



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 July 2, 2019

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 Shannon Kendall, Clerk of the Board, at (760) 932-5533. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (See 42 USCS 12132, 28CFR 35.130).

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

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. RECOGNITIONS

A. Recognition of California State Park Ranger Dave Marquart

Departments: Board of Supervisors

10 minutes

(Supervisor Gardner) - Proposed resolution in appreciation and recognition of Dave Marquart, Mono Lake Tufa State Natural Reserve Park Ranger, who will be retiring.

Recommended Action: Adopt resolution in appreciation and recognition of Dave Marquart.

Fiscal Impact: None.

B. Recognition for Mono County Sheriff Search and Rescue Team

Departments: Sheriff

10 minutes

(Sheriff Ingrid Braun) - Proposed resolution in appreciation and recognition of the Mono County Sheriff Search and Rescue Team.

Recommended Action: Approve resolution of Appreciation and Recognition of the Mono County Sheriff Search and Rescue Team.

Fiscal Impact: None.

3. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

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

4. DEPARTMENT/COMMISSION REPORTS

5. CONSENT AGENDA

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

A. Authority to Hire at Step B - Probation

Departments: Probation

The Probation Department is seeking to fill a vacant Deputy Probation Officer I/II/III position. The Department is requesting authorization to offer employment at Step B of the salary range (Range 59) for this position, based on the candidate's past experience and qualifications.

Recommended Action: Grant the Probation Officer authority to fill a Deputy

Probation Officer I/II/III position (Range 59) at Step B.

Fiscal Impact: Range 59 A Step annual pay rate of \$53,061 would be increased by 5% to an annual pay rate of \$55,714, a difference of \$2,653.

B. June Lake Citizens Advisory Committee Appointment

Departments: Community Development - Planning

Consider the appointment of Joseph Bogorad for the June Lake Citizens Advisory Committee, as recommended by Supervisor Gardner.

Recommended Action: Appoint Joseph Bogorad to the June Lake Citizens Advisory Committee for a term ending December 31, 2023.

Fiscal Impact: None.

C. Street Identification Signs in Bridgeport Valley

Departments: County Counsel and Public Works

Proposed resolution authorizing the purchase, installation and maintenance of street identification signs on privately-owned roads located in the Bridgeport Valley to facilitate emergency response, and authorizing the Public Works Director to accept, on behalf of the County, easement grants necessary for said purposes.

Recommended Action: Adopt proposed resolution R19-___, Authorizing the purchase, installation and maintenance of street identification signs on privately-owned roads located in the Bridgeport Valley to facilitate emergency response and authorizing the Public Works Director to accept, on behalf of the county, easement grants necessary for said purposes.(4/5 vote required).

Fiscal Impact: Each sign is estimated to cost approximately \$150. This includes purchase, installation and the cost of materials. Up to 32 signs are proposed, for a total cost of approximately \$4,800 paid from the CSA5 account. Ultimately, if signs are damaged and need to be replaced, the cost would be roughly the same for each replacement sign (adjusted for inflation). In addition, staff time preparing easement documents, performing maintenance or providing other services related to the project would be charged to the CSA5 account at actual cost.

D. Economic Development, Tourism & Film Commission - Reappointment

Departments: Economic Development

Reappointment of Geoff McQuilkin to the Economic Development, Tourism & Film Commission for a 4-year term, July 1, 2019 - June 30, 2023.

Recommended Action: Reappoint Geoff McQuilkin to the Economic Development, Tourism & Film Commission for a 4-year term beginning July 1, 2019 and ending June 30, 2023.

Fiscal Impact: None.

E. First Amendment to Agreement with McGinley and Associates for Groundwater Sampling and Reporting Services

Departments: Public Works - Solid Waste Division

Proposed amendment to contract with McGinley and Associates, Inc. for groundwater sampling, testing, reporting, and related services and work.

Recommended Action: Approve First Amendment to agreement with McGinley and Associates, Inc. and authorize Interim County Administrative Officer to execute the First Amendment on behalf of the County.

Fiscal Impact: Approximately \$25,000 to the Solid Waste Enterprise Fund.

F. Ordinance Amending Mono County Code Section 10.17.100 – Use Restrictions in County Skateboard Parks

Departments: County Counsel

Amendment to Mono County Code Chapter 10.17, Section 10.17.100 to add the Crowley Lake Skate Park to the list of Skateparks to which certain use restrictions apply.

Recommended Action: Adopt proposed ordinance ORD19-____, Amending Chapter 10.17, Section 10.17.100 of the Mono County Code to add the Crowley Lake Skate Park to the list of Skateparks to which certain use restrictions apply.

Fiscal Impact: None.

G. Amendment to Mono County Code Chapter 7.08 - Retail Food Facilities

Departments: Environmental Health

Amendment to Chapter 7.08 - Retail Food Facilities, which will incorporate and adopt the California Retail Food Code, by reference, with a single change to restroom requirements for food facilities with onsite customer seating.

Recommended Action: Adopt proposed ordinance ORD19-____, Amendment to Chapter 7.08 - Retail Food Facilities, which will incorporate and adopt the California Retail Food Code, by reference, with a single change to restroom requirements for food facilities with onsite customer seating.

Fiscal Impact: No fiscal impact.

H. Out-of-State Travel Authorization for NACo's 84th Annual Conference and Exposition

Departments: Board of Supervisors

Out-of-state travel request for Supervisors Gardner and Halferty to attend the National Association of Counties' (NACo) 83rd Annual Conference and Exposition

in Las Vegas, NV.

Recommended Action: Approve out-of-state travel for Mono County Supervisor Bob Gardner and Supervisor Jennifer Halferty to attend NACo's 84th Annual Conference and Exposition in Las Vegas from July 12-15, 2019.

Fiscal Impact: Up to \$3,000 for conference registration, hotel stay, and air travel for Supervisors Gardner and Halferty, which is included in the Board of Supervisors budgets for FY 2018-19 and FY 2019-2020.

6. 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. TOML Letter to Madera County Regarding Emergency Services in Eastern Madera County

A letter from the Town of Mammoth Lakes (TOML) Mayor Cleland Hoff to the Madera County Board of Supervisors discussing emergency and other public services provided in eastern Madera County, stating the Town's shared concerns with the Mono County Board of Supervisors.

B. Frontier Communications Response to Board Letter re: 911 Outages

Reply from Frontier Communications to May 29, 2019 Board of Supervisors letter discussing 911 outages, providing an update on their process.

C. Mono County Board of Supervisors Letter Supporting the Governor's May Revision Proposal on Homelessness Funding

A letter to Assemblyman Bigelow (also sent to Senator Andreas Borgeas) from the Mono County Board of Supervisors, signed by the Chair pursuant to the Board's adopted legislative platform, in support of Governor Newsom's May Revision proposal for the Homeless Aid for Planning and Shelter Program.

D. TOML Plan the Parcel Notice

The Town of Mammoth Lakes (TOML) is inviting the community to help Plan the Parcel, a planning process for the 25 acre affordable housing site located in the center of town.

E. Mono County Board of Supervisors Letter Opposing AB 1366

A letter to State Senator Ben Hueso, Chair of the Legislative Committee on Energy, Utilities, and Communications, from the Mono County Board of Supervisors, signed by the Chair pursuant to the Board's adopted legislative platform, in opposition to Assembly Bill 1366 (AB1366), which extends the qualified prohibition upon the

California Public Utilities Commission, a department, an agency, or a political subdivision of the state regulating Voice over Internet Protocol (VoIP) - enabled communications services.

F. SCE Letter re: Mill Creek and Wilson Systems

A letter from Cal Rossi, Southern California Edison (SCE) Government Relations Manager, thanking the Board for the opportunity to discuss their Lundy Hydroelectric Project, and offering to hold an informational briefing at a future Board meeting to discuss the Mill Creek Accounting and Planning Tool.

G. T-Mobile Notification of Intent to Begin 600MHZ Operations Affecting CSA Over Air Broadcast Service

A notice from T-Mobile that they are preparing to commence operations on its 600 MHz spectrum in the Partial Economic Area (PEA) #76, which will affect the over air service for County Service Areas #1 (CSA1) and #2 (CSA2).

7. REGULAR AGENDA - MORNING

A. Cannabis Operation Permit 19-002 - Walker River Farms

Departments: Community Development - Planning

20 minutes

(Hailey Lang) - Consider and potentially approve Cannabis Operation Permit 19-002 (Walker River Farms), an adult-use commercial cannabis microbusiness operation located at 1129 Larson Lane in Coleville, APN #002-110-021. The microbusiness consists of 5,120 square feet of indoor cannabis cultivation in four buildings, processing, distribution, packaging, and labeling.

Recommended Action: 1. Find that the project qualifies as an exemption under CEQA guideline 15183 and direct staff to file a Notice of Determination. 2. Make required findings; approve Cannabis Operation Permit 19-002 (subject to the findings and conditions) as recommended or with desired modifications.

Fiscal Impact: The proposed project will generate an incremental increase in cannabis taxes.

B. Emergency Management Program Grant (EMPG) update and request for budget amendment

Departments: Information Technology, Finance

15 minutes (10 minute presentation; 5 minute discussion)

(Nate Greenberg, Janet Dutcher) - Beginning Fiscal Year 2018 – 2019, the County Administrative Office and Information Technology (IT) Department assumed management and utilization of the Emergency Management Program Grant (EMPG). Staff will provide a status update of the grant program and request a budget adjustment of \$127,787 to include the approved grant expenditures and

funding in the County's Fiscal Year 2018-2019 General Fund budget.

Recommended Action: Receive update from staff. Approve increase in Radio budget unit 100-17-151 appropriations and grant revenues of \$127,787 for Fiscal Year 2018-2019. Provide any direction to staff. Requires a 4/5th vote of the Board.

Fiscal Impact: Net \$0 fiscal impact to the General Fund budget. The increase of \$127,000 in expenditures is fully offset with unanticipated grant revenues. The grant requires a dollar-for-dollar match of \$127,787, which is already budgeted for in the Information Technology and Radio Department budgets of the General Fund. Any amounts not spent by the end of the fiscal year carry over into the next fiscal year and are included in the Recommended Budget for fiscal year 2019-2020.

C. Proposed Ordinance Amending Mono County Code Chapter 3.30, Cannabis Business Tax

Departments: Finance; County Counsel

15 minutes

(Janet Dutcher) - Proposed ordinance amending Mono County Code Chapter 3.30, Cannabis Business Tax, to provide for a once-annual payment (4th quarter – due January 31st each year) for cultivators. There is no change to the amount of the tax, which was approved by the Voters.

Recommended Action: Introduce, read title, and waive further reading of proposed ordinance. Provide any desired direction to staff.

D. Proposed Updates to Mono County Code Chapter 2.84 - "County Administrator"

Departments: County Counsel, CAO

15 minutes (10 minute presentation; 5 minute discussion)

(Stacey Simon and Dave Wilbrecht) - Presentation regarding proposed updates to Mono County Code Chapter 2.84 "County Administrator."

Recommended Action: Review proposed draft updated code provisions and provide direction regarding additional revisions and/or return to the Board for introduction (first reading). Provide any other desired direction to staff.

Fiscal Impact: None.

E. Exclusive Negotiating Agreement (Integrity Housing)

Departments: Behavioral Health

10 minutes

(Robin Roberts, Amanda Greenberg) - Presentation by Behavioral Health staff regarding entry into exclusive negotiating agreement with Affordable Housing Alliance II, Inc. (dba Integrity Housing) related to the investigation and

potential site identification, development and operation of affordable and supportive housing in Mammoth Lakes.

Recommended Action: Approve County entry into proposed contract and authorize Chair to execute said contract on behalf of the County. Provide any desired direction to staff.

Fiscal Impact: There is no impact at this time. Should a project be identified and pursued by Integrity, the County would consider making a contribution of Mental Health Services Act funds towards project development.

F. HUD Proposed Rule Change

Departments: Board of Supervisors

5 minutes

(Supervisor Jennifer Halferty) - A letter to the Department of Housing and Urban Development (HUD) in opposition to its proposed rule "Verification of eligible status," which would restrict eligibility for federal housing assistance based on immigration status.

Recommended Action: Approve letter to be submitted to HUD.

Fiscal Impact: None.

8. 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.)

9. CLOSED SESSION

A. Closed Session - Human Resources

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Stacey Simon, Dave Wilbrecht, Dave Butters, Janet Dutcher, and Anne Larsen. 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 - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Administrative Officer (CAO).

C. Closed Session - Initiation of Litigation

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one.

D. Closed Session - Exposure to Litigation

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

10. BOARD MEMBER REPORTS

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

ADJOURN



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

Departments: Board of Supervisors

TIME REQUIRED 10 minutes

PERSONS APPEARING BEFORE THE BOARD Supervisor Gardner

SUBJECT Recognition of California State Park Ranger Dave Marquart

AGENDA DESCRIPTION:

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

Proposed resolution in appreciation and recognition of Dave Marquart, Mono Lake Tufa State Natural Reserve Park Ranger, who will be retiring.

RECOMMENDED ACTION:

Adopt resolution in appreciation and recognition of Dave Marquart.

FISCAL IMPACT:

None.

CONTACT NAME: Scheereen Dedman

PHONE/EMAIL: x5538 / sdedman@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)
No Attachments Available

History

Time	Who	Approval
6/27/2019 9:53 AM	County Administrative Office	Yes
6/26/2019 11:17 AM	County Counsel	Yes
6/26/2019 1:07 PM	Finance	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

Departments: Sheriff

TIME REQUIRED 10 minutes

PERSONS APPEARING BEFORE THE BOARD Sheriff Ingrid Braun

SUBJECT Recognition for Mono County Sheriff Search and Rescue Team

AGENDA DESCRIPTION:

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

Proposed resolution in appreciation and recognition of the Mono County Sheriff Search and Rescue Team.

RECOMMENDED ACTION:

Approve resolution of Appreciation and Recognition of the Mono County Sheriff Search and Rescue Team.

FISCAL IMPACT:

None.

CONTACT NAME: Ingrid Braun

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
No Attachments Available

History

Time	Who	Approval
6/12/2019 7:41 AM	County Administrative Office	Yes
6/12/2019 7:49 AM	County Counsel	Yes
6/12/2019 7:49 AM	Finance	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

Departments: Probation

TIME REQUIRED

SUBJECT Authority to Hire at Step B -
Probation

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

The Probation Department is seeking to fill a vacant Deputy Probation Officer I/II/III position. The Department is requesting authorization to offer employment at Step B of the salary range (Range 59) for this position, based on the candidate's past experience and qualifications.

RECOMMENDED ACTION:

Grant the Probation Officer authority to fill a Deputy Probation Officer I/II/III position (Range 59) at Step B.

FISCAL IMPACT:

Range 59 A Step annual pay rate of \$53,061 would be increased by 5% to an annual pay rate of \$55,714, a difference of \$2,653.

CONTACT NAME: Karin Humiston

PHONE/EMAIL: 7609325573 / khumiston@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Staff Report</p>

History

Time	Who	Approval
6/20/2019 5:27 PM	County Administrative Office	Yes
6/20/2019 4:53 PM	County Counsel	Yes

6/19/2019 10:25 AM

Finance

Yes



MAILING : P.O. BOX 596, BRIDGEPORT, CALIFORNIA 93517
BRIDGEPORT OFFICE (760) 932-5570 • FAX (760) 932-5571
MAMMOTH OFFICE (760) 924-1730 • FAX (760) 924-1731

Mark Magit
Presiding Judge
Superior Court

Dr. Karin Humiston
Chief Probation Officer

To: Honorable Board of Supervisors
From: Karin Humiston, Chief of Probation
Date: January 14, 2019

Subject

Mono County Probation is seeking to fill a vacant Deputy Probation Officer I/II/III in the Adult Division. Probation is requesting authorization to offer Leianna Daley employment at Step B of the salary range (Range 59) for this position, based on her extensive experience in El Dorado County in the field of probation.

Recommendation

Grant the Chief of Probation the authority to fill a Deputy Probation Officer I/II/III (Range 59) at step B.

Fiscal Impact

Range 59 A Step annual pay rate of \$53,061 would be increased by 5% to an annual pay rate of \$55,714 a difference of \$2,653.

Data and Detailed Justification

Ms. Leianna Daley has been a Deputy Probation Officer in El Dorado for ten (10) years. Her extensive knowledge of probation, programs and juvenile justice will be a valuable addition to

Probation. Given her skill set and experience, Probation is very fortunate to have attracted such a knowledgeable candidate.

Upon hire of a new employee pursuant to Mono County Personnel System (MCPE), typically a new hire begins at a step A. However, Mono County Personnel System allows for exceptions to this procedure by the approval of the Board of Supervisors for a higher step for new hire employees. Given Ms. Daley's experience and qualifications, Probation is requesting authorization to offer her employment at Step B of the salary range of (Range 59) for this position.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

Departments: Community Development - Planning

TIME REQUIRED

**PERSONS
APPEARING
BEFORE THE
BOARD**

SUBJECT June Lake Citizens Advisory
Committee Appointment

AGENDA DESCRIPTION:

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

Consider the appointment of Joseph Bogorad for the June Lake Citizens Advisory Committee, as recommended by Supervisor Gardner.

RECOMMENDED ACTION:

Appoint Joseph Bogorad to the June Lake Citizens Advisory Committee for a term ending December 31, 2023.

FISCAL IMPACT:

None.

CONTACT NAME: Michael Draper

PHONE/EMAIL: 7609241805 / mdraper@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff report
Attachment

History

Time	Who	Approval
6/27/2019 9:52 AM	County Administrative Office	Yes
6/26/2019 11:12 AM	County Counsel	Yes

6/26/2019 1:07 PM

Finance

Yes

Mono County Community Development Department

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

Planning Division

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

July 2, 2019

TO: Honorable Mono County Board of Supervisors
FROM: Michael Draper, Planning Analyst, for Bob Gardner, District 3 Supervisor
RE: June Lake Citizens Advisory Committee Appointments

RECOMENDATION

Appoint Joseph Bogorad to a four-year term on the June Lake Citizens Advisory Committee, expiring Dec. 31, 2023, as recommended by Supervisor Gardner.

FISCAL IMPACT

No fiscal impacts are expected.

DISCUSSION

The June Lake Citizens Advisory Committee (JLCAC) may consist of up to 10 members and three seats are currently vacant. Supervisor Gardner recommends appointing Joseph Bogorad to his first four-year term to fill one of the currently vacant seats. The application for the proposed member is attached and includes a statement of community interests. With the seat filled, the June Lake Citizens Advisory Committee will consist of 8 members. Terms last for four years and are staggered to facilitate smooth transitions. The following summarizes the status of appointments and CAC membership:

Proposed appointment for term expiring Dec. 31, 2023:

1. Joseph Bogorad

Existing Members

2. David Rosky
3. Lindsay Chargin
4. John DeCoster
5. Julie Brown
6. Jora Fogg
7. Janet Hunt
8. Sarah Holston

Term Expires

12-31-20
12-31-20
12-31-20
12-31-22
12-31-22
12-31-22
12-31-22

If you have questions regarding this matter, please contact Michael Draper at 760.924.1805 or Supervisor Gardner.

ATTACHMENTS:

- Application for Joseph Bogorad

Regional Planning Advisory Committees

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

P.O. Box 8
Bridgeport, CA 93517
760-932-5420 phone, 932-5431 fax
www.monocounty.ca.gov

MEMBERSHIP APPLICATION

This application is for membership in the following RPAC (choose one):

- | | |
|--|---|
| <input type="checkbox"/> Antelope Valley | <input checked="" type="checkbox"/> June Lake CAC (Citizens Advisory Committee) |
| <input type="checkbox"/> Benton/Hammil | <input type="checkbox"/> Long Valley |
| <input type="checkbox"/> Bridgeport Valley | <input type="checkbox"/> Mono Basin |
| <input type="checkbox"/> Chalfant Valley | <input type="checkbox"/> Swall Meadows |

Name Joseph Bogorach

Address _____

City/State/Zip June Lake, CA 93529

Phone (day) [REDACTED] Phone (eve.) [REDACTED]

Email [REDACTED]@hotmail.com

Occupation/Business Real Estate

Special interests or concerns about the community:

Housing, sustainability, recreation, tourism, economics,
volunteerism

Signature [Signature] Date 5/28/2019



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

Departments: County Counsel and Public Works

TIME REQUIRED

**PERSONS
APPEARING
BEFORE THE
BOARD**

SUBJECT Street Identification Signs in
Bridgeport Valley

AGENDA DESCRIPTION:

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

Proposed resolution authorizing the purchase, installation and maintenance of street identification signs on privately-owned roads located in the Bridgeport Valley to facilitate emergency response, and authorizing the Public Works Director to accept, on behalf of the County, easement grants necessary for said purposes.

RECOMMENDED ACTION:

Adopt proposed resolution R19-___, Authorizing the purchase, installation and maintenance of street identification signs on privately-owned roads located in the Bridgeport Valley to facilitate emergency response and authorizing the Public Works Director to accept, on behalf of the county, easement grants necessary for said purposes.(4/5 vote required).

FISCAL IMPACT:

Each sign is estimated to cost approximately \$150. This includes purchase, installation and the cost of materials. Up to 32 signs are proposed, for a total cost of approximately \$4,800 paid from the CSA5 account. Ultimately, if signs are damaged and need to be replaced, the cost would be roughly the same for each replacement sign (adjusted for inflation). In addition, staff time preparing easement documents, performing maintenance or providing other services related to the project would be charged to the CSA5 account at actual cost.

CONTACT NAME: Stacey Simon

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> Staff Report
<input type="checkbox"/> Resolution - Street signs on private roads
<input type="checkbox"/> Exhibit A

[☐ Sheriff letter](#)

[☐ EMS Support Letter](#)

History

Time	Who	Approval
6/21/2019 2:37 PM	County Administrative Office	Yes
6/27/2019 10:29 AM	County Counsel	Yes
6/27/2019 12:00 PM	Finance	Yes

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 Lucas

To: Board of Supervisors

From: Stacey Simon

Date: July 2, 2019

Re: Resolution regarding street identification sign installation

Recommended Action

Approve and authorize Chair to sign proposed resolution authorizing the purchase, installation and maintenance of street identification signs on privately-owned roads located in the Bridgeport Valley to facilitate emergency response and authorizing the Public Works Director to accept, on behalf of the County, easement grants for said purposes.

Strategic Plan Focus Area(s) Met

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

Fiscal Impact

Each sign is estimated to cost approximately \$150.00. This includes purchase, installation and the cost of materials. Up to 32 signs are proposed, for a total cost of approximately \$4,800 paid from the CSA #5 account. Ultimately, if signs are damaged and need to be replaced, the cost would be roughly the same for each replacement sign (adjusted for inflation). Staff time preparing easement documents, performing maintenance or providing other services related to the project would be charged to the CSA #5 account at actual cost.

Discussion

On June 4th the Board heard from staff, community members, the Mono County Sheriff and the Mono County EMS chief regarding the lack of street identification signs on certain privately-owned roads in the Bridgeport Valley and its negative impacts on emergency response. Specifically, the unsigned roads make it more difficult for law enforcement and/or emergency responders to locate premises where their services are required and can result in delayed response times and

tragic results. Letters from the Mono County Sheriff and EMS Chief explaining the need are attached to this staff report.

On June 4th this office advised that, while public funds normally may not be spent on improvements to private roads, there is an exception which would allow such expenditures in this instance. Specifically, Streets and Highways Code section 969.5 provides that if the Board of Supervisors adopts a resolution by a four-fifths vote determining that the general county interest requires the improvement or repair of a privately-owned road, then the county may improve or repair that road in exchange for a grant or lease of right-of-way to the county for the county's use for the public purposes specified in the resolution.

The proposed resolution would make the required findings and authorize the Public Works department to purchase, install and maintain up to 32 street identification signs within the Evans Tract and on Carner Road, Aurora Canyon Road and Lakeside Drive in the Bridgeport Valley.

In addition, and as directed by the Board on June 4th, the resolution would authorize the Public Works Director to accept and consent to the recordation of any right-of-way easement grants necessary to install the signs without return to the Board.

If you have any questions on this matter prior to your meeting, please call me at 924-1704.

Attachments:

- Proposed Resolution with sample easement grant exhibit
- Letter from Mono County Sheriff
- Letter from Mono County EMS Chief



R19-__

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
AUTHORIZING THE PURCHASE, INSTALLATION, AND MAINTENANCE
OF STREET IDENTIFICATION SIGNS ON PRIVATELY-OWNED ROADS LOCATED
IN THE BRIDGEPORT VALLEY TO FACILITATE EMERGENCY RESPONSE
AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ACCEPT,
ON BEHALF OF THE COUNTY, EASEMENT GRANTS NECESSARY
FOR SAID PURPOSES**

WHEREAS, certain privately-owned roads located in the communities of the Bridgeport Valley of Mono County do not have road signs and/or other signage that allow emergency responders to locate residences from which emergency calls originate; and

WHEREAS, the residents of these Bridgeport Valley communities and local emergency responders, including the Mono County Sheriff (the "Sheriff") and the Mono County Emergency Medical Services Chief (the "EMS Chief") have requested that the County purchase, install, and maintain road signs on such roads to facilitate the location of residences during emergencies; and

WHEREAS, Section 969.5 of the Streets and Highways Code provides that where a county board of supervisors determines by resolution adopted by a four-fifths vote, that the general county interest demands the improvement or repair of a privately-owned road, the county may improve or repair such privately-owned roads in consideration of the grant or lease of a right-of-way to the county for its use for the public purposes specified in the resolution; and

WHEREAS, Section 27281 of the Government Code authorizes a county board of supervisors to adopt a resolution authorizing one or more of its officers or agents to accept and consent to deeds or grants conveying any interest in or easement upon real estate to the county;

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

SECTION ONE: Pursuant to Section 969.5 of the Streets and Highways Code, the Mono County Board of Supervisors finds that the general interest as well as the health, safety, and welfare of the residents of the Bridgeport Valley demand that road identification signs be installed and maintained on and along currently unsigned private roads so that emergency responders are able to timely locate those residences from which emergency calls originate.

SECTION TWO: Pursuant to Section 27281 of the Government Code, the Public Works Director is hereby authorized to accept and consent to grant deeds of easements for rights-of-way from willing property owners for the installation and maintenance of road signs on their respective private property along unsigned private roads in the Bridgeport Valley, provided that such easements are in substantially the form set forth in Exhibit A to this resolution.

1 **SECTION THREE:** Any easement accepted by the Public Works Director pursuant to
2 this resolution shall be accepted and used solely for the public purposes of installing and
3 maintaining street identification signs that the Public Works Director, in consultation with the
4 Sheriff, EMS Chief or other emergency responders, are needed to ensure that emergency
5 responders are able to timely locate those properties in the Bridgeport Valley from which
6 emergency calls originate.

7 **SECTION FOUR:** Neither this resolution, any proceeding related hereto, nor the
8 acceptance of any grant deed of easement of right-of-way by the County shall cause any
9 privately-owned road located in the Bridgeport Valley to become a county highway, county road,
10 or any part of the highway or road system maintained by the County.

11 **SECTION FIVE:** Neither this resolution, any proceeding related hereto, nor the
12 installation or maintenance of any sign or signage pursuant to this resolution shall cause the
13 County to be responsible or liable for any maintenance beyond that expressly provided in any
14 grant deed of easement of right-of-way for the installation and maintenance of a road sign on a
15 privately-owned road in the Bridgeport Valley.

16 **SECTION SIX:** Pursuant to Section 969.5 of the Streets and Highways Code, the Public
17 Works Director may purchase, install, and maintain those street identification signs for which
18 easements are acquired pursuant to this resolution, for the purposes stated herein.

19 **PASSED, APPROVED and ADOPTED** this _____ day of _____, 2019,
20 by the following vote, to wit:

21 **AYES:**

22 **NOES:**

23 **ABSENT:**

24 **ABSTAIN:**

John Peters, Chair
Mono County Board of Supervisors

25 **ATTEST:**

APPROVED AS TO FORM:

26 _____
Clerk of the Board

County Counsel

all claims, liabilities, damages, costs, or expenses arising out of or resulting from the grant or the work.

This easement shall be recorded with the office of the Mono County recorder, shall run with the land, and shall be binding on and inure to the benefit of the heirs, executors, administrators, successors, and assigns of GRANTOR and GRANTEE.

Dated this _____ day of _____, 20_____

GRANTOR (XXXXXX)

(signature)

(print name)

(signature)

(print name)

(Signature(s) of GRANTOR must be notarized. Attach the appropriate acknowledgement for each signature.)

CERTIFICATE OF ACCEPTANCE - GRANTEE

This is to Certify that the interest in real property conveyed by easement dated _____, from _____ to the County of Mono, a political subdivision of the State of California, is hereby accepted by the undersigned officer or agent on behalf of the Mono County Board of Supervisors pursuant to authority conferred by Resolution R19-__ of the Board of Supervisors adopted on _____, and the grantee consents to recordation thereof by its duly authorized officer.

COUNTY OF MONO

By: _____

Tony Dublino
Public Works Director
Mono County Department of Public Works

Dated: _____

APPROVED AS TO FORM

County Counsel

MONO COUNTY
SHERIFF

A Commitment to Community Safety and Service



Ingrid Braun
Sheriff-Coroner

MONO COUNTY SHERIFF'S OFFICE

Phillip West
Undersheriff

February 26, 2019

Mono County Board of Supervisors,
c/o Clerk of the Board
Post Office Box 715
Bridgeport, California 93517

RE: County Service Area No. 5 – Street Sign Project

Honorable Board of Supervisors:

There are many private roads within the community of Bridgeport that lack adequate signage. In the past first responders have been delayed in their response to emergency calls because some of the roads are unmarked.

The Mono County Sheriff's Office believes that the placement of County approved signs on these private roads will assist first responders in quickly and efficiently locating people in need. This is a public safety issue, and proper signage could potentially save lives.

Should you need any additional information from me or the Sheriff's Office, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'IB' with a flourish.

Ingrid Braun
Sheriff-Coroner



**MONO COUNTY
EMERGENCY MEDICAL SERVICES**

May 22, 2019

Board of Supervisors
c/o Clerk of the Board
PO Box 715
Bridgeport, CA 93517

Honorable Board of Supervisors:

Mono County Emergency Medical Services (MCEMS) supports the effort to have the County install street signs on undesignated streets within the Bridgeport valley. During a medical emergency the ability to locate the patient in a quick and efficient manner is critical to a positive patient care outcome. Although our emergency responders know where most of the roads are located, a road sign can improve response time and ensure that responders have the correct location.

Please contact me should you have any questions.

Sincerely,

Chris Mokracek
EMS Chief

P. O. Box 511 Bridgeport, CA 93517
(760) 932-5485 * (760) 932-2603 Fax



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

Departments: Economic Development

TIME REQUIRED

SUBJECT Economic Development, Tourism &
Film Commission - Reappointment

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Reappointment of Geoff McQuilkin to the Economic Development, Tourism & Film Commission for a 4-year term, July 1, 2019 - June 30, 2023.

RECOMMENDED ACTION:

Reappoint Geoff McQuilkin to the Economic Development, Tourism & Film Commission for a 4-year term beginning July 1, 2019 and ending June 30, 2023.

FISCAL IMPACT:

None.

CONTACT NAME: Alicia Vennos

PHONE/EMAIL: 760-924-1743 / avennos@mono.ca.gov

SEND COPIES TO:

Liz Grans - lgrans@mono.ca.gov

Alicia Vennos - avennos@mono.ca.gov

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Staff Report](#)

History

Time

6/20/2019 5:29 PM

Who

County Administrative Office

Approval

Yes

6/20/2019 4:54 PM

County Counsel

Yes

6/24/2019 2:20 PM

Finance

Yes



P.O. BOX 603 ▲ 452 OLD MAMMOTH ROAD #306 ▲ MAMMOTH LAKES, CA 93546 ▲ 800-845-7933 ▲ WWW.MONOCOUNTY.ORG

STAFF REPORT

Mono County Board of Supervisors Regular Meeting – July 9, 2019

SUBJECT: Reappointment of Geoff McQuilkin (District 3) to the Mono County Economic Development, Tourism & Film Commission (EDTFC) for a 4-year term, ending June 30, 2023.

RECOMMENDATION: Approval by the Board to reappoint Geoff McQuilkin to the Mono County EDTFC so that he may continue representing District 3 along with county-wide tourism and economic development interests. The 4-year term extends from July 1, 2019 to June 30, 2023.

BACKGROUND: Mr. McQuilkin is currently the Chair of the Commission and brings invaluable experience, insights, and commitment to the vision, programs and goals of the Commission.

FISCAL IMPACT: None



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

Departments: Public Works - Solid Waste Division

TIME REQUIRED

**PERSONS
APPEARING
BEFORE THE
BOARD**

SUBJECT First Amendment to Agreement with
McGinley and Associates for
Groundwater Sampling and
Reporting Services

AGENDA DESCRIPTION:

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

Proposed amendment to contract with McGinley and Associates, Inc. for groundwater sampling, testing, reporting, and related services and work.

RECOMMENDED ACTION:

Approve First Amendment to agreement with McGinley and Associates, Inc. and authorize Interim County Administrative Officer to execute the First Amendment on behalf of the County.

FISCAL IMPACT:

Approximately \$25,000 to the Solid Waste Enterprise Fund.

CONTACT NAME: Justin Nalder

PHONE/EMAIL: (760) 932-5453 / jnalder@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
McGinley First Amendment
Staff Report

History

Time	Who	Approval
6/27/2019 9:51 AM	County Administrative Office	Yes

6/27/2019 10:58 AM

County Counsel

Yes

6/27/2019 12:00 PM

Finance

Yes

**AGREEMENT AND FIRST AMENDMENT TO AGREEMENT
BETWEEN COUNTY OF MONO AND MCGINLEY & ASSOCIATES, INC.
FOR THE PROVISION OF GROUNDWATER SAMPLING AND
REPORTING SERVICES**

This AGREEMENT AND FIRST AMENDMENT BETWEEN COUNTY OF MONO AND MCGINLEY & ASSOCIATES, INC. FOR THE PROVISION OF GROUNDWATER SAMPLING AND REPORTING SERVICES (“First Amendment”) is made and entered into by and between the County of Mono (“County”), a political subdivision of the State of California, and McGinley & Associates, Inc. (“Contractor”), of Reno, Nevada. County and Contractor may be referred to herein collectively as the “Parties”.

RECITALS

A. The Parties previously entered into the AGREEMENT BETWEEN COUNTY OF MONO AND MCGINLEY & ASSOCIATES, INC. FOR THE PROVISION OF GROUNDWATER SAMPLING AND REPORTING SERVICES (“Original Agreement”) for Contractor’s provision of certain groundwater sampling, reporting, and monitoring services on or about June 25, 2018.

B. Paragraph 3.D of the Original Agreement provides that the total sum of all payments made by County to Contractor for services and work under the Original Agreement shall not exceed \$65,000.00 in any twelve month period, and shall not exceed \$120,000.00 during the term of the Original Contract (collectively, the “Contract Limit”). In addition, Attachment A: Scope of Work to the Original Agreement includes primarily tasks related to groundwater sampling, monitoring, and reporting at County’s landfills and transfer stations.

C. In March 2019, the Lahontan Regional Water Quality Control Board (“Regional Water Board”) issued three orders to County’s Public Works Department – Solid Waste Division (“Division”) requiring the Division to perform random groundwater sampling and prepare technical reports related to the possible presence of per- and polyfluoroalkyl substances (PFAS) at the Bridgeport Landfill, the Walker Landfill, and the Chalfant Landfill within the 2019 calendar year.

D. The cost of performing the groundwater sampling and preparing the technical reports required by the Regional Water Board orders will exceed the Contract Limit provided in Paragraph 3.D of the Original Agreement; similarly, the groundwater sampling and preparation of technical reports required by the Regional Water Board orders is outside the scope of services and/or work included in Attachment A: Scope of Work to the Original Agreement. Accordingly, both Paragraph 3.D and Attachment A must be amended to increase the Contract Limit and enlarge the Scope of Work to allow Contractor to perform the groundwater sampling and prepare the technical reports required by the Regional Water Board’s orders.

E. County has been satisfied with the services performed by Contractor under the Original Agreement and continues to have a need for Contractor’s services.

F. In light of the foregoing, the Parties wish to amend the Original Agreement to provide that County may issue Scope of Work Letters or Task Orders to direct the services and work of Contract; to increase the Contract Limit to allow for the timely performance of groundwater sampling and preparation of technical reports required by recent Regional Water Board orders issued to County; and to amend the Scope of Work (Attachment A) of the Original Agreement to include the services and work necessary for sampling and report preparation required by recent Regional Water Board orders.

NOW, THEREFORE, the Parties agree as follows:

1. Paragraph 2 of the Original Agreement shall be amended to extend the term of the Original Agreement to December 31, 2020.

2. Paragraph 3.D of the Original Agreement shall be deleted in its entirety and replaced with the following:

Limit Upon Amount Payable Under Agreement. The total sum of all payments made by County to Contractor under this Agreement shall not exceed Seventy-Five Thousand and No/100 Dollars (\$75,000.00) in any calendar year that this Agreement is in effect (hereinafter, the "Contract Limit"). County expressly reserves the right to deny any payment or reimbursement requested by Contractor for services or work performed that is in excess of the Contract Limit.

3. Attachment A: Scope of Work to the Original Agreement shall be deleted in its entirety and replaced with Exhibit 1, attached to hereto and incorporated herein by this reference.

4. All other provisions of the Original Agreement not expressly amended or modified by this First Amendment shall remain in full force and effect.

5. This First Amendment may be executed in two (2) or more counterparts (including electronic transmission), each of which shall constitute an original, and all of which taken together shall constitute one and the same written instrument.

[CONTINUED ON NEXT PAGE]

IN WITNESS of the foregoing, the Parties have signed this First Amendment through their duly authorized representatives, as set forth below:

COUNTY OF MONO

CONTRACTOR

By: _____

Dave Wilbrecht
Interim County Administrative Officer

Date: _____


By: _____

Joseph McGinley, PE, Principal
Principal
McGinley & Associates, Inc.

Taxpayer ID: 80-0038621

Date: _____

APPROVED AS TO FORM:

 6/27/19

County Counsel

EXHIBIT 1

ATTACHMENT A

**AGREEMENT BETWEEN COUNTY OF MONO
AND McGINLEY & ASSOCIATES, INC. FOR THE PROVISION OF
GROUNDWATER SAMPLING AND REPORTING SERVICES
TERM:**

FROM: JUNE 15, 2018 TO: DECEMBER 31, 2020

SCOPE OF WORK:

The Scope of Work consists generally of the provisions and performance of services and/or work related to the regulatory sampling, testing, monitoring, and reporting of groundwater at or near County landfills, including but not limited to the following:

1. Groundwater Sampling and Monitoring at County Landfills.

1.1 Annual Performance Schedule. During the term of the Agreement, including as maybe extended in any amendment thereto, Contractor shall provide and perform the services and/or work described in this Section 1 on an annual basis according to the schedule provided in this Section 1 regardless of whether County actually requests Contractor to provide or perform such services and/or work.

1.2 Groundwater Sampling and Monitoring at County Landfills. Obtain groundwater samples from monitoring wells established at landfills operated by County and deliver them to the laboratory that County has separately contracted with to perform sample analyses. Groundwater sampling shall include the following specific tasks:

(a) The sampling schedule (calendar year reference) and locations shall be as follows:

1st & 3rd Quarters – quarterly monitoring from existing wells at the following three (3) landfills and/or transfer stations as specified below:

- Benton Crossing Landfill, MW-1, MW-2, MW-3 (depth only), MW-4, MW-5R, MW-6, and MW-7. (Depth to ground water 20-35 feet)
- Bridgeport Transfer Station, Bridgeport Transfer Station: MW-1, MW-2, MW-3, MW-4, and MW-5. (Depth to ground water 16-57 feet)
- Walker Landfill and Transfer Station, MW-1, MW-2, and MW-3. (Depth to ground water 128-173 feet)

2nd & 4th Quarters – semi-annual monitoring from existing wells¹ at six (6)

¹ Contractor should note that wells at these six (6) landfill locations are subject to modification (addition or subtraction of wells) at the direction and/or permission of the Lahontan Regional Water Quality Control Board, Region 6 (Regional Water Board). The list of wells provided in this RFQ are those that the Solid Waste Division has identified for sampling.

EXHIBIT 1

landfills as specified below:

- Benton Crossing Landfill: MW-1, MW-2, MW-3 (depth only), and MW-4. (Depth to ground water 123-173 feet)
- Benton Crossing Landfill: MW-1, MW-2, MW-3 (depth only), MW-4, MW-5R, MW-6, and MW-7. (Depth to ground water 20-35 feet)
- Bridgeport Transfer Station: MW-1, MW-2, MW-3, MW-4, and MW-5. (Depth to ground water 16-57 feet)
- Chalfant Transfer Station: MW-1, MW-2 (depth only), MW-3, and MW-4. (Depth to ground water 67-94 feet)
- Pumice Valley Landfill and Transfer Station: MW-1 (depth only), MW-2, MW-3, and MW-4. (Depth to ground water 254-274 feet)
- Walker Landfill and Transfer Station: MW-1, MW-2, and MW-3. (Depth to ground water 128-173 feet)

(b) Contractor shall provide all equipment, containers, tools, vehicles, materials, licenses, and other items necessary to obtain groundwater samples. Contractor shall be responsible for the arrangement of travel, meals, and lodging that may be required to perform all groundwater monitoring and sampling service and/or work requested by County.

(c) Contractor shall send all samples to BC Laboratories, Inc. in Bakersfield, California, County's current contractor performing laboratory testing and analysis services. In the event that County contracts with another contractor or firm for laboratory testing and analysis services, County will inform Contractor where to send samples. Except as provided in Section 2 of this Scope of Work, the performance of testing and analysis services and/or work provided or performed pursuant to this Section 1 are not part of this Agreement and will be billed under a separate contract between County and the consultant or firm performing those services.

1.3 Coordination. When providing or performing services and/or work pursuant to this Section 1, Contractor shall coordinate with County, County's contracted laboratory, and County's regulators as follows:

(a) Coordinate site access, well access, sampling schedule, sample delivery, specifications of sample analysis, and draft report delivery with the Mono County Public Works Department – Solid Waste Division (Solid Waste Division).

(b) Coordinate sampling schedule, chain-of-custody delivery, and analysis requests with County's analytical laboratory consultant. County will contract directly with selected laboratory for performance of analytical services.

(c) Coordinate sampling protocol, sampling and reporting schedule (if necessary), reporting requirements, and other related matters with the Regional Water Board, in conjunction with Solid Waste Division staff.

EXHIBIT 1

1.4 Reporting of Results. Contractor shall provide an evaluation of results for quarterly monitoring events at County landfills based on analyses of samples provided by BC Laboratories, Inc. (or other County contractor or firm providing laboratory testing and analysis services). BC Laboratories, Inc. will be responsible for performing the following tasks:

- (a) Analyze for VOC's (EPA 8260) at all sampled wells.
- (b) Analyze for dissolved metals (Appendix I, 40 CFR 258) at all sampled wells except Benton Crossing Landfill.
- (c) Analyze for five (5) indicators of parameters (pH, TDS, chloride, nitrate, and sulfate) at all sampled wells.
- (d) Analyze Decon blank and travel blank.
- (e) Prepare lab report to include Geotracker Electronic Deliverable Format (EDF) reporting.

1.5 Additional and Related Tasks. Contractor shall perform the following additional tasks related to the groundwater monitoring and sampling, coordination, and reporting services and work related to County landfills and transfer stations described above:

- (a) Summarize, evaluate, and analyze quarterly sampling results at Benton Crossing Landfill, Bridgeport Transfer Station, and Walker Landfill and Transfer Station within current and historic context.
- (b) Summarize, evaluate, and analyze semi-annual sampling results at Benton Crossing Landfill, Chalfant Transfer Station, and Pumice Valley Landfill and Transfer Station within current and historic context.
- (c) Incorporate groundwater sampling results within historic data (to be provided by the County) and present as appropriate.
- (d) Prepare statistical analyses of laboratory testing and analysis results at applicable sites, in accordance with the methodology and frequency approved by the Regional Water Board.
- (e) Prepare and develop annual reports, due to the Regional Water Board on or before February 15 of each year, consistent with the requirements of the waste discharge requirements for each respective landfill and/or transfer station and according to the standards of the Regional Water Board. A draft copy of each report, with supporting tables, figures, graphs, and other data, shall be submitted in digital format to County on or before January 31 of each year. Responses to questions from Solid Waste Division staff or the Regional Water Board may be required. Contractor will be responsible for the preparation and distribution of both hard and electronic copies of final reports to County, the Regional Water Board, and other agencies as required.
- (f) Prepare and develop semi-annual groundwater monitoring reports, due annually to the Regional Water Board on or before August 15 of each year, consistent with the requirements of the waste discharge requirements for each respective landfill and/or transfer station and the standards of the Regional Water Board. A draft copy of each report shall be submitted to County in digital format on or before June 30 of each year. Response to questions from Solid Waste Division staff or the Regional Water Board may be required. Contractor will be responsible for

EXHIBIT 1

the preparation and distribution of both hard and electronic copies of final reports to County, the Regional Water Board, and other agencies as required.

