

October 3, 2017
Regular Meeting
Item # 1a

Opportunity for the
Public to Address the
Board

Mammoth Voices



JUNE 2018..... ARE WE READY?

A Series to Encourage Local Civic Involvement

3 FREE SESSIONS | 7 – 9PM @ THE FORT (Inside the Sierra Center Mall.)

OCTOBER 30

Topics: How does governance in Mammoth Lakes work? What are the NGO's (Non-Government Organizations)? Where does the money come from?

NOVEMBER 6

Topics: How does governance in Mono County work? What's the role of special districts? Who decides how our property tax dollars are spent?

NOVEMBER 13

Topics: What is needed to run for office? How is a platform created? How does someone get appointed to a position on a commission or board?

Workshops will end with an informal meet n' greet with local leaders, politicians and interested citizens.



A mentoring opportunity also will be offered to prepare for the upcoming election cycle.

To sign up or for more info
email: mammothvoices@gmail.com
Call: Mickey 760-914-0199
Kathleen 760-815-9950

October 3, 2017
Regular Meeting
Item # 2a

Clerk of the Board

Domestic Violence
Awareness Month



wild iris

FAMILY COUNSELING & CRISIS CENTER

www.wild-iris.org

Domestic Violence Awareness Month

October 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 ONGOING Bishop Rocks 1. Hide rocks 2. Post pictures & hints on social media and tag Wild Iris 3. Share	2	3	4 4-5pm DV/SA Counselor Training Orientation @ ML WI office	5 6pm Eileen Peterson Memorial Dedication @ McCutcheon House	6	7 11am-4pm Hurt to Hope @ Whiskey Creek
	9	10	11	12	13	14
15	16	17	18	19 Purple Thursday Wear purple and post your picture on social media to support DV awareness	20 6:15-7:45pm Walk for Hope @ RAVE to Bishop City Park -Wear purple	21
22	23 8am-5pm DV/SA training @ ML WI office	24 8am-5pm DV/SA training @ ML WI office	25 8am-5pm DV/SA training @ ML WI office	26 8am-5pm DV/SA training- @ ML WI office	27 8am-5pm DV/SA training @ ML WI office	28 4-8pm Chocolate Art Walk @ Bishop WI office
29	30 8am-5pm DV/SA training @ ML WI office	31 8am-5pm DV/SA training @ ML WI office	1 8am-5pm DV/SA training @ ML WI office	2 8am-5pm DV/SA training @ ML WI office	3 8am-5pm DV/SA training @ ML WI office	4

Visit Wild Iris's Facebook, Instagram, and Twitter pages all month long for facts, articles, and posts on Domestic Violence and be sure to share!

October 3, 2017
Regular Meeting
Item # 7a

CAO

Conway Ranch Update

**The 6W Ranch
Phil & Karen West
23 Black Rock Mine Rd.
Hammil Valley, CA 93514
760-933-0053
rhodeislandalarm@hughes.net**

To : Fred Stump, Mono County Supervisor
From : Phil & Karen West
Date : 10-01-17
Re : Conway Ranch Grazing

Supervisor Stump,

Both sides of our families come with a rich history in ranching and farming and we support the grazing of livestock in the Conway Ranch area.

The obvious arguments in favor include not only the agricultural economy, which is an often times forgotten yet large portion of Mono County's economy, but wild land fire mitigation as well (as stated in the staff report). However, we vehemently disagree with the possible negative impact *assumptions* to, "riparian areas," as listed within the report.

Several years ago in the Central Valley/Sierra Foothills area, cattle grazing was prohibited due to a so called riparian area and located within seasonal wetlands. Within 3 years, invasive non-native plant species had re-established themselves and the endangered mammal species had left the area. When this was recognized and grazing was allowed to return, the invasive species were once again diminished, the "endangered" native plants reestablished themselves, and the endangered mammal species returned.

Ranchers and Farmers may be the premier stewards of the land. If they don't take care of the land, the land won't take care of them. In these times however, we are up against those that incorrectly/incoherently thump the environmental bible, and with no facts to base their assertions. How does a yard look when it isn't mowed & trimmed? A favorite joke of my uncle's (who spent his life farming in the Sacramento Delta) went like this... City Slicker: "Boy, you guys sure do live in God's country!" Farmer: "Yeah, but you should have seen the way He took care of it before we got here."

It is our hope that the Mono County Board of Supervisors are able to clearly see past the erroneous assertions that will certainly be brought forth, and approve of the grazing of cattle in the Conway Ranch area. This would be a positive step forward for the care of the area, the agricultural community, as well as the citizens and visitors of Mono County.

