



AGENDA

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Regular Meetings: First, Second, and Third Tuesday of each month. Location of meeting is specified below.
Meeting Location: Board Chambers, 2nd Fl., County Courthouse, 278 Main St., Bridgeport, CA 93517

Regular Meeting March 12, 2024

TELECONFERENCE INFORMATION

This meeting will be held in person at the location listed above. Additionally, a teleconference location will be available where the public and members of the Board may participate by electronic means.

1. Mammoth Teleconference Location – for meetings held on the first and second Tuesday of each month - Mono Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA. 93546;
2. Bridgeport Teleconference Location – for meetings held on the third Tuesday of each Month - Mono County Courthouse, Second Floor Board Chambers, 278 Main Street, Bridgeport, CA. 93517;
3. Teleconference Location - ONOMO Hotel Rabat Terminus, 286 Avenue Mohammed V Rabat, Morocco
4. Zoom Webinar.

Members of the public may participate via the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below.

To join the meeting by computer:

Visit <https://monocounty.zoom.us/j/86184622677> or visit <https://www.zoom.us/>, click on "Join A Meeting" and enter the Zoom Webinar ID 861 8462 2677.

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

To join the meeting by telephone:

Dial (669) 900-6833, then enter Zoom Webinar 861 8462 2677

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

If you are unable to join the Zoom Webinar of the Board meeting, you may still view the live stream of the meeting by visiting: https://monocounty.granicus.com/MediaPlayer.php?publish_id=714fe04d-98f2-4e11-b476-233e3caea796

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

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

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

9:00 AM Call meeting to Order

Pledge of Allegiance

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

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

2. RECOGNITIONS - NONE

3. COUNTY ADMINISTRATIVE OFFICER

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

4. DEPARTMENT/COMMISSION REPORTS

Receive brief oral report on emerging issues and/or activities.

5. CONSENT AGENDA

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

A. Ordinance Memorializing Transition of Department of Animal Services into Division of Animal Services

Departments: County Administrative Office

Proposed ordinance amending Chapters 2.05 and 9.08 of the Mono County Code to memorialize the transition of the Department of Animal Services into the Division of Animal Services.

Recommended Action: Adopt proposed ordinance.

Fiscal Impact: Department reclassification of Animal Services to a division results in some unknown amount of fiscal savings for the difference in compensation between a department head and a division manager.

B. Sustainable Outdoors and Recreation Budget Transfer and Appropriation for Vehicle and Equipment Purchases

Departments: Public Works - Recreation

This item is a request for an adjustment to the Sustainable Outdoors and Recreation Division of Public Works. The Appropriation Transfer Request is for use of Geothermal Royalties to purchase 3/4-ton pickup plus a lumber rack and toolbox, a small pickup plus a bed cover, and a utility trailer plus toolbox, work bench and power to execute Sustainable Outdoors and Recreation in Mono County.

Recommended Action: Approve Appropriation Transfer Request for an increase in appropriations in the Sustainable Outdoors and Recreation budget unit as well as the Fleet budget unit in Public Works. (requires 4/5ths vote).

Fiscal Impact: Increase revenues and appropriations in the Sustainable Outdoors and Recreation budget unit by \$155,000 and increase revenues and appropriations in the Fleet budget unit by \$150,000. The Sustainable Outdoors and Recreation budget has a spendable carryover balance of \$566,000 from Geothermal Royalties. State law allows Geothermal royalties to be spent on geothermal projects, capital assets, and recreational activities.

6. CORRESPONDENCE RECEIVED - NONE

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

7. REGULAR AGENDA - MORNING

A. Avalanche Program Update

Departments: Clerk of the Board, Sponsored by Supervisor Duggan
45 minutes

(Sue Burak, Forecaster) - Sue Burak will present an update of the Mono County Avalanche Forecasting Program for County Roads. The program began in the winter of 2015-2016. The winters of 2017, 2019, 2021 and 2023 have presented complex avalanche forecasting challenges as storms associated with atmospheric rivers have become more powerful. Close collaboration between the forecaster, Mono County Road Department and Public Works will be highlighted during this presentation.

Recommended Action: None, informational only.

Fiscal Impact: None.

B. Cannabis Operation Permit 23-002 High Sierra June Lake

Departments: Community Development
20 minutes

(Rob Makoske, Analyst) - Presentation by Rob Makoske regarding Cannabis Operation Permit 23-002 / High Sierra June Lake for a microbusiness consisting of retail, non-volatile manufacturing, and distribution.

Recommended Action: Approve Subject to Conditions as Recommended: 1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption. 2. Approve Cannabis Operation Permit 23-002 subject to the conditions recommended or with desired modifications.

Fiscal Impact: The proposed project will potentially generate an increase in cannabis taxes based on the expanded on-site cannabis operation. No external fiscal impacts to the June Lake area.

C. Funding Request from Bridgeport Fire Protection District

Departments: County Administrative Office

15 minutes

(Sandra Moberly, County Administrative Officer) - Bridgeport Fire Protection District Funding Request

Recommended Action: Staff recommends that the Board consider the request from BFPD and provide direction to staff regarding an increase in the monthly payment made to BFPD. Staff will bring a resolution and agreement back to the Board reflecting Board direction.

Fiscal Impact: Depending on direction from the Board, County costs may increase by about \$25,100 per fiscal year.

D. Legal Services Agreement for Representation of the Mammoth Lakes Fire Protection District by Mono County Counsel

Departments: County Counsel

5 minutes

(Stacey Simon, County Counsel) - Proposed legal services agreement with the Mammoth Lakes Fire Protection District (MLFPD) to receive limited legal services from Mono County Counsel.

Recommended Action: Approve and authorize County Counsel to sign and contract with MLFPD for limited legal services for the period March 5, 2024, through June 30, 2025, with automatic 1-year renewals until either party decides to terminate the agreement.

Fiscal Impact: Some amount of reimbursement for direct and indirect costs. MLFPD will reimburse the County for its costs incurred to provide services to the District.

8. CLOSED SESSION

A. Closed Session - Anticipated 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.

B. Closed Session - Existing Litigation

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Claim for damages filed by Leonel Acero.

C. Closed Session – Existing Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Mono v. KR Property et al. Case number: CV200081

D. Closed Session – Real Property Negotiation

CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Government Code section 54956.8. Property Address: 264 Highway 182, Bridgeport, CA. County Negotiator: Mary Booher Negotiating Parties: Garth Moore and Mono County Under Negotiation: Price, terms, and conditions.

E. Closed Session - Labor Negotiations

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Sandra Moberly, Mary Booher, Stacey Simon, Janet Dutcher, and Christine Bouchard. 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 Correctional Deputy Sheriffs' Association. Unrepresented employees: All.

F. Closed Session - Public Employee Evaluation

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Administrative Officer.

9. 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 March 12, 2024

Departments: County Administrative Office

TIME REQUIRED

SUBJECT Ordinance Memorializing Transition
of Department of Animal Services
into Division of Animal Services

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Proposed ordinance amending Chapters 2.05 and 9.08 of the Mono County Code to memorialize the transition of the Department of Animal Services into the Division of Animal Services.

RECOMMENDED ACTION:

Adopt proposed ordinance.

FISCAL IMPACT:

Department reclassification of Animal Services to a division results in some unknown amount of fiscal savings for the difference in compensation between a department head and a division manager.

CONTACT NAME: Stacey Simon

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> Staff Report
<input type="checkbox"/> Ordinance
<input type="checkbox"/> Exhibit A - Chapter 9.08
<input type="checkbox"/> Exhibit B - Chapter 2.05
<input type="checkbox"/> Redline - Chapter 9.08
<input type="checkbox"/> Redline - Chapter 2.05

History

Time	Who	Approval
3/5/2024 3:32 PM	County Counsel	Yes
3/4/2024 11:53 AM	Finance	Yes
3/5/2024 4:41 PM	County Administrative Office	Yes



COUNTY ADMINISTRATIVE OFFICER
COUNTY OF MONO
Sandra Moberly, MPA, AICP

ASSISTANT COUNTY ADMINISTRATIVE OFFICER
Christine Bouchard

To: Board of Supervisors

BOARD OF SUPERVISORS

CHAIR

John Peters / District 4

VICE CHAIR

Lynda Salcido / District 5

Jennifer Kreitz / District 1

Rhonda Duggan / District 2

Bob Gardner / District 3

COUNTY DEPARTMENTS

ASSESSOR

Hon. Barry Beck

DISTRICT ATTORNEY

Hon. David Anderson

SHERIFF / CORONER

Hon. Ingrid Braun

ANIMAL SERVICES

Chris Mokracek "Interim"

BEHAVIORAL HEALTH

Robin Roberts

COMMUNITY DEVELOPMENT

Wendy Sugimura

COUNTY CLERK-RECORDER

Queenie Barnard

COUNTY COUNSEL

Stacey Simon, Esq.