2. On-Call, As-Needed Services and/or Work.

2.1 Groundwater Sampling and Testing. Upon request and as directed by the Solid Waste Division, provide and perform other groundwater sampling and testing services and/or work that may or may not be related to the services and/or work described in Section 1. Pursuant to this Section 2, County may request Contractor to provide or subcontractor for the provision or performance of services and/or work related to the laboratory testing of groundwater samples that County determines its laboratory consultant/contractor cannot or may not be able to provide due to, among other reasons, equipment or schedule limitations.

2.2 Report and Plan Preparation. Upon request and as directed by the Solid Waste Division, provide and perform other reporting and plan preparation services and/or work that may or may not be related to groundwater sampling and reporting at County landfills and/or transfer stations. Reporting and plan preparation shall conform to County standards or requirements, as may be dictated by the standards and requirements of County's regulating agencies, including but not limited to the California State and Regional Water Quality Control Board and the California Department of Resources Recycling and Recovery (CalRecycle).

3. Performance Standards and Requirements.

3.1 Qualified Professionals. All services and/or work described in this Scope of Work (Attachment A) to be provided or performed by Contractor shall be provided or performed by or under the supervision of a qualified professional as specified in Paragraph [placeholder] of the Agreement. Contractor shall have qualified and/or certified personnel, as required by County, capable of performing all designated services and/or work.

3.2 Certifications. Consistent with Paragraph 5 of the Agreement, all laboratories that Contractor may subcontract to provide or perform any analytic services and/or work requested by County shall have any and all licenses, certificates, and/or permits required by the State of California and its regulatory agencies to provide or perform the requested test, analysis, reporting, etc.



MONO COUNTY DEPARTMENT OF PUBLIC WORKS SOLID WASTE DIVISION

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

Date: July 2, 2019
To: Honorable Chair and Members of the Board of Supervisors
From: Justin Nalder, Solid Waste Superintendent
Subject: First Amendment to Agreement with McGinley & Associates, Inc. for Groundwater Sampling and Reporting Services related to Benton Crossing Landfill

Recommended Action:

Approve First Amendment to agreement with McGinley & Associates, Inc. (McGinley) and authorize Interim County Administrative Officer to execute the First Amendment on behalf of the County.

Fiscal Impact:

Approximately, \$25,000.00 to the Solid Waste Enterprise Fund over the next two fiscal years from the requested increase to Contract Limit.

Discussion:

In March 2019, the Lahontan Regional Water Quality Control Board (Regional Water Board) issued three orders to Mono County's Public Works Department – Solid Waste Division requiring groundwater sampling and preparation of technical reports related to the possible presence of per- and polyfluoroalkyl substances (PFAS) at the Bridgeport Landfill, the Walker Landfill, and the Chalfant Landfill as part of a larger statewide assessment of landfills. The County and McGinley previously entered into an agreement for the performance of certain groundwater sampling and reporting services related to the regulation of County landfills. However, the Regional Water Board orders require groundwater sampling, testing, and other services and work that are outside the scope of work and exceed the contract limit of the County's existing agreement with McGinley. The First Amendment revises the scope of work and contract limit of the County's existing agreement with McGinley to ensure the County has the authority to request and pay McGinley for the timely performance of the additional groundwater sampling, testing, and other services and work required by the Regional Water Board orders.

If you have any questions regarding this item, please contact me at (760) 932-5453.

Respectfully submitted,

Justin Nalder
Solid Waste Superintendent

Attachments: Agreement and First Amendment to Agreement Between County of Mono and McGinley & Associates, Inc. for the Provision of Groundwater Sampling and Reporting Services



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

Departments: County Counsel

TIME REQUIRED

SUBJECT Ordinance Amending Mono County
Code Section 10.17.100 – Use
Restrictions in County Skateboard
Parks

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Amendment to Mono County Code Chapter 10.17, Section 10.17.100 to add the Crowley Lake Skate Park to the list of Skateparks to which certain use restrictions apply.

RECOMMENDED ACTION:

Adopt proposed ordinance ORD19-___, Amending Chapter 10.17, Section 10.17.100 of the Mono County Code to add the Crowley Lake Skate Park to the list of Skateparks to which certain use restrictions apply.

FISCAL IMPACT:

None.

CONTACT NAME: Jason Canger

PHONE/EMAIL: (760) 921-1712 / jcanger@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Ordinance
Exh A 2 Ordinance

History

Time	Who	Approval
6/27/2019 11:38 AM	County Administrative Office	Yes

6/26/2019 11:29 AM

County Counsel

Yes

6/24/2019 2:20 PM

Finance

Yes



ORDINANCE NO. 19 - ____

**AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS
AMENDING CHAPTER 10.17, SECTION 10.17.100 OF THE MONO COUNTY CODE
TO ADD THE CROWLEY LAKE SKATE PARK TO THE LIST OF SKATEPARKS TO
WHICH CERTAIN USE RESTRICTIONS APPLY**

WHEREAS, subsection (a) of section 115800 of the California Health and Safety Code requires operators of skate parks to prohibit persons from riding skateboards in skate parks unless those persons are wearing helmets, elbow pads, and knee pads; and

WHEREAS, subsection (b) of section 11580 of the California Health and Safety Code provides that local public agencies that own skate parks that are not supervised on a regular basis may satisfy the requirements of subsection (a) of section 11580 of the California Health and Safety Code by (i) adopting an ordinance requiring persons riding skateboards at skate parks owned by local public agencies to wear helmets, elbow pads, and knee pads; and (ii) posting signs at skate parks owned by local public agencies affording reasonable notice that persons riding skateboards at local public agencies' skate parks must wear helmets, elbow pads, and knee pads, and that persons failing to do so will be subject to citation; and

WHEREAS, the County owns two skate parks that it does not supervise on a regular basis, the Bridgeport Skate Park and the Crowley Lake Skate Park; and

WHEREAS, the County has posted signs at both the Bridgeport Skate Park and the Crowley Lake Skate Park that afford reasonable notice that persons riding skateboards at the two skate parks must wear helmets, elbow pads, and knee pads and that persons failing to do so will be subject to citation; and

WHEREAS, the Board of Supervisors previously enacted an ordinance amending the Mono County Code to add Section 10.17.100 of Chapter 10.17, which requires persons riding skateboards at the Bridgeport Skate Park to wear helmets, elbow pads, and knee pads; and

WHEREAS, Section 10.17.100 of Chapter 10.17 was added to the Mono County Code prior to the construction and opening of the Crowley Lake Skate Park; and

WHEREAS, in order for the County to satisfy the requirements of subsection (a) of section 11580 of the California Health and Safety Code, Section 10.17.100 of Chapter 10.17 of the Mono County Code must be amended to reference the Crowley Lake Skate Park.

///

///

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

3 **SECTION ONE:** Section 17.10.100 of Chapter 17.10 of the Mono County Code is
4 hereby amended as set forth in Exhibit A attached hereto and incorporated herein by this
5 reference.

6 **SECTION TWO:** This ordinance shall become effective 30 days from the date of its
7 adoption and final passage, which appears immediately below.

8 **SECTION THREE:** The Clerk of the Board of Supervisors shall post this ordinance and
9 also publish it in the manner prescribed by Government Code Section 25124 no later than 15
10 days after the date of its adoption and final passage. If the Clerk fails to publish this ordinance
11 within said 15-day period, then the ordinance shall not take effect until 30 days after the date of
12 publication.

13 **PASSED, APPROVED, AND ADOPTED** this _____ day of June 2019, by the
14 following vote, to wit:

15 **AYES:**

16 **NOES:**

17 **ABSENT:**

18 **ABSTAIN:**

19
20 _____
21 John Peters, Chair
22 Mono County Board of Supervisors

23
24 **ATTEST:**

25 **APPROVED AS TO FORM:**

26 _____
27 Clerk of the Board

28 _____
29 County Counsel

EXHIBIT A

10.17.100 – Use restrictions in county skateboard parks.

- A. Only skateboards, roller skates, and in-line skates are allowed in **any skateboard park owned and/or operated by Mono County, including but not limited to the Bridgeport Skate Park and the Crowley Lake Skate Park**. All other transportation vehicles, including, but not limited to, any bicycles, scooters, and/or motorized vehicles are prohibited.
- B. Any person riding a skateboard, roller skates, or in-line skates within any skateboard park owned and/or operated by Mono County, including **but not limited to the Bridgeport Skate Park and the Crowley Lake Skate Park**, must wear a helmet, an elbow pad on each elbow, and a knee pad on each knee while skating. Said helmet, elbow pads, and knee pads shall be commercially manufactured, maintained in good condition, and properly fastened while skating.
- C. Pets are prohibited from being within any skateboard park owned and/or operated by Mono County.
- D. No unauthorized obstacles, materials, or other pieces of equipment are allowed in **any skateboard park owned and/or operated by Mono County, including but not limited to the Bridgeport Skate Park and the Crowley Lake Skate Park**.
- E. No skating is permitted on wet, snowy, or icy surfaces within **any skateboard park owned and/or operated by Mono County, including but not limited to the Bridgeport Skate Park and the Crowley Lake Skate Park**.
- F. **All skateboard parks owned and/or operated by Mono County, including but not limited to the The Bridgeport Skate Park and the Crowley Lake Skate Park, shall be closed from sunset to sunrise. The Bridgeport Skate Park is closed and during inclement weather. Skating in the Bridgeport Skate Park** Use of any skateboard park owned and/or operated while ~~the facility~~ a skateboard park is closed is prohibited and will be considered trespassing.
- G. Spectators are not allowed in or on any ~~county owned and/or operated skateboard park~~ bowls, ramps, features, or other elements of ~~it's~~ the skating surface of any skateboard park owned and/or operated by Mono County, including but not limited to the Bridgeport Skate Park and the Crowley Lake Skate Park.
- H. No glass containers are allowed in any ~~county owned and/or operated~~ skateboard park owned and/or operated by Mono County, including but not limited to the Bridgeport Skate Park and the Crowley Lake Skate Park. No littering is permitted within any ~~county owned and/or operated~~ skateboard park owned and/or operated by Mono County.
- I. No food is permitted within any ~~county owned and/or operated~~ skateboard park owned and/or operated by Mono County, including but not limited to the Bridgeport Skate Park and the Crowley Lake Skate Park.

EXHIBIT A

- J. No alcohol, drugs, or tobacco are allowed in any ~~county owned and/or operated~~ skateboard park ~~owned and/or operated by Mono County, including but not limited to the Bridgeport Skate Park and the Crowley Lake Skate Park.~~ Being under the influence of alcohol ~~and/or~~ and/or drugs is prohibited while within any ~~county owned and/or operated~~ skateboard park ~~owned and/or operated by Mono County.~~
- K. No part of any ~~county owned and/or operated~~ skateboard park ~~owned and/or operated by Mono County, including but not limited to the Bridgeport Skate Park and the Crowley Lake Skate Park,~~ can be defaced by any means. As such, no graffiti or tagging is permitted within any ~~county owned and/or operated~~ skateboard park ~~owned and/or operated by Mono County.~~ Stickers, paint, markers, and other such items are not permitted in any ~~county owned and/or operated~~ skateboard park ~~owned and/or operated by Mono County.~~
- L. No person shall operate or permit the operation of, any sound amplification system within any ~~county owned and/or operated~~ skateboard park ~~owned and/or operated by Mono County, including but not limited to the Bridgeport Skate Park and the Crowley Lake Skate Park,~~ which can be heard from fifty or more feet away. Amplified music is prohibited at times during which organized sports teams are making use of the baseball field adjoining the Bridgeport Skateboard Park.
- M. Throwing or launching of objects, including, but not limited to, skateboards, roller skates, or in-line skates, is prohibited within ~~any county owned and/or operated~~ skateboard park ~~owned and/or operated by Mono County, including but not limited to the Bridgeport Skate Park and the Crowley Lake Skate Park.~~
- N. Any person who violates any provision of this section, upon conviction thereof, shall be guilty of an infraction and subject to a fine (not including court-imposed mandatory penalties, and/or costs incurred by ~~the county~~ Mono County in remediation of any violation(s) of ten dollars for the first violation, twenty dollars for the second violation, and forty dollars for any subsequent violation.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

Departments: Environmental Health

TIME REQUIRED

**PERSONS
APPEARING
BEFORE THE
BOARD**

SUBJECT Amendment to Mono County Code
Chapter 7.08 - Retail Food Facilities

AGENDA DESCRIPTION:

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

Amendment to Chapter 7.08 - Retail Food Facilities, which will incorporate and adopt the California Retail Food Code, by reference, with a single change to restroom requirements for food facilities with onsite customer seating.

RECOMMENDED ACTION:

Adopt proposed ordinance ORD19-____, Amendment to Chapter 7.08 - Retail Food Facilities, which will incorporate and adopt the California Retail Food Code, by reference, with a single change to restroom requirements for food facilities with onsite customer seating.

FISCAL IMPACT:

No fiscal impact.

CONTACT NAME: Louis Molina

PHONE/EMAIL: (760) 924-1845 / lmolina@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> Ordinance- Amendment to Chapter 7.08
<input type="checkbox"/> Exhibit to Ordinance - Amendment to Chapter 7.08
<input type="checkbox"/> Current MCC Chapter 7.08 Food Handling Establishments

History

Time

Who

Approval

6/27/2019 9:51 AM	County Administrative Office	Yes
6/26/2019 11:05 AM	County Counsel	Yes
6/26/2019 1:08 PM	Finance	Yes



R19-__

**ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS
AMENDING CHAPTER 7.08 OF THE MONO COUNTY CODE
PERTAINING TO RETAIL FOOD FACILITIES**

WHEREAS, Mono County Code Chapter 7.08 (“Chapter 7.08”) sets standards for the sanitation, hygiene, construction and operation of retail food facilities within Mono County and provides for regulation of such facilities; and

WHEREAS, the California Retail Food Code, Health and Safety Code section 113700 *et seq.* (“Retail Food Code”) sets state-wide standards for sanitation, hygiene, construction and operation of retail food facilities within the State of California; and

WHEREAS, in order to clarify that the state-wide standards in the Retail Food Code apply to all retail food facilities within Mono County and eliminate any confusion caused by any discrepancies between current Chapter 7.08 and the Retail Food Code, the Mono County Board of Supervisors wish to amend Chapter 7.08 to fully incorporate the state-wide standards for retail food facilities set forth in the Retail Food Code in place and instead of the current standards set forth in Chapter 7.08; and

WHEREAS, the Mono County Board of Supervisors wish to retain the current standard in Chapter 7.08 requiring retail food facilities to have two toilet facilities which are accessible to both sexes, and accessible to both employees and patrons, and thereby retain a stricter standard for Mono County than the standard set forth in the Retail Food Code; and

WHEREAS, the Mono County Board of Supervisors wish to amend Chapter 7.08 to require that all retail food facilities with an occupancy of 15 or fewer seats, and where no alcohol is served, have a single toilet facility for use by employees and patrons, and thereby impose a stricter standard for Mono County than the standard set forth in the Retail Food Code; and

WHEREAS, the Mono County Board of Supervisors has reviewed the proposed amendment to Chapter 7.08 appearing in the Exhibit hereto.

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

Chapter 7.08 – RETAIL FOOD FACILITIES

7.08.010 - Purpose.

It is the purpose of this chapter to establish minimum standards of sanitation, hygiene, construction and operation of retail food facilities within Mono County and to provide for the regulation of all retail food facilities.

7.08.020 - Incorporation and Adoption of Retail Food Code

All definitions, authority, scope, responsibilities, requirements, standards, conditions, exemptions, procedures and penalties described within the California Retail Food Code, California Health and Safety Code Section 113700 *et seq.* (“Retail Food Code”) are hereby adopted and incorporated by reference.

7.08.030 - Conflicts with Other Laws

Laws and regulations enacted by the State of California that surpass the requirements of this chapter and pertain to the Retail Food Code shall take precedence.

7.08.040 – Construction Standards

Retail food facilities with onsite eating facilities shall have at least two toilet facilities for use by employees and patrons, which are accessible by either sex. Retail food facilities with onsite eating facilities with 15 or fewer seats, and where no alcoholic beverages are sold, shall have at least one toilet facility accessible by either sex, for use by employees and patrons, and designed for use by no more than one person at a time. All other provisions regarding toilet facilities outlined in the California Retail Food Code shall apply.

Chapter 7.08 - FOOD HANDLING ESTABLISHMENTS

Sections:

7.08.010 - Purpose.

It is the purpose of this chapter to establish minimum standards of sanitation, hygiene, construction and operation of food handling facilities within Mono County and to provide for the regulation of all food facilities.

(Ord. 82-507 § 1 (part), 1982.)

7.08.020 - Definitions.

As used in this chapter:

- A. "Approved" means acceptable to the department of public health based on its determination as to conformance with appropriate standards and good public health practice.
- B. "Commissary" means a food establishment in which food, containers, equipment or supplies are stored or handled for use in vehicles, mobile food preparation units, food carts or vending machines.
- C. "Department" means the Mono County department of public health.
- D. "Employee" means any person working in a food facility covered by this chapter.
- E. "Equipment" means all cooking units, hoods, cutting blocks, processing machines, tables, refrigerators, freezers, sinks, dishwashing machines, steam tables, and other items used in a food facility.
- F. "Extensively remodeled" means remodeling to the extent that the cost equals or exceeds fifty percent of the fair market value of the establishment.
- G. "Food" means any raw or processed substances, ice, beverage or ingredient intended to be used for human consumption.
- H. "Food cart" means a non-self-propelled, wheeled vehicle limited to serving nonpotentially hazardous foods or commissary wrapped food maintained at proper temperatures or limited to the assembly and serving of hot dogs.
- I. "Food establishment" means any room, building or place, or portion thereof, maintained, used or operated for the purpose of storing, preparing, serving, packaging, transporting, salvaging, or otherwise handling food intended for distribution or sale. Food establishment does not include a food vehicle, vending machine, food cart, temporary food stand or mobile food preparation unit; a cooperative arrangement wherein no permanent facilities are used for storing or handling food; a private home; nor a church, private club or other nonprofit association which gives or sells food at occasional events, provided such sale is made to members and guests only.
- J. "Food facility" means food establishment, food cart, vehicle, produce stand, open-air market, retail dairy, temporary food stand and mobile food preparation unit as defined in this section. Food facility also includes places used in conjunction with such operations including storage facilities for food-related utensils, equipment and materials.
- K. "Food preparation" means packaging, processing, or any operation which changes the form, flavor, or consistency of food, but does not include trimming of produce.
- L. "Frozen food" means a food maintained at a temperature at which all moisture therein is in a solid state, not to exceed zero degrees Centigrade (thirty-two degrees Fahrenheit).

- M. "Food vehicle" means any vehicle upon which food is transported, displayed, sold, offered for sale, or given away to the public, but not including "mobile food preparation unit" or "food cart" as defined in this section. N. "Health officer" means the health officer of Mono County or his duly authorized representative.
- O. "Mobile food preparation unit" means any vehicle or portable food service unit, except food carts as defined in this section, upon which food is prepared, wrapped, packaged or portioned for service, sale or distribution.
- P. "Multiuse utensil" means a utensil intended for use more than one time by an employee or consumer.
- Q. "Occasional event" means an event which occurs not more than three days in any ninety-day period.
- R. "Open-air market" means a food establishment which has one side open to the outside air during business hours and which sells, offers for sale, or gives away only produce and/or shell eggs except that, additionally, no greater than ten percent of the floor space of the food sales and storage area may be devoted to packaged foods.
- S. "Permit" means a written authorization to operate issued by the Mono County department of public health.
- T. "Person" means any individual, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate, political subdivision or any other group or combination acting as a unit.
- U. "Potentially hazardous food" means food capable of supporting rapid and progressive growth of microorganisms likely to cause food infections or intoxications. Potentially hazardous food shall not include edible, uncracked shell eggs.
- V. "Produce" means any fruit or vegetable in its raw or natural state.
- W. "Produce stand" means an open-air market which sells, offers for sale, or gives away only produce and/or shell eggs produced on the land containing the stand.
- X. "Refrigeration unit" means a mechanical unit which extracts heat from an area through liquification and evaporation of a fluid by a compressor, flame or thermoelectric device. Refrigeration unit also includes a cold plate permanently connected to a compressor or any other unit approved by the department.
- Y. "Retail dairy" means a food establishment at which milk or milk products constitute over fifty percent of the sales volume and, additionally, at which no greater than ten percent of the floor space of the food sales and storage area may be devoted to nondairy packaged food.
- Z. "Single service utensil" means a utensil which is designed for use only once and which shall be discarded after use.
- AA. "Temporary food stand" means any facility or place, profit or nonprofit, where food is prepared, dispensed, stored in connection with a fair, circus, carnival, sports event, public exhibition or public gathering, offering for sale or gift to the general public for a temporary period of time, not to exceed fourteen consecutive days in one fixed location.
- BB. "Utensil" means any kitchenware, tableware, cutlery, glassware, containers, implements, wrappers, high chair trays, or other items with which food comes in contact during storage, transportation, display, preparation, serving, sale, or through use by an employee or consumer.

(Ord. 82-507 § 1 (part), 1982.)

7.08.030 - Permits—Required—Application—Term—Posting.

- A. A food facility shall not operate without a valid permit issued by the health officer.

- B. A permit to operate a food facility shall be issued by the health officer when investigation has determined that the proposed facility and its method of operation will conform with the requirements of this chapter.
- C. Permits are nontransferable, shall be valid only for the person, location, type of food sales or distribution activity approved and, unless suspended or revoked for cause, for a period of one year or as indicated on the permit. Permits may be issued for a lesser period of time for temporary food facilities, temporary food stands or other food facilities operating for a limited period of time as approved by the health officer.
- D. A permit shall be posted in a conspicuous place within the food facility.
- E. Any person proposing to build or remodel a food facility shall submit three complete sets of plans and specifications to the health department for review and approval. Such plans shall be approved or rejected within ten working days after receipt by the health department and the applicant shall be notified of such decision. The building department shall not issue a building permit for a food facility until after it has received plans approved by the health department.
- F. Any fee for the permit and related services shall be determined by resolution of the Mono County board of supervisors.

(Ord. 82-507 § 1 (part), 1982.)

7.08.040 - Enforcement.

- A. The Mono County health officer is charged with the enforcement of this chapter.
- B. The health officer may enter and inspect any food facility suspected of being such, at any reasonable hour, for the purpose of enforcing this chapter. A written report of the inspection shall be made and a copy shall be supplied or mailed to the operator, manager, or owner of the food facility on all routine inspections. A written report on a follow-up inspection shall be at the discretion of the health officer.
- C. Based upon substantial evidence, the health officer may:
 1. Embargo or destroy any food which is found to be, or suspected of being, contaminated or adulterated;
 2. Embargo equipment or utensils which are found to be unsanitary or in disrepair such that food, equipment or utensils may become contaminated or adulterated, the health officer may attach an embargo tag to such equipment or utensils which shall be removed only by the enforcement officer following verification that the condition has been corrected;
 3. No food, equipment or utensils so embargoed shall be used prior to removal of the embargo tag.
- D. Any person who violates any provision of this chapter or regulation adopted pursuant to this chapter is guilty of a misdemeanor. Each offense shall be punished by fine of not less than twenty-five dollars, nor more than one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.
- E. The owner, manager, operator of any food facility is responsible for any violation of any provision of this chapter by an employee. Each day's violation is a separate and distinct offense.
- F. Violation of this chapter relating to facilities held in a common or shared by more than one food facility shall be deemed a violation for which the permittee of each such food facility is responsible.

(Ord. 99-10 § 2, 1999; Ord. 82-507 § 1 (part), 1982.)

7.08.050 - Permit—Suspension, revocation and appeal.

- A. Any permit may be suspended or revoked by the health officer for violation of this chapter. Any food facility for which the permit has been suspended shall close and remain closed until the permit has been reinstated. Any food facility for which the permit has been revoked shall close and remain closed until a new permit has been issued.
- B. If an immediate danger to the public health or safety is found, unless the danger is immediately corrected, the enforcement officer may suspend the permit, and order the food facility immediately closed. Immediate danger to the public health and safety means any condition, based upon substantial evidence that can cause food infection, food intoxication, disease transmission or hazardous condition, such as unsafe food temperature, sewage contamination, nonpotable water supply or an employee who is a carrier of a communicable disease.
- C. Whenever a permit is suspended as the result of an immediate danger to the public health or safety, the health officer shall issue to the permittee a notice setting forth the acts or omissions with which the permittee is charged, specifying the pertinent code sections and informing the permittee of the right to a hearing.
- D. At any time within fifteen calendar days after service of such notice, the permittee may request in writing a hearing before a hearing officer to show cause why the permit suspension is not warranted. Such hearing shall be held within fifteen calendar days of the receipt of request for a hearing. A failure to request a hearing within fifteen calendar days shall be deemed a waiver of the right to such hearing.
- E. At the conclusion of the hearing of suspension or revocation, the hearing officer shall issue a written notice of decision to the permittee within five working days following the hearing. In the event of a suspension or revocation, the notice shall specify the acts or omissions with which the permittee is charged and the terms of the suspension or that the permit has been revoked.
- F. A permit may be reinstated or a new permit issued if the health officer or a hearing officer or authorized agent determines that conditions which promoted the suspension or revocation no longer exist.

(Ord. 82-507 § 1 (part), 1982.)

7.08.060 - Sanitation requirements for food facilities.

- A. All potentially hazardous food shall be held below seven degrees Centigrade (forty-five degrees Fahrenheit) in a refrigeration unit or shall be kept above sixty degrees Centigrade (one hundred forty degrees Fahrenheit) at all times. A thermometer accurate to plus or minus one degree Centigrade (two degrees Fahrenheit) shall be provided for each refrigeration unit and be located to indicate the air temperature in the warmest part of the unit and affixed to be readily visible. Containers of potentially hazardous food displayed for service may be placed in ice bed or held by a similar means which maintains the food below seven degrees Centigrade (forty-five degrees Fahrenheit). Except for vending machines, an accurate, easily readable metal probe thermometer, suitable for measuring the temperature of food, shall be readily available.
- B. All food shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure, free from adulteration and spoilage, shall have been obtained from approved sources, shall otherwise be fully fit for human consumption, and shall conform to the applicable provisions of Division 21 (commencing with Section 26000) of the California Health and Safety Code. No food shall be offered for sale, advertised, misrepresented by means of menu or menuboard, or depicted or described in any other manner which is adulterated or misbranded as defined in Sections 26520 through 26570 of the California Health and Safety Code. It is unlawful for any person, business or organization to disseminate any false advertisement of any food. An advertisement is false if it is false or misleading in any manner.
- C. No food prepared or stored in a private home shall be used, stored, served, offered for sale, sold or given away in a food facility.

- D. It is unlawful for any person to serve, or offer for sale or gift, any article of good which has been previously served to another person except:
1. Food which has been individually packaged and such package has not been opened or unsealed;
 2. Sugar, salt, and other dry condiments which are kept in bowls or containers with self-closing, tight-fitting lids, or in shakers;
 3. Liquid condiments and seasonings which are kept in pitchers with self-closing, tight-fitting covers or pouring spouts, or squeeze bottle containers with spouts with small openings;
 4. Fruit and nuts whose skins or shells are clean and unbroken.
- E. Bakery products sold directly to a restaurant, catering services, retail bakery or sold over the counter directly to the consumer by the manufacturer or baker distributor are exempt from the provisions of this subsection. French style, hearth-baked or hard-cruste loaves and rolls shall be considered properly wrapped if in an open-end bag of sufficient size to enclose such loaves or rolls. Every baker product, box lunch or sandwich prepared for sale, gift or distribution, other than on the premises where prepared, shall be securely wrapped and labeled as prescribed by Division 21 of the California Health and Safety Code.
- F. Food Storage, Display and Transport.
1. Adequate and suitable space shall be provided for the storage of food. Except for large or bulky food containers, all food shall be stored at least fifteen centimeters (six inches) off the floor, or under such other conditions as are approved. Containers may be stored on dollies, racks or pallets not meeting this height requirement, provided such items are easily moveable. All cartons, boxes, or other materials used in the packaging of any food shall be protected at all times from dirt, vermin, and other forms of contamination or adulteration. All returned or damaged food products and food products from which the label has been removed shall be separated and stored in separate area and in such a manner as to prevent adulteration of other food and shall not contribute to a vermin problem. Bulk food not stored in original packaging shall be stored in containers identifying the food by common name.
 2. Displays of unpackaged food shall be shielded so as to intercept a direct line between the customer's mouth and the food being displayed. This subsection shall not apply to produce sold or given away in retail grocery stores.
 3. All food shall be prepared, stored, displayed, dispensed, placed, transported, sold and served as to be protected from dirt, vermin, unnecessary handling, droplet contamination, overhead leakage, or other contaminations.
 4. The vehicles and equipment to be used in the transport of food shall be subject to the approval of the health officer.
- G. All frozen food shall be kept at a temperature which will keep such food in a frozen state until ready for processing or preparation. No food which has been thawed shall be refrozen unless it has been cooked or processed. Food has been "thawed" when any portion is raised above zero degrees Centigrade (thirty-two degrees Fahrenheit).

Potentially hazardous frozen foods shall be thawed only:

1. In refrigeration units;
2. Under potable running water of sufficient velocity to flush loose food particles into the overflow drain;
3. In a microwave oven;
4. As part of the normal cooking process.

(Ord. 82-507 § 1 (part), 1982.)

7.08.070 - Health requirements.

- A. All employees preparing, serving, or handling food or utensils shall wear clean, washable outer garments or other clean uniforms and shall keep their hands clean at all times. All such employees shall wash their hands and arms with cleanser and warm water before commencing work immediately after using toilet facilities, and at other times as are necessary to prevent contamination of food. Legible signs shall be posted in each toilet room directing attention to this requirement. All such employees shall wear hairnets, caps, or other suitable coverings when reasonably required to confine all hair. Employees serving food shall use tongs or other implements, whenever practical, rather than their hands. No employee shall expectorate or use tobacco in any form in any area where food is prepared or stored or utensils are cleaned or stored. No employee shall commit any act which may result in contamination or adulteration of any food, food contact surface or utensil. The employer shall post and maintain "No Smoking" signs in food preparation, food storage, utensil cleaning and utensil storage area.
- B. When information as to the possibility of disease transmission is presented to the enforcement officer, he or she shall investigate conditions and take appropriate action. The health officer may, after investigation and for reasonable cause, require any or all of the following measures to be taken:
 - 1. The immediate exclusion of any employees from the affected food facility;
 - 2. The immediate closing of the food facility until, in the opinion of the health officer, no further danger of disease outbreak exists. Any appeal of the closure shall be made to the health officer of the jurisdiction or his designee;
 - 3. Medical examination of any employee, with such laboratory examination as may be indicated, or should such examination be refused, then the immediate exclusion of the refusing employee from that or any other food facility, until a medical or laboratory examination shows that the employee is not affected with a disease in a communicable form.

(Ord. 82-507 § 1 (part), 1982.)

7.08.080 - Utensils, equipment and maintenance standards.

- A. All new and replacement equipment shall meet or be equivalent to applicable National Sanitation Foundation (NSF) Standards or be approved by the health officer. All equipment shall be installed and arranged to be readily cleanable and so that the surrounding area can be properly cleaned and maintained.
- B. All food facilities and all equipment, utensils and facilities shall be kept clean, fully operative and in good repair. Discarded or inoperative food equipment shall be removed from the premises and discarded in a lawful manner.
- C. All food establishments in which food is prepared or utensils are used shall have, in addition to a janitorial sink, at least a two-compartment metal sink with two integral metal drainboards. The sink compartments and drainboards shall be large enough to accommodate the largest utensil used. A one-compartment utensil sink which is in use on the effective date of these regulations may be continued in use until replaced, or until the health officer no longer approves such use.
- D. Handwashing of utensils using a three compartment metal sink with dual integral metal drainboards where the utensils are first scraped, washed by hot water and a cleanser until they are clean, then rinsed in clear, hot water before being immersed in a final warm sanitizing solution is acceptable.
- E. Manual sanitization shall be accomplished in the final sanitizing rinse by one of the following:
 - 1. Contact with a solution of one hundred parts per million available chlorine solution for thirty seconds;
 - 2. Contact with a solution of twenty-five parts per million available iodine for one minute;

3. Contact with a solution of two hundred parts per million quaternary ammonium for one minute;
 4. Contact with water of at least eighty degrees Centigrade (one hundred eighty degrees Fahrenheit) for thirty seconds;
 - a. In-place sanitizing shall be as in subdivisions 1, 2, 3 or 4 of this subsection,
 - b. Other methods may be used if approved by the department,
 - c. Testing equipment and materials shall be provided to adequately measure the applicable sanitization method.
- F. Machine washing of utensils in machines using a hot water or chemical sanitizing rinse shall conform to National Sanitation Foundation Standards, and shall be installed and operated in accordance with such standards, and such machines shall be of a type, and shall be installed and operated as approved by the department. The velocity, quantity, and distribution of the washwater, type and concentration of detergent used therein, and the time the utensils are exposed to the water, shall be such as to clean the utensils. The quantity and pressure of rinse water and the time of exposure shall be such as to provide bactericidal effectiveness equivalent to that provided by compliance with National Sanitation Foundation Standards, or that approved by the department. All new spray-type dishwashing machines designed for hot water sanitizing shall be equipped with a self-seating temperature and pressure test plug. The test plug shall be located immediately up-stream of the rinse manifold in a horizontal position and on the machine exterior. Other methods may be used if approved by the department.
- G. All utensil washing equipment, except undercounter dish machines, shall be provided with two integral metal drainboards of adequate size and construction. One such drainboard shall be attached at the point of entry for soiled items and one shall be attached at the point of exit for cleaned and sanitized items. Where an undercounter dish machine is used, there shall be two metal drainboards, one for soiled utensils and one for clean utensils, located adjacent to the machine. Such drainboards shall be sloped and drained to an approved waste receptor.
- H. All utensils, display cases, windows, counters, shelves, tables, refrigeration units, sinks, dishwashing machines, and display of food shall be made on nontoxic, noncorrosive materials, shall be constructed, installed, and maintained to be easily cleaned, and shall be kept clean and in good repair.
- I. Utensils and equipment shall be handled and stored so as to be protected from contamination. Single-serving utensils shall be obtained only in sanitary containers or approved sanitary dispensers, shall be stored in a clean, dry place until used, handled in a sanitary manner, and used once only.
- J. Any food establishment constructed or extensively remodeled on or after the effective date of the ordinance codified in this chapter shall have at least a one compartment, nonporous janitorial sink, used exclusively for general cleaning purposes and for the disposal of mop bucket wastes and other liquid wastes. Hot and cold running water shall be provided through a mixing valve and protected with a backflow prevention device.
- K. A room or area separated from any food preparation or storage area or utensil washing and storage area shall be provided for the janitorial sink and for the storage of cleaning equipment and supplies such as mops, buckets, brooms, cleansers, and waxes. This room or area shall be ventilated to permit the mops and other equipment to dry and shall be kept clean at all times.
- L. On or after the effective date of this code hot and cold water shall be provided in areas approved for cleaning of solid waste containers and such areas shall be adequately drained to approved sewerage.

(Ord. 82-507 § 1 (part), 1982.)

7.08.090 - Construction standards.

- A. The water supply shall be from a water system approved by the health officer or as specified in the California Safe Drinking Water Act. Any hose used for conveying potable water shall be constructed of nontoxic materials, used for no other purpose, and shall be clearly labeled as to its use. It shall be stored and used so as to be kept free of contamination.
- B. Hot and cold water under pressure shall be provided through a mixing valve to each sink compartment in all food establishments constructed after the effective date of these regulations.

All plumbing and plumbing fixtures shall be installed in compliance with the Uniform Plumbing Code and maintained so as to prevent any contamination and shall be kept clean, fully operative, and in good repair. All liquid wastes shall be disposed of through the plumbing system which shall discharge into the public sewerage or into an approved private sewage disposal system.

- C. All steamtables, ice machines and bins, food preparation sinks, display cases and other similar equipment which discharge liquid waste shall have this waste conveyed by a closed system, such as by a tube or rigid pipe, to an approved sewer line and disposed therein by an indirect connection. Drainage from refrigeration units shall be conducted in a sanitary manner to a floor sink or other approved device by an indirect connection or to a properly installed and functioning evaporator. Indirect waste receptors shall be located to be readily accessible for inspection and cleaning. Dishwashing machines may be connected directly to the sewer immediately downstream from a floor drain or they may be drained through an approved indirect connection.
- D. Each food establishment providing on-site eating facilities constructed or extensively remodeled on or after the effective date of this code shall be provided with a minimum of two toilet rooms, one for each sex, for use by employees and patrons. For all other food establishments constructed or extensively remodeled on or after the effective date of this code there shall be provided at least one employee toilet room. Two or more food establishments in the same building may use common (public) toilet rooms, except that in no case shall toilet rooms be more than sixty meters (two hundred feet) from any of these food establishments. Toilet facilities which are provided for use by patrons shall be so situated that patrons do not pass through food preparation, food storage or utensil washing areas. Toilet rooms for employees shall be located within the food establishment. Where there are five or more employees of the opposite sex, separate toilets shall have lavatories and shall be provided for the persons of each sex. Toilet rooms shall be separated from other portions of the food establishment by well fitting, self-closing doors. Toilet tissue shall be provided in a permanently installed dispenser at each toilet. Every restaurant or itinerant restaurant where alcoholic beverages are sold or given away for consumption on the premises shall be provided with, for the use of the public, at least one urinal in the men's toilet room. Toilet rooms shall be vented to the outside air by means of an operable, screened window, an air shaft or a light-switch activated exhaust fan, consistent with the requirements of the Uniform Building Code. On all new construction, toilet rooms shall be equipped with mechanical exhaust ventilation which provides a minimum of five air changes per hour.
- E. Handwashing facilities shall be provided within or adjacent to toilet rooms and shall be equipped with an adequate supply of hot and cold running water under pressure. Facilities constructed after the effective date of the ordinance codified in this chapter shall have such water provided from a combination faucet, or water from a premixing faucet which supplies warm water for a minimum of ten seconds while both hands are free for washing. The number of handwashing facilities required shall be in accordance with the Uniform Building Code and Uniform Plumbing Code. Handwashing cleanser and single use sanitary towels or hot-air blowers shall be provided in permanently installed dispensers. Food establishments constructed or extensively remodeled on or after the effective date of this code shall provide facilities exclusively for handwashing within or adjacent to each kitchen.
- F. A dressing room, separated from toilets, food storage and food preparation areas, shall be provided where employees may change and store clothes. No employee shall store clothing or personal effects in any other area on the premises. Where there are a minimum of four employees on any shift, lockers or wardrobe closets will be accepted in lieu of the dressing room requirement. Individual toilet room vestibules may be used as dressing rooms provided the toilets are not available to the public. Offices, hallways or common vestibules shall not be used as dressing rooms. Dressing room

and enclosure wall surface shall be finished smooth, durable and washable. Dressing rooms shall be well lighted, adequately ventilated and maintained clean and in good repair.

- G. All areas shall have sufficient ventilation to remove gases, odors, steam, heat, grease, vapors, or smoke. At or above all cooking equipment there shall be provided mechanical exhaust ventilation equipment as required in the Uniform Mechanical Code. The exhaust equipment shall be operated whenever the cooking equipment is in use. The provisions of this section shall not apply to cooking equipment when such equipment has been submitted to the department for evaluation, and it has found that the equipment does not produce toxic gases, smoke, grease, vapors, and heat when operated under conditions recommended by the manufacturer. There shall be a minimum of thirty-minute air change in the kitchen and dishwashing areas (two changes per hour).
- H. The floor surfaces in all areas in which food is prepared, packaged or stored, where any utensil is washed or refuse or garbage is stored, where janitorial facilities are located, dressing rooms, and in all toilet and handwashing areas, shall be smooth concrete with sealer, fire clay tile, ceramic tile, terrazzo, solid sheet or vinyl or similar impervious, durable material. Such floor surfaces shall extend upward into the wall at least five and one-half inches with a cove having a radius of at least five-eighths inch. The vertical surface of all masonry islands shall be provided with a cove having a radius of at least three-eighths inch except in areas where food is stored only in unopened bottles, cans, cartons, sacks or other original shipping containers.

Upon new construction or extensive remodeling on or after the effective date of the ordinance codified in this chapter, floor drains shall be installed as follows:

1. In floors that are water-flushed for cleaning;
2. Floors that receive discharges of water or other fluid waste from equipment;
3. In areas where pressure spray methods for cleaning equipment are used;
4. In floor areas immediately adjacent to doors serving walk-in refrigerators.

Except for dining and serving areas, the use of sawdust, wood shavings, peanut hulls or similar materials is prohibited.

This section shall not prohibit the use of approved dust-arresting floor sweeping and cleaning compounds during floor cleaning operations or the use of approved antislip floor materials in areas where necessary for safety reasons.

- I. The walls and ceilings in rooms, or portions thereof, where food or drink is prepared, packaged, handled or stored, and in areas where dishes and utensils are washed, and of toilet rooms, vestibules and dressing rooms shall be of smooth fire clay tile, ceramic tile, plaster, stainless steel or other approved materials which is smooth, durable, nonabsorbent, washable and light in color. Conduits of all types shall be installed within walls as practicable; when otherwise installed they shall be mounted or enclosed so as to facilitate cleaning.
- J. Adequate and suitable space shall be provided for the storage of clean linens, including apparel, towels and cleaning cloths.
- K. In every room and area in which any food is prepared, manufactured, processed, or packaged or in which utensils are washed, sufficient natural or artificial lighting shall be provided to produce an intensity of not less than two hundred fifteen lux (two hundred foot-candles) as measured seventy-six centimeters (thirty inches) above the floor, except that the working surfaces on which alcoholic beverages are prepared or where utensils used in the preparation or serving of alcoholic beverages are cleaned shall be provided with at least one hundred eighty lux (ten foot-candles) of light. Light fixtures in areas where food is prepared or where open food is stored or where utensils are cleaned shall be of shatterproof construction or shall be protected with shatterproof shields and shall be readily cleanable.

During general cleanup activities, at least two hundred fifteen lux (twenty foot-candles) of light, measured seventy-six centimeters (thirty inches) above the floor, shall be provided in the area being cleaned, including, but not limited to, areas where alcoholic beverages are prepared or served.

- L. When, in the judgment of the department or other administrative authority, waste pretreatment is required, a grease interceptor shall be installed in a manner approved by the health officer.

Each grease interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning and removal of intercepted grease. A grease interceptor may not be installed in any part of the building where food is prepared or handled. Proper location of the grease interceptor shall meet the Uniform Plumbing Code and the approval of the department. Waste discharge from toilets, urinals and other fixtures containing fecal material shall not flow through the interceptor.

The interceptors shall be maintained in efficient operating condition by periodic removal of all accumulated grease. No such collected grease shall be introduced into any drainage piping or public or private sewer.

Abandoned grease interceptors shall be emptied, removed or filled as required for abandoned septic tanks in Section 1119 of the Uniform Plumbing Code.

- M. No sleeping accommodation shall be maintained or kept in any room where food is prepared, stored, or sold. All living and sleeping quarters shall be separated from the food establishment. No door or other opening shall be permitted in the partition which separates the food establishment from the living or sleeping quarters.
- N. The department shall adopt and approve first aid instructions designed and intended for use in removing food which may become stuck in a person's throat. Such instructions shall be limited to first aid techniques not involving the use of any physical instrument or device inserted into the victim's mouth or throat.

The department shall supply to the proprietor of every on-site eating establishment such adopted and approved instructions. The proprietor shall post the instructions in a conspicuous place or places, which may include an employee notice board, in order that the instructions may be consulted by anyone attempting to provide relief to a victim in a choking emergency.

(Ord. 82-507 § 1 (part), 1982.)

7.08.100 - Miscellaneous.

