senior Engineer on a full-time basis on the terms and conditions set forth in this Agreement. Paul Roten wishes to accept employment with the County on said terms and conditions.

### **II. AGREEMENT**

1. The term of this Agreement shall be January 3, 2017, until January 2, 2020, unless earlier terminated by either party in accordance with this Agreement. The County shall notify Mr. Roten in writing no later than July 2, 2019, whether it intends to negotiate a renewal of this Agreement. In the event the County fails to provide such notice, Mr. Roten shall notify the County in writing of its breach of this provision of the Agreement and County shall be allowed 30 days from the receipt of that notice to cure the breach. If the County cures the breach and notifies Mr. Roten that it does not intend to negotiate a renewal of the Agreement, then this Agreement shall terminate six months after said notification and no additional compensation or damages shall be owing to Mr. Roten as a result of the cured breach. If County does not cure the breach, then the Agreement shall automatically renew for another three years, commencing on the date of its expiration, on the same terms in effect at the time of renewal.
2. Commencing January 3, 2017, Mr. Roten shall be employed by Mono County as Senior Engineer, serving at the will and pleasure of the County Engineer in accordance with the terms and conditions of this Agreement. Mr. Roten accepts such employment. The County Engineer shall be deemed the "appointing authority" for all purposes with respect to Mr. Roten's employment.
3. Effective January 3, 2017, Mr. Roten's salary shall be \$8,500 per month (prorated for the month of January 2017 based on the effective date of the new position). Mr. Roten understands that he is responsible for paying the employee's share of any retirement contributions owed to the Public Employees Retirement System (PERS) with respect to his employment for the County. The Board may unilaterally increase Mr. Roten's compensation in its

discretion at any time while this Agreement is in effect. Should a wage increase be granted under the MOU with Local 39, applicable to Mono County Public Employees (MCPE), it is agreed that this contract will be reopened for discussion and potential re-negotiation with respect Mr. Roten's salary. During such negotiations the County shall consider and discuss the issue of increased compensation with Mr. Roten in good faith, but the County's decision whether or not to grant such additional compensation shall be final and non-appealable.

4. Mr. Roten shall earn and accrue vacation and sick leave in accordance with the County's Management Benefits Policy and in accordance with any applicable County Code provisions not in conflict with said Policy. Also pursuant to said Policy, in recognition of the fact that his employment will be exempt from the payment of overtime or compensatory time-off under the Fair Labor Standards Act, he shall be entitled to 80 hours of merit leave (aka administrative leave) during each year of service under this Agreement. Mr. Roten understands that said merit leave does not accrue from one calendar year to the next; rather, it must be used by December 31<sup>st</sup> of each calendar year in which it is provided or it is lost.
5. To the extent deemed appropriate by the County Engineer, the County shall pay the professional dues, subscriptions, and other educational expenses necessary for Mr. Roten's full participation in applicable professional associations, or for his continued professional growth and for the good of the County.
6. To the extent not inconsistent with the foregoing or any other provision of this Agreement, Mr. Roten shall be entitled to the same general benefits provided by the County to other management-level employees, as described more fully in the County's Management Benefits Policy. Such benefits include but are not limited to CalPERS retirement benefits applicable to PERS members whose membership followed the passage of the Public Employees' Pension Reform Act of 2013 (PEPRA) (currently 2.0% at 62 for Mr. Roten) unless otherwise required by law, CalPERS medical insurance, County dental and vision coverage, and life insurance. Any and all references in this Agreement to the County's Management Benefits Policy shall mean the "Policy Regarding Benefits of Management-level Officers and Employees," adopted by Resolution R14-54 of the Mono County Board of Supervisors, as the same may be amended from time to time and unilaterally implemented by the County.
7. Mr. Roten understands and agrees that his receipt of compensation or benefits of any kind under this Agreement or under any applicable County Code provision or policy – including but not limited to salary, insurance coverage,

and paid holidays or leaves – is expressly contingent on his actual and regular rendering of personal services to the County or, in the event of any absence, upon his proper use of any accrued leave. Should Mr. Roten cease rendering such services during this Agreement and be absent from work without any accrued leave to cover said absence, then he shall cease earning or receiving any additional compensation or benefits until such time as he returns to work and resumes rendering personal services; provided, however, that the County shall provide any compensation or benefits mandated by state or federal law. Furthermore, should Mr. Roten's regular schedule ever be reduced to less than full-time employment, on a temporary or permanent basis, then all compensation and benefits provided by this Agreement or any applicable County policies shall be reduced on a pro-rata basis, except for those benefits that the County does not generally pro-rate for its other part-time employees (e.g., medical insurance).

8. Consistent with the "at will" nature of Mr. Roten's employment, the County Engineer may terminate Paul Roten's employment at any time during this agreement, without cause. In that event, this Agreement shall automatically terminate concurrently with the effective date of the termination. Mr. Roten understands and acknowledges that as an "at will" employee, he will not have permanent status nor will his employment be governed by the County Personnel System (Mono County Code Chapter 2.68) except to the extent that System is ever modified to apply expressly to at-will employees. Among other things, he will have no property interest in his employment, no right to be terminated or disciplined only for just cause, and no right to appeal, challenge, or otherwise be heard regarding any such termination or other disciplinary action the County Engineer may, in his or her discretion, take during Mr. Roten's employment.
9. In the event that such a termination without cause occurs Mr. Roten shall receive as severance pay a lump sum equal to six months' salary or, to the extent that fewer than six full calendar months remain (as of that effective date) before this Agreement would have expired, Mr. Roten shall instead receive a lesser amount equal to any remaining salary payments he would have received before expiration of the Agreement had he not been terminated. Notwithstanding the foregoing, Mr. Roten shall receive severance pay equal to six months' salary in the event that termination occurs after the County has notified Mr. Roten that it intends to negotiate a renewal of this Agreement but before this Agreement expires. In no event shall the parties' failure or inability to arrive at mutually acceptable terms of a renewed agreement trigger the payment of severance pay. Note: for purposes of severance pay, "salary" refers only to base compensation (i.e., it does not include any other compensation, including but not limited to any temporary

performance or merit pay).

10. Notwithstanding the foregoing, Mr. Roten shall not be entitled to any severance pay in the event that the County Engineer has grounds to discipline him on or about the time he gives his notice of termination. For purposes of this provision, grounds for discipline include but are not limited to those specified in Section 2.68.230 of the County Code or any successor Code provision, as the same may be amended from time to time. Mr. Roten shall also not be entitled to any severance pay in the event that he becomes unable to perform the essential functions of his position (with or without reasonable accommodations) and his employment is duly terminated for such non-disciplinary reasons.
11. Mr. Roten may resign his employment with the County at any time. His resignation shall be deemed effective when tendered, and this agreement shall automatically terminate on that same date, unless otherwise mutually agreed to in writing by the parties. Mr. Roten shall not be entitled to any severance pay or additional compensation of any kind after the effective date of such resignation.
12. This Agreement constitutes the entire agreement of the parties with respect to the employment of Paul Roten and shall supersede and replace, in its entirety, the Agreement re Employment of Mr. Roten entered into between the County and Mr. Roten on or about May 7, 2014, which shall be of no further force or effect.
13. Pursuant to Government Code sections 53243 Mr. Roten shall reimburse the County for any paid leave pending an investigation, legal criminal defense, or cash settlement related to termination by the County if Mr. Roten is convicted of a crime involving abuse of office or position.
14. The parties agree that the Board of Supervisors' approval of this Agreement on behalf of the County is a legislative act and that through this agreement, the Board of Supervisors is carrying out its responsibility and authority under Section 25300 of the Government Code to set the terms and conditions of County employment. It is not the parties' intent to alter in any way the fundamental statutory (non-contractual) nature of Mr. Roten's employment with the County nor to give rise to any future contractual remedies for breach of this Agreement or of an implied covenant of good faith and fair dealing. Rather, the parties intend that Mr. Roten's sole remedy in response to any failure by the County to comply with this Agreement shall be traditional mandamus.

15. Mr. Roten acknowledges that this Agreement is executed voluntarily by him, without duress or undue influence on the part or on behalf of the County. Mr. Roten further acknowledges that he has participated in the negotiation and preparation of this Agreement and has had the opportunity to be represented by counsel with respect to such negotiation and preparation or does hereby knowingly waive his right to do so, and that he is fully aware of the contents of this Agreement and of its legal effect. Thus, any ambiguities in this Agreement shall not be resolved in favor of or against either party.

**III. EXECUTION:**

This Agreement is executed this 3<sup>rd</sup> day of January, 2017.

EMPLOYEE

THE COUNTY OF MONO

\_\_\_\_\_  
By: Paul Roten

\_\_\_\_\_  
By: Stacy Corless, Chair  
Board of Supervisors

APPROVED AS TO FORM:

\_\_\_\_\_  
COUNTY COUNSEL



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** January 3, 2017

**Departments: Information Technology**

**TIME REQUIRED**

**SUBJECT** Out of State Travel Authorization for  
Nate Greenberg

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

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### AGENDA DESCRIPTION:

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

Nate Greenberg has been invited to attend the Mountain Ventures Summit in Telluride, CO to present on the topic of Digital 395 and the new opportunities it brings to Mono County and Town of Mammoth Lakes. This item is to request authorization for travel to this event.

---

### RECOMMENDED ACTION:

Authorize Nate Greenberg to travel to Telluride, CO to attend the Mountain Ventures Summit on behalf of Mono County from February 1st - 6th, 2017.

---

### FISCAL IMPACT:

Approximately \$2,000 which is entirely within the FY 16-17 Information Technology Department budget.

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**CONTACT NAME:** Nate Greenberg

**PHONE/EMAIL:** (760) 924-1819 / ngreenberg@mono.ca.gov

---

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

---

### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

Click to download

[Staff Report](#)

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History



<b>Time</b>	<b>Who</b>	<b>Approval</b>
12/27/2016 12:04 PM	County Administrative Office	Yes
12/27/2016 12:42 PM	County Counsel	Yes
12/28/2016 8:33 AM	Finance	Yes



**INFORMATION TECHNOLOGY  
COUNTY OF MONO**

PO Box 7657 | 437 OLD MAMMOTH ROAD, STE. 228 MAMMOTH LAKES, CA 93546  
(760) 924-1819 • FAX (760) 924-1697 • [ngreenberg@mono.ca.gov](mailto:ngreenberg@mono.ca.gov)

Nate Greenberg  
*Information Technology Director*

January 3, 2016

**To** Honorable Board of Supervisors  
**From** Nate Greenberg, Information Technology Director  
**Subject** Out of state travel authorization: Mountain Ventures Summit – Telluride, CO

**Recommendation**

Authorize Nate Greenberg to travel to Telluride, CO to represent Mono County at the Mountain Ventures Summit.

**Discussion**

The Mountain Ventures Summit is a gathering of thought leaders and representatives from mountain towns throughout the US with the intention of talking about *The Future of Work* and how to build sustainable entrepreneurship ecosystems in communities like ours. The event is being organized by the Mountain Lab (a local Mammoth-based business recognized by Mono County Tourism), and put on by the Telluride Venture Accelerator.

Nate Greenberg was invited to attend to present as panelist on a discussion about the barriers mountain towns face - specifically broadband. The Digital 395 project changed the dynamic for the Eastern Sierra and is allowing Mono County to look at diversifying our economic base, which will be the topic of this presentation.

This is an incredible opportunity for Mono County to make a pitch for what we have to offer, as well as network with key individuals from peer and competitor resort and mountain communities.

**Fiscal Impact**

Approximately \$2,000, which is entirely within the FY 16-17 Information Technology Department budget.

**Strategic Plan Alignment**

**2016 – 2017 Mono County Focus Areas**

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

**IT Strategic Initiatives**

- ✕ I. Business Operations and Efficiency
- II. Communications, Broadband, and Accessibility
- ✕ III. Infrastructure Resiliency and Security



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

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE**     January 3, 2017

**Departments: Assessor**

**TIME REQUIRED**

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**SUBJECT**             First Amendment to Agreement for  
                                 Services of Special Counsel

**AGENDA DESCRIPTION:**

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

Proposed amendment to contract with Norman Dowler LLP & Brett L. Price.

**RECOMMENDED ACTION:**

Approve County entry into proposed contract amendment and authorize Barry Beck, Mono County Assessor, to execute said contract on behalf of the County. Provide any desired direction to staff.

**FISCAL IMPACT:**

Depends on usage. The amendment would increase Mr. Price's hourly billing rate from \$245 per hour to \$260 per hour.

**CONTACT NAME:** Barry Beck

**PHONE/EMAIL:** 760-932-5522 / bbeck@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY  
32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<a href="#">Staff Report</a>
<a href="#">First Amendment to Agreement for Services of Special Counsel</a>
<a href="#">Original Contract</a>

History

<b>Time</b>	<b>Who</b>	<b>Approval</b>
12/24/2016 9:08 AM	County Administrative Office	Yes
12/24/2016 12:17 AM	County Counsel	Yes
12/27/2016 6:10 PM	Finance	Yes



**Office of the Assessor**  
**COUNTY OF MONO**  
P.O. BOX 456, BRIDGEPORT, CALIFORNIA 93517  
Barry Beck, Assessor

(760) 932-5510 FAX (760) 932-5511

December 20, 2016

To: Honorable Board of Supervisors

From: Barry Beck, Mono County Assessor

Re: Amendment to Agreement for Services of Special Counsel

**Recommended Action:**

Approve County entry into proposed First Amendment to Agreement for Services of Special Counsel, and authorize the Board Chair to sign said document.

**Fiscal Impact:**

Depends on usage. The amendment would increase Mr. Price's hourly billing rate from \$245 per hour to \$260 per hour.

**Discussion:**

As the Board may know or recall, the County has an existing contractual relationship with Brett L. Price and his law firm – Norman Dowler LLC. Mr. Price specializes in handling assessment appeals and property tax matters on behalf of assessors throughout the State of California. His work for Mono County's Assessor typically involves complex, high-value cases (e.g., the geothermal plant); more routine cases are handled by an assigned attorney in the County Counsel's office.

The proposed amendment would increase billing rates for Mr. Price and other members of his firm. Mr. Price's own rate would increase to \$260 per hour from \$245 per hour. This is the first fee increase Mr. Price has requested in approximately 3 years. Note that this amendment does not obligate the County or the Assessor to use Mr. Price's services in the future. It simply adjusts the compensation for use of those services if and when they are needed.

Sincerely,

Barry Beck  
Mono County Assessor



# FIRST AMENDMENT TO AGREEMENT FOR SERVICES OF SPECIAL COUNSEL

(Property Tax Assessment Appeals and Litigation)

THIS FIRST AMENDMENT TO AGREEMENT FOR SERVICES OF SPECIAL COUNSEL ("First Amendment" herein) is made and entered into as of the 1<sup>st</sup> day of December, 2016 by and between the COUNTY OF MONO ("County" herein) and NORMAN DOWLER LLP and BRETT L. PRICE (collectively "Attorney" herein) in relation to that certain Agreement for Services of Special Counsel dated December 1, 2015, whereby the County retained the services of Attorney to advise and represent the Mono County Assessor ("Assessor" herein) and/or the County in relation to various property tax matters.

## Recitals

WHEREAS, said Agreement was entered into in 2015 and there has been no adjustment, modification or amendment of the terms thereof, including, without limitation, the Compensation to be paid Attorney under paragraph 4 thereof since December 2015; and,

WHEREAS, Attorney's costs of operation have risen substantially in the last year, and the cost and value of Attorney's services have increased commensurately; and,

WHEREAS, various property tax matters and disputes continue to arise and require resolution, and the continued services of Attorney are needed to handle and resolve such matters, as well as additional property tax matters anticipated to arise in the future, and the services of Attorney are, therefore, still required by the County and the Assessor; and,

WHEREAS, it is necessary and advisable to amend the Agreement to increase the rates of Compensation of Attorney, to enable Attorneys to economically perform and complete the services for which they were retained:

NOW, THEREFORE, in consideration of the mutual promises, covenants, conditions and terms contained herein and in the Agreement, it is hereby agreed by and between the County and Attorney that the Agreement is amended, as follows:

**1. Compensation.**

Paragraph 5.a. of the Agreement, is hereby amended to increase the hourly rates of fees to be paid Attorney as follows:

<u>"a. Fees for Professional Services</u>	
<u>Title</u>	<u>Rate</u>
Brett L. Price	\$260/hour
Senior Associates (4+ years' experience)	\$225/hour
Associates (up to 4 years' experience)	\$200/hour
Legal Assistants/Law Clerks	\$125/hour

Such rates shall apply to all services performed by Attorney, including, but not limited to, investigation, research, evaluation, consultation, travel, preparation, negotiation, communications, meetings, pleadings, briefing, and appearances at proceedings before the Board, the State Board of Equalization and any Court(s)."

2. **Other Terms.**

All other terms and conditions of the Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, the parties execute this agreement as of the day and year first written above.

COUNTY OF MONO

By \_\_\_\_\_  
Chairperson of the Mono County  
Board of Supervisors

NORMAN DOWLER LLP &  
BRETT L. PRICE

By  \_\_\_\_\_  
Brett L. Price, Esq.

APPROVED AS TO FORM:

By  \_\_\_\_\_  
Christian Milovich  
Mono Assistant County Counsel

APPROVED AS TO CONTENT:

By \_\_\_\_\_  
Barry Beck  
Mono County Assessor

**AGREEMENT  
FOR  
SERVICES OF SPECIAL COUNSEL**

(Property Tax Assessment Appeals and Litigation)

THIS AGREEMENT FOR SERVICES OF SPECIAL COUNSEL (the "Agreement" herein) is made and entered into effective as of this 1st day of May, 2015, by and between the COUNTY OF MONO, a political subdivision of the State of California (the "County" herein), and **NORMAN DOWLER LLP and BRETT L. PRICE** (collectively "Attorney" herein).

Recitals

WHEREAS, the Mono County Assessor ("Assessor" herein) requires advice and representation by special private counsel in connection with proceedings before the Mono County Board of Equalization (the "Board" herein) in relation to various applications for changed assessment now pending before the Board, which have been previously litigated before the Board, and which may be filed with the Board in the future (the "Appeals" herein), appeal(s) from determinations of the Board therein, resulting or related litigation and various other property tax matters;

WHEREAS, the Mono County Board of Supervisors, under the provisions of Section 31000 of the Government Code, is empowered to contract for such special legal services;

WHEREAS, the Mono County Board of Supervisors has determined that the Assessor should be advised and represented by special private counsel in proceedings before the Board, appeals therefrom, in resulting or related litigation, and in various other property tax matters because of actual, potential or apparent conflicts of interest, the complex and technical nature of such matters, and the skill, experience and competence of Attorney in relation to such matters; and,

WHEREAS, Attorney is specially trained, skilled, experienced, and competent to perform the special legal services required by the Assessor, and the Assessor desires to retain the services of Attorney pursuant to the terms, covenants, and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual promises, covenants, conditions and terms contained herein, it is agreed as follows:

1. Term

The term of this Agreement shall be from May 1, 2015 until terminated by the parties pursuant to the provisions of paragraph 10 herein.

2. Employment of Attorney

2.1 The County does hereby engage, retain and contract with Attorney to provide legal services as special counsel to the Assessor and/or the County, as the case may require, to advise and represent the Assessor in the Appeals before the Board or the State Board of Equalization and any resulting or related litigation; to advise and represent the Assessor and/or the County in any appeal therefrom or any action, proceeding, hearing or litigation related thereto; and, to advise and represent the



Assessor and/or the County in such other matters as the Assessor and/or the County may deem necessary or advisable.

2.2 Attorney accepts such employment and agrees to perform and provide the legal services required by this Agreement in accordance with the terms and conditions hereof. Attorney agrees to represent and advise the Assessor and/or the County in those matters assigned to Attorney by the Assessor and/or the County, as the case may be, to the best of Attorney's ability.

3. Legal Services

Attorney's services shall include prehearing research, discovery, pleadings, investigation, interviews, meetings, negotiations, advice, review of documents, records, transcripts and evidence, and preparation necessary to the full and effective presentation of the Assessor's and/or the County's case, as may be reasonable given the time allowed before the hearing of any matter assigned to Attorney, as well as representation of the Assessor during hearings and post-hearing proceedings before the Board and the Assessor and/or County before the Courts of the State of California or the State Board of Equalization concerning said matters and any litigation related thereto or resulting therefrom. Attorney shall provide such further services to the Assessor and/or County as may be incidental or related to the services expressly set forth in this paragraph, or as may be requested by the Assessor and/or the County, from time-to-time, in relation to any matter in which the Assessor and/or the County desires the assistance of Attorney.

4. Continuing Duty of Representation

This Agreement is drafted with a term to coincide with the annual appropriations cycle of County government. In the event that the services contemplated by this Agreement are not completed by June 30, 2016, the parties agree to execute a new agreement at that time to embrace the services remaining to be performed on the same terms and conditions as set forth herein, except that new hourly rates may be negotiated by the parties.

5. Compensation

In consideration for the services to be provided pursuant to this Agreement, the County shall pay to Attorney the following:

a. Fees for Professional Services

<u>Title</u>	<u>Rate</u>
Brett L. Price	\$245/hour
Senior Associates (4+ years experience)	\$210/hour
Associates (up to 4 years experience)	\$195/hour
Legal Assistants/Law Clerks	\$120/hour

Such rates shall apply to all services performed by Attorney, including, but not limited to, investigation, research, evaluation, consultation, travel, preparation, negotiation, meetings, pleadings, briefing, and appearances at proceedings before the Board, the State Board of Equalization and any Court(s).

b. Reimbursement of Costs

The County shall reimburse Attorney for all costs incurred or advanced by Attorney in providing the services herein described. Said costs shall include, but are not limited to, expenses for travel, lodging, meals, photocopies, long distance telephone calls, reporter's transcript(s) of all proceedings, filing fees, witness fees and costs for lay or expert witnesses, and such other costs as are reasonably necessary for the preparation, presentation or defense of the Appeals, any litigation resulting, related or incidental thereto, any appeal or litigation resulting or arising therefrom, and any other matter(s) for which Attorney is requested to provide services by the Assessor and/or the County.

6. Statement for Services Rendered

Attorney shall render monthly statements to the County for services rendered and costs incurred or advanced during the period of representation of Attorney. Such statements shall reasonably set forth the time spent by Attorney, a general statement of the work performed, and an itemization of costs incurred or advanced. Said statements shall be submitted to the Assessor for processing for payment and the Assessor shall take reasonable steps necessary to assure prompt payment of Attorney.

7. Records

Attorney shall keep accurate records of all time expended, the rates applicable to the time expended, and all costs incurred in the performance of this Agreement, and such records shall be subject to inspection and audit by the County at reasonable times. The parties acknowledge that Attorney's billing records contain privileged and confidential information concerning other clients of Attorney which is subject to the "Attorney-Client" privilege and is required to be kept in confidence by Attorney. In disclosing billing records in connection with any County audit, Attorney shall be entitled to withhold or mask any entry in the records provided for audit purposes which would relate to, identify or which would tend to identify any other client of Attorney, or which would disclose any work done for other clients of Attorney. This provision is intended by the parties to preserve the confidentiality of such other clients of Attorney and to prevent the exposure of Attorney and such other clients of Attorney to embarrassment, damage or loss.

8. Control of Board Proceedings

The Assessor shall have exclusive control of Attorney in providing legal services relating to matters before the Board or to which the Assessor is a party; provided, however, that Attorney shall determine the necessity of conducting discovery, investigation, research and preparation, including the nature and extent thereof, and the employment of experts so as to prepare adequately for the presentation of the Assessor's case. The final decision as to the assessment valuations and disposition of the proceedings shall be made by the Assessor. Neither the County Board of Supervisors nor the County Counsel shall have any control over Attorney in providing legal services to the Assessor under this Agreement.

9. Confidentiality

The Attorney's services, advice and representation shall be provided exclusively to the Assessor and/or the County, as the case may be; and all records, data, and information coming into Attorney's possession or knowledge from the County or the Assessor, his personnel or his appraisal consultants during the course of Attorney's performance of services hereunder, shall be maintained in strictest confidence, except as needed or required for case preparation or presentation, and shall not be disclosed or furnished to any person, firm, or agency without the express consent of the County or the Assessor, or upon the order of a court.

10. Termination

This Agreement may be terminated at any time by either party hereto upon the terminating party's giving ten (10) days' written notice of such termination to the other party; provided, however, that County shall not terminate this Agreement as to then pending proceedings without first notifying the Assessor of its intention nor until Attorney has had a reasonable opportunity to withdraw as counsel of record in all such then pending matters. In the event of termination by Attorney, the County and the Assessor shall be given sufficient notice to enable them to obtain the services of other counsel, and Attorney shall take appropriate steps to continue legal services to the Assessor and/or the County as required to protect their interests until the services of other counsel are obtained. Upon termination or Attorney's withdrawal as counsel pursuant to the provisions of this Paragraph 10, Attorney shall receive final payment for all services rendered and costs incurred upon presentation of final statements to the Assessor or the County.

11. Conflict of Interest

11.1 The Assessor and/or the County will outline to Attorney the matters involved in the Appeals, any related litigation and in other matters assigned to Attorney and will identify the parties, business entities and consulting firms associated therewith, and Attorney will determine whether there will be a conflict with the Assessor's and/or the County's interests in providing legal services for and on behalf of the Assessor and/or the County under this Agreement.

11.2 In the event a presently unknown and unavoidable conflict does arise during the course of Attorney's employment, Attorney shall so notify the Assessor and/or the County, as the case may require, and unless the Assessor and/or the County shall consent to the continued representation by Attorney, Attorney shall withdraw as counsel for Assessor and/or the County as to the specific matter involving the conflict.

11.3 During the term of this Agreement, Attorney agrees not to undertake additional representation on behalf of other clients which would place Attorney in a position adverse to the Assessor.

12. Independent Contractor Status

It is understood and agreed that Attorney is herewith retained in the capacity of an independent contractor practicing its profession and not as an officer, employee or agent of the County or

the Assessor; and that Attorney is acting as an independent contractor in the performance of any services, work, or duties to or for the Assessor and/or the County. Attorney shall not be entitled to participate in any pension plan, insurance plan, bonus, or other similar benefits which the Assessor or the County may provide to its employees.

13. Insurance and Indemnification

13.1 Attorney shall indemnify, hold harmless and defend the Assessor, the County, and its officers, agents and employees against any and all actions, claims, damages, losses or expenses, including reasonable attorney fees and costs, that may be asserted by any person or entity against the Assessor, the County or its officers, agents and employees for any injuries or other damages suffered by any such person or entity arising out of or in connection with any willful, deliberate or negligent act or omission of Attorney, its agents or employees, in the performance of its duties or obligations hereunder; but excluding liability resulting from any negligence or any willful or deliberate act, omission or misconduct of the Assessor, the County, or its officers, officials, agents, representatives and employees.

13.2 Attorney shall take out and maintain at all times during the life of this Agreement the following policies of insurance:

a. Worker's Compensation Insurance: To cover Attorney's employees as required by the Labor Code of the State of California for Attorney's employees.

b. Public Liability Insurance: Bodily injury and property damage insurance for all activities of Attorney, its employees, agents, and representatives, arising out of or in connection with this Agreement, written on a comprehensive general liability form including protective coverage, blanket contractual, complete operations, and employers' non-ownership liability coverage in an amount not less than One Million and no/100 Dollars (\$ 1,000,000.00) combined single limit bodily injury and property damage for each occurrence. Each such policy shall provide that Mono County be named as an additional insured for all liability arising out of operations by or on behalf of Attorney in the performance of this Agreement.

c. Documentation: The following documentation of insurance shall be submitted to the County upon its request:

i. A certificate of insurance for Workers Compensation; and

ii. Certificates of insurance for liability insurance.

14. Compliance with Applicable Laws

In the performance of services pursuant to the terms and provisions of this Agreement, Attorney shall comply with all applicable federal, state, county and municipal laws, regulations, rules and ordinances, including, but not limited to, the Workers' Compensation laws of the State of California, and all applicable Federal, State, and Local laws, rules and regulations relating to non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, or handicap.

15. Expert Consultants

The Assessor and the County recognize that it may be necessary to engage the services of expert consultants at the expense of the County in the evaluation, preparation, handling and presentation of the Assessor's case, and County agrees to consider Attorney's reasonable recommendations in that regard. The County itself may contract for such consultants' services, or authorize Attorney to enter into agreements for such services, in which event Attorney will be reimbursed by the County for all fees, costs and expenses so incurred.

16. Cooperation of Assessor

16.1 The Assessor recognizes that it is essential for his office to cooperate fully with Attorney in connection with the preparation and presentation of the Assessor's case by Attorney. In connection therewith, Assessor agrees to provide any and all data, information and documentation reasonably requested by Attorney and, further, to provide adequate personnel from the Assessor's Office to assist Attorney in the evaluation, preparation, handling and presentation of the matters assigned to Attorney.

16.2 The Assessor and the County further acknowledge and agree that, without prior authorization of Attorney, neither the Assessor, his staff nor his appraisal consultants shall provide any applicant/taxpayer with information (oral or documentary) nor participate in discussions with applicant's'/taxpayers' representatives, attorneys and consultants except in the presence of or with the consent of Attorney. It is intended that this procedure will be in the best interests of the Assessor and the County in avoiding unnecessary misunderstandings and disputes over statements made outside of the proceedings and will allow Attorney to discharge its responsibilities as to the control of the proceedings in which the Assessor is adverse to the applicants/taxpayers.

17. Resolution of Billing and Payment Questions

In order to assist the parties in resolving any questions which may arise as the result of the presentation of any billing statement in this matter or to resolve any questions or problems with the payment of compensation on billing statements which are not disputed by the County, the County designates the Assessor, or his designee, as its contract administrator under this Agreement. Said contract administrator shall properly take all reasonable actions as may be necessary or appropriate to resolve any financial questions or disputes as may arise in the performance of this Agreement.

18. Assignment

Except as otherwise set forth herein, no party hereto shall assign or transfer any right, interest, duty or obligation under this Agreement without the written consent of the other; and no such assignment or transfer shall be of any force or effect, whatsoever, unless and until the other party shall have so consented.

19. Entire Agreement, Modification and Waivers

This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements, representations,

understandings, negotiations and discussions, whether oral or written, of the parties, including, among others, any and all prior Agreements For Special Legal Services entered into by and between the parties hereto; and there are no warranties, representations or agreements between the parties in connection with the subject matter hereof except as set forth or referred to herein. No supplement, modification, waiver, amendment or termination of this Agreement, or any provision thereof shall be binding unless executed in writing by the parties to be bound thereby. No waiver of any of the provisions of this Agreement shall constitute a waiver of any other provision, whether or not similar, nor shall such waiver constitute a continuing waiver unless otherwise expressly provided.

20. Attorneys' Fees

In the event of any action for breach or to enforce the provisions hereof, the prevailing party of such action shall be awarded all costs of enforcement of this Agreement, including, but not limited to, reasonable attorney's fees and costs.

21. Notices

Any notices required or desired to be given hereunder shall be in writing and shall be effected by personal delivery or by registered or certified mail, return receipt requested. Notices delivered personally shall be deemed communicated as of actual receipt; mailed notices shall be deemed communicated as of five (5) days after deposit in the United States mail, postage prepaid and properly addressed. Mailed notices shall be addressed as set forth below, unless otherwise specified in a notice given pursuant to this Paragraph 22 as the address for the service of notice:

County: Barry Beck, Assessor  
County of Mono  
25 Bryant Street  
Bridgeport, CA 93517

Attorney: Brett L. Price, Esq.  
Norman Dowler LLP  
840 County Square Drive  
Third Floor  
Ventura, CA 93003

IN WITNESS WHEREOF, the parties execute this agreement as of the day and year first written above.

COUNTY OF MONO


NORMAN DOWLER LLP &  
LAW OFFICES OF BRETT L. PRICE

By   
Chairman of the Mono County  
Board of Supervisors

By   
Brett L. Price, Esq.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

By   
County Counsel, County of Mono

By   
Barry Beck,  
Mono County Assessor



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** January 3, 2017

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT** Appointment in Lieu of Election

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

---

### AGENDA DESCRIPTION:

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

Appointment of Director of Special District In Lieu of Election. The following Special District has vacancies to be filled:  
Southern Mono Healthcare District: One position. This Special District has submitted a recommendation for appointment/reappointment, as outlined in the staff report. The term will expire on 11/30/2020. The Board of Supervisors is the governing body under Elections Code Section 10515 to make this appointment.

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### RECOMMENDED ACTION:

Appoint David Anderson to Southern Mono Healthcare District, as recommended, to fill a vacancy on that board .

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### FISCAL IMPACT:

None.

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**CONTACT NAME:** Shannon Kendall

**PHONE/EMAIL:** x5533 / skendall@mono.ca.gov

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SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

### SEND COPIES TO:

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### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

Click to download

[Staff report](#)

[Resolutoin](#)

**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
12/27/2016 1:10 PM	County Administrative Office	Yes
12/27/2016 12:41 PM	County Counsel	Yes
12/27/2016 5:20 PM	Finance	Yes





Larry Johnston~District One    Fred Stump~ District Two    Bob Gardner ~ District Three  
John Peters ~ District Four    Stacy Corless ~ District Five

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## BOARD OF SUPERVISORS COUNTY OF MONO

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P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517  
(760) 932-5538 • FAX (760) 932-5531  
*Shannon Kendall, Acting Clerk of the Board*

To:            Honorable Board of Supervisors  
From:         Shannon Kendall, Acting Clerk/Recorder/Registrar of Voters  
Date:         January 3, 2017

Subject:  
Appointments in lieu of election to Mono County Special Districts

Discussion:  
The Southern Mono Healthcare District has submitted the following recommendation for appointment/reappointment. This term will expire 11/30/2020:

Southern Mono Healthcare District	1 vacancy	David Anderson
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This situation is governed by Elections Code section §10515 and by Board Resolution R12-64, which provide for the Board of Supervisors to appoint a qualified person to the district board. Per that resolution, if the district board recommends a qualified person for such an appointment, then that recommendation is to be brought to the Board of Supervisors for consideration.

Recommendation:  
Make appointment, as recommended above, to fill various special district board vacancy.

Fiscal Impact:  
None.