ECONOMIC DEVELOPMENT

Jeff Simpson

EMERGENCY MEDICAL SERVICES

Bryan Bullock

FINANCE

Janet Dutcher, DPA, MPA,

CGFM, CPA

HEALTH AND HUMAN SERVICES

Kathryn Peterson

INFORMATION TECHNOLOGY

Mike Martinez

PROBATION

Karin Humiston

PUBLIC WORKS

Paul Roten

From: Christine Bouchard, Assistant County Administrator
Stacey Simon, County Counsel

Date: March 12, 2024

Re: Conversion of Animal Services Department to Animal Services Division

Strategic Plan Focus Area(s) Met

- A Thriving Economy
- Safe and Healthy Communities
- Mandated Function
- Sustainable Public Lands
- Workforce & Operational Excellence

Discussion

On February 20, 2024, the Board of Supervisors gave staff direction to take such steps as may be required in order to convert the County's existing Department of Animal Services into a Division of Animal Services, which would be located within and under the supervision of an existing County department. This change would necessarily involve converting the position of Animal Services Director into the position of Animal Services Manager.

Currently, in the absence of a full-time Animal Services Director, the animal services program is being overseen by the County's Director of Emergency Management, Chris Mokracek, as Interim Director of Animal Services. Mr. Mokracek is an employee of the County Administrative Office. Accordingly, the newly created Division of Animal Services would remain located within the CAO's office, at least until such a time as a full-time Animal Services Manager is in place. At that time, transition to another department may be more appropriate.

To accomplish the changes directed by the Board on February 20th, the following actions are required:

1. Adopt a resolution amending the County's List of Allocated Positions to remove the position of Director of Animal Services and to add the position of Animal Services Manager (COMPLETED February 20th).
2. Modify the employment agreement of Chris Mokracek to reflect his temporary appointment as Animal Services Manager (rather than Director) and to make other conforming changes. (COMPLETED March 5, 2024.)

3. Adopt an ordinance replacing all current references in the Mono County Code to the “Department of Animal Services” and the “Director of Animal Services” to the “Division of Animal Services” and the “Animal Services Manager”, respectively. (PROPOSED TODAY.)

If you have any questions regarding this item, please call or email Assistant County Administrator Christine Bouchard or County Counsel Stacey Simon.



ORD24-__

**AN ORDINANCE OF THE MONO COUNTY
BOARD OF SUPERVISORS AMENDING CHAPTERS 2.05 AND 9.08 OF
THE MONO COUNTY CODE TO MEMORIALIZE
TRANSITION OF THE DEPARTMENT OF ANIMAL SERVICES
INTO A DIVISION OF ANIMAL SERVICES**

WHEREAS, the Board of Supervisors has determined that the Department of Animal Services should become the Division of Animal Services and, accordingly, that the position of Director of Animal Services should become position of Animal Services Manager; and

WHEREAS, to memorialize the foregoing, an amendment to the Mono County Code (MCC) is necessary to replace all references to “Animal Services Department” or “Department of Animal Services” with “Animal Services Division” and all references to the “Animal Services Director” or “Director of Animal Services” with “Animal Services Manager”; and

WHEREAS, specifically, amendments are necessary to MCC Chapter 2.05, which enumerates all of the departments and offices of the County, including the “Department of Animal Services” and to Chapter 9.08 “Animal Services”, which specifies the duties and functions of the Animal Services Department and Director;

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

SECTION ONE: Chapter 9.08 of the Mono County Code is hereby revised as follows and as set forth in **Exhibit A** which is attached hereto and incorporated by this reference:

- A. Mono County Code section 9.08.010 is deleted in its entirety and shall instead read “RESERVED”.
- B. All remaining references in Mono County Code Chapter 9.08 to the “Department of Animal Services” or the “Animal Services Department” shall be replaced with the term “Division of Animal Services” or “Animal Services Division”, as appropriate.
- C. All remaining references in Mono County Code Chapter 9.08 to the “Director of Animal Services” or the “Animal Services Director” shall be replaced with the term “Animal Services Manager”.

SECTION TWO: Section 2.05.040 of the Mono County Code is hereby amended to delete subdivision A (“Animal Services”) in its entirety. All remaining subdivisions of Section 2.05.040 shall be re-lettered accordingly, as shown in **Exhibit B**, which is attached hereto and incorporated by this reference.

SECTION THREE: Any remaining references in the Mono County Code to the Department of Animal Services/Animal Services Department or to the Director of Animal

1 Services/Animal Services Director in the Mono County Code are hereby replaced with the terms
2 “Animal Services Division” and “Animal Services Manager” and, until such time as the change
3 is implemented, shall be construed to refer to the Animal Services Division and the Animal
Services Manager, respectively.

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

8 **PASSED, APPROVED and ADOPTED** this 12th day of March, 2024, by the following
9 vote, to wit:

10 **AYES:**

11 **NOES:**

12 **ABSENT:**

13 **ABSTAIN:**

14
15 _____
John Peters, Chair
Mono County Board of Supervisors

16
17 **ATTEST:**

APPROVED AS TO FORM:

18
19 _____
Clerk of the Board

20 _____
County Counsel

EXHIBIT A

Chapter 9.08 ANIMAL SERVICES

Sections:

9.08.010 RESERVED

9.08.020 Generally.

- A. The animal services manager and his or her other officers are designated as public officers and employees of the county, charged with the duty to enforce the provisions of this chapter and any law of the state relating to the care, treatment and impounding of animals, and they are authorized to issue citations for violations of said laws and provisions in accordance with Section 836.5 of the California Penal Code.
- B. Each such person, while performing his or her respective duties, shall wear a metallic badge of a size and design to be determined by the animal services manager.
- C. The animal services manager and his or her officers, when acting in the course and scope of their employment, are authorized to carry, in county vehicles, unloaded firearms or weapons of a type and caliber approved by the sheriff's department. The animal services manager and his or her officers shall receive initial and recurrent training in the use of any type of firearm or weapon approved for use by the sheriff's department, in order to establish and assure satisfactory proficiency in the use of such weapons commensurate with the safety and welfare of the general public.

9.08.030 Duties.

The animal services manager and his or her officers shall pick up and impound animals as provided in Chapters 9.04 through 9.44 of this code. They shall also enforce the provisions of Chapters 9.04 through 9.44 and any other state law or local ordinances relating to animals.

9.08.040 Fees.

The following fees are imposed, the amount of which shall be set by resolution of the board of supervisors:

- A. Redemption Fee. To redeem a dog from the pound, the amount of which shall include reasonable costs associated with of the care of dogs while impounded.
- B. Turn-in fee. When an animal is voluntarily turned in to the pound by its owner, the amount of which shall include reasonable costs associated with of the care of dogs while impounded.

9.08.050 Authority.

Whenever the animal services manager or his or her officers are authorized to take up and impound any animal under the provisions of Chapters 9.04 through 9.44, he or she shall have the authority in the exercise of a sound discretion to shoot to kill any such animal that attacks him or her while he or she is in the act of seizing it for impounding and to shoot any dog at large that has no known owner or home and which cannot be safely caught.

EXHIBIT B

Chapter 2.05 COUNTY DEPARTMENTAL STRUCTURE

Sections:

2.05.010 – County Departmental Structure

The County Departmental Structure is comprised of twenty (20) county departments as set forth in this chapter.

2.05.011 – Department Heads and Directors

Each county department is supervised by a department director or department head, who is either elected by the voters of Mono County, appointed by the Mono County Board of Supervisors, or appointed by the County Administrative Officer. The Board of Supervisors determines terms and conditions of employment.

2.05.012 – Duties and Statutory Requirements

This Chapter memorializes the county departmental structure but does not set forth the duties or statutory requirements of any county department or department director or department head. The duties and statutory requirements can be found in other chapters of this Mono County Code and/or state law.