Respectfully,



Phil West

Mono County Board of Supervisors
PO Box 715
Bridgeport, CA 93517

October 2, 2017

Re: Cattle RFP for Conway Ranch

Dear Members of the Board,

I am writing to comment on the proposal before the Board tomorrow to issue an RFP for cattle grazing at Conway and Mattly Ranches. I understand that there is a strong incentive for the county to find a lessee to take over irrigation operations at the ranch. Furthermore, the proposal to offer a lease of ten years duration is based on the need to recover the investment required by the lessee for infrastructure development. I also appreciate that county staff recognize that any new proposal for grazing must be evaluated under CEQA because a grazing lease whether short- or long-term, is a project that may have a significant effect on the environment and is therefore subject to CEQA.

My concern is that this proposal is premature, because a CEQA analysis must be based on current baseline environmental surveys of sensitive resources on the property—including plants, animals, soils and water quality. I am not aware that such surveys have been recently done and strongly urge the county, in consultation with the appropriate wildlife resource agencies, to undertake such surveys. Otherwise, it will be difficult to analyze whether positive or negative impacts to resources could occur, avoid negative impacts and develop a comprehensive monitoring plan.

The county is to be commended for suspending domestic sheep grazing operations to avoid impacts to the Sierra Nevada Bighorn Sheep. Now is an important opportunity to assess current environmental conditions before moving ahead with new projects that will affect that environment.

Thanks to the staff and the Board for your efforts on this issue.

Sincerely,

Ilene Mandelbaum

PO Box 89

Lee Vining, Ca 93541

monogreens@aol.com

Honorable Mono County Board of Supervisors,

Mr. Tony Dublino, of your staff, recently informed the U.S. Fish and Wildlife Service (Service) of tomorrow's October 3, 2017, meeting of the Mono County Board of Supervisors. As part of the meeting agenda, management of Mono County's Conway Ranch property will be discussed. As you are aware, the Conway property contains important habitat for federally endangered Sierra Nevada bighorn sheep, the Bi-State population of Greater sage-grouse, and other native plants and wildlife. Therefore, we are writing to express our agency's ongoing support for managing Conway Ranch for the conservation of plant and wildlife species, as well as for the good of Mono County residents. Unfortunately, we are unable to send a representative to tomorrow's meeting.

Regardless, the Service continues to appreciate Mono County's continued coordination with the Service (via the Reno Fish and Wildlife Office) and the State of California (via the California Department of Fish and Wildlife) regarding the management of Conway Ranch and its associated wildlife populations and habitat, for the benefit of wildlife species as well as the American public. We remain willing and available to assist Mono County with future decisions related to the future management of this property and its natural resources. Please don't hesitate to contact our office with any questions or comments. We look forward to continuing to work with you and/or your staff in the future.

Sincerely,

Carolyn

Carolyn W. Swed
Field Supervisor
Reno Fish and Wildlife Office
U.S. Fish and Wildlife Service
Desk 775.861.6337
Cell 775.997.6483

October 3, 2017
Regular Meeting
Item # 7d

Public Works

Emergency Road Repairs



MONO COUNTY

DEPARTMENT OF PUBLIC WORKS

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

Date: October 3, 2017

To: Honorable Chair and Members of the Board of Supervisors

From: Garrett Higerd, County Engineer

Re: Emergency Road Repairs – Upper Summers Meadow Road Bridge

Recommended Action

1. Receive update on Upper Summers Meadow Road emergency bridge project.
2. As established by Public Contract Code Division 2, Part 3, Chapter 2.5 “Emergency Contracting Procedures”, review the emergency action taken on August 1, 2017 and make a finding, based on substantial evidence set forth in this staff report and at the meeting, that the emergency continues to exist as to Upper Summers Meadow Road, and that continuation of the action to replace the washed-out bridge on that road is necessary to respond to the emergency. (A 4/5 vote is required.)
3. Direct the County Engineer to continue procuring the necessary equipment, services, and supplies to make emergency repairs to Upper Summers Meadow Road, without giving notice for bids to let contracts.

Fiscal Impact:

The Upper Summers Meadow Road bridge at Green Creek is eligible for 75% funding via the California Disaster Assistance Act (CDAA) Program administered by Cal OES. The total cost of replacement is estimated at \$350,000. The 25% local match will be paid with disaster funds left over from the Round Fire emergency.

Strategic Plan Alignment: *Infrastructure, Public Safety*

Background:

Since the previous update given on September 19, 2017, the following action has been taken:

- Reviewed draft plans and calculations submitted by Excel Bridge Manufacturing Company for the 60' x 14' H-Section Pratt truss tubular steel bridge and abutments.
- Coordinated with Caltrans bridge engineering and inspection staff on standards.
- Coordinated with Excel, their structural engineer, and our contractor to address various considerations related to setting the bridge in cold weather.
- Retained Quincy Engineering to provide bridge engineering specialty consulting.
- Excel's structural engineer is revising the design to comply with Caltrans-specific design standards. Most notably, a bridge rail is being added that is not attached to the truss

system. These changes are expected to cost approximately \$13,000 which is within the original budget. A firm delivery schedule is still not available, but we are working on it.