RESOLUTION NO. R12- 64

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS  
ESTABLISHING A PROCESS TO SOLICIT NAMES OF QUALIFIED PERSONS  
WHOM THE BOARD OF SUPERVISORS MAY CONSIDER FOR APPOINTMENT TO  
A SPECIAL DISTRICT ELECTIVE OFFICE WHENEVER SUCH AN APPOINTMENT  
IS REQUIRED BY CALIFORNIA ELECTIONS CODE SECTION 10515**

**WHEREAS**, pursuant to California Elections Code §10515(a), the supervising authority (meaning the Board of Supervisors) shall make appointments to elective offices of special districts if by 5:00 p.m. on the 83<sup>rd</sup> day prior to the general election (1) only one person has filed a declaration of candidacy for office, (2) no one has filed a declaration of candidacy for office, (3) the number of persons who have filed a declaration of candidacy for director at large does not exceed the number of offices of director at large to be filled, or (4) the number of candidates for director at large from a division does not exceed the number required to be elected director at large; and a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, requesting that the general district election be held has not been presented to the officer conducting the election, and;

**WHEREAS**, pursuant to California Elections Code §10515(a), the officer conducting the election (generally, the County Elections Official) shall present these facts to the supervising authority and request that the supervising authority, at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held, appoint to the office or offices the person or persons who have filed declarations of candidacy, and;

**WHEREAS**, pursuant to California Elections Code §10515(b), if no person has filed a declaration of candidacy for any office, the supervising authority shall appoint any person

1 to the office who is qualified on the date when the election would have been held. The  
2 person appointed shall qualify and take office and serve exactly as if elected at a general  
3 district election for the office, and;

4 **WHEREAS**, state law does not set forth any particular process for the Board to utilize  
5 in identifying qualified persons whom the Board may consider for such appointment; and

6 **WHEREAS**, the Board finds it would be beneficial for all interested parties to have a  
7 pre-established and known process by which the Board will solicit names to consider for such  
8 appointments.

9 **NOW THEREFORE BE IT RESOLVED** by the Mono County Board of Supervisors that  
10 the following process shall be utilized to solicit names of qualified persons whom the Board  
11 may consider for appointment to a special district elective office whenever such an  
12 appointment is required by California Elections Code section 10515:

- 13 1. After the close of the filing period for candidates to be elected to special district  
14 offices, if it appears to the County elections official that an appointment to such an  
15 office by the Board of Supervisors will be required by California Elections Code  
16 §10515 with respect to a special district, then County elections official will so notify the  
17 secretary of that district. The notice shall also invite the district to provide the County  
18 elections official with the name or names of any qualified persons recommended by  
19 the district for such appointment by the Board of Supervisors, within 30 days from the  
20 date the notice is sent.
- 21 2. If the County elections official does not timely receive any such recommendation from  
22 the district, then the County elections official will place an announcement in the  
23 newspaper to advertise the open seat(s) on the board of the special district and call  
24 for letters of interest to be sent to the elections official by a given deadline.  
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3. In addition, members of the Board of Supervisors may make recommendations of qualified persons for the entire Board to consider for such appointments.


4. The persons whose names were obtained through the above process shall then be duly considered by the Board of Supervisors for appointment pursuant to Elections Code section 10515. (NOTE: Pursuant to Elections Code §10507, the term of office for a special district office holder is four years or until his or her successor qualifies and take office. Thus, in a situation where the Board of Supervisors is required to appoint an office holder pursuant to Elections Code section 10515 but does not do so before the end of the incumbent office holder's regular four-year term, the incumbent's term may continue beyond four years, until the person appointed by the Board is qualified and takes office. The person so appointed by the Board may or may not be the incumbent office holder; in no event does an incumbent's term automatically renew for another four years.)

**APPROVED AND ADOPTED** this 11th day of September, 2012, by the following vote of the Board of Supervisors, County of Mono:

- AYES** : Supervisors Bauer, Hansen, Hunt and Johnston.
- NOES** : None.
- ABSENT** : Supervisor Hazard.
- ABSTAIN** : None.

  
 \_\_\_\_\_  
**VIKKI BAUER, CHAIR**  
**BOARD OF SUPERVISORS**

**ATTEST:**  
  
 \_\_\_\_\_  
**LYNDA ROBERTS**  
**CLERK OF THE BOARD**

**APPROVED AS TO FORM:**  
  
 \_\_\_\_\_  
**MARSHALL RUDOLPH**  
**COUNTY COUNSEL**



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** January 3, 2017

**Departments: Community Development Department**

**TIME REQUIRED**

**SUBJECT** Building Code Cycle Adoption

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

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### AGENDA DESCRIPTION:

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

California Building Standards Code Cycle adoption.

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### RECOMMENDED ACTION:

Adopt ordinance #17-01, Amending Chapter 15.04 of the Mono County Code pertaining to building regulations and uniform codes.

---

### FISCAL IMPACT:

No fiscal impacts are anticipated. The ordinance updates existing local requirements to apply in conjunction with the 2016 California Building Standards Code that will take effect on January 1, 2017.

---

**CONTACT NAME:** Wendy Sugimura

**PHONE/EMAIL:** 924.1814 / wsugimura@mono.ca.gov

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SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

### SEND COPIES TO:

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### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

Click to download
<input type="checkbox"/> <a href="#">Staff report</a>
<input type="checkbox"/> <a href="#">Ordinance</a>
<input type="checkbox"/> <a href="#">Code</a>

**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
12/29/2016 5:55 AM	County Administrative Office	Yes
12/28/2016 2:18 PM	County Counsel	Yes
12/29/2016 7:48 AM	Finance	Yes

# Mono County Community Development Department

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P.O. Box 347  
Mammoth Lakes, CA 93546  
(760) 924-1800, fax 924-1801  
commdev@mono.ca.gov

## BUILDING DIVISION

P.O. Box 8  
Bridgeport, CA 93517  
(760) 932-5420, fax 932-5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

**Date:** January 3, 2017

**To:** **Honorable Chair and Members of the Board of Supervisors**

**From:** Jim Shoffner, building inspector  
Wendy Sugimura, CDD analyst

**Re:** **Adoption of the 2016 California Building Code**

### **RECOMMENDATION**

Adopt proposed ordinance amending Chapter 15.04 of Mono County Code Title 15.

### **FISCAL IMPACT**

No fiscal impacts are anticipated. The ordinance updates existing local requirements to apply in conjunction with the 2016 California Building Standards Code that will take effect on January 1, 2017.

### **BACKGROUND**

Every three years, the California Building Standards Commission (CBSC) publishes the California Building Code in its entirety with any changes. The next triennial code cycle takes effect on January 1, 2017, and is legally enforceable in Mono County regardless of if or when the County adopts them. State law authorizes cities and counties to make modifications to the building standards contained in the California Code that are deemed necessary due to local topographic, climatic, or geographic conditions. Mono County has made modifications in the past, which are carried through in the proposed Chapter 15.04. No new modifications or changes are proposed.

On December 20, 2016, the Board of Supervisors held a public hearing noticed pursuant to Health and Safety Code Section 17922 and Government Code Sections 50022.2 et seq. to adopt the 2016 California Building Standards Code. The Board waived further reading of the proposed ordinance to adopt a revised Chapter 15.04 of Mono County Code Title 15, and directed staff to schedule the ordinance for adoption and file the modifications with the CBSC.

Following the adoption of the ordinance, staff will file the modifications with the CBSC.

For more information on technical code questions, please call Jim Shoffner at 760.924.1822. For other questions, Wendy Sugimura is also available at 760.924.1814.

### **ATTACHMENT**

Draft Ordinance 16-\_\_\_\_



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6                   **ORDINANCE NO. ORD 17-\_\_\_**  
7                   **AN ORDINANCE OF THE MONO COUNTY BOARD OF**  
8                   **SUPERVISORS AMENDING CHAPTER 15.04 OF**  
9                   **THE MONO COUNTY CODE PERTAINING TO**  
10                   **BUILDING REGULATIONS AND UNIFORM CODES**

11           **WHEREAS**, Title 15 of the Mono County Code contains the Mono County Building  
12 and Construction ordinances and Chapter 15.04 contains the Mono County Building  
13 Regulations, International Codes, and Uniform Codes; and

14           **WHEREAS**, the California Buildings Standards Code (“State Code”) sets forth the  
15 uniform and international building standards by way of adoption of specific uniform and  
16 international building codes and standards by the California Building Standards Commission  
17 that is binding on the state, other public agencies, and private parties; and

18           **WHEREAS**, the California Building Standards Commission has adopted the 2016  
19 California Building Code regulations based on the International Building Code, and has  
20 adopted revised codes including the 2016 California Electrical Code, the 2016 California  
21 Plumbing Code, the 2016 California Mechanical Code, the 2016 California Energy Code, the  
22 2016 California Historical Building Code, the 2016 California Fire Code, the 2016 California  
23 Residential Code, the 2016 California Green Building Standards Code, the 2016 California  
24 Administrative Code, the 2016 California Referenced Standards Code, and the 2016  
25 California Existing Building Code; pursuant to state law each of these adopted codes  
26 becomes effective as of January 1, 2017; and further, local agencies are required to adopt such  
27 codes by reference pursuant to Health and Safety Code Section 17922 and Government Code  
28 Sections 50022.2 et seq.; and

29           **WHEREAS**, local agencies, including the County of Mono, may modify the provisions  
30 of the adopted State Building Codes when the local agency determines, and expressly finds,  
31 that such changes or modifications are reasonably necessary because of local climatic,  
32 geological or topographical conditions as provided in Health and Safety Code Sections  
33 17958.5, 17958.7, and 18941.5; and

34           **WHEREAS**, the Board of Supervisors has previously made findings, and hereby  
35 expressly ratifies said findings, that all of Mono County is a snow area requiring specific  
36 ground snow load requirements, and that due to the climatic, geological, and topographic  
37 conditions found in Mono County that application of high-rise buildings requirements set  
38 forth in Section 403 of Chapter 4 of the 2013 California Building Code shall apply to any  
39 development of structures designed to have occupied floors (such as hotels and  
40 condominiums) located more than 50 feet above the lowest levels accessible to fire  
41 department vehicles; and



1           **WHEREAS**, the Board of Supervisors finds that local climatic, geological or  
2 topographical conditions, including snow loads, high winds, and freezing temperatures,  
3 requires the addition of the certain specified appendices of the 2016 California Building Code  
4 including Appendix C (Agricultural Buildings).

5           **NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF**  
6 **MONO ORDAINS** as follows:

7           **SECTION ONE:** That title 15 of the Mono County Code is amended by adding an  
8 entirely revised Chapter 15.04 entitled Building Regulations and Uniform Codes that will  
9 read as set forth in Attachment "A" which is attached hereto and incorporated herein by this  
10 reference.

11           **SECTION TWO:** The previous ordinances set forth in Chapter 15.04 of the Mono  
12 County Code are hereby repealed.

13           **SECTION THREE:** That if any section, subsection, sentence, clause or phrase of this  
14 ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the  
15 validity of the remaining portions of this ordinance. The Mono County Board of Supervisors  
16 hereby declares that it would have passed this ordinance, and each section, subsection, clause  
17 or phrase thereof, irrespective of the fact that any one or more sections, subsections,  
18 sentences, clauses, and phrases be declared unconstitutional.

19           **SECTION FOUR:** This ordinance shall become effective 30 days from the date of its  
20 adoption and final passage following a public hearing to be held pursuant to Government  
21 Code Sections 50022.2 et seq. The Clerk of the Board of Supervisors shall post this ordinance  
22 and also publish the ordinance or a summary thereof in the manner prescribed by  
23 Government Code section 25124 no later than 15 days after the date of this ordinance's  
24 adoption and final passage. If the Clerk fails to so publish this ordinance or a summary  
25 thereof within said 15 day-period, then the ordinance shall not take effect until 30 days after  
26 the date of publication.

27           **PASSED, APPROVED and ADOPTED** this 3<sup>rd</sup> day of January, 2017 by the following  
28 vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
STACY CORLESS, Chair  
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

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

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

## **Title 15 BUILDINGS AND CONSTRUCTION**

### **Chapter 15.04 BUILDING REGULATIONS.**

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#### **15.04.010 Purpose of Chapter.**

This chapter is enacted for the purpose of adopting rules and regulations for the protection of the public health, safety and general welfare of the occupants and the public; governing the creation, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court area, sanitation, ventilation, and maintenance of any building used for human habitation; provided, however, that nothing in the codes adopted in this chapter shall be construed to prevent any person from performing his own building, mechanical, plumbing, or electrical work when performed with issued County of Mono permits in compliance with this chapter.

#### **15.04.020 Express Findings.**

The Mono County governing body makes express findings that the listed local modifications, additions, and amendments to the building standards contained in California Building Standards Codes-Title 24 are reasonably necessary because of local climatic, geological or topographical conditions, including snow loads, freezing temperatures, high winds, and remote mountain terrain. These local government amendments also provide a more restrictive building standard than that contained in California Building Standards Codes-Title 24 by including listed Appendices and Codes detailing requirements specific to the local climatic, geological or topographical conditions of Mono County. To facilitate ease of use by industry and building officials, certain of the amendments, additions and modifications to the regulations adopted by the California Building Standards Commission, Department of Housing and Community Development of the state of California and other agencies of the state of California, are made by reference to the appropriate California code.

#### **15.04.030 California Building Standards Codes-Title 24, Uniform, and International Codes adopted.**

The California Building Standards Commission has adopted the following codes, which are applicable within the County of Mono as a matter of state law, subject to the modifications and amendments contained in this chapter:

- A. **2016 California Administrative Code** (California Code of Regulations Title 24, Part 1) specific to administrative regulations of/for California Regulatory Agencies.
- B. **2016 California Building Code**, (California Code of Regulations Title 24, Part 2) including the following Appendices: Appendix C; (*Agricultural Buildings*).
- C. **2016 California Electrical Code**, (California Code of Regulations Title 24, Part 3).
- D. **2016 California Mechanical Code**, (California Code of Regulations Title 24, Part 4).
- E. **2016 California Plumbing Code**, (California Code of Regulations Title 24, Part 5)
- F. **2016 California Energy Code**, (California Code of Regulations Title 24, Part 6).
- G. **2016 California Historical Building Code** (California Code of Regulations Title 24, Part 8).
- H. **2016 California Fire Code** (California Code of Regulations Title 24, Part 9).
- I. **2016 California Existing Building Code** (California Code of Regulations Title 24, Part 10).
- J. **2016 California Referenced Standards Code** (California Code of Regulations Title 24, Part 12).
- K. **2016 California Residential Code** (California Code of Regulations Title 24, part 2.5).
  
- L. **2016 California Green Building Standards Code** (California Code of Regulations Title 24, Part 11). .

#### **15.04.040 Definitions.**

Whenever any of the following names or terms are used in this chapter or in any of the codes set forth above, unless the context directs otherwise, such names or terms so used shall have the meaning ascribed thereto by this section:

- A. **"Building Division,"** "electrical department," "plumbing department," "office of administrative authority," or "housing department" means the Building Division of Mono County.
- B. **"Building Official,"** "authority having jurisdiction [AHJ]" and similar references to a chief administrative position, mean the Chief Building Inspector of the county; provided, however, that:
  - 1. Where such terms are used in connection with those duties imposed by a statute or ordinance upon the county health officer, said terms shall include the county health officer.
- C. **"City,"** means the County of Mono when referring to a political entity, or an unincorporated area of said county when referring to area, **"City Clerk"** - means the county clerk and ex officio clerk of the board of supervisors, and **"City Council" or "Mayor,"** means the board of supervisors of the County of Mono.
- D. **"Dwelling unit,"** includes but is not limited to, each single-family dwelling and each habitation unit of an apartment, duplex, or multiple-dwelling structure designated as a separate place for habitation of family; "dwelling unit" also includes each guest room.
- E. **"Fire Chief,"** means the chief of the fire protection district wherein a particular building is or is to be located or, for any area not within a fire protection district, the same shall mean the county fire marshal designated by the board of supervisors.
- F. **"Person,"** includes, but is not limited to, every person, firm, entity, or corporation engaging in a construction activity or through the services of any employee, agent, or independent contractor.
- G. **"Trailer space,"** means each space, area, or building in a trailer park or mobilehome park or other place, designed or intended as a place to accommodate any mobilehome, trailer, van, bus, or other vehicle or mobile structure, at a time when the same is being used as living or sleeping quarters for human beings.

#### **15.04.050 Filing of Adopted Title 15 Codes.**

The Mono County Building Division shall maintain on file copies of the codes referred to in Section 15.04.030 and the codes shall be open to public inspection.

#### **15.04.060 Building Permit Expiration**

All building permits and plan checks will expire under the following conditions:

- A.** All applications and plans submitted for plan review shall become void after a period of 12 months (1 year) from the time of application. At this time any further application for the project will require a new plancheck fee and new application submitted.
- B.** All Building Division permits will become void thirty-six months (3 years) after issuance, unless:
  - 1.** A written request for a permit extension is submitted.
  - 2.** The construction is progressing at a proponent's best rate, and;
  - 3.** The construction activity is posing no life-safety threat to the public or to any person.
- C.** If the building or work authorized by such permit is not commenced within one year from the date of permit issuance, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced, the permit shall expire.
  - 1.** Suspension and/or abandonment shall be determined by a lack of progress inspections for a period of more than one year since the last previously documented inspection. If a permit has expired, no work can recommence until a new application is applied for, plancheck is completed, all permit fees are paid, and a new permit is issued.
- D.** To receive an extension of time on an expired building permit the applicant shall submit a written request detailing the extenuating circumstances that prevented the completion of the project in the allotted time limits of the issued permit.
  - 1.** Upon review and approval by the building official, an extension may be granted for an additional year. Should this additional 12 months (1 year) time elapse, a new building permit shall be obtained prior to the continuation of work on the project.
  - 2.** The new permit fee will be calculated on the hourly amount of plancheck required to reissue the permit, the balance of the work to be completed, and number of inspections estimated to final the issued permit.

#### **15.04.070 Building Permit fees.**

All permit fees to include Building, Electrical, Plumbing, and Mechanical permits shall be paid to the Building Division in an amount set forth and adopted by resolution of the Board of Supervisors.

#### **15.04.080 Engineering Plancheck.**

Permit applications containing engineered design submitted to the Mono County Building Division for plancheck review exceeding Conventional Light-Frame Construction code provisions in order to address Seismic Design, Wind Load, Ground Snow Load, or because of unconventional or irregular design, may be subject to engineering plancheck review by in-house or contract engineering consultants as determined on a case by case basis by the Building Official. All commercial structures containing engineering design requirements shall be subject to engineering plancheck review. The expense for such plancheck and design review by qualified engineers shall be paid by the project applicant.

#### **15.04.090 Planning, Health, Public Works and Other Required Approvals Prerequisite to Building Permits Issuance.**

No building permits shall be issued for any building for which an individual sewage disposal system, a connection to a public sewage collection system, an individual water supply system and/or a connection to a public water supply system must be installed, altered or added to until the Building Official is satisfied that all required County Department application reviews for permits have been completed issued therefor.

#### **15.04.100 Building Permit violations**

**Violations.** Where work for which a permit is required by this code has been started prior to obtaining the required permits, the permit fees shall be assessed at a rate to recoup the time and materials spent by the Building Division staff to

mitigate the violation. The payment of such assessed fees shall not relieve any persons from fully complying with the requirements of this code in execution of the work nor from any other penalties, prescribed herein.

#### **15.04.110 Board of Appeals.**

The construction Board of Appeals shall hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of Mono County Title 15 and provide reasonable determinations of decisions rendered by the officials charged with the responsibility of enforcing the building codes, as amended from time to time including, but not limited to the following:

- A. Qualifications.** The Construction Board of Appeals ("Board of Appeals") shall consist of at least five voting members, all of whom should be residents of Mono County. Any specific appeal shall be heard by at least a majority of the voting members.
  - 1. The members shall consist of persons with experience in the field of construction and deemed qualified to understand issues relating to this field.
  - 2. No County officer or employee shall serve as a voting member of the construction Board of Appeals.
  - 3. The members shall serve four years and may be reappointed after that for successive four-year terms. In order to ensure continuity on the Board, terms shall be staggered, with two members of the initial Board appointed for two-year terms and three members of the initial Board appointed for four-year terms. Members of the initial Board shall determine, through the drawing of lots, which two members shall serve two-year terms and which three members shall serve four-year terms.
- B. Limitations on Authority.** An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, or the provisions of this Code do not fully apply, or an equally good or better form of construction has been proposed and denied by the Building Official.
  - 1. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of these codes, nor shall the Board be empowered to waive requirements of these codes.
  - 2. Any cost for tests or research required by the Board to substantiate the claim of the appellant shall be the sole responsibility of the appellant.
- C. Building Official Ex-Officio member.** The Building Official for Mono County shall be an ex-officio member of the Board of Appeals, and shall act as secretary of said Board of Appeals, but shall have no vote.
- D. Rules, Decisions, Legislative Recommendations.** The Board of Appeals shall adopt reasonable rules and regulations for conducting its investigations and render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.
- E. Appeals to Board.** Any person aggrieved by an order, decision, or determination of the official charged with the responsibility of enforcing those respective codes may, within twenty working days of the date of the order, decision, or determination was made, appeal to the Board of Appeals for a hearing.
  - 1. The appeal must be in writing and accompanied by a filing fee which shall be established by resolution of the County Board of Supervisors.
  - 2. The appeal shall be filed with the County Building Division and with the Building Official. A form will be provided at the Community Development Department.
  - 3. All supporting documents shall be submitted with the form at the time of filing the appeal.
- F. Hearing.** The Building Official, or his or her designee, shall schedule a hearing within twenty working days of receiving the request for hearing and give notice of the time, place, and subject matter of the hearing to the person filing the appeal, and to each member of the Board of Appeals.
  - 1. The hearing shall be informal.
  - 2. The Board of Appeals shall announce its decision within five working days after the hearing has concluded.
- G. Finality of Decision.** The decision of the Construction Board of Appeals shall be the final administrative decision, and no provision of any ordinance of the County shall be interpreted as permitting a further administrative appeal to the County Board of Supervisors or any other county board or commission.

#### **15.04.120 Utility connection.**

It is unlawful for any person, including utility companies, to connect electric power lines or liquefied petroleum gas permanently to any building or structure for which a permit is required by this chapter until such structure complies with all applicable ordinances and codes and has been approved by County Building Division final inspection as required under the California Building Code. This section shall not prohibit the erection and use of temporary power poles when approved by the Building Official; provided that such temporary electrical connections and facilities are removed prior to connection of permanent lines.

#### **15.04.130 Early Connection of Utility Service.**

Where no building is located on a lot or parcel, no permit shall be issued for a septic system or an accessory building prior to issuance of a permit for a main building to be located on the same lot or parcel without the consent of the Planning Division. All temporary electric power poles shall be installed per requirements found in Article 590 of the 2016 California Electrical Code. The purpose of this provision is to furnish the Planning Division with sufficient information concerning the uses, size, area of coverage, or location of any main building that will or may be constructed thereon, in relation to such septic system, accessory building, or temporary power pole.

- A. EXCEPTIONS:** Permits for temporary power poles to be used during time of construction may be issued prior to the main use being established, provided the following conditions have been met:
1. All required plans have been submitted.
  2. All plan check fees, building permit fees, and any special fees have been paid in full.
- B.** As used in this section, certain terms are defined as follows:
1. **“Accessory building”** means and includes any building or structure the use of which is customarily subordinate or incidental to that of a main building or a main use of a certain kind of lot or parcel, for example, a garage or storage building.
  2. **“Main building”** means and includes a building or structure which is customarily used to carry out the main use of a lot or parcel of a certain kind.
  3. **“Main use”** means and includes the principal or dominant use for which a lot or parcel of a certain kind is customarily used.
  4. **“Temporary power pole”** means and includes any pole placed for the conveyance of electrical energy for a limited period of time and is used in preparing for the main use of a certain kind of lot or parcel.
- C.** Permanent electrical service may be connected to a building or structure prior to Building Division final inspection and approval provided:
1. The applicant completes a temporary power agreement, on a form supplied by the Mono County Building Division stating that project is ninety percent complete and meets all requirements of the Building Division, and executes a disconnect order which authorizes the county to disconnect, under the applicants' liability and expense, in the event of unauthorized usage and/or failure to meet the executed schedule.
  2. The applicant completes a temporary power agreement and submits a cash bond in the amount of one thousand dollars, and executes a disconnect order which authorizes the county to disconnect. Under the applicants' liability and expense the power will be disconnected and the bond forfeited in the event of unauthorized usage and/or failure to meet schedule.

#### **15.04.140 Snow Loads.**

All of Mono County shall be declared a snow area and this declaration pertains to all structures as defined in the 2016 California Building Code section 202. Mobile homes, modular homes, factory-built houses, and commercial coaches shall be subject to the specific design provisions of California Title 25 and under the jurisdiction of the California State agency of Housing and Community Development (HCD). The snow loads, and the conditions of their application, shall be revised from time to time based on minimum California Building Code requirements, site specific case studies, and updated information as determined by the Mono County Building Official.

- A. “Structure”** (as defined by the 2016 California Building Code section 202): That which is built or constructed.

## MONO COUNTY SNOW LOAD DESIGN CRITERIA

2016 California Building Code

**SNOW LOADS:** Use Terrain Category D/Flat unobstructed areas ASCE 7-10 Table 7-2  $C_e = 0.9$  for high desert area roofs noted with \*.

Use Terrain Category B/Partially Exposed ASCE 7-10 Table 7-2  $C_e = 1.0$  for all other roofs.

Use ASCE 7-10 Table 7-3 Thermal Factor  $C_t = 1.1$  for all roofs.

Use ASCE 7-10 Table 1.5-2 Importance Factor  $I_s = 1.0$  for all roofs.

Use Fig. 7-2b graph in ASCE 7-10 and "All Other Surfaces" curve for determination of  $C_s$  if roof meets criteria for slope reduction.

**CLIMATE ZONE:** 16

**FROST DEPTH:** 18" below exterior finished grade minimum

### GROUND SNOW LOAD $p_g$ PSF - ROOF SNOW LOAD $p_f$ CONVERSION TABLE

HIGH DESERT LOCATIONS	ELEVATION	GROUND SNOW LOAD $p_g$ (psf)	FLAT ROOF SNOW LOAD $p_f = (.7)(0.9^* \text{ or } 1.0=C_e)(1.1=C_t)(1.0=I_s)p_g$ = (psf)
Chalfant Valley*	4,200 ft	55 psf	<b>38 psf</b>
Hammil Valley*	4,500 ft	55 psf	<b>38 psf</b>
Paradise*	5,000 ft	55 psf	<b>38 psf</b>
Topaz*	5,000 ft	55 psf	<b>38 psf</b>
Coleville*	5,100 ft	55 psf	<b>38 psf</b>
Benton*	5,400 ft	55 psf	<b>38 psf</b>
Walker*	5,400 ft	55 psf	<b>38 psf</b>
Bridgeport	6,470 ft	65 psf	<b>50 psf</b>
Mono City	6,899 ft	75 psf	<b>58 psf</b>
Long Valley (east of US 395)	7,000 ft	80 psf	<b>62 psf</b>
Tom's Place	7,000 ft	80 psf	<b>62 psf</b>

MOUNTAIN AREA LOCATIONS	ELEVATION	GROUND SNOW LOAD $p_g$ (psf)	FLAT ROOF SNOW LOAD $p_f = (.7)(1.0=C_e)(1.1=C_t)(1.0=I_s)p_g$ = (psf)
Swall Meadows	6,400	100 psf	<b>77 psf</b>
Sonora Junction	6,500	155 psf	<b>119 psf</b>
Rancheria Estates	6,600	105 psf	<b>81 psf</b>
Pickel Meadow	6,800	155 psf	<b>119 psf</b>
Lee Vining	6,800	120 psf	<b>92 psf</b>
Long Valley (west of US 395)	7,000	125 psf	<b>96 psf</b>
Lundy Lake (lower)	7,000	150 psf	<b>116 psf</b>
Crowley Lake	7,000	125 psf	<b>96 psf</b>
Bald Mountain/Arcularius	7,100	150 psf	<b>116 psf</b>
Twin Lakes	7,200	140 psf	<b>109 psf</b>
Devil's Gate	7,400	155 psf	<b>119 psf</b>
Crestview	7,500	150 psf	<b>116 psf</b>
Swauger Creek	7,500	150 psf	<b>116 psf</b>
Convict Lake	7,580	155 psf	<b>119 psf</b>
June Lake	7,600	155 psf	<b>119 psf</b>
Lundy Lake (upper)	8,000	285 psf	<b>220 psf</b>
Virginia Lakes	9,600	285 psf	<b>220 psf</b>

#### **15.04.150 Defensible Space and Fire Hazards Reduction.**

Prior to the issuance of a Certificate of Occupancy or final approval, the Building Official shall require that, where applicable, the defensible space requirements and other fire hazard reduction requirements have been met pursuant to Chapter 7A of the 2016 California Building Code, as that Code may be amended from time to time, have been met. These requirements include, but are not limited to, the following:

Properties shall be maintained in accordance with the defensible space requirements contained in Government Code section 51182 (unless exempted by Government Code section 51183 or 51184) and Public Resources Code section 4291, as applicable.

- A.** The existence or maintenance of any of the following conditions is prohibited:
  - 1.** Tree branches within ten feet of a chimney outlet or stovepipe outlet;
  - 2.** Dead or dying tree branches adjacent to or overhanging a building;
  - 3.** Leaves, needles, or other dead vegetative growth on the roof of any structure;
  - 4.** Flammable vegetation or other combustible growth within thirty feet of an occupied dwelling or structure which prevents the creation of a firebreak.
  - 5.** Brush, flammable vegetation, or combustible vegetation located between 30 and 100 feet of an occupied dwelling or structure which prevents the creation of a reduced fuel zone; or
  - 6.** Brush or other flammable material within 10 feet of a propane tank.
- B.** For the purposes of this section, the following definitions shall apply:
  - 1. Firebreak** - shall mean an area of land within 30 feet of an occupied dwelling or structure or to the line, whichever is closer, in which all flammable vegetation or other combustible growth has been removed. The creation of a firebreak shall not require the removal of single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any dwelling or structure.
  - 2. Reduced Fuel Zone** - shall mean an area between 30 and 100 feet of an occupied dwelling or occupied structure or to the property line, whichever is closer, in which all brush, flammable vegetation or combustible growth has been removed. The creation of a reduced fuel zone shall not require the removal of single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a dwelling or structure. Grass and other vegetation located more than 30 feet from the dwelling or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.
- C.** No person shall be required to maintain any clearing on any land if that person does not have the legal right to maintain the clearing, nor is any person required to enter upon or damage property that is owned by another person without the consent of that person.

#### **15.04.160 Roof projections.**

All flues, fireplace chimneys, or other projections through the roof shall be protected from damage by sliding snow or ice. This shall be accomplished by using guys, formed metal guards, saddles, or other methods approved by the Building Official.

#### **15.04.170 Agricultural Storage Structures.**

Agricultural structures for the storage of field-grown products only, with at least three sides completely open, may utilize slope reduction factors in ASEC 7-10 for "Unobstructed Slippery Surfaces" per 7-2B, as determined by the Building Official.

#### **15.04.180 Manufactured Truss Submittal Requirements.**

- A.** All manufactured trusses shall be designed by a California licensed civil or structural engineer.
  - 1.** Truss design submittals and calculations may be "Deferred Submittals" and shall be submitted prior to or at the time of roof sheathing inspection.



2. If the truss design submittals and calculations are not submitted at this time, no further inspections will be conducted until this information has been provided for review and approval.

#### **15.04.190 Environmental Air Ducts and Exhaust Ventilation.**

Ducts used for domestic kitchen range shall terminate to the exterior, and be of metal and have a smooth interior surface. All bathrooms, water closets compartments, laundry rooms, and similar rooms shall be equipped with a mechanical exhaust ventilation system connected directly to the outside capable of providing a minimum ventilation rate of fifty cubic feet per minute for intermittent ventilation or twenty five cubic feet per minute for continuous ventilation specific to seasons of extreme cold and snow where exterior natural ventilation is not practical.

#### **15.04.200 High-rise structure requirements.**

Each building having floors used for human occupancy located more than fifty feet above the lowest level of fire department vehicle access shall comply with the standards set forth in Section 403 of Chapter 4 of the 2016 California Building Code and any similar requirements from time to time adopted by the California Building Standards Commission pertaining to high-rise buildings designed for human occupancy.

#### **15.04.210 Penalties for Chapter 15.04 Violations.**

- A. Unlawful Acts.** It shall be unlawful for any person, firm, vendors, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure, or building service equipment or cause or permit the same to be done in violation of this code and the technical codes as amended and adopted by the County. The use or occupancy of any building in violation of any of the provisions of this code or the technical codes as adopted by the County is declared to be a public nuisance and may be abated in the manner provided by law and subject to enforcement pursuant to the provisions of Chapter 1.12 of the Mono County Code.
- B. Notice of violation.** The Building Official and his or her deputy inspectors shall be vested with the necessary powers and duties for the exclusive purpose of enforcing provisions of this Code. The Building Official and his or her deputy inspectors may issue warnings or citations for violations, serve a notice of violation or order on the person responsible for the erection, construction, alteration, expansion, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- C. Prosecution of violation.** If a notice of violation is not complied with as directed, the Building Official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Further, any such violation may be subject to enforcement pursuant to the provisions of Chapter 1.12 of the Mono County Code.
- D. Violation penalties.** Any person who violates any of the provisions of this Chapter shall be subject to the penalties set forth in Section 1.04.060 and Chapter 1.12 of the Mono County Code.