2.05.020 – Departments Managed by Elected Department Heads

Each department listed in this Section is managed under the direction of an elected department head who serves at the pleasure of the Mono County electorate. Terms and conditions of the employees of these departments are governed by collective bargaining agreements, applicable personnel rules, and other legally binding authorities.

A. Assessor's Office

B. District Attorney's Office

C. Sheriff's Office

2.05.030 – Departments Managed by Directors Appointed by the Board

Each department or office listed in this Section is managed under the direction of a department director or department head appointed by the Mono County Board of Supervisors and serving at the pleasure of the Board. The terms and conditions of employment are set forth in a contract of employment with each individual director that is approved by the Board of Supervisors and subject to applicable law and policies. Each of these departments may contain department divisions that are subject to supervision of the department director.

A. County Administrator's Office

B. County Counsel's Office

C. Agricultural Commissioner's Office (see also, Section 2.05.050).

D. Veterans' Services Office (see also, Section 2.05.060)

2.05.040 – Departments Managed by Directors Appointed by the County Administrator

Each department listed in this Section is managed under the direction of a department director who is appointed by and serves at the pleasure of, the County Administrative Officer, as set forth in Mono County Code Section 2.84.080. The terms and conditions of employment for each department director are set forth in a contract of employment that is approved by the Board of Supervisors and by applicable policies adopted by the Board of Supervisors. These departments may contain department divisions under the supervision of the department director.

A. Behavioral Health

B. County Clerk - Recorder - Registrar of Voters - Clerk of the Board

C. Community Development

D. Economic Development

E. Emergency Medical Services

F. Finance

G. Information Technology

H. Public Health

I. Public Works

J. Social Services

2.05.050 – Office of the Agricultural Commissioner

A. The Office of the Agricultural Commissioner is managed under the direction of a department director who concurrently serves as the Agricultural Commissioner, Director of Weights and Measures and Pesticide Enforcement Officer (hereafter "Agricultural Commissioner"). Except as provided in subsection B below, the Agricultural Commissioner is appointed by the Board of Supervisors and supervised by the County Administrative Officer, with terms and conditions of employment set forth in a contract of employment approved by the Board of Supervisors and applicable law.

B. Notwithstanding subsection A above, the Agricultural Commissioner is a position that may be shared among counties in accordance with all applicable law.

C. The Agricultural Commissioner shall be an employee of either Mono County or a partner neighboring county in accordance with the terms and conditions of an agreement between those counties and in accordance with all applicable law.

2.05.060 Veterans' Services Office

A. The Veterans' Services Office is managed under the direction of the Veterans' Services Officer. Except as provided in subsection B below, the Veterans' Services Officer is appointed by the Board of Supervisors and supervised by the County Administrative Officer, with terms and conditions of employment set forth in a contract of employment approved by the Board of Supervisors and applicable law.

B. Notwithstanding subsection A above, the Veterans' Services Officer is a position that may be shared among counties in accordance with all applicable law.

C. The Veteran's Services Officer shall be an employee of either Mono County or a partner neighboring county in accordance with the terms and conditions of an agreement between those counties and in accordance with all applicable law.

2.05.070 Probation Department

A. The Probation Department is managed under the direction of the Chief Probation Officer as established by Mono County Code Section 2.48.010. Except as provided in subsection C below, the Chief Probation Officer is appointed by and serves at the pleasure of the County Administrative Officer pursuant to Section 27770(b) of the California Government Code.

B. The terms and conditions of employment for the Chief Probation Officer are set forth in an employment contract and applicable policies approved by the Board of Supervisors.

C. Notwithstanding subsection A, if a Chief Probation Officer is employed pursuant to a contract governed by Section 27770(a) of the California Government Code which was executed prior to agreement between the Administrative Office of the Courts (AOC) and Mono County providing for sole employment and supervision of the Chief Probation Officer by the County, then the Chief Probation Officer shall instead be nominated and appointed by the Presiding Judge of the County pursuant to Section 27770(a) and the Presiding Judge may remove the Chief Probation Officer for good cause, until such an agreement is entered into between the County and the AOC.

2.05.080 – Farm Advisor

A. The Mono County Farm Advisor is a position created in partnership with the University of California Cooperative Extension program. This position leverages federal, state, and local funds to assist residents in matters related to agricultural production.

B. The Mono County Farm Advisor is a position that may be shared among counties in accordance with the terms and conditions of an agreement between those counties and in accordance with all applicable law.

C. The Farm Advisor shall be an employee of either Mono County or a partner neighboring county in accordance with the terms and conditions of an agreement between those counties and in accordance with all applicable law.

EXHIBIT A

Chapter 9.08 ANIMAL SERVICES

Sections:

9.08.010 ~~Position created—Appointment.~~

~~There is created the position of the animal services director who shall be appointed by the county administrator and shall operate the Mono County Department of Animal Services.—RESERVED~~

Formatted: Section

9.08.020 Generally.

- A. The animal services ~~director-manager~~ and his or her other officers are designated as public officers and employees of the county, charged with the duty to enforce the provisions of this chapter and any law of the state relating to the care, treatment and impounding of animals, and they are authorized to issue citations for violations of said laws and provisions in accordance with Section 836.5 of the California Penal Code.
- B. Each such person, while performing his or her respective duties, shall wear a metallic badge of a size and design to be determined by the animal services ~~director-manager~~.
- C. The animal services ~~director-manager~~ and his or her officers, when acting in the course and scope of their employment, are authorized to carry, in county vehicles, unloaded firearms or weapons of a type and caliber approved by the sheriff's department. The animal services ~~director-manager~~ and his or her officers shall receive initial and recurrent training in the use of any type of firearm or weapon approved for use by the sheriff's department, in order to establish and assure satisfactory proficiency in the use of such weapons commensurate with the safety and welfare of the general public.

9.08.030 Duties.

The animal services ~~director-manager~~ and his or her officers shall pick up and impound animals as provided in Chapters 9.04 through 9.44 of this code. They shall also enforce the provisions of Chapters 9.04 through 9.44 and any other state law or local ordinances relating to animals.

9.08.040 Fees.

The following fees are imposed, the amount of which shall be set by resolution of the board of supervisors:

- A. Redemption Fee. To redeem a dog from the pound, the amount of which shall include reasonable costs associated with of the care of dogs while impounded.
- B. Turn-in fee. When an animal is voluntarily turned in to the pound by its owner, the amount of which shall include reasonable costs associated with of the care of dogs while impounded.

9.08.050 Authority.

Whenever the animal services ~~director-manager~~ or his or her officers are authorized to take up and impound any animal under the provisions of Chapters 9.04 through 9.44, he or she shall have the authority in the exercise of a sound discretion to shoot to kill any such animal that attacks him or her while he or she is in the act of seizing it for impounding and to shoot any dog at large that has no known owner or home and which cannot be safely caught.

EXHIBIT B

Chapter 2.05 COUNTY DEPARTMENTAL STRUCTURE

Sections:

2.05.010 – County Departmental Structure

The County Departmental Structure is comprised of twenty (20) county departments as set forth in this chapter.

2.05.011 – Department Heads and Directors

Each county department is supervised by a department director or department head, who is either elected by the voters of Mono County, appointed by the Mono County Board of Supervisors, or appointed by the County Administrative Officer. The Board of Supervisors determines terms and conditions of employment.

2.05.012 – Duties and Statutory Requirements

This Chapter memorializes the county departmental structure but does not set forth the duties or statutory requirements of any county department or department director or department head. The duties and statutory requirements can be found in other chapters of this Mono County Code and/or state law.

2.05.020 – Departments Managed by Elected Department Heads

Each department listed in this Section is managed under the direction of an elected department head who serves at the pleasure of the Mono County electorate. Terms and conditions of the employees of these departments are governed by collective bargaining agreements, applicable personnel rules, and other legally binding authorities.

A. Assessor's Office

B. District Attorney's Office

C. Sheriff's Office

2.05.030 – Departments Managed by Directors Appointed by the Board

Each department or office listed in this Section is managed under the direction of a department director or department head appointed by the Mono County Board of Supervisors and serving at the pleasure of the Board. The terms and conditions of employment are set forth in a contract of employment with each individual director that is approved by the Board of Supervisors and subject to applicable law and policies. Each of these departments may contain department divisions that are subject to supervision of the department director.