- A. No insecticide, rodenticide, or other poisonous substance shall be stored in any food preparation area except in a separate cabinet provided for that purpose. All poisonous substances, detergents, bleaches, cleaning compounds, or similar materials shall be specifically and plainly labeled as to contents and hazardous use and shall be stored only in their original, labeled container. No such product shall be used or stored in a manner as to cause contamination or adulteration of food, food contact surfaces or utensils.
- B. All food facilities shall at all times be so constructed, equipped, maintained and operated as to prevent the entrance and harborage of animals, birds and vermin, including, but not limited to, rodents and insects. Food services passing through opening shall not exceed four hundred thirty-two square inches (three square feet) and shall be equipped with an effective fly exclusion device. Openings shall remain closed when not in use.
- C. Each food facility shall be provided with such facilities and equipment as necessary to store or dispose of all waste material. All food waste and rubbish containing food waste shall be kept in leakproof and rodentproof containers covered with close-fitting lids, except that containers kept inside establishments need not be covered during periods of use. All food waste and rubbish shall be removed and disposed of in a sanitary manner as frequently as may be necessary to prevent the creation of a nuisance. Putrescible waste, when stored in waste receptacles commonly known as bins or dumpsters, shall first be placed in heavy duty plastic bags and then sealed. Waste receptacles shall be cleaned as often as necessary to prevent the harboring of flies, odors, or the creation of a public nuisance. The owner, manager or operator shall maintain the refuse storage area in a clean and sanitary manner at all times. The premises of all food facilities shall be kept clean and free of litter, rubbish and vermin.

- D. No live animal, bird, or fowl shall be kept or allowed in any food facility. This section shall not apply to dogs being used by the blind, signal dogs, for such dogs in training under proper supervision, or to dogs under the control of uniformed law enforcement officers or of uniformed employees of a private patrol service who are licensed pursuant to Chapter 11 (commencing with Section 7500), Division 3 of the Business and Professions Code, while such employees are acting within the course and scope of their employment as private patrolmen. All such dogs shall be excluded from food preparation and utensil wash areas. Aquariums and aviaries shall be allowed for decorative purposes if enclosed so as not to create a public health problem.

(Ord. 82-507 § 1 (part), 1982.)



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

Departments: Board of Supervisors

TIME REQUIRED

SUBJECT Out-of-State Travel Authorization for
NACo's 84th Annual Conference and
Exposition

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Out-of-state travel request for Supervisors Gardner and Halferty to attend the National Association of Counties' (NACo) 83rd Annual Conference and Exposition in Las Vegas, NV.

RECOMMENDED ACTION:

Approve out-of-state travel for Mono County Supervisor Bob Gardner and Supervisor Jennifer Halferty to attend NACo's 84th Annual Conference and Exposition in Las Vegas from July 12-15, 2019.

FISCAL IMPACT:

Up to \$3,000 for conference registration, hotel stay, and air travel for Supervisors Gardner and Halferty, which is included in the Board of Supervisors budgets for FY 2018-19 and FY 2019-2020.

CONTACT NAME: Scheereen Dedman

PHONE/EMAIL: x5538 / sdedman@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Conference Schedule

History

Time	Who	Approval
6/27/2019 9:52 AM	County Administrative Office	Yes
6/26/2019 11:18 AM	County Counsel	Yes

6/26/2019 1:09 PM

Finance

Yes

NACo's 84th Annual Conference & Exposition

Schedule as of: 06/26/2019

Thursday, July 11, 2019

Jul. 11
9:00 am to 3:30 pm

Conservation Workshop Nuestra Herencia by NAHCO and HECHO

Clark County Wetlands Park

This workshop is designed for county leaders to deepen their knowledge and leadership on current natural resource and conservation issues. Presented by HECHO founder and NAHCO past president Coconino County Supervisor Elizabeth "Liz" Archuleta and NAHCO president Coconino County Treasurer Sarah Benatar. This workshop will take place at the Clark County Wetlands Park in Las Vegas, NV. To register visit www.hechoonline.org/events

Jul. 11
12:00 pm to 5:00 pm

Leadership Symposium

Bronze 2 | Bally's

Dr. Martín Carcasson, founder and director of the Colorado State University Center for Public Deliberation, and innovative facilitators from 4Forward lead an interactive, in-depth symposium on resident engagement. Learn the foundational social psychology and decision-making science behind building consensus, then put theory into practice with an interactive session on strategies to overcome your county's greatest challenges.

Jul. 11
1:00 pm to 5:00 pm

Registration Open

Grand Salon | Bally's

Jul. 11
2:00 pm to 4:00 pm

Mobile Workshop: Fighting Hunger in Clark County: Aria Hotel & Three Square Food Bank (RSVP Required)

ARIA Resort and Casino & Three Square Food Bank

Learn about MGM Resorts Feeding Forward, an innovative food donations program in partnership with Three Square Food Bank that combats food waste and food insecurity. MGM Resort donates hot, prepared event food, which Three Square freezes using blast-chilling technology, storing it in their warehouse until a community need arises. Hunger relief agencies order the prepared entrees and menu items from Three Square, incorporating them into their ongoing meal planning. MGM has donated approximately 600,000 meals to the Clark County community from six Las Vegas-based MGM Resort properties.

Transportation for all mobile workshops will be provided from the Uber/Lyft pick-up zone at Bally's Flamingo Road exit. For those who RSVP'd, please arrive at least 10 minutes prior to tour departure to board the buses and guarantee your seat. Standby attendees will be accommodated as space becomes available.

Jul. 11
2:00 pm to 5:00 pm

Credentials Desk Open

Grand Salon | Bally's

Stop by the Credentials Desk to make sure your county is registered to vote in the NACo Annual Business Meeting and Election.

Jul. 11
2:00 pm to 5:00 pm

Mobile Workshop: South Point Casino & South Point Arena and Equestrian Center (RSVP Required)

South Point Hotel Casino and Spa & South Point Arena and Equestrian Center

Take a behind-the-scenes tour of the South Point Hotel Casino. From TV broadcasting at the Brent Musburger Vegas Stats and Information Network television studio to back-of-house operations to the 1,200 horse stall South Point Equestrian Center, home of the American Quarter Horse Association Championships, Arabian Breeders World Cup and National Barrel Horse Association Super Show and find out what keeps Vegas humming.

Transportation for all mobile workshops will be provided from the Uber/Lyft pick-up zone at Bally's Flamingo Road exit. For those who RSVP'd, please arrive at least 10 minutes prior to tour departure to board the buses and guarantee your seat. Standby attendees will be accommodated as space becomes available.

Jul. 11
2:00 pm to 5:00 pm

NACo Store & Resource Center Open

Grand Salon | Bally's

Jul. 11
4:00 pm to 5:00 pm

NACo Ambassadors Meeting

Director's Room | Bally's

Jul. 11
4:00 pm to 6:30 pm

"I am Jane Doe" Documentary Screening and Human Trafficking Panel

Skyview 1, Resort Tower-26th Fl. | Bally's

Human trafficking is an issue impacting every community in America. Join NACo for a screening of "I am Jane Doe," a powerful documentary which led to the passage of federal policy in support of the victims of this crime. The film will be preceded by a panel discussion with national experts from Polaris and Thomson Reuters and county officials who are working to combat human trafficking and exploitation in their communities. *This event is sponsored by Thomson Reuters.*



Jul. 11
5:00 pm to 7:00 pm

Colorado Caucus

Skyview 3, Resort Tower-26th Fl. | Bally's

Jul. 11
6:00 pm to 7:00 pm

PA County Caucus

Skyview 2, Resort Tower-26th Fl. | Bally's

Friday, July 12, 2019

Jul. 12
7:00 am to 8:30 am

First-Time Attendees Orientation and Breakfast

Gold, Grand Ballroom | Bally's

All first-time attendees are welcome to join us to learn more about NACo and how to make the most of the Annual Conference. Due to limited space, this session is open to county officials and staff attending their first NACo conference. Please proceed directly to the meeting room, you do not need to pick up a badge at the registration desk.

Jul. 12
7:30 am to 8:45 am

Resilient Counties Advisory Board Business Meeting

Champagne Ballroom 1 & 2 | Paris

Jul. 12
7:30 am to 5:00 pm

Credentials Desk Open

Grand Salon | Bally's

Stop by the Credentials Desk to make sure your county is registered to vote in the NACo Annual Business Meeting and Election.

Jul. 12
7:30 am to 5:00 pm

Registration Open

Grand Salon | Bally's

Jul. 12
8:00 am to 9:00 am

Policy Coordinating Committee Meeting #1

Versailles 4 | Paris

Jul. 12
8:00 am to 5:00 pm

NACo Store & NACo Resource Center Open

Grand Salon | Bally's

Jul. 12
8:30 am to 8:55 am

NACo's County Explorer Demo

Grand Salon | Bally's

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Join us in Bally's Grand Salon for an interactive demo that will showcase the redesigned user interface, new functionality, and significant updates.

Jul. 12
9:00 am to 10:00 am

Public Lands Policy Steering Committee - Resolutions Meeting

Skyview 5 & 6, Resort Tower-26th Fl. | Bally's

The Public Lands Steering Committee will discuss legislation in the 116th Congress related to public access to federal lands, payments to federal lands counties and active forest management. Members will also converse with federal officials about areas where counties can partner with the federal government to improve landscape health, reduce the threat of wildfire and increase energy and other resource output in an environmentally sound manner. Finally, members will discuss and consider a new version of the Public Lands Steering Committee platform drafted by a working group appointed by the Steering Committee Chairman.

Jul. 12
9:00 am to 10:00 am

Transportation Policy Steering Committee - Resolutions Meeting

Platinum, Grand Ballroom | Bally's

Join the Transportation Steering Committee's Resolutions Meeting to discuss proposed policy resolutions related to the Transportation policy platform and hear a legislative and regulatory update. Members will hear from sponsors who submitted policy resolutions or platform changes and have the opportunity to ask questions before they are voted on at the Transportation business meeting.

Jul. 12
9:00 am to 11:30 am

Environment, Energy and Land Use Policy Steering Committee - Resolutions Meeting

Skyview 2 - 4, Resort Tower-26th Fl. | Bally's

Join the Environment, Energy and Land Use (EELU) Steering Committee's Resolutions Meeting as members will discuss proposed policy resolutions related to the EELU policy platform. Members will hear from sponsors who submitted policy resolutions and have the opportunity to ask questions before they are voted on at the EELU business meeting. Learn how to properly identify watersheds from a subject matter expert on Hydrologic Unit Codes (HUCs).

Jul. 12
9:00 am to 11:30 am

Justice and Public Safety Policy Steering Committee - Morning Meeting

Las Vegas Ballroom 1 - 4, Jubilee Tower-3rd Fl. | Bally's

The Justice and Public Safety Committee will receive an update on the new NACo and National Sheriffs' Association joint task force, aimed at highlighting the impact of federal policy on county jail inmate health care and recidivism rates. The committee will also discuss the evolution of decision-making in prosecution and diversion within the criminal justice system.

Jul. 12
9:00 am to 11:45 am

Health Policy Steering Committee - Subcommittees Meetings

Bronze 3 & 4, Grand Ballroom | Bally's

The Health Steering Committee will discuss challenges around health care service delivery to rural residents and how counties can leverage recent innovations to improve health care systems for local communities. Committee members will also review key federal safety-net programs, such as community health centers and Disproportionate Share Hospital (DSH) payments that help counties meet residents' health care needs. For this discussion, members will be joined by local health practitioners to discuss county priorities in federal safety-net programs as Congress prepares to reauthorize these programs later this fiscal year.

Jul. 12
9:00 am to 11:45 am

Human Services and Education Policy Steering Committee - Subcommittees Meeting

Skyview 1, Resort Tower-26th Fl. | Bally's

Join the Human Services and Education Policy Steering Committee for a special preview of the new HBO documentary FOSTER, and hear from the film's producer, Deborah Oppenheimer, and county representatives about how local governments can serve as conveners to bring stakeholders together to strengthen the nation's child welfare systems. Committee members will also hear from federal, state and local representatives about how counties can prepare for implementation of the Family First Prevention Services Act (FFPSA) as the September 2019 date approaches.

Jul. 12
9:00 am to 12:00 pm

Agriculture and Rural Affairs Policy Steering Committee - Meetings

Versaille 1 & 2 | Paris

Jul. 12
9:00 am to 12:30 pm

Policy Steering Committee Meetings

Jul. 12
9:30 am to 9:55 am

NACo's County Explorer Demo

Grand Salon | Bally's

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Join us in Bally's Grand Salon for an interactive demo that will showcase the redesigned user interface, new functionality, and significant updates.

Jul. 12
9:30 am to 12:00 pm

Finance, Pensions and Intergovernmental Affairs Policy Steering Committee - Subcommittees Meetings

Las Vegas Ballroom 5 - 7, Jubilee Tower-3rd Fl. | Bally's

Jul. 12
9:45 am to 11:45 am

Community, Economic and Workforce Development Committee Mobile Workshop: Boulder Highway Collaborative Campus (RSVP Required)

Boulder Highway Collaborative Campus

Join the Community, Economic and Workforce Development Committee for a tour of the Boulder Highway Collaborative Campus, an innovative affordable housing site created in partnership with Nevada HAND, Clark County, the Boys & Girls Club, Lutheran Social Services of Southern Nevada. Space is limited; please email Daria Daniel at ddaniel@naco.org for more information.

Jul. 12
10:00 am to 12:00 pm

Public Lands Policy Steering Committee - Subcommittees Meetings

Skyview 5 & 6, Resort Tower-26th Fl. | Bally's

The Public Lands Steering Committee (PLSC) will discuss federal land and mineral management priorities with officials from federal land management agencies. Additionally, the PLSC will hear from experts on how some counties utilize special districts to target federal land payments toward specific county priorities and how to set up a special district in their home county.

Jul. 12
10:00 am to 12:00 pm

Transportation Policy Steering Committee - Subcommittees Meetings

Platinum, Grand Ballroom | Bally's

Join NACo's Subcommittees Meeting where we will discuss federal policy issues related to transportation and infrastructure development, including highway and road safety, railways, ports and aviation.

Jul. 12
10:30 am to 10:55 am

NACo's County Explorer Demo

Grand Salon | Bally's

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Jul. 12
10:30 am to 12:00 pm

Audit Committee Meeting

Burgundy | Paris

Jul. 12
12:00 pm to 1:30 pm

Finance Committee Meeting

Burgundy | Paris

Jul. 12
12:00 pm to 1:30 pm

Lunch Break (on your own)

Jul. 12
12:00 pm to 1:30 pm

Luncheon Session: Supporting Our Nation's Aging Population at the Local Level

Jubilee Ballroom 3, Jubilee Tower-2nd Fl. | Bally's

By 2035, for the first time in our nation's history, the population of adults 65 and older will outnumber children younger than 18. Whether it's creating supports for home-based care and caregivers, building safe and accessible communities for people of all ages or promoting social integration among our aging populations, counties are leveraging local resources to support our nation's older adults. Hear from national and local leaders about the challenges and benefits of supporting our nation's aging population, and how counties are satisfying the increased demand for services and an infrastructure that addresses the needs of this changing demographic.

Jul. 12
12:00 pm to 1:30 pm

Next Generation Network Community Service Project: Three Square Food Bank

Paris Ballroom Foyer | Paris

Jul. 12
12:30 pm to 12:55 pm

NACo's County Explorer Demo

Grand Salon | Bally's

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Jul. 12
1:00 pm to 4:30 pm

Environment, Energy and Land Use Policy Steering Committee - Business Meeting

Skyview 2 - 4, Resort Tower-26th Fl. | Bally's

Members will hear from speakers on better land use and watershed planning data, tools and trainings to prepare and mitigate against changing weather patterns. Steering committee members will also consider policy resolutions and platform changes that are used to guide NACo's advocacy efforts before Congress, the White House and federal agencies.

Jul. 12
1:00 pm to 4:30 pm

Policy Steering Committee Meetings continue

Jul. 12
1:30 pm to 1:55 pm

NACo's County Explorer Demo

Grand Salon | Bally's

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Join us in Bally's Grand Salon for an interactive demo that will showcase the redesigned user interface, new functionality, and significant updates.

Jul. 12
1:30 pm to 3:30 pm

Telecommunications and Technology Policy Steering Committee Meeting

Champagne Ballroom 4 | Paris

Jul. 12
1:30 pm to 4:00 pm

Finance, Pensions and Intergovernmental Affairs Policy Steering Committee - Business Meeting

Las Vegas Ballroom 5 & 7, Jubilee Tower-3rd Fl. | Bally's

Jul. 12
1:30 pm to 4:30 pm

Justice and Public Safety Policy Steering Committee - Afternoon Meeting

Las Vegas Ballroom 1 - 4, Jubilee Tower-3rd Fl. | Bally's

Join the Justice and Public Safety Committee for a panel discussion with Clark County, Nevada public safety officials about mass casualty incident preparedness, response, and recovery. The committee will also be joined by the National Weather Service and FEMA about severe weather decision-making support services and the Integrated Public Alert and Warning System (IPAWS).

Jul. 12
2:00 pm to 4:00 pm

Health Policy Steering Committee - Business Meeting

Bronze 3 & 4, Grand Ballroom | Bally's

Drug pricing continues to be a hot topic both on Capitol Hill and in state legislatures as lawmakers review policy proposals to lower costs. Join the Health Steering Committee as members review new legislation aimed at lowering the cost of prescription drugs and discuss how drug-pricing has impacted local governments. In addition, committee members will discuss and vote on policy resolutions during this time, as well as any proposed emergency resolutions.

Jul. 12
2:00 pm to 4:00 pm

Public Lands Policy Steering Committee - Business Meeting

Skyview 5 & 6, Resort Tower-26th Fl. | Bally's

The Public Lands Steering Committee (PLSC) will discuss legislation in the 116th Congress related to public access to federal lands, payments to federal lands counties and federal land and resource management. Members will also converse with federal and state officials about areas where all levels of government can partner together to improve landscape health. Finally, the PLSC will consider and vote on proposed platform changes and policy resolutions.

Jul. 12
2:00 pm to 4:00 pm

Transportation Policy Steering Committee - Business Meeting

Platinum, Grand Ballroom | Bally's

Members will hear from federal officials and policy experts on the latest transportation federal policy issues facing counties. Steering committee members will also consider policy resolutions and platform changes that are used to guide NACo's advocacy efforts before Congress, the White House and federal agencies.

Jul. 12
2:00 pm to 4:30 pm

Community, Economic and Workforce Development Policy Steering Committee - Business Meeting

Versailles Ballroom 1 & 2 | Paris

Members will hear from national policy experts on economic and workforce development issues. Steering committee members will also consider policy resolutions and platform changes that are used to guide NACo's advocacy efforts before Congress, the White House and federal agencies.

Jul. 12
2:00 pm to 4:30 pm

Human Services and Education Policy Steering Committee - Business Meeting

Skyview 1, Resort Tower-26th Fl. | Bally's

Join the Human Services and Education Policy Steering Committee to hear from local leaders about how counties are creating more seamless, effective and sustainable policies that advance social and economic mobility and improve the health and well-being of people and communities. The Human Services and Education Policy Steering Committee will also consider and vote on proposed platform changes and policy resolutions.

Jul. 12
2:30 pm to 2:55 pm

NACo's County Explorer Demo

Grand Salon | Bally's

NACo's County Explorer tool provides easy access to the latest available data, with hundreds of indicators across categories ranging from county economies to policy issues, including transportation, infrastructure, health and public safety, each telling a unique county story.

Join us in Bally's Grand Salon for an interactive demo that will showcase the redesigned user interface, new functionality, and significant updates.

Jul. 12
3:30 pm to 3:55 pm

NACo's County Explorer Demo & State Association Research Meeting

Grand Salon | Bally's

NACo's County Explorer tool provides easy access to the latest available data, with hundreds of indicators across categories ranging from county economies to policy issues, including transportation, infrastructure, health and public safety, each telling a unique county story.

Join us in Bally's Grand Salon for an interactive demo and to meet and greet with fellow State Association researchers. This meeting is demo to all but will be tailored to State Association Research Directors and staff.

Jul. 12
4:00 pm to 6:00 pm

Exhibit Hall Reception

Paris Ballroom | Paris

Meet with representatives from over 150 companies while enjoying hors d'oeuvres and beverages. This is your first chance to explore a vast array of products and services that can help your county serve residents. Check out a [list of exhibitors here](#).

Jul. 12
4:00 pm to 6:00 pm

Linebarger Ice Cream Social

Paris Ballroom | Paris

Jul. 12
4:15 pm to 4:45 pm

County Talk - Esri: A Whole New Level of Smart Communities Through Geospatial Infrastructure

Paris Ballroom | Paris

The concept of smart communities is evolving as states, counties and municipalities rally around the promise of smart to reshape our collective thinking. How our communities run in the future and how citizens perceive government services depends on our ability to embrace *smart*. Smart communities push aside politics and preconceptions in favor of data and analytics to make decisions. High-performing organizations use location as the standard analytical approach to achieve new insight. Increasingly, smart devices, the "Internet of things" and cloud computing feed data on the locations of people, nature, vehicles, and infrastructure. If you are interested in learning about how how you seemingly unrelated trends from technology, policy, and digital transformation can change the way you solve for real world problems, this is the session for you. We will explore how:

- Geo-enabling data and enterprise systems can bring about business intelligence
- Communities are leveraging technological advances to support infrastructure needs, social inequities, housing issues, and transportation networks
- Communities can lead the way through the use of the geospatial infrastructure

Jul. 12
4:30 pm to 5:30 pm

Next Generation Network Business Meeting

Skyview 1, Resort Tower-26th Fl. | Bally's

Jul. 12
5:00 pm to 5:45 pm

Policy Coordinating Committee Meeting #2

Versailles 4 | Paris

Jul. 12
5:00 pm to 7:00 pm

Louisiana Hospitality Suite

Chablis | Paris

Jul. 12
5:15 pm to 5:45 pm

County Talk - Thomson Reuters: One Tool: Connecting County Data to Address Public Safety, Families' Stability and Financial Stewardship

As a trusted steward of government funds and duties, it can be daunting to provide everything to those in need in your county. What if there were easy-to-use tools that could be deployed across your county agencies to help protect residents, dispense fair and equitable justice and keep communities healthy and prosperous? Join us to hear how government agencies are utilizing Thomson Reuters CLEAR data to problem-solve and increase connections within your community.

Jul. 12
6:00 pm to 8:00 pm

Welcome Happy Hour

Clark County, the Las Vegas Convention & Visitors Authority and NACo welcome all conference attendees to a rooftop happy hour. Join your colleagues and friends for a few bites and a wonderful vista of Clark County before you head out for dinner.

Saturday, July 13, 2019

Jul. 13
6:00 am to 7:30 pm

Sunset Park Bicycle Ride

Sunset Regional Park

Join the Parks, Open Space and Trails (POST) Subcommittee for a guided bike ride through Clark County's Sunset Park. Bikes, helmets, water and maps provided by Clark County's Parks & Recreation Department. Total length of bike ride is 5 miles. Please wear athletic attire suitable for a warm-weather bike ride on paved terrain. Attendees will be required to sign liability waivers before riding.

Space is limited and RSVPs are required.

Jul. 13
7:30 am to 5:00 pm

Credentials Desk Open

Grand Salon | Bally's

Stop by the Credentials Desk to make sure your county is registered to vote in the NACo Annual Business Meeting and Election.

Jul. 13
7:30 am to 5:00 pm

Registration Open

Grand Salon | Bally's

Jul. 13
8:00 am to 10:00 am

GIS Subcommittee Meeting

Jubilee Ballroom 3, Jubilee Tower-2nd Fl. | Bally's

Join the GIS Subcommittee for a discussion focused on the timely and successful deployment of next-generation telecommunications services throughout the nation and an exploration of innovative ideas for local leaders to ensure all residents are counted during the upcoming 2020 Census.

Jul. 13
8:00 am to 10:00 am

Gulf States Counties and Parishes Caucus

Skyview 4, Resort Tower-26th Fl. | Bally's

GSCPC will determine priorities for the coming year and discuss potential bylaw changes, the Caucus's presence at the Gulf of Mexico Alliance meeting and reauthorization of the National Flood Insurance Program and learn about NACo's Local Government Guide to Coastal Resilience.

Jul. 13
8:00 am to 5:00 pm

NACo Store & NACo Resource Center

Grand Salon | Bally's

Jul. 13
8:30 am to 8:55 am

NACo's County Explorer Demo

Grand Salon | Bally's

NACo's County Explorer tool provides easy access to the latest available data, with hundreds of indicators across categories ranging from county economies to policy issues, including transportation, infrastructure, health and public safety, each telling a unique county story.

Join us in Bally's Grand Salon for an interactive demo that will showcase the redesigned user interface, new functionality, and significant updates.

Jul. 13
8:30 am to 10:00 am

Healthy Counties Advisory Board Meeting

Las Vegas Ballroom 1 & 2, Jubilee Tower-3rd Fl. | Bally's

Counties coast to coast are tackling health equity from a multitude of angles. Members of the Healthy Counties Advisory Board and those that are interested in joining Healthy Counties are invited to hear how their peers across the nation are working to improve health equity in their county. Following the panel, attendees will have an opportunity to converse with panelists in small groups and participate in brainstorming activities that will inform future Healthy Counties programming.

Jul. 13
8:30 am to 12:00 pm

Crisis and Renewal Communication: How county leaders can be forward-looking, hopeful and resilient

Las Vegas Ballroom 3 & 4, Jubilee Tower | Bally's

Jul. 13
9:00 am to 3:00 pm

Exhibit Hall Open

Paris Ballroom | Paris

Check out the [list of exhibitors](#) before you go and be sure to look out for some of Nevada's favorite characters; Mojave Max, Deputy Drip, McGruff and Cash the Soccer Rocker will all be in attendance!

Jul. 13
9:15 am to 9:45 am

County Talk - KPMG: Behavioral Health & Justice: Challenge Your Assumptions, Uncover Your Opportunity

Paris Ballroom | Paris

There is no single solution to one of the greatest issues facing our communities, and there is no better way to start than understanding what assets you may already possess. Join KPMG to discuss building a continuum of care model that brings together innovative and performance-driven solutions for real and lasting change – built upon a foundation of your existing capacity and strengths.

Jul. 13
9:45 am to 11:30 am

IT Standing Committee Meeting

Jubilee Ballroom 3, Jubilee Tower-2nd Fl. | Bally's

Join the IT Standing Committee for a discussion focused on creating a cybersecurity culture and managing human factors of risk, creating a successful state or countywide cybersecurity awareness events and the findings of NACo's Blueprint for county technology.

Jul. 13
10:00 am to 12:00 pm

Large Urban County Caucus

Champagne 1 & 2 | Paris

NACo's Large Urban County Caucus (LUCC) is the premier national forum for the consideration of issues relating to America's metropolitan county governments (those with a population of at least 500,000 residents). All conference attendees with an interest in urban county matters are invited to attend this semiannual meeting of the caucus, which brings together county leaders, national experts and federal officials for discussions that aim to strengthen the operations of the nation's largest counties and the ability of urban county leaders to serve their residents.

Jul. 13
10:00 am to 12:00 pm

National Association of County Human Services Administrators (NACHSA)

Palace 4 | Bally's

Jul. 13
10:00 am to 12:00 pm

Rural Action Caucus

Champagne Ballroom 3 & 4 | Paris

NACo's Rural Action Caucus will take a deeper dive into the data behind the newly released "TestIT" app as we explore the connection between national broadband data and federal funding. RAC members will hear from the TestIT App Developer and representatives from Measurement Labs to learn how to access and analyze the data being collected by the app. Additionally, the caucus will discuss the challenges and opportunities to the upcoming 2020 Census and highlight best-practices for complete count committees.

Jul. 13
10:15 am to 10:45 am

County Talk - Linebarger Goggan Blair & Sampson: Finding Hidden Revenue and Using Technology to Collect It

Paris Ballroom | Paris

New technologies are having an impact in the collections of receivables and other arenas related to county revenue. From homestead exemption abuse to short-term rental issues, Linebarger Goggan Blair & Sampson, LLP dedicates its substantial technological horsepower to detection and collection of public revenue in the U.S., collecting over \$1 billion in assets for clients each year. Attorneys Mark Harris and Pete Slover will share insights regarding technology that can discover untapped revenue and improve collections, amongst other topics.

Jul. 13
10:15 am to 11:45 am

Standing Committee Meetings

Jul. 13
10:45 am to 11:30 am

Nominating Committee Meeting

Director's Room | Bally's

Jul. 13
11:15 am to 11:45 am

County Talk - ProLink Solutions: Technology Solutions to Capture & Utilize Housing and Tenant Data Metrics

Local government agencies need affordable technology solutions that make it easy to capture, access and utilize housing data. Many counties currently store random housing data that varies by funding source, in excel workbooks or antiquated and siloed databases making it difficult to access and use the data. ProLink Solutions provides software solutions to capture, manage, and report on the large quantity of housing and tenant data required by jurisdictions for outcome reporting. ProLink's goal is to help localities capture and maintain consistent housing and tenant data metrics, from time of application through annual compliance monitoring, so they can make prudent lending decisions and effectively address economic inequality based on current and historical data. The added bonus of adopting ProLink's data standards is that localities could also agree to share similar data metrics with neighboring jurisdictions in order to collaboratively address economic inequality across county lines.

Jul. 13
12:00 pm to 1:00 pm

County Talk: Los Angeles County Economic Development: Retooling for Job Creation with a Case Study on the Bio and Life Science Sector

Paris Ballroom | Paris

Strong regional and local economies generate the revenue governments use to provide public safety services and social safety net programs. Using a targeted approach that includes industry specific job training programs, supporting growth sector small businesses and repurposing underutilized county property, Los Angeles County is facilitating sustainable business expansion and exciting job creation for the region. This session includes a case study on how Los Angeles County is supporting the growth and expansion of the bioscience and life science industry.

Jul. 13
12:00 pm to 1:00 pm

Lunch in the Exhibit Hall

Paris Ballroom | Paris

Jul. 13
12:00 pm to 1:30 pm

Lunch: Healthy Counties: Addressing Youth Substance Abuse

Skyview 5 & 6, Resort Tower-26th Fl. | Bally's

Supporting the well-being and development of youth is critical to the future of our counties, states and nation. In a rapidly changing world, counties must be innovative and strategic preventing substance use and abuse among youth populations. Continue the dynamic conversation begun at NACo's 2019 Legislative Conference to explore best practices and emerging strategies counties are employing to engage and educate youth and discuss new approaches that leverage partnerships and resources.

Jul. 13
12:00 pm to 1:30 pm

Membership Committee Meeting

Skyview 4, Resort Tower-26th Fl. | Bally's

Jul. 13
12:00 pm to 1:45 pm

Resilient Counties Lunch: Developing New Partnerships in National-Regional Water Resiliency and Innovation

Versailles Ballroom 1 & 2 | Paris

The increasing number, depth, breadth and magnitude of water- and weather-related incidents has overwhelmed traditional methodologies and capabilities. The nearly \$500 billion in FEMA/FIMA and global insurance-reinsurance losses demands a heightened focus on pre-disaster mitigation. Panelists and attendees will explore critical challenges using Harris County's evolving "R3" approach to pre-disaster mitigation, preparedness, emergency response and incident recovery as the framework. Regional Resiliency Repositories (R3) places greater attention on the pre-positioning of private sector inventories, in alignment with public and private sector assets, operations and facilities, and requires coordinated project development across multi-stakeholder, funder and beneficiary objectives.

Seating is first-come, first-served and limited to registered conference attendees.

Jul. 13
12:30 pm to 3:00 pm

Western Interstate Region Board of Directors Meeting

Jubilee Ballroom 2, Jubilee Tower-2nd Fl. | Bally's

The Western Interstate Region (WIR) Board of Directors will discuss legislation related to federal land management priorities, wildlife conservation and transportation and infrastructure. Members will also hear from partner organizations on rural economic development and new efforts to kickstart distance learning opportunities. Finally, members will have the opportunity to discuss a newly created guidebook created by NACo and the U.S. Forest Service.

Jul. 13
1:00 pm to 2:30 pm

National Association of County Information Officers (NACIO) Board Meeting

Versailles Ballroom 3 & 4 | Paris

Jul. 13
1:00 pm to 2:30 pm

National Association of Hispanic County Officials (NAHCO) Business Meeting

Bordeaux | Paris

Jul. 13
1:00 pm to 3:00 pm

Veterans and Military Services Committee Meeting

Jubilee Ballroom 3, Jubilee Tower-2nd Fl. | Bally's

County governments play a critical role as public service providers for America's citizens, including millions of veterans and their families. NACo's Veterans and Military Services Committee provides a forum for county leaders – many of whom are members of military families or veterans themselves – to discuss how counties can work with each other and with our state, federal and local partners to address various issues facing our nation's veterans and ensure we are providing them the best possible services to meet their unique needs.

Jul. 13
1:15 pm to 1:45 pm

County Talk: NACo County Explorer Demonstration

Paris Ballroom | Paris

NACo's County Explorer tool provides easy access to the latest available county-level data, with hundreds of indicators across categories ranging from county administration to policy issues, including transportation, infrastructure, health, public safety and county economies. County Explorer can compare counties across multiple data points and create pre-packaged advocacy materials and serves as a foundation and a resource for NACo members. Join this session and learn how to leverage county data in your everyday efforts.

Jul. 13
1:15 pm to 3:15 pm

Creating Vibrant Communities Through Public Art: A Meeting of the NACo Arts & Culture Commission

Las Vegas Ballroom 1 & 2, Jubilee Tower-3rd Fl. | Bally's

This meeting will focus on how public art programs can strengthen community and improve quality of life. Nevada Arts Council will discuss how you can better engage with your state arts agencies and what types of programs and resources it has available to counties in Nevada. Clark and Washoe Counties, Nev. will then delve into the public art programs and projects that they have developed and implemented locally.

Jul. 13
1:30 pm to 1:55 pm

NACo's County Explorer Demo

Grand Salon | Bally's

NACo's County Explorer tool provides easy access to the latest available data, with hundreds of indicators across categories ranging from county economies to policy issues, including transportation, infrastructure, health and public safety, each telling a unique county story.

Join us in Bally's Grand Salon for an interactive demo that will showcase the redesigned user interface, new functionality, and significant updates.

Jul. 13
1:45 pm to 3:00 pm

Convergence of Health and Wealth: Health Savings Accounts

Las Vegas Ballroom 5, Jubilee Tower-3rd Fl. | Bally's

Join Nationwide and get a deeper look at using Health Savings Accounts (HSAs) as an additional way to save for retirement. HSAs can be a potential retirement savings vehicle and an effective complement to 401(k) or 457(b) to help consumers better plan for health care costs in retirement.

Jul. 13
1:45 pm to 3:00 pm

Making the Most of Your NACo Membership

Las Vegas Ballroom 6, Jubilee Tower-3rd Fl. | Bally's

NACo has a lot to offer members! Join NACo's membership team to review NACo's many membership benefits, including the newly updated County Explorer, online learning, NACo publications and toolkits.

Jul. 13
1:45 pm to 3:00 pm

NACo Board Forum

Skyview 2 & 3, Resort Tower-26th Fl. | Bally's

Jul. 13
1:45 pm to 3:00 pm

Substance Use Interventions in the Justice System

Las Vegas Ballroom 3 & 4, Jubilee Tower-3rd Fl. | Bally's

This workshop focuses on innovative strategies and programs counties are using to meet the needs of justice-involved individuals with substance use disorders (SUDs). County leaders will discuss increasing connections to treatment for individuals with SUDs at different touch points in the justice system, including during interactions with law enforcement, in jail and during community reentry, to improve public safety and use taxpayer resources effectively.

Jul. 13
1:45 pm to 3:00 pm

Understanding the County Role in the Growing World of Legal Cannabis

Bronze 2 & 3, Grand Salon | Bally's

To date, ten states and the District of Columbia have legalized recreational usage of cannabis to some extent, with another 33 states having legalized medicinal usage in some form. Understanding what effect state legalization may have on your county and how best to prepare to navigate and regulate the fast-growing cannabis industry is vital. Hear from industry and county experts who will provide firsthand knowledge about the successes and pitfalls of implementing cannabis regulations.

Jul. 13
2:00 pm to 3:00 pm

Health is Local: A Fireside Chat with Dr. Garth Graham

Skyview 1, Resort Tower-26th Fl. | Bally's

Research has shown that your zip code has a greater impact on your life expectancy than your genetic code. Join us for this unique dialogue to ask questions and hear directly from Dr. Garth Graham about the social determinants of health affecting our communities' health. You will also hear from counties firsthand who are successfully addressing some of these factors locally to improve the health of their residents.

Jul. 13
2:15 pm to 2:45 pm

County Talk - Salesforce: Government AppExchange - Platform for Government App Sharing

Low-code, platform-based tools are the backbone of government for the future. Agencies demand flexibility in software solutions that provide agile processes with low-click solutions. This enables governments to adapt at light speed with minimum-to-no interruptions within their environments. This facilitates the potential for a library of solutions built by the government for government. Join us to learn about the Salesforce Government AppExchange and hear from your government peers on how they developed applications on Salesforce to impact outcomes, modernize the mission, and create a better customer experience.

Jul. 13
2:30 pm to 2:55 pm

NACo's County Explorer Demo

Grand Salon | Bally's

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Join us in Bally's Grand Salon for an interactive demo that will showcase the redesigned user interface, new functionality, and significant updates.

Jul. 13
3:15 pm to 4:30 pm

General Session

Event Center | Bally's

Jul. 13
4:30 pm to 5:00 pm

NACo 2nd Vice President Candidates' Forum

Event Center | Bally's

This is your chance to learn about the vision for the future of NACo. Each candidate will be given time to address the membership ahead of Monday's vote.

Jul. 13
4:45 pm to 5:45 pm

Resorts/Tourism/Gateway Counties Working Group

Jubilee Ballroom 1, Jubilee Tower-2nd Fl. | Bally's

This Working Group meeting will feature a roundtable discussion on best practices for driving tourism to federal lands counties. There will also be presentations from federal officials on the state of tourism on federal lands and how counties can work with federal agencies to improve the visitor experience and create economic opportunities in gateway communities.

Jul. 13
5:00 pm to 6:00 pm

Alabama Delegates Caucus

Versailles Ballroom 3 & 4 | Paris

Jul. 13
5:00 pm to 6:00 pm

Iowa Caucus Meeting

Loire | Paris

Jul. 13
5:00 pm to 6:00 pm

NACHFa Meeting

Las Vegas Ballroom 7, Jubilee Tower-3rd Fl. | Bally's

Jul. 13
5:00 pm to 6:00 pm

Next Generation Network / County Leadership Institute / NACo Leadership Academy Alumni Reception Sponsored by Capital Group

Hexx Kitchen & Bar | Paris

- Jul. 13*
5:00 pm to 6:30 pm
Alaska, Idaho, Montana, North Dakota, and South Dakota Associations Reception
Las Vegas Ballroom 6, Jubilee Tower-3rd Fl. | Bally's
- Jul. 13*
5:00 pm to 6:30 pm
County Commissioners Association of Ohio Caucus
Bordeaux | Paris
- Jul. 13*
5:00 pm to 6:30 pm
Louisiana Hospitality Suite
Skyview 4, Resort Tower-26th Fl. | Bally's
- Jul. 13*
5:00 pm to 6:30 pm
Minnesota Delegation Caucus
Skyview 1, Resort Tower-26th Fl. | Bally's
- Jul. 13*
5:00 pm to 6:30 pm
Oregon and Washington Reception
Mon Ami Gabi | Paris
- Jul. 13*
5:00 pm to 6:30 pm
PA Counties Caucus
Palace 4 | Bally's
- Jul. 13*
5:00 pm to 6:30 pm
Texas Caucus and Reception
Burgundy | Paris
- Jul. 13*
5:00 pm to 7:00 pm
Florida Delegates Reception
Chablis | Paris
- Jul. 13*
5:00 pm to 7:00 pm
Women of NACo (WON) Leadership Network Reception
Champagne Ballroom 1 | Paris
- Jul. 13*
5:30 pm to 7:00 pm
Digital Counties Survey Awards Dinner
Champagne Ballroom 2 | Paris
- Jul. 13*
5:30 pm to 7:00 pm
National Association of County LGBTQ Leaders & Allies Social
Beer Park | Paris

- Jul. 13* **NC Caucus**
5:30 pm to 7:00 pm
Versailles Ballroom 1 & 2 | Paris
- Jul. 13* **Association of Indiana Counties Caucus**
5:30 pm to 7:30 pm
Mon Ami Gabi | Paris
- Jul. 13* **Digital Counties Survey Awards Dinner**
5:30 pm to 7:30 pm
Skyview 5, Resort Tower-26th Fl. | Bally's
- Jul. 13* **Illinois Delegation Reception**
5:30 pm to 9:00 pm
Mon Ami Gabi | Paris
- Jul. 13* **National Conference of Republican County Officials (NCRCO) Reception**
7:00 pm to 9:00 pm
Jimmy Buffett's Margaritaville Las Vegas
- Jul. 13* **National Democratic County Officials (NDCO) Annual Reception**
7:00 pm to 9:00 pm
ameriCAN | The LINQ Promenade
- Jul. 13* **North Carolina Reception**
7:00 pm to 9:00 pm
Champagne Ballroom 3 & 4 | Paris

Sunday, July 14, 2019

- Jul. 14* **Non-Denominational Worship Service**
7:30 am to 8:30 am
Skyview 1, Resort Tower-26th Fl. | Bally's
- Jul. 14* **Wisconsin Counties Association Breakfast Caucus**
7:30 am to 8:30 am
Chablis | Paris
- Jul. 14* **New York Delegation Breakfast Caucus**
7:30 am to 8:45 am

Jul. 14
7:30 am to 8:45 am

Virginia, W. Virginia and Maryland Breakfast

Skyview 4, Resort Tower-26th Fl. | Bally's

Jul. 14
7:30 am to 1:00 pm

Credentials Desk Open - County Pick-up Only

Grand Salon | Bally's

Stop by the Credentials Desk to make sure your county is registered to vote in the NACo Annual Business Meeting and Election.

Jul. 14
7:30 am to 4:30 pm

Registration Open

Grand Salon | Bally's

Jul. 14
8:00 am to 9:00 am

Credentials Committee Meeting

Director's Room | Bally's

Jul. 14
8:00 am to 10:00 am

Immigration Reform Task Force Meeting

Versailles Ballroom 4 | Paris

Often serving as the health care providers of last resort for the uninsured and underinsured, counties provide health care to our nation's residents, regardless of immigration status, as mandated by federal and state laws and policies. During this session, the Immigration Reform Task Force will be joined by experts and local leaders to discuss the challenges and opportunities that arise in providing health care and social services to immigrant populations.

Jul. 14
8:00 am to 4:30 pm

NACo Store & NACo Resource Center Open

Grand Salon | Bally's

Jul. 14
8:30 am to 8:55 am

NACo's County Explorer Demo

Grand Salon | Bally's

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Join us in Bally's Grand Salon for an interactive demo that will showcase the redesigned user interface, new functionality, and significant updates.

Jul. 14
9:00 am to 10:15 am

13 Ways to Kill Your Community

Jubilee Ballroom 3, Jubilee Tower-2nd Fl. | Bally's

Join Doug Griffiths, author of 13 Ways to Kill Your Community and founder of [13 Ways](#), an organization dedicated to helping communities grow and thrive, for a revelatory and insightful look at the often universal challenges that limit community success and how to overcome them.

This workshop is part of NACo's [Next Generation Network](#) leadership development series. Next Generation Network thanks [Capital Group](#) for their generous sponsorship.

Jul. 14
9:00 am to 10:15 am

Coordinating Health, Human Services and Justice to Improve Outcomes: Lessons from the Field

Jubilee Ballroom 2, Jubilee Tower-2nd Fl. | Bally's

This session brings together counties that are pursuing data-driven processes and collaborative partnerships across justice, health and human services systems to improve the health and well-being of defined target populations. Learn best practices and shared lessons from a cohort of counties that represents both urban and rural regions.

Jul. 14
9:00 am to 10:15 am

Disaster Management Symposium Part I: Improving Your Leadership Role in Incident Management

Jubilee Ballroom 1, Jubilee Tower-2nd Fl. | Bally's

Join us for a conversation with local elected officials and county leaders who have experience in incident management to learn about best practices during all-hazards incident management.

Disaster Management Symposium: Part II: An Interactive Roundtable will begin at 10:30a.m. in the same room.

Jul. 14
9:00 am to 10:15 am

Economic Impact of Outdoor Recreation

Las Vegas 1 & 2, Jubilee Tower-3rd Fl. | Bally's

The outdoor recreation economy employs millions of Americans and generates billions of dollars annually while creating tax revenue local governments use to provide essential services. Hear from government and private-sector experts on the current state of the outdoor recreation economy, its future outlook and how your county can support a recreation economy.

Jul. 14
9:00 am to 10:15 am

Making Your Mark with a County Brand

Las Vegas 3 & 4, Jubilee Tower-3rd Fl. | Bally's

Is your county brand due for a refresh? Join NACo's County News and learn about what makes an effective and impactful county brand and why it matters.

Jul. 14
9:00 am to 10:15 am

NCCAE Professional Development Session

Versailles Ballroom 4 | Paris

Jul. 14
9:00 am to 10:15 am

New Revenue on the Horizon

Las Vegas 5 & 6, Jubilee Tower-3rd Fl. | Bally's

This workshop will give counties ideas, tools and training for generating new revenue. The first part of the workshop will focus on a new NACo program built in partnership with state associations of counties to intercept tax refunds of individuals who have not paid debts owed to county governments. The second part of the workshop will provide training on additional strategies for revenue enhancement through various case studies.