Justification for Continued Emergency – Upper Summer Meadows Road:

Staff will continue procuring consultants and utilizing staff resources to prepare plans and specifications for a permanent one-lane bridge. Staff is working with our bridge component supplier on ways to expedite bridge fabrication and delivery. Because bridge fabrication, demolition and site preparation need to occur prior to bridge delivery, those actions must commence as soon as possible, and cannot be delayed for the amount of time required to issue a request for bids and contract for the work or any part of the work. Any additional delay increases the risk that the construction cannot go forward this season, depending on the timing of winter weather which is difficult to predict.

The temporarily-repaired Green Creek crossing is vulnerable to being washed out again and users have been urged to use caution. Accordingly, it is imperative that the work to install a more permanent bridge be completed as soon as possible.

Please contact me at 760-924-1802 if you have any questions regarding this item.

Respectfully submitted,



Garrett Higerd
County Engineer

**October 3, 2017
Regular Meeting**

Item # 7f

CAO /

Community Develop.

County Counsel

**Sustainable Groundwater
Management Act Update**

County Counsel
Stacey Simon

Assistant County Counsel
Christian E. Milovich

Deputy County Counsel
Anne M. Larsen
Jason Canger

**OFFICE OF THE
COUNTY COUNSEL**

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

Telephone
760-924-1700
Facsimile
760-924-1701

Paralegal
Jenny Senior

TO: Board of Supervisors

FROM: Jason Canger

DATE: October 3, 2017

SUBJECT: Milestones Related to the County's Membership in the Owens Valley
Groundwater Authority and Compliance with the Sustainable Groundwater
Management Act

DATE	MILESTONE	NOTES
October 5, 2017	First Meeting of Authority	<ul style="list-style-type: none">• Introduce member agencies; set regular schedule for Authority meetings, discuss JPA terms• Elect a temporary chair• Brown Act, Conflict of Interest presentation• Present and provide input/comment on GSP Development Budget• Discuss Authority becoming GSA for basin• Discuss SGWP grant application
TBD	Second Meeting of Authority	<ul style="list-style-type: none">• Adoption of GSP Development Budget
TBD	Third Meeting of Authority	<ul style="list-style-type: none">• Members make funding contribution commitments (OR take action to continue item to following meeting)• Members do not have to make funding contribution commitment; instead, they can (1) remain a member (2 votes) or withdraw from Authority• NOTE: Withdraw must be done at this meeting or else
November 13, 2017	Deadline for SGWP Grant Application	<ul style="list-style-type: none">• DWR will accept only a single application per basin; will require coordination if multiple GSAs and

		<p>incorporation of all GSAs' applications into a single application</p> <ul style="list-style-type: none"> • It's not clear whether DWR will have a second SGWP grant phases; thus, Authority (or GSAs) should submit application by November 13
January 31, 2022	Deadline for GSP Preparation/Completion	<ul style="list-style-type: none"> • Submission of a single GSP or coordinated GSPs to DWR (if multiple GSAs) • Failure to prepare/complete GSP will result in basin being designated as "probationary" and subject to State Water Board regulation



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135 South Jackson Street
Independence, CA 93526

**COUNTY OF INYO
WATER DEPARTMENT**

September 28, 2017

TO: Owens Valley Groundwater Authority Members
FROM: Inyo County Water Department
SUBJECT: Second Draft GSP Development Budget

The Joint Exercise of Powers Agreement creating the Owens Valley Groundwater Authority (Article II Section 4.1 – GSP Development Budget) requires that:

...within six months of the formation of the Authority, the Inyo County Water Department shall, with input from any Members and as it otherwise deems appropriate, develop the Authority's initial budget for development of the GSP [Groundwater Sustainability Plan] over a multi-year period (i.e. until the GSP is approved for implementation) within the requirements of the SGMA (hereinafter referred to as the "GSP Development Budget"). The GSP Development Budget shall function as a forecasting tool for the Members to guide them in their respective Funding Contribution decisions...

Upon notice from the Inyo County Water Department that the GSP Development Budget is complete and ready for approval, the Authority shall place the matter on the next possible Board meeting agenda. The Board of Directors shall adopt the GSP Development Budget as submitted by the Inyo County Water Department. In other words, approval of the GSP Development Budget shall be a ministerial act of the Board of Directors, provided, however, that it may be modified by the Board at a subsequent meeting(s) by a majority of the votes of the Directors appointed by the Members and Associates.

The Water Department has prepared a second draft GSP Development Budget, and is soliciting input from the Authority Members concerning the second draft budget. The first draft distributed on September 11 has been modified based on comments from the City of Bishop and information from the DWR SGMA Groundwater Sustainability Plan Preparation Workshop held on September 20 in Clovis, California.