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

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** January 3, 2017

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT** Notice of Public Hearing Regarding  
Aspen Fales Shoulder Widening

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

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

Letter received from Caltrans regarding a Public Hearing to be held for the Aspen Fales Shoulder Widening Project, to take place on January 10, 2017 at the Bridgeport Caltrans Maintenance Station. A CD with the Environmental Impact Report is available for viewing in the Clerk's office.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Helen Nunn

**PHONE/EMAIL:** x5534 / hnunn@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

<p>Click to download</p> <p> <a href="#">Correspondence re Caltrans</a></p>
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**History**

Time	Who	Approval
12/24/2016 9:12 AM	County Administrative Office	Yes

12/23/2016 11:55 PM

County Counsel

Yes

12/27/2016 6:22 PM

Finance

Yes

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 9

500 SOUTH MAIN STREET  
BISHOP, CA 93514

PHONE (760) 872-3021

FAX (760) 872-8402

TTY 711

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*Serious drought.  
Help save water!*

December 16, 2016

Ref: Mono-395 PM 88.42/91.55

EA/ID: 09-34940/0912000033

Mono County Clerk Recorder's Office

Attn: Ruth Hansen

P.O. Box 237

Bridgeport, CA 93517

Dear Ms. Hansen,

The California Department of Transportation (Caltrans) is pleased to announce that a public hearing will be held for the Aspen Fales Shoulder Widening project on January 10, 2017 from 4:00 pm to 8:00 pm, at the Caltrans Maintenance Station in Bridgeport, to solicit comments on the draft environmental document ( Environmental Impact Report and Environmental Assessment and Section 4(f) De Minimis Evaluation). The proposed project is approximately twelve miles north of Bridgeport, on U.S. 395.

The project is proposed by the California Department of Transportation (Caltrans) under the assignment of NEPA by the Federal Highway Administration (FHWA) pursuant to 23 USC 327 and is subject to state and federal environmental review requirements. Project documentation, therefore, has been prepared in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Caltrans, as assigned by FHWA, is the lead agency under NEPA. Caltrans is also the lead agency under CEQA.

A draft environmental document (Environmental Impact Report and Environmental Assessment) is being circulated for public review and comment from December 15, 2016 to January 30, 2017. A CD copy of the draft environmental document is being sent to you for your review and comments via mail on December 16, 2016. A copy of the draft environmental document may also be downloaded at:

<http://www.dot.ca.gov/d9/projects/aspenfales/index.html>

If you have any further questions or comments, please contact me, at (760) 872-6041 or [steven.karamitros@dot.ca.gov](mailto:steven.karamitros@dot.ca.gov).

Sincerely,

A handwritten signature in blue ink that reads "S Karamitros".

Steven Karamitros

Associate Environmental Planner

**RECEIVED**

DEC 20 2016

**OFFICE OF THE CLERK**

# Public Notice

Announcement of Public Hearing  
*Aspen Fales Shoulder Widening Project*



## WHEN and WHERE

**Date:** Tuesday, January 10, 2017  
**Place:** Caltrans Bridgeport Maintenance Station  
1/2 Mi S Bridgeport Ex Shop Road  
Bridgeport, CA 93517  
**Time** 4:00 p.m. to 7:30 p.m.

## WHAT'S BEING PLANNED?

CALTRANS (California Department of Transportation) is proposing to widen high-way shoulders from the existing two to three feet to eight feet along 3.2 miles of U.S. 395 in Mono County, north of the community of Bridgeport, near Sonora Junction, from post

## WHY THIS PUBLIC NOTICE?

Caltrans has studied the effects this project may have on the environment. Our findings are contained in the Draft Environmental Impact Report/Environmental Assessment with Section 4(f) De Minimis Evaluation. This notice is to tell you of the completion of the above named document and its availability for you to read. A hearing will be held to give you the opportunity to discuss the project with Caltrans staff before a final alternative is selected.

## WHERE YOU COME IN

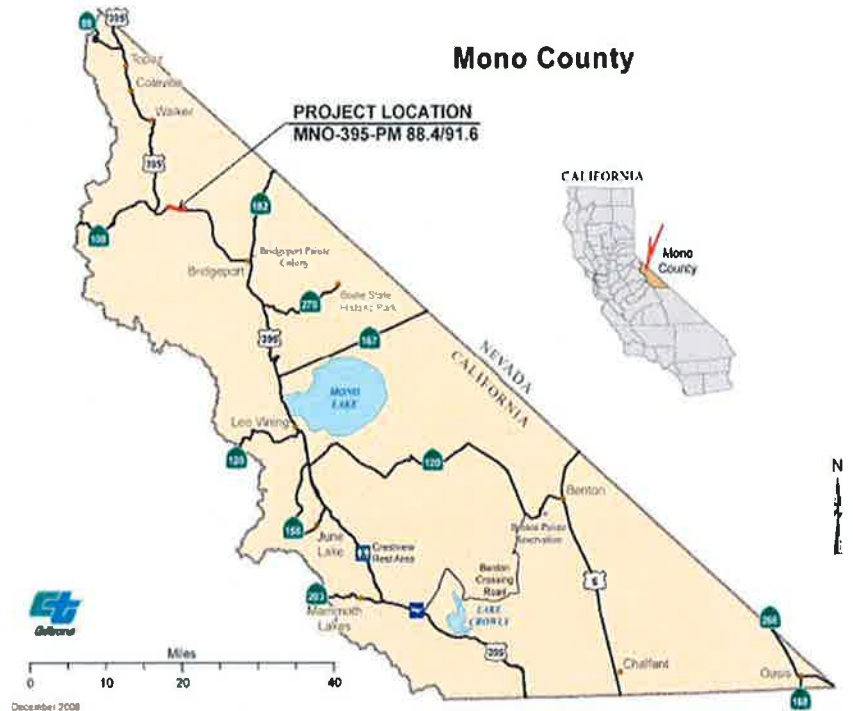
Have the potential impacts been addressed? Do you have information that should be included? Your comments will be part of the public record. If you wish to comment on the Draft Environmental Impact Report/Environmental Assessment with Section 4(f) De Minimis Evaluation, please submit your written comments by January 30, 2017 to Caltrans Environmental, Attention Steve Karamitros, 500 South Main Street, Bishop, CA 93514.

## WHAT'S AVAILABLE?

You can look at or obtain a copy of the Draft Environmental Document at the Caltrans District 9 Office at 500 South Main Street, Bishop, CA 93514; the Lee Vining Public Library, 51710 Hwy # 395, Lee Vining, CA 93541; the Lee Vining Post Office, 121 Lee Vining Ave, Lee Vining, CA 93541; the Bridgeport Public Library, 94 North School Street, Bridgeport, CA 93517; the Bridgeport Post Office, 29 Kingsley St, Bridgeport, CA 93517

## CONTACT

For more information concerning this project, please contact Brian McElwain, Project Manager, at (760) 872-4361, or [brian.mcelwain@dot.ca.gov](mailto:brian.mcelwain@dot.ca.gov); or, Angela Calloway, Environmental Branch Chief, at (760) 872-2424, [angie.calloway@dot.ca.gov](mailto:angie.calloway@dot.ca.gov). Individuals who require special accommodation are requested to contact the District 9 Public Affairs Office at (760)872-0603. Telecommunications Device for the Deaf (TDD) users may contact the California Relay Service TDD line at 1-800-735-2929 or Voice Line at 1-800-735-2922





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

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE**     January 3, 2017

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT**             Letter from John Boynton

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

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

Letter from John Boynton to the Board of Supervisors regarding Certified Range Management Consultants for Conway Ranch/ Mattly Ranch.

\*\*\*\*\*

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Helen Nunn

**PHONE/EMAIL:** x5534 / hnunn@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<a href="#">Letter from John Boynton</a>

History

Time

Who

Approval

12/24/2016 10:01 AM

County Administrative Office

Yes

12/23/2016 11:56 PM

County Counsel

Yes

12/27/2016 6:20 PM

Finance

Yes

## Helen Nunn

---

**From:** Helen Nunn  
**Sent:** Thursday, December 22, 2016 3:49 PM  
**To:** Helen Nunn  
**Subject:** FW: Seek professional advice from certified range management consultants  
**Attachments:** Certified Range Management Consultants.pdf

**Importance:** High

**From:** John Boynton [<mailto:jboynton66@gmail.com>]  
**Sent:** Tuesday, December 20, 2016 3:39 PM  
**To:** Tim Alpers <[talpers@mono.ca.gov](mailto:talpers@mono.ca.gov)>; Stacy Corless <[scorless@mono.ca.gov](mailto:scorless@mono.ca.gov)>; Tim Fesko <[tfesko@mono.ca.gov](mailto:tfesko@mono.ca.gov)>; Larry Johnston <[ljohnston@mono.ca.gov](mailto:ljohnston@mono.ca.gov)>; Fred Stump <[fstump@mono.ca.gov](mailto:fstump@mono.ca.gov)>; Bob Gardner <[bgardner@mono.ca.gov](mailto:bgardner@mono.ca.gov)>; John Peters <[jpeters@mono.ca.gov](mailto:jpeters@mono.ca.gov)>  
**Cc:** Tony Dublino <[tdublino@mono.ca.gov](mailto:tdublino@mono.ca.gov)>; Shannon Kendall <[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)>  
**Subject:** Seek professional advice from certified range management consultants

Mono County Supervisors and Supervisors Elect,

I am writing to comment of the discussion and public comments regarding Conway and Mattly Ranches that took place at last Tuesday's BOS meeting. I was disappointed that the BOS chose not to vote on the options to issue RFPs for new leases to continue sheep grazing on the wet meadows of these ranches when FIM's lease ends next year. Instead the BOS approved a motion to request proposals advising the County regarding the nature of future grazing on Conway and Mattly Ranches. I was especially concerned by the veracity of the public comments made by Jake Franklin who said he represented Franklin Conservation, his family's company. Jake's description of how Franklin Conservation could assist Mono county regarding future grazing on Conway and Mattly Ranches sounded promising at the outset, but subsequently left me with many questions about the firms expertise and modus operandi. The fact that Jake did not provide the BOS with his resume or Franklin Conservation's prospectus when asked during the meeting added to my concerns. My subsequent Google search for Franklin Conservation or for the Jake Franklin who spoke on its behalf revealed no listings for either entity. Furthermore, when I broadened my search criteria to include topics such as ranch environmental consultants, or rangeland consultants, I could also not find Franklin Conservation or Jake Franklin listed. When I spoke to Shannon Kendall yesterday, I learned that the County had not received a copy of Jake's resume nor a copy of Franklin Conservation's prospectus and that no one she spoke with at the County had any additional information than what was presented during Jake's public comments. Therefore I recommend that the BOS not consider any further recommendations from Franklin Conservation unless they can establish unequivocally the company's scientific credentials and obtain references from its previous clients.

During my broader Google search I found a link for The Society for Range Management and learned of the Society's Certified Range Management Consultant program. This program appears to have authenticated the credentials of 21 individuals they approved as Certified Range Management Consultants. These individuals are located in 11 states (see attached .pdf). I found that Floyd Rathbun from Fallon NV who advises FIM is listed as Certificated Range Management Consultant along with six other individuals from NV and three individuals from CA. The fact that Floyd Rathbun is a Certified Range Management Consultant indicates to me that the BOS should take very seriously his comments and recommendations regarding sheep grazing on Conway and Mattly Ranches. However, I would also recommend that Mono County seek an independent opinion regarding continued grazing on Conway and Mattly Ranches from one of the other Certified Range Management Consultants in CA or NV that appear on the Society for Range Management's list. My choice would be Rangeland Consultants with offices in Reno and Paradise Valley NV  
<<[John Boynton, P.O. Box 291, Lee Vining CA 93541, 760-914-0450](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.rangelandconsultants.com&d=DQIF-g&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=IUQuzTiL-vxaVhyb0FTrKERzLzfYszpnmxfTAtxw0f4&m=qyfnHcSSWy5nX6jiXKQMIIJXyOMODCp4h8N63T2qio&s=ziDESMIVYbx2zp40a6gf3Oh-JIKup528VzHzLx0WrMY&e=>>. Their website indicates that two of the Principals (Drs. Paul Teller and Anthony Lesperance) are retired faculty from the University of Nevada, Reno with many years of academic experience in this field. The third Principal is Gary Herron, a retired wildlife biologist with many years experience at the NV Division of Wildlife. Rangeland Consultants' website mentions that the firm has experience working in the Great Basin and Sierra Nevada and has dealt with issues such as endangered species and litigation, both of which are relevant to future grazing on Conway and Mattly Ranches.</p></div><div data-bbox=)





## Certified Range Management Consultants

For information regarding CRMC areas of qualification, please contact the CRMC directly or

SRM Headquarters: 303-986-3309, [vtrujillo@rangelands.org](mailto:vtrujillo@rangelands.org)

<p><b><u>JACK D ALEXANDER III, C00-01</u></b>  <b>SYNERGY RESOURCES SOLUTIONS, INC</b>  <b>(A NV Corp/Licensed in MT)</b>            Belgrade, MT            P: 406-388-9378            C: 775-772-5123            F: 406-388-9359            E: <a href="mailto:jack@countgrass.com">jack@countgrass.com</a> / W: <a href="http://www.countgrass.com">www.countgrass.com</a></p>	<p><b><u>ROD BAUMBERGER, C82-03</u></b>  <b>BAUMBERGER CONSULTING</b>            Stugis, SD            P: 605-347-4687            C: 605-490-3001            E: <a href="mailto:rbaumber44@yahoo.com">rbaumber44@yahoo.com</a></p>
<p><b><u>C REX CLEARY, C91-01</u></b>  <b>COMMON SENSE UNLIMITED</b>            Genoa, NV            P: 775-782-2889            E: <a href="mailto:rexalc@msn.com">rexalc@msn.com</a></p>	<p><b><u>STEVE DEETER, C07-01</u></b>  <b>LA SAL MOUNTAIN RANGELAND CONSULTING LLC</b>            La Sal, UT            P: 435-686-2331            C: 435-459-0848            E: <a href="mailto:slowpoke32@hotmail.com">slowpoke32@hotmail.com</a></p>
<p><b><u>DOUGLAS DRYDEN, C91-05</u></b>  <b>DOUGLAS DRYDEN &amp; ASSOCIATES</b>  <b>Agricultural Consulting, Ranch &amp; Rangeland</b>  <b>Assessment, Development &amp; Management</b>            Plains, MT            P: 406-826-2606            C: 406-529-0296            E: <a href="mailto:ddryden@blackfoot.net">ddryden@blackfoot.net</a></p>	<p><b><u>LAWRENCE D FORD, C05-02</u></b>  <b>LD FORD RANGELAND CONSERVATION SCIENCE</b>            Felton, CA            P: 831-335-3959            C: 831-566-4101            F: 831-335-3959            E: <a href="mailto:fordld@sbcglobal.net">fordld@sbcglobal.net</a>            W: <a href="http://www.rangelandconservation.com">www.rangelandconservation.com</a></p>
<p><b><u>JOE FRANKLIN, C99-02</u></b>            Christoval, TX            P: 325-939-2506            C: 830-796-5267            E: <a href="mailto:jdfrank59@gmail.com">jdfrank59@gmail.com</a></p>	<p><b><u>DENNIS FROEMKE, C11-01</u></b>  <b>GRAZING LAND SOLUTIONS LLC</b>            Dickinson, ND            P: 701-260-0785            C: 701-260-0785            E: <a href="mailto:froemke@ndsupernet.com">froemke@ndsupernet.com</a></p>
<p><b><u>DEMONT GRANDY, C01-03</u></b>            Cokeville, WY            P: 307-279-3340 / 307-279-3256            C: 307-723-0030            E: <a href="mailto:dgrandy@allwest.net">dgrandy@allwest.net</a>  <a href="mailto:demont.grandy@wy.nacdnet.net">demont.grandy@wy.nacdnet.net</a></p>	<p><b><u>DON HENDERSON, C97-03</u></b>  <b>RESOURCE CONCEPTS INC (RCI)</b>            Carson City, NV            P: 775-883-1600            F: 775-883-1656            E: <a href="mailto:don@rci-nv.com">don@rci-nv.com</a> / W: <a href="http://www.rci-nv.com">www.rci-nv.com</a></p>
<p><b><u>ELIZABETH M KELLOGG, C05-01</u></b>  <b>TIERRA DATA INC</b>            Escondido, CA            P: 760-749-6362 / 760-749-2247            C: 760-751-6173            E: <a href="mailto:liz@tierradata.com">liz@tierradata.com</a> / W: <a href="http://www.tierradata.com">www.tierradata.com</a></p>	<p><b><u>STEPHEN LEONARD, C91-03</u></b>  <b>COWDANCE RANGE &amp; RIPARIAN CONSULTING</b>            Midvale, ID            P: 208-355-1985            C: 208-550-7691            E: <a href="mailto:cowdance@mtecom.net">cowdance@mtecom.net</a></p>



**Certified Range Management Consultants**

For information regarding CRMC areas of qualification, please contact the CRMC directly or  
 SRM Headquarters: 303-986-3309, [vtrujillo@rangelands.org](mailto:vtrujillo@rangelands.org)

<p><b><u>JOHN L. McLAIN, C79-04</u></b>  <b>RESOURCE CONCEPTS INC (RCI)</b>          Carson City, NV          P: 775-882-3733 / 775-883-1600          C: 775-883-8603          F: 775-883-1656          E: <a href="mailto:john@rci-nv.com">john@rci-nv.com</a> / W: <a href="http://www.rci-nv.com">www.rci-nv.com</a></p>	<p><b><u>ROBERT NICHOLSON, C91-04</u></b>          Grand Junction, CO          C: 785-623-8919          E: <a href="mailto:bob.44.nicholson@gmail.com">bob.44.nicholson@gmail.com</a></p>
<p><b><u>ROBERT PEARCE, C97-06</u></b>  <b>ENVIROCOUNSEL CONSULTING</b>          Bishop, CA          P: 760-872-7856          E: <a href="mailto:drrob2@hotmail.com">drrob2@hotmail.com</a></p>	<p><b><u>CHUCK PERRY, C01-07</u></b>  <b>RANGELANDS NORTH WEST</b>          Moses Lake, WA          P: 509-765-6236          C: 509-750-4698          E: <a href="mailto:cperry@nctv.com">cperry@nctv.com</a></p>
<p><b><u>FLOYD W RATHBUN, C91-06</u></b>  <b>SRM CERTIFIED RANGE MGMT CONSULTANT</b>          Fallon, NV          P: 775-423-4267          F: 775-423-4541          E: <a href="mailto:rathbun@phonewave.net">rathbun@phonewave.net</a></p>	<p><b><u>BRAD SCHULTZ, C97-07</u></b>          Winnemucca, NV          P: 775-625-3190 / 775-623-6304          C: 775-421-7787          F: 775-623-6307          E: <a href="mailto:schultz47@gmail.com">schultz47@gmail.com</a> / <a href="mailto:schultzb@unr.edu">schultzb@unr.edu</a></p>
<p><b><u>RON SOSEBEE, C82-04</u></b>  <b>RANGELAND CONSULTANTS INC (TX)</b>          Lubbock, TX          P: 806-792-7586          C: 806-790-1925          F: 806-785-1180          E: <a href="mailto:ronsesebee@sbcglobal.net">ronsesebee@sbcglobal.net</a></p>	<p><b><u>MATT STOLTENBERG, C16-01</u></b>  <b>Stoltenberg Services, LLC (SD)</b>          Rapid City, SD          C: 605-695-0202          E: <a href="mailto:StoltenbergMatt@gmail.com">StoltenbergMatt@gmail.com</a></p>
<p><b><u>PAUL TUELLER, C78-04</u></b>  <b>RANGELAND CONSULTANTS</b>          Reno, NV          P: 775-972-9266          C: 775-741-9266          E: <a href="mailto:ptt@pyramid.net">ptt@pyramid.net</a>          W: <a href="http://www.rangelandconsultants.com">www.rangelandconsultants.com</a></p>	



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** January 3, 2017

**Departments: Clerk of the Board**

**TIME REQUIRED** 30 minutes (5 minute presentation;  
25 minute discussion)

**PERSONS APPEARING BEFORE THE BOARD** Shannon Kendall; Board Chair

**SUBJECT** Supervisors' Appointments to  
Boards, Commissions and  
Committees for 2017

### AGENDA DESCRIPTION:

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

Mono County Supervisors serve on various board, commissions and committees for one-year terms that expire on December 31st. Each January, the Board of Supervisors makes appointments for the upcoming year.

### RECOMMENDED ACTION:

Appoint Supervisors to boards, commissions and committees for 2017.

### FISCAL IMPACT:

None.

**CONTACT NAME:** Shannon Kendall

**PHONE/EMAIL:** x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

### SEND COPIES TO:

### MINUTE ORDER REQUESTED:

YES  NO

### ATTACHMENTS:

Click to download

- [Staff Report](#)
- [2016 appt list by Supervisor](#)
- [2016 appt list by committee](#)

**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
12/27/2016 11:54 AM	County Administrative Office	Yes
12/23/2016 11:54 PM	County Counsel	Yes
12/28/2016 8:41 AM	Finance	Yes



Larry Johnston ~ District One    Fred Stump ~ District Two    Bob Gardner ~ District Three  
John Peters ~ District Four    Stacey Corless ~ District Five

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## **BOARD OF SUPERVISORS COUNTY OF MONO**

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P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5538 • FAX (760) 932-5531

*Shannon Kendall, Acting Clerk of the Board*

To:     Honorable Board of Supervisors

From:   Shannon Kendall, Acting Clerk of the Board

Date:    January 3, 2017

### Subject

Boards, Commissions, and Committees

### Recommendation

Appoint Supervisors to boards, commissions, and committees for 2017.

### Discussion

The Mono County Supervisors serve on various boards, commissions, and committees for one-year terms that expire on December 31<sup>st</sup>. Each January, the Board of Supervisors makes appointments for the upcoming year.

Regarding the appointments to RCRC Environmental Services Joint Powers Authority (ESJPA), in the past the Board of Supervisors has appointed Tony Dublino to act as an alternate delegate with all rights and privileges of the Delegate, including the right to be counted in constituting a quorum, to participate in the proceedings of the ESJPA, and to vote upon any and all matters. Please keep this in mind when reviewing appointments to the RCRC ESJPA.

### Fiscal Impact

None

# **MONO COUNTY BOARD MEMBERS** **APPOINTED TO COMMISSIONS & COMMITTEES 2016**

## **LARRY JOHNSTON – SUPERVISOR DISTRICT #1**

Airport Land Use Commission (Alternate)  
CSAC (California State Association of Counties)  
Eastern Sierra Council of Governmental Entities  
Great Basin Unified Air Pollution Control District  
IMACA (Inyo Mono Advocates for Community Action)  
Local Agency Formation Commission (LAFCO) (Alternate)  
Local Transportation Commission  
Mammoth Lakes Housing  
Mammoth Mountain Ski Area Liaison Committee  
Sierra Nevada Conservancy (Alternate)  
Town-County Liaison Committee (Alternate)  
Treasury Oversight Committee  
YARTS JPA (Alternate)

## **FRED STUMP – SUPERVISOR DISTRICT #2**

Airport Land Use Commission  
Behavioral Health Advisory Board (Alternate)  
Collaborative Planning Team (Alternate)  
Community Corrections Partnership  
Great Basin Unified Air Pollution Control District  
Local Agency Formation Commission (LAFCO)  
Local Transportation Commission (Lynda Salcido, Alternate)  
Mono County Senior Citizens Program  
Town-County Liaison Committee  
Treasury Oversight Committee (Alternate)

## **TIM ALPERS – SUPERVISOR DISTRICT #3**

Bodie Hills Coordinating Resource Management Planning Steering Committee (Alternate)  
Central Sierra Conservation Resource Development Council  
Eastern Sierra Community College Committee  
Eastern Sierra Council of Governmental Entities (Alternate)  
Eastern Sierra Transit Authority (ESTA)  
Economic Development Strategic Plan Sub-Committee  
Local Agency Formation Commission (LAFCO)  
Mammoth Mountain Ski Area Liaison Committee  
Mono County Children & Families Commission – First Five  
Rural County Representatives of California (RCRC) / GSFA & Environmental Services Joint  
Powers Authority  
YARTS JPA

## **TIM FESKO – SUPERVISOR DISTRICT #4**

Airport Land Use Commission  
Bodie Hills Coordinating Resource Management Planning Steering Committee  
Central Nevada Regional Water Authority (CNRWA)  
Economic Development Strategic Plan Sub-Committee  
Eastern Sierra Child Support Regional Oversight Committee  
Integrated Waste Management Act of 1989 Independent Hearing Panel for Local Enforcement Agency  
Law Library, Mono County  
Local Transportation Commission  
Mammoth Mountain Ski Area Liaison Committee (Alternate)  
Mono County Senior Citizens Program  
National Association of Counties (Alternate)

## **STACY CORLESS – SUPERVISOR DISTRICT #5**

Behavioral Health Advisory Board  
California State Association of Counties (CSAC) (Alternate)  
Collaborative Planning Team  
Community Corrections Partnership (Alternate)  
Eastern Sierra Council of Governmental Entities  
Great Basin Unified Air Pollution Control District (Alternate)  
Inter-Agency Visitors Center Board of Directors  
Mammoth Lakes Chamber of Commerce (ex officio member to serve as liaison)  
Mammoth Lakes Housing (Alternate)  
Mono County Children & Families Commission – First Five (Alternate)  
National Association of Counties  
Rural Counties Representatives of California (RCRC), GSFA & Environmental Services Joint Powers Authority (ESJPA) (Alternate)  
Sierra Nevada Conservancy  
Town-County Liaison Committee  
YARTS JPA

**MONO COUNTY BOARD OF SUPERVISORS  
2016 BOARD/COMMISSION/COMMITTEE MEMBERSHIP LIST**

Date of Appointment 01/05/2016 ~ Term Expires 12/31/2016

**AIRPORT LAND USE COMMISSION**

- Tim Fesko, Supervisor
- Fred Stump, Supervisor
- Larry Johnston, Supervisor Alternate

**BEHAVIORAL HEALTH ADVISORY BOARD**

- Stacy Corless, Supervisor
- Fred Stump, Supervisor Alternate

**BODIE HILLS COORDINATING RESOURCE MANAGEMENT PLANNING STEERING COMMITTEE (DISCUSS ELIMINATING FROM LIST?)**

- Tim Fesko, Supervisor
- Supervisor Alpers, Supervisor Alternate

**CENTRAL NEVADA REGIONAL WATER AUTHORITY (CNRWA)**

- Tim Fesko, Supervisor

**CENTRAL SIERRA CONSERVATION RESOURCE DEVELOPMENT COUNCIL**

- Tim Alpers, Supervisor

**CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC)**

- Larry Johnston, Supervisor
- Stacy Corless, Supervisor Alternate

**COLLABORATIVE PLANNING TEAM, MONO COUNTY**

- Stacy Corless, Supervisor
- Fred Stump, Supervisor Alternate

**COMMUNITY CORRECTIONS PARTNERSHIP**

- Stacy Corless, Supervisor
- Fred Stump, Supervisor Alternate

**ECONOMIC DEVELOPMENT STRATEGIC PLAN SUB-COMMITTEE**

- Tim Fesko, Supervisor
- Tim Alpers, Supervisor



**EASTERN SIERRA CHILD SUPPORT REGIONAL OVERSIGHT COMMITTEE**

- Tim Fesko, Supervisor

**EASTERN SIERRA COMMUNITY COLLEGE COMMITTEE**

- Tim Alpers, Supervisor

**EASTERN SIERRA COUNCIL OF GOVERNMENTAL ENTITIES**

- Stacy Corless, Supervisor
- Larry Johnston, Supervisor
- Tim Alpers, Supervisor Alternate

**EASTERN SIERRA TRANSIT AUTHORITY (ESTA)**

- Tim Alpers, Supervisor
- Vacancy

**GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT**

Air Pollution Control Officer, 157 Short Street, Suite 6, Bishop, California 93514  
760-872-8211, 760-872-6109 (fax)

- Larry Johnston, Supervisor
- Fred Stump, Supervisor
- Stacy Corless, Supervisor Alternate

**INTEGRATED WASTE MANAGEMENT ACT OF 1989 INDEPENDENT HEARING PANEL FOR LOCAL ENFORCEMENT AGENCY**

- Tim Fesko, Supervisor

**INTER-AGENCY VISITORS' CENTER BOARD OF DIRECTORS**

- Stacy Corless, Supervisor

**IMACA (INYO MONO ADVOCATES FOR COMMUNITY ACTION)**

- Larry Johnston, Supervisor Thru 12/31/2015

**LAW LIBRARY, MONO COUNTY**

Board of Library Trustees

- Tim Fesko, Supervisor

**LOCAL AGENCY FORMATION COMMISSION (LAFCO)**

Scott Burns, Executive Officer (appointed 4/1/86)

- **Fred Stump**, Supervisor
- **Tim Alpers**, Supervisor
- **Larry Johnston**, Supervisor Alternate

**LOCAL TRANSPORTATION COMMISSION, MONO COUNTY**

- **Tim Fesko**, Supervisor
- **Larry Johnston**, Supervisor
- **Fred Stump**, Supervisor (Lynda Salcido, alternate)

**MAMMOTH LAKES CHAMBER OF COMMERCE**

Mailing Address: P.O. Box 3268, Mammoth Lakes, CA 93546 Phone: (760) 934-3068

- **Stacy Corless**, Supervisor (ex-officio member to serve as liaison)

**MAMMOTH LAKES HOUSING**

- **Larry Johnston**, Supervisor
- **Stacy Corless**, Supervisor Alternate

**MAMMOTH MOUNTAIN SKI AREA LIAISON COMMITTEE**

- **Larry Johnston**, Supervisor
- **Tim Alpers**, Supervisor
- **Tim Fesko**, Supervisor Alternate

**MONO COUNTY CHILDREN & FAMILIES COMMISSION (FIRST 5)**

P. O. Box 130, Mammoth Lakes, CA 93546, 760-924-7626, Fax 760-934-8443

- **Tim Alpers**, Supervisor
- **Stacy Corless**, Supervisor Alternate

**MONO COUNTY SENIOR CITIZEN PROGRAM**

- **Tim Fesko**, Supervisor
- **Fred Stump**, Supervisor

**NATIONAL ASSOCIATION OF COUNTIES**

- **Stacy Corless**, Supervisor
- **Tim Fesko**, Supervisor Alternate

**REGIONAL COUNCIL OF RURAL COUNTIES (RCRC)/Golden State Finance Authority (GSFA) & Environmental Services Joint Powers Authority (ESJPA)**

1020 12<sup>th</sup> Street, Suite 200, Sacramento, California 95814

- **Tim Alpers**, Supervisor
- **Stacy Corless**, Supervisor Alternate
- **Tony Dublino**, Solid Waste (backup)

**SIERRA NEVADA CONSERVANCY**

Bishop Office: 351 Pacu Lane, Ste 200, Bishop, CA 93514, 760-872-1120

- **Stacy Corless**, Supervisor
- **Larry Johnston**, Supervisor Alternate

**TOWN-COUNTY LIAISON COMMITTEE**

- **Stacy Corless**, Supervisor
- **Fred Stump**, Supervisor
- **Larry Johnston**, Supervisor Alternate

**TREASURY OVERSIGHT COMMITTEE**

- **Larry Johnston**, Supervisor
- **Fred Stump**, Supervisor Alternate

**YARTS JPA**

- **Tim Alpers**, Supervisor
- **Stacy Corless**, Supervisor
- **Larry Johnston**, Supervisor Alternate



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** January 3, 2017

**Departments: Clerk of the Board**

**TIME REQUIRED** 10 minutes (5 minute presentation; 5 minute discussion) **PERSONS APPEARING BEFORE THE BOARD** Shannon Kendall

**SUBJECT** 2017 Calendar of Regular Meetings of the Board of Supervisors

### AGENDA DESCRIPTION:

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

Rule 3 of the Mono County Board Rules of Procedure specifies that: an annual calendar of meetings shall be adopted by the Board at their first meeting in January. The calendar will include all known regular meetings. Any meeting may be canceled upon the order of the Chair or by a majority of Board members.

### RECOMMENDED ACTION:

Approve proposed calendar of regular meetings for 2017. Cancel any agreed upon meeting for 2017.

### FISCAL IMPACT:

None.

**CONTACT NAME:** Shannon Kendall

**PHONE/EMAIL:** x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

### SEND COPIES TO:

### MINUTE ORDER REQUESTED:

YES  NO

### ATTACHMENTS:

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[Staff Report](#)

[List of Regular Meetings for 2017](#)

History

<b>Time</b>	<b>Who</b>	<b>Approval</b>
12/16/2016 10:34 AM	County Administrative Office	Yes
12/20/2016 9:18 AM	County Counsel	Yes
12/27/2016 5:11 PM	Finance	Yes



Larry Johnston ~ District One    Fred Stump ~ District Two    Bob Gardner ~ District Three  
John Peters ~ District Four    Stacy Corless ~ District Five

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## BOARD OF SUPERVISORS COUNTY OF MONO

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P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5538 • FAX (760) 932-5531

*Shannon Kendall, Acting Clerk of the Board*

To:     Honorable Board of Supervisors

From:   Shannon Kendall, Acting Clerk of the Board

Date:    January 3, 2017

Subject

2017 Calendar of Regular Meetings of the Board of Supervisors

Recommendation

Approve proposed calendar of regular meetings for 2017.

Discussion

Rule 3 of the Mono County Board Rules of Procedure specifies that:

**An annual calendar of meetings shall be adopted by the Board at their first meeting in January. The calendar will include all known regular meetings. Any meeting may be canceled upon the order of the Chair, or by a majority of Board members.**

Attached is a proposed calendar of meetings for calendar year 2017. This calendar reflects the current practice of holding the third regularly scheduled meeting of each month in the Town of Mammoth Lakes.

Fiscal Impact

None

**Mono County Board of Supervisors  
2017 Regular Meeting Calendar**

---

**January 3  
January 10  
January 17**

**February 7  
February 14  
February 21**

**March 7  
March 14  
March 21**

**April 4  
April 11  
April 18**

**May 2  
May 9  
May 16**

**June 6  
June 13  
June 20**

**July 4 (reschedule date?)  
July 11  
July 18**

**August 1  
August 8  
August 15**

**September 5  
September 12  
September 19**

**October 3  
October 10  
October 17**

**November 7  
November 14  
November 21**

**December 5  
December 12  
December 19**



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

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** January 3, 2017

**Departments: Clerk of the Board; CAO; IT**

**TIME REQUIRED** 15 minutes (5 minute presentation;  
10 minute discussion)

**PERSONS APPEARING BEFORE THE BOARD** Shannon Kendall, Leslie Chapman,  
Nate Greenberg

**SUBJECT** 3rd Meeting Location Change in  
Mammoth Lakes

**AGENDA DESCRIPTION:**

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

Discuss and potentially adopt resolution permanently moving Mammoth Lakes meetings of the Board of Supervisors to a new location in Suite Z of the Minaret Mall, located at 437 Old Mammoth Road, Mammoth Lakes, CA.