A. County Administrator's Office

B. County Counsel's Office

C. Agricultural Commissioner's Office (see also, Section 2.05.050).

D. Veterans' Services Office (see also, Section 2.05.060)

2.05.040 – Departments Managed by Directors Appointed by the County Administrator

Each department listed in this Section is managed under the direction of a department director who is appointed by and serves at the pleasure of, the County Administrative Officer, as set forth in Mono County Code Section 2.84.080. The terms and conditions of employment for each department director are set forth in a contract of employment that is approved by the Board of Supervisors and by applicable policies adopted by the Board of Supervisors. These departments may contain department divisions under the supervision of the department director.

[A. Animal Services](#)

[AB. Behavioral Health](#)

[BC. County Clerk - Recorder - Registrar of Voters - Clerk of the Board](#)

[CD. Community Development](#)

[DE. Economic Development](#)

[FE. Emergency Medical Services](#)

[FG. Finance](#)

[GH. Information Technology](#)

[HI. Public Health](#)

[IJ. Public Works](#)

[JK. Social Services](#)

2.05.050 – Office of the Agricultural Commissioner

A. The Office of the Agricultural Commissioner is managed under the direction of a department director who concurrently serves as the Agricultural Commissioner, Director of Weights and Measures and Pesticide Enforcement Officer (hereafter "Agricultural Commissioner"). Except as provided in subsection B below, the Agricultural Commissioner is appointed by the Board of Supervisors and supervised by the County Administrative Officer, with terms and conditions of employment set forth in a contract of employment approved by the Board of Supervisors and applicable law.

B. Notwithstanding subsection A above, the Agricultural Commissioner is a position that may be shared among counties in accordance with all applicable law.

C. The Agricultural Commissioner shall be an employee of either Mono County or a partner neighboring county in accordance with the terms and conditions of an agreement between those counties and in accordance with all applicable law.

2.05.060 Veterans' Services Office

A. The Veterans' Services Office is managed under the direction of the Veterans' Services Officer. Except as provided in subsection B below, the Veterans' Services Officer is appointed by the Board of Supervisors and supervised by the County Administrative Officer, with terms and conditions of employment set forth in a contract of employment approved by the Board of Supervisors and applicable law.

B. Notwithstanding subsection A above, the Veterans' Services Officer is a position that may be shared among counties in accordance with all applicable law.

C. The Veteran's Services Officer shall be an employee of either Mono County or a partner neighboring county in accordance with the terms and conditions of an agreement between those counties and in accordance with all applicable law.

2.05.070 Probation Department

A. The Probation Department is managed under the direction of the Chief Probation Officer as established by Mono County Code Section 2.48.010. Except as provided in subsection C below, the Chief Probation Officer is appointed by and serves at the pleasure of the County Administrative Officer pursuant to Section 27770(b) of the California Government Code.

B. The terms and conditions of employment for the Chief Probation Officer are set forth in an employment contract and applicable policies approved by the Board of Supervisors.

C. Notwithstanding subsection A, if a Chief Probation Officer is employed pursuant to a contract governed by Section 27770(a) of the California Government Code which was executed prior to agreement between the Administrative Office of the Courts (AOC) and Mono County providing for sole employment and supervision of the Chief Probation Officer by the County, then the Chief Probation Officer shall instead be nominated and appointed by the Presiding Judge of the County pursuant to Section 27770(a) and the Presiding Judge may remove the Chief Probation Officer for good cause, until such an agreement is entered into between the County and the AOC.

2.05.080 – Farm Advisor

A. The Mono County Farm Advisor is a position created in partnership with the University of California Cooperative Extension program. This position leverages federal, state, and local funds to assist residents in matters related to agricultural production.

B. The Mono County Farm Advisor is a position that may be shared among counties in accordance with the terms and conditions of an agreement between those counties and in accordance with all applicable law.

C. The Farm Advisor shall be an employee of either Mono County or a partner neighboring county in accordance with the terms and conditions of an agreement between those counties and in accordance with all applicable law.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 12, 2024

Departments: Public Works - Recreation

TIME REQUIRED

SUBJECT Sustainable Outdoors and
Recreation Budget Transfer and
Appropriation for Vehicle and
Equipment Purchases

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

This item is a request for an adjustment to the Sustainable Outdoors and Recreation Division of Public Works. The Appropriation Transfer Request is for use of Geothermal Royalties to purchase 3/4-ton pickup plus a lumber rack and toolbox, a small pickup plus a bed cover, and a utility trailer plus toolbox, work bench and power to execute Sustainable Outdoors and Recreation in Mono County.

RECOMMENDED ACTION:

Approve Appropriation Transfer Request for an increase in appropriations in the Sustainable Outdoors and Recreation budget unit as well as the Fleet budget unit in Public Works. (requires 4/5ths vote).

FISCAL IMPACT:

Increase revenues and appropriations in the Sustainable Outdoors and Recreation budget unit by \$155,000 and increase revenues and appropriations in the Fleet budget unit by \$150,000. The Sustainable Outdoors and Recreation budget has a spendable carryover balance of \$566,000 from Geothermal Royalties. State law allows Geothermal royalties to be spent on geothermal projects, capital assets, and recreational activities.

CONTACT NAME: Marcella Rose

PHONE/EMAIL: 760-616-4953 / mrose@mono.ca.gov

SEND COPIES TO:

Paul Roten (proten@mono.ca.gov), Marcella Rose
(mrose@mono.ca.gov)

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Staff Report - SOAR Vehicle Allocation and Purchase](#)

History

Time	Who	Approval
3/5/2024 4:29 PM	County Counsel	Yes
3/6/2024 2:20 PM	Finance	Yes
3/8/2024 12:31 PM	County Administrative Office	Yes



MONO COUNTY

DEPARTMENT OF PUBLIC WORKS

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

Date: February 20, 2024
To: Honorable Chair and Members of the Board of Supervisors
From: Marcella Rose, Sustainable Recreation Coordinator
Subject: Allocation and Purchase of Two trucks and an Equipment Trailer for the Sustainable Outdoors and Recreation Division of Public Works

Background:

To operate Sustainable Outdoors and Recreation (Recreation) presently requires 3 vehicles. The current vehicles used by Recreation are beyond typical useful life, each approaching 250,000 miles. Historically, no vehicles have been allocated to the Recreation division, resulting in the use of older, unreliable vehicles left over from other County divisions. In the summer of 2023, recreation was using three vehicles of which one has been put permanently out of service, leaving two vehicles. One of those two has been in and out of service causing interruptions to Recreation division work.

Discussion:

As the Recreation division is developing, the FY23-24 budget was based on the FY22-23 budget and did not include new vehicle purchases. With the recent unreliability and decommissioning of some of the vehicles being used by Recreation, it was determined that Recreation must have reliable trucks to operate in the summer of 2024.

Additionally, the efficiency of the recreation division will be greatly improved with a work trailer, like what is used in the Facilities division, to transport recreation equipment and tools to larger and more intensive projects. The work trailer will improve the security of recreation tools and equipment and is considered a standard piece of equipment for recreation, parks and facilities industry-wide.

This board item is to authorize additional vehicle allocations and purchase for the Recreation Division of Public Works. Vehicle allocations requested are as follows:

- 1 Ford F250 or equivalent plus upfitting including Lumber Rack and Side Toolboxes with an estimated price including upfitting, tax and miscellaneous of \$85,000.
- 1 Small Truck – Ford Ranger or equivalent plus upfitting including bed cover or topper with an estimated price including upfitting, tax and miscellaneous of \$50,000.
- 1 Utility Trailer plus upfitting including toolbox, work bench, and solar with battery with an estimated price including upfitting, tax and miscellaneous of \$15,000.

These purchases will be funded through the Geothermal revenue account and purchased through Fleet.