The two tables below make up the GSP Development Budget. Table 1 identifies administrative expenses that will in general be borne by GSA members in one fashion or another. For purposes of budgeting (and demonstrating match requirements in any grant application) the costs of these tasks should be recognized in the budget; however, it is assumed that these tasks could be performed by member agencies and credited against their respective funding commitments or on a contract reimbursement basis. As you review this draft budget, if you believe that your agency may be interested in performing any of the identified administrative tasks, please let us know along with your proposed hourly rate. While discussions of which agency may provide which services can be discussed and agreed upon later, along with the resulting contract agreements, knowing what folks may be interested in doing now, and for what price would be helpful in refining the budget before it is submitted to the JPA Board for Approval.

Table 2 describes tasks that would be undertaken by a contractor preparing the GSP, which may be funded by a grant if the GSA is a successful grant applicant. The GSP Development Budget set out below is assumed to be a three-year project, anticipating that the GSP would be prepared and submitted to DWR for review by mid-2021 and implemented well prior to the January 31, 2022 deadline by which the basin must be managed under a GSP. The Administrative Budget (Table 1) is based on Water Department staffs' experience with grants, proposals, RFP/RFQs, meeting preparation, and contract management. The Plan Preparation Budget (Table 2) was developed based on budgets from other basins, with consideration of basin-specific aspects of the Owens Valley Groundwater Basin. This draft budget is approximate, with a likely range of uncertainty of $\pm 30\%$. As noted above, this budget can be modified in the future by the GSA Board of Directors. This budget is not yet refined into annual budgets, but approximate annual budgets can be determined by assuming these figures will be distributed about equally over three years.

As you can see, the Budget seems promising and workable. Even without obtaining a grant that will substantially reduce out-of-pocket costs, \$707,625 for three years equates to \$235,875 per year. Split equally between the 11 member agencies (not accounting for Associate member contributions) the cost is \$21,443 per member per year with each agency sharing equally in voting. If only four (4) of the 11 member agencies agree to fund equal amounts of the GSP (and assuming no partial funding) the cost is \$58,969 per year for those four (4) agencies with each of the four (4) agencies having an equal number of votes. If we are successful in obtaining a grant that covers plan preparation costs, then \$138,125 split among 11 member agencies for three years would be \$4,186 annually, or less if the contract administration is funded through the grant. This analysis is preliminary and we hope, once the Board is constituted and votes apportioned based on funding commitments, that contributions from Associates and/or a successful grant application can reduce Member contributions further.

We are also happy to meet to discuss the draft budget in person, by phone, or by e-mail before the JPA Board meeting which is scheduled for October 5, 2017 at 3PM at the Fire Training Facility in Bishop.

Table 1. GSA Administrative Tasks and Budget

Task	Description	Responsible Party	Deliverable	Approximate hours	Cost
1. Submit JPA to State	Comply with JPA formation requirements.	Inyo	JPA accepted by State	4 - 8	500
2. Submit OVGA GSA notice to DWR	JPA submits required material to DWR to form a GSA.	JPA membership	Notice accepted by DWR	4 - 8	500
3. Withdraw existing GSA notices	Four existing GSA's withdraw their notices so that JPA/GSA can assume GSA status for whole basin	Inyo, Mono, Bishop, TVGMD	Notices withdrawn by DWR	4 - 8	500
4. Preparation of initial budget	Inyo WD prepares initial budget for JPA members to identify funding level.	Inyo, review by OVGA membership	Initial budget adopted by JPA board	5-10	680
5. Website development	Website development and maintenance for meeting information and SGMA related documents.	OVGA member or Contractor	Web site developed and maintained	\$7,700 for devel. + \$2,000/yr maint.	11,700
6. Initial meeting	JPA members commit to funding levels, elect officers.	OVGA members	Meeting held	5-8	600
7. Grant proposal	Develop and submit proposal to DWP for funds to prepare plan.	Inyo	Complete grant proposal submitted to DWR	40 - 80	5,100
8. Grant administration and technical assistance.	Manage contract for plan preparation and provide technical assistance to contractor.	Inyo	Grant billing and reporting maintained.	7% added to grant amount	39,865
9. Meeting preparation and archiving	Notice meetings and public hearings; prepare agendas, minutes, other materials; maintain contact list.	OVGA	18 meetings producing agendas, minutes, & and meeting materials	120 – 160 + room rental	12,600
10. GSA counsel	Attorney services to GSA – Brown Act compliance, bylaws preparation.	OVGA member(s)	Legal services for JPA	300 - 450	36,000
11. Associates and interested parties	Contact potential Associates and Interested Parties to determine their interest in participation.	OVGA	Address Article V of JPA	10 - 30	2,200
12. Basin boundary modification	GSA may request a basin boundary modification, either for TV/Owens division or extrication of Starlite	OVGA members desiring basin boundary modification	Submit complete basin boundary modification to DWR	0 - 80	5,100
13. Data submittal to State	CASGEM compliance has to be maintained	CASGEM monitoring entities (Mono, TVGMD)	CASGEM monitoring entities submit data to DWR	20 - 40	2,040
14. Procure consultant	Prepare and circulate RFP/RFQ for contractor to prepare plan, enter contract.	Inyo	RFP/RFQ circulated, contract entered	40	3,400
15. Plan review	Review of contractor's product.	OVGA, stakeholders, public	JPA member review plan	150 - 200	14,960
16. Plan approval	Approval of final plan for submittal.	OVGA	JPA board adopts plan	Budgeted in meetings	--
17. Plan submittal to DWR	Submit plan to DWR.	OVGA, Contractor	Plan is submitted to DWR	4	340
18. DWR plan review	DWR reviews plan.	DWR	DWR identifies revisions to plan	--	--
19. GSP revision and resubmittal to DWR	GSA revises plan as DWR's review may require.	OVGA, Contractor	Revises Plan	20 - 40	2040