**RECOMMENDED ACTION:**

Adopt Resolution R17-\_\_\_\_, permanently changing the location of the third regular monthly Board of Supervisors' Meeting to Suite Z of the Minaret Mall located at 437 Old Mammoth Road, Mammoth Lakes, CA superceding and replacing Resolution R14-01.

**FISCAL IMPACT:**

Although undetermined at this time, there will be some cost associated with incorporating Mono County's seal onto the Town of Mammoth Lakes current backdrop. We are currently discussing the best way to address this and will bring the specifics back to the Board soon.

**CONTACT NAME:** Helen Nunn

**PHONE/EMAIL:** x5534 / hnunn@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<a href="#">Staff Report</a>
<a href="#">Proposed Resolution Location</a>



[Notice](#)

[2014 Resolution](#)

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### History

<b>Time</b>	<b>Who</b>	<b>Approval</b>
12/27/2016 11:55 AM	County Administrative Office	Yes
12/29/2016 9:33 AM	County Counsel	Yes
12/28/2016 8:05 AM	Finance	Yes



Larry Johnston~District One    Fred Stump~ District Two    Bob Gardner ~ District Three  
John Peters ~ District Four    Stacy Corless ~ District Five

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## **BOARD OF SUPERVISORS COUNTY OF MONO**

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P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5538 • FAX (760) 932-5531

*Shannon Kendall, Acting Clerk of the Board*

To:            Honorable Board of Supervisors  
From:         Shannon Kendall, Acting Clerk of the Board  
Date:         January 3, 2017

### **Subject**

Location of the Board of Supervisors' Third Regular Meeting of Each Month

### **Recommendation**

Review and discuss changing the location of the Board's third regular meeting each month from the Board of Supervisors' meeting room, Suite 307, 3<sup>rd</sup> Floor Sierra Center Mall, 452 Old Mammoth Road, in Mammoth Lakes, CA to Suite Z in the Minaret Mall located at 437 Old Mammoth Road, Mammoth Lakes, superseding and replacing Resolution R14-01.

### **Discussion**

The Board will consider whether or not to permanently change the third regular meeting of each month in Mammoth Lakes from Sierra Center Mall to Suite Z.

### **Fiscal Impact**

Although undetermined at this time, there will be some cost associated with incorporating Mono County's seal onto the Town of Mammoth Lakes current backdrop. We are currently discussing the best way to address this and will bring the specifics back to the Board soon.



R17-\_\_

**A RESOLUTION OF THE MONO COUNTY  
BOARD OF SUPERVISORS TO CHANGE LOCATION OF THIRD REGULAR  
MONTHLY BOARD OF SUPERVISORS' MEETING TO SUITE Z OF THE MINARET  
MALL, LOCATED AT 437 OLD MAMMOTH ROAD, MAMMOTH LAKES, CA,  
SUPERCEDING AND REPLACING RESOLUTION R14-01**

**WHEREAS**, the Board of Supervisors' regular meetings occur on the first three Tuesdays of every month (See Mono County Code section 2.04.010.); and

**WHEREAS**, pursuant to resolution R14-01, dated January 7, 2014, the location of the third regular monthly meeting of the Board of Supervisors is 3<sup>rd</sup> Floor Sierra Center Mall, 452 Old Mammoth Road, Mammoth Lakes, CA ("3<sup>rd</sup> Floor Sierra Center Mall"); and

**WHEREAS**, pursuant to Government Code Section 25081, a county board of supervisors may change the location of its regular meetings to a location within the county if the board both, (1) changes the location by ordinance, resolution, bylaw or other rule required for the conduct of business at a regular meeting of the board of supervisors and (2) notice of the location change is posted in a location that is freely accessible to the public no later than the prior regular board meeting; and

**WHEREAS**, significant logistical deficiencies have arisen in connection with the Board of Supervisors' use of 3<sup>rd</sup> Floor Sierra Center Mall as the location of its third regular monthly meeting; and

///

///

1           **WHEREAS**, Suite Z of the Minaret Mall, located at 437 Old Mammoth Road, Mammoth  
2 Lakes, CA (“Suite Z”), is now available for regular ongoing use by the Board of Supervisors to  
3 conduct its third regular monthly meeting on an ongoing basis; and  
4

5           **WHEREAS**, the Mono County Board of Supervisors is informed and believes that its use  
6 of Suite Z as the location of its third regular monthly meeting would eliminate or diminish the  
7 significant logistical deficiencies now presented by its current use of 3<sup>rd</sup> Floor Sierra Center Mall  
8 as the location of its third regular monthly meeting; and  
9  
10

11           **WHEREAS**, pursuant to Section 25081, the Board of Supervisors wishes to change the  
12 location of its third regular meeting of each month from 3<sup>rd</sup> Floor Sierra Center Mall to Suite Z:  
13

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

16           **SECTION ONE:** Commencing with the Board of Supervisors’ meeting set for January  
17 17, 2017, the location of each third regular monthly meeting shall be changed from 3<sup>rd</sup> Floor  
18 Sierra Center Mall, 452 Old Mammoth Road, Mammoth Lakes, CA to Suite Z of the Minaret  
19 Mall, located at 437 Old Mammoth Road, Mammoth Lakes, CA.  
20  
21

22           **SECTION TWO:** This Resolution shall supersede and replace Resolution R14-01 which  
23 previously established the location of the third regular monthly meeting at 3<sup>rd</sup> Floor Sierra Center  
24 Mall. Notice of the change of location described in this resolution shall be posted by the clerk  
25

26 ///

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1 in a location that is freely accessible to the public no later than the prior regular meeting of the  
2 Board of Supervisors.

3  
4 **PASSED, APPROVED and ADOPTED** this \_\_\_\_\_ day of January, 2017, by the  
5 following vote, to wit:

6 **AYES:**

7  
8 **NOES:**

9 **ABSENT:**

10 **ABSTAIN:**

11  
12  
13  
14 \_\_\_\_\_  
15 Stacy Corless, Chair  
16 Mono County Board of Supervisors

17  
18 ATTEST:

19 APPROVED AS TO FORM:

20  
21 \_\_\_\_\_  
22 Shannon Kendall  
23 Acting Clerk of the Board

24 \_\_\_\_\_  
25 Stacey Simon  
26 County Counsel



Larry Johnston~District One    Fred Stump~ District Two    Bob Gardner ~ District Three  
John Peters ~ District Four    Stacy Corless ~ District Five

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**BOARD OF SUPERVISORS  
COUNTY OF MONO**

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P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5538 • FAX (760) 932-5531

*Shannon Kendall, Acting Clerk of the Board*

## **NOTICE**

### **Mono County Board of Supervisors**

## **Change of Location of Third Regular Board Meeting of each Month**

Pursuant to Resolution #17-\_\_\_\_\_, adopted by the Mono County Board of Supervisors at their regular board meeting held on January 3, 2017, the third regular board meeting of each month will now be held in Suite Z in the Minaret Mall, located at 437 Old Mammoth Road, Mammoth Lakes, California.



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**AYES** : Supervisors Alpers, Fesko, Hunt, Johnston and Stump.

**NOES** : None.

**ABSENT** : None.

**ABSTAIN** : None.

  
\_\_\_\_\_  
**CHAIR of the BOARD OF SUPERVISORS  
COUNTY OF MONO**

**ATTEST:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**Shannon Kendall, Sr. Deputy  
CLERK OF THE BOARD**

  
\_\_\_\_\_  
**MARSHALL RUDOLPH  
COUNTY COUNSEL**





OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** January 3, 2017

**Departments: Board of Supervisors**

**TIME REQUIRED** 20 minutes (10 minute presentation;  
10 minute discussion) **PERSONS APPEARING BEFORE THE BOARD** Supervisor Corless

**SUBJECT** RCRC Policy Principles

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### AGENDA DESCRIPTION:

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

Comments to be incorporated in Mono County's response to the RCRC Policy Principles

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### RECOMMENDED ACTION:

1. Review and discuss comments regarding the proposed RCRC Policy Principles 2. Direct Staff to compose letter of comment based on today's discussion 3. Approve Board Chair to review and approve comment letter for distribution to RCRC staff.

---

### FISCAL IMPACT:

None.

---

**CONTACT NAME:** Helen Nunn

**PHONE/EMAIL:** x5534 / hnunn@mono.ca.gov

---

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

### SEND COPIES TO:

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### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

Click to download

[Staff Report](#)

[RCRC memo](#)

[Policy Principles Draft](#)

**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
12/28/2016 1:40 PM	County Administrative Office	Yes
12/28/2016 4:47 PM	County Counsel	Yes
12/28/2016 8:39 AM	Finance	Yes



# COUNTY OF MONO

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P.O. BOX 696, BRIDGEPORT, CALIFORNIA 93517  
(760) 932-5410 • FAX (760) 932-5411

Leslie L. Chapman  
County Administrative Officer

January 3, 2017

**To:** Honorable Board of Supervisors

**From:** Leslie L. Chapman, CAO

**Subject:** Comments to be incorporated in Mono County's response to the RCRC Policy Principles

**Recommended Action:**

1. Review and discuss comments regarding the proposed RCRC Policy Principles
2. Direct Staff to compose letter of comment based on today's discussion
3. Approve Board Chair to review and approve comment letter for distribution to RCRC staff.

**Discussion:**

At the December 20<sup>th</sup> meeting of the Board of Supervisors RCRC's draft Policy Principles for 2017 was discussed, comments were made by Supervisors Johnston, Stump and Corless and staff was directed to gather additional comments from department heads. A compilation of comments provided to date appear below.

District One Supervisor, Larry Johnston

**Energy, Nuclear Power:** Remove this section because it is out of sync with what is happening in the nuclear power industry. The closing of nuclear power plants is causing water issues and concerns with what to do with waste. Replace with support for desalinization in proximity with large urban areas to reduce their dependence on water from rural counties.

**Water Supply, Sustainable Groundwater Management:** The language in this section is long and confusing. It appears to be a compilation of comments over time and could be cleaned up and made more succinct.

District Two Supervisor, Fred Stump

**Public Safety, Volunteer Fire Fighting:** Strengthen this section to provide small, rural fire departments with indemnification from some of the standards that are imposed on them by the State of California, including EMS response. There needs regulatory relief to allow for the continuation of the volunteer system that is based on a tenuous financial base.

**Water Supply, Sustainable Groundwater Management:** There needs to be accommodation for small areas such as the Tri-Valley in Southern Mono County.

District Five Supervisor, Stacy Corless

**Federal Affairs, Relationships with Public Lands Management Agencies:**

While there is language about consultation, the word “partnership” does not appear here and we know that is important based on our experience with the Forest Plan Revision which is something we are dealing with along with many other rural counties. So, I would propose using some of the language we have in our current legislative platform along with our comment letter to the Forest Service.

In addition to advocating for funding for wildfire, language advocating for recreation is important in terms of forest management and the word recreation does not appear in this document.

Behavioral Health Director, Robin Roberts

Items impacting Behavioral Health are good as written.

Public Works Director, Jeff Walters:

**Emission Standards:** This section is well stated and necessary.

**Transportation:** All of these are necessary and well stated. They cover all of the issues.

Social Services Director, Kathy Peterson:

**Health and Human Services – Fiscal Participation**

**County Medical Services Program:** Support! Could be especially critical depending upon changes to Medi-Cal program at federal level.

**Realignment:**

Addressing the sentence, “RCRC acknowledges that some realigned programs may be better administered and funded at the State level, and supports an evaluation of such potential transfers,” Kathy comments, not sure which realigned programs they are referencing here. Without knowing, I wouldn’t lend full support.

Addressing the sentence, “RCRC believes that the State should assume cost increases associated with State-imposed program changes and expansions, as well as federal maintenance of effort mandates,” Kathy comments, Strongly agree; example would be Continuum of Care Reform (foster care reform) where responsibility shifts to the counties.

**Health and Human Services Reimbursement:** Yes! An example is Medi-Cal Administration costs.

**Healthcare:**

Addressing the sentence, “RCRC supports program changes that ensure rural, remote, and low-population counties are not disadvantaged when attempting to meet any new requirements created by the State or federal governments,” Kathy states, This is very important: Support!

**Healthcare Reform: Health Plan Coverage Areas:** I would add to this that when medical providers are not to be found locally for certain specialties, such as is the case for audiology and vision services, especially for those with Medi-Cal coverage, then health insurance plans should incentivize coverage for these populations through enhanced provider reimbursement and out-of-area plan coverage.

Solid Waste Superintendent, Tony Dublino:

**Waste Management and Recycling:** I looked over this, plenty of relevant stuff re: solid waste but I wouldn’t change anything. I think they got it right.

Information Technology Director, Nate Greenberg: This looks really good in the areas that relate to me.



**To:** RCRC Board of Directors  
**From:** Patricia Megason  
Executive Vice President  
**Date:** November 29, 2016  
**Re:** Proposed 2017 Policy Principles

---

Following please find a draft of RCRC's proposed 2017 Policy Principles for your review. These principles help guide RCRC staff when they review proposed legislation or regulations in order to determine the appropriate RCRC position on the issue. This document may be updated periodically through the next year to reflect new issues or policy changes made by the Board during that period.

The 2017 Policy Principles are provided today in draft form so that Board Members have sufficient time to review the principles and discuss with other members of their county Board and staff. The 2017 Policy Principles will not be adopted until the January 18, 2017 Board of Directors Meeting.

In order to facilitate discussion at the January Board Meeting and to allow all member counties to review any proposed changes, please provide any proposed edits to Sarah Bolnik in writing no later than January 4, 2017 so that they can be included in the Board Packet and considered at the January Board Meeting. Thank you for your consideration and participation in this process.

The proposed 2017 Policy Principles in track changes can be accessed [here](#), and online at <http://bit.ly/2gbTkhS>.

**Attachments**

- 2017 Proposed Policy Principles

**Rural County Representatives of California**  
**2017-18 Policy Principles**  
**DRAFT**

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The Rural County Representatives of California (RCRC) is a member county service organization championing policies at the State and federal levels on behalf of California's rural counties. Rural counties face unique challenges when dealing with state and federal policies, such as greater distances, lower population densities, and geographic diversities which lead to unique obstacles for California's rural communities.

Founded in 1972, RCRC provides the rural county perspective on a myriad of issues throughout the state and federal legislative and regulatory processes with the mission to improve the ability of small rural California county governments to provide services to their constituents.

RCRC members and staff work to inform and educate State and federal representatives on the unique challenges California's rural counties face and to seek viable solutions for member counties through its advocacy efforts.

Each year, the RCRC Board of Directors adopts a set of Policy Principles that guide legislative and regulatory advocacy efforts for the organization. These Policy Principles set the stage for the organization's priorities on both broad categories and specific issues, and allow RCRC staff to take formal positions on individual pieces of legislation and regulatory proposals each year.

## **AGRICULTURE**

Agriculture continues to be a major economic sector for California. Comprised of 76,400 farms and ranches, California agriculture is a \$47 billion industry with over \$100 billion in related economic activity (based on 2015 California agricultural production statistics). California agriculture is a highly adaptable and diverse industry, encompassing more than 400 plant and animal commodities that feed the State, the nation, and the world.

Agriculture also fills many other vital and diverse roles in the California landscape. California agriculture provides for much needed open space in an ever increasing urban California; national security through the raising of our own fruits and vegetables, meat, poultry and other agricultural products; residual products for biomass to create clean alternative energy sources; science-based research and development through major universities; agri-tourism; preservation of habitat; and the reduction of greenhouse gas emissions.

Much of California's agriculture is rooted in rural counties. It is imperative that policies affecting the agricultural industry such as water, land use, air quality, taxation, and numerous others create an environment that allow California's

farmers and ranchers to continue to provide safe and nutritious products to consumers around the world.

## **AGRICULTURAL LAND MITIGATION**

**Agricultural Land Conversion to Habitat.** RCRC believes that mitigation should be required for the conversion of agricultural lands to terrestrial or aquatic habitat when the easement is permanent and/or agricultural land uses are prohibited. This mitigation should be required for a period of time that is commensurate with the amount of time that the agricultural land uses will be precluded. An exception to this policy is agricultural development, where land is set aside for habitat or open space to address the impacts of the agricultural development.

**Easements.** RCRC believes that the “stacking” of habitat and agricultural conservation easements may or may not be appropriate depending upon the specific county and circumstances.

**Feasible Mitigation.** RCRC believes that permanent agricultural land conservation through easements and fees should be recognized as feasible mitigation for the loss of agricultural land as determined by the local government. RCRC supports clarifying in statute that the permanent protection of agricultural land is feasible mitigation under the California Environmental Quality Act for the loss of agricultural land.

**Local Land Use Authority.** RCRC opposes efforts to preempt local land use authority in connection with the conversion of agricultural land to nonagricultural uses. A one size fits all approach with respect to mandatory mitigation requirements, arbitrary minimum or maximum mitigation ratios, the types of agricultural land required to be mitigated, and the location of mitigation lands ignores the unique characteristics of each county, has no scientific basis, and would establish a bad precedent.

**Mitigation Lands.** RCRC believes that mitigation lands should be of comparable quality and value as those that were permanently converted.

## **BIOTECHNOLOGY**

Agricultural biotechnology is a collection of scientific techniques that are used to create, improve, or modify plants, animals, and microorganisms. Agricultural crops developed utilizing biotechnologies are often referred to as genetically engineered, genetically modified, or bioengineered. The United States is the largest producer of genetically modified crops, one of the largest producers of organic crops, and one of the largest exporters of conventionally-grown, identity preserved crops in the world. Coexistence among these three categories of crops is a distinguishing characteristic of United States agriculture, and makes it different from some other parts of the world.



**Adventitious Presence.** Adventitious Presence is the unintentional, low level presence of transgenic material in seed, grain, or food. Until such time as the United States Department of Agriculture (USDA) adopts a comprehensive policy, RCRC supports the practice of local, regional, and state-level stakeholders developing rules, practices, and standards (e.g., planning of flowering and harvesting of different crops, grower districts, crop improvements and seed certification associations, seed sourcing standards, and noxious weed standards) that enable the coexistence of specialized or sensitive agricultural products and the need to meet diverse consumer and marketplace demands.

**Education.** RCRC supports efforts by the food industry to educate consumers about biotechnology, as consumer perception and market acceptance will determine the viability of the technology and the products produced.

**Federal Regulation.** RCRC supports the rigorous, science-based federal regulation of biotech products. This includes the United States Food and Drug Administration's broad authority to regulate all foods that are derived from new biotechnology food crops, regulations that require a scientific basis for approval/disapproval of agricultural products both domestic and foreign, the USDA's regulation of the movement, importation and field testing of genetically-modified crops, and the United States Environmental Protection Agency's establishment of limits for the amount of pest-control proteins present in foods derived from new genetically-modified crops.

**Labeling.** RCRC supports allowing, as a marketing tool, the voluntary labeling of products as not produced utilizing biotechnology if the label statements and/or advertising are not false or misleading, and the labeling and/or advertising meets established federal guidelines or standards, if any.

**Research.** RCRC supports policies including state funding for colleges and universities to support research and development of biotechnology techniques in agriculture to improve the productivity and competitiveness of California's agricultural and allied industries.

**State Policy.** RCRC supports a consistent statewide policy for the use of biotechnology in agriculture.

## **DISTRICT AGRICULTURAL ASSOCIATIONS/COUNTY FAIRS**

California fairs and fairgrounds have a complex governance structure and property ownership arrangement. There are 22 county fairs on county-owned land that are generally operated by the county with little or no State support. There are 41 District Agricultural Associations (DAA); in most instances, the State owns the fairground properties and the DAA operates the annual "county fair." The Governor appoints members to the governing board of each DAA and these entities are bound by various State procurement, personnel, and asset management rules.

Fairs and fairgrounds are an integral asset to rural counties, and the health and viability of each county's fair and fairgrounds is critical to both the local community as well as the State. Fairground properties are utilized throughout the year for numerous community events and are utilized by the California Department of Forestry and Fire Protection and other state and federal agencies as evacuation centers, incident command centers, and equipment staging areas during catastrophic wildfires and other emergencies.

In the 2015 State Budget, the Legislature provided a modest amount of annual, ongoing state assistance to small- and medium-sized fairs. And, in recent budgets, the Legislature has provided financial assistance for capital needs on all fairground properties. RCRC supports the current state funding assistance while pursuing both an increase and a sustainable funding stream in order to preserve a number of struggling fairs. RCRC also supports increased flexibility in the governance structure of fairs so they may operate in a more efficient and cost-effective manner.

## **INSPECTION AND COMPLIANCE**

Today's farming operations, both large and small, face many challenges including pressure from development, scarcity of resources such as water, increasingly stringent regulations, and increased imports of fruits and vegetables with minimal oversight. Agriculture is one of California's leading industries, and the primary economic base for many rural California communities. RCRC is supportive of programs and regulations that assist in preserving rural lands for agriculture; adequate supplies of resources at reasonable cost; and regulatory enforcement at the local, state, and federal levels to help assure a fair and equitable market for California's agricultural products.

**Inspection and Compliance.** RCRC supports funding for the operation of all state and national border inspection stations and monitoring of pesticides and pests in order to assure a safe, fair and equitable marketplace for California's agricultural industry.

**Right-to-Farm.** RCRC supports responsible local right-to-farm ordinances designed to permit and protect the rights of agricultural producers to engage in necessary activities without undue or unreasonable restrictions.

## **CLIMATE CHANGE**

In 2006, California established official state policy on climate change via the California Global Warming Solutions Act of 2006, also known as Assembly Bill 32. In 2008, California began working on the California Climate Adaptation Strategy, which addresses the possible effects of climate change and California's strategies to diminish the effects on California's population. While there are scientific uncertainties with respect to the causes and effects of climate change, RCRC recognizes the need to respond to California's climate change policy, while also

encouraging reduction of greenhouse gas (GHG) emissions and mitigation of possible climate change effects where cost-effective and technically feasible.

**State and Local Agency Coordination.** In recognition of the fact that reducing GHG emissions and climate adaptation will require the efforts of multiple state agencies, RCRC supports a coordinated effort between the various state agencies to avoid duplicative rulemaking processes.

RCRC also supports the formation of stakeholder advisory committees to lend practical expertise to state agency working groups during the development of multi-agency regulations and voluntary programs. Because every community has different needs, involvement of a variety of stakeholders including local governments, is vital to ensure that the State avoids a “one size fits all” approach when adopting regulations and establishing programs to mitigate the effects of climate change.

RCRC believes that it is the State’s responsibility to reach out to rural communities to promote and educate stakeholders during the development and implementation of statewide GHG emissions reduction measures. When individual rural communities are affected, the State should conduct workshops in those communities to provide opportunities for public input and to take comments on the State’s GHG policies.

**Land Use Authority.** RCRC supports the development of technical guidelines by the Office of Planning and Research that set specific, quantifiable GHG emissions standards for the California Environmental Quality Act (CEQA) and general plan documents.

RCRC believes that the development of state and federal assistance programs to provide data, methods, and financial support to help determine and quantify GHG emissions is vital for local governments to be able to address climate change in CEQA and general plan documents.

RCRC opposes any legal, legislative, or regulatory action which uses climate change policy as a vehicle to restrict or remove local land use authority.

RCRC supports a collaborative process between state and local agencies in the development of all climate change adaptation strategies related to land use decisions. The State should have the responsibility to identify possible strategies for its own agencies’ use and for voluntary use by local or regional agencies.

**Green Industry.** RCRC recognizes the potential for growth of green industry in California, and supports the continuation of existing incentives, and the creation of new incentives for those organizations to build new operations in areas with the highest rates of unemployment.

**Incentive-Based Programs.** RCRC supports the development of state programs that offer incentives to entities that voluntarily reduce GHG emissions and implement climate adaptation programs including grants, loans, offsets, early action credits and market-based credits trading programs. RCRC believes the State should recognize and offer special incentives to industry sectors that have already made significant GHG emissions reductions. RCRC supports free allocation of credits in market-based systems to smaller entities that may not be able to compete with large entities in an auction-based structure.

**Public Health.** RCRC supports a strong emphasis by the State on the important role of local and state public health departments in possible climate adaptation strategies. The State should provide fiscal and policy support to public health departments to ensure their ability to expand and advance to meet the potential needs of a changing climate.

**Monitoring and Reporting.** RCRC supports the development of GHG monitoring and reporting protocols through an open, transparent public process. RCRC opposes mandatory reporting for sectors that have been shown through the state emissions inventory to represent net GHG sinks.

**Regulatory Compliance.** In anticipation that the costs for GHG regulatory compliance will be disproportionately high in rural areas of the state, RCRC encourages flexibility for economically disadvantaged and rural areas in state regulatory programs including exemptions and tiered compliance schedules based on appropriate, regulation-specific parameters. RCRC believes that a State financial assistance program is imperative to enable local agencies to comply with GHG regulations.

**Greenhouse Gas Capture and Sequestration.** RCRC supports scientific studies that examine the benefits of carbon sequestration and methane gas capture projects. RCRC supports the development of broad, scientifically-based methods of accounting for carbon storage in sequestration projects including agriculture and forestry projects, and methods of accounting methane gas capture at landfills. RCRC supports programs that offer early action credits and offsets for GHG capture and sequestration projects.

**Forest Carbon.** RCRC supports the development of comprehensive and cooperative federal and state programs and strategies to reduce carbon emissions from forested lands, and preserve forest carbon sequestration. RCRC supports the development of a complete forest carbon inventory, as well as immediate fuels management and fire prevention projects as a vital component of the State's climate adaptation strategy. Coordination between federal, state and local agencies is critical to the mitigation of wildfires.

**Tribal Gaming Compacts.** Recognizing the potential expansion of tribal gaming facilities and anticipating the renewal of current gaming compacts, RCRC

encourages the inclusion of GHG mitigation strategies in all new and renegotiated tribal gaming compacts.

**Cap-and-Trade.** Recognizing that the Cap-and-Trade program has collected hundreds of millions of dollars in revenue from utilities during the auction process and through the sales of transportation fuels, RCRC supports an equitable distribution of those funds back to ratepayers.

RCRC also supports using funds from Cap-and-Trade auctions for projects that will both reduce GHG emissions and benefit disadvantaged communities. In particular, RCRC supports using the proceeds to fund innovative transportation projects, fuels reduction, forest restoration, agriculture, organics processing infrastructure biofuels utilization, land use projects, and residential woodstove replacement programs, as well as utilizing these funds for State subvention funding to counties for the Williamson Act. RCRC supports the use of these proceeds on private, local, state, and federally owned and managed lands.

RCRC opposes the use of the California Communities Environmental Health Screening Tool (CalEnviroScreen) to identify “disadvantaged communities” for the purposes of allocating Cap-and-Trade funds. The CalEnviroScreen tool is flawed and excludes many rural communities that would be included as “disadvantaged” under other methodologies (such as the one outlined in the Public Resources Code). RCRC supports the development and expansion of Cap-and-Trade funding programs specifically targeted at rural communities.

## **COUNTY OPERATIONS**

Although RCRC member counties comprise more than 55 percent of California’s land mass, less than ten percent of California’s population resides in these counties. Low population, geography, and distance present rural counties with unique challenges in providing services. Consequently, requirements imposed by the State on county operations can have a significant and often disproportionate impact on rural counties.

## **CALIFORNIA BUILDING STANDARDS CODES**

The California Building Standards Code, California Code of Regulations, Title 24, consists of twelve parts. By statute, the California Building Standards Code is based upon the newest national model codes published by various independent code-developing bodies and organizations. The California Building Standards Code is subject to an administrative rulemaking process administered by the California Building Standards Commission (CBSC). Every three years, the CBSC reviews the most recent national model codes during their triennial update cycle of the CBSC. Once adopted by the State, these building standards become the minimum standards throughout the state. Local jurisdictions have the authority to adopt stricter or alternative standards with the same effect.

**New Building Code Standards.** With California's diverse geography, topography, climate, weather, conditions of general development and other environmental and economic factors, RCRC supports more flexible local variations to code requirements and their implementation. RCRC supports tailoring regulations and requirements to local conditions.

**Increased Building Costs.** Building costs can be disproportionately higher in rural counties due to geography, low population density and lack of resources. Bearing the cost of new regulations can be especially burdensome for rural counties. RCRC supports the ability of a local jurisdiction to delay implementation of costly new code requirements in rural areas in order for the requisite infrastructure to become cost effective and readily available.

## **ELECTIONS**

**Election Costs.** RCRC supports timely reimbursement of county costs associated with complying with the provisions of the federal Help American Vote Act (HAVA). RCRC also supports state reimbursement to counties for conducting special elections called by the Governor.

**Electronic Voting Machines.** RCRC supports expeditious certification of electronic voting machines by the Secretary of State so that counties will be in compliance with federal and state law and the integrity of conducting an election is maintained. The federal HAVA requires counties to use voting machines that allow individuals with disabilities to vote unassisted.

**Vote by Mail.** Two of California's rural counties (Alpine and Sierra) currently enjoy the ability to conduct all of their elections by mail. Many other RCRC member counties have a large percentage of their electorate casting ballots via mail. In 2016, the Legislature enacted Senate Bill 450 (Allen) which allows counties, via action by their respective Boards of Supervisors, to choose to conduct all of their elections via mail, provided a number of criteria are met – voting centers are established, ballot drop-off locations are made available, etc.

RCRC supports expanding the ability of counties to conduct all of their elections via all-mail balloting. In the event a county does not choose to conduct all of their elections under the SB 450 model, recently-enacted legislation – Assembly Bill 2686 (Mullin) – allows these counties, at the discretion of the Board of Supervisors to conduct any special election for the House of Representatives and the Legislature via all-mail balloting.

## **EMPLOYEES**

**County Workforce Responsibilities.** RCRC opposes legislative proposals that supersede and interfere with the constitutional duties of county Boards of Supervisors to provide for various terms of employment for their county workforce.

**Collective Bargaining Process.** The Meyers-Milias-Brown Act specifies the process for local governments to use in collective bargaining with represented

employees. RCRC believes the current collective bargaining process is more than adequate to ensure that employees' rights are protected in both the bargaining process and the employment terms secured under labor contracts. As such, RCRC opposes:

- Binding arbitration for public employee wage and benefit disputes where no appeals of an arbitrator's final decision is allowed;
- Mandatory mediation as requested by one or more party when an impasse is reached;
- Mandatory fact-finding or an expanse of mandatory fact-finding to issues outside the immediate scope of an impasse; and,
- State mandates for the establishment of "ground rules" for the local bargaining process.

**Medical Marijuana in the Workplace.** The federal Drug Free Workplace Act of 1998 requires federal grantees and contractors to certify that they maintain a drug-free workplace and inform employees that it is unlawful to use and/or possess a controlled substance (including marijuana as cited in the federal Controlled Substances Act) in the workplace. Failure to adhere to the federal Drug Free Workplace Act could lead to a loss of a variety and extensive amount of federal monies. Absent any change in either the Drug Free Workplace Act or the Controlled Substances Act, RCRC opposes state efforts that would make it unlawful to hire, fire and/or base a promotion or demotion on a person's status as a user, qualified or otherwise, of medical marijuana. RCRC believes such state efforts compromise a county's position as employers and would lead to extensive litigation by employees that are using marijuana within the confines of state law.

**Outsourcing.** Counties, like other public agencies, are faced with enormous cost pressures and often have limited revenue opportunities associated with delivering certain services. In order to provide many of these services, counties must have a variety of options to ensure the service is delivered and can fit within budget structures. One option is to rely on a private vendor, commonly referred to as "contracting-out" or "outsourcing." RCRC opposes limitations on county governments' ability to outsource municipal services to the private sector.

**Public Employees' Retirement.** RCRC supports efforts to reform pension benefits administered by the California Public Employees' Retirement System (CalPERS) and other California public pension systems that would help protect the long-term solvency of California's public pension systems and local entities while maintaining competitive pension benefits for county employees.

RCRC supports preservation of the exemption for elected officials from reinstating in their respective public pension systems including CalPERS. RCRC opposes efforts that would force locally-elected officials to choose between receiving compensation for their service as a county elected official and maintaining their current retirement benefit.

**Workers' Compensation.** RCRC supports the preservation of reforms enacted to the workers' compensation system in 2004 and 2012 to further reduce premiums, minimize costs, manage claims, and insure that injured workers are properly compensated and able to return to work in a speedy manner.

## **MEDICAL MARIJUANA**

The issue of medical cannabis regulation is of great importance to California's counties. In the last several years, there has been a dramatic proliferation of marijuana cultivation, and the scale and volume of individual grow sites has enlarged. In 2015, the Legislature enacted a comprehensive licensing and regulatory framework for commercial medical cannabis. The package addressed RCRC's four key policy concerns:

- Preserving local control;
- Providing explicit county taxing authority;
- Ending collective model – putting in place strict licensing requirements; and,
- Addressing environmental impacts.

In addition, the package addresses:

- The ability to have policies restricting the use of marijuana by employees;
- The power to collect fees associated with local medical marijuana licensing and regulatory activities;
- Prohibitions on the cross-ownership of licenses;
- The allowance of appellation verification statements to be permitted (“branding”); and,
- The restriction on licensees for previous criminal convictions and a strong revocation process for violations of corresponding state medical marijuana laws.

RCRC opposes any effort – in the Legislature, the regulatory process, and/or the statewide initiative process – that weakens, eliminates or compromises the implementation of these policies.

The regulatory framework places a number of responsibilities with regulating agencies, including the Bureau of Medical Cannabis Regulation and the Department of Food and Agriculture. These include the development of cultivation standards including a unique identifiers/track and trace program; detailed transportation standards; pesticide-use standards; and statewide limits on the number of large cultivation sites.