Jul. 14
9:00 am to 10:15 am

Sesame Street in Communities: Supporting Children and Families

Bronze 2 | Bally's

Sesame Street in Communities (SSIC) builds on an almost 50-year commitment to supporting children's developmental, physical and emotional needs. Learn how SSIC is partnering with counties to leverage the power of its trusted brand, friendly characters, and research-based educational resources to improve outcomes for children and their families. This workshop will also highlight how to access free online tools and resources provided by SSIC. Attendees will also hear how Transylvania County, N.C., a Sesame Street Community, is supporting young children through SSIC and the county's early childhood agenda.

Jul. 14
9:00 am to 11:00 am

NACA (National Association of County Administrators) Executive Board Meeting

Jul. 14
9:00 am to 12:00 pm

Exhibit Hall Open

Paris Ballroom | Paris

Check out the [list of exhibitors](#) before you go!

Jul. 14
9:00 am to 12:00 pm

NACo Board of Directors and Resolutions Committee Meeting

Skyview 2 & 3, Resort Tower-26th Fl. | Bally's

Jul. 14

9:30 am to 9:55 am**NACo's County Explorer Demo**

Grand Salon | Bally's

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Join us in Bally's Grand Salon for an interactive demo that will showcase the redesigned user interface, new functionality, and significant updates.

Jul. 14

10:30 am to 10:55 am**NACo's County Explorer Demo**

Grand Salon | Bally's

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Join us in Bally's Grand Salon for an interactive demo that will showcase the redesigned user interface, new functionality, and significant updates.

Jul. 14

10:30 am to 11:45 am**Data-Driven Diversion Strategies for People Experiencing Behavioral Health Crises**

Jubilee Ballroom 2, Jubilee Tower-2nd Fl. | Bally's

Learn how county leaders use data to develop alternatives to arrest for people in acute crisis due to mental illness or substance use disorders and how innovative partnerships and funding support county efforts to create robust systems of care, provide options to family members and law enforcement and address county hospital and jail overcrowding.

Jul. 14

10:30 am to 11:45 am**Disaster Management Symposium Part II: Interactive Roundtable**

Jubilee Ballroom 1, Jubilee Tower-2nd Fl. | Bally's

Following part one, join us for an interactive roundtable exercise led by subject matter experts and delve deeper into the role of senior elected leadership in disaster management.

Disaster Management Symposium: Part I: Improving Your Leadership Role in Incident Management will immediately precede it at 9:00 a.m. in the same room.

Jul. 14

10:30 am to 11:45 am**Financial Transparency and Openness in Government**

Las Vegas 1 & 2, Jubilee Tower-3rd Fl. | Bally's

Join NACo and the Government Finance Officers Association (GFOA) for a workshop on performance management and fiscal strategic planning with a focus on debt disclosures, pension benefits and future planning.

Jul. 14
10:30 am to 11:45 am

Fueling Economic Opportunity with Community Solar Energy

Las Vegas 3 & 4, Jubilee Tower-3rd Fl. | Bally's

Although millions of Americans are choosing to power their lives using renewable resources, many households and businesses face physical or financial barriers to benefiting from solar energy. Community solar projects offer the opportunity to build stronger, more resilient electric grids while expanding energy access and reducing energy burdens for low-to-moderate income residents. Learn best practices for installing and using community solar projects through development case examples.

Jul. 14
10:30 am to 11:45 am

National Toward Zero Deaths Strategy: Road Map to Implementation Works

Jubilee Ballroom 3, Jubilee Tower-2nd Fl. | Bally's

One person dies every 16 minutes in a traffic crash in the United States. Over the course of a lifetime, nearly every U.S. resident is touched by consequences of traffic crashes. Toward Zero Deaths is the United States' highway safety vision. It is the only acceptable target for our nation, our families and us as individuals. Zero is not an impossible goal, but it will take all of us to get there.

Led by the TZD Steering Committee, the National Strategy on Highway Safety provides a platform of consistency for state agencies, local governments, private industry, national organizations and others to develop safety plans that prioritize traffic safety culture and promote the national TZD vision. Join this workshop where participants will learn the major goals of the initiative, learn how to use tools to institutionalize the national strategy, understand where their counties fall on a continuum of program development, and learn strategies to engage with nontraditional partners.

Jul. 14
10:30 am to 11:45 am

NCCAE Professional Development Session

Versailles Ballroom 4 | Paris

Jul. 14
10:30 am to 11:45 am

Solutions Session: How Counties are Changing Lives Today

Las Vegas 5 & 6, Jubilee Tower-3rd Fl. | Bally's

This session will focus on how Sonoma, San Diego and Washoe counties are transforming service delivery and improving client outcomes by applying the right technology and enable a person centered approach to care. Placing the individual at the center, instead of the program, has resulted in significant benefits for both the individual and the county. Join the discussion!

Jul. 14
12:00 pm to 2:00 pm

NACo Achievement Awards Luncheon

Event Center | Bally's

Sponsored by Aetna

Each year NACo recognizes the best in innovative county government programs. Come celebrate successes across the country as we honor one outstanding program from each of the 18 categories. All award winners will be listed in the event program book distributed during the lunch.

Doors open at 11:30 a.m. If you haven't already purchased tickets, visit the NACo registration desk before 10:00 a.m. on Sunday.

Jul. 14
12:00 pm to 2:30 pm

NACA County Administrators' Idea Exchange

Skyview 5, Resort Tower-26th Fl. | Bally's

Jul. 14
12:30 pm to 12:55 pm

NACo's County Explorer Demo

Grand Salon | Bally's

NACo's County Explorer tool provides easy access to the latest available data, with hundreds of indicators across categories ranging from county economies to policy issues, including transportation, infrastructure, health and public safety, each telling a unique county story.

Join us in Bally's Grand Salon for an interactive demo that will showcase the redesigned user interface, new functionality, and significant updates.

Jul. 14
1:00 pm to 2:00 pm

NACIRO

Champagne Ballroom 3 | Paris

Jul. 14
1:30 pm to 1:55 pm

NACo's County Explorer Demo

Grand Salon | Bally's

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Join us in Bally's Grand Salon for an interactive demo that will showcase the redesigned user interface, new functionality, and significant updates.

Jul. 14
1:30 pm to 3:00 pm

National Association of County Civil Attorneys (NACCA) Meeting

Champagne Ballroom 2 | Paris

- Jul. 14*
1:30 pm to 3:30 pm
- Defined Contribution and Retirement Advisory Committee**
Chablis | Paris
- Jul. 14*
2:00 pm to 3:30 pm
- National Association of County LGBTQ Leaders & Allies**
Skyview 4, Resort Tower-26th Fl. | Bally's
- Jul. 14*
2:00 pm to 3:30 pm
- NOBCO/NABCO Meeting**
Grand Ballroom, Gold | Bally's
- Jul. 14*
2:00 pm to 3:30 pm
- Programs and Services Committee Meeting**
Las Vegas 7; Jubilee Tower-3rd Fl. | Bally's
- The Programs and Services Standing Committee will welcome a speaker from Walmart to lead a discussion on Walmart's "America At Work" report, which examines the impact of automation and the future of work at the county level. The Committee will also discuss NACo's corporate partner program and efforts to develop a more strategic approach to aligning our partners with county priorities and needs.
- Jul. 14*
2:00 pm to 5:00 pm
- Credentials Desk Open - State Association Pick-up Only**
Grand Salon | Bally's
- Jul. 14*
2:00 pm to 5:00 pm
- Mobile Workshop: Regional Transportation Commission of Southern Nevada**
Regional Transportation Commission of Southern Nevada (RTC)
- Tour the Regional Transportation Commission (RTC) of Southern Nevada and get an inside look into a state-of-the-art traffic management center, plus demonstrations of innovative autonomous vehicle technologies that are being tested in Southern Nevada. Transportation for all mobile workshops will be provided from the Uber/Lyft pick-up zone at Bally's Flamingo Road exit. For those who RSVP'd, please arrive at least 10 minutes prior to tour departure to board the buses and guarantee your seat. Standby attendees will be accommodated as space becomes available.

Jul. 14
2:00 pm to 5:00 pm

Mobile Workshop: Southern Nevada Children's Assessment Center

Southern Nevada Children's Assessment Center (SNCAC)

Tour the Southern Nevada Children's Advocacy Center and learn about multidisciplinary team responses to child abuse investigation and victim advocacy. Discover how they have used a multidisciplinary model to better respond to and address the needs of child victims of sex trafficking in Clark County and their families.

Transportation for all mobile workshops will be provided from the Uber/Lyft pick-up zone at Bally's Flamingo Road exit. For those who RSVP'd, please arrive at least 10 minutes prior to tour departure to board the buses and guarantee your seat. Standby attendees will be accommodated as space becomes available.

Jul. 14
2:00 pm to 5:00 pm

Mobile Workshop: Springs Preserve, Boomtown 1905 and WaterWorks Exhibits

Springs Preserve, Waterworks & Boomtown 1905

Listed on the National Register of Historic Places, Springs Preserve commemorates Las Vegas' dynamic history and provides a vision for a sustainable future. Owned by the Las Vegas Valley Water District, the Springs Preserve sits at the site of the valley's original water infrastructure. Developed through an inclusive community process, Springs Preserve features museums, gardens, exhibits and natural areas for guests to learn about building a more sustainable future. WaterWorks showcases the inner workings of water resource treatment and delivery in Southern Nevada. Take an optional stroll through Boomtown 1905, a recreation of a historical streetscape of Las Vegas from 1905 to 1920. Transportation for all mobile workshops will be provided from the Uber/Lyft pick-up zone at Bally's Flamingo Road exit. For those who RSVP'd, please arrive at least 10 minutes prior to tour departure to board the buses and guarantee your seat. Standby attendees will be accommodated as space becomes available.

Jul. 14
2:00 pm to 5:00 pm

Smarter Counties Technology Forum

Formerly known as the CIO Forum and Smarter Counties, this combined event will address the needs of CIOs as well as elected officials. Attendees can expect to hear from subject-matter experts who will explore important technology industry trends that have implications on county government operations and services. Participants will learn about the evolving capabilities of 5G technology, and explore how counties are using technology to work smarter, improve outcomes and save money.

Jul. 14
2:15 pm to 3:30 pm

Immigrant Integration Efforts at the Local Level

Las Vegas 3 & 4, Jubilee Tower-3rd Fl. | Bally's

While it is the federal government's responsibility to set immigration policy and determine an individual's immigration status, counties are best positioned to integrate immigrant populations while serving our broader communities. Counties have a key role in implementing innovative policies and programs that ensure immigrants are integrated into new communities in a manner that benefits the local economy and culture. Hear from national and local leaders about the challenges and benefits of integrating new populations, and what this looks like at the county level.

Jul. 14
2:15 pm to 3:30 pm

NCCAE Business Meeting

Versailles Ballroom 3 | Paris

Jul. 14
2:15 pm to 3:30 pm

Nurturing County Leaders

Las Vegas Ballroom 1 & 2, Jubilee Tower-3rd Fl. | Bally's

Join Dr. Tim Rahschulte of the Professional Development Academy and a panel of High Performance Leadership Development Academy (HPLA) alumni for an in-depth conversation on addressing leadership development among county employees. Learn about NACo's partnership with PDA to create a leadership development program specifically designed for front-line county employees, incorporating over 100 executives, thought leaders and academics, including retired U.S. Army General Colin Powell and Dr. Marshall Goldsmith. HPLA alumni will share their experiences and how you can identify and empower existing and emerging leaders in your workforce.

Jul. 14
2:15 pm to 3:30 pm

Solutions Session: And Justice for All: Leveraging Technology to Break Down Barriers in the Justice System

Las Vegas 5 & 6, Jubilee Tower-3rd Fl. | Bally's

Counties across America are seeking to break down barriers to justice while simultaneously increasing court efficiencies. Barriers to accessing justice differ from individual to individual. For some, a barrier may be the inability to pay, while for others, a barrier could be the distance to the court combined with unreliable transportation. While technology cannot help the public overcome every challenge faced within the court system, Online Dispute Resolution (ODR) can be a significant step towards closing the gap between the privileged and the underserved in the eyes of the law. Learn how the Family Mediation Center in Clark County, Nevada, leveraged this technology to help residents avoid having to miss work to attend hearings during court hours, resulting in 100% of the cases reaching a resolution outside of the court's normal operating hours.

Jul. 14
2:15 pm to 5:00 pm

Architects of Health & Housing: County Strategies for Promoting Affordable, Safe and Healthy Homes

Jubilee Ballroom 2, Jubilee Tower-2nd Fl. | Bally's

Every county resident needs a place to call home, but in 2019, not all homes are healthy and affordable. Many county residents are forced to choose between affordability and health, but the two shouldn't be mutually exclusive. Join NACo and other thought leaders for an interactive session on how you can stand at the intersection of healthy AND affordable housing in your county, whether urban, suburban, exurban or rural.

Jul. 14
2:15 pm to 5:00 pm

Army Corps 101: A How-to on Water Resource Projects, Programs and Permits

Jubilee Ballroom 3, Jubilee Tower-2nd Fl. | Bally's

Learn how to utilize the U.S. Army Corps of Engineers for watershed and flood control projects and efficiently navigate the Section 404 permit process for county-owned infrastructure, plus processes, policies and how to engage with the Army Corps more efficiently.

Jul. 14
2:15 pm to 5:00 pm

International Economic Development Task Force Meeting and Tour of McCarran International Airport

McCarran International Airport

In place of a standard meeting, the International Economic Development Task Force will be taking a mobile tour of the McCarran International Airport's newly upgraded Terminal 3. At this meeting, attendees will receive a behind-the-scenes look at new innovations in airport technology and management that improve the flow of people and goods both domestically and internationally. Representatives of Clark County will also discuss how the airport attracts new international flights to increasingly make the county more connected with the global economy.

Due to limited capacity, only those who pre-registered for the tour will be able to attend.

Jul. 14
2:15 pm to 5:00 pm

Smarter Counties Technology Forum

This combined event addresses the needs of CIOs and elected officials. Attendees will hear from subject matter experts on important technology industry trends that have implications for county government operations and services, including 5G and cybersecurity.

Jul. 14
2:30 pm to 2:55 pm

NACo's County Explorer Demo

Grand Salon | Bally's

NACo's County Explorer tool provides easy access to the latest available data, with hundreds of indicators across categories ranging from county economies to policy issues, including transportation, infrastructure, health and public safety, each telling a unique county story.

Join us in Bally's Grand Salon for an interactive demo that will showcase the redesigned user interface, new functionality, and significant updates.

Jul. 14
3:30 pm to 3:55 pm

NACo's County Explorer Demo

Grand Salon | Bally's

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Join us in Bally's Grand Salon for an interactive demo that will showcase the redesigned user interface, new functionality, and significant updates.

Jul. 14
3:30 pm to 5:00 pm

National Conference of Republican County Officials (NCRCO) Business Meeting

Skyview 2, Resort Tower-26th Fl. | Bally's

Jul. 14
3:30 pm to 6:00 pm

National Democratic County Officials (NDCO) Business & Board Briefing

Champagne Ballroom 3 | Paris

Jul. 14
3:45 pm to 5:00 pm

NACo-NSA Health Care and Jails Task Force Town Hall

Jubilee Ballroom 2, Jubilee Tower-2nd Fl. | Bally's

County jails have become the largest behavioral health facilities in the nation due to the over-incarceration of individuals with mental illness and substance use disorders. The Medicaid Inmate Exclusion Policy (MIEP) strips federal health and veterans' benefits from individuals upon admission to jail – not upon conviction to conviction – leading to increased recidivism. Join a listening session about NACo and the National Sheriffs' Association new [Jail Inmate Task Force](#), focusing on passing legislation to ease or undo the MIEP and reinstate federal health care benefits for non-convicted, justice-involved individuals. Download NACo's "Federal Policy Impacts on County Jail Inmate Healthcare & Recidivism" publication [here](#).

Jul. 14
3:45 pm to 5:00 pm

North Carolina Association of Black County Officials (NCABCO)

Grand Ballroom, Bronze 2 | Bally's

- Jul. 14*
3:45 pm to 5:00 pm
- Solutions Session: Crisis Intervention: Assess, Decide, Act**
- Las Vegas 5 & 6, Jubilee Tower-3rd Fl. | Bally's
- This workshop will include crisis intervention training, providing every attendee with tangible, evidence-based tools to help prevent, identify and deescalate a crisis. Attendees will learn how to recognize common signs of behavioral escalation in others and how to intervene at the lowest level, how to conduct a workplace behavioral risk assessment and implement a plan of action to mitigate environmental risk and how our own triggers shape our worldview and impact our daily interactions. The panel will discuss Mental Health First Aid which will equip attendees with the resource to identify someone experiencing mental health challenges or substance use disorder.
- Jul. 14*
4:00 pm to 6:00 pm
- California Caucus**
- Skyview 1, Resort Tower-26th Fl. | Bally's
- Jul. 14*
5:00 pm to 6:00 pm
- Mississippi Caucus Meeting**
- Skyview 3, Resort Tower-26th Fl. | Bally's
- Jul. 14*
5:00 pm to 6:00 pm
- Missouri Delegation Caucus**
- Versailles Ballroom 4 | Paris
- Jul. 14*
5:00 pm to 6:30 pm
- Michigan Caucus**
- Loire | Paris
- Jul. 14*
5:00 pm to 7:00 pm
- NACBHDD Reception**
- Skyview 5, Resort Tower-26th Fl. | Bally's
- Jul. 14*
5:30 pm to 6:30 pm
- Association County Commissioners of Georgia (ACCG) Reception**
- Champagne Ballroom 1 | Paris
- Jul. 14*
5:30 pm to 7:00 pm
- Arizona Caucus**
- Chablis | Paris
- Jul. 14*
5:30 pm to 7:00 pm
- New Mexico Delegate Reception**
- Skyview 4, Resort Tower-26th Fl. | Bally's

Jul. 14 **NACA Dinner, sponsored by UnitedHealthcare**
6:00 pm to 7:30 pm
 Bordeaux | Paris

Jul. 14 **Arts & Culture Commission Reception (invitation only)**
6:00 pm to 8:00 pm

Jul. 14 **LUCC/RAC Reception (invitation only)**
7:00 pm to 9:00 pm

Monday, July 15, 2019

Jul. 15 **Florida Delegates Caucus**
7:00 am to 8:00 am
 Versailles Ballroom 1 & 2 | Paris

Jul. 15 **2020 Census: Making It Count**
8:00 am to 9:15 am
 Champagne Ballroom 2 | Paris

The 2020 Census rollout is less than a year away. Learn about timelines, public engagement strategies, the digital submission process, hiring enumerators and the impact that undercount could have on your county in a panel discussion with advocates, county leaders and more.

Jul. 15 **Demystifying Health Equity: County Approaches and Strategies**
8:00 am to 9:15 am

Versailles Ballroom 3 & 4 | Paris

What does health equity look like in practice? What does equitable health mean at the local level and how are counties expected to pursue equity in their respective communities? Join an interactive panel discussion featuring county officials, and equity thought leaders and as we explore strategies and resources to support counties in operationalizing health equity in policy and practice.

Jul. 15 **Legislative Lightning Round: Federal Policy Outlook**
8:00 am to 9:15 am

Las Vegas Ballroom 3 & 4, Jubilee Tower-3rd Fl. | Bally's

Join the NACo government affairs team for a rapid-fire discussion on the top issues facing counties, including the farm bill, entitlement reform, transportation and infrastructure, public lands management and payments, environmental regulations and much more.

Jul. 15
8:00 am to 9:15 am

Reducing Criminal Justice Fines & Fees: Can Counties Afford it?

Las Vegas Ballroom 1 & 2, Jubilee Tower-3rd Fl. | Bally's

As jurisdictions have seen revenue from taxes and grants shrink, many have turned to administrative fees as a way to help fund the criminal justice system. Today, it is common for defendants to pay fees for: being booked in jail, making phone calls inside the jail, diversion, indigent defense, posting a bond, being sentenced to probation, and restoring driver licenses, among other actions. Judges can also order convicted individuals to pay a fine for each guilty charge, often in lieu of jail time. However, data shows that the criminal justice system disproportionately impacts the poor, and the responsibility of paying fines and fees can lead to devastating effects for these individuals, significant costs to county government to attempt to collect less than 100 percent of levied fees and fines, and unintended consequences within other areas government. National experts and county leaders will discuss their experiences and work to better align policy goals while balancing revenue impacts and upholding public safety.

Jul. 15
8:00 am to 9:15 am

Telling Your County's Story When the Media Won't

Champagne Ballroom 1 | Paris

Join NACIO and learn how to effectively communicate your county's message with easy-to-use and low-cost tools.

Jul. 15
8:00 am to 9:15 am

Understanding Generational Ethics: A Leadership Ethics Study

Las Vegas Ballroom 6, Jubilee Tower-3rd Fl. | Bally's

County workforces and leaders are becoming more generationally diverse. Learn how understanding generational ethics - values that drive viewpoints and decisions - can help you create and sustain a more engaged workforce and lead more effectively.

Jul. 15
8:00 am to 2:00 pm

NACo Store & NACo Resource Center Open

Jul. 15
8:00 am to 2:00 pm

Registration Open

Grand Salon | Bally's

Jul. 15
8:30 am to 8:55 am

NACo's County Explorer Demo

Grand Salon | Bally's

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Join us in Bally's Grand Salon for an interactive demo that will showcase the redesigned user interface, new functionality, and significant updates.

- Jul. 15*
9:30 am to 11:30 am
NACo Annual Business Meeting and Election
Event Center | Bally's
- Jul. 15*
11:45 am to 12:30 pm
Central Region Caucus Meeting
Skyview 1, Resort Tower-26th Fl. | Bally's
- Jul. 15*
11:45 am to 12:30 pm
Northeast Region Caucus Meeting
Skyview 2, Resort Tower-26th Fl. | Bally's
- Jul. 15*
11:45 am to 12:30 pm
South Region Caucus Meeting
Skyview 3, Resort Tower-26th Fl. | Bally's
- Jul. 15*
11:45 am to 12:30 pm
West Region Caucus Meeting
Skyview 4, Resort Tower-26th Fl. | Bally's
- Jul. 15*
12:30 pm to 12:55 pm
NACo's County Explorer Demo
Grand Salon | Bally's
- NACo's County Explorer tool provides easy access to the latest available data, with hundreds of indicators across categories ranging from county economies to policy issues, including transportation, infrastructure, health and public safety, each telling a unique county story.
- Join us in Bally's Grand Salon for an interactive demo that will showcase the redesigned user interface, new functionality, and significant updates.
- Jul. 15*
1:30 pm to 3:30 pm
General Session
Event Center | Bally's
- Jul. 15*
3:45 pm to 4:15 pm
NACo New Board of Directors Organizational Meeting
Skyview 1, Resort Tower-26th Fl. | Bally's

Jul. 15

6:00 pm to 9:30 pm

NACo Closing Celebration Event

Brooklyn Bowl

Celebrate the end of a busy week by joining us for food and fun at the iconic Brooklyn Bowl. Great food, music and bowling await you! You won't want to miss a performance from the ever-popular cover band, the Australian Bee Gees, plus appearances from a few special guests. Wear your best concert t-shirt and get ready for some epic photo opportunities.

Transportation provided, check out the NACo conference app for specific details.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

TIME REQUIRED

SUBJECT TOML Letter to Madera County
Regarding Emergency Services in
Eastern Madera County

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

A letter from the Town of Mammoth Lakes (TOML) Mayor Cleland Hoff to the Madera County Board of Supervisors discussing emergency and other public services provided in eastern Madera County, stating the Town's shared concerns with the Mono County Board of Supervisors.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Letter

History

Time	Who	Approval
6/20/2019 5:40 PM	County Administrative Office	Yes
6/20/2019 4:51 PM	County Counsel	Yes
6/24/2019 2:19 PM	Finance	Yes



Town of Mammoth Lakes
437 Old Mammoth RD, Suite 230
P.O. Box 1609 Mammoth Lakes, CA 93546
Phone (760) 965-3601, Fax 934-7493
www.townofmammothlakes.ca.gov

June 10, 2019

The Honorable Board of Supervisors
County of Madera
c/o Rhonda Cargill, Chief Clerk to the Board
200 West 4th Street
Madera, CA 93637

RE: Emergency and Other Public Services Provided in Eastern Madera County

Dear Chairman Frazier and Members of the Board:

You recently received a letter from the Mono County Board of Supervisors regarding the provision of emergency services in the Reds Meadow Valley/Middle Fork San Joaquin River Area of Eastern Madera County. The Town shares the concerns expressed by Mono County as a majority of this area also falls within the Town of Mammoth Lakes Planning Area Boundary.

Due to the remote location and the only road access into the area, the Town is also called on to assist with emergency and other public services. The Town also provides the majority of support services to visitors and workers in the area. The proposal to address the items enumerated by Mono County through a boundary line adjustment provides the most comprehensive solution and is supported by the Town. As noted by Mono County, in the alternative a substantial amount of staff time will need to be committed to developing a full service memorandum of understanding (MOU) between the impacted agencies. An MOU will need to include a number of other agencies that provide services to the area in addition to Mono County.

Thank you for your consideration of the request as presented by Mono County. The Town is ready to assist in this effort as needed. If you have any questions, please do not hesitate to contact our Town Manager, Daniel C. Holler at (760) 965-3601 or by email dholler@townofmammothlakes.ca.gov.

Sincerely,

V. Cleland Hoff
Mayor
Town of Mammoth Lakes

cc: Mono County Board of Supervisors



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

TIME REQUIRED

SUBJECT

Frontier Communications Response
to Board Letter re: 911 Outages

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Reply from Frontier Communications to May 29, 2019 Board of Supervisors letter discussing 911 outages, providing an update on their process.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Letter](#)

History

Time	Who	Approval
6/20/2019 5:31 PM	County Administrative Office	Yes
6/20/2019 4:58 PM	County Counsel	Yes
6/24/2019 2:19 PM	Finance	Yes



1201 K Street, Suite 1980
Sacramento, CA 95814

June 17, 2019

SENT VIA ELECTRONIC MAIL

John Peters
Chair, Mono County Board of Supervisors, District 4
PO Box 128
Bridgeport, CA 93517

Re: Response of Frontier to 911 and Service Outages in Mono County & Town of Mammoth Lakes

Dear Chairman Peters,

On behalf of Frontier Communications (Frontier), I am responding to your May 29, 2019 letter concerning 911 outages and providing an update regarding our progress. I want to assure you that Frontier is committed to safety and to maintaining a positive working relationship with Mono County.

First and foremost, Frontier provides and has provided diverse routing to the public-safety answering points (PSAPs) in Mono County. We also have back-up power for the central offices and selective routers supporting these PSAPs as required by the Federal Communications Commission. In the most recent outage, all 911 and PSAP circuits were successfully rerouted, and a recent audit of all PSAP circuits has confirmed that the trunks are working as designed.

More specifically, Frontier's SS7 and 911 trunks in Mono County are and have been diversified in that one path is over fiber and the other over a radio system. Prior to the March 23 fiber cut, Frontier was performing maintenance on its radio system, and during this maintenance the radio links were patched over to the fiber path. After this maintenance, the radio links were not patched back over to the radio system, resulting in only one active path (the fiber path). We have reinforced with our Operations Team that in performing radio maintenance it must ensure that diversity is restored immediately upon completion of the maintenance and it must double-check this restoration.

Regarding call diversity between Bridgeport and Mammoth Lakes, Frontier has an approved project and investment that places equipment to build a diverse calling route from the town of Mammoth to the Bridgeport PSAP, thereby not relying on call forwarding as the backup for route diversity for this link.

In addition, in 2018 Frontier invested in High Speed Internet diversity for all Internet Protocol (IP) based customers and is in the process of migrating existing customers to this diverse platform. Frontier has completed one of these migrations, and the remaining two migrations are in progress and expected to be completed in the next several weeks.

Finally, regarding cell sites, Frontier is working with both AT&T and Verizon to adopt the most current technology. In California, the AT&T and Verizon Fiber-to-the-Cell (FTTC) networks are all SONET-based and need to be migrated to our newly-established diverse IP links. Our Frontier FTTC teams are collaborating with AT&T on the work needed to migrate AT&T's cell sites from SONET-based links to our newly-established diverse IP links. But AT&T and Verizon must agree to do, and we will continue to work with them.

If you have any questions, please contact me at Charlie.born@ftr.com.

Sincerely,



Charlie Born

Director, Government & External Affairs

Cc: Michael Picker, President, California Public Utilities Commission
Elizabeth Podoloski, Advisor, Office of President Picker
Cynthia Walker, Director, Communications Division, California Public Utilities Commission
Karen Eckersley, California Public Utilities Commission
Pam Snyder, Frontier Communications
Ron Poteete, Frontier Communications
V. Cleland Hoff, Mayor, Town of Mammoth Lakes
Nate Greenberg, Director, Information Technology, Mono County & Town of Mammoth Lakes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

TIME REQUIRED

SUBJECT Mono County Board of Supervisors
Letter Supporting the Governor's
May Revision Proposal on
Homelessness Funding

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

A letter to Assemblyman Bigelow (also sent to Senator Andreas Borgeas) from the Mono County Board of Supervisors, signed by the Chair pursuant to the Board's adopted legislative platform, in support of Governor Newsom's May Revision proposal for the Homeless Aid for Planning and Shelter Program.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Letter

History

Time	Who	Approval
6/20/2019 5:33 PM	County Administrative Office	Yes
6/20/2019 5:00 PM	County Counsel	Yes
6/24/2019 2:19 PM	Finance	Yes



Jennifer Halferty ~ District One Fred Stump ~ District Two Bob Gardner ~ District Three
John Peters ~ District Four Stacy Corless ~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5533 • FAX (760) 932-5531

Shannon Kendall, Clerk of the Board

May 31, 2019

Assembly Member Frank Bigelow
5th Assembly District
State Capitol, Suite # 4158
Sacramento, CA 94249

Re: Supporting the Governor's May Revision Proposal on Homelessness Funding

Dear Assemblyman Bigelow:

The Mono County Board of Supervisors recognizes in its legislative platform the importance of addressing homeless shelter needs in our county and counties across the state.

Homelessness is caused by many physical, social and economic factors. As Chair of the Mono County Board of Supervisors recommend you consider:

- Counties support the Governor's May Revision proposal for the Homeless Aid for Planning and Shelter Program, which would increase overall funding to \$650 million and provide a direct allocation of \$275 million to counties.
There are NO Homeless Shelters anywhere in Mono County. Our county desperately needs at least one homeless shelter; county-based direct funding would help us to build this critical piece of our county safety net.
- Counties provide the services that address the root causes of homelessness and help people stay off the streets, such as substance use disorder treatment, behavioral health treatment, health care, and human services.
We are best positioned, at the county level, to identify local, county-based and cross-county partnerships and solutions to address and solve the root causes of homelessness.
- Counties are uniquely positioned as full-range services providers to coordinate with the state, cities, and community-based organizations. Funding direct to counties is an

investment in system-level, collaborative, regional approaches to meaningfully address the homelessness crisis in our communities.

- Counties support the increased flexibility for the use of program funds identified in the May Revision, including rapid rehousing, prevention, permanent supportive housing, innovative job programs, and innovative housing projects such as hotel/motel conversions. Flexibility means counties can use the funds as they are most needed in our local communities.

Mono County Social Services staff participate on the regional Continuum of Care Board, and regularly collaborate to create capacity to address homelessness in our county. For example, the Continuum of Care leadership is working on a proposal to partner with the County of Mono on a transitional housing project, the first of its kind in the county. Access by counties to flexible program funds, as identified in the May Revision, would enable the county to implement and expand successful programs such as this.

I urge you to support direct funding to counties to address homelessness in the May Revision.

Sincerely,



John Peters, Chair
Mono County Board of Supervisors



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

TIME REQUIRED

SUBJECT TOML Plan the Parcel Notice

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

The Town of Mammoth Lakes (TOML) is inviting the community to help Plan the Parcel, a planning process for the 25 acre affordable housing site located in the center of town.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Press Release</p>
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History

Time	Who	Approval
6/20/2019 5:40 PM	County Administrative Office	Yes
6/20/2019 4:51 PM	County Counsel	Yes
6/24/2019 2:19 PM	Finance	Yes



Town of Mammoth Lakes
P.O. Box 1609
Mammoth Lakes, CA, 93546
Ph: (760) 965-3690
Fax: (760) 934-7493

FOR IMMEDIATE RELEASE

Date: **June 18, 2019**
Contact: Stuart Brown, Parks and Recreation Director & Public Information Officer
Phone: (760) 965-3696
Email: sbrown@townofmammothlakes.ca.gov
Website: www.townofmammothlakes.ca.gov

THE TOWN INVITES YOU TO HELP US PLAN THE PARCEL!

Mammoth Lakes, CA - Plan The Parcel is a conceptual land use planning process, originating from the 2017 Community Housing Action Plan, to master plan the 25 acre affordable housing site located in the center of town. This planning process is anticipated to last through the end of 2019.

The first online public survey for Plan The Parcel has come to a close but we would love to continue to hear from you!

Here are some ways to get involved, stay informed and actively engaged:

1. Attend a Public Workshop

- **June 26, 2019** (3:00-6:00 p.m.)
 - *Joint Town Council/PEDC Workshop #1*
- **August 20-23, 2019** (Time TBC)
 - *4-day Plan The Parcel! Public Design Workshop*
- **October 2, 2019** (Time TBC)
 - *Joint Town Council/PEDC Workshop #2*
- **December 4, 2019** (Time TBC)
 - *Joint Town Council/PEDC Workshop #3*

Can't attend in person? Watch live or recorded video of the meeting online at: http://mammothlakes.granicus.com/ViewPublisher.php?view_id=4. Workshops to be held in Suite Z/Town Council Chambers next to Vons and above Starbucks.

--MORE--

THE TOWN INVITES YOU TO HELP US PLAN THE PARCEL!

Contact: Stuart Brown, Parks and Recreation Director | Public Information Officer – (760) 965-3696

2. Subscribe Online

- Sign up for email or text message updates through our NOTIFY ME list at <https://www.townofmammothlakes.ca.gov/list.aspx>.

3. Follow us on Social Media

- “Like” The Parcel [Facebook](#) page, and “follow” The Parcel on [Twitter](#) and [Instagram](#) for the latest news.

4. Get Monthly Updates

- Listen to monthly updates at the regular Town Council or Mammoth Lakes Housing, Inc. Board meetings - check out meeting agendas online: http://mammothlakes.granicus.com/ViewPublisher.php?view_id=4.

5. Meet and Greet

- Meet The Parcel team at various special events throughout town this summer:
 - **July 4** - *Information table at Mammoth Creek Park*
 - **August 11** - *Spanish presentation from 3:00-5:00 p.m. at Aspen Village Community Room*
 - **August 17** - *Pancake breakfast at Mammoth Creek Park*
 - **August 17** - *Spanish presentation from 5:00-7:00 p.m. at TOML Community Center (1000 Forest Trail)*

6. Engage Online

- Register for our **Engage Mammoth Lakes** online feedback site so you can be ready to participate in the next opportunity – please visit: www.engagemammothlakes.com.

Be part of the future of Mammoth Lakes by being informed and engaged in the development of The Parcel. This project will not only help provide much needed housing that is affordable for residents and workers in Mammoth Lakes, but also create a unique and vibrant place where Mammoth Lakes residents and visitors can live, work and play.

For more information, please visit www.theparcelmammothlakes.com or contact Grady Dutton, Public Works Director at theparcel@TownofMammothLakes.ca.gov or (760) 965-3656 (please be prepared to leave a short message).

--END--



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

TIME REQUIRED

SUBJECT Mono County Board of Supervisors
Letter Opposing AB 1366

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

A letter to State Senator Ben Hueso, Chair of the Legislative Committee on Energy, Utilities, and Communications, from the Mono County Board of Supervisors, signed by the Chair pursuant to the Board's adopted legislative platform, in opposition to Assembly Bill 1366 (AB1366), which extends the qualified prohibition upon the California Public Utilities Commission, a department, an agency, or a political subdivision of the state regulating Voice over Internet Protocol (VoIP) - enabled communications services.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Letter</p>

History

Time	Who	Approval
6/21/2019 2:37 PM	County Administrative Office	Yes
6/26/2019 11:30 AM	County Counsel	Yes
6/26/2019 1:08 PM	Finance	Yes



Jennifer Halferty ~ District One Fred Stump ~ District Two Bob Gardner ~ District Three
John Peters ~ District Four Stacy Corless ~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

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

June 19, 2019

Senator Ben Hueso, Chair
Committee on Energy, Utilities, and Communications
California State Senate, State Capitol, Room 405
Sacramento, CA 95814

SUBJECT: Mono County opposition to Assembly Bill 1366 (Gonzalez) – Voice over Internet Protocol enabled communications services

Dear Senator Hueso:

On behalf of the Mono County Board of Supervisors and our constituents, I am writing to express our opposition to Assembly Bill 1366 (AB 1366). As you are aware, this bill would prohibit the regulatory oversight of most broadband technology by the California Public Utilities Commission (CPUC) - most notably Voice Over Internet Protocol (VoIP) traffic which provides basic telephone and 911 service to many of our residents.

Mono County is a 'Frontier County' with roughly 14,000 people spread across 3,200mi². The nature of our environment, rural communities, and sparse population also means that we have aging Plain Old Telephone Service (POTS) infrastructure which in some communities does not function consistently. Though our incumbent carrier has made nominal efforts to repair some of this infrastructure, much of it needs to be upgraded or replaced – an act which is unlikely to happen as broadband and Internet Protocol (IP) based services continue to grow in popularity.

Luckily, roughly 92% of Mono County households have access to Gigabit internet thanks to a significant commitment by Mono County to prioritize broadband deployment to our communities. While this ubiquitous availability of service provides unique opportunities for our residents and businesses, it is important to note that it is still an unregulated utility.

Increasingly incumbent telephone companies and broadband providers alike are migrating voice telephone service to use IP services. Mono County is extremely worried that under AB 1366 the previously regulated telephone utility would become deregulated removing consumer protection and the accountability expected to provide quality, affordable, and reliable phone service for Californians. Clearly this would be a significant step backward.

In May 2019 the CPUC held a public meeting dedicated to the future of California's communication grid, recognizing the importance of this infrastructure before, during, and after significant disasters within the State. CPUC President Michael Picker said, "Areas with limited communications alternatives show the steepest decline in service quality ... but that's where we're seeing some of the most disastrous catastrophes." This comment harkens to Mono County and the challenges we are currently presented with and which are likely to continue in the future if this legislation passes.

With the Federal Communications Commission increasingly abrogating their duty to protect our consumers and the public interest, the CPUC and California Legislature are in a unique position to ensure adequate protections still exist. Your leadership in this matter is needed to make certain that our constituents have universal access to open, secure networks which provide access to basic services including education and economic development, as well as essential services which ensure health and public safety.

For all these reasons, Mono County opposes AB 1366 and respectfully requests your 'No' vote on this bill.

Sincerely,

John Peters
Chair, Mono County Board of Supervisors
District 4 Supervisor



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

TIME REQUIRED

SUBJECT SCE Letter re: Mill Creek and Wilson
Systems

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

A letter from Cal Rossi, Southern California Edison (SCE) Government Relations Manager, thanking the Board for the opportunity to discuss their Lundy Hydroelectric Project, and offering to hold an informational briefing at a future Board meeting to discuss the Mill Creek Accounting and Planning Tool.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Letter](#)

History

Time	Who	Approval
6/27/2019 9:54 AM	County Administrative Office	Yes
6/26/2019 5:33 PM	County Counsel	Yes
6/26/2019 1:08 PM	Finance	Yes



June 21, 2019

The Honorable Board of Supervisors
c/o Clerk of the Board
P.O. Box 715
Bridgeport, CA 93517

Dear Supervisors,

On behalf of Southern California Edison Company (SCE), I write to thank you for the opportunity to address the Mono County Board of Supervisors on June 18, 2019 regarding the operations of SCE's Lundy Hydroelectric Project. On behalf of the other parties to the 2005 Settlement Agreement that resolved SCE's last relicensing proceeding – which, as you know, are the Mono Lake Committee, California Department of Fish and Wildlife, U.S. Bureau of Land Management, U.S. Forest Service, American Rivers, and California Trout – I want to convey our appreciation for the Board's time and attention to the complex issues relating to Mill Creek and the Wilson system.

As we discussed during the June 18 meeting, SCE staff has recently increased communication with County staff regarding the delivery of the County's water rights. We would like to build on that dialogue by offering to hold an informational briefing at a future meeting of the Board about how the Mill Creek Accounting and Planning Tool, developed by the Settlement Agreement parties, is used to conform power plant releases to the 1914 Superior Court decree. Please let me know if the Board would find such a session useful. Thank you again for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Cal Rossi".

Cal Rossi
Gov't Relations Manager
Southern California Edison
(559) 331-4555



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

TIME REQUIRED

SUBJECT T-Mobile Notification of Intent to
Begin 600MHZ Operations Affecting
CSA Over Air Broadcast Service

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

A notice from T-Mobile that they are preparing to commence operations on its 600 MHz spectrum in the Partial Economic Area (PEA) #76, which will affect the over air service for County Service Areas #1 (CSA1) and #2 (CSA2).

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Letter</p>

History

Time	Who	Approval
6/27/2019 1:11 PM	County Administrative Office	Yes
6/27/2019 2:06 PM	County Counsel	Yes
6/27/2019 3:40 PM	Finance	Yes



VIA CERTIFIED MAIL & EMAIL

6/17/2019

NORMAN G Powell
VALLEY TV
PO Box 1403 625D W. Williams Ave
Fallon, NV 89407-1403

RE: Notification of Intent to Begin 600MHz Operations

Dear K49EA-D Contact/ Facility ID: 43484:

T-Mobile USA, Inc. ("T-Mobile") is notifying you that T-Mobile is preparing to commence operations on its 600MHz spectrum in the Partial Economic Area ("PEA") # 76 by 10/18/2019 and your station is likely to cause harmful interference to T-Mobile's operations.

To determine if your station(s) is likely to cause interference, an interference analysis has been performed, as specified by the Federal Communications Commissions' ("FCC") Inter-service Interference procedures⁹⁹, using publicly available information in the FCC's Licensing and Management System ("LMS") for your facility. This analysis predicts field strength at T-Mobile's base station and user equipment locations in the PEA # 76 market from your facility. The FCC has set the thresholds at which the predicted field strength from low power TV and translator stations creates a sufficient interference risk to wireless facilities. T-Mobile has determined that your facility exceeds those thresholds and is an interference risk to its wireless operations.

T-Mobile will commence its operations in the PEA # 76 market on 10/18/2019. This letter provides the 120 days' advance notification required by FCC regulations, 47 CFR §73.3700(g)(4). The FCC regulations also require you to cease operations or eliminate the potential for harmful interference to T-Mobile's wireless facilities in the PEA # 76 market.

The FCC will work with you to attempt find a new television channel outside of the new 600 MHz mobile band that will not interfere with T-Mobile's network. You should review the FCC's Tools Available to LPTV/Translator Station Public Notice (enclosed) released on June 14, 2017 and contact Hossein Hashemzadeh, Melvin Collins, or Barbara Kreisman at the FCC for more information about the options available in your area.¹⁰⁰

Please email SpectrumClearing@T-Mobile.com once you have determined when you will eliminate the interference. If you would like additional information regarding our findings or if it might be possible to coordinate our operations, please submit a request to Dan Wilson, Sr. Manager, Spectrum Engineering, at SpectrumClearing@T-Mobile.com.

Sincerely,
/s/ Mark Bishop
Sr. Manager, Spectrum Engineering, T-Mobile USA, Inc.

⁹⁹ See 30 FCC Rcd 12049, 12071, para. 49 (2015)

¹⁰⁰ See <https://www.fcc.gov/document/iatf-mb-set-forth-tools-available-lptvtranslator-stations>



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

Departments: Community Development - Planning

TIME REQUIRED 20 minutes

PERSONS Hailey Lang

SUBJECT Cannabis Operation Permit 19-002 -
Walker River Farms

**APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Consider and potentially approve Cannabis Operation Permit 19-002 (Walker River Farms), an adult-use commercial cannabis microbusiness operation located at 1129 Larson Lane in Coleville, APN #002-110-021. The microbusiness consists of 5,120 square feet of indoor cannabis cultivation in four buildings, processing, distribution, packaging, and labeling.

RECOMMENDED ACTION:

1. Find that the project qualifies as an exemption under CEQA guideline 15183 and direct staff to file a Notice of Determination. 2. Make required findings; approve Cannabis Operation Permit 19-002 (subject to the findings and conditions) as recommended or with desired modifications.