If you have any questions regarding this item, please contact Marcella Rose at (760) 616-4953. Or mrose@mono.ca.gov

Respectfully submitted,

Marcella Rose

Marcella Rose, Sustainable Recreation Coordinator

COUNTY OF MONO APPROPRIATION TRANSFER REQUEST					
Department:		Public Works - Recreation		Fiscal Year: 23-24	
Budget Unit:		108		Date: 3/12/2024	
Prepared by:		Marcella Rose		Phone: 760-616-4953	
Revenue adjustment					
Action	Account Number	Account Name	Approved Budget	Adjustment	Adjusted Budget
+/-	XXX-XX-XXX-XXXXX		\$XX,XXX.XX	\$XX,XXX.XX	\$XX,XXX.XX
+	108-27-194-15750	Fed: Geothermal Royalties	\$130,936.00	\$155,000.00	\$285,936.00
+	650-10-723-18100	Transfers In	\$1,736,153.00	\$150,000.00	\$1,886,153.00
					\$0.00
Expense adjustment					
Action	Account Number	Account Name	Approved Budget	Adjustment	Adjusted Budget
+/-	XXX-XX-XXX-XXXXX		\$XX,XXX.XX	\$XX,XXX.XX	\$XX,XXX.XX
+	108-27-194-60100	Transfers Out	\$0.00	\$150,000.00	\$150,000.00
+	650-10-723-53010	Capital Outlay: Vehicles	\$870,000.00	\$150,000.00	\$1,020,000.00
+	108-27-194-52011	Capitlay Outlay: Building and building improvements	\$0.00	\$5,000.00	\$5,000.00
Total (If greater than \$0 explain on page 2)				\$0.00	

Budget Transfer Request FY 2023-24

Page 1

COUNTY OF MONO APPROPRIATION TRANSFER REQUEST	
Explanation	
<p>Please address the following for the Budget adjustment requested: (Attach memo if necessary)</p> <p>1 - Why was this not anticipated at time of Budget Development?</p> <p>This budget adjustment is being requested to ensure that the Recreation division is in compliance with current policy. At the time of budget development, there was not a need to replace vehicles. Since then, two of the recreation vehicles have become [nearly] inoperable. The items in this ATR required Board approval to allocate money to the correct account for forthcoming expenditures (ex. Capital Outlay: Fleet account).</p> <p>2 - Why are funds available for the budget adjustment? If total is not zero explain where funds are coming from and make a</p> <p>Funds are available for the budget adjustment through the Geothermal royalty balance for the division.</p> <p>3 - Is this a non-recurring event or should this be reflected in next years budget?</p> <p>Non-recurring.</p>	
Budget Request detail	
<input type="checkbox"/> Board Approval not required <input checked="" type="checkbox"/> Board Approval required <input type="checkbox"/> Request for Contingency	
1. Department Head - Signature	2. Budget Officer - Signature
	
3. Finance Director - Signature	4. CAO Office - Signature
	

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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 12, 2024

Departments: Clerk of the Board, Sponsored by Supervisor Duggan

TIME REQUIRED 45 minutes

PERSONS Sue Burak, Forecaster

SUBJECT Avalanche Program Update

**APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Sue Burak will present an update of the Mono County Avalanche Forecasting Program for County Roads. The program began in the winter of 2015-2016. The winters of 2017, 2019, 2021 and 2023 have presented complex avalanche forecasting challenges as storms associated with atmospheric rivers have become more powerful. Close collaboration between the forecaster, Mono County Road Department and Public Works will be highlighted during this presentation.

RECOMMENDED ACTION:

None, informational only.

FISCAL IMPACT:

None.

CONTACT NAME: Danielle Patrick

PHONE/EMAIL: 7609325535 / despinosa@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
2/27/2024 4:05 PM	County Counsel	Yes
3/4/2024 11:54 AM	Finance	Yes

3/5/2024 8:35 AM

County Administrative Office

Yes

Susan Burak
Snow Survey Associates
1335 Rocking W Drive, Ste 130
Bishop, CA 93514

Date: March 12, 2024

To: Honorable Board of Supervisors

From: Sue Burak, Snow Survey Associates

Subject: Presentation on Mono County's Public Works avalanche program

Discussion: Mono County instituted an avalanche forecasting program for County Roads in winter of 2015-2016. The winters of 2017, 2019, 2021 and 2023 have presented complex avalanche forecasting challenges as storms associated with atmospheric rivers have become more powerful. Close collaboration between the forecaster, Mono County Road Department and Public Works will be highlighted during this presentation.

Best regards,

Sue Burak



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 12, 2024

Departments: Community Development

TIME REQUIRED 20 minutes

PERSONS APPEARING BEFORE THE BOARD Rob Makoske, Analyst

SUBJECT Cannabis Operation Permit 23-002
High Sierra June Lake

AGENDA DESCRIPTION:

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

Presentation by Rob Makoske regarding Cannabis Operation Permit 23-002 / High Sierra June Lake for a microbusiness consisting of retail, non-volatile manufacturing, and distribution.

RECOMMENDED ACTION:

Approve Subject to Conditions as Recommended: 1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption. 2. Approve Cannabis Operation Permit 23-002 subject to the conditions recommended or with desired modifications.

FISCAL IMPACT:

The proposed project will potentially generate an increase in cannabis taxes based on the expanded on-site cannabis operation. No external fiscal impacts to the June Lake area.

CONTACT NAME: Rob Makoske

PHONE/EMAIL: 7609241813 / rmakoske@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
2/28/2024 1:38 PM	County Counsel	Yes

3/4/2024 12:00 PM

Finance

Yes

3/5/2024 9:34 AM

County Administrative Office

Yes

MONO COUNTY

COMMUNITY DEVELOPMENT DEPARTMENT

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

Planning Division

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

Date: March 12, 2024

To: **Honorable Mono County Board of Supervisors**

From: Rob Makoske, Planning Analyst

Re: **Cannabis Operation Permit 23-002/High Sierra June Lake**

BACKGROUND

In June of 2018, in response to the passing of California Senate Bill 94, Mono County Community Development began processing new cannabis discretionary permits. To develop specific local cannabis regulations, two rounds of public outreach were conducted via the Regional Planning Advisory Committees and the June Lake Citizen Advisory Committee from March to August 2017. The Board of Supervisors held four public workshops beginning March 2017, and the Planning Commission held a workshop on September 21, 2017, for input and direction on policy issues raised by public outreach and other public comment. In response to the workshops, outreach, and policy discussion, the Board directed the initiation of a General Plan Amendment on October 3, 2017, to adopt policies pertaining to cannabis activities to sustain progress toward complete and comprehensive County regulations. On December 5, 2017, General Plan Amendment (17-03) was adopted by Resolution R17-88, establishing policies for commercial cannabis activity by changing and adding text to the Land Use Element and Conservation/Open Space Element of the Mono County General Plan.

In January and February 2018, the Planning Commission continued to review specific regulations to govern cannabis activity. These regulations were consolidated into a new General Plan chapter, Chapter 13, Commercial Cannabis Activities, and Mono County Code (MCC) Chapter 5.60, Cannabis Operations. On April 17, 2018, the Board approved General Plan Amendment 18-01 which included General Plan Chapter 13 and MCC Chapter 5.60.

The chapters 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.

The applicant, John Decoster, currently holds Operation Permit 18-001 for a retail store, which was approved on 11/6/2018.

DISCUSSION

The subject application, Cannabis Microbusiness Operation Permit 23-002/High Sierra June Lake, expands upon their current retail-only operation permit (18-001) to also allow for non-volatile manufacturing (packaging) and distribution (bulk transport). The operation of three or more cannabis operation types also allows the business to be classified as a microbusiness, which, in effect, allows the business to consolidate individual cannabis operations permits at the state and county level (retail, non-volatile manufacturing, distribution). This saves the applicant time and money when re-applying for cannabis permits. On December 21, 2023, the Planning Commission held a public hearing and approved the associated Conditional Use Permit Modification (UPM 23-004) to allow for High Sierra's expanded cannabis operations.