RCRC recommends the following be included in the implementation of the regulations:

- As a condition of issuing a State license, an applicant must demonstrate a local jurisdiction's approval – via a certified copy of documents – to operate within the local jurisdiction's borders;



- The establishment of uniform standards for the potency of medical marijuana products;
- Ensure the state properly and fully enforces the statutory and regulatory aspects of the scheme for those who are non-compliant, and in the case where this falls upon locals, adequate state reimbursement must be made;
- Proper labeling of THC levels and other products used for cultivation;
- Proper State enforcement of worker and worker safety standards;
- Assurance that no new state law or regulation grants any new “rights” relating to medical marijuana activities;
- Attention to the issue of tax compliance and enforcement, including assuring effective enforcement mechanisms for local tax obligations;
- Efforts at both the state and federal level to allow for and make available banking and other financial services to cannabis operators in order to minimize the use of cash; and,
- Statewide enforceable standard of what constitutes driving while impaired.

**State Oversight Board.** Any state board with oversight or advisory responsibilities relating to medical marijuana must include in its composition several rural county supervisors and/or rural county representatives in order to reflect the unique issues that occur in the cultivation of marijuana in rural areas.

**Environmental Enforcement.** Despite the best efforts of counties to utilize their operational and/or land use authority, counties lack the tools, resources, and legal authority to fully address the environmental degradation that is occurring with unregulated grows – the negative impact on water quality and water supply, the destruction of habitat, and the improper use of pesticides/fertilizers, among others, is rampant. RCRC believes that environmental damage must be addressed by a variety of State agencies including, but not limited to the, Board of Forestry, the California Department of Fish and Wildlife, Regional Water Quality Control Boards as well as other traditional state law enforcement agencies (i.e. California Highway Patrol, Department of Justice). RCRC supports a requirement that State environmental agencies coordinate with local government to ensure uniform application in enforcement efforts.

**Federal Lands.** Addressing all of the regulatory, public safety, and environmental issues on lands managed by the United States Forest Service, the National Park Service, and the Bureau of Land Management presents a set of challenges that exceed those found on State and private lands. Failure to adequately address cultivation on federal public lands will marginalize the work on State and private lands. RCRC supports efforts by federal land management agencies to properly manage and eradicate the illegal growing of marijuana on public lands and encourages federal agencies to actively work with State and local enforcement entities to achieve this objective.

## **PUBLIC SAFETY**

**Safe and Secure Local Detention Facilities.** The role of county detention facilities has drastically changed since the enactment of criminal justice

realignment (Assembly Bill 109) in 2011. County jails now house a variety of criminals previously sentenced to State prison. This shift requires local detention facilities to now be reinforced to house more high-level offenders, to include facilities for rehabilitation and alternative treatment programs, and to ensure that facilities meet all accessibility, safety, and security standards under the law. Prior to 2011, many counties had mandatory population caps on the number of inmates being housed or serving time in county detention facilities. Enactment of AB 109 exacerbated the problems associated with county facilities where the population demands exceed capacity and programming space available. Further, many local detention facilities have exhausted their lifespan and are in dire need of rehabilitation and/or major reconstruction.

The State has created several jail construction programs to provide financial assistance to counties to construct new or rehabilitate existing local facilities. RCRC supports further State efforts to provide a funding mechanism and/or funding sources that assist to these efforts. Many rural counties have challenges meeting State-match requirements; therefore, RCRC supports flexible and innovative financing options to address county financial hardships. RCRC also supports establishing funding streams that provide rural counties the ability to compete for State funds within low-population groupings.

**Certified Unified Program Agencies.** RCRC continues to support financial incentives for rural counties to operate Certified Unified Program Agencies (CUPAs). These incentives include reimbursement of local costs incurred in operating a CUPA so that businesses in rural counties do not pay disproportionately high fees compared to other areas of the state. RCRC also supports the reduction of non-essential reporting by CUPAs and a reduction in State administrative fees. In the event the State retains the administration of a local CUPA, the State should adequately reimburse counties, in a timely manner, for any costs the county incurs providing services during the absence of CUPAs.

**Emergency Medical Services.** The State Emergency Medical Services Authority (EMSA) is responsible for establishing standards for the training and scope of practice for emergency medical technicians (EMTs). These standards and regulations are applicable to local governments, agencies, and other organizations that provide this training. State law also provides for the certification of EMTs through local EMSAs, which are designated by counties. With few exceptions, RCRC counties meet these statutory requirements through participation in Local Emergency Medical Services Agencies (LEMSAs) through participation in multi-county Regional Emergency Medical Services Agencies (REMSAs). In most counties, at least one supervisor serves on a REMSA Board of Directors and has an important role in the governance of REMSA activities. To promote uniformity throughout the state, the EMSA provides an allocation of State General Fund dollars to REMSAs. RCRC supports adequate and continual State General Fund support for the REMSAs to ensure uniform levels of emergency medical care are available to residents and non-residents of rural areas. RCRC believes that rural county supervisors must directly participate in any EMSA proposal affecting the

delivery of emergency medical services regardless if the county is serviced by a single county LEMSA or a multi-county REMSA.

**Illegal Drugs – Methamphetamine.** The production and use of methamphetamines continues to be a serious problem in rural counties. Consequently, counties - especially rural counties - must deal with the costs of law enforcement, environmental cleanup, and treatment and rehabilitation related to methamphetamine use. Additionally, methamphetamine use has a direct effect on safety and quality of life in a community. RCRC supports funding from federal and State sources to help counties combat methamphetamine production and provide services for recovery.

**Butane - Honey Oil.** RCRC supports State legislation and regulations that will help counties address the proliferation of non-commercial Honey Oil manufacturing. RCRC supports the adoption of regulations under the recently-enacted Medical Marijuana Regulation and Safety Act to restrict the production of Honey Oil to only those entities that are fully licensed. Additionally, RCRC supports innovative policies to: restrict sales/or the quantity of sales of butane; provide resources for environmental cleanup associated with illegal Honey Oil production; put forth rules for both the residential and commercial storage of items used in the manufacturing process; and enacting butane canister retail take-back programs to avoid disposal into municipal landfills and recycling facilities.

**Volunteer Firefighting.** RCRC strongly supports the right of counties to utilize volunteer firefighters and volunteer fire departments as the official structural fire protection resource for any areas within their counties. RCRC recognizes the importance of volunteer firefighters and volunteer fire departments and opposes any legislation or changes to regulations that would disadvantage any county that utilizes volunteer units. RCRC supports the current system that enables volunteer fire departments to be created and operated independently, without direct control or oversight from the county. Additionally, RCRC supports the usage of volunteers as part of a mutual aid system, and encourages State and federal firefighters and land management agencies responsible for firefighting to recognize local volunteer firefighters as partners. Finally, RCRC supports existing policy that within the context of the State Responsibility Area fee, those residents covered by volunteer fire departments qualify for any discounts available to those who have local structural fire protection.

**Pretrial Programs and Services.** Recent reforms through criminal justice realignment in 2011 have placed an increased number of offenders in the local jail system. According to the most recent data available by the Public Policy Institute of California, as of September 2014, roughly 62 percent of beds were filled with inmates awaiting trial or sentencing. To address long-term jail capacity issues, RCRC supports providing counties and public safety stakeholders additional resources and flexibility for managing their pretrial detainee population.

## ECONOMIC DEVELOPMENT

Economic development in rural counties encompasses a broad range of RCRC ideals including ensuring adequate and affordable housing finance options, maintaining county control of land use planning, protecting the agriculture, forestry, manufacturing industries, and small to medium-sized businesses from damaging budgetary, legislative, or regulatory changes, improving infrastructure such as transportation corridors, telecommunications, and high-speed broadband deployment, maintaining and growing tourism, constructing and upgrading water and sewer networks, and supporting advances in alternative energy such as solar, biomass, geothermal, and municipal energy-to-waste electrical generation.

**Film Industry.** California's diverse weather, variety of landscapes, scenic beauty, skilled workforce/talent and world-class production facilities draw the interest of filmmakers from across the country and around the world. The majority of RCRC's member counties maintain film commissions or offices that provide localized support and assistance to filmmakers with permit applications and detailed location searches. RCRC supports State and local efforts to promote filmmaking in California's rural areas.

**Incentives.** RCRC supports State and federal incentives as a stimulus to job growth and economic improvement within our communities. However, RCRC believes in balancing these incentives with the importance of ensuring county revenue from sales and property taxes, and preserving a county's right to plan and site new growth and development within its jurisdiction. Additionally, RCRC supports a county's right to maintain maximum flexibility and autonomy over the allotment and expenditure of any incentive dollars and exemptions, where appropriate, to matching fund requirements for economically disadvantaged communities.

**Military Presence.** RCRC recognizes the importance of the defense industry to California's economy and particularly to the counties in and around where military bases are located. Between direct spending and the positive multiplier effect on local businesses through the spending by those military personnel and their families who live in the counties surrounding a military facility, California's military presence accounts for tens of billions in spending and hundreds of thousands of military and civilian jobs.

RCRC encourages lawmakers to recognize the impact base reductions or closures will have on the local economies of the small and rural counties that rely upon these bases as a financial driver for their communities. Additionally, RCRC encourages policy and lawmakers to provide avenues and incentives for local governments to revitalize former military facilities to enhance local economic opportunities.

**Technology.** RCRC supports ensuring that new technologies are available in rural counties to enhance economic growth. From new biomass, solar, wind and geothermal power generation facilities, to high-speed broadband deployment,

distance learning, telemedicine and the creation of centers of innovation, new technologies are critical to the economic health and growth of rural California. RCRC supports proactive policies that are created to make these and other new technologies available and accessible to rural residents.

**Tourism.** Millions of travelers from around the globe are attracted to rural California's natural beauty, colorful history, and variety of year-round recreational activities. In 2015, California's tourism generated \$122.5 billion, which directly supported 1,064,000 jobs. Additionally, travel spending in 2015 generated \$4.6 billion in local tax revenue, and \$5.3 billion in state taxes. RCRC supports and encourages the promotion of rural California as a travel destination, and supports appropriate funding for the infrastructure and service demands created by the influx of visitors such as emergency medical services systems, highway construction and maintenance, and telecommunications.

**Small Business and Entrepreneurialism.** Small communities are heavily reliant on small businesses and manufacturers for local employment, revenue generation, access to goods and services, and quality of life. Small businesses, entrepreneurs, and small manufacturers are a primary source of economic growth and job creation, and are of particular importance in rural communities with few large employers. RCRC opposes policies, regulations and strategies that negatively impact small to medium-sized businesses in rural areas, which are often the cornerstone of these communities. The imposition of excessive fees, health insurance requirements or other statutory or regulatory action that disproportionately affect small to medium-sized businesses has the potential to destroy local industry and commerce, and thus deprive rural areas of jobs, services and opportunities for prosperity.

**Workforce Innovation and Opportunity Act.** In 2014, Congress enacted the Workforce Innovation and Opportunity Act (WIOA) to reauthorize and modernize the Workforce Investment Act (WIA) of 1998. The WIOA assist states with job training, education, and employment investments. In addition to State-level oversight, local individuals (including elected officials) form local Workforce Investment Boards (WIBs) to plan and oversee the workforce investment system at the local level. The local efforts are often reflected through California's system of American Job Centers, which employers and job seekers access for career information, job counseling, job training, education, and other related employment and job training services. Monies used by local WIBs are primarily derived from federal dollars and must be expended under federal guidelines and State statutes.

Rural counties have unique employment situations and factors as compared to other parts of the state. RCRC supports State and federal efforts that preserve as much local flexibility as possible to ensure the appropriate employment and job training programs match the needs of local employers and job seekers.

RCRC advocates for workforce development policies and programs that provide job seekers the skills they need to compete in the global economy and businesses with

the skilled workforce to maintain and grow their competitive edge. RCRC supports business-led local WIBs governed and supported by local elected officials and local leaders, the use of demand-driven and data-driven strategies within regional economies and labor markets, and access to employment opportunities, career counseling, and job training programs and services through American Job Centers.

RCRC opposes proposals that negatively impact and burden rural small businesses. RCRC encourages flexibility for disadvantaged communities and rural areas in State regulatory programs and legislative approval of State regulatory agency fees.

## EDUCATION

Rural areas face unique challenges in providing access to a high quality education for all students. These challenges include low student density, long travel distances and challenging geography to access educational facilities, limited opportunities for vocational or elective courses, as well as weather and transportation issues. Additionally, there are fewer teachers in rural areas, which results in a limited scope of educational opportunities such as career training courses. RCRC advocates for increased investment in new programs that foster innovation and help prevent youth from these communities from being forced to move to urban areas to receive job training. This is critical because few who move away for skilled training or education ultimately return to rural areas.

**Access.** RCRC supports continued changes to State policy, allowing for increased access to “concurrent enrollment” (being enrolled in high school and community college classes at the same time) as one opportunity for rural students to access courses such as higher-level math or science classes and vocational education courses that may not otherwise be available through their local schools. RCRC also supports increasing the utilization of distance learning to improve educational opportunities in rural areas. Professors, licensed instructors, and credentialed teachers that communicate with pupils via interactive television, online courses and other appropriate means of technology have the ability to significantly broaden the scope of education opportunities available to California’s rural students.

**Community Colleges.** RCRC supports community colleges receiving their full-share of State funding. Community colleges play a key role in educational opportunities in rural counties, particularly in the area of vocational education and training. RCRC supports stable and consistent funding for grant programs that fund job training programs and changes to current law to allow community colleges to grant bachelor’s degrees in certain subject areas, which would significantly help students who reside in rural areas where there are no California State University or University of California campuses.

**California State Universities and University of California.** RCRC supports keeping public higher education affordable and accessible to students from rural, and often economically depressed, areas.

**School Transportation.** Home-to-School Transportation (HTST) plays a necessary role in ensuring student safety and accessibility to education. RCRC strongly supports the continued funding of HTST and will work to ensure that State reimbursement rates for services in rural areas are sufficient to meet the need. Students in rural areas travel longer distances in more difficult terrain and weather than many of their urban and suburban counterparts, and the funding should reflect these potentially increased costs. RCRC supports restructuring the current system of HTST to better allocate this funding based upon need rather than antiquated formulae that no longer reflect the requirements of many districts. Additionally, RCRC supports creating a system of funding that would stabilize the funding for HTST.

## ENERGY

California continues to face challenges to ensuring adequate electricity supply and meeting its renewable portfolio standard goals. Rural counties support the use of alternative and renewable sources of energy including solar, wind, biomass, hydroelectric, and geothermal. Rural counties also support increased incentives and a streamlined permitting system to encourage the development of new generation facilities.

Additionally, RCRC acknowledges that an increased focus on clean energy, energy efficiency programs, and the development of new forms of energy generation at the State and federal levels create an opportunity for new jobs and economic development in rural areas.

**Biomass.** RCRC supports incentives that would encourage biomass-to-energy usage including the creation of more opportunities for biomass co-generation in rural counties through State and federal legislative and regulatory changes. RCRC supports the continued operation of existing biomass facilities and supports the extension of current biomass contracts to keep those facilities open. RCRC supports the use of forest as well as agricultural biomass at conversion facilities, and supports usage of woody biomass from areas disproportionately impacted by tree mortality. RCRC supports having forest materials removed from timber and scrublands and being put to their highest and best use, and where possible, any revenues derived from this removal being used to offset the cost of biomass utilization and transport. Further, RCRC supports the broadest possible definition of biomass for use in any renewable energy standard at the State or federal levels. This definition should include material taken from any source including public lands. RCRC supports a full life cycle analysis when determining the air quality standards for biomass power generation plants. RCRC supports the use of biomass for wildfire, tree mortality, and bark beetle infested wood waste, and the expedited process needed to meet the timelines associated with it.

**Land Use Authority.** RCRC supports the ongoing recognition by State and federal agencies of a county or other local government's authority to exercise land

use authority over commercial-scale energy projects, whether renewable or traditional, and the related infrastructure including the issuance of conditional use permits and other discretionary actions. Additionally, RCRC supports clarification of existing law to eliminate confusion relating to the jurisdiction of the California Energy Commission (CEC) and the jurisdiction of local governments over non-thermal power plants.

**Mitigation Measures.** RCRC recognizes the CEC's sole authority for permitting certain renewable energy power plants. However, RCRC supports efforts to require the CEC to give "due deference" to impacts and recommended mitigation measures identified by the county in which a power plant is proposed for inclusion in the CEC's proposed conditions of certification for the project.

**Nuclear Power.** Nuclear power should be considered part of the solution for improving California's ability to generate reliable, affordable, and clean energy, so as to benefit California's consumers, the economy, and the environment.

**Rebates and Tax Exemptions.** RCRC supports and recognizes the importance of State incentives in the placement of new renewable power generation facilities. However, these incentives should not be detrimental to county or other local government revenue streams. A county's ability to tax commercial-scale renewable energy projects must be preserved.

**Renewable Portfolio Standard.** RCRC supports recognition of hydroelectric power as a component under the renewable portfolio standard. Large hydropower generation – over 30 megawatt of generation capacity - should also be recognized as a renewable energy source.

Additionally, RCRC supports a broad definition of renewable biomass that includes a variety of plant-based material removed from various sources including agricultural lands and timber lands regardless of whether the land is under private or public ownership. RCRC also supports including the utilization of municipal waste as a qualified source of renewable energy in any renewable portfolio standard.

**Transmission Corridors.** California has adopted energy policies that require substantial increases in the generation of electricity from renewable energy resources. Implementation of these policies will require extensive improvements to California's electric transmission infrastructure. While RCRC supports planning for future transmission needs, RCRC opposes the preemption of local land use authority in connection with State or federal designation of transmission corridors.



## ENVIRONMENTAL QUALITY

State regulatory agencies often develop programs based on a “one size fits all” approach that fails to recognize realities in different locations of the state. Environmental quality compliance costs can be disproportionately high in rural counties because of geography, low population density, and fewer available resources. Bearing the cost of these regulations can be especially burdensome for rural counties.

RCRC strives to reduce or prevent unnecessary regulatory requirements while promoting practical and cost effective environmental quality practices that reflect the actual threat to the environment. RCRC supports prioritizing environmental inspections, compliance reporting, and regulatory enforcement activities that are consistent with the need for environmental protection and the preservation of public health.

### AIR QUALITY

**Air District Boards.** RCRC supports the establishment of policy by local Air District Boards. RCRC opposes the placement of State appointees on local Air District Boards.

**Emission Standards.** RCRC supports extending the compliance date in rural counties for retrofitting and replacing on-road and off-road vehicles and equipment. RCRC supports exemptions and extensions for rural counties that do not have the resources to meet regulatory requirements and encourages financial assistance from the California Air Resources Board (ARB) to foster compliance. RCRC supports tailoring regulations to address the quantity of emissions actually generated in rural counties.

Currently, many rural counties only receive the minimum Carl Moyer funding, which is inadequate to fund the number of vehicles and equipment subject to ARB regulations. RCRC supports an increase in funding for the Carl Moyer Program for rural counties without the requirement for match funding.

**Land Use Authority.** RCRC opposes any new statewide air quality standards that restrict county land use authority.

**State Ambient Air Quality Standards.** State law requires the Air Resources Board (ARB) establish and periodically review State ambient air quality standards (SAAQS). These standards define the maximum level of a pollutant that can be present in outdoor air considered safe for the public's health. Many of our rural counties experience nonattainment for ozone due to downwind transport from the upwind urban areas. While RCRC supports not applying upwind and more restrictive regulations on the downwind transport-impacted counties, RCRC also encourages ARB to exercise its authority to ensure that the State Implementation Plan includes sufficient control strategies to attain the SAAQS in all parts of California including areas impacted by intrastate transport of air pollution.

## ENVIRONMENTAL IMPACT ASSESSMENT

**California Environmental Quality Act.** Counties, as “lead agencies,” conduct the California Environmental Quality Act (CEQA) review required for both public and private projects. Counties, therefore, have a unique and critical perspective on CEQA. The misuse and abuse of the CEQA process to delay or unduly stop potential projects wastes scarce public resources that would otherwise fund essential public programs and services.

RCRC supports efforts to streamline the CEQA process to strengthen the certainty of required timelines. RCRC opposes limiting or reducing the authority provided to lead agencies under CEQA. RCRC supports facilitation of early agency and public participation in the CEQA process to allow the lead agency and project proponents to more fully address environmental concerns resulting from a proposed project and to facilitate preparation of a legally adequate environmental document.

RCRC supports legislation that limits the circumstances under which a challenge for noncompliance with CEQA can be filed, eliminates awarding of attorney’s fees to the plaintiff in CEQA challenges, and specifies that a lead agency does not have a duty to consider, evaluate, or respond to comments received after the expiration of the CEQA public review period. RCRC opposes CEQA-related legislation that would make it more difficult for rural counties and rural residents to access the court system.

**Disadvantaged Communities.** There are numerous disadvantaged and severely disadvantaged communities (DACs) throughout the state, in rural, suburban, and urban areas alike. RCRC supports state and federal funding for DACs to meet their needs for a variety of projects such as water infrastructure, transportation, waste diversion and recycling, and forest and watershed health programs. RCRC supports a definition of DACs that addresses the unique needs and make-up of DACs located throughout the state, such as the Public Resources Code 75005 which describes a “disadvantaged community” as a community with a median household income less than 80% of the statewide average, and a “severely disadvantaged community” as a community with a median household income less than 60% of the statewide average.

RCRC is opposed to the sole use of the California Communities Environmental Health Screening Tool (CalEnviroScreen) to define DACs for the allocation of Cap-and-Trade auction proceeds, or any other statewide funding programs. CalEnviroScreen is flawed, and excludes many rural communities that would be included as “disadvantaged” under other methodologies (such as the one outlined in the Public Resources Code). Specifically, CalEnviroScreen eliminates around half of the state’s 58 counties that do not have a census tract in the top 25

percent of the tool. RCRC supports the development and expansion of Cap-and-Trade funding programs specifically targeted at rural communities.

**California Communities Environmental Health Screening Tool.** The California Environmental Protection Agency and the Office of Environmental Health Hazard Assessment released a tool in 2013 to screen the environmental health of California's communities. The California Communities Environmental Health Screening Tool (CalEnviroScreen) model uses existing exposure, environmental, health, sensitive population, and socio-economic data on a geographic basis to create and compare the cumulative impact scores of environmental pollution for the state's communities. The stated intent of the tool is to provide State and local decision-makers with information that will enable them to focus their time, resources, and programs on those portions of the state or jurisdiction that are most in need of assistance. RCRC opposes the use of the CalEnviroScreen tool as a substitute for a focused risk assessment for a specific area or site, or as the basis for any regulatory, permitting, or land use decisions or studies. RCRC also opposes using CalEnviroScreen results as the sole determination of "disadvantaged communities" for any funding or regulatory program.

**National Environmental Policy Act.** RCRC supports a reassessment of the National Environmental Policy Act (NEPA) effort to streamline the environmental review and permitting process, and federal policies that establish reciprocity between NEPA and State environmental laws and regulations, such as CEQA. RCRC supports an expedited NEPA analyses process for categories of projects where experience demonstrates that such projects do not result in a significant impact to the environment, such as forest health and watershed restoration projects, particularly after wildfires. RCRC also supports increasing opportunities for local involvement and changes that provide greater weight to local economic impacts and comments.

**Regulatory Reform.** RCRC supports State and federal agency review of all existing and proposed regulations, as well as quasi-regulatory actions such as permits, policies, and guidance documents. State and federal regulatory agencies should consider the costs and benefits associated with public and private sector compliance, as well as the cumulative impact of all existing and proposed regulations and quasi-regulatory actions on regulated entities. RCRC supports changes to the law that would require more in-depth analysis of the fiscal impact of new regulations to rural areas and reduce the overall financial impact threshold before such fiscal analysis is required for all new regulatory actions.

## **WASTE MANAGEMENT AND RECYCLING**

**Disposal Bans.** RCRC supports advanced statewide planning and infrastructure for convenient identification and recovery of all materials and products prior to banning from California landfill disposal or requiring separate handling or processing. RCRC maintains that manufacturers and retailers must actively contribute to establish programs to cover the costs for disposal, recycling, special

handling, and/or any public education required for their end-of-life products, before any such disposal bans are implemented.

**Extended Producer Responsibility.** RCRC supports producer responsibility for financing and arranging the collection and recycling of their products at end-of-life. Producer responsibility removes the financial burden from local governments and makes recycling a cost of doing business. Placing the responsibility with manufacturers/retailers will additionally provide incentive for products to be redesigned in a manner to eliminate or reduce their impact, and to increase their recyclability. RCRC prefers producer responsibility through product take-back by the manufacturers/retailers. RCRC will consider the reasonable use of Advanced Recycling Fees and Advanced Disposal Fees.

**Electronic and Universal Waste.** RCRC supports the proper disposal of electronic and universal waste through programs that place the cost of compliance on manufacturers and consumers rather than on county-operated landfills or waste management programs.

**Jurisdictional Compliance.** RCRC supports using program-based criteria to determine jurisdictional compliance with statutory waste diversion requirements that incorporate rural considerations. RCRC opposes numerical justifications on program implementation that do not include rural considerations.

**Incentives.** RCRC favors the use of “incentive-based” policies to promote local waste diversion activities and to encourage regulatory compliance at publicly operated solid waste facilities, rather than the threat of State-imposed financial penalties. Rural considerations should be incorporated into these policies to properly reflect the costs commensurate with the impact of the regulatory effort at rural sites, whenever appropriate.

**Incentive Funding.** Recognizing that the costs for solid waste regulatory compliance are disproportionately high in rural areas of the state, RCRC supports the continuation and expansion of grant programs and funds that provide needed financial assistance to implement and maintain local waste diversion activities and support community-based household hazardous waste management programs.

**Local Control.** RCRC opposes any loss of local land use control with respect to the siting and environmental review of new solid waste collection, disposal, and processing facilities.

**Permitting.** RCRC supports “tiered” solid waste facility permitting and operating requirements with reduced administrative and operational requirements that are commensurate with the limited environmental and public health risks associated with small-volume facility operation in low-density population areas.

**Increasing Diversion/Decreasing Disposal Mandates.** State law requires municipalities divert at least 50 percent of the solid waste generated in their

jurisdiction. The California Department of Resources Recycling and Recovery (CalRecycle), which enforces this mandate, allows some rural counties flexibility in meeting these mandates through either a 'Rural Reduction in diversion requirements' or compliance through a 'Good Faith Effort.' Recent legislation now establishes a statewide goal of 75 percent of solid waste to be reduced, recycled or composted. As the State works towards the 75 percent statewide goal, RCRC believes municipalities should be given additional tools that allow them to assist in achieving the new statewide diversion goals. Such tools should include, but are not limited to, extended producer responsibility, an easing of the permitting restrictions for organic waste processes and other solid waste activities, model program guidelines, and increased funding.

RCRC recognizes that organic materials in landfills are a major contributor to methane gas production, and alternative treatment systems need to be pursued. However, any regulatory requirement needs to consider existing infrastructure and capacity, the economic feasibility of new facilities, and provide the flexibility for phasing-in various regions and areas of the state, especially in rural counties.

**Financing State Solid Waste Disposal Programs.** State law requires that \$1.40 be collected for every ton of solid waste disposed in a California-permitted landfill, commonly referred to as the "Tipping Fee." Proceeds from the current tipping fee are deposited into the Integrated Waste Management Account (IWMA) and used by CalRecycle to enforce solid waste laws, permit facilities, provide local assistance, administer programs and rulemaking, and provide grants to municipal jurisdictions to assist in the management of many solid waste products. As solid waste disposal decreases due to a number of recent events (economic factors, new recycling mandates, consumer awareness), proceeds from the tipping fee are not sufficient to sustain CalRecycle programs into the future. CalRecycle and other agencies with enforcement authority over solid waste facilities are turning to their fee authority to augment decreasing IWMA funds. A similar dynamic is occurring at the local level where local tipping fee revenues are not generating enough funds to sustain local programs including the direct management of landfills.

RCRC believes a wide range of options should be considered to reform the financing mechanisms for the management of solid waste programs. Options include: increasing the current tipping fee as a temporary measure; applying new solid waste management fees on aspects of the waste stream that currently have no levies; reforming the programs that CalRecycle manages to limit costs; or a combination of these options. Any new financing scheme should be comprehensive and lead to a stable and equitable source of funding that also assists counties in complying with solid waste management programs. Implementation of any new financing mechanism needs to consider lead time for county processing and budgeting purposes. RCRC does not support an increase in the Tipping Fee or other funding mechanisms for projects and programs that are not part of a direct effort to manage and reduce the overall amount of solid waste.

**Alternative Daily Cover.** State and federal law require that the working face of landfills be covered at the end of each working day with dirt, tarps, or “alternative daily cover (ADC),” such as shredded automobile fluff or green waste. For many rural counties, green waste is the preferred ADC. Commencing January 1, 2020, state law will provide the use of green material as alternative daily cover does not constitute diversion. RCRC strongly supports preserving the use of green waste materials for ADC as a viable option, and does not support having the Tipping Fee apply to green waste materials that are used as ADC under the current fee structure.

## FEDERAL AFFAIRS

Many actions taken by the federal government - both in Congress and within Administrative agencies - have a direct impact on rural areas, especially those counties in California that contain large amounts of federal land. RCRC is committed to working with members of Congress and our agency partners to develop legislative and regulatory policies that complement local and state policy, funds vital county and state programs, and do not preempt local and state authority.

**Federal Funding.** Many county and State programs rely on federal funds to survive including monies for health and social services, infrastructure, environment, public safety, and education. Long extensions and delays in the budget process cause unpredictability for these vital programs, leaving local and State officials responsible for trying to fill the funding gaps. RCRC supports the timely adoption of spending authorization efforts to ensure there is no disruption in funding vital federal programs.

**Infrastructure.** RCRC supports continued federal commitments and funding for the nation’s infrastructure including housing, transportation, water, telecommunications and natural resources. In particular, RCRC strongly supports the continued commitment of the federal government to reimburse rural counties for the loss of revenue – tax and resource generated – on federally held lands located in our counties. The continued reauthorization of full funding of the Secure Rural Schools and Community Self Determination Act (SRS) and the Federal Payment in Lieu of Taxes (PILT) program is vital to rural economies.

In addition to SRS and Federal PILT, federal laws that govern and fund vital county programs and services such as the Fixing America’s Surface Transportation Act, Federal Aviation Act, the Farm Bill, Water Resources Development Act, the State Children’s Health Insurance Program, the Patient Protection and Affordable Care Act, the Workforce Investment Act, the Telecommunications Act, annual appropriations bills, and other ongoing federal programs are critical to the continuance of a vibrant rural way of life.

**Monuments.** The designation of new national monuments is a process that currently can be done directly by the President with no Congressional oversight and no requirement for local input. RCRC supports changes to the current system so that the creation of national monuments requires the approval and/or the oversight of Congress to allow for local government and public input prior to designation.

**Natural Resources.** RCRC supports the development of a long-term comprehensive federal and state strategy to manage our federal lands to actively prevent wildfire and promote multiple-use land designations. RCRC will continue to work closely with the United States Forest Service (USFS) as they seek to develop and implement the Cohesive Strategy for addressing these issues. Additionally, RCRC supports efforts to streamline and modernize the Endangered Species Act.

**Relationship with Public Lands Management Agencies.** RCRC represents counties that have regulatory and public trust responsibilities over the natural resources in their jurisdictions. In a number of our counties, the federal government manages well over half of the land mass. RCRC supports a strong relationship with the federal government to integrate county policy into federal land management decisions to better balance conservation with economic strength and quality of life.

RCRC supports local government involvement in public land use planning decisions at the earliest possible time in order to facilitate the best possible working relationship and outcome for any decision. RCRC supports strengthening coordination efforts by public land management agencies to engage counties earlier and in a more meaningful manner in planning decisions made on public lands within their respective counties. Additionally, RCRC supports a true government-to-government role for county officials in the development of land use planning decisions for public lands within their jurisdictions. Plans for public land management should be as consistent as possible with local land use plans. When it is not possible to bring disparate plans together, the land management agencies should provide an explanation as to why the final plan needs to follow a divergent path from the local land use plans.

Lastly, RCRC encourages State agencies working with federal land use agencies to work to enhance the relationship between federal land use agencies and local governments within California, and encourages the use of tools such as the Memorandum of Agreement between the California State Association of Counties, RCRC, the Bureau of Land Management, and the USFS, or cooperating agency status as appropriate to the needs of the county, to achieve better communication between all involved agencies, and to improve outcomes for rural communities.

**Telemedicine.** RCRC strongly supports additional federal advancements, policy changes, and funding mechanisms regarding the expansion of telemedicine as a means to improve access to healthcare, especially specialty care, in rural areas.

## HEALTH AND HUMAN SERVICES

### FISCAL PARTICIPATION

Rural counties have various levels of fiscal responsibility for health and human services programs. For example, counties are required to provide health services to the indigent population of the county not covered by any other healthcare provider. In most RCRC counties, indigent healthcare services are provided through the County Medical Services Program (CMSP) which is funded by the member counties' realignment revenue. The counties share fiscal responsibility with the State and/or federal government for a number of services and programs, such as California Children's Services. Often the county role is an administrative function that should be fully reimbursed by the State and/or federal government, and program costs should be cost neutral or negligible.

**County Medical Services Program.** RCRC supports the continuation of the County Medical Services Program (CMSP). Counties have a responsibility over a residual population of those currently served by county indigent care programs through CMSP even after the shift of those newly eligible for Medicaid and Medi-Cal. It is critical to preserve the integrity of the structure of the CMSP program, and to ensure adequate funding continues to be allocated to it to meet the needs of that residual population.

**Realignment.** RCRC supports local flexibility in the administration and implementation of programs funded by realignment. RCRC supports adequate funding and appropriate distribution of realignment funds to ensure that counties can continue to meet their legal obligations for providing Health and Human Services. RCRC acknowledges that some realigned programs may be better administered and funded at the State level, and supports an evaluation of such potential transfers.

RCRC also supports full and prompt reimbursement of the State and/or federal share of social services, mental health, public health and indigent medical care program costs. RCRC believes that the State should assume cost increases associated with State-imposed program changes and expansions, as well as federal maintenance of effort mandates.

**Funding Reductions.** RCRC opposes state and/or federal funding reductions that shift responsibility for services, administration or fiscal support to rural counties.

**Health and Human Services Reimbursement.** RCRC supports prompt and complete reimbursement of county costs associated with county administration of state, federal, or shared state/ federal social services and health programs.

**Food Access.** RCRC supports innovative programs and state and/or federal financial incentives that increase food access in underserved and rural



communities. Additionally, RCRC supports policies that address food deserts and create strong regional food and farm systems.