GSA Administrative Tasks Total				138,125
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Table 2. Groundwater Sustainability Plan Preparation Tasks and Budget

Task	Description	Responsible Party	Deliverable	Approximate Hours	Cost
1. Initial meeting	Plan preparation consultant meets with GSA and public to discuss GSP requirements, GSP goals and objectives, and GSP outline.	OVGA, Contractor	Presentation materials and meeting summary.	60 – 90 + travel	15,000
2. Data and document compilation, review, and management	Consultant works with GSA members to compile available documents and data related to GSP preparation, including technical standards, monitoring plans, reporting protocols, reports, studies, plans, models, and court documents. Describe current basin condition with respect to SGMA sustainability criteria. Data gaps identified. Compilation of groundwater data. Develop a system for storing and accessing documents and data.	OVGA, Contractor	Library of documents; database/repository of groundwater data.	250 – 350	60,000
3. GSP area and GSA information	Describe institutional and jurisdictional framework, demographics, and land use plans and practices, additional information related to gw management in GSA/GSP area.	OVGA, Contractor	Plan content (Description of Plan Area)	100 - 150	22,000
4. Hydrogeologic conceptual model	Describe groundwater system (structural geology, hydrostratigraphy, recharge and discharge zones, hydraulic parameters, basin boundary conditions, water quality). Includes maps, cross-sections, and other graphical rendering of content.	Contractor	Plan content (Basin Setting)	150 - 300	35,000
5. Groundwater conditions	Presentation of existing and historical conditions related to SGMA undesirable results	Contractor	Plan content (Basin Setting)	100 - 150	26,000
6. Water budget	Quantify budgets based on Tasks 2, 4, and 5. Identify basin-wide and management-area water budgets.	Contractor	Plan content (Basin Setting)	200 - 275	47,500
7. Identify management areas	Identify management areas based on hydrogeologic and managerial considerations based on Tasks 2, 3, and 4.	OVGA, Contractor	Plan content (Basin Setting)	175 - 225	24,000
8. Interagency agreements	Develop coordination and data sharing agreements with other agencies that managing groundwater in basin that are not subject to SGMA (LADWP, tribes, State, Feds)	OVGA, Contractor	Plan content (Interagency Agreements)	100 - 150	25,000
9. Define sustainability criteria	Identify and discuss SGMA undesirable results' applicability to Owens Valley Basin. Show where undesirable results are or are not present. Identify minimum thresholds and measurable objectives.	OVGA, Contractor	Plan content (Sustainable Management Criteria)	125 - 175	27,000
10. Progress report public meeting	Report on progress in a public workshop setting and receive public comment	OVGA, Contractor	Meeting presentation materials and meeting notes	60 – 90 + travel	15,000