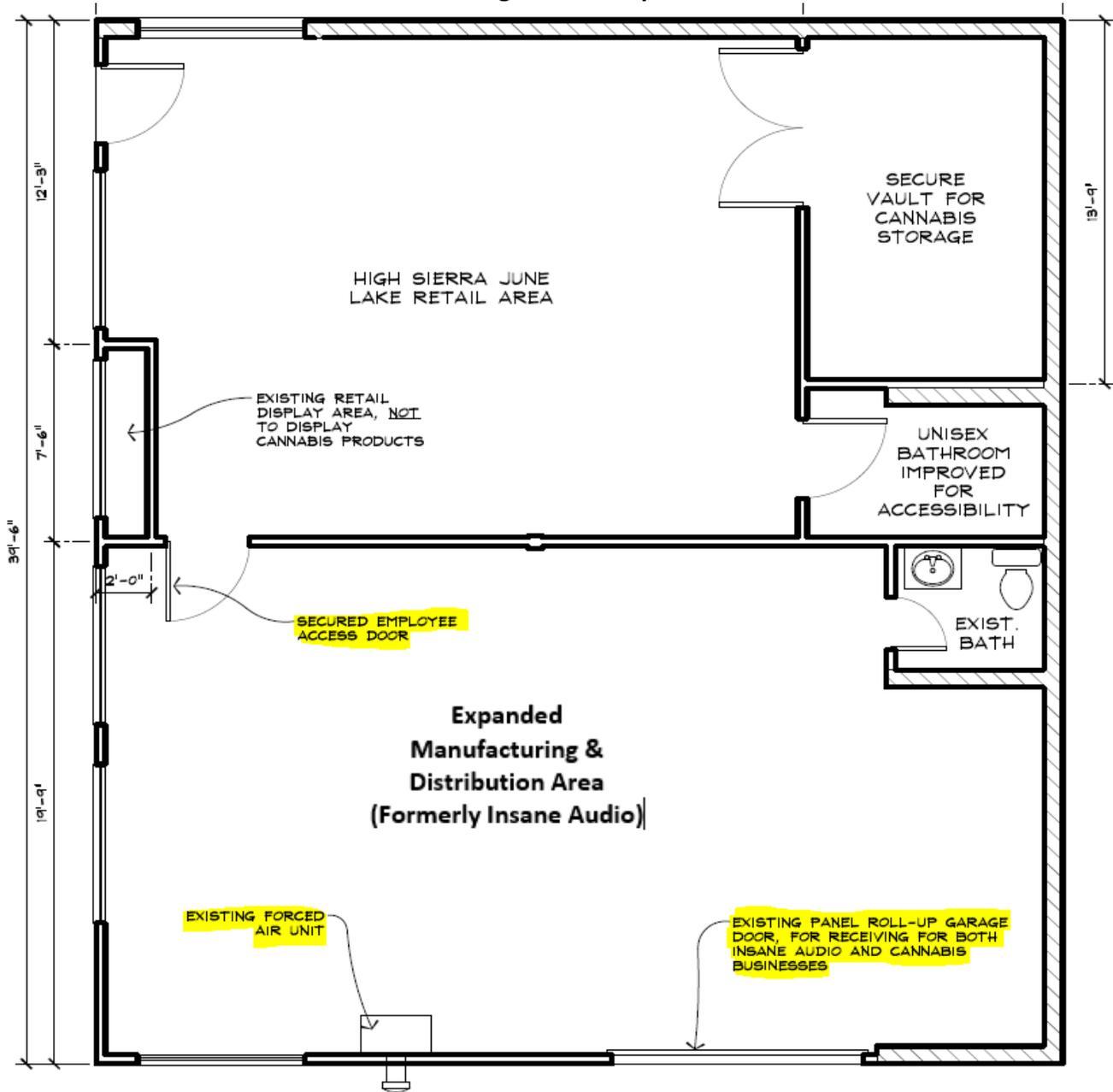
The Commission found that the project was consistent with the requirements of Chapter 13 of the General Plan, analyzing the project's location, site, odor mitigation, signage, visual screening, lighting, parking, and noise generation, along with the additional requirements for cannabis distribution (§13.090), cannabis manufacturing (§13.100), and cannabis microbusiness (§13.130).

The applicant, Mr. DeCoster, is the Chief Executive Officer of Rock House Holdings, LLC, and a representative for the property leasee, Really High Sierra, Inc. Mr. DeCoster is the property owner, business owner, and retains all financial interest.

High Sierra currently operates in one half of the commercial building located at 2555 Highway 158, June Lake, CA. The applicant proposes to expand into the vacant half of the building, formerly occupied by Insane Audio, a high-tech car stereo manufacturing business which has relocated out of the state. The existing retail area is approximately 425 square feet, and the proposed packaging and storage area is an additional 625 square feet. There will be no change to existing square footage or building footprint. Non-retail cannabis operations area will not be open to the public.

Next Page

Figure 1: Floorplan



STANDARD CANNABIS OPERATION PERMIT REQUIREMENTS

All cannabis operation permits in Mono County require compliance with the checklists provided in Mono County Code Section 5.60.070 – Application Process, 5.60.120 – Commercial Cannabis Operation Requirements – All Cannabis Businesses, 5.60.150 – Additional Regulations for Cannabis Manufacturing, and 5.60.170 – Additional Requirements for Cannabis Distribution. All requirements in these checklists have been satisfied, this staff report only details below those requiring an explanation or analysis.

OPERATING PLAN – MCC 5.60.070(B)(13)

The applicant is required to submit an operating plan detailing proposed activity, products, process, inventory, procedures, employee training, hours of operation, and quality control procedures.

- The proposed activity is non-volatile manufacturing (packaging) and distribution of cannabis and cannabis products. The existing cannabis retail operation will continue as previously approved, consolidating the on-site cannabis operation into a microbusiness operation permit (23-002) (Retail, Manufacturing, and Distribution).
- Pursuant to County regulation, expanded operations area will not be open to the general public. Hours of retail operation continue to be between 9:00am and 9:00pm.
- Quality control procedures: Business currently has their cannabis products independently tested in the Sacramento area, then delivered back to their retail space. This expanded cannabis permit will allow the applicant to source product locally in Mono County and have independent testing contractors collect random samples to take back to their own labs for testing.
- The 24-hour emergency contact and community relations contact listed is Mr. John DeCoster; telephone number and email address are on file with the County and Sheriff's office.
- Process and procedures to be utilized include: In addition to existing cannabis retail operation protocols and procedures, picking up cannabis products from local farms for packaging on-site, provide cannabis products to independent third-party testing labs, return any cannabis trimmings to local farms. Note: Any trimming is expected to be minimal, as the product is trimmed prior to High Sierra obtaining it.
- All cannabis and cannabis products will be secured in either a locked vault area, or in secured facilities only to be accessed by staff with appropriate RFID access cards.
- Age verification: No persons under the age of 21 will be allowed to enter the premises.

Under current conditions, High Sierra buys their cannabis from local farms, and has it transported to Sacramento for independent testing and jarring. From there, it is transported back to Mono County for sale at their retail operation. The goal of this expansion is to allow High Sierra to purchase cannabis locally, transport cannabis product back to their storage facility, and allow third-party testers to obtain required random samples directly from their storage facility. It is much more cost-effective to hire a third-party contractor to conduct required random sampling from their storage facility for off-site testing than to transport cannabis product for sampling from Mono County, to Sacramento, and back again. This is in-line with High Sierra's business plan to be truly local, reduce emissions, and operate as sustainably as possible.

Cannabis products will be stored in secured, limited access areas within the existing RFID access areas formerly operated by Mr. DeCoster as Insane Audio. Cannabis will be stored in the manufacturing portion of the building. Cannabis will only be in a vehicle when actively transporting product from local farms to High Sierra June Lake. The delivery truck will be under the supervision of High Sierra staff and shall adhere to all Department of Cannabis Control (DCC) guidelines. The distribution premise meets all enclosure and accessibility requirements.

INVENTORY CONTROL

In addition to High Sierra's existing inventory control procedures, the business also employs electronic inventory control, inventory reconciliation procedures, and regular stock counts. An electronic inventory control system is integrated with their Point of Sales system.

A roll-up garage door, separate from the existing retail area, will be used for receiving inventory. A secured vault will be used for inventory storage, and all cannabis goods will be received from a licensed distributor. Security cameras exist on the exterior and interior of the facility, and will record all areas where cannabis and cannabis product will be received, transported, and stored.

Once the applicant has applied for a state license, he will be able to register with the California Cannabis Track-

and-Trace System (CCTT) and complete training on the system to become an account manager. When a state license has been issued, the account manager will be credentialed to access the CCTT-Metric system and will use the system when receiving product. The operation will maintain a copy of all shipping manifests, provided by a licensed distributor, that will be made available upon request from all officials.

EMPLOYEES

The applicant has stated that all employees go through a formal screening process that includes, but is not limited to, background checks and reference checks. Per County Code requirements, all cannabis operation employees are required to be twenty-one (21) years of age or older, and the business shall retain proof of age for all employees.

All employees will undergo a mandatory internal security and operational training program as well as training made available through the Mono County Health Department. Once hired, employees will complete an internal training program and an approved external training program, such as Sell-SMART by Cannabis Trainers TM. Employees will be trained about cannabis products offered as well as the risks involved with use of them.