**Poverty.** RCRC acknowledges that poverty is a statewide issue and continues to be on the forefront of policy development. Poverty rates vary widely by county and region. According to a 2013 report, *the California Poverty Measure (CPM)*, by the Public Policy Institute and the Stanford Center on Poverty and Inequality, more than half of RCRC's 35 counties had a poverty rate of 17 percent or higher. RCRC supports strategies and resources aimed at reducing California's poverty rate.

**Homelessness.** RCRC recognizes homelessness as a statewide issue and supports policy that provides State and/or federal funding and resources to local governments to address the needs of the homeless population in their communities.

**Human Trafficking.** Human Trafficking is defined as the trade of humans, most commonly for forced sex work or forced labor. A \$31 billion industry, human trafficking is the world's fastest growing criminal enterprise, and has grown profoundly in recent years, particularly in California's rural counties. RCRC supports coordination among law enforcement, victim service providers and non-governmental organizations to develop innovative strategies and response tools to help combat human trafficking. Additionally, RCRC supports resources that facilitate training and education for law enforcement, teachers and students, and other governmental entities on how to properly identify and manage occurrences of human trafficking in their communities. Specialized training of this kind is especially necessary in smaller or rural counties, which often have limited staff and access to resources.

## **HEALTHCARE**

It is important that the medical and public health services available in rural counties meet the needs of the residents and make appropriate care accessible. Due to geographic isolation and limited infrastructure availability, attracting and retaining healthcare providers in rural counties can be challenging. Rural areas are unable to utilize economies of scale to decrease costs and depressed economic conditions lead to large publicly-funded populations with low provider reimbursement rates, making recruitment and retention of healthcare providers a constant challenge. Between implementation of federal healthcare reform, realignment, and provider-rate cuts, the State and federal government must work with rural counties to develop strategies to ensure better, and prevent the loss of all, access to medical services for these critically underserved California residents.

RCRC urges the State to consider the unique challenges and needs of rural and low-population counties when negotiating with the federal government regarding any Health and Human Services program changes. RCRC encourages the State to create innovative ways to ensure small county readiness and eligibility for new opportunities similar to those enjoyed by their larger and more urban counterparts. RCRC supports program changes that ensure rural, remote, and low-population

counties are not disadvantaged when attempting to meet any new requirements created by the State or federal governments.

**Access to Health Care.** RCRC acknowledges that health insurance coverage, whether public or private, does not guarantee access to care. RCRC supports incentives and programs which train, recruit, and retain health, dental and mental healthcare professionals to provide services in rural areas. To this end, RCRC encourages cooperation and communication between State agencies, offices, departments and boards, as well as the Legislature, federal agencies and county health advocacy organizations to affect this ultimate goal.

RCRC also supports policies that require private and public health plans to offer comprehensive, affordable care to rural county residents, and establish reimbursement parity between rural medical providers and those in other areas of the state. RCRC encourages cooperation between providers, insurers, appropriate State departments, the California public pension systems and other stakeholders in the rural health community to develop incentives and guidelines for health insurance coverage in rural areas.

**Health Professionals.** RCRC supports innovative programs and financial incentives to increase the number of medical professionals in rural areas. Scholarships and loan assistance programs are proven incentives that encourage health professionals to practice in rural areas and become active community members.

**Innovation.** RCRC supports and encourages the inclusion of rural counties in pilot projects and innovative approaches within new and existing health, mental health, public health, education and social services programs.

**Medi-Cal Reimbursement Rate Cuts.** The 2011 State Budget Act reduced reimbursement rates to several different types of Medi-Cal providers including Distinct Part/Skilled Nursing Facilities (DP/SNFs), pharmacies, and other fee-for-service Medi-Cal activities by 10 percent. Federal court rulings prevented the State from implementing many of these reductions until June 2013. The Medi-Cal Managed Care Organization (MCO) Tax reform package, signed by the Governor in March 2016, prohibited the State from implementing or retroactively recouping provider rate reductions for DP/SNFs.

RCRC continues to advocate that DP/SNFs are appropriately reimbursed for services and supports efforts that improve provider reimbursement rates throughout California.

**Medical Injury Compensation Reform Act.** RCRC strongly supports the current Medical Injury Compensation Reform Act (MICRA) law. RCRC recognizes that any threat to MICRA would be costly for all Californians, but particularly harmful to rural areas where access to healthcare is the most limited already. Any significant threat to existing MICRA protections will establish an increase in

medical liability insurance rates, and thereby reduce access to healthcare for patients in rural and underserved areas.

**Public Health Services.** RCRC supports adequate and appropriate State and/or federal funding for public health services including those unique to rural areas. These include, but are not limited to: environmental health, public health nursing, bioterrorism/pandemic planning, county public health laboratories, and the prevention and control of infectious disease outbreaks. RCRC supports State assistance and resources as county Public Health Departments work towards accreditation. Rural counties have difficulties managing the day-to-day requirements in the current fiscal landscape, let alone expansion of existing workloads to accomplish this worthwhile endeavor.

**Rural Hospitals.** RCRC supports proposals that allow small and rural critical access hospitals to directly hire physicians. Additionally, RCRC supports State and federal efforts to fully staff and finance rural hospital operations including capital and seismic-retrofitting needs.

**Prison and Jail Health.** RCRC opposes proposals that allow the State prison system to establish release policies for inmates in need of medical, mental health, substance abuse, or social services without commensurate local funding, consistent and appropriate discharge planning, coordination/cooperation with county Health and Human Services staff, and the assurance of local treatment capacity. RCRC supports the concept of ensuring that the application processes of inmates eligible for State Medi-Cal and/or other Health and Human Services programs funded by the State or the federal government are completed before the time of release, such that the inmate does not become a drain on county-run health and human services programs upon release. We urge the State to allocate funding for this purpose within the prison system, and to collaborate with counties to ensure that applications are appropriately completed.

RCRC recognizes the increase of high-acuity physical health, mental health and dental patients since the enactment of 2011 realignment, which shifted State prison inmates to county jails. Longer local sentencing terms will require jails to enhance their ability to address complex healthcare issues within those county facilities. RCRC supports the expansion of the use of telehealth and other distance health mechanisms to reduce costs, and protect sheriff and local correctional officers and the public by minimizing or avoiding the transportation of inmates to healthcare facilities.

**Involuntary Commitment.** RCRC supports a balanced approach when addressing the issue of involuntary commitment assessments in a hospital setting. These assessments are provided to individuals who are taken to a hospital or who are already in the hospital and need evaluation to determine whether they are a danger to themselves or others due to a mental health issue under the definition in Section 5150 of the California Welfare and Institutions Code. RCRC recognizes that the rights and needs of the patient, public safety and the needs of small rural

hospitals all need to be in balance for an effective public policy approach in this arena.

RCRC acknowledges that each potential mental health patient is entitled to an adequate assessment by a trained professional. Additionally, RCRC believes that public safety and order need to be kept by ensuring those individuals likely to be a threat to themselves or others need to be held safely away from the population at large. RCRC also recognizes that a small rural hospital may be the only medical facility for hundreds of miles in any direction. If such a medical facility is at capacity due to individuals that may or may not be truly mentally ill, or are waiting an unnecessarily long time for an assessment, then others with medical conditions may be turned away with potentially tragic consequences. Moreover, mentally ill patients should not be kept in a setting inappropriate to their condition for long periods of time while waiting evaluation.

In rural and remote areas, appropriate resources, especially of trained personnel, are scarce and public policy needs to reflect a certain level of flexibility to account for these special circumstances. Additional training of existing personnel, best practice doctrines, assessment checklists or other mechanisms are a few of the possible ways to address the need for assessing Section 5150-potential individuals in a timely fashion for the benefit of the patient, public safety and to protect access to hospitals.

**Technology.** RCRC supports State and federal funding for programs that promote quality medical education and treatment in rural areas through the use of technology. Telemedicine, teledentistry, and technology-based medical education can provide residents of rural areas with opportunities for medical care that would not otherwise be available without extensive travel and additional cost.

**2-1-1.** RCRC supports the concept of the 2-1-1 system, which connects Californians to health and human services resources including, emergency and disaster response, food and housing assistance, mental health and crisis support, job training and education programs, and other resources. RCRC supports the expansion of 2-1-1 services into all rural counties.

## **HEALTH CARE REFORM**

In March 2010, President Obama signed into law the Patient Protection and Affordable Care Act (H.R. 3590) and the Health Care and Education Affordability Reconciliation Act of 2010 (H.R. 4872) – setting in motion the largest restructuring of our nation’s healthcare system in several decades. Since that time, we have moved from a discussion of federal health reform proposals to actual implementation at the federal, state and local levels. While several provisions of the law have scattered effective dates spanning the next several years, the main thrust of the law began January 1, 2014.

RCRC recognizes that the cost of healthcare and health insurance has more than doubled in the last ten years, while the ability of individuals and businesses to

afford medical coverage is shrinking. RCRC also recognizes that the delivery of healthcare services in rural areas faces a particular set of challenges that must be addressed in any healthcare reform implementation.

**Access and Outreach.** RCRC supports efforts that increase the pool of medical professionals in rural and underserved areas. RCRC continues to encourage funding be spent on ensuring rural residents have equal access to the benefits provided under the Affordable Care Act.

**County Funds.** RCRC supports ongoing safeguards to realignment and other county funding streams. Counties continue to retain the obligation to fund healthcare services to the medically indigent; those individuals without access to healthcare other than county-provided care. These services continue to be managed in most RCRC counties by CMSP. RCRC supports adequate funding for CMSP, as many responsibilities will remain under Welfare and Institutions Code Section 17000. RCRC opposes any healthcare coverage expansion that would lead to an increase in the scope of Section 17000 obligations on counties.

**Health Plan Coverage Areas.** For any healthcare reform policy to be successful, health insurance plans must be required to include rural California in their coverage areas, and must be required to contract with local, accessible medical providers for care delivery.

**Small Business.** RCRC opposes strategies that negatively impact small businesses in rural areas. Often small businesses are the cornerstone of rural economies. The imposition of excessive fees or health insurance requirements on small businesses has the potential to destroy local industry and commerce, and thus deprive rural areas of jobs, services and economic growth.

## **INFANTS, CHILDREN AND YOUTH**

RCRC recognizes the need to dedicate time, talent, and resources for services to infants, children and youth. This is a critical investment in the future of rural counties. Therefore, children's welfare programs must have appropriate levels of funding and staff. Moreover, to avoid a cost-shift to the rural counties, these programs also must provide a sufficient funding base for both administration and direct services at the local level.

**Program Simplification.** RCRC supports the simplification of program enrollment processes, the integration of children/youth services and the closure of the gaps between the stand-alone programs.

**Local First 5 Commissions.** RCRC supports efforts that sustain the local First 5 Commissions' focus on the prenatal-to-five age groups and protect the California Children and Families Act (Proposition 10) revenue sources for this distinct purpose. RCRC opposes any proposal that would restrict the authority of local First

5 Commissions to determine and approve all local Proposition 10 funding distributions. RCRC opposes any budget borrowing or taking of funds from local First 5 Commissions.

**Foster Youth.** RCRC supports programs that assist our foster youth with housing, employment, medical care, and education assistance as they transition to emancipation. The State has taken on the caretaker role and responsibility for these youth, and has an obligation to provide services and opportunities reasonably available to other youth in California. Additionally, RCRC supports funding to counties to recruit and retain foster and relative caregiver parents.

**Child Welfare Services.** RCRC opposes funding cuts to the array of local child welfare services available to at-risk infants, children, and youth. RCRC supports local flexibility in the administration of these programs to allow for situations unique to rural counties.

**Medical Workforce.** RCRC supports workforce training, recruitment, and retention programs for pediatricians, pediatric dentists, pediatric anesthesiologists, child psychologists and other specialty care for children in rural areas.

## **INFRASTRUCTURE**

Counties are responsible for planning for future growth and property development, the management of natural resources, and the provision of public services. Consequently, counties have and must retain the primary responsibility for land use and development decisions. With increased development, counties are responsible for increased needs including public services and infrastructure. Funding for infrastructure from State and federal sources must be retained and increased. RCRC believes that State requirements for general plan adoption should be limited to major planning issues and should be used to ensure procedural uniformity.

Housing is an important element of economic development. However, the need for new housing units at the lower income levels exceeds the number of new units for which financing and subsidies are available. Therefore, additional funding is necessary to increase production of lower income housing units. Further, a greater emphasis at the State level should be placed on obtaining financing and enabling production, rather than undertaking and satisfying extensive planning requirements at the local level in housing element law.

In addition to housing, properly maintained roads are vital to the safety of the traveling public, the movement of goods, economic development, and quality of life in rural counties. The State must increase highway funding in rural areas because sufficient funding has not been available to preserve and maintain the existing secondary and local road network. California's infrastructure is deteriorating, in some places to the point where public safety, mobility, and viability are threatened.

RCRC supports utilizing innovative and mutually beneficial financing options that provide adequate return on investment for the public and private investors, and that lead to economic growth and job creation in California's rural counties.

## **HOUSING FINANCE**

**Home Ownership.** RCRC supports State and federal laws that broaden the opportunities for local housing finance authorities, non-profit housing entities and instrumentalities of government to increase homeownership. In addition, RCRC supports increased financing, subsidy options, and tax incentives to support development of new housing units at the lower income levels.

**Partnership Opportunities.** RCRC supports real estate lending laws that broaden partnership opportunities between the Golden State Finance Authority and mortgage lending entities in order to increase homeownership in California.

**Rural Emphasis.** RCRC supports State and federal housing finance programs that recognize the unique aspects of the rural housing market and earmark funds for distribution to rural areas.

## **LAND USE PLANNING**

Land use authority is the jurisdiction of local government. While California as a whole is approximately 50 percent publicly owned land and 50 percent privately owned land, many rural counties have a substantially higher percentage of publicly owned land, with one county having less than 2 percent privately owned land within its boundaries. It is imperative that local government retain land use authority in order to provide the appropriate mix of development within each community. RCRC is opposed to any policy that would infringe on this authority.

**Eminent Domain.** RCRC supports the authority of local governments to plan for and oversee development in their jurisdictions. RCRC supports the authority of counties to utilize the tools available to manage growth, including eminent domain. The decision to condemn property is a public policy decision for elected officials, not a legal issue. Exercising eminent domain by taking private property and transferring it for purposes of private gain or use is not supported by RCRC.

**Regional Housing Needs Allocations.** The Regional Housing Needs Allocation process should take into consideration the lack of residential infrastructure and other special considerations of rural communities. RCRC supports the transfer of assigned housing needs allocations between a county and a consenting city or cities, requiring notice to the allocating entity upon agreement between the jurisdictions.

**Regional Planning.** RCRC supports coordinated regional planning between local agencies to address regional impacts of growth including transportation and other infrastructure, air quality, housing, resource production and protection, and public services. RCRC opposes land use authority being transferred to regional agencies without the consent of the local jurisdictions.

**Land Use Planning.** RCRC believes any changes to State land use planning policies and process should be done within the existing planning framework and not by creating an additional layer of law or regulation, which threatens local land use authority. RCRC opposes any State attempt to preempt local planning policies, processes and decisions, and the imposition of new programs and responsibilities without funding.

**Housing Elements.** RCRC supports the continued recognition that local jurisdictions are not responsible for housing production, but each must plan for its share of housing needs through appropriate land use designations, zoning and programs. Therefore, if a jurisdiction has a certified housing element, it should not be economically penalized for not meeting housing production goals.

**Housing Element Self-Certification.** RCRC supports simplifying the housing element process by allowing counties to self-certify housing elements.

**Incentives.** RCRC will be proactive in ensuring that incentive funds are available to rural counties and local jurisdictions. RCRC supports the priority for planning funds to go to local jurisdictions, which can assign the funding and planning functions to other regional agencies. RCRC recognizes that infrastructure funds for local improvements are a key component to sustainable growth and will be proactive to ensure rural county access to these monies.

RCRC supports reevaluating the existing requirement that small counties adopt a housing element before receiving federal Community Development Block Grant and Home Investment Partnerships Program grants. This requirement currently does not apply to larger entitlement counties, and small counties should be able to compete for these funds on an equitable playing field.

**Land Acquisitions.** RCRC supports working with agricultural interests, environmentalists, and federal and State officials to develop long-term solutions to mitigate the impacts of large land acquisitions in rural counties.

**Prevailing Wage for Public Works.** RCRC supports changes to the methodology for determining prevailing wage requirements to allow consideration for the differences between urban and rural areas. Prevailing wages appropriate for large urban areas can result in a significant increase in labor costs for public works projects in rural areas.

**Sustainable Growth.** The development of sustainable growth principles should incorporate the realities of rural communities and preserve local autonomy over land use. RCRC supports sustainable growth principles on a scale appropriate to the local communities.

**State Agency Coordination.** State agencies should notify counties of actions that may potentially affect their land use prior to initiation of any proposed action and provide an opportunity for local engagement. Further, State agencies should



coordinate their actions with affected counties and with existing local, state, and federal land use plans.

**Surface Mining and Reclamation.** RCRC opposes efforts to mandate a limitation on or reduction of the authority of counties under the State Mining and Reclamation Act for permitting, inspection activities or the approval of a reclamation plan. RCRC supports a state training program for local government inspectors and recognition that an inspector with one department is not a conflict to inspect a mining operation of another department.

**Wildlife Corridors.** Consideration of identified wildlife corridors should be provided in the development approval process to reduce the impacts of wildlife displacement. The identification of wildlife corridors should not result in regulatory impacts on private landowners.

## **TRANSPORTATION**

**Aviation Funding.** RCRC supports the continuation of State subsidies for general aviation airports in rural counties. These funds help defray operational and capital costs at these small rural facilities. RCRC supports reauthorization and implementation of federal aviation policy at the state level to ensure that California continues to receive and dedicate investments to support commercial and general aviation airports. Additionally, RCRC supports increased funding for state and federal aviation programs that support the viability of airports and commercial air service in rural communities, particularly the Federal Airport Improvement Program, Small Community Air Service Development Program, and the Essential Air Service Program. Absent these subsidies, many areas of California would not be connected to the national air travel system.

**Development Planning.** RCRC opposes the use of State transportation funds as an incentive or reward for adoption of prescribed land use principles and development plans by local governments. RCRC also opposes the diversion of dedicated transportation funds for housing and development purposes.

**Federal Surface Transportation Act.** RCRC supports the timely reauthorization of the federal transportation authorizing legislation, Fixing America's Surface Transportation Act (FAST Act), which authorizes \$305 billion over fiscal years 2016 through 2020 to support various surface transportation programs with a focus on state highways and safety programs. RCRC strongly supports a surface transportation policy focused on preservation and maintenance of the existing highway system including the secondary or rural highway network, and connectivity between local, regional, and statewide transportation systems. In California, the secondary highway network serves as a connector to urban centers, a farm to market route, and a path to natural tourism and recreational areas. RCRC supports increased funding levels for the reauthorization of the FAST Act to better meet the growing infrastructure needs of the nation, as well as dedicated revenues for locally-owned bridges and high-risk rural roads. RCRC supports funding for

public transportation and transit. RCRC advocates for sustainable revenues source to ensure the Highway Trust Fund is adequately funded and remains solvent.

RCRC supports an equitable distribution of federal transportation funds to California to better align with the amount of taxes California's citizens contribute to the national program. RCRC encourages federal and state transportation policymakers to recognize, prioritize, and fund the infrastructure and safety needs of rural areas. RCRC supports increased flexibility for Regional Transportation Planning Agencies and supports streamlining efforts to deliver projects more efficiently and effectively.

RCRC supports the establishment of a National Freight Program to target funding toward projects that help direct the movement of products throughout California and the nation. However, any such program must recognize the rural areas of the state and require funding be spent on the farm to market connectors and the roads that serve as alternatives to the Interstate system for large volume freight traffic.

**Transportation Funding.** RCRC recognizes the current primary source of funding for transportation – an excise tax on motor vehicle fuels - at both the State and federal level is unsustainable. Consumption of motor vehicle fuels, at best, has remained stagnant while transportation construction costs have increased. Further, existing federal and State excise tax rates have not been increased in decades. As such, transportation policy makers should begin to examine other funding structures to either replace or supplement the existing excise tax on motor vehicle fuels. The study of alternative funding structures should include levies on the number of vehicle miles traveled, commonly referred to as a Mileage-Based User Fee, progressive levies at the time of vehicle registration on specific vehicles which do not use or are not primarily dependent on motor vehicle fuels, and revising the cost and timing of delivering transportation projects. Each option should be fully examined with sound data as it relates to the concerns and behavior of rural motorists.

Regardless of the source of transportation revenues, RCRC supports the retention of a dedicated funding source at the local, State, and federal level for transportation programs. Annual revenues must be predictable to enable rational long-term planning and decision making at the local, regional and State level. To that end, and in the effort to implement both the federal reauthorization of transportation programs and new revenue schemes, RCRC supports distribution formulas that recognize a statewide transportation network which includes rural highways, roads and bridges, and the disproportionate cost associated with rural roadway maintenance.

RCRC supports local, State and federal policies that maximize the benefits of transportation investments, and policies and procedures that reduce or eliminate barriers to project delivery. These efforts include opportunities to review the National Environmental Policy Act and the California Environmental Quality Act to streamline and improve the application and approval process for transportation-

related infrastructure projects, and reduce or eliminate duplicative State and federal requirements. Additionally, RCRC supports efforts to address prevailing wage requirements and contracting rules that have an increased cost on rural agencies.

**State Highway Relinquishment.** The California Streets & Highways Code allows the State – via an act of the Legislature and final approval of the California Transportation Commission – to relinquish segments of state highways to local entities (cities and counties) provided those local agencies can absorb the ongoing costs of the segment. The California Department of Transportation’s policy is that relinquishments of a segment should not occur when those segments contribute to an inter-regional connection. RCRC supports relinquishment only when the segment does not negatively impact a vital or primary inter-regional connection or when relinquishment would not disrupt the ability to transport people and goods efficiently from one region to another (i.e. from rural areas into urban areas).

## LOCAL GOVERNMENT FINANCING

With voter approval of Proposition 1A in 2003, local government property tax revenue is no longer to be taken by the State. Proposition 1A was a major step in protecting local government revenues. However, counties need additional funding if they are to fulfill their State-mandated and traditional roles.

Financial actions taken by the Legislature and the Governor have direct impacts on California’s rural counties. Many rural counties rely on special State assistance including but not limited to, law enforcement, emergency medical services, environmental health, and small airfields. RCRC is committed to working with all members of the Legislature and the Governor to ensure that the budget process maintains these vital services when these services are difficult to maintain solely on local revenues.

**Agricultural Commissioners.** RCRC supports a level of funding sufficient to implement the mandated pesticide use enforcement programs conducted by County Agricultural Commissioners. RCRC opposes the continuation of the program without sufficient funding.

**Bond Funds.** RCRC supports the efficient and effective use of State bond funds and the maximization of federal funds. RCRC supports geographically equitable distribution of bond funds, accountability for bond fund expenditures, and the incorporation of input from local officials when spending priorities are determined. RCRC supports funding formulas that establish a reasonable minimum amount rather than an amount based on population.

**Cooperative Wildlife Services.** RCRC supports restoration of State matching funds for county participation in federal Cooperative Wildlife Services programs,

which bring greater scientific knowledge and efficiency to local wildlife management programs.

**Disaster Funding.** The State General Fund has been the traditional source to fund the California Department of Forestry and Fire Protection (CAL FIRE), the Governor's Office of Emergency Services, and other disaster-related agencies. In recent years, there have been proposals to provide additional revenues and/or lower the obligations of the State General Fund including, most recently the State Responsibility Area (SRA) fee to fund CAL FIRE's fire prevention and education programs.

RCRC supports a new revenue stream that is broad-based geographically, reflecting the fact that the activities of statewide disaster agencies benefit all Californians: CAL FIRE and other state emergency response agencies respond to all types of disasters including fire, floods, earthquakes, hazard materials spills, and terrorism, as well as vehicular and medical responses in Local Responsibility Areas, SRAs, and federal lands. However, any new disaster management fee/tax must be in lieu of the existing SRA fee, not in addition to, and must include the unequivocal repeal of the SRA fee when this new revenue stream is created.

Counties should not be in the role of administering and/or collecting new revenues; however, in the event counties are required to perform an administrative/collection function, counties must receive full cost-recovery. With the addition of any new revenue sources, portions should be permanently dedicated for disaster prevention activities at the local level.

RCRC supports full funding of disaster relief for all eligible counties. Policymakers often consider limiting access to disaster funding to incentivize certain actions by local governments. RCRC opposes any changes to, or limitations upon, the eligibility for receipt of disaster costs. RCRC especially opposes tying county land use processes and decision-making to disaster relief funding.

Disasters in rural areas of California are often caused or exacerbated by the presence of State or federally managed lands and resources, thereby creating a risk that counties have little, if any, authority to manage. It is unreasonable to tie disaster funding to the actions of a county in that situation. Additionally, RCRC supports a return to State assistance for the local portion of the costs of state or federally declared disasters. State policy has shifted away from reimbursing these costs, which are critically important to the overall recovery in small, rural areas with limited revenue.

Any changes to the current system of enhanced reimbursement for disaster funding that require changes to a county general plan should be tied to the timing of each county's regular update of its general plan, rather than to a specific date. If eligibility for enhanced reimbursement is to be an incentive for good planning and prevention, a program of self-certification must determine proof of such, rather than through costly on-site visits. As to fire disaster specifically, RCRC opposes any

requirement for enhanced reimbursement for fire disaster that mandates a central countywide fire authority or classifies volunteer or tribal firefighters differently than professional firefighters.

RCRC supports the continuation of federal disaster assistance to states and counties, and encourages federal lawmakers to consider the impacts of any changes to the existing funding mechanism on small, rural counties with low population, minimal staff, fiscal resource limitations and aging or non-existent infrastructure.

There are several limiting factors in states and ultimately counties receiving disaster relief assistance from federal resources. First, a disaster declaration is only made if the amount of damage reaches a certain level of financial impact, based upon certain findings of how much of the population of a county was affected, and the amount of financial impact to a single county. Due to the small number of California counties, and the way that population and financial resources are spread throughout the state, the current system of disaster declarations is disadvantageous to California counties, requiring far more widespread and extensive damage than the amount of damage that is necessary to reach the threshold for declaration in counties in other states. RCRC supports changes to the current system of disaster declaration qualification, such that California counties are more likely to be eligible for formal declaration of disaster.

RCRC supports State tax relief for those individuals and businesses who have losses due to disaster. Special carry-forward provisions of losses are an effective way to help ease the transition between disaster and recovery. However, RCRC does not support any waiver or shifting of local tax revenues due to disasters. Often local governments are coping with their own increased costs due to disaster recovery, so it makes little sense to reduce revenue sources at such a time.

**Homicide Trial/Costly State-Initiated Court Case Funding.** RCRC supports continued State funding of the extraordinary costs of major homicide trials in rural counties. Also, State funding should be provided for costly court cases that have been initiated by the State of California in rural counties. Without State funding, California's rural counties may face the risk of bankruptcy due to the high costs incurred by these types of trials.

**2011 Realignment.** In 2011, the Legislature and the Brown Administration enacted a comprehensive realignment of criminal justice programs and services to counties, and realigned the funding of a variety of Health and Human Services programs. Funding for the realignment scheme is currently set in statute through a dedication of 1.065 percent of the State portion of the sales tax rate and a limited amount of vehicle license fee revenues. The realigning of the Health and Human Services programs started in the beginning of the 2011-12 fiscal year, while the criminal justice realignment – via Assembly Bill 109 – took effect on October 1, 2011. While RCRC did not endorse the 2011 realignment, RCRC supports the full constitutional protections which were enacted to dedicate funding for the costs of

meeting these demands. Such protections dedicated protections outlined in Proposition 30 of 2012 are:

- Continuous appropriation of funds to counties;
- Counties must receive funds for new or increased costs of realigned programs;
- Reimbursement for the State assumption of the new or increased costs of realigned programs imposed by the federal government or the courts; and,
- If the revenues that currently fund realignment are reduced/cease to be operative, the State is required to provide replacement revenues that are equal to or greater than otherwise would have been provided.

RCRC also supports the continuation of dedicated State revenue streams for local law enforcement programs which are now incorporated into the 2011 Realignment scheme, such as the Rural and Small County Law Enforcement Program.

**Municipal Bankruptcy.** In 1949, California finalized the procedures for allowing municipalities to access federal bankruptcy laws (Chapter 9). California is one of eight states that have enacted authorizing statutes with unrestricted access to the Chapter 9 process. Only one county in California (the County of Orange in 1994) has filed under Chapter 9 since the creation of this option. RCRC believes that there is no need to deviate from the current, long-established policy of unrestricted access to the Chapter 9 process. RCRC opposes efforts that interfere, inhibit or delay a county's ability to seek bankruptcy protection in order to best manage their fiscal affairs. RCRC believes that any State interference jeopardizes a county's ability to avoid bankruptcy and/or impedes the ability of a county to continue providing the services required under State and federal law.

**Property Tax Allocations.** Some counties are experiencing "insufficient Educational Revenue Augmentation Fund (ERAF)" which results in less property taxes flowing into the county treasury. This is a result of complex State funding formulas which determine the allocation of local property taxes to jurisdictions within a county. RCRC supports efforts – through a State budget augmentation and/or a new statute – which guarantee that counties (and cities located within those counties) are made whole when there is insufficient allocation of property taxes due to State-determined formulas. In addition, RCRC supports legislative efforts to allocate property taxes known as "excess ERAF" to cities, counties, and special districts within the county where "excess" property taxes are generated.

**State Crime Laboratories.** Most rural counties rely on forensic crime laboratories operated by the California Department of Justice to assist in investigations and prosecutions. In order to provide uniform quality and consistent forensic services, the Legislature established these laboratories for use by municipalities. RCRC opposes efforts to impose and implement a fee schedule for counties when using these laboratories.

**Off-Highway Vehicles.** RCRC supports the collaborative efforts of the Off-Highway Vehicles (OHV) stakeholders' roundtable to resolve contentious issues. RCRC opposes the requirement for a local match in the OHV grant program.

**Payment in Lieu of Taxes.** RCRC strongly supports the reauthorization and continuance of full funding of the Federal Payment in Lieu of Taxes (PILT) program to help counties offset the loss of property taxes from public land ownership. RCRC strongly supports full funding and payment to counties each budget year for the State PILT program administered by the California Department of Fish and Wildlife (DFW). RCRC also supports payment in full of the arrearages due to counties by the DFW for the State PILT program.

**Federal Payments to Schools and County Roads.** In 2000, Congress enacted the Secure Rural Schools and Community Self-Determination Act (SRS). SRS was created to provide a guaranteed payment option to counties and schools located in forested areas in light of dramatic reductions in monies derived from timber harvesting on national forest lands. Proceeds provide rural counties and school districts with funding for a number of services including road maintenance and day-to-day school operations. SRS has been reauthorized several times, and various SRS reauthorizations have included a "ramp down" of payments to local jurisdictions.

RCRC supports the timely reauthorization of SRS. RCRC recognizes that the 2000 law was not a permanent federal funding source for counties and school districts, but rather a temporary funding scheme to assist in an economic transition due to declining federal timber harvesting receipts. However, stakeholders, in coordination with the Administration and Congress, have yet to agree on an alternative, permanent funding source – consistent with historic payment levels – to support counties and schools with national forest lands. Therefore, RCRC supports reauthorization of SRS, and aims to preserve funding levels which are adequate and reflect the federal government's commitment to rural communities. RCRC continues to support the development of creative permanent funding solutions into the future.

**Proposition 36.** RCRC supports adequate State funding for Proposition 36, the Substance Abuse and Crime Prevention Act which was approved by the voters in 2000. Programs established under Proposition 36, at the county level should be funded, in part, with state resources, and flexibility must be provided in using these funds to provide drug treatment services for non-violent drug offenders.

**Proposition 47.** Proposition 47, approved by the voters in 2014, reduces criminal penalties for a variety of specified offenses, and dedicates the 'savings' from housing these offenders into programs that support K-12 schools, victim services, mental health and drug treatment. RCRC staff will work to ensure that counties' costs are mitigated, and State monies that are realized from the "savings" associated with incarceration are directed to county programs associated with for mental illness and substance use disorders associated with this offender population.

**Resource-Based Fees.** RCRC opposes the use of resource-based fees to balance the State budget. With such a large percentage of the state's natural resources located in our member counties, the citizens of rural counties can be unduly impacted by fees based upon those resources. As these resources benefit the state and the public at-large, it is appropriate that the General Fund provide some level of support for resource related programs. The current practice of eliminating or reducing General Fund support for these programs, and the resulting increased reliance on user fees, places an unfair and inequitable burden on rural communities.

**Transient Occupancy Taxes.** For many rural counties, Transient Occupancy Taxes (TOT) are an important local government revenue stream for many tourism-dependent rural counties. TOTs provide a critical source of flexible local funds that are often utilized to offset the costs of providing services to tourists. RCRC strongly supports efforts – via changes in statutes or agreements at the local level – to collect the appropriate amount of TOT from technology platforms such as “Airbnb.” RCRC also opposes any efforts to exempt any taxable lodging sites or travel booking services/agents from the collection and payment of local TOTs. Furthermore, RCRC opposes efforts which would shift the responsibility for imposition and collection of TOTs from local jurisdictions to the State.

**User-Based Fees and Assessments.** RCRC opposes the expenditure of user-based fees and assessments to finance general or special benefit programs that are not directly related to the service for which the fee or assessment was initially established.

**Unfunded Mandates.** RCRC supports reforming the mandate reimbursement process to make it more reliable and timely for counties. RCRC supports the full and immediate repayment of all pre-2004 mandate claims.

**Williamson Act.** The Open Space Subvention Act of 1971 was established to provide local governments an annual State subvention to fund the partial replacement of foregone property tax revenues resulting from county participation in the California Land Conservation Act of 1965 (commonly referred to as the Williamson Act). The State stopped funding the subvention program in 2009.

Williamson Act subventions were a significant contributor to the General Fund of many rural counties. This revenue represented as much as 15 percent of some rural county budgets and provided counties with one of their few sources of discretionary dollars for essential public services many of which are delivered on behalf of the State.