11. Develop/refine monitoring program	Refine existing monitoring programs as necessary to track basin conditions with respect to sustainability criteria.	OVGA, Contractor	Plan content (Sustainable Management Criteria)	100 - 150	25,000
12. Identify and describe projects and management actions	Identify projects to mitigate groundwater problems, including monitoring network improvements, studies to circumstances that may lead to undesirable groundwater conditions, revisions and updates to groundwater models, and management area specific projects. Develop goals and objectives, scope, tasks, budget, and schedule for projects.	OVGA, Contractor	Plan content (Projects and Management Actions to Achieve/Maintain Sustainability Goals)	200 - 250	47,000
13. Develop implementation schedule & budget	Develop schedule and estimate ongoing monitoring, management, and reporting costs for GSA.	Contractor	Plan content (Plan Implementation)	30 - 40	7,000
14. Develop system for annual reporting.	Develop strategy and tools for streamlining annual reporting process.	Contractor	Templates and procedures for producing and submitting annual reports	50 - 70	12,000
15. Compilation, presentation, and submittal of GSP	Compile GSP administrative draft for internal review; revise based on internal review, compile public release draft; attend public hearing; based on public hearing and direction from GSA, compile final draft. Submit final draft to state for review.	Contractor	Final Plan for submittal to DWR	600 - 750	135,000
16. Revise according to DWR evaluation and assessment	Address deficiencies and corrective actions identified by DWR, and resubmit.	Contractor	Revised final plan accepted by DWR	60 - 80	15,000
17. Coordination meetings	Monthly or bimonthly calls with GSA staff to coordinate plan development activities and maintain progress throughout project.	OVGA, Contractor	Call notes and action items	125 - 175	32,000
Contractor cost subtotal					569,500
18. Contract administration	Administration of DWR contract (contracting, invoicing, reporting)	Inyo	7% of Contractor cost subtotal		39,865
Plan Preparation Total					609,365

3-Year Budget Total

GSA Administrative Budget	138,125
Plan Preparation Contractor	569,500
Total	707,625

October 3, 2017
Regular Meeting
Item # 11a

Community Develop.

**Cannabis Policy and
Regulations Workshop**

October 3, 2017

Mono County Board of Supervisors

Comments regarding Cannabis in Mono County

Honorable Supervisors,

Thank you for the opportunity to provide comments as you deliberate regarding the appropriate implementation of regulations for cannabis in Mono County. I commend the Board for its efforts to craft reasonable regulations to implement this, and especially want to express appreciation for the staff of the Community Development Department for their work on the issue. I would like to share the following comments:

In the November 2017 election, voters in Mono County voted 61.58% in favor of Proposition 64, to allow for recreational and personal use of cannabis. In the Mono Basin precinct, the percentage in favor was even higher, however the by-precinct results are no longer available on the County website.

This summer, I had the opportunity to spend a month in Oregon, which is quite a ways ahead of California in addressing the cannabis issue. In almost every large and small town, retail cannabis businesses are evident. They are located amongst other businesses, in strip malls or other business locations, next to the hair and nail parlors, Mexican restaurants, dental offices etc. There was no obvious concern with crime or traffic, and they seemed as appropriate as any other type of business in the same area. The interiors of the businesses were clean and orderly, the clientele well-behaved, the staff knowledgeable and professional in demeanor, and the products labelled as to origin and content.

I am personally in favor of allowing the potential for such a business, such as retail stores of some kind, if someone is interested and can meet the requirements. Proposition 64 sets a 600 foot exclusion for cannabis businesses from school facilities. In Lee Vining, that leaves very few properties where this could occur. Add in parking and other planning constraints, and it is very unlikely but not impossible that a business could be established. Increasing the limit would effectively eliminate the possibility of a viable business within the town. A Use Permit would be an appropriate way of addressing any concerns that arise within the community.

I would like to see a least-restrictive approach to personal outdoor cultivation as allowed under the proposition, as long as people follow the State guidelines. Requiring cultivation to be indoors-only would increase energy use, and also create more opportunities for electrical and building code issues that could be hazardous, problematic and difficult to enforce. I do not believe registration with or taxation by Mono County would be appropriate or necessary for personal use cultivation, done within state guidelines.

Commercial cultivation is a more complex issue. I come from Humboldt County, where unregulated cultivation is off the charts and a source of serious environmental and social problems. Fortunately, Mono County does not have an existing out of control situation, and has the opportunity to get ahead of the issue. State law addresses to some degree and Mono County will no doubt be looking at: water use, proximity to adjacent land owners, energy use, night sky, noise from generators, pesticides, and testing and labeling of products to name a few.

My biggest concerns with commercial cultivation in the Mono Basin are noise, light pollution and visual impacts if in greenhouses. I would have zero tolerance for additional impacts to the dark sky, and constant noise. Also, visual impacts of greenhouses in the Mono Basin should be considered. Size matters, and Northern California is off the charts, with previously scenic viewsheds cluttered with greenhouses sprouting like mushrooms from every hill and valley. I would be extremely disappointed to see investors starting large-scale greenhouse grows on 20 acre parcels zoned agricultural on the Bodie Road, adjacent to the Mono Basin Scenic Area. Perhaps requiring a primary residence first, and limiting greenhouse size to no greater than that of the primary residence, and requiring visual mitigation, will limit speculative investments which do not fit the character of the area.

Final thought: If we over-regulate and over-tax legal cannabis, we will continue to incentivize illegal cannabis.

Thank you for your consideration and work on this issue.