DETAILED BUSINESS PLAN – MCC 5.60.070(B)(14)

Use Permit Modification 23-004 was approved on December 21, 2023, and the staff report 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, along with the additional requirements for cannabis distribution (§13.090), cannabis manufacturing (§13.100), and cannabis microbusiness (§13.130). A full copy of the Use Permit Modification is attached (Attachment B).

In addition to having a current business license for operation (MCC5.60.040(F)), the applicant has agreed to secure and provide proof of all approvals necessary to operate a commercial cannabis distribution and non-volatile manufacturing (jarring) operation prior to expanding their cannabis operations.

WASTE MANAGEMENT PLAN – MCC 5.60.070(B)(15)

Applicant intends to return any cannabis waste from the manufacturing process back to the farm where they source their product.

SECURITY PLAN – MCC 5.60.070(B)(16)

The Confidential Security Plan has been reviewed and approved by the Mono County Sherriff's Office. The Security Plan follows the requirements that have been set forth in Title 16, Section 5042-5047 of the California Code of Regulations. Per Mono County Code 5.60.070.B(16) the security plan is confidential.

At the time this report was written, the applicant is up to date with the Live Scan process. Mr. DeCoster also holds a current guard-card with the state. The Sherriff's office will check in periodically with the business to ensure any issues or concerns are addressed.

ANALYSIS – MCC 5.60.080(C)

Upon completion of staff review and internal processing, the Director shall set the matter for decision by the Approval Authority, which shall receive and consider the input and recommendations of the Sheriff, staff, the applicant and any interested persons, and, thereafter, may issue the cannabis operation permit if the following findings are made:

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 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 to be submitted to the state for licensure.

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 approval for a Use Permit Modification from the Planning Commission on December 21, 2023. This modification expands their existing retail-only cannabis use permit into a microbusiness that includes retail, non-volatile manufacturing, and distribution.

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, Public Health, and the Sheriff's Office, as well as Mono County's Cannabis Task Force, comprised of members from Mono County Code Compliance, Building, Finance, Environmental Health, Economic Development & Tourism, Behavioral Health, Agricultural Commissioner, District Attorney, and Assessor's offices.

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 past 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 or owner has not been convicted of a felony or a drug related misdemeanor within the past ten (10) years. The applicant has completed a Live Scan and it has been determined that no significant crimes have been committed. The applicant also has a current guard card with the State.

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 owner-operated businesses and experiences that will help facilitate the successful expansion of his cannabis operation.

- 2) Whether there are specific and articulable positive or negative impacts on the surrounding community or adjacent properties from the proposed cannabis business;

The applicant has received no letters of support or opposition from other members of the community through the recently approved Use Permit process.

- 3) The adequacy and feasibility of business, operations, security, waste management, odor control, and other plans or measures submitted by the applicant;

As a retail business, the application adequately addresses the feasibility of business, operations, security, waste management, and odor control. The cannabis operation has sufficient security elements to prevent crime and unanticipated nuisances, and has received approval from the Sheriff's office for their confidential security plan.

Odor control and waste management will be very limited. Odor will be managed by closed air system with HEPA filtration. Limited waste materials will be in the form of cannabis trimmings and shall be returned to the licensed Cultivator.

- 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;

No other cannabis-related businesses exist in the community of June Lake at this time. The next-nearest cannabis retail operation is in Lee Vining, CA.

- 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.; and

No environmental impacts are anticipated from the proposed business. No new construction is proposed, and any cannabis trimmings accrued on-site will be minimal in nature and returned to their partner Cultivator for recycling. Packaging operation is done by hand and requires no additional power or heavy tools.

- 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 expansion can potentially generate additional jobs for area residents. The existing business currently employs staff for security and retail positions. Background checks will continue to be completed for all employees and employees will receive specific training for the job.

The Board has the authority to deny an application that meets any of the following criteria (MCC 5.60.080(D)):

- The applicant has knowingly made a false statement of material fact, or has knowingly omitted a material fact, from the application.
- 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.
- 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 circumstances above have occurred as far as Mono County is aware.

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

ATTACHMENTS

- a. Cannabis Operation Permit 23-002 Conditions of Approval
- b. Staff Report – Use Permit Modification 23-004

ATTACHMENT A

Conditions of Approval Cannabis Operation Permit 23-002 / High Sierra June Lake

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 license for a cannabis microbusiness, a Mono County Business License, and Mono County Tax Certificate. The applicant shall provide proof of state-issued license when available.

In no case shall any hazardous, flammable, or explosive substances be used to process or manufacture cannabis products on site unless all necessary permits have been obtained from Mono County and all other appropriate agencies.

6. The County, its agents, and employees may seek verification of the information contained in this permit and the associated application.
7. 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 the August 31 may result in denial of the renewal application.

The operation shall operate only in accordance with the application and all corresponding plans reviewed and approved by the County. This permit shall expire August 31, 2024 (unless renewed or revoked in accordance with Mono County Code Chapter 5.60).

8. Renewal/modifications must be received by no later than August 1 annually, 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.

ATTACHMENT B

December 21, 2023

To: Mono County Planning Commission

From: Rob Makoske, Planning Analyst

Re: **Use Permit Modification 23-004 / High Sierra Cannabis Manufacturing & Distribution / Microbusiness (DeCoster)**

RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303 and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit Modification 23-004 subject to Conditions of Approval.

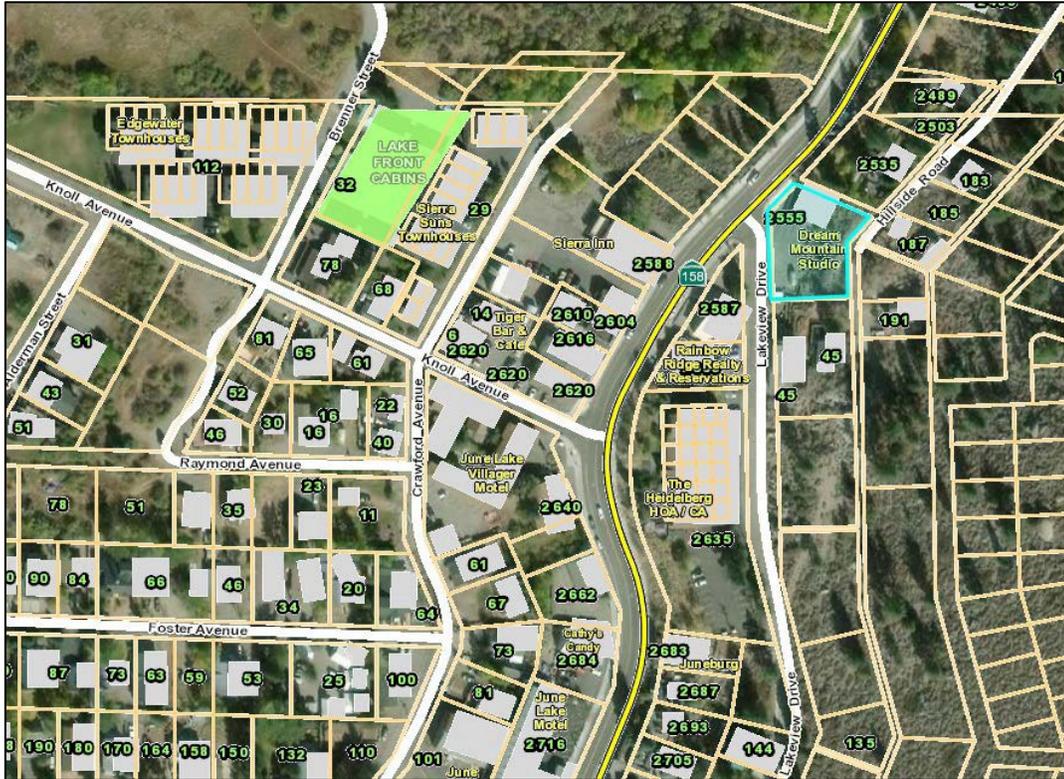
PROJECT OVERVIEW

The site is located at 2555 State Route (SR)/Highway 158 (APN 015-085-010) in June Lake, at the intersection of Highway 158 and Lakeview Drive. Currently, High Sierra operates in one half of the existing commercial building, with the other half currently vacant. Applicant proposes to convert the vacant portion of the building, formerly housing the Insane Audio business, into a non-volatile manufacturing (jarring) area for cannabis products. This application also requests to expand their cannabis use permit to allow for distribution, so High Sierra may transport cannabis from local growers directly to their property for jarring and third-party testing. The existing cannabis retail business sharing the duplex would continue to operate after the addition of cannabis manufacturing and distribution.