FISCAL IMPACT:

The proposed project will generate an incremental increase in cannabis taxes.

CONTACT NAME: Hailey Lang

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

SEND COPIES TO:

Hailey Lang

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Staff Report](#)

[A. Use Permit staff report \(without CEQA doc\)](#)

[B. 15183 Environmental Analysis](#)

History

Time	Who	Approval
6/27/2019 9:52 AM	County Administrative Office	Yes
6/26/2019 3:18 PM	County Counsel	Yes
6/26/2019 1:07 PM	Finance	Yes

Mono County Community Development Department

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

Planning Division

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

Date: July 2, 2019

To: Honorable Mono County Board of Supervisors

From: Hailey Lang, Planning Analyst

Re: Cannabis Operation Permit 19-002/Walker River Farms

RECOMMENDATION

1. Find that the project qualifies as an exemption under CEQA guideline 15183 and file a Notice of Determination.
2. Make required findings; approve Cannabis Operation Permit 19-002 (subject to the findings conditions) as recommended or with desired modifications.

FISCAL IMPACT

The proposed project will generate an incremental increase in cannabis taxes.

BACKGROUND

In November 2016, California voters approved the Adult Use of Marijuana Act (Proposition 64) to legalize adult use of marijuana (in addition to medical uses that were legalized in 1996). Every precinct in Mono County passed Proposition 64, with margins as low as 1.4% in the Bridgeport area to a high margin of approximately 30% in the Mono Basin, June Lake, and Wheeler Crest areas.¹ The state's legalization of adult use marijuana presented local jurisdictions with several choices for regulating the new industry: 1) ban cannabis activities in whole or part; 2) adopt local regulations for cannabis activities; or 3) remain silent and defer to state laws and regulations.

In June 2017, California Senate Bill 94 was passed, consolidating the provisions of the Medical Cannabis Regulation and Safety Act and Proposition 64 (passed by voter approval in the November 2016 election) into what is now known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). The Act creates a framework for the regulation of commercial medicinal and adult-use cannabis in California.

Three state authorities were authorized for the oversight and State permitting of cannabis businesses. The Bureau of Cannabis Control is the lead agency for retailers, distributors, testing labs, microbusinesses, and temporary cannabis events. CalCannabis, a division of the California Department of Food and Agriculture (CDFA), has oversight of cultivation, and the Manufactured Cannabis Safety Branch, a branch of the California Department of Public Health, regulates all commercial cannabis manufacturing. Each licensing authority requires an operator to receive local approval prior to applying for state licensure.

Mono County conducted a community-based planning effort for feedback on the most appropriate regulatory approach and, ultimately, to develop policies and regulations for legalized cannabis activities. In 2017, the following 12 Regional Planning Advisory Committee (RPAC) meetings and outreach sessions were conducted: two in Antelope Valley, three in Bridgeport, one in June Lake, two in the Mono Basin, two in Long Valley, and two in Tri-Valley. Three workshops were held with the Planning Commission, and feedback from the Commission and RPACs were incorporated into the development of the policies. Concurrently, the Cannabis Joint Committee, which is comprised of 10 County departments/divisions, reviewed the policies and public feedback, and provided additional input that was incorporated as policies were developed.

At a formally noticed public hearing in October 2017, the Commission recommended General Plan policies pertaining to cannabis activities for adoption by the Board. The Board of Supervisors held five workshops, including one with the Town of Mammoth Lakes and one specific to cannabis taxation, to consider the public feedback received through RPAC, Planning Commission, and Joint Committee discussions, and provide direction to staff. In December 2017, the Board held a public hearing adopting the General Plan policies recommended by the Planning Commission.

Following the adoption of guiding policies, specific regulations in both the General Plan and Mono County Code were developed through another community-based planning effort. The RPACs again held a total of 12 meetings where cannabis regulations were discussed: two in Antelope Valley, three in Bridgeport, two in the Mono Basin, one in June Lake, two in Long Valley, and two in the Tri-Valley. The Planning Commission also again held three workshops to both incorporate RPAC feedback into the regulations and provide additional input and direction to staff, and the staff-level Cannabis Joint Committee provided additional feedback.

The Commission made a recommendation to the Board to adopt new regulations in March 2018. The Board of Supervisors heard two minor updates and held four discussions on cannabis taxation, in addition to three workshops on cannabis regulations where specific policy issues were considered. The Board adopted the new General Plan and Mono County Code regulations at a formal public hearing on April 17, 2018.

In addition to the structured public engagement process above, the public is always welcome to directly contact Community Development Department staff and Mono County Supervisors via phone or email, or to schedule an in-person meeting to share comments, concerns, and input. Attendance at public meetings and speaking in public is not necessary in order to provide feedback.

The adopted regulations established two permits required for local cannabis businesses: a Conditional Use Permit for the property's land-use entitlement, and a subsequent Cannabis Operation Permit for the business. While the Conditional Use Permit runs with the land, the Operation Permit is unique to the business and expires annually. A separate cannabis Operation Permit is required for each type of cannabis activity carried out on or at the premises regardless of ownership.

Pursuant to California Business and Professions Code Section 26000, et seq., a valid license issued by the state shall be required to operate any commercial cannabis activity within the County.

ENVIRONMENTAL REVIEW

The County contracted with Resource Concepts Inc. (RCI) to conduct a 15183 analysis (Attachment B). CEQA mandates that projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects peculiar to the project or its site. The 15183 analysis found no significant impacts peculiar to cannabis microbusiness or beyond the scope of mitigation measures stated in the Mono County General Plan EIR. The 15183 analysis specifically reviewed potential impacts related to land use, housing, soils, water, air quality/odors, transportation, biological resources, energy and mineral resources, hazards, noise, public services, utilities, aesthetics, cultural resources, recreation, and greenhouse gas emissions (GHG).

Ultimately, the review determined:

1. The project is consistent with the surrounding land uses of the proposed project;
2. The land use and planning impacts of the proposed agricultural cultivation were analyzed in the EIRs certified in conjunction with the adoption of the Mono County General Plan;
3. The parcel is no different from other agricultural parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project;
4. There is no new substantial information indicating that the land use and planning impacts of the project will be more severe than described in the EIR; and
5. There are no cumulative or off-site land use and planning impacts from the proposed project that were not addressed in the prior EIR.

DISCUSSION

The subject application, Cannabis Operation Permit 19-002/Walker River Farms, is for an adult-use cannabis microbusiness located at 1129 Larson Lane, APN # 002-110-021. The property will contain four 1,280 square foot buildings. The four buildings will allow space for indoor immature and mature plant cultivation, processing, storage, and waste. In addition to indoor cultivation, there will be space in the buildings to allow for cannabis distribution, packaging, and labeling. The four buildings total 5,120 square feet of canopy (see Figure 1).

A Conditional Use Permit for the project was approved at the May 16, 2019, Planning Commission meeting, thereby satisfying MCC 5.60.040(C). The Commission found that the project was consistent with the requirements of the General Plan, including Chapter 13 and the project's location, site, odor mitigation, signage, visual screening, lighting, parking, and noise generation (See Attachment A).

The applicant, Mr. Dortch, does not currently operate any other commercial cannabis businesses. He has a degree in Mechanical Engineering and has over 32 years of experience in mechanical engineering and related expertise. He has been the owner of Engineering Materials Laboratory since 2008.

The property is owned by Lloyd Chichester and Mr. Dortch is leasing a portion of the property. Evidence of property owner permission for this cannabis activity is in the project file. Mr. Chichester has been an active member within the agricultural community of Antelope Valley for multiple generations.

The property has the land use designation Agriculture (AG) and cannabis microbusiness is permitted subject to a Use Permit and Chapter 13 of the Land Use Element, and an Operation Permit under MCC Chapter 5.60. Currently, this property is used as a bona fide agricultural operation and will continue to

be used for livestock grazing and alfalfa farming. One existing dwelling unit is on the property and is proposed to be used as employee housing at a later date. New structures associated with the project will include the four buildings to be utilized for indoor cultivation, packaging and processing, storage, and a composting area.

MCC 5.60.070 lists the application requirements for obtaining a Cannabis Operation Permit. The applicant has provided all required materials for this application to be processed. Internal staff routing has verified completeness and acceptance of the application. The following departments have also reviewed the project and provided regulatory approval: Inyo/Mono Agriculture Commissioner; Solid Waste; Sheriff's Office; and Community Development.



Figure 1: Site plan

Operating plan – MCC 5.60.070(B)(13)

The applicant is required to submit an operating plan detailing proposed activity, products, processes, inventory procedures, employee training, hours of operation, and quality control procedures.

- The proposed activity is cannabis cultivation, distribution, and non-storefront retail with 5,120 square feet of cannabis canopy. The operation will have four buildings, each 20' x 64'.
 - Indoor cannabis cultivation activities will include drying and curing cannabis, trimming and preparing cannabis for sale, and packaging and labeling cannabis products.

- Distribution activities will include transporting cannabis and cannabis products from the operation to testing facilities, retail and wholesale outlets, as well as quality-assurance review, and storage.
 - The non-storefront retail license will allow the applicant to attend and sell product at licensed cannabis events around the state of California.
- Products that will be cultivated, curated, and/or sold include photoperiod and auto flower cannabis strains, and flower-related products. Bulk cannabis flower may also be sold for manufacturing at other facilities.
- Process and Procedures
 - Cultivation will include growing strains in soil utilizing full organics, grow strains rooted in living soils, rock wool, coconut husks, or expanded clay pebbles and use nitrogen, phosphorus, and potassium (NPK) fertilizers. Indoor cultivation irrigation will be initially by hand and then automated with drip irrigation. All chemicals, pesticides, and fertilizers will be stored in a dedicated storage area at each building. Handling and disposal performed in accordance with manufacturing instructions and State regulations.
 - Distribution activities will occur via the distribution license of the Use Permit. All cannabis goods will be transported inside a vehicle or trailer with alarm system and locked in containers not visible from outside of the trailer. Transportation for testing and delivery of products to sales outlets will be conducted with completed sales invoice or receipt, following California regulations.
- Quality Control procedures will ensure separate locations for fertilizers and will ensure the non-comingling of immature and mature plants.

Inventory Control

The applicant and the manager on duty will have the ability to unlock the area where cannabis and cannabis products are stored. Access to the cannabis and cannabis products storage area shall be through a single, solid core door equipped with a commercial lock complying with Bureau of Cannabis Control (BCC) 5046. Keys to this door will be held only by the manager on duty and the applicant. The door will remain locked unless opened in person by keyholder. Cannabis and cannabis products storage area will be monitored by recording security camera per BCC 5044. Conditions will be clean and dry with ample shelving for organization. Temperature and humidity will both be controlled, and products will be stored in sealed bags.

The manager on duty and the applicant are allowed to check inventory in and out of the secured storage area. Inventory records associated with transport included cultivar, date and time, weight, recreational, waste, and returned product. Records will be kept by the State mandated “track and trace” system and by internal inventory ledger. Manager and the applicant will ensure daily that the two systems are reconciled. Each manager will be trained on both State-mandated “track and trace” procedures for inventory control as well as internal inventory ledger requirements. New inventory will be brought into the storage area from the processing and packaging area in bulk or retail packaged form. Cannabis goods will be moved from the processing area, bagged and in totes, by hand or hand truck. Cannabis goods from off site will be unloaded at the main entrance and brought to the storage area. Cannabis products leaving the inventory will be transferred to licensed distribution. Only the applicant or the manager on duty may remove cannabis products from inventory and removal will be tracked and recorded through the appropriate entry in the “track and trace” system as well as the internal inventory ledger.

Per CDFA 8406(a), inventory reconciliation will occur at least once every 30 days and be performed by the manager on duty, Balance date/time and manager responsible will be recorded in the inventory ledger. If a discrepancy is found, an audit will be performed immediately, and any unresolved discrepancy will be reported to both law enforcement and the department within three calendar days per CDFA 8409.

Employees

The operation intends to hire five full-time employees and five-part time employees at full project buildout. During the initial phases of operation, employees will be friends and family. The applicant will voluntarily vet all employees during the application process. The applicant will attempt to hire local; inevitability involving word of mouth. Background checks and any drug testing would be considered deemed necessary by applicant. Candidates will not be selected if they have been convicted of an excluded felony offense, does not work pursuant to the regulations of the CDFA, or is less than 21 years of age. During times of employment, employees will display a valid ID card. Keys will only be provided to the manager. General employees will only receive a badge which would be surrendered upon termination. Training will be one-on-one, and the applicant will follow California labor regulations.

Detailed business plan – MCC 5.60.070(B)(14)

Use Permit 19-002 was approved on May 16, 2019 and the application for which provided a detailed analysis of the land use and relevant impacts including the project's location, site, odor mitigation, signage, visual screening, lighting, parking, and noise generation. A full copy of the Use Permit is attached (Attachment A).

The applicant is required to obtain a Business License before beginning operation (MCC 5.60.040(F)). The applicant has agreed to secure and provide proof of all approvals necessary to operate a commercial cannabis microbusiness operation prior to beginning business including; LiveScan/background check, approval from the Lahontan Regional Water Quality Control Board (obtained January 4, 2019), and a state-issued cultivation license.

Waste management plan – MCC 5.60.070(B)(15)

Cannabis waste will primarily be generated as a byproduct of cultivation and processing. Waste from cultivation and processing will consist of organic plant material (leaves and stems) removed from plants during pruning and processing. Waste will be self-hauled to the County solid waste landfill. Cannabis waste will remain inside secured cultivation buildings until self-hauled to County solid waste landfill or composted on-site (see Figure 1). Access to the waste will be limited to the applicant and employees by the secured nature and location of the facility. Waste will be entered into the Track and Trace system in the prescribed manner. Cultivation waste transported by the applicant or employees to the County solid waste landfill via company vehicle and receipted according to CDFA 8308 (h)(i).

During initial phasing of project buildout, the applicant will have on-site composting. As production ramps up the applicant will self-haul to the County solid waste site, which is approximately one mile away, when needed. Waste storage will be in two forms on site:

1. During harvest and processing periods when amounts of waste generated, the processing area itself will serve as the storage area until loaded up and self-hauled to the County solid waste landfill or composted on site.

2. Outside harvesting and processing periods, each cultivation building will have receptacles where leaves/pruning's will be placed until filled and self-hauled to the County solid waste landfill or composted on site.

No hazardous waste will be generated or will result in hazardous waste such as spent solvents or compressed gas cylinders. This operation is expected to generate less than four cubic yards of solid waste per week. Reintroduction of cannabis waste back into the agricultural operation through on-premise organic waste recycling methods will include on-site composting.

Cannabis waste is not a common product of the distribution chain but could be generated by failed lab testing, product returns, or out of date (12 months) testing Certificate of Analysis (COA). In these scenarios, cannabis products scheduled for destruction will be stored separately and distinct from other cannabis products until destroyed into organic cannabis waste per BCC 5054.

The waste management plan is in compliance with Title 3, Section 8108 and 8308 of the California Code of Regulations and has been approved by the County's Solid Waste Superintendent per Mono County Code 5.60.130.F.

Security plan – MCC 5.60.070(B)(16)

The Security Plan has been reviewed by the Mono County Sheriff's Office and has been approved. Per Mono County Code 5.60.070.B(16) the security plan is confidential. California Code of Regulations does not set forth security requirements for cannabis cultivation licenses.

At the time this report was written, the applicant was in the process of completing a Live Scan for Mono County. A Condition of Approval for this permit will be the positive recommendation from the Sheriff's Office of the applicant/owner to engage in commercial cannabis activities based on the results of the background check/LiveScan.

Analysis – MCC 5.60.080(C)

Following the public meeting to consider approval for a Cannabis Operation Permit, the Board must make the following findings to issue the permit (Mono County Code 5.60.080(C):

1. *The commercial cannabis activity, as proposed, will comply with the requirements of state law and regulation, the Mono County General Plan, the Mono County Code and this Chapter.*

The staff report describes the applicant's operations such that they are in compliance with County regulations, and the applicant has signed under Penalty of Perjury that "the applicant and all persons involved in management have the ability to comply with all laws regulating cannabis businesses in the State of California and shall maintain such compliance during the term of the permit".

The applicant has provided a copy of the annual license application that has been submitted to the State and is required to provide evidence of licensure once secured.

2. *The property has all necessary land use entitlements as required by the Mono County General Plan or is legally exempt from such requirements.*

The applicant received a Use Permit from the Planning Commission on May 16, 2019.

3. *The applicant has demonstrated to the satisfaction of the Approval Authority that the operation, its owners, and the applicant have the ability to comply with state law and regulation, the Mono County General Plan, the Mono County Code and this Chapter.*

Through this evaluation, the applicant has demonstrated the ability to comply with state law and regulation, the Mono County General Plan, and the Mono County Code. The application has been circulated for multi-departmental review and has received approval from departments including, but not limited to, Community Development, Inyo/Mono Agriculture Commissioner, Solid Waste, and the Sheriff's Office.

4. *No applicant or owner has been convicted of a felony or a drug-related misdemeanor reclassified under Section 1170.18 of the California Penal Code (Proposition 47) within the last ten (10) years, unless the Approval Authority determines that such conviction is not substantially related to the qualifications, functions or duties of the person or activity and/or there is adequate evidence of rehabilitation of the person. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.*

The applicant/owner has affirmed he has not been convicted of a felony or a drug related misdemeanor within the past ten (10) years. A Condition of Approval for this permit will be the positive recommendation from the Sheriff's Office of the applicant/owner to engage in commercial cannabis activities based on the results of the background check/LiveScan.

5. *The Approval Authority determines that issuance of the permit is in the best interests of the community, the County, and its citizens and visitors, based on the following:*

- 1) *The experience and qualifications of the applicant and any persons involved in the management of the proposed cannabis business:*

The applicant has a strong background in mechanical engineering and knowledge regarding the cannabis industry that will help facilitate a successful business. The applicant is understanding of the concerns associated with this new industry and has worked to mitigate impacts to the best of his ability.

- 2) *Whether there are specific and articulable positive or negative impacts on the surrounding community or adjacent properties from the proposed cannabis business:*

No letters in opposition or support to this project have been received. At the Planning Commission public hearing, members of the public spoke to ask clarifying questions on the project and the public noticing process. Residents voiced concerns over water usage, security, and employees.

Positive impacts include increased tax revenue for the County and the creation of jobs. Cannabis is considered a new industry for agriculture that may preserve agricultural lands.

- 3) *The adequacy and feasibility of business, operations, security, waste management, odor control, and other plans or measures submitted by the applicant:*

As a microbusiness, the application adequately addresses the feasibility of business operations, security, waste management, and odor control.

The cannabis premise has sufficient security elements to prevent crime and unanticipated nuisances. The 5,120 square foot canopy of cannabis is positioned within the 395-acre parcel so that crime is deterred, and nuisances are abated.

To prevent odor nuisances, all cannabis and cannabis product will be over 300' from any neighboring parcel line and a further distance (+2,500') from any neighboring structures under separate ownership from the land owner. Since the cultivation will occur indoors, odor nuisance is expected to be minimal. Odor abatement systems could be installed if odors were deemed a nuisance during the annual renewal process.

Public consumption is prohibited on-site, and no public sales will take place at the premise. The premise will be closed to the general public. Waste materials will be in the form of plant materials. All cannabis product will be transported and sold to other California cannabis-licensed businesses.

The Sheriff's Office reviewed and approved the Security Plan, which is confidential per State law.

- 4) *Whether granting the permit will result in an undesirable overconcentration of the cannabis industry in a limited number of persons or in a limited geographic area within the County:*

One other commercial cannabis-related business exists in the community of Walker at this time. This will be the second cannabis cultivation operation (and first cannabis microbusiness) within the County, and a maximum of eight more may be permitted.

- 5) *Environmental impacts/benefits of the cannabis business such as waste handling, recycling, water treatment and supply, use of renewable energy or other resources, etc.:*

An analysis of the environment impacts associated with the project was completed. The 15183 exemption analysis found no significant impacts peculiar to cannabis cultivation or beyond the scope of mitigation measures stated in the Mono County General Plan EIR (see Attachment B).

The majority of waste will be handled on site and recycled on the property for beneficiary purposes. The Lahontan Regional Water Quality Control Board has found this project in compliance with requirements of the General Waste Discharge Requirements and provided a Waiver of Waste Discharge Requirements for Discharges of Waste Associate with Cannabis Cultivation Activities (Cannabis General Order).

This project will utilize the natural setting and resources available at this location. As a small indoor operation, this project will use less energy compared to other cultivation operations. Water will be provided by an existing well capable of meeting the demand. To minimize the overall water use, the operation will utilize drip and/or hand irrigation. Within the composting area

water quantity and application rate will be monitored to minimize or eliminate runoff.

6) *Economic impacts to the community and the County such as the number and quality of jobs created, and/or other economic contributions made by the proposed operation.*

The proposed business is expected to generate five full-time and five part-time jobs for area residents. The proposed business will generate positions for cultivation. The employees will be of high quality; employees will receive specific training for the job.

In addition to 5.60.080(c), the commercial cannabis operating requirements for all cannabis businesses set forth in 5.60.120 have been reviewed and the proposed project is in compliance. The project is also compliant with additional regulations for cannabis cultivation, distribution, advertising, packaging, and labeling requirements set forth in 5.60.130., 5.60.170., and 5.60.180.

The Board has the authority to deny an application that meets any of the following criteria (MCC 5.60.080(D)):

1. The applicant has knowingly made a false statement of material fact, or has knowingly omitted a material fact, from the application.
2. A previous cannabis operations permit issued under this Chapter for an operation involving the same applicant or owner has been revoked by the County within the two (2) years preceding the date of the application and all opportunities for appeal of that determination have been exhausted or the time in which such appeals could have been filed has expired.
3. The applicant or any owner has been determined, by an administrative hearing body or a court of competent jurisdiction to have engaged in commercial cannabis activities in violation of State or local law and all opportunities for appeal of that determination have been exhausted or the time in which such appeals could have been filed has expired.

None of the above conditions for denial exist at this time.

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

ATTACHMENTS

- A. Staff Report – Use Permit 19-002
- B. 15183 Environmental Analysis

Conditions of Approval
Cannabis Operation Permit 19-002/Walker River Farms

1. The operation shall comply with all County department regulations including, but not limited to, the Mono County Sheriff's Department, Public Health Department, Environmental Health Department, Public Works Department, Community Development Department, and Treasurer - Tax Collector's Office.
2. The operation shall comply with all rules and regulations established in Mono County Code, the Mono County General Plan, and all applicable state laws.
3. This permit is nontransferable and shall terminate upon expiration or subsequent termination, or change in property ownership, or when more than fifty percent of the corporate stock, partnership interest or other business interest is transferred.
4. This permit is only valid when a Use Permit exists for the property. This permit shall become invalid if the Use Permit for the property is revoked.
5. Prior to commencing operation, the applicant shall obtain a state cannabis cultivation license, Mono County Business License, and a Mono County Tax Certificate.
6. Prior to commencing operation, the applicant shall complete a Mono County LiveScan background check and receive affirmation from the Sheriff's Office to commence operation.
7. The applicant must provide proof of the state-issued annual license when available.
8. The County, its agents, and employees may seek verification of the information contained in this permit and the associated application.
9. The business shall be subject to an annual inspection performed to ensure compliance with County Code 5.60.120. Failure to pass the annual inspection prior to August 31 may result in denial of the renewal application.
10. The operation shall operate only in accordance with the application and all corresponding plans reviewed and approved by the County.
11. This permit shall expire annually on August 31 (unless renewed or revoked in accordance with Mono County Code Chapter 5.60).
12. Renewal/modification applications must be received by August 1 accompanied by the required renewal/modification fee. If any of the documentation and information supplied by the applicant pursuant to Section 5.60.070 has changed or will change since the grant of this permit, the applicant shall submit updated information and documentation with the application for renewal and shall provide such other information as the Director may require. If an applicant fails to submit the renewal form and all associated fees thirty (30) days before August 31, the applicant will be required to submit a new application under section 5.60.070.

Mono County Community Development Department

PO Box 347
Mammoth Lakes, CA 93546
760-924-1800, fax 924-1801
commdev@mono.ca.gov

Planning Division

PO Box 8
Bridgeport, CA 93517
760-932-5420, fax 932-5431
www.monocounty.ca.gov

May 16, 2019

To: Mono County Planning Commission

From: Hailey Lang, Planning Analyst

Re: Use Permit 19-002/Walker River Farms

APPROVED VERSION – CHANGES BY THE PLANNING COMMISSION SHOWN IN RED

RECOMMENDATION

It is recommended that Planning Commission take the following actions:

1. Find that the project qualifies as an Exemption under CEQA guidelines 15183 and instruct staff to file a Notice of Determination;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit 19-002 subject to Conditions of Approval

BACKGROUND

Use Permit 19-002/Walker River Farms is a proposal for an indoor cannabis microbusiness on an Agriculture (AG-10) parcel located at 1129 Larson Lane, Coleville (APN 002-011-021). The microbusiness will occur on a 0.2-acre area within the 395-acre property and will include cultivation, distribution, and non-storefront retail activities. Under the microbusiness license, Walker River Farms intends to grow cannabis, dry and cure cannabis, trim and prepare cannabis for sale, package and label products, and transport cannabis and cannabis products. The non-storefront retail activity will allow for Walker River Farms to attend and sell product at licensed cannabis events around the state of California.

All applications for commercial cannabis activity must be approved through a Conditional Use Permit (CUP) process within an appropriate land use designation. A CUP for cannabis microbusiness must demonstrate adequate plans for site control, setbacks, odor control, signage, visual screening, lighting, parking, and noise.

The project qualifies for a 15183 CEQA exemption, as it is consistent with the Mono County General Plan Environmental Impact Report (EIR) and Antelope Valley policies.

PROJECT SETTING

The project is located near Highway 395 on Larson Lane. Land uses surrounding the project are almost entirely large Agriculture (AG) parcels except one Public and Quasi-Public Facilities (PF) parcel south of the property where the Antelope Valley Fire Department is located. Additionally,

smaller Rural Residential (RR) parcels are located south of the property. The property is owned by Lloyd Chichester and will be leased to the project applicant, Kevin Dortch.

FIGURE 1: PROJECT LOCATION

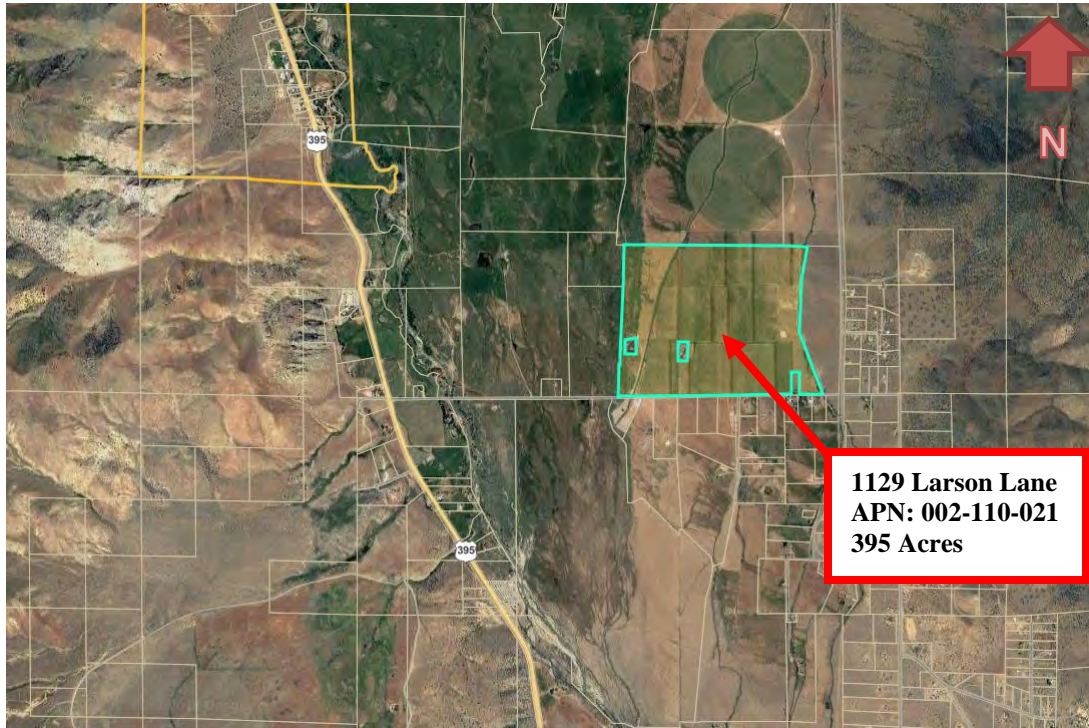


FIGURE 2: PROJECT LAND USE DESIGNATION

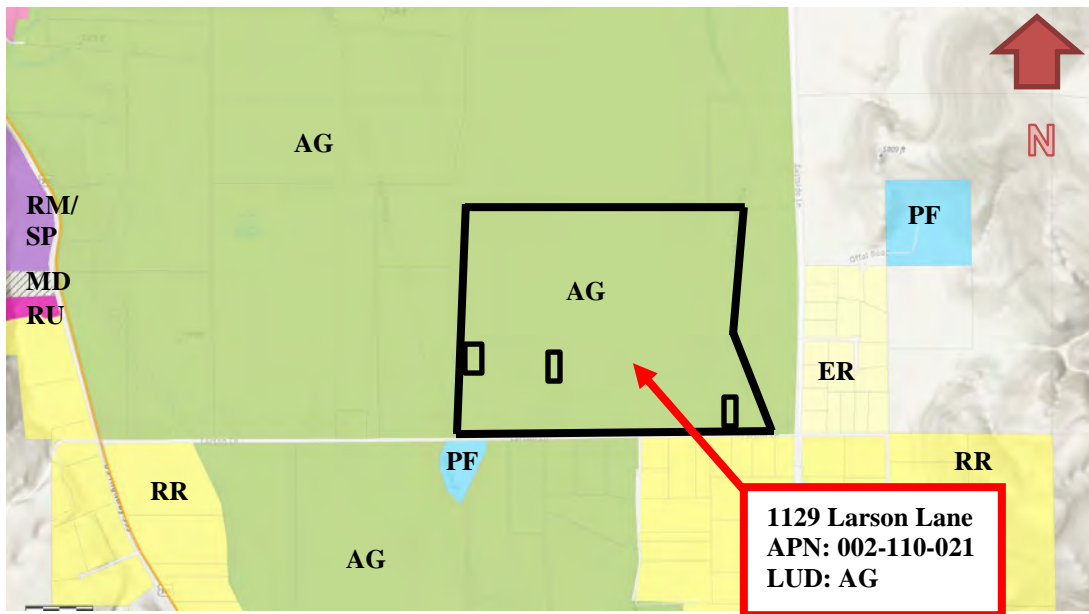


FIGURE 3: PROJECT SITE PICTURE



View to the northwest from project area.

FIGURE 4: PROJECT SITE PICTURE



View to southwest from project area. The landlord's house is just beyond the trees in the left-hand side of the photo. Employee housing is in the white building on the right-hand side.

GENERAL PLAN CONSISTENCY

The General Plan land use designation for this property is Agriculture with a 10-acre minimum (AG-10). According to the Mono County General Plan, “the ‘AG’ designation is intended to preserve and encourage agricultural uses, to protect agricultural uses from encroachment from urban uses, and to provide for the orderly growth of activities related to agriculture.” Permitted uses under the Agriculture land use designation include single-family homes, accessory buildings, non-commercial composting, and all uses proposed in conjunction with a bona-fide agricultural operation. Commercial cannabis cultivation is permitted subject to a Use Permit and compliance with Chapter 13, and a Cannabis Operations Permit pursuant to Mono County Code Chapter 5.60.

The proposed development is also consistent with Antelope Valley Area Plan policies contained in the Mono County General Plan Land Use Element.

MONO COUNTY LAND USE ELEMENT, COUNTYWIDE LAND USE POLICIES

Objective 1.I. Maintain and enhance the local economy.

Objective 1.L. Provide for commercial cannabis activities in Mono County in a way that protects public health, safety, and welfare while also taking advantage of new business and economic development activities.

(Policies 1.L.1 & 2 not applicable.)

Policy 1.L.3. Avoid, reduce, and prevent potential issues specific to commercial cannabis activities that may adversely affect communities.

Policy 1.L.4. In recognition of the potential economic benefits of this new industry, encourage the responsible establishment and operation of commercial cannabis activities.

MONO COUNTY LAND USE ELEMENT, ANTELOPE VALLEY POLICIES

GOAL 4. Provide for orderly growth in the Antelope Valley in a manner that retains the rural environment, and protects the area's scenic, recreational, agricultural, and natural resources.

Objective 4.A. Guide future development to occur within the US 395 corridor and existing communities.

Policy 4.A.3. Along the Highway 395 corridor between existing communities, provide for limited development that is compatible with natural constraints and the Valley's scenic qualities.

Objective 4.B. Maintain the scenic, historic, agricultural, and natural resource values in the Valley.

Objective 4.D. Maintain and enhance the local economy.

CHAPTER 11, UTILITIES

11.010 D. Utility Distribution Lines to Individual Development. Utility distribution lines to an individual development shall be installed underground, unless the applicant has obtained a Director Review permit. For projects that require a use permit, the application for overhead utility lines shall be processed as part of the use permit application. In granting a permit for overhead utility lines, the Community Development director (Director) or the Planning Commission (Commission) is required to make one of four findings. For this project, the findings related to agricultural operations are the most appropriate, as follows:

4. The exclusive purpose of the overhead line is to serve an agricultural operation.

For the purposes of this section, agricultural operations are defined as use of the land for production of food and fiber, including the growing of crops and grazing of livestock. Above-ground utility lines may be permitted for agricultural uses such as pumps and similar uses.

The parcel has an Agriculture land use designation that allows for all agricultural operations to have overhead utility lines. This AG parcel is already a hay-producing and livestock-grazing operation; a portion of this parcel will be leased for a cannabis microbusiness. The State of California defines cannabis cultivation as an agricultural operation. Using this definition, cannabis cultivation is an agricultural operation, therefore producing an agricultural commodity. The term, "agricultural activity, operation, or facility, or appurtenances thereof," shall include, but not be limited to, the cultivation and tillage of soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity" (California Civil Code 3482.5).

- a. Impacts to sensitive species, such as the Bi-State Distinct Population Segment of Greater Sage-Grouse shall be avoided, minimized, or mitigated consistent with policies in the Conservation/Open Space Element.

Although the project is within the critical habitat proposed by the U.S. Fish and Wildlife Service, there are no leks within 4 km (~2.5 miles) of the proposed project. The nearest lek is located ~8 miles (~12.9 km) away. In addition, the surrounding area is developed with agricultural and residential uses and therefore the habitat is already fragmented and impacted. This project would not create a new impact and is not large enough to exacerbate the existing impact. Sage-Grouse conservation standards from the Conservation/Open Space Element have been applied.

ACTIVITY PERMIT FINDINGS

In accordance with Mono County General Plan, Chapter 32, Processing-Use Permits, the Planning Commission may issue a Use Permit after making certain findings.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
 - a. Cannabis cultivation is permitted in agriculture designations, subject to Use Permit under Chapter 13, Cannabis Regulations (See Figure 2)

- b. Adequate site area exists for the proposed use. The footprint of cannabis operations is 8,600 square feet out of a total of 395 acres for the property (Attachment A).
 - c. The site provides adequate parking and space for loading areas. There will be 12 parking spaces that will each be 9' x 18' in size near the buildings, on hard-packed dirt. Two parking areas are shown on the site plan (Attachments A), with six parking spots available for each area. Additionally, there will be four parking spots at the employee residence (Attachment A). Per Chapter 6, Parking, Table 06.010 Required Number of Parking Spaces, Walker River Farms is required to have either two spaces for each three employees on largest shift, or one space for each 1,000 square feet. At full buildout of 10 employees, Walker River Farms would need to accommodate eight parking spaces. Loading and unloading areas are shown on the site plan (See Attachment B). Per Chapter 6, Parking, 06.030 Parking Stall Size, uncovered parking spaces in areas below 7,000 feet in elevation may be reduced to 9' x 18'.
 - d. The location of the proposed project is consistent with the Antelope Valley Area Plan's intent for preserving agriculture (refer to General Plan Consistency).
 - e. There will be no significant impacts to housing. An existing 900-square foot home on the property will serve as the employee residence for up to four employees (Attachment A).
 - f. Overhead utilities fall under exemption 11.010.D.4 based on the findings described earlier in the staff report.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
- a. Trips to and from the project site generated by the proposed project will not substantially increase vehicle trips or cause traffic congestion. At full buildout a maximum of 10 employees is expected to work on site. Up to four employees may live on site in employee housing and six employees may commute to the site. Material pickup and delivery vans may access the project area four days per week or approximately 25 trips per month (combining inbound and outbound trips) by delivery/pickup vans carrying supplies related to the project. Main access to the premise will be from US 395 to Larson Lane. From Larson Lane the private driveway extends north into the parcel approximately a third of a mile to the project site. The private driveway is gravel and will be subject to Chapter 22 fire safe standards at the building permit stage. Delivery vans and employees will access the site via US 395 to Larson Lane, which may cause an increase in traffic but will not impact the existing traffic load and capacity. US 395 is a designated interstate truck route and experiences heavy traffic. These additional trips would not exceed the capacity of US 395 or Larson Lane. Due to the number of agricultural parcels on Larson Lane, the road is designed to handle truck loads compared to a residential street.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
- a. The proposed use is not expected to cause significant environmental impacts or be detrimental to surrounding property. Elements peculiar to cannabis, including odors and lighting, have been analyzed through the 15183 CEQA exemption process, and

have been found to have no impacts beyond the scope analyzed in the Mono County General Plan EIR.

- b. The proposed project is a conforming use according to the Mono County General Plan's Land Use Element. The use permit process provides to the public opportunity to comment on the proposal, and comments are attached to this report.

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*

- a. Cannabis cultivation is permitted in agricultural land use designations, given applicant meets the criteria set forth by Chapter 13.
- b. The project is located within the Antelope Valley Planning Area. The Antelope Valley Area Plan encourages the protection of agriculture and its related values.

COMPLIANCE WITH MONO COUNTY CANNABIS REGULATIONS, CHAPTER 13

In addition to General Plan policies and regulations, commercial cannabis activities shall comply with Chapter 13. The following general standards and requirements apply to all commercial cannabis activities permitted in the county:

13.070 C. Site Control.

No commercial cannabis activity shall be allowed within six hundred (600) feet of schools providing instruction to kindergarten or any grades 1 through 12, day care or youth centers, parks, ballfields, playgrounds, libraries, community centers, and licensed childcare facilities.

The above-mentioned facilities are not located within 600 feet of the site. The Antelope Valley Community Center is located approximately 47,500 feet from the closest grow area. Coleville High School and Antelope Elementary School are approximately 15,300 feet and 15,500 feet, respectively, from the closest grow area.

13070 D. Setbacks.

All commercial cannabis activities shall meet existing setbacks established in General Plan Chapter 4 – Land Use Designations and 4.120 Yards and Setbacks.

All proposed structures and grow areas meet setback standards for agriculture designations (50' front, 30' rear, 30' side).

13.070 E. Odor Control.

An odor mitigation plan is required to demonstrate that odors generated by the commercial cannabis activity shall not unreasonably impact adjacent properties and uses, or that odor mitigation measures are not applicable due to lack of cannabis-related odor generation, location or siting, design features, or other factors.

Odor generated from outdoor cannabis cultivation is difficult to analyze due to several avariables including peak concentrations, atmospheric conditions, and topography. Each project has a unique set of conditions. In the case of this proposal, the significant buffer from the grow site to the nearest receptor, other than the property owner, provides some level of confidence that no significant impacts related to odors will occur on a regular basis.

Most rural counties in California have analyzed odor on a project-specific basis. Santa Barbara County provides one of the few standardized models for buffers on cannabis cultivation, in which the General Environmental Impact Report for all potential cannabis projects was conducted. The report separates buffer requirements for cultivation projects based on location: the more rural areas that have larger lots (and therefore can support larger grows) are required to have a 1,500-foot buffer, while areas with smaller lots (and smaller grows) are subject to a 600-foot buffer. The 1,500-foot buffer was the largest required cannabis buffer in California at the time of its adoption in June 2018.

The nearest non-family residence (APN 002-450-023) receptor is approximately 2,265 feet from the grow area. This distance provides a strong level of confidence that no significant impacts related to odors will occur at the nearest receptors.

If odor is identified as a nuisance during the annual renewal process, odor abatement systems could be installed in the buildings. Abatement methods could vary from nonaqueous odor control systems to fan misters and carbon filters.

13.070 F. Signage.

A Sign Plan shall be required to demonstrate compliance with General Plan Land Development Regulations, Chapter 4.190 Signs, and Chapter 7 Signs.

The project does not propose any signage.

13.070 G. Visual Screening.

All Cannabis, Cannabis Products and Cannabis Accessories shall be screened from view from a public right of way to the best of the Permittee's ability.

Due to the remote location of the proposed site, visual screening issues are minimal. The proposed microbusiness is not in view of any residences. Exterior finishes shall be dark earth tones with non-reflective materials. The parcel is completely fenced with a barbed wire fence and a gate at the entrance of the property. For each building, security cameras and outdoor lighting (which will be Chapter 23 compliant), will be installed. The fence and gates will be maintained as part of the site security.

13.070 H. Lighting.

All commercial cannabis activities shall comply with General Plan Land Use Element Chapter 23 – Dark Sky Regulations regardless of activity type or Premise location.

Minimal outdoor lighting is planned. Lights provided around entries to buildings are for safety purposes. Lighting will be focused downward with motion sensors, to ensure minimal light pollution. No interior lighting will be visible from outside the building. All lighting will comply with the Mono County General Plan, Chapter 23 Dark Sky Regulations.

13.070 I. Parking.

A Parking Plan depicting availability and requirements for parking shall be submitted. The Plan shall demonstrate the provision of adequate on-site parking for all employees and allow for loading and unloading.

There will be 12 parking spaces that will each be 9' x 18' in size near the buildings, on hard-packed dirt. Two parking areas are shown on the site plan (Attachment A), with six parking spots available for each area. Additionally, there will be four parking spots at the employee residence.

13.070 J. Noise.

Noise generation shall comply with the Mono County General Plan Noise Element and Mono County Code, Chapter 10.16.

The project is not expected to generate noise beyond that of similar agricultural operations.

ENVIRONMENTAL REVIEW

The County contracted with Resource Concepts Inc. (RCI) to conduct a 15183 analysis (Attachment B). CEQA mandates that projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects peculiar to the project or its site. The 15183 analysis found no significant impacts peculiar to cannabis microbusiness or beyond the scope of mitigation measures stated in the Mono County General Plan EIR. The 15183 analysis specifically reviewed potential impacts related to land use, housing, soils, water, air quality/odors, transportation, biological resources, energy and mineral resources, hazards, noise, public services, utilities, aesthetics, cultural resources, recreation, and greenhouse gas emissions (GHG).

Ultimately, the review determined:

1. The project is consistent with the surrounding land uses of the proposed project;
2. The land use and planning impacts of the proposed agricultural cultivation were analyzed in the EIRs certified in conjunction with the adoption of the Mono County General Plan;
3. The parcel is no different from other agricultural parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project;
4. There is no new substantial information indicating that the land use and planning impacts of the project will be more severe than described in the EIR; and
5. There are no cumulative or off-site land use and planning impacts from the proposed project that were not addressed in the prior EIR.

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

PUBLIC HEARING NOTICE

A public hearing notice was posted in the May 4, 2019, issue of The Sheet (Attachment D) and was mailed to the surrounding property owners within 300 feet of the proposed project. No public comment was received.