Cedar Barager
PO Box 89
Lee Vining, CA 93541
email: regarab@aol.com

-----Original Message-----

From: Bureau of Cannabis Control [mailto:BCC-GENERAL@DCALISTS.CA.GOV] On Behalf Of bmmr@dca.ca.gov
Sent: Friday, September 29, 2017 4:43 PM
To: BCC-GENERAL@DCALISTS.CA.GOV
Subject: LICENSING AUTHORITIES ANNOUNCE WITHDRAWAL OF PROPOSED MEDICAL CANNABIS REGULATIONS

SACRAMENTO – California’s three cannabis licensing authorities announced today the official withdrawal of the medical cannabis regulations that were proposed in late spring by the Department of Consumer Affairs’ Bureau of Cannabis Control, Department of Public Health’s Manufactured Cannabis Safety Branch and Department of Food and Agriculture’s CalCannabis Cultivation Licensing. The official withdrawal will occur October 6. The proposed regulations were geared toward the implementation of the Medical Cannabis Regulation and Safety Act. These licensing authorities held hearings and accepted public comments regarding the proposed regulations during a 45-day public comment period.

However, in late June, the Legislature passed and the Governor signed into law, the Medicinal and Adult-Use Cannabis Regulation and Safety Act, which creates one regulatory system for both medicinal and adult-use cannabis. Because of that action, the licensing authorities will withdraw the proposed medical regulations and will instead move forward with one regulatory package for both medicinal and adult-use cannabis.

The three cannabis licensing authorities will develop emergency regulations based on the new law and will incorporate the robust and valuable public comment received on the proposed medical cannabis regulations. The summary of public comments, as well as the responses to those comments, received by each agency – either in writing or in person at one of the public comment forums hosted by the three agencies – can be viewed by clicking the links below:

Bureau of Cannabis Control:

http://bcc.ca.gov/law_regs/mcrsa_comments.pdf

http://bcc.ca.gov/law_regs/mcrsa_lab_comments.pdf

CA Department of Food and Ag:

<http://cannabis.ca.gov/wp-content/uploads/sites/13/2017/09/Medical-Cannabis-Cultivation-Regulations-Draft-Comment-Summary.pdf>

CA Department of Public Health:

[https://www.cdph.ca.gov/Programs/CEH/DFDCS/CDPH%20Document%20Library/Cannabis%20Comments%20\(Final%20on%20CDPH%20Letterhead\).pdf](https://www.cdph.ca.gov/Programs/CEH/DFDCS/CDPH%20Document%20Library/Cannabis%20Comments%20(Final%20on%20CDPH%20Letterhead).pdf)

The licensing authorities will use the emergency rulemaking process for the new regulations. The emergency regulations are expected to be published in November. The implementation date for the issuance of commercial cannabis licenses remains the same: January 1, 2018.

For additional information about the three licensing authorities, or to learn about updates as they become available, please visit the state’s Cannabis Web Portal – www.cannabis.ca.gov.

To unsubscribe from this email list please click on the link below and follow the instructions on the web page.

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October 3, 2017
Regular Meeting
Item # 11b

Code Enforcement

Compliance Agreement /
Rainbow Ridge

Rainbow Ridge

Realty • Reservations

2603 State Highway 158 • Post Office Box 801 • June Lake, California 93529

September 27, 2017

To the Board of Supervisors:

This letter is in direct response to the email that was sent to the board with erroneous rental incomes, the knowledge of the status of my settlement, and out and out lies regarding the amount these owners make, and his interaction with the Leonard Ave homeowners.

I have worked hard over the past 20 years to build a successful business and contribute to the June Lake community and Mono County. The fact that someone can question my integrity, and is lying to the board of supervisors is unacceptable. I work 60 to 70 hours a week to keep my business going. When the real estate market crashed in 2008, I took a part time job waitressing, so we could survive, and pay my bills, and put food on the table. My competitor lost his house and other properties that he had at the time.

The facts are, that most transient rentals do not make any money. The bottom line is that they run in the red. The current average "gross" rental in June Lake is about 15,000, subtract the mortgage, utilities, maintenance costs, HOA fees and they run in the negative. Buyers do not buy a transient rental to make money, they buy a second home for their vacation.(A piece of paradise that they can call their own). Transient rental income just helps with the burden of the expenses. The transient rental market in June Lake, has been hit pretty hard for the past 7 years. The real estate market crashed, June Mountain did not open, and then there was no snow for the last 5 years preceding 2016. If my competitor wants to give you the facts then "tell the truth".

Property management is a lot of hard work. Each property will net you around a \$1000 to \$2000 per year. I was told by the previous owner, who is an accountant, in order for you to keep the doors open, Rainbow Ridge needs to have 25 to 30 rentals to sustain a rental office. Running a business is not cheap; Liability insurance, workman's comp., employee wages, mortgages, supplies, utilities, linens, taxes etc... There is not much left to live on. If you use my accountants analogy, my competitor will not survive unless he gets rid of the competition, me.