State funding of the Williamson Act was one of California's most effective on-the-ground programs for encouraging the preservation of existing farmland, open space, and habitat as well as protecting watersheds and reducing greenhouse gases. The



Williamson Act also aided in the preservation of contiguous areas of agricultural land in California.

RCRC supports the reinstatement of State subvention funding to counties to provide compensation for reduced property taxes on lands that have Williamson Act contracts. However, given the ongoing reluctance of the Legislature and the Administration to fund Williamson Act subventions since 2009, discussions relating to changes to the Williamson Act in light of the lack of subventions are appropriate.

RCRC will continue to work with agricultural, environmental and local governmental organizations to explore sustainable funding from the State for the program. Additionally, RCRC may consider potential changes to the program itself including modification of the State's oversight and administrative role in the program in light of no foreseeable funding from the State for the program.

Further given the changes in California since the inception of the Williamson Act, RCRC supports the ability of individual counties to make the determination of appropriate compatible use on agricultural land within the Williamson Act program.

## **MILITARY BASE CLOSURES**

The defense industry remains a critical economic industry in California behind tourism and agriculture. California is home to nearly 30 major military installations. In 2014, the Department of Defense spending in California was approximately \$52.5 billion, representing 12.5 percent of the total U.S. Defense spending budget and a workforce of 272,864 including active, reserve, and civilian personnel.

During the four previous rounds of base closures, California lost 24 bases, representing 25 percent of the bases closed nationwide. Additionally, California lost nearly 100,000 jobs while the other 49 states combined lost approximately 80,000 jobs. These base closures resulted in an estimated loss of \$9.6 billion in annual revenues for California.

Five RCRC member counties house military facilities: Imperial County – El Centro Naval Air Facility; Inyo County – China Lake Naval Air Weapons Station; Lassen County – Sierra Army Depot; Mono County – Marine Corps Mountain Warfare Training Center; and, Yuba County – Beale Air Force Base. Although the majority of military facilities are not located in RCRC member counties, the effects of their closure would potentially impact nearby RCRC counties. Some of the possible impacts of base closures on surrounding local communities include the loss of property taxes and sales taxes.

**Base Reuse.** RCRC supports incentives for economic reuses that are developed in coordination with the impacted local government(s) should any facilities close.

**Disproportionate Economic Impact.** RCRC believes consideration should be given to the disproportionate contribution local communities in California have already made to the streamlining of the military's base infrastructure. California shouldered a disproportionate burden of closures during previous Base Realignment and Closure (BRAC) rounds, suffering a 60 percent cut in net personnel despite housing only 15 percent of the nation's military personnel.

RCRC believes strong consideration should be given to the economic impact of closures on existing communities in the vicinity of military installations and supports legislative efforts to provide state and federal economic assistance to areas that suffer because of such base closures or realignments.

**Geographic Capacity.** RCRC supports consideration of the importance of geographic capacity to accept future missions and their operating, research, design, testing, and evaluation requirements. Rural areas of the state provide access to large areas of operational airspace and land that will be a key to future military operational and training requirements.

**Inactive Status.** RCRC opposes the retention of facilities in an inactive status; this has a significant negative impact on the local community due to its inability to realize job creation through economic reuse of the site. Additionally, it delays the necessary cleanup of potential contamination prior to transition to any future use. Temporary deactivation does not generate any State or local revenues and is a blight on the surrounding communities.

**Placement.** RCRC supports the placement of out-of-state realignments at existing California military facilities.

**Retention.** RCRC supports retention of military bases in California to be operated in the most cost-effective and beneficial manner to the State and the people of the United States.

**Toxic Cleanup.** RCRC supports the swift cleanup of any toxic materials from bases that have already been closed in previous BRAC rounds to enable their economic reuse prior to any further base closures in California. Delayed base cleanup can delay property transfers and reuse, hurt the economic revitalization of nearby communities, harm the environment or public health, and increase environmental risks.

## NATIVE AMERICAN AFFAIRS

Relationships between tribes and counties are as varied as the makeup of those entities. It is important that the State and federal laws and regulations that govern those relationships be fair and equitable; both between tribes and local governments, and consistent from jurisdiction to jurisdiction. Compacts that enrich

the State but do not mitigate the local impacts of tribal gaming are untenable. Federal acknowledgement processes that do not allow for a local government voice and do not adequately mitigate resolutions to known conflicts are unacceptable. Regulations that insist a small business owned by a non-tribal entity meet a certain environmental standard, or acquire a certain type of permit to operate, should be applied to tribally-operated businesses as well. RCRC's policies in the realm of Native American Affairs reflect this important balance: the need to respect the sovereignty of tribal governments with the importance of protecting local government and the constituencies it represents, both tribal and non-tribal.

**Agreements.** RCRC supports the requirement for judicially enforceable agreements between tribes and local jurisdictions.

**Construction and Expansion.** RCRC supports requiring tribal governments that seek to construct or expand a casino or other business that would impact off-reservation land to involve the county government in the planning process and, ideally, to obtain the approval of the local jurisdiction.

**Federal Acknowledgement.** RCRC urges the Bureau of Indian Affairs to include language regarding involvement of local government input, specifically, and in addition to, extensive public input from stakeholders when working towards the restructuring of the way the federal government formally acknowledges an Indian tribe. Additionally, RCRC believes that any new federal acknowledgement process should be closely connected to any new Fee-to-Trust process such that the two both share a high level of local government involvement. Ensuring that the acknowledgement system and the Fee-to-Trust system work in tandem and that both allow for the maximum amount of local government input is the best way to ensure smooth relations between tribes and local governments.

**Fee-to-Trust.** Many tribes are attempting to acquire land outside of their current trust lands and are seeking that additional land be placed into federal trust in order to secure the ability to develop businesses for economic growth and to avoid federal, State and local taxation of those businesses. Case law (*Carcieri v. Salazar*, 555 U.S. 379 (2009)) invalidated many Fee-to-Trust transactions because the tribes seeking trust land were not recognized before 1934. RCRC continues to oppose any legislation that would re-validate the pre-Carcieri Fee-to-Trust system without reforming the current process to better accommodate the concerns of local governments in the regions affected by Fee-to-Trust applications. RCRC is actively engaged on improving the legislation seeking to establish a post-Carcieri Fee-to-Trust system. RCRC opposes the shift of land from Fee-to-Trust without community input. Moreover, RCRC opposes a change-in-use from the use listed on an approved Fee-to-Trust application to a different use without additional review. RCRC supports maintaining the existing right of the county, state and any interested or harmed party to gain standing to comment or sue over a trust application.

**Local Business Equality.** Recognizing the current revenue generation and potential expansion of tribal lands and businesses, RCRC encourages equal enforcement of all appropriate tax laws and requirements on tribal businesses in order to ensure a level playing field for local businesses and to ensure fairness in revenue generation within counties.

**Mandatory Mitigation.** RCRC supports a requirement that future Indian Gaming compacts and Fee-to-Trust applications provide for full mitigation of local impacts including infrastructure load and local law enforcement issues from gaming and other infrastructure impacts from tribal activities. Mitigation should be provided through either the Indian Gaming Special Distribution Fund (SDF) or through judicially enforceable agreement between local jurisdictions and tribes. RCRC supports full funding of the SDF or alternative funding source for full funding of local mitigation to provide badly-needed revenues to the counties and local governments affected by tribal activities on non-taxable land.

**Tribal Firefighting.** RCRC strongly supports the right of counties to utilize contracts or other agreements with tribal firefighters and tribal fire departments as the official structural fire protection for any areas within a county. RCRC recognizes the importance of tribal firefighters and tribal fire departments and opposes any legislation or changes to regulations that would disadvantage any county that utilizes agreements with tribal firefighting entities, rather than other types of firefighting units. Additionally, RCRC supports the usage of tribal fire departments as part of a mutual aid system, where appropriate, and encourages all other entities responsible for firefighting to recognize tribal firefighters as partners.

**Environmental Regulations.** Recognizing the potential expansion of tribal gaming and other types of large facilities on new tribal lands, and anticipating the renewal of current State-tribal compacts, RCRC encourages the inclusion of greenhouse gas mitigation strategies, as well as compliance with all other environmental regulations in all new and renegotiated tribal gaming compacts.

**Medical Marijuana Grows on Tribal Lands.** The United States Department of Justice has outlined the circumstances in which marijuana cultivation will be treated as a low priority offense (commonly referred to as the Ogden Memo and the Cole Memo). One of those circumstances is cultivation activity that is governed by a robust regulatory scheme. As such, RCRC believes that tribal grows should only occur in accordance with the State's medical marijuana licensing system, which requires compliance with local government rules and regulations.

## NATURAL RESOURCES

RCRC member counties cover more than half of California's total land mass. RCRC represents local governments that have regulatory and public trust responsibilities over the lands, surface waters, groundwater resources, fish and wildlife, mining, and overall environmental quality within their respective jurisdictions.

RCRC member counties stretch from the northern border with Oregon to the southeast border with Mexico, from the Central Valley to the Sierra, and from the coast to California's wine country. Although these rural areas are abundant in natural resources and agriculture, most of the state's population lives in the urban coastal areas and below the Tehachapi Mountains.

RCRC supports conservation of natural resources. Abundant natural resources are a key component of the history, economic base, and culture of California's rural counties. A strong working relationship between counties and public land managers is crucial for rural counties that rely heavily on a resource-based economy. RCRC will continue its ongoing efforts to create a better working relationship between member counties and the federal agencies that manage lands within member counties.

### **ENDANGERED SPECIES**

**Endangered Species Protection.** RCRC supports efforts to streamline and modernize the State and federal Endangered Species Acts (ESAs), and the State's Fully Protected Species Act, as well as efforts to clarify and simplify the process to de-list species from a protected status. RCRC supports a more comprehensive and integrated approach, as opposed to a single-species approach, in order to help balance species protection with the economic and social consequences that may result from such protection, including compliance costs. RCRC supports increased public collaboration throughout the development of "reasonable and prudent" measures during the ESA consultation, the National Environmental Policy Act and the California Environmental Quality Act processes.

RCRC opposes efforts to broaden critical habitat designations through amendments to the ESA. RCRC also opposes a baseline approach to the economic analysis for critical habitat, and instead supports an approach that considers all fiscal impacts related to the listing and subsequent critical habitat designations for a species.

Federal and State regulatory agencies should adhere to the highest professional scientific standards to justify their biological conclusions and recommendations. The resulting scientific conclusions and recommendations should be subject to independent scientific peer review.

At the State level, RCRC does not support changes to the existing responsibilities of the Department of Fish and Wildlife (DFW) and the Fish and Game Commission.

### **FOREST MANAGEMENT**

**Fire Prevention.** RCRC supports community-focused fire prevention policies that balance environmental protection with the preservation of life and property. RCRC supports finding solutions that will better protect our communities and the environment from the catastrophic effects of wildfire including detriments to air and water quality, loss of habitat, forced evacuations, and other devastating environmental and societal losses.

RCRC supports realistic policy and regulatory reforms that could lead to better mitigation of wildfires on federal, State, and private lands. RCRC encourages an increase in State and federal financial resources being put toward prevention either in grants to aid local agencies in the management of forestlands including preparation of fire management plans for Wildland Urban Interface areas and implementation of fuel reduction programs; or in direct dollars spent towards “on-the-ground” projects.

RCRC supports expansions including diameter limit increases, to existing exemptions from timber harvest plans for wildfire prevention vegetation management. Additionally, RCRC supports other tactics to improve forest management and reduce wildfire risk within California’s forests including: incentives for increased forest biomass utilization; continuation of and expansions to the federal stewardship contracting program; utilization of Cap-and-Trade funds for fuels management work; and other traditional and non-traditional avenues to increasing the amount of vegetation management that can be completed in and around our rural communities. RCRC supports the use of grazing in appropriate circumstances as another tool to reduce the risk of wildfire. These fuels reduction efforts are necessary in order to prevent fires, improve the health of the forest and the watersheds and maintain these resources for wildlife habitat, tourism and recreation.

RCRC will continue to work with our non-traditional partners to collaborate on solutions to the ever-increasing threat of wildfires to our forests, and to California as a whole.

**Fire Protection and Prevention Decision-Making.** RCRC supports active outreach on the part of State and federal land managers to engage counties and local government officials in decisions regarding fire prevention and protection activities on federal lands that may affect the health and/or safety of residents or visitors of the surrounding communities.

**Community Wildfire Protection Plans.** RCRC supports local collaboration between fire services, civic leaders, community citizens, and other stakeholders to develop Community Wildfire Protection Plans (CWPPs). CWPPs should include broad-based approaches to fire prevention on federal, State, and private neighboring lands. CWPPs, when fully implemented, should provide a step in the right direction towards mitigating the destructive effects of wildfires. RCRC believes that CWPPs should be realistic and reflect actual on-the-ground conditions so that State and federal land management agencies will more heavily rely on them when determining project placement and expenditures.

**Oak Woodlands.** RCRC supports the conservation of oak woodlands but strongly believes that local planning authorities should control the protection of oak woodlands in areas of oak woodland scarcity, not through a State legislative mandate.

**Federal Firefighting.** RCRC urges the United States Forest Service (USFS) to work with local governments, local fire agencies, and the California Department of Forestry and Fire Protection (CAL FIRE) to adopt a strategy that is similar to, and as equally comprehensive as, CAL FIRE's stated mission of protecting resources, lives, and property on any California lands subject to a balance of acres swap between CAL FIRE and USFS. While RCRC recognizes that the USFS and CAL FIRE have distinct missions, RCRC strongly believes that the USFS must be responsible stewards of California's forested lands, which includes working to preserve the safety of the lives, homes, businesses, and property of those who live in and around federal lands.

**Sierra Nevada Framework.** RCRC supports the administrative review process of the Sierra Nevada Framework. RCRC supports managing the Sierra Nevada national forests to increase the presence of native tree species, reduce fire-prone vegetation, and decrease forest density. RCRC supports prioritization of fuel reduction projects in wildland-urban interface areas, municipal watersheds, and areas prone to insect and disease infestation.

**Timber Harvesting on Private Lands.** RCRC opposes additional requirements that would further increase the cost of Timber Harvesting Plans (THPs) or make the approval process more onerous. Additional THP costs and/or a more onerous process would result in a potential increase in fire risk, as well as the threats of insect and disease infestation, thereby further jeopardizing rural communities that are located near private forestlands. RCRC supports efforts to reduce or streamline the regulations on private forest owners for vegetation management work for fire prevention. RCRC supports an increase to the diameter limit of existing THP exemptions for such purposes.

**Wildfire Disaster Funding.** The current federal system for funding the costs of fighting wildfires results in "fire-borrowing," where operational revenue for prevention, forest health and watershed restoration projects is "borrowed" and spent for firefighting costs. This system exacerbates wildfire risk conditions for subsequent fire seasons, thereby endangering the health of California's forested lands and the valuable resources they provide. RCRC supports the adoption of a new mechanism by Congress that prevents fire-borrowing to enable federal land managers to complete vital forest health projects to prevent future severe wildfire events.

**Tree Mortality.** RCRC supports State and federal funding, as necessary and appropriate, for the continued removal and utilization of dead and dying trees due to invasive pest infestation consistent with Governor Brown's October 2015 Emergency Proclamation. The removal of diseased trees is vital for the prevention of severe fire risk conditions, which ultimately protects public health and safety while reducing greenhouse gas emissions from wildfire and preserving the carbon sequestration capabilities of California's forest lands.

## **LAND CONSERVATION**

**Conservation Easements.** RCRC supports a broader use of state-funded limited term conservation easements as opposed to permanent easements. Although federal government programs provide funding for term easements, the State's current policy prevents full utilization of this funding option.

**Invasive Species.** RCRC supports State and federal funding to increase public awareness of invasive species as well as to facilitate their removal and reduce harmful economic and environmental impacts that result from the spread of these species, such as the degradation of agriculture, water quality and water supply issues, outdoor recreation and increased wildfire danger.

**Land Acquisition.** RCRC believes the following key factors must be considered in any conservation acquisition: protection of property rights; willing buyer/willing seller; local land use authority; and the maintenance of productive working landscapes consistent with local land use plans. Any local government that may be impacted should be notified when a conservation acquisition, in either fee title or an easement, is being considered.

**Pacific Forest and Watershed Lands Stewardship Council.** RCRC supports the implementation of the Land Conservation Plan in accordance with the terms of the settlement agreement and the associated stipulation. Protections for counties should include a requirement that the totality of dispositions in each affected county be tax neutral for that county.

**Special Land Use Designation.** RCRC supports multiple-use land designations for national forests and other federal lands. Where special land-use consideration is desirable, RCRC supports a five criteria evaluation: 1) Designations must be supported by local governments; 2) The permissive tools of land management must be capable of preserving and protecting the landscape's natural features in perpetuity including protection from wildfire and disease and insect infestation; 3) Designations must be generally consistent with historical and current use; 4) Designations must contribute to the future anticipated demand for national forest and federal land uses; and, 5) A balance of diverse uses must be maintained within a reasonable geographic vicinity.

**State Owned Land.** The current State land acquisition system needs reform. A key element of that reform must include a thorough analysis of existing holdings based upon criteria that is developed in accordance with each agency's mission, goals and available resources. Current State holdings should be analyzed and measured against those criteria to determine whether it is appropriate that those properties remain in state ownership.

## **WILDLIFE MANAGEMENT**

Rural counties have regulatory and stewardship responsibilities for the natural resources within their jurisdictions, as well as public health and safety responsibilities including the protection of life and property. Rural counties require



effective predator management tools within wildlife management regulations and policy decision making.

Loss of natural habitat through natural processes, such as drought and wildfires, as well as human made alterations, has caused wildlife to migrate to populated areas in search of food and water. Human-wildlife conflicts include the potential for physical injury or loss of life, property damage, and the spread of contagious wildlife diseases that pose threats to humans, other wildlife, domestic pets and livestock.

**Cooperation.** RCRC encourages federal and State decision-makers to work cooperatively with counties to ensure that effective wildlife management tools are available at the local level that strike a balance in wildlife management decisions, legislation and protection of this public resource.

**Funding.** RCRC supports federal and State funding for wildlife management programs.

**Research.** RCRC supports continued research on wildlife and predator management.

**Wildlife Management.** RCRC supports local, State and federal wildlife management programs including the United States Department of Agriculture Animal and Plant Health Inspection Services wildlife damage management activities, and the California DFW trapping license program, as well as efforts by the County Agricultural Commissioners to disseminate wildlife management educational information to the public.

## STATE CORRECTIONS SYSTEM

California continues to remain under a federal court order regarding its state prison population. This order places a cap on the State's prison population at 137.5 percent of design capacity, which translates into an inmate population of approximately 115,900 in the state's 34 institutions. The Legislature and Brown Administration have enacted various population management measures to bring the State into compliance with the prison population reduction mandates. In addition, the voters have recently approved ballot measures which have resulted in the ability to lower the prison population. The State has complied with the federal court order since February 2016; however, if the recent trend of growth continues, the inmate population could exceed the mandated cap in the very near future.

In 2013, the Legislature enacted Senate Bill 105 (Steinberg) to provide counties with state funds due to the increased numbers of state inmates being diverted to the local county jails. This is modeled after Senate Bill 678 (Leno) (2009), which allows counties to share in the cost-savings when certain convicted felons do not re-offend and avoid subsequent re-commitment to the State prison system. RCRC

supports continued funding for SB 105/SB 678 programs to ensure that counties and the State minimize recidivism.

RCRC opposes efforts – either via the Legislature or the initiative process – which place additional pressure on the county criminal justice system, particularly any increases to utilization of local jail space. Given that the State and counties are continuing to implement programs and policies associated with criminal justice realignment (Assembly Bill 109 of 2011 and Proposition 47 of 2014), additional time and review must occur before moving forward with any further changes to the local criminal justice system.

**Mitigation for the Expansion of Existing Prisons.** RCRC supports requiring that the State and the California Department of Corrections and Rehabilitation (CDCR) mitigate the local impacts of a new prison facility, or the expansion of an existing one. In addressing these mitigation needs, the State and the CDCR must work with the affected counties and their Boards of Supervisors. The scope of issues for mitigation should include impacts to water services, wastewater treatment/storage/disposal, transportation, healthcare services, education, fire protection, and law enforcement.

**Early Release.** RCRC remains concerned about any effort to reduce the current prison population (which, due to realignment and the approval of recent ballot measures, now contains the most violent and serious offenders) by granting ‘early release’ to offenders. RCRC believes that before any release from state custody can occur, careful assessment of the risk of re-offending is thoroughly carried out. In addition, each inmate shall be fully evaluated regarding rehabilitation and training programs that have occurred while in state custody. Results from risk and needs assessment should be shared with the counties prior to any release. Accompanying proposals to reduce the prison population should include additional state resources provided to local governments in anticipation of increased law enforcement costs and a variety of new and complex social services demands.

**Legal Costs.** RCRC supports state funding for counties’ district attorneys and public defenders for the cost of prosecuting/defending serious/violent felonies that have allegedly been committed at state prison facilities. RCRC also encourages the Legislature to provide counties additional resources, where there is a significant state prison population, to address the costs of detaining persons awaiting trial for crimes allegedly committed while in state prison.

**Social Services.** RCRC believes social services, mental health, and other health programs for state prison inmate parolees that remain under state supervision should be provided and funded by the State. The State should also provide full funding for social services provided to inmate families, rather than allowing those services to fall to counties.

## TELECOMMUNICATIONS

RCRC supports the deployment of new technology in California and the equitable regulatory treatment of all forms of telecommunications services. RCRC strongly encourages both the federal and state governments to focus telecommunications policies to prioritize 100 percent deployment to rural areas. In addition, the expansion of service including the development of redundant systems, in unserved areas and underserved locations should be a secondary priority. High-speed internet access is the link for rural citizens to receive health care, educational opportunities, and promote economic development and business connectivity to the rest of the world. The state and federal government must ensure that legislative and regulatory schemes to promote deployment and competition protect both consumers and local government authority.

**California Advanced Services Fund (CASF).** The California Advanced Services Fund was established to provide financial resources to ensure broadband deployment in unserved areas as well as underserved locations. The Fund is capitalized by an end-user surcharge on all intrastate phone subscriptions; however, the total amount is capped and the authorization to impose the surcharge is set to expire in the next several years. Funds from the CASF are awarded, by the California Public Utilities Commission, on a grant basis to qualified applicants. RCRC supports the continuation of the CASF; however, we recognize that reforms need to be made to the CASF to ensure timely approval of grants as well as providing flexibility to better address underserved populations.

**High-Cost A/High-Cost B Funds.** The High-Cost A Fund was established to provide support to small, private independent telephone corporations to ensure affordable, reliable, high-quality communications services in rural areas of the state. The High-Cost B Fund was established to provide support to telecommunications carriers of last resort (primarily large legacy phone carriers) for providing basic local telephone service to residential customers in high-cost areas. Both the High-Cost A and High-Cost B Funds are capitalized by an [end-user surcharge](#) collected by carriers. RCRC supports the continuation of both Funds to ensure that rural communities continue to have access to basic phone services. RCRC also supports efforts to allow High-Cost A funds to be utilized for the deployment of broadband in territories served by small carriers.

**Landline Relinquishment.** RCRC recognizes that traditional landline-based telephone service subscriptions have decreased. Additionally, landline-based telephone service can be an expensive service to offer in some areas of the state, which may deter carriers from making investments in upgrading their non-landline services. However, RCRC remains concerned with efforts to enact state policies that would allow legacy phone carriers to relinquish their decades-old obligations to provide landline telephone service without a carefully crafted regulatory scheme that guarantees basic consumer protections over the replacement technology. Landline-based service remains the best and most-reliable communication mode in rural areas. RCRC believes that if relinquishment of

landline-based services are to occur, a variety of protections should be afforded to rural areas. These include:

- Equivalent, affordable, and reliable service must be retained
- The burden-of-proof towards viable relinquishment must fall upon the carrier with extensive regulatory review and local input
- Emergency-related services, including 9-1-1, must be secured in a 24 hours-per-day manner
- Assurances that monies saved from providing landline-based services are dedicated to upgrade services, including broadband deployment

RCRC encourages that urbanized areas, where alternative telecommunication modes are prevalent, be the first portions of California to have landline relinquishment in order for a thorough review of replacement services.

**“Dig Once.”** RCRC supports a requirement that the State Department of Transportation (Caltrans) notifies entities and organizations that a right-of-way enhancement is to occur whereby broadband conduit could be installed in conjunction with the improvement of the right-of-way. Many rights-of-way – either state - or locally-owned – allow for conduit underneath or alongside. However, a number of state right-of-ways, particularly in rural areas, contain no broadband conduit. In order to minimize the overall cost of broadband deployment in areas lacking coverage, Caltrans should either install the conduit or allow qualified entities to install that conduit during the construction (commonly known as “Dig Once”). RCRC encourages member counties to review their local policies for ensuring that the placement of conduit can be made when major work occurs on a county-owned right-of-way.

**Emergency Systems.** RCRC recognizes the importance of communication between public safety personnel during emergency situations, and supports the establishment of a dedicated, nationwide, interoperable public safety broadband network. Additionally, all telecommunication providers should be required to observe long standing emergency notification protocols for both the national Emergency Alert System and local emergency announcements.

**Public, Educational, and Governmental Programming and Institutional Networks.** All communications service providers should provide, carry, and support (for both capital and operations expenses), Public, Educational, and Governmental channels. Additionally, providers should continue the commitment to provide Institutional Networks services to public facilities, such as government buildings and libraries, to help connect local governmental services.

RCRC believes that all veterans should be recognized for their service to our country. RCRC supports ensuring that the full panoply of services for veterans is available to those who are residents of rural counties.

**Access to Services.** RCRC supports ensuring veterans have access to the services and benefits to which they are entitled including housing, healthcare, employment, education and training, and community reintegration assistance.

**County Veterans Service Officer Funding.** RCRC supports full funding of the County Veterans Service Officer offices that provide assistance and outreach to California's veterans. Many small and rural counties have staff who are already fulfilling multiple roles and whose time is stretched thin. These offices often fill the need to provide certain niche services utilized by veterans that are unavailable through the county.

**Specialized Training.** Several forms of specialized military training including healthcare, firefighting, and law enforcement have high value in civilian life, but current state law often does not fully recognize that training as equivalent to civilian training in the same fields. These special skills are valuable to rural areas where it is difficult to recruit and retain quality fire, public safety, and medical professionals.

RCRC supports changes to the law that would allow specialized training completed during military service to qualify as training for non-military employment, where appropriate. Many service members are required to repeat education and training in order to receive industry certifications or licenses, even though much of their military training and experience overlaps with credentialed program requirements. Recognizing this specialized training will speed up the re-integration of veterans into the civilian life while strengthening the workforce and economy in rural communities.

**Funding.** RCRC supports full funding for state veterans' programs, especially those that draw down a federal match. Additionally, RCRC supports county efforts to have full flexibility in creating opportunities and giving assistance to veterans in their communities, such as low or no-cost permitting for construction or business licensing.

## **WATER**

Nearly 75 percent of California's available water originates in the northern one-third of the State (north of Sacramento), while over 75 percent of the demand occurs in the southern two-thirds of the State. Much of the available runoff eventually flows into the Sacramento and San Joaquin rivers. Both of these rivers flow through the Central Valley and meet in the Delta. RCRC has been actively involved in a wide variety of water-related issues since its inception and continues to place an emphasis on this issue which is so important to member counties.

**Drought.** RCRC supports state and federal efforts to address the urgent needs of communities and businesses impacted by the ongoing drought. Particularly, in times of drought, RCRC supports modification of requirements that hinder conservation of currently stored water and that add flexibility to the operation of the State's and federal water system while maintaining California's water right priority system.

**State Water Plan.** The State Water Plan (SWP) has become a strategic planning document that describes the role of state government and the growing role of California's regions in managing the State's water resources. RCRC has been an active participant in the ongoing development of the SWP Update as a member of the Public Advisory Committee, and continues to participate in updates. It is important to ensure that the rural county/local government perspective is taken into consideration during the development of the SWP policy recommendations.

**Water Infrastructure.** RCRC supports all cost effective means of increasing California's water supply that are consistent with these Policy Principles. RCRC supports significant new state and federal investment in our statewide infrastructure to help increase regional self-sufficiency for all regions of the State. Water storage gives water managers the flexibility needed to meet multiple needs and provide vital reserves in drier years and will be a key to addressing sustainable groundwater management. Reliance solely on the reallocation of existing supplies to address water supply shortages would potentially be short-sighted, in that serious legal conflicts could ensue. Primary reliance on demand reduction would also be short-sighted as doing so could cause serious economic impacts without increasing the statewide water supply. RCRC supports the development of additional proposed surface storage projects if they are determined to be both feasible and economical.

**Water Infrastructure Financing.** RCRC supports the "beneficiary pays" principle, meaning that beneficiaries who directly benefit from a specific project or program should pay for their proportional share of the costs of the project or program. Costs should not be shifted to those that do not benefit. "Public benefits" should be funded by state and federal sources. "Affordability" should be factored into the determination of the proportional share of the costs. State and federal sources of funding should, for example, fund all or a significant share of the proportional costs for disadvantaged communities and economically distressed areas.

**Federal Jurisdiction.** RCRC strongly opposes any attempt via legislation, rulemaking, or policy issuance to change the Clean Water Act (CWA) to expand federal jurisdiction over wetlands and other water bodies with no physical nexus to federal navigable waters.

**BAY-DELTA**

The Sacramento-San Joaquin Bay-Delta Estuary (Bay-Delta) is the heart of the State's surface water delivery system, and supplies drinking water to 25 million people. This water is vital to the State's multi-trillion dollar economy. The Bay-Delta is also home to 750 plant and animal species, and supports 80 percent of the State's commercial salmon fisheries.

Various activities are ongoing with respect to the Bay-Delta including the development of California WaterFix/California EcoRestore, the implementation of the Delta Stewardship Council's Delta Plan, and the State Water Resources Control Board's (State Water Board) Bay-Delta Plan.

**California WaterFix.** The original proposed Bay-Delta Conservation Plan has been recast as two separate efforts – water conveyance under the California WaterFix Project and habitat restoration under California EcoRestore – and the effort to secure federal Habitat Conservation Plan and State Natural Community Conservation Plan designations has been abandoned.

**Assurances/Water Rights/Area of Origin.** Programs or facilities implemented or constructed, and intended to improve Delta conditions, such as the Delta Plan or California WaterFix, must not result in redirection of unmitigated, adverse impacts to the counties and watershed of origin. Operations at upstream reservoirs impact non-SWP and non- CVP water rights holders. Acceptable assurances must be provided to upstream water right and water entitlement holders that the operation of the SWP and CVP will ensure a stable supply of water to meet the needs of those areas upstream while also serving export interests and meeting requirements in the Delta. State and federal agencies must adhere to state water rights law including state law relating to water rights priorities and area of origin and watershed of origin protections.

**Delta Flows.** The Department of Water Resources (DWR) should continue to be responsible for meeting its obligations for flow-related water quality objectives as required by Decision 1641. California WaterFix proponents have the full responsibility to satisfy any flow obligations required by the State Water Board to mitigate for impacts caused by California WaterFix implementation.

**Fees/Taxes.** Exporters located south of the Delta have agreed to pay for California WaterFix, which is appropriate, as they will directly benefit. The California EcoRestore program should include the details of how it will be financed and any benefits that the public is expected to receive and fund. Costs should be apportioned on the basis of benefits received. Public trust and other public benefits should be paid for by General Obligation (GO) bond proceeds and/or state and federal general tax revenues. RCRC opposes general fee authority for any administrative entity including the Delta Stewardship Council (Council).

**Mitigation.** Areas upstream from the Bay-Delta shall not be required to mitigate impacts to the Bay-Delta that have been caused by the construction and operation of the SWP and CVP.

**Term 91.** Term 91 limits diversions when the SWP and the CVP are contributing water from their stored water to meet water quality standards and other environmental objectives in the Delta. State and/or federal agencies should not apply regulatory authority, such as Term 91, to senior water-right holders or water users relying on area of origin water rights.

**Water Rights.** Water rights and water supplies of upstream communities should not be adversely impacted by the construction, operation, or management of new water conveyance facilities.

**Water Supply Reliability.** New projects will be needed to meet current and future water supply needs in the areas of origin as well as throughout the rest of the State. State policy should support the development of local and regional surface and groundwater storage projects and other local programs to assure local and regional water supply reliability statewide.

**California Water Commission.** The California Water Commission (CWC) will be responsible for allocating the funding for statewide water system operational improvements contained in the 2014 water bond - Proposition 1 – which authorized \$7.545 billion for a variety of water related projects.

Of the \$7.545 billion, Proposition 1 includes \$2.7 billion in funding for the public benefits of water storage projects and authorized the CWC as the responsible agency. The CWC through the Water Storage Investment Program will fund the public benefit of eligible projects. Eligible projects include CALFED surface storage, groundwater storage and groundwater clean-up, conjunctive use and reservoir reoperation, and local and regional surface storage.

The CWC is also required by statute to quantify the public benefits of storage. RCRC will continue to closely monitor the activities of the CWC, and engage as needed on issues of importance to member counties.

**Delta Stewardship Council.** The Council is charged with overseeing the implementation of a comprehensive management plan for the Bay-Delta. RCRC will continue to closely monitor the activities of the Council, and engage in the implementation of the Delta Plan as needed on issues of importance to member counties.

## **FLOOD CONTROL AND MANAGEMENT**

The DWR is the lead agency for FloodSAFE California – a program to improve integrated flood management statewide with a significant emphasis on the Central Valley and the Bay-Delta. Integrated flood management addresses both aspects of



flood risk: taking actions to reduce the frequency and severity of floods, and taking steps to reduce or mitigate the damages caused when floods happen.

Agencies at every level of government have some responsibility for flood control and management, and construction costs are shared among federal, state, and local agencies. Eliminating unacceptable risks of flood damage statewide will take decades and require significant resources.

One of the key issues facing local government is the issue of new development requirements in newly mapped flood prone areas.

**Central Valley Flood Protection Plan.** Implementation of the Central Valley Flood Protection Plan will be conducted through the DWR's regional flood management planning efforts. RCRC supports the development of regional plans that will present the local agencies' and public's perspectives of flood management, and contain a prioritized list of feasible projects that need to be implemented to reduce flood risks in each region.