ATTACHMENTS

- A. Site Plan
- B. Loading and Unloading Areas
- C. 15183 Report

D. Public Hearing Notice

CONDITIONS OF APPROVAL

Use Permit 19-002/Walker River Farms Cannabis Microbusiness

1. All development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
2. Project shall comply with Chapter 13, Cannabis Regulations.
3. Project is required to obtain a Mono County Cannabis Operation Permit pursuant to Mono County Code 5.60 and appropriate state licensing prior to commencing operation. A copy of state licenses shall be provided to the Mono County Community Development Department.
4. Project shall be in substantial compliance with the site plan as shown on Attachment A found in the staff report.
5. Project is required to comply with any requirements of the Antelope Valley Fire Protection District.
6. Exterior lighting must comply with Chapter 23, Dark Sky Regulations.
7. Project shall provide 12 parking spaces, as shown on site plan.
8. Project shall not exceed four buildings, totaling 5,120 square feet of canopy area with the entire operation totaling 8,600 square feet, as proposed and shown on site plan. No additional activities, infrastructure, or expansion may occur without Planning Commission approval.
9. Applicant must maintain active business license and tax certificate requirements.
10. The driveway shall comply with Chapter 22, Fire Safe Regulations.
11. Exterior finishes on all buildings shall be dark earth tone colors like Shaker Gray from Dunn-Edwards Paints and non-reflective.
12. If odor impacts are verified as defined by a cannabis odor enforcement program, odor mitigation may be required.
13. In the event of discovery or recognition of any human remains, all work shall be stopped, and there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the County has examined the site (California Health and Safety Code § 7050.5).
14. Project shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements.
15. If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

ATTACHMENT A: SITE PLAN



ATTACHMENT B: LOADING AND UNLOADING AREAS



ATTACHMENT D: PUBLIC HEARING NOTICE

**MONO COUNTY
PLANNING COMMISSION**

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

Date: April 30, 2019
To: The Sheet
From: CD Ritter
Re: Legal Notice for the **May 4** issue.
Invoice: Cara Isaac, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Mono County Planning Commission will conduct a public hearing **May 16, 2019**, at Board of Supervisors Chambers, Mono County Courthouse, Bridgeport, CA, to consider the following: **10:10 a.m. CONDITIONAL USE PERMIT 19-002/Walker River Farms:** Proposal for a cannabis microbusiness on an Agriculture (AG-10) parcel located at 1129 Larson Lane, Coleville (APN 002-110-021). The cannabis canopy will be roughly 8,600 square feet. The entire operation consists of four buildings (20x64 feet each). Microbusiness activities include cultivation, distribution, and non-storefront retail. A CEQA 15183 exemption is proposed. **10:30 a.m. CONDITIONAL USE PERMIT 19-006/Tioga Green & REVOCATION OF CONDITIONAL USE PERMIT 34-06-05/Hebert:** Conversion of an existing vacant 690-square foot commercial building into cannabis retail and revocation of the existing use permit for a drive-through restaurant. The proposal is located at 51005 Highway 395 (APN 021-080-022) south of Lee Vining commercial core and gains access from Utility Road. Modifications to the property include interior remodel of existing structure, addition of storage shed, new signage, and paving and lighting for parking area. A Class 3 CEQA exemption is proposed. Land use designation is commercial (C). **10:50 a.m. VARIANCE & USE PERMIT/3D Housing Development:** Conditional Use Permit 18-017 proposes a five-unit housing project on the corner of Howard Avenue and Bruce Street in the community of June Lake. Each unit is approximately 800 square feet. Variance 18-001 is a request for a zero setback from the top of a bank/water course for two units and a portion of the parking area. The watercourse runs along the eastern portion of the project site. The parcel is 0.43 acres in size (APN 015-103-022) and has a land use designation of Multi-Family Residential High (MFR-H). A CEQA exemption 15183 is proposed. Project files are available for public review at the Community Development Department offices in Bridgeport and Mammoth Lakes. INTERESTED PERSONS may appear before the Planning Commission to present testimony or, prior to or at the hearing, file written correspondence with: Secretary to the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546. If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

###

CEQA Guidelines §15183 Environmental Analysis

—for—

Walker River Farms Cannabis Microbusiness Mono County, California

May 2019

Prepared by:

Mono County Community Development Department
Planning Division
Post Office Box 347
Mammoth Lakes, CA 93546

CEQA Guidelines §15183 Environmental Analysis

—for—

Walker River Farms Cannabis Microbusiness Mono County, California

May 2019

LIST OF PREPARERS

RESOURCE CONCEPTS, INC.

340 N Minnesota St
Carson City, NV 89703
Contact Person: Lynn Zonge
(775) 883-1600

Mono County Planning Staff

Mono County Community Development Department
Planning Division
Post Office Box 347
Mammoth Lakes, CA 93546
Contact Person: Bentley Regehr
(760) 924-4602

Project Sponsor

Kevin Dortch
Walker River Farms
kevin@engmaterialslab.com
8511 Wellsford Place - Suite G
Santa Fe Springs, CA 90670
Tel 562.945.2138

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- A. Project Maps
- B. Integrated Pest Management Plan
- C. Waste Management Plan
- D. Lahontan Regional Water Quality Control Board Letter
- E. Energy Consumption Comparison
- F. Cultural Resource Information

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I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires public agencies to consider and analyze the potential environmental effects of certain activities and establishes a process for determining whether the activity is subject to CEQA requirements. Activities are subject to CEQA if they (a) involve the exercise of discretionary powers, (b) have potential to impact the environment, and (c) meet the definition of a 'project,' and (d) are not categorically or statutorily exempt from CEQA.

CEQA Guidelines §15183 provides a specific CEQA review process for qualifying projects that are consistent with a community plan or zoning. Under these regulations (reflected in California Public Resources Code (PRC) §21083.3 and CEQA Guidelines §15183), projects that are consistent with the development density of existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified shall be exempt from additional CEQA analysis except as may be necessary to determine whether there are project-specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review.

Mono County has existing land use, community plan and general plan policies for which an EIR was certified; including the Mono County General Plan, Final Environmental Impact Report (FEIR) certified in 2015 (SCH # 2014061029). This contains analysis of general plan policies for all required general plan elements and the zoning code governing land uses, which is integrated into Mono County's General Plan.

The Mono County Planning Division has prepared an Initial Study checklist to determine whether there are project-specific significant effects that are peculiar to the project or to the site. As mandated by the CEQA Guidelines Section 15183, this checklist identifies whether environmental effects of the project:

1. Are peculiar to the project or the parcel on which the project would be located;
2. Were not analyzed as significant effects in a prior EIR on the land use, general plan, or community plan, with which the project is consistent;
3. If environmental effects are identified as peculiar to the project and were not analyzed in a prior EIR, are there uniformly applied development policies or standards that would mitigate the environmental effects;
4. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the General Plan, community plan, or land use; or
5. Are there previously identified significant effects which, because of substantial new information that was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

Further examination of environmental effects related to the project is limited to those items identified in the checklist as meeting one of the above criteria.

II. PROJECT INFORMATION

Project Title:	Walker River Farms Cannabis Microbusiness
Lead Agency Name, Address with Contact Person and Phone Number:	Mono County Community Development Department Planning Division P.O. Box 347 Mammoth Lakes, CA 93546 Bentley Regehr (408) 638-0968
Project Location:	Walker River Farms is located at 1129 Larson Lane, Coleville, California
Plan Area:	Antelope Valley
Assessor Parcel Number (APN):	002-110-021-000

Description of Project

The proposed project is an indoor cannabis microbusiness operation with a total disturbance area of 25,000 ft² within APN 002-110-021-000, a 394.5 acre parcel. The cannabis canopy will be roughly 8,600 square feet. The entire operation consists of four buildings with 2,150 square feet of canopy each plus 1,280 square feet of ancillary activities each. The General Plan designation of the property is Agriculture with 10-acre parcel size minimum. Maps and figures are provided in Attachment A.

A Mono County Use Permit and Operations Permit for the microbusiness will be submitted to conduct operations. State permits to cultivate cannabis will consist of one small indoor microbusiness license.

Each building will have two rooms for mature and immature plant processing, as well as cannabis waste storage, with a canopy of 1,075 square feet each. Directly attached to the northeast face of Buildings 1 and 3 and the southwest face of Buildings 2 and 4 are rooms for the ancillary activities, with no canopy. These will each be 1,280 square feet. In Building 1, this room will be used for packaging & labeling (distribution), batch sampling, processing and immature plants. In Buildings 2-4, this room will be used for immature plants processing, cannabis waste storage distribution packaging & labeling limited access.

Each of the four Buildings will have four water tanks, with two on the east side and two on the west side of each building. An on-site, existing well will be used for all irrigation. 1,000 gallons of water per day is estimated to be used, for the canopy areas. Any irrigation runoff will be collected and stored in irrigation runoff storage tanks. Relatively impermeable floors, as specified by the Lahontan Regional Water Quality Control Board (LRWQCB) will funnel water to the tanks.

All wastewater will be hauled off site by a licensed waste water transportation and disposal specialist, according to State Water Board requirements. The expectation is that less than three percent of cultivation water will be generated as waste, or about 30 gallons per day. Due to evaporation, most of this will be lost.

Hand watering and computerized drip method irrigation will be used during crop production. Both methods provide only the amount of water that the plant uptakes. By using these highly customized methods, adjustments will be made carefully throughout plant life to conserve water.

Pesticides, fungicides, rodenticides and other plant protectants that are intended to be used are outlined in the Integrated Pest Management Plan (Attachment B). All plant protectants will be stored in dedicated 30 square foot chemical storage areas in each building.

The four buildings would be licensed under one small indoor license. The small indoor cultivation areas are organized as indicated on the figures in Attachment A. All growing operations will occur within each of the four buildings, the footprint of the entire operation is not to exceed 10,000 square feet. All plants will be grown under artificial light.

Processing of the plants will occur within each of the four buildings when the plants reach maturity. All plant material waste will be transported to the Walker Landfill and Transfer Station as necessary. Waste management operations are detailed in the Waste Management Plan (Attachment C).

The parcel is completely fenced with a barbwire perimeter fence. On each building security cameras and outdoor lighting will be installed. The fence and gates will be maintained as a part of the site security. A security plan, which is confidential as provided by state law, will meet California Department of Food and Agriculture (CDFA), Mono County Sherriff requirements and approval.

Walker River Farms may employ up to 10 employees at build out, and five part time employees indefinitely who, during Phase I, will be friends and family. All employee training will be conducted one-on-one. Appropriate California labor regulations will be followed.

Main access to the premise will be from Hwy 395 to Larson Lane. From Larson Lane the private driveway extends north into the parcel approximately a third of a mile to the project site. The private drive way is gravel and is not planned to be improved further. Parking will be near buildings 1-4 on hard packed dirt. There are two parking areas shown on the drawings at 162 ft² for each vehicle space for a total of 1,944 ft² for parking. While the drawings show spaces for 12 vehicles, there is ample parking in the area surrounding the buildings.

Physical Characteristics of the Property

- The property is situated at about 5,200 feet in elevation near the West Walker River.
- The project area is typical of a dryland horse pasture and is relatively flat and slopes gently to north.
- There is one home on APN 002-110-021 which will become employee housing. Adjacent to the parcel is the landlord’s home (APN 002-110-013-000) and the landlord’s family’s home (APN 002-110-020-000). The landlord’s house is approximately 2,300 ft² and is about 470 feet from the project site. The landlord’s family’s home is approximately 990 feet away from the site and is approximately 2,600 ft². Employee housing is about 200 feet from the project site and is approximately 900 ft². See the Surrounding LUD figure in Attachment A.
- The parking areas are not delineated specifically and consist of hard packed dirt areas.
- In addition to the three homes, there are also several existing storage buildings, barns, corrals, wells, a well house, a powerline, access roads, fences, irrigation equipment, and other miscellaneous equipment relating to agriculture within 500 feet of the site.
- There are several agricultural fields owned by the landlord surrounding the project site within APN 002-110-021-000. The fields are primarily used for hay production as well as livestock grazing. Activities in the surrounding fields are not affiliated with Walker River Farms operations. Cannabis is not and will not be cultivated in the agricultural fields and would not impact adjacent agricultural practices.
- Photos 1 and 2 provide general overviews of the project area.

Surrounding Land Use Designations

- APN 002-110-021-000 is designated by the county assessor for agricultural use.
- The land use designations adjacent to APN 002-110-021-000 are described below

East:	Private Land – Agriculture
West:	Private Land – Agriculture
South:	Private Land Agriculture
North:	Private Land – Agriculture
Southwest	Public and Quasi-Public Facilities (Antelope Valley Fire Station)/ Private residence within Private Land designated for Agriculture.

Access

- The project area is currently accessed from an existing driveway that extends north from Larson Ln. about a third of a mile to the project site.

Utilities

- The existing utilities for the project area are as follows:

Water Supply:	Private Well
Sewer:	Private Septic System
Garbage:	D&S Waste Removal Inc.
Electricity:	Liberty Energy



Photo 1. Looking to the northwest from the Project Area, April 8, 2019



Photo 2. Looking to the southwest from the project area. The land lord’s house is just beyond the trees in the left-hand side of the photo. Employee housing is in the white building on the right-hand side.

III. AGENCY JURISDICTION AND APPROVALS

Mono County is Lead Agency for this CEQA §15183 review. Mono County is responsible for the necessary Use Permit and Operations Permit.

Licensing and regulating commercial cannabis cultivators to ensure public safety and environmental protection in California is the purview of CalCannabis Cultivation Licensing, a division of the CDFA. CDFA prepared a Program Environmental Impact Report (PEIR) to provide a transparent, and comprehensive evaluation of the anticipated regulations and the activities that would occur in compliance with the regulations. Under this program, cannabis cultivation can occur in a combination of urban, rural, natural, and agricultural settings in the State.

A microbusiness license allows a licensee to engage in the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer (Type 6), and retailer, as specified in an application. In order to hold a microbusiness license, a licensee must engage in at least three of the four listed commercial cannabis activities. Licensees are required to comply with all rules and regulations, including applicable regulations adopted by the CDFA and the California Department of Public Health, governing the activities they are engaged in.

The LRWQCB is also responsible for protection of water resources. Approval from this board is also required.

Government Code § 65300 requires each county to "adopt a comprehensive long-term general plan for the physical development of the county." Mono County is unique in that the General Plan and Zoning Code have been combined into one document. Walker River Farms falls within the Area Plan for Antelope Valley.

The AG LUD permits cannabis microbusiness, subject to a use permit, in compliance with Chapter 13 of the General Plan, and a Cannabis Operation Permit pursuant to code chapter 5.60.

IV. PROJECT COMPLIANCE WITH SECTION 15183

The project site is designated Agriculture (AG) in the Mono County General Plan. The purpose of the Agriculture district in Antelope Valley is *"To preserve and encourage agricultural uses, to protect agricultural uses from encroachment from urban uses, and to provide for the orderly growth of activities related to agriculture"*. The proposed project is also consistent with the local planning policies for the Antelope Valley which are aimed at preserving agriculture over residential development.

VI. ANALYSIS

The following CEQA section 15183 is based on Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines. The checklist assesses potential environmental impacts to determine whether they meet requirements for assessment under Section 15183; i.e.,

1. Are potential impacts peculiar to the project or parcel?
2. Were the impacts addressed in a previously certified EIR?
3. If an impact is peculiar to the project and was not addressed in a prior EIR, are there uniformly applied development policies or standards that would mitigate the impact?
4. Are there potentially significant cumulative or off-site impacts that were not discussed in the prior EIR?
5. Is there substantial new information to show that a potential impact would be more significant than previously described?

Issues & Supporting Information Sources		Impact potentially peculiar to the project or parcel?	Was the impact addressed in the prior EIR?	If peculiar and not addressed, are there uniformly applied development policies or standards that would mitigate?	Potentially significant cumulative or off-site impacts not discussed in the prior EIR?	Substantial new information showing impact more significant than previously described?
1) Land Use and Planning						
a)	Conflict with general plan designation or zoning?	No	Yes	N/A	No	No
b)	Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?	No	Yes	N/A	No	No
c)	Be incompatible with existing land use in the vicinity?	No	Yes	N/A	No	No
d)	Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?	No	Yes	N/A	No	No
e)	Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	No	Yes	N/A	No	No
2) Population and Housing						
a)	Cumulatively exceed official regional or local population projections?	No	Yes	N/A	No	No
b)	Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	No	Yes	N/A	No	No
c)	Displace existing housing, especially affordable housing?	No	Yes	N/A	No	No
3) Geology and Soils						
a)	Fault rupture?	No	Yes	N/A	No	No
b)	Seismic ground shaking?	No	Yes	N/A	No	No
c)	Seismic ground failure, including liquefaction?	No	Yes	N/A	No	No
d)	Seiche, tsunami, or volcanic hazard?	No	Yes	N/A	No	No
e)	Landslides or mudflows?	No	Yes	N/A	No	No
f)	Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?	No	Yes	N/A	No	No
g)	Subsidence of the land?	No	Yes	N/A	No	No
h)	Expansive soils?	No	Yes	N/A	No	No
i)	Unique geologic or physical features?	No	Yes	N/A	No	No
4) Water Resources						
a)	Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	No	Yes	N/A	No	No
b)	Exposure of people or property to water related hazards such as flooding?	No	Yes	Yes	No	No

	Issues & Supporting Information Sources	Impact potentially peculiar to the project or parcel?	Was the impact addressed in the prior EIR?	If peculiar and not addressed, are there uniformly applied development policies or standards that would mitigate?	Potentially significant cumulative or off-site impacts not discussed in the prior EIR?	Substantial new information showing impact more significant than previously described?
c)	Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?	No	Yes	N/A	No	No
d)	Changes in the amount of surface water in any water body?	No	Yes	N/A	No	No
e)	Changes in currents, or the course or direction of water movements?	No	Yes	N/A	No	No
f)	Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?	No	Yes	N/A	No	No
g)	Altered direction or rate of flow of groundwater?	No	Yes	N/A	No	No
h)	Impacts to groundwater quality?	No	Yes	N/A	No	No
i)	Substantial reduction in the amount of groundwater otherwise available for public water supplies?	No	Yes	N/A	No	No
5) Air Quality and Green House Gasses						
a)	Violate any air quality standard or contribute to an existing or projected air quality violation?	No	Yes	N/A	No	No
b)	Expose sensitive receptors to pollutants?	No	Yes	N/A	No	No
c)	Alter air movement, moisture, or temperature, or cause any change in climate?	No	Yes	N/A	No	No
d)	Create objectionable odors?	No	Yes	N/A	No	No
6) Transportation/Circulation						
a)	Increased vehicle trips or traffic congestion?	No	Yes	N/A	No	No
b)	Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	No	Yes	N/A	No	No
c)	Inadequate emergency access or access to nearby uses?	No	Yes	N/A	No	No
d)	Insufficient parking capacity on-site or off-site?	No	Yes	N/A	No	No
e)	Hazards or barriers for pedestrians or bicyclists?	No	Yes	N/A	No	No
f)	Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	No	Yes	N/A	No	No
g)	Rail, waterborne or air traffic impacts?	No	Yes	N/A	No	No
7) Biological Resources						
a)	Endangered, threatened or rare species or their habitats (including but not limited to: plants, fish, insects, animals, and birds)?	No	Yes	N/A	No	No

	Issues & Supporting Information Sources	Impact potentially peculiar to the project or parcel?	Was the impact addressed in the prior EIR?	If peculiar and not addressed, are there uniformly applied development policies or standards that would mitigate?	Potentially significant cumulative or off-site impacts not discussed in the prior EIR?	Substantial new information showing impact more significant than previously described?
b)	Locally designated species (e.g., heritage trees)?	No	Yes	N/A	No	No
c)	Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	No	Yes	N/A	No	No
d)	Wetland habitat (e.g., marsh, riparian and vernal pool)?	No	Yes	N/A	No	No
e)	Wildlife dispersal or migration corridors?	No	Yes	N/A	No	No
8) Energy and Mineral Resources						
a)	Conflict with adopted energy conservation plans?	No	Yes	N/A	No	No
b)	Use non-renewable resources in a wasteful and inefficient manner?	No	Yes	N/A	No	No
c)	Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the state?	No	Yes	N/A	No	No
9) Hazards						
a)	A risk or accidental explosion or release of hazardous substances (including but not limited to: oil, pesticides, chemicals or radiation)?	No	Yes	N/A	No	No
b)	Possible interference with an emergency response plan or emergency evacuation plan?	No	Yes	N/A	No	No
c)	The creation of any health hazard or potential health hazard?	No	Yes	N/A	No	No
d)	Exposure of people to existing sources for potential health hazards?	No	Yes	N/A	No	No
e)	Increased fire hazard in areas with flammable brush, grass or trees?	No	Yes	N/A	No	No
10) Noise						
a)	Increases in existing noise levels?	No	Yes	N/A	No	No
b)	Exposure of people to severe noise levels?	No	Yes	N/A	No	No
11) Public Services						
a)	Fire protection?	No	Yes	N/A	No	No
b)	Police protection?	No	Yes	N/A	No	No
c)	Schools?	No	Yes	N/A	No	No
d)	Parks or recreational facilities?	No	Yes	N/A	No	No
e)	Maintenance of public facilities, including roads?	No	Yes	N/A	No	No
f)	Other governmental services?	No	Yes	N/A	No	No
12) Utilities and Service Systems						
a)	Power or natural gas?	No	Yes	N/A	No	No
b)	Communications systems?	No	Yes	N/A	No	No

	Issues & Supporting Information Sources	Impact potentially peculiar to the project or parcel?	Was the impact addressed in the prior EIR?	If peculiar and not addressed, are there uniformly applied development policies or standards that would mitigate?	Potentially significant cumulative or off-site impacts not discussed in the prior EIR?	Substantial new information showing impact more significant than previously described?
c)	Local or regional water treatment or distribution facilities?	No	Yes	N/A	No	No
d)	Sewer or septic tanks?	No	Yes	N/A	No	No
e)	Storm water drainage?	No	Yes	N/A	No	No
f)	Solid waste disposal?	No	Yes	N/A	No	No
g)	Local or regional water supplies?	No	Yes	N/A	No	No
13) Aesthetics						
a)	Affect a scenic vista or scenic highway?	No	Yes	N/A	No	No
b)	Substantially degrade the existing visual character or quality of the site and its surroundings?	No	Yes	N/A	No	No
d)	Create light or glare?	No	Yes	N/A	No	No
14) Cultural Resources						
a)	Disturb paleontological, archaeological or historical resources?	No	Yes	Yes	No	No
b)	Restrict existing religious or sacred uses within the potential impact area?	No	Yes	N/A	No	No
15) Recreation						
a)	Increase the demand for neighborhood or regional parks or other recreational facilities?	No	Yes	N/A	No	No
b)	Affect existing recreational opportunities?	No	Yes	N/A	No	No
16) Green House Gases						
a)	Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	No	Yes	N/A	No	No
b)	Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	No	Yes	N/A	No	No

VII. DISCUSSION OF RESPONSES TO CHECKLIST ITEMS

Introduction

Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 mandate that when a parcel has been zoned to accommodate a particular land use and density and an environmental impact report was certified for that zoning or planning action, then subsequent environmental review of a project consistent with that prior action shall be limited to those effects from the project that are peculiar to the parcel or the site unless substantial new information indicates that the effect will be more significant than previously described or there are potentially significant off-site or cumulative impacts not discussed in the prior EIR.

In determining whether an effect is peculiar to the project or the parcel, Public Resources Code Section 21083.3 and the CEQA Guidelines Section 15183 state that an effect *shall not be considered peculiar to the project if it can be substantially mitigated by uniformly applied development policies or standards that have previously been adopted by the County with a finding that the policies or standards will substantially mitigate that environmental effect when applied to future projects* (unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect).

Potential effects peculiar to this project will be limited since the project is being developed in an agricultural area. Most of the effects of the project were identified in the EIR certified by the County in conjunction with the adoption and update of the Mono County General Plan and are not unique or peculiar to the proposed project.

The area is suitable for the proposed agricultural use and utilities with enough capacity for the project are in place or can be extended. The potential environmental effects of the project are in conformance with the requirements of the CEQA Guidelines Section 15183.

1) Land Use and Planning

Compliance with General Plan, Area Plan, and Land Use Designation

The project site is in Antelope Valley on land designated as Agriculture-10 (AG-10) and surrounded by land designated as agriculture as illustrated by the Surrounding LUD figure in Attachment A. Agricultural uses are allowed uses on land designated as Agriculture.

The Mono County Regional Transportation Plan and General Update Land Use Element serve as foundations for all land use decisions. The Mono County General Plan Land Use Element contains policies and land use designations to guide land use decisions, as well as land development regulations to regulate development activities.

Commercial cannabis activities in AG land use designations are uses permitted subject to a use permit and include nursery; cultivation; processing; manufacturing Type 6, P, and N; distribution; retail; microbusiness (only individual cannabis activities permitted in this designation shall be permitted in a microbusiness and accessory to the main use only), conducted in compliance with requirements of Chapter 13 of the Land Development Regulations and with the permit and operation requirements of Chapter 5.60 of the Mono County Code.

The project is consistent with the General Plan, including the following goals and policies:

Mono County General Plan, Land Use Element

- Policy 1.A.5. Avoid the juxtaposition of incompatible land uses.
- Action 1.A.5.a. The compatibility of adjacent uses (e.g., noise, traffic, type of development) shall be a major factor in determining land use designations for private property.
- Policy 1.G.1. Protect lands currently in agricultural production.

- Action 1.G.1.a. Designate large parcels in agricultural use as “Agriculture,” and streamline re-designations for agricultural purposes by processing a discretionary permit (when applicable) concurrently with the land use designation change.
- GOAL 2. Develop a more diverse and sustainable year-round economy by strengthening select economic sectors and by pursuing business retention, expansion, and attraction in Mono County.
- Policy 2.A.1. Integrate the adopted Economic Development Strategic Plan into General Plan policies.

Planning Area Land Use Policies: Antelope Valley

- Policy 4.A.3. Along the HWY 395 corridor between existing communities, provide for limited development that is compatible with natural constraints and the Valley’s scenic qualities.
- Action 4.A.3.a. Maintain the large-lot residential nature of the HWY 395 corridor.
- Policy 4.B.1. Maintain and enhance scenic resources in the Antelope Valley.
- Action 4.B.1.a. In order to protect and enhance important scenic resources and scenic highway corridors, designate such areas in the Antelope Valley for Open Space, Agriculture, or Resource Management.
- Action 4.B.1.d. Conserve scenic corridors by maintaining and expanding large-lot land uses.
- Policy 4.B.2. Preserve the agricultural lands and natural resource lands in the Antelope Valley.
- Policy 4.B.6. Preserve rural character of lands within the Antelope Valley.
- Action 4.B.6.a. Allow the storage of heavy equipment on parcels greater than five acres in the Antelope Valley for personal on-site use or community benefit.
- Objective 4.D. Maintain and enhance the local economy.
- Policy 4.D.1. Incubate home businesses.

Mono County General Plan, Conservation/Open Space Element

Agriculture, Grazing and Timber

- GOAL 5. Preserve and protect agricultural and grazing lands in order to promote both the economic and open-space values of those lands.
- Policy 5.B.1. Limit land uses within viable agricultural areas to those that are compatible with agricultural uses.
- Action 5.B.1.a. Maintain, in those agricultural land use categories where small parcels may be permitted, the largest land area for agricultural use. Limit the number of clustered lots in any one area to avoid the potential conflicts associated with residential intrusion.
- Policy 5.B.2. The primary use of any parcel within an agricultural land use category shall be agricultural production and related processing, support services and visitor-serving services. Residential uses in these areas shall recognize that the primary use of the land may create agricultural “nuisance” situations such as flies, noise, odors, and spraying of chemicals.
- Action 5.B.2.a. Facilitate agricultural production by permitting limited agricultural support service uses that support local agricultural activities and are not harmful to the long-term agricultural use in the area.

Determination

The project is consistent with the surrounding land uses of the proposed project.

- The land use and planning impacts of the proposed agricultural microbusiness were analyzed in the FEIRs certified in conjunction with the adoption of the Mono County General Plan.
- This parcel is no different than other agricultural parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the land use and planning impacts of the project will be more severe than described in the FEIR.

- There are no cumulative or off-site land use and planning impacts from the proposed project that were not addressed in the prior FEIR.

2) Population and Housing

The General Plan Land Use Element density for parcel APN 002-110-021-000, located in Antelope Valley, is one unit per lot plus an accessory building. The proposed project would not add any new homes. An existing home on site would provide housing for four employees. The existing parking area for employees living on site is ample for their vehicles. Farm labor housing is a permitted use in AG land use designations.

The project is typical of other agricultural activities. Walker River Farms may employ up to ten employees. At build out there will be a maximum of five full time, and five part time employees. The maximum number of employees that Walker River Farms may employ (ten) will not result in substantial population growth in Mono County. Additionally, onsite housing will accommodate nearly all employees for the initial years of operation.

The project is consistent with the General Plan in the following policies and actions:

Mono County General Plan, Land Use Element

- Policy 1.D.4. Require future development projects with the potential for significant housing impacts to provide a fair share of affordable and workforce housing units.
- Action 1.D.4.a. The County shall work with proponents during the specific plan or planning permit processes to ensure compliance.
- Action 1.D.4.b. The County shall monitor the employee housing programs to ensure compliance and adjust employee housing policies when necessary.

While Policy 1.D.4 does not specifically define a “significant housing impact;” past housing policies indicated an increase of more than 10 employees and the suspended Housing Mitigation Ordinance proposes a 10% inclusionary housing rate. The ten employees proposed for long-term employment do not exceed either of these anecdotal standards, and the project also includes farm labor housing consisting of a 900 square foot house located about 200 feet from the project site.

Determination

- The population and housing impacts of the proposed agriculture microbusiness were analyzed in the FEIR certified in conjunction with the adoption of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the population and housing impacts of the project will be more severe than described in the FEIR.
- There are no cumulative or off-site population and housing impacts from the proposed project that were not addressed in the FEIR.

3) Geology and Soils

Mono County has been designated as a Seismic Zone 4, the zone of greatest hazard defined in the Uniform Building Code. Consequently, new construction in the county must comply with stringent engineering and construction requirements (Government Code §8875). There are four buildings proposed for new construction. Building permits will be acquired from the county and will be built to county code. All construction will be related to the proposed microbusiness.

The Mono County General Plan and Land Development Regulations and the Mono County Regional Transportation Plan contain policies and standards concerning geology that have been applied to this project as follows:

Mono County General Plan, Land Use Element

OBJECTIVE 1.H. Prevent the exposure of people and property to unreasonable risks by limiting development on hazardous lands.

Determination

- The geologic impacts of the proposed agricultural microbusiness were analyzed in the FEIRs certified in conjunction with the adoption of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that geologic impacts of the project will be more severe than described in the FEIR.
- There are no cumulative or off-site geologic impacts from the proposed project that were not addressed in the FEIR.

4) Water Resources

The existing utilities on the property have sufficient capacity to serve the proposed use. There is no new utility proposed with this project. The existing well will be used for irrigation water for the cultivation activities.

Alfalfa or other hay crops in Antelope Valley typically require four acre-feet of water per acre or 1,303,405 gallons of water per year. The proposed microbusiness covers one acre of land and proposes to use 365,000 gallons of water per year. Irrigation to the crop will be precise, starting with hand watering and later transitioning to computer automated drip system, and the crop will be indoors so there will be significantly less evaporation than with outdoor alfalfa.

Water usage for agriculture was analyzed in the 2015 EIR and is not peculiar to the project. The groundwater basin is not subject to the State of California Sustainable Groundwater Management Act of 2014 because it is in a low priority basin (<https://water.ca.gov/Programs/Groundwater-Management/Basin-Prioritization>). The State Water Resources Control Board will monitor water usage for this proposed project. Regulations are set forth in the cannabis cultivation policy (Attachment A, Section 2, #99). Cannabis cultivators must maintain daily water use records for five years.

A letter from the LRWQCB states that the site plans comply with requirements of the General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities WQ 2017-0023-DWQ (Attachment D).

CDFA oversees licensee compliance of pesticides and fertilizers through the inspection and enforcement methods contained in the proposed regulations from reports from the County Agricultural Commissioner and other agencies. The Inyo and Mono Counties Agricultural Commissioner's Office conducts inspections roughly every year depending on the products being used (Nathan Reade, Agricultural Commissioner, Personal Comm. 11-29-2018).

The Mono County General Plan and Land Development Regulations and the Mono County Regional Transportation Plan contain policies and standards concerning water resources that have been applied to this project as follows:

Mono County General Plan, Conservation/Open Space Element*Biological Resources*

- Policy 2.A.9. Maintain water quality for fishery habitat by enforcing the policies contained in the Water Quality and Agriculture / Grazing / Timber sections of the Conservation/Open Space Element.

Water Resources and Water Quality

- Goal 4: Protect the quality of surface and groundwater resources to meet existing and future domestic, agricultural, recreational, and natural resource needs in Mono County.
- Policy 4.A.4. Establish buffer zones where recharge occurs, including adjacent to surface waters, wetlands and riparian areas.
- Policy 4.B.5. Use of fertilizer, pesticide, and other chemicals on vegetation or soil in recharge zones should be minimized.
- Action 4.B.5.a. Work with the County Agricultural Commissioner and the Natural Resources Conservation Service to institute controls to protect water quality.
- Action 4.B.5.b. Work with the county Agricultural Commissioner and the Natural Resources Conservation Service to promote effective and minimal use of chemicals in landscaping and agriculture.
- General Plan 04.120.F.b. Any proposed structure, including associated impervious surfaces, shall be located a minimum of 30 feet from the top of the bank.

Determination

- The water resources impact of the proposed agricultural microbusiness was analyzed in the FEIR certified in conjunction with the adoption of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the impacts of the project on water resources will be more severe than described in the FEIR.
- There are no cumulative or off-site water resources impacts from the proposed project that were not addressed in the FEIR.

5) Air Quality

Proposed project operations will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. All plants will be cultivated and processed indoors in four buildings. Initially electrical power will be provided by Liberty Utility from the power grid off Larson lane. However, the Topaz electrical substation’s limited capacity may require the use of a generator to support operations.

As discussed in the General Plan EIR, Cal Recycle has conducted studies to identify odor sources associated with composting and has found that organic materials (used in composting) inherently generate a wide range and variety of odors resulting from the volatility of chemical compounds (whereby the compound is converted to a gas and enters the atmosphere). The character and strength of odors are highly subjective; sensitivity to an odor is greatly influenced by personal experience, gender, psychology and social factors.

The cannabis odorous compounds are a family of terpenoids. The exact odor causing compounds vary by strain/species of the plant. Typically, moderate cannabis odors start to appear between week 4 to 6 and strong odors appear during weeks 7 to 9. The intensity of the odor to the receptor varies by the quantity of odors released, local wind speed and direction, atmospheric stability or inversion height, area topography and receptor’s distance from the odor source,

Most rural counties in California have analyzed odor on a project-specific basis. Santa Barbara County provides one of the few standardized models for buffers on cannabis cultivation, in which the General Environmental Impact Report for all potential cannabis projects was conducted. The report separates buffer requirements for cultivation projects based on location: the more rural areas that have larger lots (and therefore can support larger grows) are required to have a 1,500-foot buffer, while areas with smaller lots (and smaller grows) are subject to a 600-foot buffer. The 1,500-foot buffer was the largest required cannabis buffer in California at the time of its adoption in June 2018.

Each project has a unique set of conditions. At this proposed facility the distance to the closest residence is about 2,300 feet. This distance provides a strong level of confidence that no significant impacts related to odors will occur at the nearest receptors.

The Mono County General Plan allows composting activities in the AG LUD to be limited to a maximum of 100 cubic yards of composted materials and subject to a requirement that it does not create a nuisance.

If odor is identified as a nuisance during the annual renewal process, odor abatement systems could be installed in the buildings. Abatement methods could vary from nonaqueous odor control systems to fan misters and carbon filters.

Using the most restrictive buffer requirements seen in other California Counties and making conservative estimates based on anecdotal evidence puts the grow area at a buffer distance that should reasonably reduce the impacts of odors to less than significant. The Mono County General Plan and Land Development Regulations and the Mono County Regional Transportation Plan contain policies and standards concerning air quality that have been applied to this project such as the following:

Mono County General Plan, Conservation/Open Space Element

Public Health and Safety & Air Quality

- Policy 23.A.8. Encourage agricultural practices that reduce the amount of dust generated from tilling.
- Action 23.A.8.a. Work with local resource conservation districts, the US Natural Resources Conservation Service, agricultural officials, and the GBUAPCD to assist landowners in adjusting agricultural practices to reduce dust generation.

Determination

- The air quality impacts of the proposed agricultural microbusiness were analyzed in the FEIR certified in conjunction with the adoption of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the impacts of the project on air quality will be more severe than described in the FEIR.
- There are no cumulative or off-site impacts on air quality from the proposed project that were not addressed in the FEIR.

6) Transportation and Circulation

Trips to and from the project site generated by the proposed project will not substantially increase vehicle trips or cause traffic congestion. At full build out a maximum of ten employees are expected to work on site. Up to four employees may live on site in employee housing on site and six employees may commute to the site. Material pick up and delivery vans may access the project area four days per week or approximately 25 trips per month (combining inbound and outbound trips) by delivery/pickup vans carrying supplies related to the project.

Delivery vans and employees will access the site via Hwy 395 to Larson Lane which may cause an increase in traffic but will not impact the existing traffic load and capacity. Highway 395 is a designated interstate truck route and experiences heavy traffic. These additional trips would not exceed the capacity of Hwy 395 or Larson Lane.

The project will neither create barriers for pedestrians or bicyclists, nor will it conflict with policies supporting alternative transportation. The project will also not have any rail, waterborne, or air traffic impacts.

Determination

- The traffic and circulation impact of the proposed agricultural microbusiness were analyzed in the FEIR certified in conjunction with the adoption of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the traffic and circulation impacts of the project will be more severe than described in the FEIR.
- There are no cumulative or off-site traffic and circulation impacts from the proposed project that were not addressed in the FEIR.

7) Biological Resources

The project area has been historically disturbed and is currently used as a horse pasture by the landlord. The site is above area delineated as flood plain by Federal Emergency Management Agency (see FEMA map in Attachment A). No wetlands exist within the footprint of the project site. Additionally, the area is not mapped as wetland or floodplain by the U.S. Fish and Wildlife wetland/floodplain mapping database (see NWI map in Attachment A).

The site does not provide unique habitat for sensitive wildlife or plant species. Due to sustained horse use, annual weedy species dominate the project area. Highline ditch flows north approximately 64 ft from the project area and is contained by manmade berms. No federally listed species are likely to occur because there is no habitat for sage grouse, fish or frogs, and no critical habitat is mapped in the project site.

Mono County General Plan, Land Use Element*Planning Area Land Use Policies: Antelope Valley*

- Action 4.A.1.c. Limit the type and intensity of development in flood plain areas.
- Action 4.A.1.d. Prior to accepting a development application in potential wetland areas, require that the applicant obtain necessary permits from the US Army Corps of Engineers.

Mono County General Plan, Conservation/Open Space Element*Biological Resources*

- Policy 2.A.9. Maintain water quality for fishery habitat by enforcing the policies contained in the Water Quality and Agriculture / Grazing/ Timber sections of the Conservation/Open Space Element.

Determination

- The biological resources impact of the proposed density of development were analyzed in the FEIR certified in conjunction with the adoption of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the biological impacts of the project will be more severe than described in the FEIR.
- There are no cumulative or off-site biological impacts from the proposed project that were not addressed in the FEIR.

8) Energy and Mineral Resources

The project proposes that two power poles be installed extending off the existing power line that terminates near the landlord's residence. Power line extension would be coordinated with Liberty Utilities. The project is estimated to draw and average 250 Kw load with a max load of 625Kw. In addition to the proposed power line extension an

emergency generator will be located on site in the case of a grid power outage. Energy consumption is described in Attachment E.

Determination

- The energy and mineral resource impacts of the proposed agricultural microbusiness were analyzed in the FEIR certified in conjunction with the adoption of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the energy and mineral resource impacts of the project will be more severe than described in the FEIR.
- There are no cumulative or off-site energy and mineral resource impacts from the proposed project that were not addressed in the FEIR.

9) Hazards

Standard chemicals (pesticides, fertilizers, fuels, and lubricants used for agricultural activities) would be stored according to CDFA and any Mono County regulations. Fuel and lubricants would be stored in American Society for Testing Materials (ASTM) rated containers. All pesticides and fertilizers would be stored in their original containers in dedicated storage areas in each building in cool and dry place off the floor and on impermeable surfaces. CDFA oversees licensee compliance of pesticides and fertilizers through the inspection and enforcement methods contained in the proposed regulations from reports from the County Agricultural Commissioner and other agencies. The Inyo and Mono Counties Agricultural Commissioner's Office conducts inspections roughly every year depending on the products being used (Nathan Reade, Agricultural Commissioner, Personal Comm. 11-29-2018).

The nearest schools are Antelope Valley Elementary School and Coleville High School which are approximately 2.00 miles due northwest in Coleville, CA.

The proposed project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Determination

- The hazards impact of the proposed agricultural microbusiness was analyzed in the FEIR certified in conjunction with the adoption of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the hazards impact of the project will be more severe than described in the FEIR.
- There are no cumulative or off-site hazards impacts from the proposed project that were not addressed in the FEIR.

10) Noise

Construction and/or microbusiness activities may involve the temporary use of farming and construction equipment (e.g., tractors, backhoe, caterpillars) that may emit noise at levels greater than 60 decibels. These activities are typical for agricultural lands and the closest receptor is 2.200 feet away (residence that is not the landlord or the landlord's family). No significant long-term noise impacts are anticipated from the agricultural uses. In the event of electrical utility failure or other inability of the utility provider to supply needed power, an engine powered generator will be utilized. Noise levels will not exceed Mono County General Plan Amendment 18-01

regrading alternative power sources for cannabis production. The project will follow all requirements of the County's Noise Ordinance (Mono County Code, Chapter 10.16).

The project is consistent with the surrounding residential land uses of the proposed project, and consistent with the General Plan, including the following goals and policies:

Mono County General Plan, Conservation/Open Space Element

Agriculture, Grazing and Timber

- Policy 5.B.2. The primary use of any parcel within an agricultural land use category shall be agricultural production and related processing, support services and visitor-serving services. Residential uses in these areas shall recognize that the primary use of the land may create agricultural "nuisance" situations such as flies, noise, odors, and spraying of chemicals.

Determination

- The noise impacts of the proposed agricultural microbusiness were analyzed in the FEIR certified in conjunction with the adoption of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that noise impacts of the project will be more severe than described in the FEIR.
- There are no cumulative or off-site noise impacts from the proposed project that were not addressed in the FEIR.
- Noise impacts from the proposed project that were not addressed in the FEIR.

11) Public Services

The project is located within the Antelope Valley Fire District and will be required to comply with FPD regulations and the County's Fire Safe Regulations (Mono County Land Development Regulations, Chapter 22). As a part of these requirements, the permittee shall prepare, submit, and implement a Fire Prevention Plan for construction and ongoing operations and obtain a Will-Serve letter from the local fire protection district. The Fire Prevention Plan shall include, but not be limited to: emergency vehicle access and turnaround at the facility site(s), vegetation management and firebreak maintenance around all structures.

Police protection is provided by the Mono County Sheriff's Department.

Determination

- The public service impacts of the proposed agricultural microbusiness were analyzed in the FEIR certified in conjunction with the adoption of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the public service impacts of the project will be more severe than described in the FEIR.
- There are no cumulative or off-site public service impacts from the proposed project that were not addressed in the FEIR.

12) Utilities and Service Systems

The proposed project will be served by two new power poles proposed to extend from the existing powerline currently terminating near the landlord's residence. Electricity, telephone, water, and waste disposal. Mono County

landfill facilities are not expected to be impacted by the proposed project. Water service is provided by an existing well. Demand on the other utilities is not expected to increase appreciably above and beyond existing uses.

Determination

- The utilities and service systems impact of the proposed agricultural microbusiness were analyzed in the FEIR certified in conjunction with the adoption of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the utilities and service systems impacts of the project will be more severe than described in the FEIR.
- There are no cumulative or off-site utilities and service systems impacts from the proposed project that were not addressed in the FEIR.

13) Aesthetics

The project site is not located adjacent to a county or state scenic highway. It is in a predominantly agricultural area; the development of crops will not substantially degrade the visual quality of the surrounding area. The two new power poles will comply with Mono County General Plan (Chapter 11) and will have minimal impacts on aesthetic value. Minimal outdoor lighting is planned. Lights provided around entries to buildings for safety. Lighting will be focused downward, and motion triggered to insure minimal light pollution. No interior lighting will be visible from outside the building. All lighting will comply with the Mono County General Plan regulations for Dark Sky (Chapter 23). All buildings will be painted close to the surrounding earth tones in coordination with Mono County, so the building does not attract attention. The existing barbwire fence and gates surrounding APN 002-110-021-000 will be maintained. The proposed agricultural activities are compatible with the character of the lands in Antelope Valley and with the agricultural character that Antelope Valley policies intend to preserve.

The Mono County General Plan and Land Development Regulations contain policies and standards concerning visual resources/aesthetics that have been applied to this project such as the following:

Mono County General Plan Conservation/Open Space Element

Visual Resources

- Policy 20.A.3. Preserve the visual identity of areas outside communities.
- Policy 20.C.2. Future development shall be sited and designed to be in scale and compatible with the surrounding community and/or natural environment.

Planning Area Land Use Policies: Antelope Valley

- Policy 4.B.1. Maintain and enhance scenic resources in the Antelope Valley.
- Policy 4.B.2. Preserve the agricultural lands and natural resource lands in the Antelope Valley.
- Policy 4.B.6. Preserve rural character of lands within the Antelope Valley.

Determination

- The aesthetic impacts of the proposed agricultural microbusiness were analyzed in the FEIR certified in conjunction with the adoption of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the aesthetic impacts of the project will be more severe than described in the FEIR.
- There are no cumulative or off-site aesthetic impacts from the proposed project that were not addressed in the FEIR.