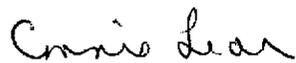
In addition to the fact that this person lied about rental income, and the amount that homeowners make, add to that this person had full knowledge regarding my pending settlement makes me wonder where this information is coming from.

This person has never talked to the homeowners on Leonard, except one. He told that homeowner they should use him as a property manager. The homeowner kindly declined. None of the other homeowners have ever talked to this person.

As I have said in previous correspondence, I would never have rented any of these properties if I had not had the assurance of our former Board of Supervisor, Vicki Bauer that the county would not be enforcing Leonard Ave. These homes were rentals long before I was managing them. The county was and is still currently working on a transient rental overlay for this area and there was no opposition for this to happen. Vicki Bauer just lives 3 houses down and around the corner from Leonard Ave. I have never tried to hide the fact that these houses were rentals. Rainbow Ridge has always paid the TOT tax on each one of these properties. The finance office had full access to the records regarding where the transient rentals monies were coming from during any of their audits.

Again, I would like to point out to you that recently my personal finances have been stretched thin because of medical costs, with my husband's illness. He is still recovering. It has not even been a year from his cancer surgery, chemo, radiation and the time that my husband was out of work.

Respectively,

A handwritten signature in cursive script that reads "Connie Lear".

Connie Lear

Begin forwarded message:

From:

Date: September 20, 2017 at 4:52:58 PM PDT

To: <fstump@mono.ca.gov>, <jpeters@mono.ca.gov>, <bgardner@mono.ca.gov>, <scorless@mono.ca.gov>

Subject: Illegal rental agency

I did a little cost benefit breakdown to look at what the agency and property owners benefited from doing illegal property rentals for the last four years. The premise is based upon our "average" rental income generated to each of our property owners during 2016.

From our perspective, the decision to handle only legal rentals cost us approximately \$297, 146 over just the past four years. I have to say, I will feel very STUPID for not handling illegal rentals if the "Cost" of doing so is only \$10,000.

If the fine is only \$10,000, I believe you should consider the Board of Supervisors is establishing a precedent and in no way a detriment!

Please note the estimated income the owners of the properties received when considering lowering their fines. Each of those properties have spoken with me multiple times over the last 5 years. All know they were illegal to rent, as I personally told them so myself, more than once.

Another thing to consider: It seems to me the agencies TOT tax certificate should be in play as well.

Please feel free to call me if you wish to discuss in more detail. My cell #

Illegal Rental Cost Benefit

Description		Details
\$ 36,565.00	Average revenue generated by each of our properties in 2016	
	30%	Commission to agency
\$ 10,969.50	Agency income earned per rental	
	70%	Income to property owner
\$ 25,595.50	Average income to property owner	
	Average number of illegal properties on web page	7
\$ 76,786.50	Average income to agency generated by illegal properties per year	
\$ 307,146.00	Consider only 4 years of illegal activity income generated to agency	4
\$ 102,382.00	Consider only 4 years of illegally generated income to property owner	
\$ 10,000.00	Cost of doing just 4 years of illegal rentals???	
\$ 297,146.00	Profit to Agency	

From:
Sent: Saturday, September 23, 2017 1:55 PM
To: Bob Gardner <bgardner@mono.ca.gov>
Subject: Rainbow Ridge Business License Revocation

Bob,

I've played the videos of the last two BOS meetings regarding this issue and have read the (yet to be approved) minutes to those meetings.

Although I have many questions regarding this case, I'll try to limit my comments to just the "enforcement" issue.

1. I'd like to see the Community Development Department's Code Compliance Goals be followed. As listed on their website page, Goal #5 of Code Compliance reads: "Utilize enforcement procedures when voluntary compliance fails".

2. I'd like to see the BOS follow our General Plan 26.070 Enforcement code:

"... Notwithstanding Section 1.12.030, the administrative fine for the operation of any transient rental facility within a transient overlay district without a valid vacation home rental permit, or the operation of any transient rental facility in violation of applicable land use requirements in any other land use designation of the county shall be \$1,000 for the first violation and \$2,000 for a second or subsequent violation within three years. In addition to these penalty provisions, the failure to comply with any provision of this chapter may result in the suspension or revocation of the vacation home rental permit in accordance with subsection D below, or the suspension or revocation of the business license and/or transient occupancy registration certificate. The failure of a management company or property manager to comply with the provisions of this chapter may additionally result in a finding that such management or company or property manager is not in good standing."

In other words, why have a General Plan if we cannot follow it. Why have a departments goals become second to a "deal". Why set a weak and ineffective precedent in a town with such strong opinions? To me this is not about money or justice - it's about following our own rules.

Bob - I wanted to send this email to Nick Criss - but I can't find any contact information on the Mono County website. Can you please forward this to him for me? Thank you.