**Development in Flood Prone Areas/Floodplain Mapping.** RCRC supports federal funding for the continued updating of Federal Emergency Management Agency maps, supplemented by state maps, to assist local governments in better understanding the flood risks from reasonably foreseeable flooding.

**National Flood Insurance Program.** The current National Flood Insurance Program (NFIP) establishes extremely burdensome flood insurance rates and places an economic burden on agricultural communities by imposing highly-restrictive flood protection building regulations. Many agricultural buildings and structures cannot be effectively flood proofed to meet current NFIP standards, but could be built to withstand a flood, making their repair less expensive than existing flood-proofing options. RCRC supports the creation of a new agricultural flood hazard area under the NFIP that allows for replacement and reinvestment in agricultural production, storage, and processing buildings and commercial and community structures in established agricultural areas and rural communities. Flood insurance must be accessible at a meaningful and affordable rate for the property owner.

**Flood Control Subvention Program.** RCRC opposes the reduction and/or elimination of the State share of local flood control subventions. RCRC supports full funding of subvention payments and the reimbursement of past unpaid subventions to local government and local agencies.

**Funding.** RCRC supports significant new state and/or federal investments in California's flood control infrastructure including funding from the State General Fund and the issuance of GO or Revenue Bonds, before the State attempts to impose cost sharing fees/taxes on those who live and work behind levees.

**Land Use Authority.** RCRC opposes state preemption of local land use authority. Land use decisions must remain at the local level.

## **WATER QUALITY**

**Enforcement.** Regulatory water quality enforcement actions should be focused on achieving compliance as opposed to the imposition of punitive financial penalties that serve only to make it more difficult for local agencies to achieve compliance. RCRC supports mandatory minimum penalty relief for small and disadvantaged communities.

**Non-Point Source Discharges.** RCRC supports flexible, cost-effective approaches to monitoring water quality, and scientific evaluation of water quality impacts from agricultural discharge and storm water runoff. Management measures to address non-point sources of pollution should be based on technically and economically feasible control measures.

**Onsite Wastewater Systems.** RCRC opposes new regulatory requirements that restrict the use of onsite wastewater systems unless there is scientific evidence that such restrictions are needed to provide meaningful benefits to water quality.

**Safe Drinking Water Act/Clean Water Act.** RCRC supports efforts to streamline and modernize the federal Safe Drinking Water Act and the federal (CWA).

**Total Maximum Daily Loads.** RCRC supports the integration of the Total Maximum Daily Load (TMDL) process with a local watershed approach to water quality improvement, combined with sustainable levels of state and federal funding and/or technical assistance. RCRC opposes multiple layering of TMDLs within watershed regions. RCRC opposes an exemption from the California Environmental Quality Act (CEQA) for TMDLs. The CEQA process is very important as part of the decision-making process to ensure potentially adverse impacts resulting from TMDL implementation are disclosed and considered.

**Wastewater Discharges.** RCRC supports the review of existing water quality objectives and beneficial use designations in an effort to reduce costly discharge monitoring and permit compliance requirements that do not provide significant improvement in water quality. Where feasible, RCRC encourages the use of wastewater to preserve potable water for beneficial uses, but does not support state or federal mandates on businesses or local governments to reuse wastewater.

**Water Board Governance.** RCRC supports the loosening of federal restrictions that limit the ability of locally elected governmental officials to serve on Regional Water Quality Control Boards because of income restrictions associated with the fact that local jurisdictions are required to have Water Board-approved discharge permits (the “10 Percent Rule”). The 10 Percent Rule has been a major stumbling block for city and county representatives that wish to serve on the regional water boards.

At the State level, RCRC supports elimination of procedural barriers that limit the ability of local government (and other stakeholders) to meaningfully access decision-makers and create challenges in obtaining full and fair hearings on all matters before Regional Water Quality Control Boards.

**Water Treatment Systems.** RCRC supports continued funding assistance for small and economically disadvantaged communities, especially in rural areas, to upgrade water and wastewater treatment systems. Water quality and wastewater discharge regulations are becoming more stringent and will continue to require substantial new investment in water treatment facilities.

**Watershed Management.** RCRC supports local voluntary community-based collaborative watershed management planning and implementation as a means to enhance and protect water quality and other natural resources. RCRC strongly supports policies that make a strong connection between good forest management and watershed health. RCRC encourages the State and federal governments to consider forest projects to improve watershed health.

**Wetlands.** The State Water Resources Control Board (SWRCB) has previously addressed the “gaps” in wetlands protection resulting from the 2001 United States Supreme Court decision in *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers (Corps)* with the adoption of general waste discharge requirements for minor discharges to non-federal waters in 2004.

The State Water Board staff had expressed a focus toward the adoption of a phased policy to protect wetlands and riparian areas which would expand the definition of “wetlands” beyond that of the federal definition and established Corps standards.

Along those lines, the SWRCB is developing “policy procedures” for discharges of dredged or fill material to “Waters of the State.” The most recent iteration of this policy by the State Water Board modifies the approach but still does not address RCRC’s core policy concerns; namely that the approach continues to be inconsistent around permitting and the definition of wetlands. Absent the clarity, county lead agencies are in no better position and may be in worse position if it leads to delay and litigation.

For example, the Water Boards regulate discharges to ‘waters of the state’ and under the new proposed scheme the wetland definition is not jurisdictional and waters of the state is not defined which raises a host of issues and each of the nine Water Boards will continue to consider whether a wetland is a water of the state on a case by case basis leading to continuing inconsistencies in its application.

RCRC is concerned with the proposed expansion of wetlands regulation and will continue to participate in the policy development discussions.

## **WATER SUPPLY**

RCRC believes that the State should take the lead role in planning and implementing those features of the State's water infrastructure that can only be met through statewide efforts. RCRC supports pursuing water supply and reclamation funding at the federal level as part of a broader Western Water measure that also contains a watershed component.

**Groundwater.** RCRC supports the management of groundwater at the local level. The effective and efficient management of water quality and supply for beneficial uses is best managed by local jurisdictions. RCRC supports adequate state and federal technical and financial assistance for local agencies in order to either remediate groundwater overdraft or maintain groundwater levels at a safe yield. California's groundwater resources are diverse and one size fits all state mandates should be avoided. RCRC supports the adoption of county ordinances to protect groundwater against overdraft from out-of-county exports.

**Sustainable Groundwater Management Act.** In 2014, landmark water legislation was chaptered establishing the Sustainable Groundwater Management Act (SGMA) thus providing a framework for local agencies to develop plans and implement strategies to sustainably manage groundwater resources within a defined period.

RCRC has and will continue to engage with state agencies and all stakeholders throughout the development of the regulations and implementation of SGMA to ensure the policy concerns are addressed.

**Integrated Regional Water Management.** RCRC supports state and federal funding assistance to regions so they can leverage local dollars to develop and implement Integrated Regional Water Management Plans (IRWMPs). Integrated regional water management will play an important role in meeting the State's water needs and aid regional self-sufficiency. RCRC supports the development of IRWMPs through a public, grassroots planning process that includes all interested stakeholders, especially when developing the IRWMPs goals, objectives and evaluation criteria. IRWMPs should provide access to state funding for water and wastewater projects that benefit disadvantaged communities and small rural communities. IRWMPs governance structure should not override local jurisdiction authority. Elected jurisdiction representatives voting capacity should not be minimalized to a nonrelevant factor through increased IRWMP membership of non-government entities. Acceptance of grant awards should not require applicant's acceptance of policy, goals, objectives not established or in draft form.

**Seawater and Brackish Water Desalination.** RCRC supports seawater and brackish groundwater desalination where it is a viable option. Additionally, RCRC supports the streamlining of the approval process for these projects, and state and federal funding for needed research. Seawater and brackish water desalination projects have the potential to play an important role in the State's water supply portfolio, and to help realize the overall goal of water self-sufficiency for all regions

of the State. This benefits the State as a whole and helps protect water areas of origin.

**Urban Water Conservation/Agricultural Water Use Efficiency.** State and local urban water conservation and agricultural water use efficiency programs should be flexible and incentive-based. The term “water conservation” is used to mean any reduction in applied water use and “water use efficiency” is used to mean using water more efficiently to reduce demand for a given set of beneficial uses. To be successful, urban water conservation and agricultural water use efficiency programs should be designed and implemented by locally-elected or appointed officials. Local officials are in the best position to determine what activities and/or actions are locally cost-effective. Implementation of urban water conservation and agricultural water use efficiency programs must be consistent with existing state law that protects against loss of water rights for conserved water (Water Code Section 1011.)

**Water Recycling.** RCRC supports increased utilization of recycled water and continued state and federal support through appropriate technical and financial assistance. Recycled water increases the available water supply, reduces the demand for freshwater supplies, reduces wastewater discharges into rivers, creeks, bays, and estuaries, and increases regional self-sufficiency. Water that is developed through recycling should be credited toward local water use reduction goals.

## **WATER TRANSFERS**

RCRC generally supports locally-approved short-term water transfers between willing buyers and willing sellers as one way to meet short-term needs and maximize existing resources. Long-term transfers that involve permanent fallowing/retirement of non-drainage impacted agricultural lands or provide for the substitution of groundwater for transferred surface water should be designed with consideration of how the transfer might affect third parties and the social and economic conditions in the county. Support by the local community should be a key consideration in whether or not to pursue a transfer. Water transfer revenues should be used to provide local benefits, such as: flood protection; water supply; water conservation; water quality; maintenance of low water costs for local water users; and environmental enhancement.

Transfers involving the permanent fallowing/retirement of agricultural lands should include a monitoring program to track changes within the region and a third-party action plan. Groundwater substitution transfers should include a groundwater monitoring and reporting program and a third-party action plan.

**Water Rights.** RCRC supports the State’s existing water right and water right priority system. The vested water rights of water users must be inviolate. Water rights established by state law and state laws relating to use of water should be respected by federal agencies.



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

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE**     January 3, 2017

**TIME REQUIRED**

**SUBJECT**             Closed Session--Human Resources

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

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

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Stacey Simon, Leslie Chapman, and Dave Butters. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:**

**PHONE/EMAIL:** /

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
***PRIOR TO 5:00 P.M. ON THE FRIDAY  
32 DAYS PRECEDING THE BOARD MEETING***

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

<p><a href="#">Click to download</a></p> <p>No Attachments Available</p>
--

**History**

Time

Who

Approval



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

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE**     January 3, 2017

**TIME REQUIRED**

**SUBJECT**             Closed Session - Real Property  
                                 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 REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: Sierra Center Mall, Mammoth Lakes. Agency negotiators: Leslie Chapman, Janet Dutcher, Tony Dublino, Stacey Simon. Negotiating parties: Mono County and Highmark Mammoth Investments, LLC. Under negotiation: Price and terms of payment.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:**

**PHONE/EMAIL:** /

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
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YES  NO

**ATTACHMENTS:**

<p><a href="#">Click to download</a></p> <p>No Attachments Available</p>
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**History**

Time

Who

Approval



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** January 3, 2017

**TIME REQUIRED**

**SUBJECT** Closed Session - Exposure to  
Litigation

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

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### AGENDA DESCRIPTION:

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one.

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### RECOMMENDED ACTION:

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### FISCAL IMPACT:

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### CONTACT NAME:

**PHONE/EMAIL:** /

---

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY  
32 DAYS PRECEDING THE BOARD MEETING**

### SEND COPIES TO:

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### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

[Click to download](#)

No Attachments Available

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#### History

Time	Who	Approval
12/28/2016 1:28 PM	County Administrative Office	Yes
12/28/2016 2:15 PM	County Counsel	Yes
12/28/2016 1:34 PM	Finance	Yes





OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** January 3, 2017

**Departments: Sheriff, Public Works**

**TIME REQUIRED** 1 hour (30 minute presentation; 30 minute discussion)

**PERSONS APPEARING BEFORE THE BOARD**

Garrett Higerd, Sheriff Braun, and Eric Fadness

**SUBJECT** Jail Needs Assessment Workshop

---

### AGENDA DESCRIPTION:

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

Nacht & Lewis has prepared a draft Jail Needs Assessment for the Bridgeport jail in close coordination with the Sheriff's Department and the Public Works Department and two feasible project alternatives have been identified: (1) construct new facility at site of old County Hospital on Twin Lakes Hospital; or (2) construct jail annex at site of Frontier warehouse adjacent to existing jail.

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### RECOMMENDED ACTION:

Receive presentation on the Jail Needs Assessment and preparation of an application for state lease-revenue bond funding for jail improvements under SB 844. Provide direction to staff regarding selected alternative.

---

### FISCAL IMPACT:

It is our current understanding that SB 844 does not require a minimum local match. However, expenses prior to project selection are not reimbursable. Reimbursements do not begin until a project is under construction which can require a significant amount of capital for cash flow during the architecture, engineering, and bidding phases. The full scope and cost of a potential jail project will be further developed as a project is identified and takes shape, but may be substantial.

---

**CONTACT NAME:** Garrett Higerd

**PHONE/EMAIL:** 760-924-1802 / ghigerd@mono.ca.gov

---

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

---

### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

[Click to download](#)

[Staff report](#)

[Power Point Presentation](#)

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### History

Time	Who	Approval
12/29/2016 6:05 AM	County Administrative Office	Yes
12/28/2016 4:47 PM	County Counsel	Yes
12/29/2016 7:56 AM	Finance	Yes



# MONO COUNTY DEPARTMENT OF PUBLIC WORKS

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760.932.5440 • Fax 760.932.5441 • [monopw@mono.ca.gov](mailto:monopw@mono.ca.gov) • [www.monocounty.ca.gov](http://www.monocounty.ca.gov)

Date: January 3, 2017  
To: Honorable Chair and Members of the Board of Supervisors  
From: Garrett Higerd, County Engineer  
Re: Jail Needs Assessment Workshop

## **Recommended Action**

Receive presentation on the Jail Needs Assessment and preparation of an application for state lease-revenue bond funding for jail improvements under SB 844. Provide direction to staff.

## **Fiscal Impact:**

It is our current understanding that SB 844 does not require a minimum local match. However, expenses prior to project selection are not reimbursable. Reimbursements do not begin until a project is under construction which can require a significant amount of capital for cash flow during the architecture, engineering, and bidding phases. The full scope and cost of a potential jail project will be further developed as a project is identified and takes shape, but may be substantial.

## **Background:**

On June 27, 2016, Senate Bill 844 became law authorizing state lease-revenue bond financing for the acquisition, design and construction of adult criminal justice facilities. The SB 844 Request for Proposals was released by the Board of State and Community Corrections (BSCC) and responses are due by February 28, 2017. The following project alternatives have been identified based on current needs:

- (1) Construct new facility at site of old Mono County Hospital on Twin Lakes Road; or
- (2) Construct jail annex at site of Frontier warehouse adjacent to existing jail.

We request Board direction on which alternative is preferred so that a complete, competitive SB 844 application can be prepared and brought back for Board review on February 21, 2017 in time to meet the submittal deadline. Please contact me at 924-1802 if you have any questions regarding this item.

Respectfully submitted,

Garrett Higerd  
County Engineer

Attachments: Jail Needs Assessment Workshop Power Point Presentation



# MONO COUNTY JAIL Board of Supervisor's Presentation

>> JANUARY 3<sup>RD</sup>, 2017



nacht&lewis



# Agenda

1. Background
2. Constraints
3. Assessment and Proposed Solutions
4. Costs

# BACKGROUND

# Existing Site

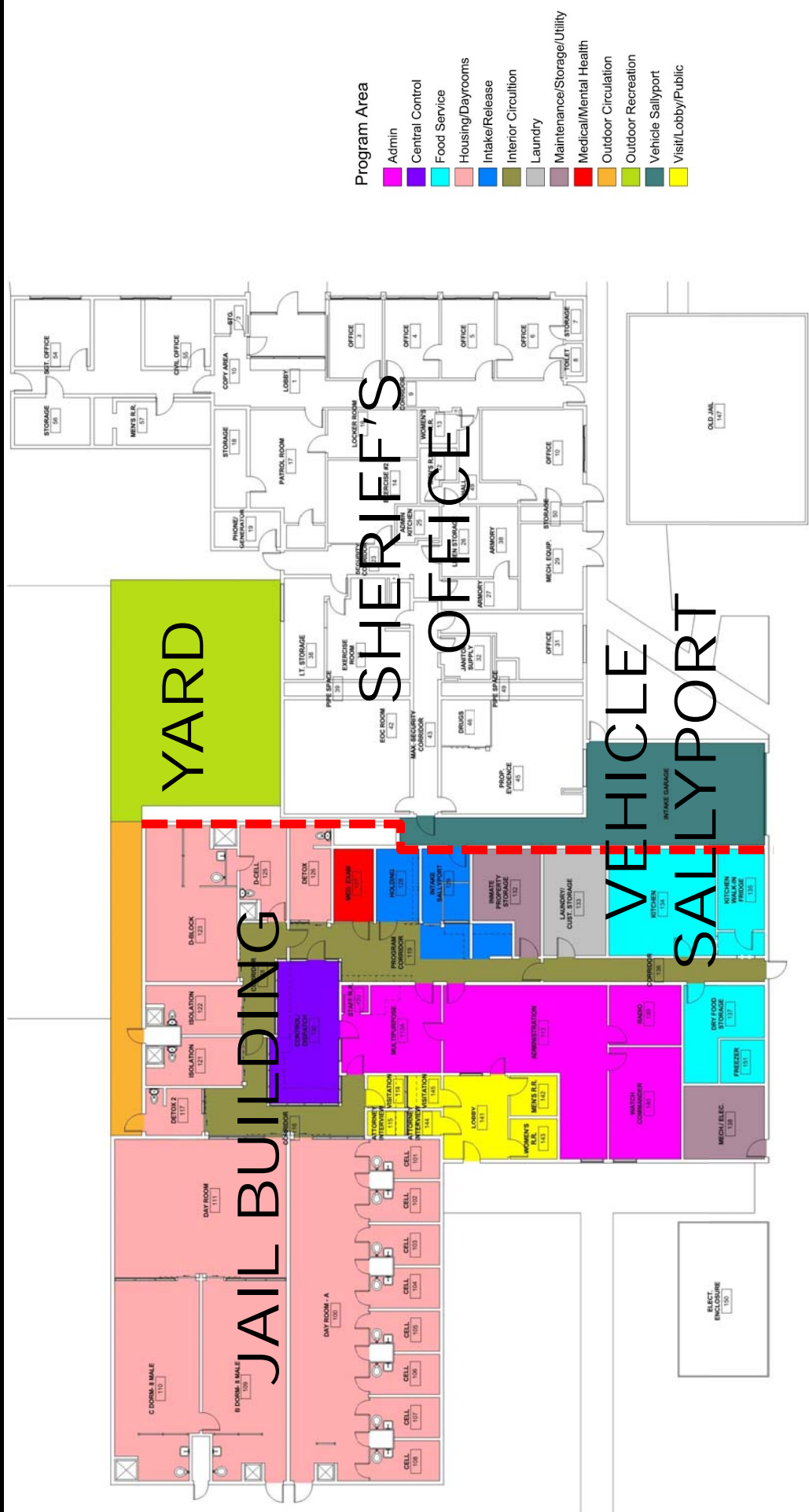




# Existing Building - Phases



# Existing Building - Functions



# CONSTRAINTS

# Funding Requirements

- All new construction must meet current code req's
- Encumbered buildings must be improved to current code req's

*There have been many changes in code requirements in the last 3 decades.*

# Construction Requirements

- Detention areas classified as I-3 Occupancy
- I-3 Occupancies must be completely sprinklered
- I-3 Occupancies require Type I Construction
- Type I Construction:
  - Concrete
  - Masonry
  - Fire Protected Steel
  - **Wood not allowed**

# Separation Requirements

- New construction needs to be separated from existing buildings:
  - 10-20 feet distance from non-rated construction *or*,
  - 3-hour fire wall (without unprotected openings)

# Exiting Requirements

- 2 exits whenever the occupant load  $>10$
- No dead end corridors over 20'
- Corridors need to be of fire resistive construction
- Corridors need to be smoke tight
- Corridors need to be dedicated/un-interrupted

## ADA Requirements\*

- Each population served needs to have accessible accommodations:



## Priorities of SB 844

- Medical Services
- Dental Services
- Mental Health
- Rehabilitative and Vocational Programs
- Replacement of unsafe and compacted housing

# **ASSESSMENT AND PROPOSED SOLUTIONS**

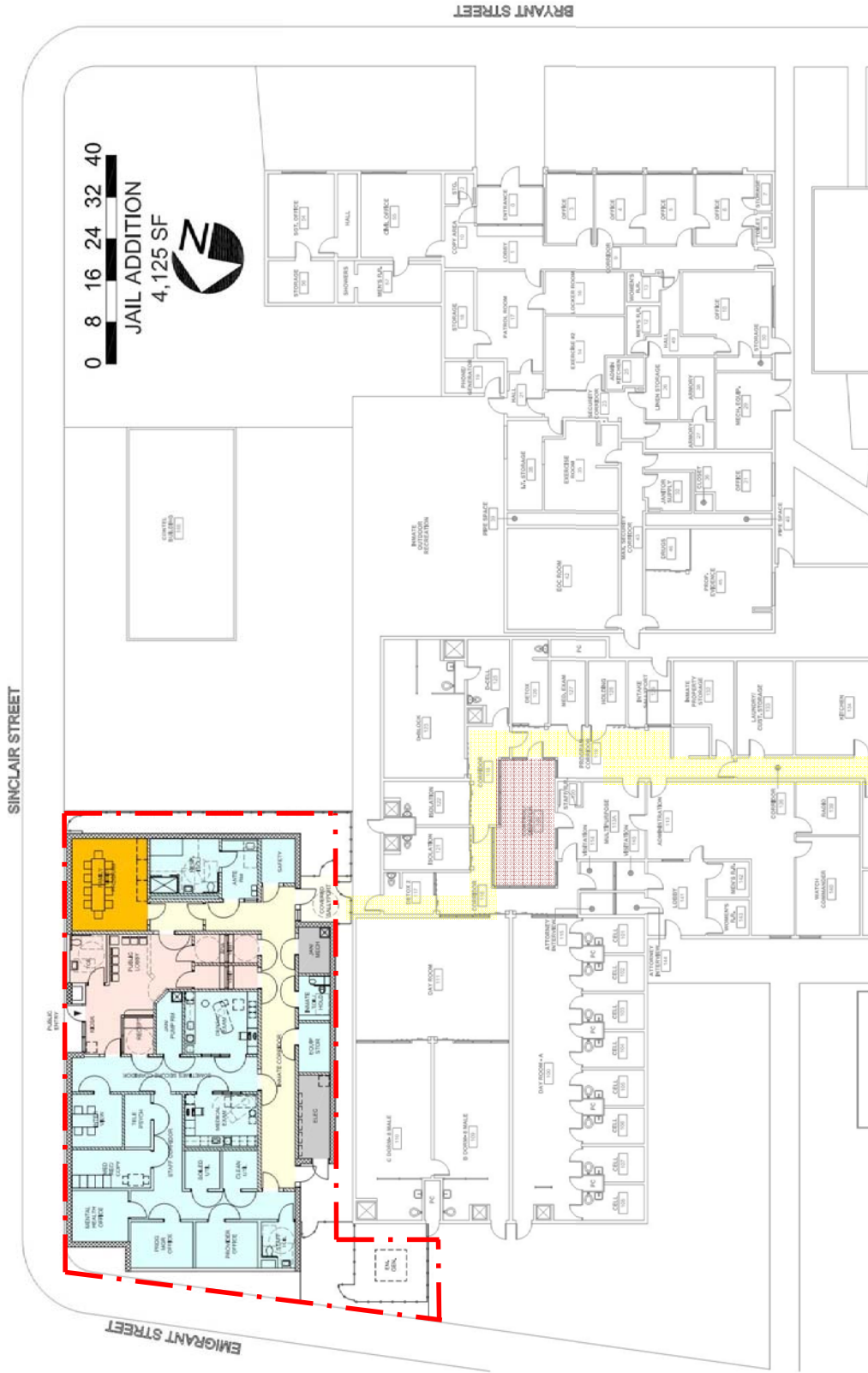
# Conclusions

- While the existing buildings are functional, well maintained, and safe to operate, they do not meet *current* code requirements or provide adequate programming space.
- It would cost too much to make improvements to existing.
- Existing buildings should not be encumbered.
- Detached additions are a possibility...
- But there is limited area on site to expand.

## **Addition Option**

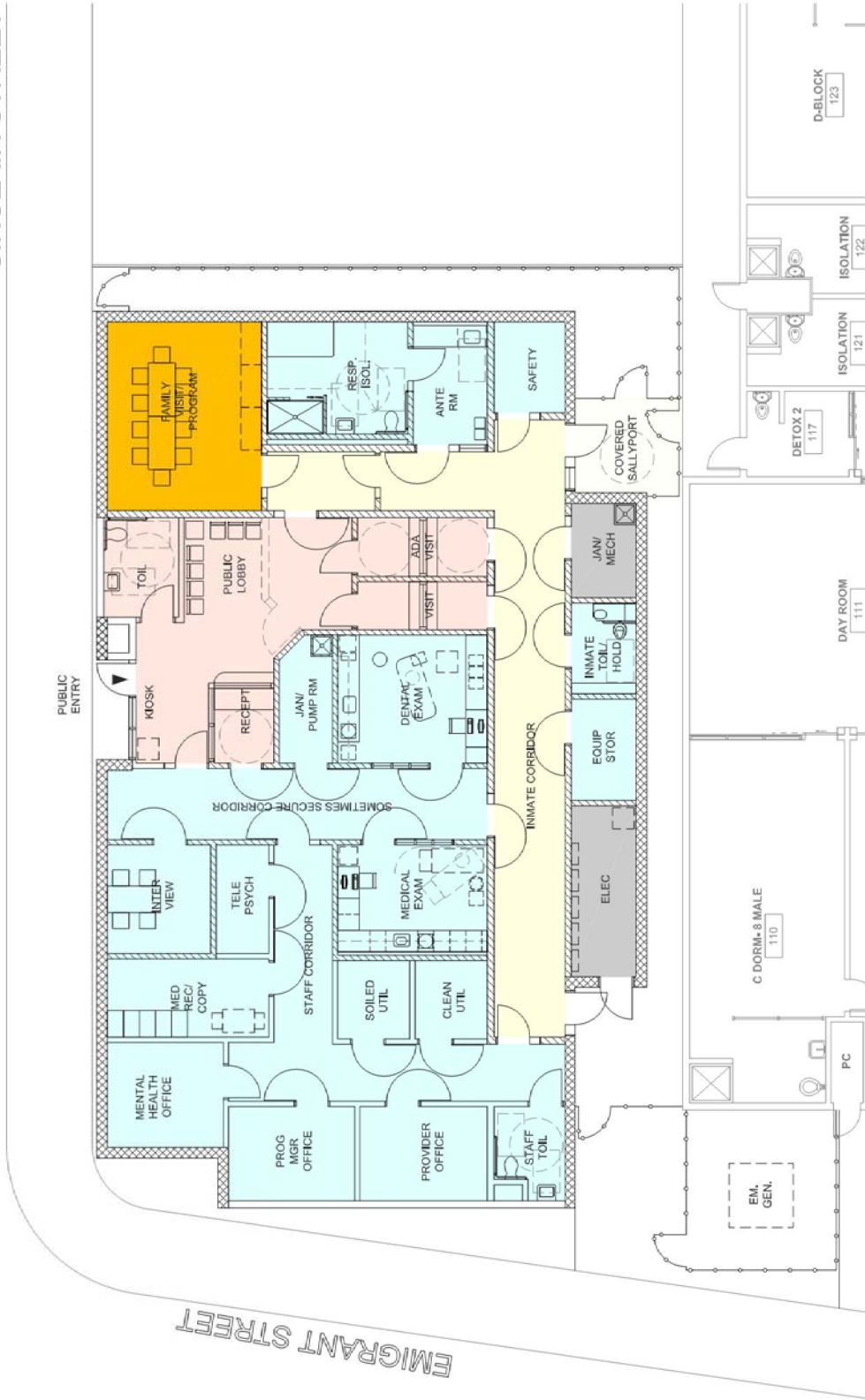
- Contingent upon purchasing the Frontier Warehouse Site

# Addition Option – Site Plan



# Addition Option – Enlarged Plan

SINCLAIR STREET



## Addition Option Pros/Cons

- Pros
  - Less expensive solution
  - May be easier to sell to the State for funding competition
  - Resolves medical/dental/mental health/program needs
  - Could serve for probationers

## Addition Option Pros/Cons

- Cons
  - Contingent upon purchase of the Frontier Warehouse Site
  - Limited area/options
  - Provides accessible amenities, but no accessible housing
  - Investment with no space for future growth



# New Site Option – Site Plan w/Aerial



# New Site Option – Site Plan



0 16 32 48 64 80

NEW JAIL - SITE  
22,100 SF INTERIOR  
750 SF COVERED

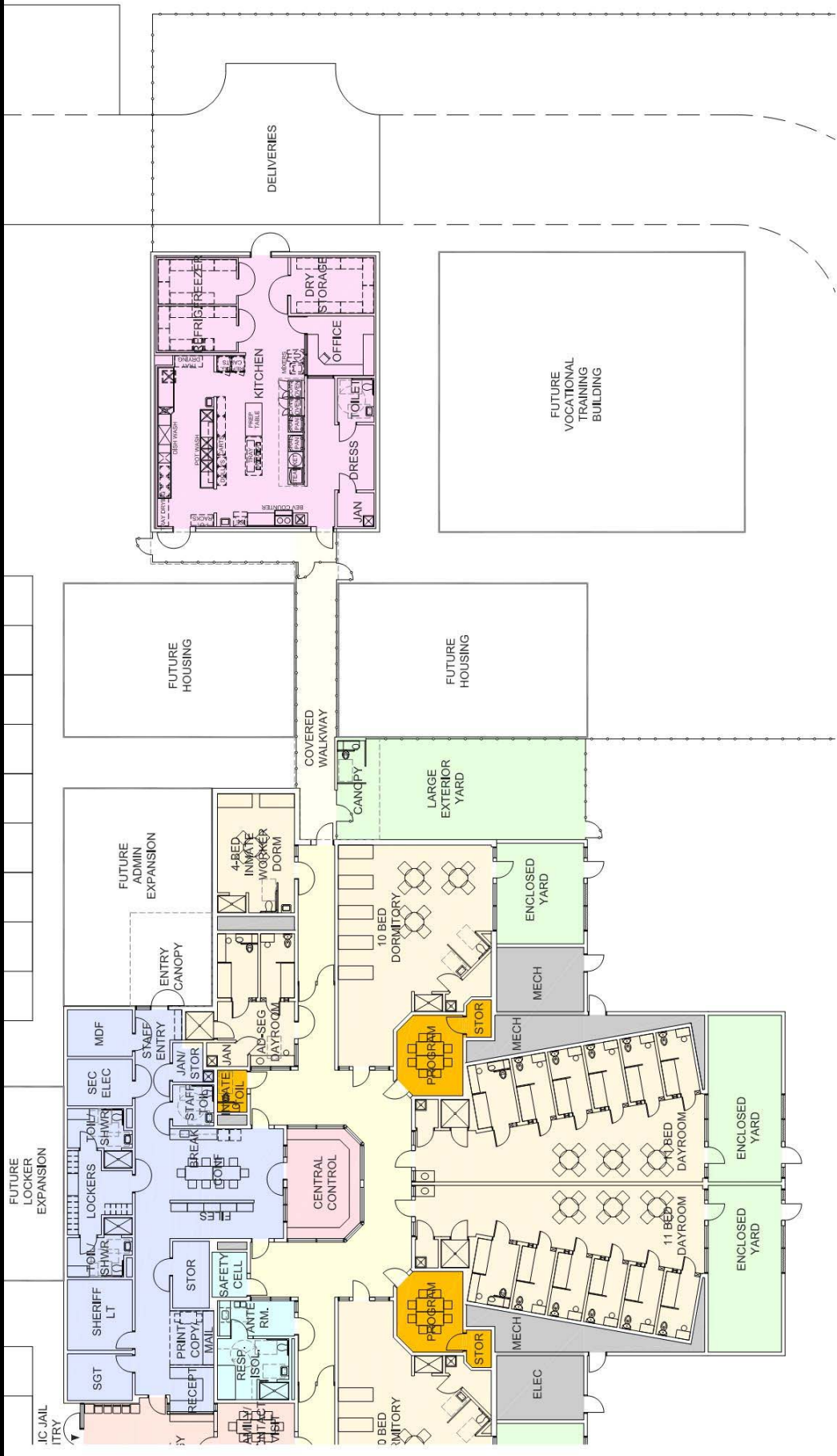


# New Site Option – Overall Plan





# New Site Option – Enlarged Plan – East



## **New Site Option Pros/Cons**

- **Pros**
  - Full service, highly efficient replacement facility w/48 beds
  - Better serves the evolving needs of the jail
  - Fully compliant- reduces liability
  - Resolves medical/dental/mental health/program needs
  - Space for expansion, future needs
  - Clinic can be used for probationers and the public
  - Kitchen can serve other needs
  - Greater use of State funds
  - Mono County owns the land
  - The aging hospital site would be redeveloped

## New Site Option Pros/Cons

- Cons
  - More expensive option
  - Remote from courthouse

**COSTS**



## SB 844 Funding

- Not a grant that provides money up front; SB 844 is bond financing to reimburse project costs
- State reimbursement only after construction begins
- County responsible for funding project (cash flow) until first construction payment is billed
- 2 month lag time to process reimbursements
- Retention

## Addition Option – Preliminary Costs

- Total cost: \$5,000,000 - \$6,000,000
- State Reimburses up to \$25,000,000
- Possible Cash Flow Required\*: \$2,500,000
- Final County Cost: \$200,000 - \$500,000 (after reimbursement)

\*maximum County investment prior to State reimbursement

## New Site Option – Preliminary Costs

- Total cost: \$25,000,000 - \$27,000,000
- State Reimburses up to \$25,000,000
- Possible Cash Flow Required\*: \$6,000,000
- Final County Cost: Up to \$2,000,000 (after reimbursement)

\*maximum County investment prior to State reimbursement

# QUESTIONS