14) Cultural Resources

The project area lies within a previously disturbed area and is currently used as horse pasture.

A record search covering a 0.5-mile radius surrounding the project area was requested of the Eastern Information Center (EIC). No archaeological sites near the project area have been determined to be eligible to The California Register of Historical Resources or the National Register of Historic Places. None are listed on the California Inventory of Historic Resources. A copy of correspondence from the California Historical Resources Information System is included as Attachment F.

California Health and Safety Code 7050.5 states in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the County inspects the site. Furthermore, California Public Resources code states upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed. The conditions of approval for the use permit reflect these work stoppage requirements. No disturbance of an archaeological site is permitted until the applicant hires a qualified consultant and an appropriate report that identifies acceptable site mitigation measures is filed with the county Planning Division.

Determination

- The cultural resource impacts of the proposed agricultural microbusiness were analyzed in the FEIR certified in conjunction with the adoption of the Mono County General Plan, and because the property was in agricultural production for many years no known archeological sites exist on the property.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the impacts of the project on cultural resources will be more severe than described in the FEIR.
- There are no cumulative or off-site impacts from the proposed project on cultural resources that were not addressed in the FEIR.

15) Recreation

The project will not affect existing recreational opportunities since it is in an existing private agricultural area and most of the recreational opportunities in Mono County occur on public lands.

Determination

- The recreation impacts of the proposed agricultural microbusiness were analyzed in the FEIR certified in conjunction with the adoption of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the impacts of the project on recreation will be more severe than described in the FEIR.
- There are no cumulative or off-site impacts from the proposed project on recreation that were not addressed in the prior EIR.

16) Green House Gases

Mono County conducted a baseline GHG emission inventory, GHG emission forecast and reduction targets and policies and programs to achieve reduction targets. The inventory includes analysis of County government activities and emissions associated with energy use (residential and nonresidential), transportation, off road equipment, solid waste generation, water and waste water transportation, residential/non-residential agriculture and landfills (Mono County Resource Efficiency Plan, 2014). The GHG inventory provided Mono County the information to assess the effectiveness of recommended policies and programs to reduce GHG and consumption of resources. The document details that the 2010 levels for known systematic agriculture emissions, provided by 99% livestock gestation and 1% fertilizer application, were 21,920 MT Co₂ e/year, and are projected to remain stable to 2020 through 2035. Agriculture operation's emissions comprise 16% of total baseline emissions in Mono County, making agriculture the fourth largest producer of GHG. While a large contributor of GHG, agriculture projections remain stable, and the promotion of optimal agriculture practices for fertilizer application will subtract 20 MTCO₂e from total emissions, or 12,440 pounds of fertilizer.

The Mono County Sustainable Agricultural Strategy (2018) references Mono County's Resource Efficiency Plan as a baseline of emissions within the community and government operations. Based on the greenhouse gas emission inventory and analysis of threats, the strategy includes toolbox to provide initiatives, programs, and policies that support a sustainable agricultural industry in Mono County. Commercial cannabis activity is one of the market expansion and diversification tools. Cannabis is a high-value crop that can be grown on a smaller land base in comparison to traditional crops, which would result in lower green house gas emissions.

Because an indoor grow facility is relatively energy intensive, a comparison between a cannabis indoor facility and a vertical farm facility was completed and is provided in Attachment E. A five-level 8,680 ft² cannabis operation is comparable to a traditional vegetable vertical farming operation with the same amount of levels and area. Indoor cannabis cultivation is estimated to draw 2,187 megawatt-hours (MWh) annually as compared to traditional vertical farming at 2,810 MWhs annually. MWhs are used to ascertain energy draw for ventilation, lighting and miscellaneous use. Both operations also require supplemental heat which equates to the same amount at 8,815 gallons of Liquefied Petroleum Gas (gLPGs). In summary, the proposed cannabis cultivation would draw less power than a vertical vegetable farm. For further clarification see Attachment E.

Determination

- The green house gas impacts of the proposed agricultural microbusiness were analyzed in the FEIR certified in conjunction with the adoption of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the impacts of the project on green house gases will be more severe than described in the FEIR.
- There are no cumulative or off-site impacts to green house gases from the proposed project that were not addressed in the FEIR.

VIII. DETERMINATION

Based on this initial evaluation:

I find that the proposed infill project WOULD NOT have any significant effects on the environment that have not already been analyzed. Pursuant to Public Resources Code §21083.3 and CEQA Guidelines §15183, projects that are consistent with the development density of existing zoning, community plan or general plan policies for which an EIR was certified shall be exempt from additional CEQA analysis except as may be necessary to determine whether there are project-specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review.

A Notice of Determination (§15094) will be filed:

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project and/or revisions in the project have been made by or agreed to by the project proponent.

A Negative Declaration will be prepared:

I find the proposed project MAY have a significant effect on the environment.

Environmental Impact Report is required:

I find that the proposed project MAY have a significant effect(s) on the environmental, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated."

An Environmental Impact Report is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, and uniformly applied development standards are required.

Signature

Date

Printed Name

IX. REFERENCES

Mono County Code.

Mono County General Plan. 2015.

<https://monocounty.ca.gov/planning/page/general-plan>

Mono County General Plan Environmental Impact Report. 2015.

<https://monocounty.ca.gov/planning/page/general-plan-eir>

Mono County Resource Efficiency Plan, 2014.

Mono County Sustainable Agricultural Strategy, 2018.

Attachment A

Project Maps

Attachment B

Integrated Pest Management Plan

Attachment C

Waste Management Plan

Attachment D

Lahontan Regional Water Quality Control Board Letter

Attachment E

Energy Consumption Comparison

Attachment F

Cultural Resource Information



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

Departments: Information Technology, Finance

TIME REQUIRED 15 minutes (10 minute presentation; 5 minute discussion) **PERSONS APPEARING BEFORE THE BOARD** Nate Greenberg, Janet Dutcher

SUBJECT Emergency Management Program Grant (EMPG) update and request for budget amendment

AGENDA DESCRIPTION:

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

Beginning Fiscal Year 2018 – 2019, the County Administrative Office and Information Technology (IT) Department assumed management and utilization of the Emergency Management Program Grant (EMPG). Staff will provide a status update of the grant program and request a budget adjustment of \$127,787 to include the approved grant expenditures and funding in the County's Fiscal Year 2018-2019 General Fund budget.

RECOMMENDED ACTION:

Receive update from staff. Approve increase in Radio budget unit 100-17-151 appropriations and grant revenues of \$127,787 for Fiscal Year 2018-2019. Provide any direction to staff. Requires a 4/5th vote of the Board.

FISCAL IMPACT:

Net \$0 fiscal impact to the General Fund budget. The increase of \$127,000 in expenditures is fully offset with unanticipated grant revenues. The grant requires a dollar-for-dollar match of \$127,787, which is already budgeted for in the Information Technology and Radio Department budgets of the General Fund. Any amounts not spent by the end of the fiscal year carry over into the next fiscal year and are included in the Recommended Budget for fiscal year 2019-2020.

CONTACT NAME: Nate Greenberg

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

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History

Time	Who	Approval
6/20/2019 5:30 PM	County Administrative Office	Yes
6/18/2019 4:11 PM	County Counsel	Yes
6/19/2019 10:03 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

Nate Greenberg
Information Technology Director

July 2, 2019

To Honorable Board of Supervisors
From Nate Greenberg, Information Technology Director
Subject Emergency Management Program Grant update & budget amendment

Recommendation

Approve increase in Radio budget unit 100-17-151 appropriations and grant revenues of \$127,787 for fiscal year 2018-2019.

Discussion

Beginning Fiscal Year 2018 – 2019, the County Administrative Office and Information Technology (IT) Department assumed management and utilization of the Emergency Management Program Grant (EMPG). The intended use of the grant for FY 2018 – 2019 was to replace portable radios used by first responders within the County in order to begin an incremental and programmatic upgrade of the aging fleet of devices. After grant officials within the California Governor’s Office of Emergency Services (CalOES) declined the use of EMPG funds for this effort, IT began working with the Sheriff’s Office to develop plans for a portable Emergency Operations Center (EOC). This project was submitted as a grant amendment to CalOES and accepted on June 7, 2019.

This item is intended to provide an update to the Board of Supervisors on the use of the EMPG grant and the portable EOC project as well as authorize a budget amendment necessary to address the cash flow needs for grant accounting. The EMPG budget was omitted from the adopted FY 2018-2019 budget and the mid-year amendment request since proposed grant expenditures were not approved by CalOES until recently.

Fiscal Impact

The requested budget adjustment has a net \$0 fiscal impact to the General Fund budget. The increase of \$127,787 in expenditures is fully offset with unanticipated grant revenues. The grant requires a dollar-for-dollar match of \$127,787, which is already budgeted for in the Information Technology and Radio Department budgets of the General Fund. Any amounts not spent by the end of the fiscal year carry over into the next fiscal year and are included in the Recommended Budget for fiscal year 2019-2020.

Strategic Plan Alignment

Mono County Strategic Priorities

- 1. Improve Public Safety & Health
- 2. Enhance Quality of Life for County Residents
- 3. Fiscally Health County & Regional Economy
- 4. Improve County Operations
- ✘ 5. Support the County Workforce

IT Strategic Initiatives

- ✘ 1. Customer Success
- 2. Infrastructure & Security
- 3. Communications
- ✘ 4. Engaged & Empowered Users
- ✘ 5. Usability & Access
- ✘ 6. Data Quality & Availability



June 7, 2019

David Wilbrecht
County Administrative Officer
Mono County
P.O. Box 696
Bridgeport, CA 93517-0696

Subject: **Notification of Modification Approval**
FY 2018 Emergency Management Performance Grant
Grant #2018-0008, Cal OES #051-00000, Modification #1

Dear Wilbrecht:

The California Governor's Office of Emergency Services (Cal OES) has approved modification #1, to include the revised scope of work as identified in your revision request. A copy of your approved modification is enclosed for your records.

Any activities requiring an Environment Planning and Historic Preservation (EHP) review and approval are prohibited from expending grant funds on those activities until an EHP clearance has been obtained. Failure to adhere to this requirement will result in the deobligation of grant funds.

Quarterly reports must be prepared and submitted to Cal OES for the duration of the grant period or until all activities are completed and the grant is formally closed. Failure to submit quarterly reports could result in grant reduction, termination or suspension.

If you have any questions regarding this letter, please contact your Program Specialist.

Cal OES GRANTS PROCESSING

Enclosures

cc: Program Specialist
Subrecipient File



3650 SCHRIEVER AVENUE • MATHER, CA 95655
TELEPHONE (916) 845-8510
www.CalOES.ca.gov



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

Departments: Finance; County Counsel

TIME REQUIRED 15 minutes

PERSONS APPEARING BEFORE THE BOARD Janet Dutcher

SUBJECT Proposed Ordinance Amending
Mono County Code Chapter 3.30,
Cannabis Business Tax

AGENDA DESCRIPTION:

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

Proposed ordinance amending Mono County Code Chapter 3.30, Cannabis Business Tax, to provide for a once-annual payment (4th quarter – due January 31st each year) for cultivators. There is no change to the amount of the tax, which was approved by the Voters.

RECOMMENDED ACTION:

Introduce, read title, and waive further reading of proposed ordinance. Provide any desired direction to staff.

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: 932-5494 / jdutcher@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Ordinance

History

Time	Who	Approval
6/21/2019 2:37 PM	County Administrative Office	Yes
6/27/2019 3:46 PM	County Counsel	Yes

6/26/2019 1:10 PM

Finance

Yes

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 Lucas

To: Board of Supervisors

From: County Counsel

Date: July 2, 2019

Re: Proposed Ordinance amending Mono County Code Chapter 3.30 (Cannabis Business Tax) to provide for once-annual payment for cultivation tax

Recommended Action

Introduce, read title, and waive further reading of proposed ordinance No. ORD19- An Ordinance of the Mono County Board of Supervisors Amending Chapter 3.30 of the Mono County Code (Cannabis Business Tax) to Provide for a Once-Annual Payment for Cultivation Tax. Provide any desired direction to staff.

Fiscal Impact

Switching from quarterly tax filings to annually likely complicates the square footage calculation, risks miscalculations in the amount of tax, and increases the cost of tax administration. Deferring payment may increase collectability offset by an increase in the cost of tax administration by adding an additional tax collection process.

Discussion

March 9, 2018, the Mono County Board of Supervisors adopted Ordinance No. 18-02 adding Chapter 3.30 (Cannabis Business Tax) to Title 3 of the Mono County Code subject to voter approval and enactment. The Voters approved Measure D and Ordinance No. 18-02 became effective on July 1, 2018.

May 14, 2019, following input from staff and the community, your Board directed staff to amend Chapter 3.30 to provide for a once-annual payment (4th quarter – due January 31st each year) for cultivators. Cultivators will still be required to file quarterly statements with the Tax Administrator, but payment of

the taxes will be deferred until the filing of the tax return for the quarter ended December 31 and due January 31.

If you have any questions on this matter prior to your meeting, please call me at 924-1706.



ORDINANCE NO. 19-_____

**AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS
AMENDING CHAPTER 3.30 OF THE MONO COUNTY CODE
(CANNABIS BUSINESS TAX) TO PROVIDE FOR A
ONCE-ANNUAL PAYMENT FOR CULTIVATION TAX**

WHEREAS, on March 9, 2018, the Mono County Board of Supervisors adopted Ordinance No. 18-02 adding Chapter 3.30 (Cannabis Business Tax) to Title 3 of the Mono County Code subject to voter approval and enactment pursuant to Elections Code section 9104 and Article XIIC of the California Constitution; and

WHEREAS, Voters approved Measure D and Ordinance No. 18-02 became effective on July 1, 2018; and

WHEREAS, on May 14, 2019, the Board directed staff to amend Chapter 3.30 to provide for a once-annual payment (4th quarter – due January 31st each year) for cultivators; and

WHEREAS, no change is made to the tax amount, which was approved by the Voters.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO FINDS AND ORDAINS THAT:

SECTION ONE: Chapter 3.30 of the Mono County Code is amended to read as follows:

**CHAPTER 3.30
CANNABIS BUSINESS TAX**

Sections:

- 3.30.010 Title.
- 3.30.020 Authority and Purpose.
- 3.30.030 Intent.
- 3.30.040 Definitions.
- 3.30.050 Tax imposed.
- 3.30.060 Reporting and remittance of tax.
- 3.30.070 Payments and communications –timely remittance.
- 3.30.080 Payment – when taxes deemed delinquent.
- 3.30.090 Notice not required by County.
- 3.30.100 Penalties and interest.

- 3.30.110 Refunds and credits.
- 3.30.120 Refunds and procedures.
- 3.30.130 Personal cultivation not taxed.
- 3.30.140 Administration of the tax.
- 3.30.150 Appeal procedure.
- 3.30.160 Enforcement –action to collect.
- 3.30.170 Apportionment.
- 3.30.180 Constitutionality and legality.
- 3.30.190 Audit and examination of premises and records.
- 3.30.200 Other licenses, permits, taxes or charges.
- 3.30.210 Payment of tax does not authorize unlawful business.
- 3.30.220 Deficiency determinations.
- 3.30.230 Failure to report – nonpayment, fraud.
- 3.30.240 Tax assessment –notice requirements.
- 3.30.250 Tax assessment – hearing, application, and determination.
- 3.30.260 Relief from taxes-disaster relief.
- 3.30.270 Conviction for violation – taxes not waived.
- 3.30.280 Violation deemed misdemeanor.
- 3.30.290 Severability.
- 3.30.300 Remedies cumulative.
- 3.30.310 Amendment or repeal.

3.30.010 Title.

This ordinance shall be known as the Cannabis Business Tax Ordinance.

3.30.020 Authority and Purpose.

The purpose of this Ordinance is to adopt a tax, for revenue purposes, pursuant to Sections 37101 and 37100.5 of the California Government Code, upon Cannabis Businesses that engage in business in the County. The Cannabis Business Tax is levied based upon business gross receipts and square footage of plant canopy. It is not a sales and use tax, a tax upon income, or a tax upon real property.

The Cannabis Business Tax is a general tax enacted solely for general governmental purposes of the County and not for specific purposes. All of the proceeds from the tax imposed by this Chapter shall be placed in the County's general fund and be available for any legal County purpose.

3.30.030 Intent.

The intent of this Ordinance is to levy a tax on all Cannabis Businesses that operate in the County, regardless of whether such business would have been legal at the time this Ordinance was adopted. Nothing in this Ordinance shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

3.30.040 Definitions.

The following words and phrases shall have the meanings set forth below when used in this Chapter:

A. “Business” shall include all activities engaged in or caused to be engaged in within the unincorporated area of the County, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.

B. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means marijuana as defined by Section 11018 of the California Health and Safety Code and is not limited to medical cannabis.

C. “Cannabis product” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. “Cannabis product” also means marijuana products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medical cannabis products.

D. “Canopy” means all areas occupied by any portion of a cannabis plant whether contiguous or noncontiguous on any one site. When plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants) each plane shall be counted as a separate canopy area.

E. “Cannabis business” means any business activity involving cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing and wholesaling of cannabis, of cannabis products or of ancillary products and accessories, whether or not carried on for gain or profit.

F. “Cannabis business tax” or “business tax,” means the tax due pursuant to this Chapter for engaging in cannabis business in the unincorporated area of the County.

G. “Commercial cannabis cultivation” means cultivation in the course of conducting a cannabis business.

H. “County permit” means a permit issued by the County to a person to authorize that person to operate or engage in a cannabis business.

I. “Cultivation” means any activity involving the planting, growing, harvesting,

drying, curing, grading, or trimming of cannabis and includes, but is not limited to, the operation of a nursery.

J. “Employee” means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.

K. “Engaged in business as a cannabis business” means the commencing, conducting, operating, managing or carrying on of a cannabis business, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the unincorporated area of the County or coming into the unincorporated area of the County from an outside location to engage in such activities. A person shall be deemed engaged in business within the unincorporated area of the County if:

1. Such person or person’s employee maintains a fixed place of business within the unincorporated area of the County for the benefit or partial benefit of such person;
2. Such person or person’s employee owns or leases real property within the unincorporated area of the County for business purposes;
3. Such person or person’s employee regularly maintains a stock of tangible personal property in the unincorporated area of the County for sale in the ordinary course of business;
4. Such person or person’s employee regularly conducts solicitation of business within the unincorporated area of the County; or
5. Such person or person’s employee performs work or renders services in the unincorporated area of the County.

The foregoing specified activities shall not be a limitation on the meaning of “engaged in business.”

L. “Evidence of doing business” means evidence such as, without limitation, use of signs, circulars, cards or any other advertising media, including the use of internet or telephone solicitation, or representation to a government agency or to the public that such person is engaged in a cannabis business in the unincorporated area of the County.

M. “Fiscal year” means July 1 through June 30 of the following calendar year.

N. “Gross Receipts,” except as otherwise specifically provided, means, whether designated a sales price, royalty, rent, commission, dividend, or other designation, the total amount (including all receipts, cash, credits and property of any kind or nature) received or payable for sales of goods, wares or merchandise or for the performance of any act or service of

any nature for which a charge is made or credit allowed (whether such service, act or employment is done as part of or in connection with the sale of goods, wares, merchandise or not), without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, losses or any other expense whatsoever. However, the following shall be excluded from Gross Receipts:

1. Cash discounts where allowed and taken on sales;
2. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
3. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;
4. Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer's business;
5. Cash value of sales, trades or transactions between departments or units of the same business;
6. Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected they shall be included in the amount of gross receipts for the period when they are recovered;
7. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar;
8. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the finance department with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.

O. "Lighting" means a source of light that is primarily used for promoting the biological process of plant growth. Lighting does not include sources of light that primarily exist for the safety or convenience of staff or visitors to the facility, such as emergency lighting, walkway lighting, or light admitted via small skylights, windows or ventilation openings.

P. "Nursery" means a facility or part of a facility that is used only for producing clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

Q. “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

R. “Sale” means and includes any sale, exchange, or barter.

S. “State” means the State of California.

T. “State license,” “license,” or “registration” means a state license issued pursuant to California Business & Professions Code Sections 19300, *et seq.* or other applicable state law.

U. “Tax Administrator” means the Finance Director of the County of Mono or his or her designee.

V. “Testing Laboratory” means a cannabis business that (i) offers or performs tests of cannabis or cannabis products, (ii) offers no service other than such tests, (iii) sells no products, excepting only testing supplies and materials, (iv) is accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state and (v) is registered with the State Department of Public Health.

3.30.050 Tax imposed.

A. Beginning July 1, 2018, there is imposed upon each person who is engaged in business as a cannabis business a cannabis business tax regardless if the business has been issued a permit to operate lawfully in the unincorporated area of the County or is operating unlawfully.

B. The initial rate of the cannabis business tax shall be as follows:

1. For every person who is engaged in commercial cannabis cultivation in the unincorporated area of the County:
 - a. Two dollars (\$2.00) annually per square foot of canopy space in a facility that uses exclusively artificial lighting.
 - b. One dollar and fifty cents (\$1.50) annually per square foot of canopy space in a facility that uses a combination of natural and supplemental artificial lighting.
 - c. Fifty cents (\$.50) annually per square foot of canopy space in a facility that uses no artificial lighting.
 - d. Fifty cents (\$.50) annually per square foot of canopy space for any nursery.

For purposes of this subdivision (B), the square feet of canopy space for a business shall be rebuttably presumed to be the maximum square footage of canopy allowed by the business's County permit for commercial cannabis cultivation, or, in the absence of a County permit, the square footage shall be the maximum square footage of canopy for commercial cannabis cultivation allowed by the state license type. Should a County permit be issued to a business which cultivates only for certain months of the year, the County shall prorate the tax as to sufficiently reflect the period in which cultivation is occurring at the business. In no case shall canopy square footage which is authorized by the County commercial cannabis permit but not utilized for cultivation be deducted for the purpose of determining the tax for cultivation, unless the Tax Administrator is informed in writing and authorizes such reduction for the purpose of relief from the tax prior to the period for which the space will not be used, that such space will not be used.

2. For every person who engages in the operation of a testing laboratory: one percent (1%) of gross receipts.
 3. For every person who engages in the retail sales of cannabis as a retailer (dispensary) or non-store front retailer (delivery) or microbusiness (retail sales): Four percent (4%) of gross receipts.
 4. For every person who engages in a cannabis distribution business: two percent (2%) of gross receipts.
 5. For every person who engages in a cannabis manufacturing, processing, or microbusiness (non-retail), or any other type of cannabis business not described in Section (B) (1), (2), (3) or (4): Two and half percent (2.5%) of gross receipts.
- C. The County Board of Supervisors may, by resolution or ordinance, adjust the rate of the cannabis business tax. However, in no event may the County Board of Supervisors set any adjusted rate that exceeds the maximum rate calculated pursuant to Subdivision (D) of this Section for the date on which the adjusted rate will commence.
- D. The maximum rate shall be calculated as follows:
1. For every person who is engaged in commercial cannabis cultivation in the unincorporated area of the County:
 - a. Through June 30, 2021, the maximum rate shall be:
 - i. Three dollars (\$3.00) annually per square foot of canopy space in a facility that uses exclusively artificial lighting.
 - ii. Two dollars and fifty cents (\$2.50) annually per square foot of canopy space in a facility that uses a combination of natural and

supplemental artificial lighting.

- iii. One dollar and fifty cents (\$1.50) annually per square foot of canopy space in a facility that uses no artificial lighting.
 - iv. One dollar (\$1.00) annually per square foot of canopy space for any nursery.
- b. On July 1, 2021 and on each July 1 thereafter, the maximum annual tax rate per square foot of each type of canopy space shall increase by the percentage change between January of the calendar year prior to such increase and January of the calendar year of the increase in the Consumer Price Index (“CPI”) for all urban consumers in the Western Region as published by the United States Government Bureau of Labor Statistics. However, no CPI adjustment resulting in a decrease of any tax imposed by this subsection shall be made nor shall the total amount of the tax exceed the maximum rates set forth in this Subsection (D).
2. For every person who engages in the operation of a testing laboratory, the maximum tax rate shall not exceed two and a half percent (2.5%) of gross receipts.
 3. For every person who engages in the retail sales of cannabis as a retailer (dispensary) or non-store front retailer (delivery business), or microbusiness (retail sales activity) the maximum tax rate shall not exceed eight percent (8%) of gross receipts.
 4. For every person who engages in a cannabis distribution business, the maximum tax rate shall not exceed four percent (4%) of gross receipts.
 5. For every person who engages in a cannabis manufacturing, processing, or microbusiness (non-retail activity) or any other type of cannabis business not described in Section (D) (1), (2), (3) or (4), the maximum tax rate shall not exceed four percent (4%) of gross receipts.

3.30.060 Reporting and remittance of tax.

A. The cannabis business tax imposed by this Chapter shall be paid, in arrears, on a quarterly basis, except in the case of commercial cannabis cultivation, which taxes shall likewise be calculated and reported on a quarterly basis, but paid on an annual basis, due January 31st of each year. For commercial cannabis cultivation, the tax due for each calendar quarter shall be based on the square footage of the business’s canopy space during the quarter and the rate shall be 25% of the applicable annual rate. For all other cannabis businesses activities, the tax due for each calendar quarter shall be based on the gross receipts for the quarter.

B. Each person owing cannabis business tax for a calendar quarter, including commercial cannabis cultivation tax, shall no later than the last day of the month following the

close of the calendar quarter, file with the tax administrator a statement of the tax owed for that calendar quarter and the basis for calculating that tax. The Tax Administrator may require that the statement be submitted on a form prescribed by the Tax Administrator. The tax for each calendar quarter shall be due and payable on that same date as the statement for the calendar quarter is due except for in the case of commercial cannabis cultivation tax, which tax owed for the four preceding quarters shall not be due and payable until January 31st of each year.

C. Upon cessation of a cannabis business, tax statements and payments shall be immediately due for all calendar quarters up to the calendar quarter during which cessation occurred.

D. The Tax Administrator may, at his or her discretion, establish shorter report and payment periods for any taxpayer as the Tax Administrator deems necessary to ensure collection of the tax. The Tax Administrator may also require that a deposit, to be applied against the taxes for a calendar quarter, be made by a taxpayer at the beginning of that calendar quarter. In no event shall the deposit required by the Tax Administrator exceed the tax amount he or she projects will be owed by the taxpayer for the calendar quarter. The Tax Administrator may require that a taxpayer make payments via a cashier's check, money order, wire transfer, or similar instrument.

E. For purposes of this section, the square feet of canopy space for a business shall be rebuttably presumed to be no less than the maximum square footage of canopy allowed by the business's County permit for commercial cannabis cultivation, or, in the absence of a County permit, the square footage shall be the maximum square footage of canopy for commercial cannabis cultivation allowed by the state license type. In no case shall canopy square footage which is authorized by the permit or license but not utilized for cultivation be excluded from taxation unless the Tax Administrator is informed in writing, prior to the period for which the space will not be used, that such space will not be used.

3.30.070 Payments and communications – timely remittance.

Whenever any payment, statement, report, request or other communication is due, it must be received by the Tax Administrator on or before the final due date. A postmark will not be accepted as timely remittance. If the due date would fall on a Saturday, Sunday or a holiday, the due date shall be the next regular business day on which the County is open to the public.

3.30.080 Payment - when taxes deemed delinquent.

Unless otherwise specifically provided under other provisions of this Chapter, the taxes required to be paid pursuant to this Chapter shall be deemed delinquent if not received by the Tax Administrator on or before the due date as specified in Sections 3.30.060 and 3.30.070.

3.30.090 Notice not required by the County.

The County may as a courtesy send a tax notice to the business. However, the Tax Administrator is not required to send a notice of assessment pursuant to Section 3.30.240, a

notice of delinquency pursuant to Section 3.30.220, or any other tax notice or bill to any person subject to the provisions of this Chapter. Failure to send any tax notice or bill shall not affect the validity of any tax or penalty due under the provisions of this Chapter.

3.30.100 Penalties and interest.

A. Any person who fails or refuses to pay any cannabis business tax required to be paid pursuant to this Chapter on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one percent (1.0%) per month.

2. If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax, plus interest at the rate of one percent (1.0%) per month on the unpaid tax and on the unpaid penalties.

3. Interest shall be applied at the rate of one percent (1.0%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.

B. Whenever a check or electronic payment is submitted in payment of a cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any fees, penalties and interest as provided for in this Section, and any other amount allowed under state law.

3.30.110 Refunds and credits.

A. No refund shall be made of any tax collected pursuant to this Chapter, except as provided in Section 3.30.120.

B. No refund of any tax collected pursuant to this Chapter shall be made because of the discontinuation, dissolution, or other termination of a business.

3.30.120 Refunds and procedures.

A. Whenever the amount of any cannabis business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the County under this Chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Tax Administrator within one (1) year of the date the tax was originally due and payable.

B. The Tax Administrator, his or her designee or any other County officer charged with the administration of this Chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such

examination of claimant's books and business records after request by the Tax Administrator to do so.

C. In the event that the cannabis business tax was erroneously paid, and the error is attributable to the County, the County shall refund the amount of tax erroneously paid up to one (1) year from when the error was identified.

3.30.130 Personal Cultivation Not Taxed.

The provisions of this Chapter shall not apply to personal cannabis cultivation as defined in the “Medicinal and Adult Use Cannabis Regulation and Safety Act”. This Chapter shall not apply to personal use of cannabis that is specifically exempted from state licensing requirements, that meets the definition of personal use or equivalent terminology under state law, and for which the individual receives no compensation whatsoever related to that personal use.

3.30.140 Administration of the tax.

A. It shall be the duty of the Tax Administrator to collect the taxes, penalties, fees, and perform the duties required by this Chapter.

B. For purposes of administration and enforcement of this Chapter generally, the Tax Administrator may from time to time promulgate such administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this Chapter as he or she deems necessary to implement or clarify such provisions or aid in enforcement.

C. The Tax Administrator may take such administrative actions as needed to administer the tax, including but not limited to:

1. Provide to all cannabis business taxpayers forms for the reporting of the tax;
2. Provide information to any taxpayer concerning the provisions of this Chapter;
3. Receive and record all taxes remitted to the County as provided in this Chapter;
4. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;
5. Assess penalties and interest to taxpayers pursuant to this Chapter;
6. Determine amounts owed and enforce collection pursuant to this Chapter.

3.30.150 Appeal procedure.

Any taxpayer aggrieved by any decision of the Tax Administrator with respect to the amount of tax, interest, penalties and fees, if any, due under this Chapter may appeal to the County Board of Supervisors by filing a notice of appeal with the Clerk of the Board within thirty (30) days of the serving or mailing of the notice of delinquency pursuant to Section

3.30.220 or notice of assessment pursuant to Section 3.30.240. The Clerk of the Board, or his or her designee, shall fix a time and place for hearing such appeal, and the Clerk of the Board, or his or her designee, shall give notice in writing to such operator at the last known place of address. The finding of the County Board of Supervisors shall be final and conclusive and shall be served upon the appellant in the manner prescribed by this Chapter for service of notice. Any amount found to be due shall be immediately due and payable upon the service of the notice.

3.30.160 Enforcement - action to collect.

Any taxes, penalties and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the County. Any person owing money to the County under the provisions of this Chapter shall be liable in an action brought in the name of the County for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the County to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, penalties and/or fees imposed by this Chapter or the failure to comply with any of the provisions of this Chapter.

3.30.170 Apportionment.

If a business subject to the tax is operating both within and outside the unincorporated area of the County, it is the intent of the County to apply the cannabis business tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the unincorporated area of the County. To the extent federal or state law requires that any tax due from any taxpayer be apportioned, the taxpayer may indicate said apportionment on his or her tax return. The Tax Administrator may promulgate administrative procedures for apportionment as he or she finds useful or necessary.

3.30.180 Constitutionality and legality.

This tax is intended to be applied in a manner consistent with the United States and California Constitutions and state law. None of the tax provided for by this Chapter shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or state law. If a person believes that the tax, as applied to him or her, is impermissible under applicable law, he or she may request that the Tax Administrator release him or her from the obligation to pay the impermissible portion of the tax.

3.30.190 Audit and examination of premises and records.

A. For the purpose of ascertaining the amount of cannabis business tax owed or verifying any representations made by any taxpayer to the County in support of his or her tax calculation, the Tax Administrator shall have the power to inspect any location where commercial cannabis cultivation occurs and to audit and examine all books and records (including, but not limited to bookkeeping records, state and federal income tax returns, and other records relating to the gross receipts of the business) of persons engaged in cannabis

businesses. In conducting such investigation, the tax administrator shall have the power to inspect any equipment, such as computers or point of sale machines, that may contain such records.

B. It shall be the duty of every person liable for the collection and payment to the County of any tax imposed by this Chapter to keep and preserve, for a period of at least four (4) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the County, which records the Tax Administrator or his/her designee shall have the right to inspect at all reasonable times.

3.30.200 Other licenses, permits, taxes, fees or charges.

A. Nothing contained in this Chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other Chapter of this Code or any other ordinance or resolution of the County, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other Chapter of this code or any other ordinance or resolution of the County. Any references made or contained in any other Chapter of this code to any licenses, license taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the licenses, license taxes, fees or charges, or schedule of license fees, provided for in other Chapter of this Code.

B. The Tax Administrator may revoke or refuse to renew the license required by Chapter 5.04 of this Code, any other Chapter of this Code or any other ordinance or resolution of the County for any business that is delinquent in the payment of any tax due pursuant to this Chapter or that fails to make a deposit required by the tax administrator pursuant to Section 3.30.060.

3.30.210 Payment of tax does not authorize unlawful business.

A. The payment of a cannabis business tax required by this Chapter, and its acceptance by the County, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of this Code and all other applicable state laws.

B. No tax paid under the provisions of this Chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or state law.

3.30.220 Deficiency determinations.

If the Tax Administrator is not satisfied that any statement filed as required under the provisions of this Chapter is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession within three (3) years of the date the tax

was originally due and payable. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a deficiency determination may be made at any time within three (3) years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice of deficiency shall be given to the person concerned in the same manner as notices of assessment are given under Section 3.30.240.

3.30.230 Failure to report—nonpayment, fraud.

A. Under any of the following circumstances, the Tax Administrator may make and give notice of an assessment of the amount of tax owed by a person under this Chapter at any time:

1. If the person has not filed a complete statement required under the provisions of this Chapter;
2. If the person has not paid the tax due under the provisions of this Chapter;
3. If the person has not, after demand by the Tax Administrator, filed a corrected statement, or furnished to the Tax Administrator adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this Chapter; or
4. If the Tax Administrator determines that the nonpayment of any business tax due under this Chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this Chapter and any other penalties allowed by law.

B. The notice of assessment shall separately set forth the amount of any tax known by the Tax Administrator to be due or estimated by the Tax Administrator, after consideration of all information within the Tax Administrator's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this Chapter, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

3.30.240 Tax assessment - notice requirements.

The notice of assessment shall be served upon the person either by personal delivery, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall register with the Tax Administrator for the purpose of receiving notices provided under this Chapter; or, should the person have no address registered with the Tax Administrator for such purpose, then to such person's last known address. For the purposes of this Section, a service by mail is complete at the time of deposit in the United States mail.

3.30.250 Tax assessment - hearing, application and determination.

Within thirty (30) days after the date of service of the notice of assessment, the person may apply in writing to the Tax Administrator for a hearing on the assessment. If application for a hearing before the County is not made within the time herein prescribed, the tax assessed by the Tax Administrator shall become final and conclusive. Within thirty (30) days of the receipt of any such application for hearing, the Tax Administrator shall cause the matter to be set for hearing before him or her no later than thirty (30) days after the receipt of the application, unless a later date is agreed to by the Tax Administrator and the person requesting the hearing. Notice of such hearing shall be given by the Tax Administrator to the person requesting such hearing not later than five (5) days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment as made by the Tax Administrator should not be confirmed and fixed as the tax due. After such hearing the Tax Administrator shall determine and, if applicable, reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 3.30.240 for giving notice of assessment.

3.30.260 Relief from taxes - disaster relief.

A. If a Business is unable to comply with any tax requirement due to a disaster, the Business may notify the Tax Administrator of this inability to comply and request relief from the tax requirement;

B. The Tax Administrator, in its sole discretion, may provide written relief from the cannabis business tax requirement for Businesses whose operations have been impacted by a disaster if such tax liability does not exceed five thousand (\$5,000) dollars. If such tax liability is five thousand one (\$5,001) dollars or more than such relief shall only be approved by the County Board of Supervisors;

C. Temporary relief from the cannabis tax may be provided for a reasonable amount of time as determined by the Tax Administrator in order to allow the Business time to recover from the disaster;

D. The Tax Administrator may require that certain conditions be followed in order for a Business to receive temporary relief from the cannabis business tax requirement;

E. A Business shall not be subject to an enforcement action for a violation of a cannabis business requirement in which the licensee has received temporary relief from the tax administrator;

F. For purposes of this section, “disaster” means fire, flood, storm, tidal wave, earthquake, or similar public calamity, whether or not resulting from natural causes.

G. The Business shall notify the Tax Administrator in writing of its request for temporary relief from imposition of the tax requirement pursuant to subsection (A) of this Section. The request shall clearly indicate why relief is requested, the time period for which the relief is

requested, a description of the disaster justifying relief, and the reasons relief is needed for the specified amount of time;

H. The Business will grant the Tax Administrator access to the location where the Business has been impacted due to a disaster.

3.30.270 Conviction for violation - taxes not waived.

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Chapter or of any state law requiring the payment of all taxes.

3.30.280 Violation deemed misdemeanor.

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor.

3.30.290 Severability.

If any provision of this Chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Chapter or the application of this Chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

3.30.300 Remedies cumulative.

All remedies and penalties prescribed by this Chapter or which are available under any other provision of the Mono County Code and any other provision of law or equity are cumulative. The use of one or more remedies by the County shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Chapter.

3.30.310 Amendment or repeal.

This Chapter may be repealed or amended by the County Board of Supervisors without a vote of the people to the extent allowed by law. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter. The people of the County of Mono affirm that the following actions shall not constitute an increase of the rate of a tax:

A. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, if the County Board of Supervisors has acted to reduce the rate of the tax;

B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or

C. The collection of the tax imposed by this Chapter even if the County had, for some period of time, failed to collect the tax.

D. The adjustment of the tax in accordance with the provisions of subdivisions (C) and (D) of Section 3.30.050.

SECTION 2. STATEMENT OF HOW TAX MAY BE SPENT. All revenue from the taxes imposed by Chapter 3.30 of the Mono County Code, including taxes levied on commercial cannabis cultivation, cannabis testing laboratories, retail cannabis sales, cannabis distribution, manufacturing, processing, micro-businesses or any other cannabis business, as listed in Mono County Code Section 3.30.050, shall be spent for unrestricted general revenue purposes.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The County Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Peters, Chair of the Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

County Counsel



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

Departments: County Counsel, CAO

TIME REQUIRED 15 minutes (10 minute presentation; 5 minute discussion) **PERSONS APPEARING BEFORE THE BOARD** Stacey Simon and Dave Wilbrecht

SUBJECT Proposed Updates to Mono County Code Chapter 2.84 - "County Administrator"

AGENDA DESCRIPTION:

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

Presentation regarding proposed updates to Mono County Code Chapter 2.84 "County Administrator."

RECOMMENDED ACTION:

Review proposed draft updated code provisions and provide direction regarding additional revisions and/or return to the Board for introduction (first reading). Provide any other desired direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME: Stacey Simon

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> Staff Report
<input type="checkbox"/> Draft revisions - no redline
<input type="checkbox"/> Draft revisions - redline

History

Time	Who	Approval
6/20/2019 5:37 PM	County Administrative Office	Yes

6/27/2019 11:33 AM

County Counsel

Yes

6/26/2019 1:10 PM

Finance

Yes

County Counsel
Stacey Simon

Assistant County Counsel
Christian E. Milovich

Deputies
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 Lucas

To: Board of Supervisors

From: Stacey Simon

Date: July 2, 2019

Re: Workshop on proposed revisions to Chapter 2.84 of the Mono County Code – “County Administrator”

Recommended Action

Discuss proposed revisions to Chapter 2.84 of the Mono County Code (“County Administrator”). Provide feedback to staff and potentially direct that the revised ordinance be agendized for introduction (i.e., first reading) at the Board’s next regularly-scheduled meeting. Provide any other desired direction to staff.

Strategic Plan Focus Area(s) Met

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

Fiscal Impact

None.

Discussion

At the governance workshop facilitated by Bill Chiat of the California State Association of Counties and the Institute of Local Government, the Board agreed that it should review the County’s current ordinance governing the operation and structure of the County Administrative Office in order to ensure that it is appropriate and up-to-date given the County’s current needs.

Following that discussion, a workshop was held and specific direction regarding updates to the ordinance was provided by the Board. Attached is the revised ordinance (in both redline to show changes and in final form) reflecting the Board’s discussion and direction at that April 9th workshop.

The purpose of today's discussion is to determine whether further updates or revisions should be made, or if the revised ordinance should be presented for introduction (and subsequently adoption) at a future meeting.

If you have any questions on this matter prior to your meeting, please call me at 924-1704.

Chapter 2.84 - COUNTY ADMINISTRATIVE OFFICER

Sections:

2.84.010 - Purpose.

2.84.020 - County administrative office.

2.84.030 - Appointment and removal—Residence.

2.84.040 - Salary and benefits.

2.84.050 - Administrative powers and duties.

2.84.060 - General administration, duties and oversight.

2.84.070 - Budgetary matters.

2.84.080 - Departmental supervision—Appointment—Removal.

2.84.010 - Purpose.

The purpose of this chapter is to define the duties, responsibilities, authority, and qualifications of the county administrative officer (“CAO”).

2.84.020 - County administrative office.

There is within the County of Mono, a county administrative office which consists, at a minimum, of a CAO and a human resources director. The CAO oversees the county administrative office.

2.84.030 - Appointment and removal—Residence.

The CAO shall:

- A. Be chosen upon the basis of knowledge and skills in public administration, demonstrated administrative ability, and knowledge of public budgeting, personnel, finance, and organization.
- B. Be appointed by, and serve at the will and pleasure of the board of supervisors, in accordance with the provisions of his or her contract of employment.
- C. Maintain residence within the county during his or her tenure in office, but he or she need not be a resident of the county at the time of appointment.

2.84.040 - Salary and benefits.

The salary of the CAO shall be established by the board of supervisors and be paid in the same manner as the salaries of other county employees. The CAO shall also be entitled to mileage allowance or reimbursement in an amount adopted by the board of supervisors, all actual and necessary budgeted expenses for conducting county business, dues and expenses to participate in state and national professional organizations of benefit to the county, and all other benefits conferred upon county management employees.

2.84.050 - Administrative powers and duties.

The CAO is the chief administrative officer of the county and is responsible to the board of supervisors for the proper and efficient administration of all county offices, departments, institutions, and special districts under the jurisdiction of the board of supervisors. To this end, the CAO shall have those powers and duties set forth in this chapter and as reasonably implied therefrom, and shall be authorized to assign or delegate the administration and/or implementation of these duties to any department or person under the board's control, subject to the limitations imposed by law.

The board of supervisors and its members have delegated administrative responsibilities over county governmental activities to the CAO and shall, except for the purposes of normal inquiry, not intervene or detract from this delegation.

2.84.060 - General administration, duties and oversight.

The CAO shall:

- A. Administer and enforce policies established by the board of supervisors and promulgate rules and regulations as necessary to implement board policies;
- B. Refer policy matters and other matters beyond his or her authority to resolve to the board of supervisors for determination, direction, or authorization;
- C. Represent the board of supervisors in the county's intergovernmental relationships, including legislative matters, in accordance with board policies and instructions; when directed, represent the board in dealing with individuals or groups concerned with county affairs;
- D. Attend all meetings of the board of supervisors, except when excused; when directed, attend meetings of commissions and committees established by the board;
- E. Supervise the board clerks and assist, on behalf of the board of supervisors, the preparation of the agendas for board meetings; evaluate departmental and other requests for items to be added to an agenda to determine if such requests should be submitted to the board; make recommendations to the board on all agenda items; propose necessary revisions of the county code and county policies in conjunction with the county counsel; make regular reports to the board on county matters;
- F. Implement the board of supervisors' legislative advocacy program as reflected in the county's legislative platform or in accordance with specific board direction, including the initiation of legislation approved by the board that will benefit the county and county government; the analysis of proposed state and federal legislation; recommendations to the board for positions on proposed legislation; and review of all department head requests involving legislative activities;
- G. In conjunction with the county counsel and other relevant county officers and employees, negotiate and/or supervise the negotiation of all county contractual agreements. Execute on behalf of the board of supervisors, to the extent authorized by state law and Chapter 3.04 of this Code ("Purchasing") county agreements. Administer and enforce agreements approved by the county;

- H. In conjunction with the finance director and other relevant county officers and employees, maintain or supervise the maintenance of inventories of all the county's real and personal property, and undertake activities to prevent the misuse, loss, theft, or damage of county property;
- I. Conduct continuous research on administrative, managerial and administrative practices in order to improve county government; develop and recommend to the board of supervisors long-range plans to improve county operations and to prepare for future county growth and development;
- J. In periods of extreme emergency, when there is not sufficient opportunity for the board of supervisors to meet and act, act in conjunction with the director of emergency services to take steps reasonably necessary, and within county authority, to respond to such emergencies.
- K. Review all requests to fill permanent and limited-term personnel positions to assure that the position is required and that budgetary resources are allocated; authorize and control the use of extra help and payment for overtime within available funds;
- L. Provide for the orientation and training of new county supervisors, members of boards, commissions and committees, and new department heads;
- M. Supervise the administration of employee and labor relations, classifications, recruitment and selection, employee training, personnel policies and procedures, and other performance programs.
- N. In conjunction with the director of public works and other relevant county officers and employees, exercise general supervision over all buildings and property leased, owned or under the control and jurisdiction of the county;
- O. In conjunction with the director of public works and other relevant county officers and employees-supervise building construction, alterations, maintenance, and the acquisition and utilization of county vehicles;
- P. Supervise county operations and support services such as copying, communications, technology and phones;
- Q. Appear, or designate a county employee to appear, in small claims court on behalf of the county.

2.84.070 - Budgetary matters.

The CAO shall:

- A. Develop budget instructions and policies, revenue estimates, and departmental budget targets to guide departments in budget preparation;
- B. Recommend to the board of supervisors a proposed annual budget together with his or her recommendations to the Board of Supervisors for consideration and adoption. The

CAO shall supervise and direct preparation of the budget and review and evaluate all items including expenditures, revenues, and services;

- C. After final adoption of the budget by the Board of Supervisors, the CAO shall administer, or cause to be administered, the budget and oversee continuous expenditure control. He or she shall review, or cause to be reviewed, all requests for appropriations and transfers and make recommendations to the Board. He or she shall oversee expenditures of all county offices, departments, and institutions, including those departments in which the department head is an elected or appointed officer;
- D. The county administrator may establish a budgetary allotment system and such other expenditure controls which are necessary or desirable, and may authorize department heads to approve fund transfers except those requiring approval of the board of supervisors under state law;
- E. The CAO shall work with the finance director and other relevant county officers to keep the board informed of the financial condition and needs of the county and of other matters of major significance which affect the county.

2.84.080 - Department supervision—Appointment—Removal.

The CAO shall:

- A. Supervise the performance of county departments, within the limitations established by state law or the board of supervisors, by directing the establishment of standards, goals, and objectives for departmental performance and measuring the performance of individual departments and department heads against those standards and goals; assign projects and scrutinize department expenditures to assure that they are necessary and proper;
- B. Evaluate all proposed departmental programs and make recommendations to the board of supervisors regarding new programs or modification of existing programs; periodically evaluate existing departmental programs and recommend changes to the board where indicated;
- C. Evaluate departmental organization on a continuous basis; subject to the limitations of state law or the directives of the board of supervisors, initiate changes in interdepartmental organization, structure, duties, or responsibilities when warranted, including authorizing the transfer of equipment between departments; assigning space to county departments in county facilities, and overseeing travel and business expense in accordance with rules and regulations established by the board; recommend to the board the transfer of positions between departments and the consolidation or combining of county offices, departments, positions or units;
- D. Evaluate department head performance annually, under the direction of the board of supervisors, and recommend compensation in accordance with policies established by the board; confer with department heads as necessary to discuss any areas requiring improvement and to suggest or direct solutions;
- E. Unless otherwise specified by this code or prohibited by state law, the CAO shall possess the authority to appoint, discipline, transfer, and dismiss all nonelected department heads

in accordance with any applicable procedures provided by state or federal law or by any personnel ordinances, resolutions, handbooks, agreement or memoranda of understanding (MOUs) duly adopted by the board of supervisors. In any cases where final action by the board of supervisors is mandated by applicable state law, actions by the CAO shall not be effective unless and until ratified by the board of supervisors.

- F. When necessary or upon a department head's request, assist the department head in solving problems which inhibit efficient operation or create friction between departments; be responsible to the board of supervisors for ensuring that coordination exists between and among the various departments and offices, both elected and appointed;
- G. Provide, under the direction of the board of supervisors, management training and other resources to develop leadership qualities among department heads to build a county management team that can plan for and meet future challenges;
- H. Create a management advisory team consisting of all appointed and elected department heads, and any others deemed necessary or appropriate, which shall meet periodically and may provide input to the CAO and the board of supervisors regarding matters of general policy.

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The CAO shall:

- A. Be chosen upon the basis of knowledge and skills in public administration, demonstrated administrative ability, and knowledge of public budgeting, personnel, finance, and organization.
- B. Be appointed by, and serve at the will and pleasure of the board of supervisors, in accordance with the provisions of his or her contract of employment.
- C. Maintain residence within the county during his or her tenure in office, but he or she need not be a resident of the county at the time of appointment.

2.84.040 - Salary and benefits.

The salary of the CAO shall be established by the board of supervisors and be paid in the same manner as the salaries of other county employees. The CAO shall also be entitled to mileage allowance or reimbursement in an amount adopted by the board of supervisors, all actual and necessary budgeted expenses for conducting county business, dues and expenses to participate in state and national professional organizations of benefit to the county, and all other benefits conferred upon county management employees.

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The board of supervisors and its members have delegated administrative responsibilities over county governmental activities to the CAO and shall, except for the purposes of normal inquiry, not intervene or detract from this delegation.

2.84.060 - General administration, duties and oversight.

The CAO shall:

- A. Administer and enforce policies established by the board of supervisors and promulgate rules and regulations as necessary to implement board policies;
- B. Refer policy matters and other matters beyond his or her authority to resolve to the board of supervisors for determination, direction, or authorization;
- C. Represent the board of supervisors in the county's intergovernmental relationships, including legislative matters, in accordance with board policies and instructions; when directed, represent the board in dealing with individuals or groups concerned with county affairs;
- D. Attend all meetings of the board of supervisors, except when excused; when directed, attend meetings of commissions and committees established by the board;
- E. Supervise the board clerks and assist, on behalf of the board of supervisors, the preparation of the agendas for board meetings; evaluate departmental and other requests for items to be added to an agenda to determine if such requests should be submitted to the board; make recommendations to the board on all agenda items; propose necessary revisions of the county code and county policies in conjunction with the county counsel; make regular reports to the board on county matters;
- F. Implement the board of supervisors' legislative advocacy program as reflected in the county's legislative platform or in accordance with specific board direction, including the initiation of legislation approved by the board that will benefit the county and county government; the analysis of proposed state and federal legislation; recommendations to the board for positions on proposed legislation; and review of all department head requests involving legislative activities;
- G. In conjunction with the county counsel and other relevant county officers and employees, negotiate and/or supervise the negotiation of all county contractual agreements.. Execute on behalf of the board of supervisors, to the extent authorized by state law and Chapter 3.04 of this Code ("Purchasing") county agreements. Administer and enforce agreements approved by the county;

- H. In conjunction with the Finance Director and other relevant county officers and employees, maintain or supervise the maintenance of inventories of all the county's real and personal property, and undertake activities to prevent the misuse, loss, theft, or damage of county property;
- I. Conduct continuous research on administrative, managerial and administrative practices in order to improve county government; develop and recommend to the board of supervisors long-range plans to improve county operations and to prepare for future county growth and development;
- J. In periods of extreme emergency, when there is not sufficient opportunity for the board of supervisors to meet and act, act in conjunction with the director of emergency services to take steps reasonably necessary, and within county authority, to respond to such emergencies.
- K. Review all requests to fill permanent and limited-term personnel positions to assure that the position is required and that budgetary resources are allocated; authorize and control the use of extra help and payment for overtime within available funds;
- L. Provide for the orientation and training of new county supervisors, members of boards, commissions and committees, and new department heads;
- M. Supervise the administration of employee and labor relations, classifications, recruitment and selection, employee training, personnel policies and procedures, and other performance programs.
- ~~N. Direct the purchasing of supplies, materials, and equipment through procedures established by the board of supervisors;~~
- O. In conjunction with the director of public works and other relevant county officers and employees, exercise general supervision over all buildings and property leased, owned or under the control and jurisdiction of the county;
- P. In conjunction with the director of public works and other relevant county officers and employees ~~and the parks and facilities department,~~ supervise building construction, alterations, maintenance, and the acquisition and utilization of county vehicles;
- Q. Supervise county ~~branch offices and~~ operations and support services such as copying, communications, technology and phones;
- ~~R. Supervise all support services, such as duplication, central services, communications, and other ancillary services.~~
- S. Appear, or designate a county employee to appear, in small claims court on behalf of the county.

2.84.070 - Budgetary matters.

The CAO shall:

- A. Develop budget instructions and policies, revenue estimates, and departmental budget targets to guide departments in budget preparation;
- B. Recommend to the board of supervisors a proposed annual budget together with his or her recommendations to the Board of Supervisors for consideration and adoption. The CAO shall supervise and direct preparation of the budget and review and evaluate all items including expenditures, revenues, and services;
- C. After final adoption of the budget by the Board of Supervisors, the CAO shall administer, or cause to be administered, the budget and oversee continuous expenditure control. He or she shall review, or cause to be reviewed, all requests for appropriations and transfers and make recommendations to the Board. He or she shall oversee expenditures of all county offices, departments, and institutions, including those departments in which the department head is an elected or appointed officer;
- D. The county administrator may establish a budgetary allotment system and such other expenditure controls which are necessary or desirable, and may authorize department heads to approve fund transfers except those requiring approval of the board of supervisors under state law;
- E. The CAO shall work with the Finance Director and other relevant county officers to keep the board informed of the financial condition and needs of the county and of other matters of major significance which affect the county.

2.84.080 - Department supervision—Appointment—Removal.

The CAO shall:

- A. Supervise the performance of county departments, within the limitations established by state law or the board of supervisors, by directing the establishment of standards, goals, and objectives for departmental performance and measuring the performance of individual departments and department heads against those standards and goals; assign projects and scrutinize department expenditures to assure that they are necessary and proper;
- B. Evaluate all proposed departmental programs and make recommendations to the board of supervisors regarding new programs or modification of existing programs; periodically evaluate existing departmental programs and recommend changes to the board where indicated;
- C. Evaluate departmental organization on a continuous basis; subject to the limitations of state law or the directives of the board of supervisors, initiate changes in interdepartmental organization, structure, duties, or responsibilities when warranted, including authorizing the transfer of equipment between departments; assigning space to county departments in county facilities, and oversee travel and business expense in accordance with rules and regulations established by the board; recommend to the board the transfer of positions between departments and the consolidation or combining of county offices, departments, positions or units;

- D. Evaluate department head performance annually, under the direction of the board of supervisors, and recommend compensation in accordance with policies established by the board; confer with department heads as necessary to discuss any areas requiring improvement and to suggest or direct solutions;
- E. Unless otherwise specified by this code or prohibited by state law, possess the authority to appoint, discipline, transfer, and dismiss all nonelected department heads in accordance with any applicable procedures provided by state or federal law or by any personnel ordinances, resolutions, handbooks, or memoranda of understanding (MOUs) duly adopted by the board of supervisors. In any cases where final action by the board of supervisors is mandated by applicable state law, actions by the county administrator shall not be effective unless and until ratified by the board of supervisors.
- F. When necessary or upon a department head's request, assist the department head in solving problems which inhibit efficient operation or create friction between departments; be responsible to the board of supervisors for ensuring that coordination exists between and among the various departments and offices, both elected and appointed;
- G. Provide, under the direction of the board of supervisors, management training and other resources to develop leadership qualities among department heads to build a county management team that can plan for and meet future challenges;
- H. Create a management advisory team consisting of all appointed and elected department heads, and any others deemed necessary or appropriate, which shall meet periodically and may provide input to the CAO and the board regarding matters of general policy.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

Departments: Behavioral Health

TIME REQUIRED 10 minutes

PERSONS APPEARING BEFORE THE BOARD Robin Roberts, Amanda Greenberg

SUBJECT Exclusive Negotiating Agreement (Integrity Housing)

AGENDA DESCRIPTION:

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

Presentation by Behavioral Health staff regarding entry into exclusive negotiating agreement with Affordable Housing Alliance II, Inc. (dba Integrity Housing) related to the investigation and potential site identification, development and operation of affordable and supportive housing in Mammoth Lakes.

RECOMMENDED ACTION:

Approve County entry into proposed contract and authorize Chair to execute said contract on behalf of the County. Provide any desired direction to staff.

FISCAL IMPACT:

There is no impact at this time. Should a project be identified and pursued by Integrity, the County would consider making a contribution of Mental Health Services Act funds towards project development.

CONTACT NAME: Amanda Greenberg

PHONE/EMAIL: 7609241754 / agreenberg@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Exclusive Negotiating Agreement with Integrity Housing (rev'd)

History

Time

Who

Approval

6/20/2019 5:31 PM	County Administrative Office	Yes
6/26/2019 11:10 AM	County Counsel	Yes
6/19/2019 10:09 AM	Finance	Yes



MONO COUNTY BEHAVIORAL HEALTH DEPARTMENT

COUNTY OF MONO

P. O. BOX 2619 MAMMOTH LAKES, CA 93546 (760) 924-1740 FAX: (760) 924-1741

TO: Mono County Board of Supervisors

FROM: Amanda Greenberg, Mono County Behavioral Health, Mental Health Services Act Coordinator

DATE: June 10, 2019

SUBJECT:

Approve and Authorize the Chair to Sign Exclusive Negotiating Agreement (Integrity Housing)

DISCUSSION:

In August of 2018 the County issued a Request for Qualification seeking a developer to identify, develop and operate an affordable housing and permanent supportive housing project within the County. Upon the close of the RFQ submission period, MCBH convened an RFQ selection committee and in October of 2018 the County identified Integrity Housing as the desired entity to investigate and, if feasible, develop and operate the Project. Since October 2018, Mono County Behavioral Health (MCBH) and Integrity Housing have been seeking a possible site for the Project. They have also identified potential financing sources.

Working with Jenn Lopez, a Permanent Supportive Housing Consultant, and outside counsel from Goldfarb & Lipman LLP, a law firm with expertise in affordable housing, County staff developed an Exclusive Negotiating Agreement with Integrity Housing. This document sets forth MCBH's and Integrity Housing's mutual agreement to continue to pursue this project and to identify a schedule and performance goals with respect to this project. The negotiation period will commence upon approval of this agreement and will close December 31, 2019 (subject to extension).

FISCAL IMPACT:

There is no impact to the general fund.

SUBMITTED BY:

Amanda Greenberg, Mono County Behavioral Health Mental Health Services Act Coordinator,
Contact: 760.924.1754

EXCLUSIVE NEGOTIATING AGREEMENT
(Integrity Housing)

This Exclusive Negotiating Agreement (the "Agreement") is entered into as of _____, 2019, by and between Mono County, a political subdivision of the State of California (the "County"), and Affordable Housing Alliance II, Inc., a Colorado nonprofit corporation, dba Integrity Housing (the "Developer"), with reference to the following facts:

Recitals

A. In August of 2018 the County issued a Request for Qualification seeking a developer to identify, develop and operate an affordable housing project within the County, with approximately ten to twelve units reserved for households receiving benefits from the County's Behavioral Health Department (the "Project"). In October of 2018 the County identified the Developer as the desired entity to investigate and, if feasible, develop and operate the Project. Since October 2018, the County and Developer have been seeking a possible site for the Project. They have also identified potential financing sources.

B. The County and the Developer (the "Parties") desire to enter into this Agreement to set forth their mutual agreement to continue to pursue the Project and to identify a schedule and performance goals with respect to the Project.

WITH REFERENCE TO THE FACTS RECITED ABOVE, the Parties agree as follows:

ARTICLE 1
EXCLUSIVE NEGOTIATIONS RIGHT

Section 1.1 Good Faith Efforts. During the Negotiating Period described in Section 1.2, the County and the Developer shall use good faith efforts to accomplish the respective tasks outlined in Article 2 to facilitate the Project.

Section 1.2 Negotiating Period. The negotiating period under this Agreement (the "Negotiating Period") will commence on the date first set forth above and continue until December 31, 2019 subject to extension as provided below. If, during the initial Negotiating Period, the Developer continues to meet the various performance milestones set forth in Article 2, and the County and Developer agree that the Project is reasonably feasible, then the County Administrator may extend the Negotiating Period for up to six (6) additional months. If, prior to the conclusion of the Negotiating Period, the Parties reach agreement concerning the specific arrangement of the County's financial assistance, the Parties will enter into a funding or other agreement, and the Development Period shall begin.

Section 1.3 Exclusive Negotiations. During the Negotiating Period (as such Negotiating Period may be extended by operation of Section 1.2), the County agrees that it will not solicit bids or proposals from third party developers with respect to the development of the Project.

ARTICLE 2 NEGOTIATION TASKS

Section 2.1 Overview. To facilitate Project, the Parties will use reasonable good faith efforts to accomplish the tasks set forth in this Article 2 in accordance with the timeframes set forth below.

Section 2.2 Reports. The Developer will provide the County with copies of all 3rd party reports, studies, analyses, and similar documents prepared or commissioned by the Developer with respect to this Agreement, the Site and the Project, promptly upon their completion. The County will provide the Developer with copies of all reports, studies, analyses, and similar documents prepared or commissioned by the County with respect to this Agreement, the Site and the Project, promptly upon their completion. Nothing in this Section 2.2 obligates the County to undertake any studies or analyses. Nothing in this Section 2.2 obligates either Party to provide any reports, studies, analysis and similar documents that are subject to attorney-client privilege. In the event the Project does not advance past the Negotiating Period, and provided that Developer is in compliance with this Agreement, subject to the County's obligations under the Public Records Act, all reports, studies, analyses, and similar documents prepared or commissioned by the Developer shall remain the property of Developer, and County shall not share the same with any future development partner or third party.

Section 2.3 Identification of Site; Site Control. The Developer and County have identified various preliminary sites for the Project, with a specific site (the "Site") still to be determined. By March 30, 2020, the Developer will perform legal, title, economic and physical investigations to determine if the Site is feasible for the Project (the "Site Selection Deadline"). In connection with its site selection, Developer will examine title to the Site and perform an environmental assessment to determine if environmental issues exist and to estimate any costs which may be associated with such issues. If the Developer is unable to make a determination about the feasibility of the Site by the Site Selection Deadline, it will notify the County and the County Administrator may extend the Site Selection Deadline to another date agreed to by the Parties. If either Party determines that the Site is not feasible at any time during the Negotiating Period, it will promptly notify the other Party and the Developer and the County will collaborate to identify a new Project location within the Town of Mammoth Lakes (the "Town") which, upon agreement of the Parties, will then be referred to under this Agreement as the "Site". If the Developer determines that the Site is likely feasible it will make good faith

and diligent efforts to obtain “site control” of the Site to facilitate the financing applications described in Section 2.9 below.

Section 2.4 Planning Approvals. As part of its feasibility determination described in Section 2.3, the Developer will, in collaboration with applicable governmental entities, identify the necessary planning approvals and entitlements that will be necessary in connection with the development of the Project at the Site (the "Planning Approvals"). If the Developer determines the Site is feasible, the Developer will apply for and pursue Planning Approvals for the Project.

Section 2.5 Project Drawings. As part of its feasibility determination described in Section 2.3, during the Negotiating Period, the Developer will engage an architect to prepare conceptual site plans for the Project (the "Concept Plans"). If the Developer determines the Site is feasible, it is anticipated that the Developer will cause its architect to prepare such other Project drawings as may be necessary to obtain Planning Approvals for the Project, which drawings shall be consistent with and logically evolve from the Concept Plans. In the event the Project does not advance past the Negotiating Period, and provided that Developer is in compliance with this Agreement, subject to the Public Records Act, all Project Drawings, Concept Plans or similar documents prepared or commissioned by the Developer shall remain the property of Developer, and County shall not share the same with any future development partner or third party.

Section 2.6 Financial Proforma Analysis. As part of its feasibility determination described in Section 2.3, the Developer will provide the County with a detailed financial proforma for the Project containing matters typically contained in such proformas, including (without limitation) a detailed development cost budget, a detailed operating income and expense estimate, and a development and construction time schedule for the Project. The financial proforma will be used to evidence the financial feasibility of the Project and to assist in the negotiation of terms regarding any financial contribution from the County. In the event the Project does not advance past the Negotiating Period, and provided that Developer is in compliance with this Agreement, subject to the Public Records Act, all Financial Proforma Analyses or similar documents prepared by the Developer shall remain the property of Developer, and County shall not share the same with any future development partner or third party.

Section 2.7 Units for Eligible Households. As part of its feasibility determination described in Section 2.3, the Developer’s proformas and other approvals will reflect a reservation of units for persons who are eligible for County Behavioral Health Care Services and funding through the Mental Health Services Act or similar source. The Parties currently expect that approximately ten to twelve units will be subject to such reservation, subject to further negotiations.

Section 2.8. Schedule. As part of its feasibility determination described in Section 2.3, the Developer will prepare a preliminary Project schedule, which will

identify a likely construction schedule, as well as the schedule for applicable Planning Approvals and Project financing applications.

Section 2.9 Financing Applications. Developer shall seek third party predevelopment funds to help finance its predevelopment activities described in this Article 2. In addition, the Developer will apply for Project financing as soon as practicable. Specifically, the Developer will make commercially reasonable efforts to obtain gap financing and complete Project drawings to position Developer to apply for other sources of financing , as set forth in Exhibit A.

Section 2.10 County Assistance. As partial consideration for this Agreement, the County will consider contributing a portion of its Mental Health Services funds to the Project to help pay for operating or lending, capital costs and supportive services. The supportive services funding may be provided in the form of direct services provided by County staff or contractors at the County's expense. The County will collaborate with Developer in connection with potential funding applications for funding from the State of California or other source. Project financing from the County, whether cash, no or low-interest loan, or in-kind, is subject to approval by the County Board of Supervisors unless otherwise determined by the County Administrator with the advice of County Counsel. It is understood between the Parties that County assistance, depending on its form, may trigger the requirement to comply with various Labor Code provisions relating to the payment of prevailing wages, contractor registration with the California Department of Industrial Relations and other requirements (see generally Labor Code § 1720 et seq.)

Section 2.11 Environmental Review. It is understood between the Parties that any subsidy or other discretionary activity or approval by the County that facilitates construction of the Project will trigger the requirement to comply with the California Environmental Quality Act (Pub. Res. Code, § 21000, et seq.) ("CEQA"). As a condition of County involvement, County will expect Developer to enter into a standard CEQA Indemnification and Reimbursement Agreement, which will include provisions: (i) describing Developer's role in providing environmental documentation, studies, plans, specifications, and other information to the County or other applicable governmental agencies reasonably necessary to perform review under CEQA; and (ii) specifying that Developer will indemnify and defend the County in any CEQA litigation and reimburse the County's costs in complying with CEQA.

Section 2.12 Utilities. The Developer shall consult with the utility companies serving the area of the Site to determine if existing utility facilities require expansion, relocation or underground installation in connection with development of the Project. The County shall assist and cooperate with the Developer in such consultations upon request of the Developer.

Section 2.13 Community Outreach. During the Negotiating Period, the Developer and the County will collaborate in community outreach and will hold one or more community meetings about the Project at times that are acceptable to the Parties.

Section 2.14 Progress Reports. Upon reasonable notice, as from time to time requested by the County, during the term of this Agreement the Developer shall make progress reports advising the County on studies being made and matters being evaluated by the Developer with respect to this Agreement and the Project. Such progress reports shall be in writing, if so requested by the County. The County shall not request written reports more frequently than once each month.

ARTICLE 3 GENERAL PROVISIONS

Section 3.1 Limitation on Effect of Agreement. This is an agreement to engage in exclusive negotiations in good faith, and shall not obligate the County to approve the Project in any manner or to provide financial assistance or services to the Developer or Project. This Agreement shall not obligate the Developer to acquire any Site or develop or operate the Project. Any Project or agreement resulting from negotiations pursuant to this Agreement shall become effective only if and after such Project and agreement has been considered and approved by the County Board of Supervisors and following conduct of all legally required procedures.

Section 3.2 Notices. Formal notices, demands and communications between the Parties shall be sufficiently given if, and shall not be deemed given unless, dispatched by certified mail, postage prepaid, return receipt requested, or sent by express delivery or overnight courier service, to the office of the Parties shown as follows, or such other address as the Parties may designate in writing from time to time:

County: Mono County Counsel
Attn: Stacey Simon
P.O. Box 2415
Mammoth Lakes, CA 93546
Phone: (760) 924-1704
Email: ssimon@mono.ca.gov

Developer: Affordable Housing Alliance II, Inc. dba Integrity Housing
Attention: Anjela Ponce, Executive Vice President
4 Venture, Suite 295
Irvine, CA 92618
Phone: (949) 491-1667 Fax: (949) 727-3654
Email:

Such written notices, demands, and communications shall be effective on the date shown on the delivery receipt as the date delivered or the date on which delivery was refused.

Section 3.3 Costs and Expenses. Each Party shall be responsible for its own costs and expenses in connection with any activities and negotiations undertaken in connection with this Agreement, and the performance of each Party's obligations under this Agreement, except as specifically provided in this Agreement.

Section 3.4 No Commissions. The County shall not be liable for any real estate commissions or brokerage fees that may arise from this Agreement. The Developer shall defend and hold the County harmless from any claims by any broker, agent, or finder retained by the Developer.

Section 3.5 Assignment. This Agreement may not be assigned by Developer without the prior written approval of the County, which may withhold approval in its sole discretion.

Section 3.6 Developer Identity. The Developer represents that it is a Colorado nonprofit corporation, doing business in California as Integrity Housing, and is in good standing.

Section 3.7 Attorneys' Fees; Jurisdiction and Venue. The prevailing Party in any action to enforce this Agreement shall be entitled to recover attorneys' fees and costs from the other Party (including fees and costs in any subsequent action or proceeding to enforce any judgment entered pursuant to an action on this Agreement). The Superior Court of the Mono County shall be the venue and have jurisdiction for the resolution of all such actions.

Section 3.8 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

Section 3.9 Entire Agreement. This Agreement constitutes the entire agreement of the Parties regarding the Site and the Project.

Section 3.10 Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same agreement.

[Signatures to Follow]

AS OF THE DATE FIRST WRITTEN ABOVE, the Parties evidence their agreement to the terms of this Agreement by signing below:

County:

Mono County, a political subdivision of the State of California

By: _____
John Peters, Chair
Mono County Board of Supervisors

APPROVED AS TO FORM:

By: _____
Stacey Simon
County Counsel

DEVELOPER:

Affordable Housing Alliance II, Inc., a Colorado nonprofit corporation doing business as Integrity Housing

By: _____

Name: Anjela Ponce
Its: Executive Vice President

EXHIBIT A

PRELIMINARY FINANCING TIMELINE

A. Negotiating Period	See §1.2
B. Development Period	
C. Site Control	See §2.3
D. Enter in Lease Agreement or Purchase	
E. Proposed Start of Construction	12/20
F. Financing Programs	
LIHTC –	
Application	07/20
Receipt of Reservation	09/20
Construction Loan	
Application	07/20
Close	12/20
MHSA/NPLH/Other	
Application	TBD
Close	TBD



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

Departments: Board of Supervisors

TIME REQUIRED 5 minutes

PERSONS APPEARING BEFORE THE BOARD Supervisor Jennifer Halferty

SUBJECT HUD Proposed Rule Change

AGENDA DESCRIPTION:

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

A letter to the Department of Housing and Urban Development (HUD) in opposition to its proposed rule "Verification of eligible status," which would restrict eligibility for federal housing assistance based on immigration status.

RECOMMENDED ACTION:

Approve letter to be submitted to HUD.

FISCAL IMPACT:

None.

CONTACT NAME: Scheereen Dedman

PHONE/EMAIL: x5538 / sdedman@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Letter
Fact Sheet

History

Time	Who	Approval
6/20/2019 5:32 PM	County Administrative Office	Yes
6/20/2019 4:58 PM	County Counsel	Yes

6/26/2019 1:07 PM

Finance

Yes



Jennifer Halferty ~ District One Fred Stump ~ District Two Bob Gardner ~ District Three
John Peters ~ District Four Stacy Corless ~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5533 • FAX (760) 932-5531
Shannon Kendall, Clerk of the Board

July 2, 2019

Submitted via www.regulations.gov

Office of General Counsel, Rules Docket Clerk
Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-0500

Re: HUD Docket No. FR-6124-P-01, RIN 2501-AD89 Comments in Response to Proposed Rulemaking:
Housing and Community Development Act of 1980: Verification of Eligible Status

Dear Sir/Madam:

I am writing on behalf of the Mono County Board of Supervisors in California to express our strong opposition to the changes regarding the Department of Housing and Urban Development's (HUD) proposed rule, "Verification of eligible status," published in the Federal Register on May 10, 2019 (RIN 2501-AD89; HUD Docket No. FR-6124-P-01). Mono County is a rich and diverse county on the eastern side of the Sierra Nevada mountains and abuts the border with the state of Nevada. Mono County is a rural and remote region of California with tourism as our major economy. If implemented, this rule threatens to displace members of our community and their families. Furthermore, this rule change would put additional challenges and barriers on our community's ability to address the housing shortage we face for our workforce. We urge the rule to be withdrawn in its entirety, and that HUD's long-standing regulations remain in effect.

Many of Mono County's jobs - over 70% - are low-wage tourism and service industry based, which are predominately held by members of families with different citizenship and immigration statuses. Additionally, approximately 94% of our County is publicly-held land. The combination of our remote location, limited private land, predominance of low-wage jobs, and high demand from outside capital for real estate puts housing that is affordable for our local residents out of reach. Mono County is actively implementing programs, policies, and funds to begin to address our lack of housing that fits within the limited budgets of our community members. Subsidy programs from both the state and HUD are necessary in order to address the need for more affordable housing through the leverage and collaboration of government programs. Requiring HUD subsidy programs to comply with this new rule will further exacerbate our struggle to house our primary residents simply by eliminating their eligibility.

Although HUD contends that the proposed rule is a means of addressing the waitlist crisis faced by a majority of Public Housing Authorities nationwide,¹ Mono County recognizes that the proposed rule is a part of the current administration's coordinated attack on immigrant families.² We all share the concern that millions of U.S. households struggle to find affordable housing in the ongoing nationwide housing crisis, but blaming struggling immigrant families will not fix this problem. Indeed, HUD's own analysis of the proposed rule concludes that fewer, not more, families are likely to receive assistance as a result of the rule.³ The real issue is the lack of sufficient funding to ensure that every family, regardless of immigration status, has access to one of the most basic of human rights—a safe place to call home.

Mono County opposes immigration reform efforts that restrict the rights of immigrants or breaks up families. We urge HUD to immediately withdraw its current proposal and dedicate its efforts to advancing policies that strengthen—rather than undermine—the ability of immigrants to support themselves and their families in the future. If we want our communities to thrive, everyone in those communities must be able to stay together and get the care, services, and support they need to remain healthy and productive.

Thank you for the opportunity to submit comments on the proposed rulemaking. Please do not hesitate to contact me to provide further information.

Sincerely,

John Peters
Chair, Mono County Board of Supervisors

¹ Tracy Jan, Trump Proposal Would Evict Undocumented Immigrants from Public Housing, Wash. Post (Apr. 18, 2019), https://www.washingtonpost.com/business/2019/04/18/trump-proposal-would-evict-undocumented-immigrants-public-housing/?utm_term=.c6fd40565b83.

² See, e.g., Nat'l Immigration L. Ctr., Understanding Trump's Muslim Bans (updated Mar. 8, 2019), <https://www.nilc.org/issues/immigration-enforcement/understanding-the-muslim-bans/>; Michael D. Shear & Emily Baumgaertner, Trump Administration Aims to Sharply Restrict New Green Cards for Those on Public Aid, N.Y. Times (Sept. 22, 2018), <https://www.nytimes.com/2018/09/22/us/politics/immigrants-green-card-public-aid.html>; Dan Lamothe, Pentagon Will Shift an Additional \$1.5 Billion to Help Fund Trump's Border Wall, Wash. Post (May 10, 2019), https://www.washingtonpost.com/national-security/2019/05/10/pentagon-will-shift-an-additional-billion-help-fund-trumps-border-wall/?utm_term=.37360e7cda10; Reuters, Exclusive: Trump Administration Proposal Would Make It Easier to Deport Immigrants Who Use Public Benefits, N.Y. Times (May 3, 2019), <https://www.nytimes.com/reuters/2019/05/03/us/politics/03reuters-usa-immigration-benefits-exclusive.html>.

³ HUD, Regulatory Impact Analysis, Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980, Docket No. FR-6124-P-01 (Apr. 15, 2019).

Q&A on HUD Proposed Rule on Mixed-Status Families

On May 10, 2019, the Department of Housing and Urban Development (HUD) released a [proposed rule](#) titled “Housing and Community Development Act of 1980: Verification of Eligible Status.” The rule would significantly change HUD’s regulations by further restricting eligibility for federal housing assistance based on immigration status. The rule would also impose new documentation requirements for U.S. citizens and individuals 62 years old or older receiving or applying for housing assistance. If finalized, the proposed rule will effectively evict 25,000 immigrant families from their homes, including over 55,000 children who are eligible for housing assistance under federal law. Millions of citizens and the elderly could also lose their subsidies if they are not able to prove their citizenship and immigration status.



WHAT WOULD THE PROPOSED RULE DO?

The proposed rule prohibits “mixed-status” families from living in federally subsidized units that are subject to immigration status restrictions under Section 214 of the Housing and Community Development Act of 1980 (“Section 214”). Mixed-status families are households comprised of members who have eligible and ineligible immigration statuses as defined in Section 214. Currently, families with at least one U.S. citizen or eligible immigrant are permitted to live together in a subsidized housing unit. Mixed-status families receive housing assistance on a prorated basis—where the amount of the housing subsidy for the household is decreased to account for family members with ineligible immigration status. That is, the subsidy is based on the portion of eligible household members in the unit. **Existing laws ensure that only U.S. citizens and eligible immigrants can receive these housing subsidies.**

The proposed rule requires that every household member be a U.S. citizen or an eligible immigrant. However, if the head of the household’s immigration status has been verified, a temporary period of prorated assistance may be allowed while the status of other family members is being verified.

Furthermore, the rule would require that the status of all household members younger than 62 years old be verified through the Systematic Alien Verification for Entitlements (“SAVE”) system, which is operated by the Department of Homeland Security. The rule also makes changes to the citizenship and immigration verification requirements for U.S. citizens and noncitizens who are 62 years old or older, as detailed below.

The rule would apply to all households currently receiving Section 214 subsidies, as well as to anyone who may apply for these housing programs in the future.

WHICH AFFORDABLE HOUSING PROGRAMS ARE COVERED UNDER THE PROPOSED RULE?

The rule would apply to the following federal housing assistance programs:

- Public Housing
- Section 8 Housing Choice Vouchers

- Section 8 Project-Based Housing
- Section 235 Home Loan Program
- Section 236 Rental Assistance Program
- The Rent Supplement Program
- Housing Development Grant Programs (low-income units only)

WOULD THE RULE AFFECT OTHER FEDERAL HOUSING ASSISTANCE PROGRAMS?

While only the programs listed above are covered by the proposed rule, other federal, state, and local housing programs may be implicated where layers of subsidies that include one of the listed programs are used to make units affordable to very low-income families. For example, a mixed-status family living in a Low-Income Housing Tax Credit unit with Section 8 Housing Choice Voucher assistance would be affected by this proposed rule.

WHO IS AN “ELIGIBLE” IMMIGRANT?

Only U.S. citizens and individuals with one of the following immigrant statuses are eligible for federal subsidies under Section 214:

- U.S. Citizens and Nationals
- Lawful Permanent Residents (LPR)
- VAWA Self-Petitioners
- Asylees and Refugees
- Parolees
- Persons Granted Withholding of Removal/Deportation
- Victims of Trafficking
- Individuals residing in the U.S. under the Compacts of Free Association with the Marshall Islands, Micronesia, Palau and Guam
- Immigrants admitted for lawful temporary residence under the Immigration Reform and Control Act of 1986

WHO IS AN “INELIGIBLE” IMMIGRANT?

Other immigration categories not listed under the above “eligible” immigrant list are ineligible for housing assistance under Section 214. For example, ineligible immigrants include those who are in the U.S. on temporary employment or student visas, persons granted Temporary Protected Status, recipients of Deferred Action for Childhood Arrivals (DACA), or survivors of serious crimes granted U non-immigrant status.

AN “INELIGIBLE” IMMIGRANT IS NOT AN UNDOCUMENTED IMMIGRANT?

Being “ineligible” for housing subsidies is **not** equivalent to being undocumented. There are many immigrants with legal status who are ineligible for certain federally subsidized housing. A poignant example of ineligible immigrants are U-visa holders, who are crime victims that have suffered signif-

icant physical or mental abuse while in the U.S. and are assisting law enforcement and government officials in prosecuting those who perpetrated the criminal activities.

1. The family's head of household (leaseholder) must have an eligible immigration status under Section 214.
2. The ineligible family members in the household must be either: the spouse of the head of household, children of the spouse or head of household, or parents of the spouse or head of household. Other ineligible family members (such as aunts, uncles, cousins, etc.) would prevent a family from receiving continued assistance under the rule.

DOES THIS MEAN THAT IMMIGRANTS WHO ARE NOT ELIGIBLE FOR SECTION 214 HOUSING WOULD NOT BE AFFECTED BY THE RULE?

No. Any immigrant or U.S. citizen living as part of a mixed-status family would be harmed by this rule. A mixed-status family would be faced with the impossible choice of breaking up their families to ensure that some members still receive the assistance or forgoing the assistance to keep the family together and potentially facing homelessness.

HOW MUCH TIME WOULD MIXED-STATUS FAMILIES THAT CHOOSE TO STAY TOGETHER HAVE BEFORE THEY WOULD LOSE THEIR ASSISTANCE?

The proposed rule includes a "temporary deferral of termination of assistance" provision. Under this provision, mixed-status families can continue to receive prorated assistance if they can show that:

1. The family made reasonable efforts to find new affordable housing but were unsuccessful in their search, or
2. The vacancy rate for affordable housing is less than five percent in the area that they currently reside, or
3. The local jurisdiction's consolidated plan reports that the local housing market lacks sufficient affordable housing opportunities for families of the size and income level of the family seeking temporary deferral.

Families can receive a temporary deferral for an initial period of up to six months. The family may be able to get this time extended for two additional six-month periods, for a total of 18 months of temporarily deferred termination of assistance.

HOW WOULD THE RULE CHANGE CITIZENSHIP AND IMMIGRATION VERIFICATION REQUIREMENTS FOR EVERYONE?

Under current HUD regulations, only family members that are applying for housing assistance need to have their immigration status verified. Family members that would not qualify for assistance based on their immigration status can elect not to contend eligibility for the housing assistance, allowing the family to receive assistance on a prorated basis. The proposed rule would eliminate an individual's ability to elect not to contend their eligibility for the subsidy, and would require all household members under the age of 62 to submit verification of their immigration status through the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) system.

Under the proposed rule, **U.S. Citizens and Nationals**, who currently must only provide a signed declaration of U.S. citizenship or U.S. nationality, would also need to submit documentation of their citizenship status. Furthermore, **noncitizens who are 62 years old or older**, who currently are only

required to provide a signed declaration of eligible immigration status and a proof of age document, would also be required submit immigration documentation, although the documentation would not be verified through SAVE.

If these individuals are not able to produce the documentation in the required timeframes, then they risk losing their housing assistance.

WHAT IF EVERYONE IN THE HOUSEHOLD IS AN ELIGIBLE IMMIGRANT, BUT IT IS TAKING SOME TIME TO VERIFY THEIR IMMIGRATION STATUS?

The proposed rule allows for temporary prorated assistance to families once their head of household or leaseholder has established an eligible immigration status. However, this prorated assistance would only be available while the remaining household members establish that they have an eligible immigration status. If it is established that there are ineligible family members in the household, the family would no longer qualify for prorated assistance.

WOULD ANY MIXED-STATUS FAMILIES BE EXEMPTED FROM THIS RULE?

No mixed-status families will be exempted, under the proposed rule. However, certain families may qualify for continued assistance, where they will be able to continue to receive assistance on a prorated basis. To qualify for continued assistance, a mixed-status family must meet the following conditions:

1. The family must have been receiving assistance from a housing program covered by Section 214 on June 19, 1995.
2. The family's head of household (leaseholder) must have an eligible immigration status under Section 214.
3. The ineligible family members in the household must be either: the spouse of the head of household, children of the spouse or head of household, or parents of the spouse or head of household. Other ineligible family members (such as aunts, uncles, cousins, etc.) would prevent a family from receiving continued assistance under the rule.

HOW MANY FAMILIES WILL BE HARMED OR AFFECTED BY THIS RULE?

According to HUD data, approximately 25,000 mixed-status families across the country currently receiving assistance would be forced to decide between breaking up their families or forgoing their assistance. In these families, over 55,000 children who are eligible for the assistance will be harmed by this rule because their parents are ineligible immigrants.

Millions more immigrant families will be harmed by the fear and confusion created by this rule and related policies by the Trump Administration, as families decide not to seek or to leave lifeline housing subsidy programs for which they are eligible.

Additionally, this rule would affect nine million U.S. citizens currently receiving HUD assistance who have already attested, under penalty of perjury, that they are citizens as well as about 120,000 elderly immigrants who are receiving subsidies. If these individuals cannot provide the proper proof of citizenship or immigration status, then they risk losing their assistance and facing homelessness.

HOW WOULD THIS RULE AFFECT HOUSING PROVIDERS ADMINISTERING THESE ASSISTANCE PROGRAMS?

The rule would require housing providers to collect and verify documentation that was not previously required. Tens of thousands of public housing agencies and private property owners would need to collect documents “proving” the citizenship of millions of assisted residents, as well as the citizenship of future applicants for assistance. They would also need to collect status documentation from thousands of elderly immigrants. Additionally, housing authorities must create new policies to determine which families will receive continued assistance or temporary deferment of termination.

All of these new requirements would impose new and significant administrative costs and burdens for housing providers, which HUD does not account for in the rule. These costs could further deter housing providers from participating or continuing to participate in these programs, which would exacerbate the affordable housing crisis.

I AM WORRIED ABOUT WHETHER THE RULE APPLIES TO ME. SHOULD I GIVE UP MY HOUSING ASSISTANCE?

This is only a proposed rule. The agency will be accepting comments on it, and must respond to the comments before it can become final or effective. The final rule is not likely to go into effect for many months, and the proposed rule would offer the possibility of a temporary deferral of termination of assistance to give families time to transition to unsubsidized housing. Affordable housing is essential for families to thrive. If you have questions about your situation or whether you should remain in your housing, you can consult a housing attorney.

WHAT CAN I DO?

Fight back by submitting comments to HUD explaining why this rule would have a catastrophic impact on you, your family, friends, neighbors, tenants, and clients. The deadline to submit comments is **July 9, 2019**. Individuals can submit comments directly to HUD via NLIHC and NHLP’s campaign website, www.keep-families-together.org. The website’s resources page also includes comment templates that organizations can modify and adapt to submit on their own at www.regulations.gov (Docket ID: HUD-2019-0044).

For more information, please contact Sonya Acosta, NLIHC Policy Analyst, sacosta@nlihc.org, or Karlo Ng, NHLP Supervising Attorney, at kng@nhlp.org.





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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

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, Dave Wilbrecht, Dave Butters, Janet Dutcher, and Anne Larsen. 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: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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

Time

Who

Approval



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

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

TIME REQUIRED

SUBJECT Closed Session - Public Employment

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Administrative Officer (CAO).

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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No Attachments Available

History

Time

Who

Approval



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

TIME REQUIRED

SUBJECT Closed Session - Initiation of
Litigation

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Anne Larsen

PHONE/EMAIL: 760 924-1707 / alarsen@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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History

Time	Who	Approval
6/20/2019 5:29 PM	County Administrative Office	Yes
6/20/2019 4:53 PM	County Counsel	Yes
6/19/2019 9:40 AM	Finance	Yes



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE July 2, 2019

TIME REQUIRED

SUBJECT Closed Session - Exposure to
Litigation

**PERSONS
APPEARING
BEFORE THE
BOARD**

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: Three.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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No Attachments Available

History

Time	Who	Approval
6/27/2019 11:35 AM	County Administrative Office	Yes
6/26/2019 5:32 PM	County Counsel	Yes
6/27/2019 12:01 PM	Finance	Yes