A key challenge for High Sierra's business model is relying on third parties to distribute locally grown cannabis products to their shelves. Currently, the business is required to contract with a licensed cannabis distribution company from outside the region to pick up the product from farms in Mono County. The product is then tested, jarred, and labeled in Sacramento. Further costs are incurred by then distributing the finished product back to the retail business in June Lake. This process is expensive, logistically challenging, and less than ideal for the environment. It can also be difficult to receive these deliveries in the winter; it is much easier to pay independent contractors to test the product at their site in June Lake. By allowing High Sierra to expand their operation to allow non-volatile manufacturing and distribution, they will be able to reduce their costs, reduce transportation emissions, and generally contribute more meaningfully towards their goal of a sustainable, local economy.

All applications for commercial cannabis activity must be approved through a Conditional Use Permit (CUP) process. A CUP for retail cannabis is already in place (18-003, see: Attachment 4) at this property; this Use Permit Modification seeks to amend the existing use permit to allow non-volatile manufacturing and distribution activities in addition to their ongoing retail operation. By engaging in three or more cannabis-related business activities, High Sierra also seeks to qualify as a microbusiness and obtain a microbusiness license from the State of California and a microbusiness Cannabis Operations Permit from Mono County.

Figure 1: Project Site 2555 Highway 158



The project qualifies for a Class 3 CEQA exemption (CEQA Guidelines, 15303) as it involves the conversion of a small structure without expansion of the building footprint. An avalanche study was previously conducted with the original use permit, to provide support that the operation meets Mono County Safety Element guidelines for year-round use in a potential avalanche hazard zone (conditional use area).

PROJECT SETTING

The existing 1,400-square foot commercial building is located on the 14,512 square foot lot at 2555 State Route (SR) 158 (APN 015-085-010). The lot is designated commercial and is surrounded by other commercial lots to the west and south, and single-family residential to the east and north (see: Figure 2). The parcel is at the northern terminus of the June Lake commercial core. Historically, the June Lake commercial core along SR 158, extending west to Crawford Avenue and east to Lakeview Drive, has provided a combination of food, retail, and lodging services.

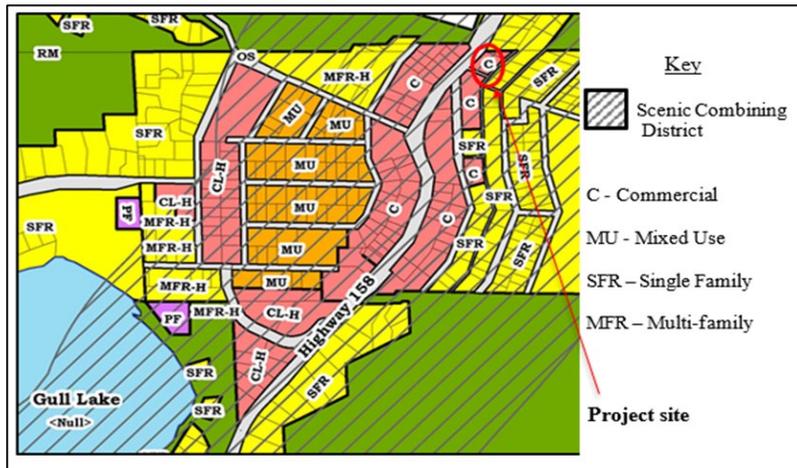


Figure 2: Land Use Designation Map

High Sierra June Lake proposes an expansion of their existing retail cannabis business in their existing commercial structure to add non-volatile manufacturing and distribution, which would collectively be permitted as a microbusiness. The existing retail component would continue to operate out of the half of the building they currently occupy, while the vacant half of the building will be occupied by the non-volatile manufacturing component of their business (see: Figure 3). Manufacturing area is fully partitioned and has an existing RFID access control system. Expanded operation will be staffed by High Sierra employees and will not generate any additional traffic, as it will remain closed to the public. The project structure has been used for retail and food services in the past, and currently houses High Sierra's retail cannabis operation. The half of the building to be converted to cannabis manufacturing was formerly operated by Insane Audio, a high-tech car stereo manufacturing business which has relocated out of the June Lake area.

Figure 3: Floor Plan

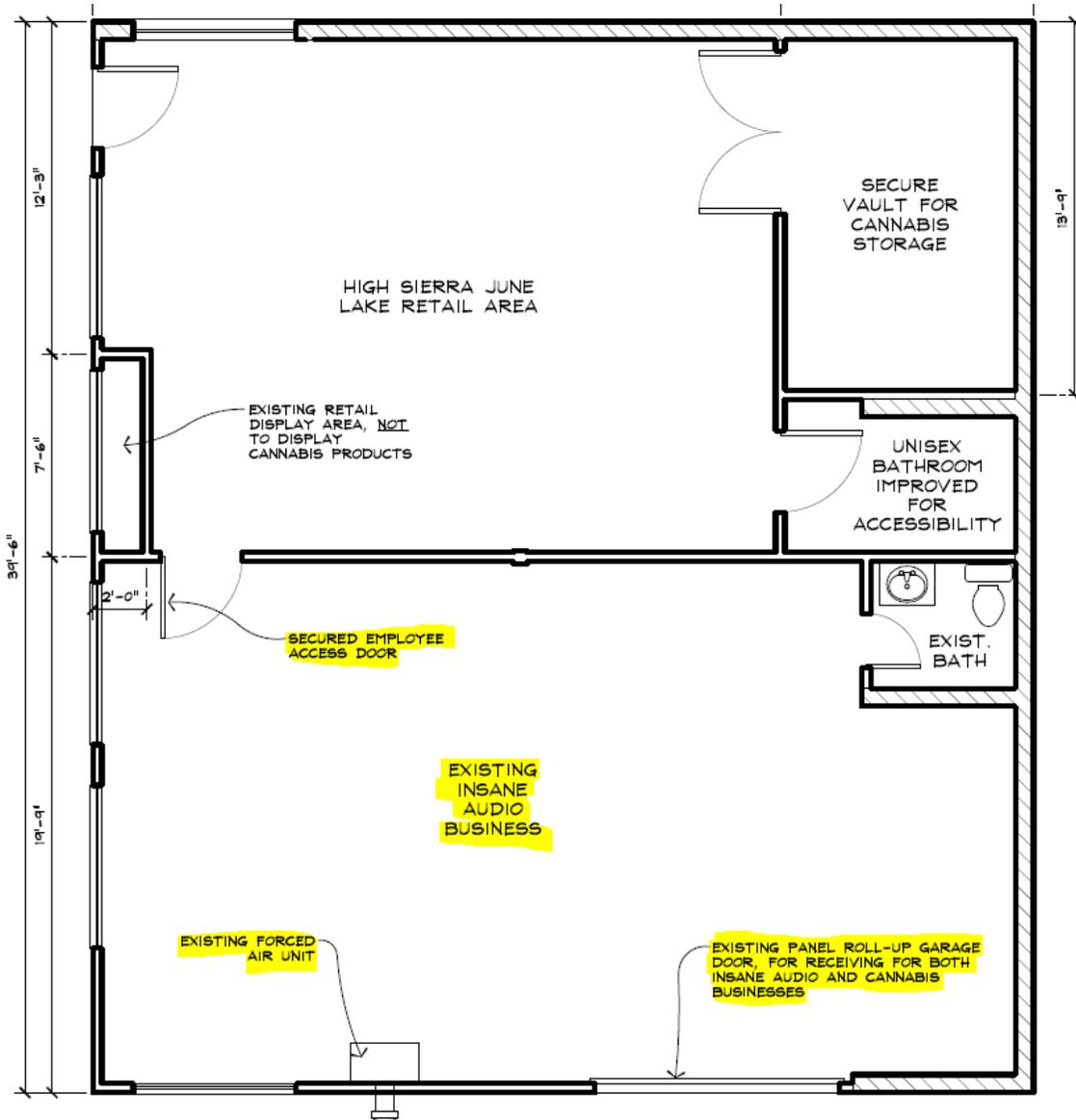


Figure 4: Site viewed from Hwy 158.

Operation Permit 23-002 / High Sierra June Lake



Figure 5: Site viewed from intersection of Hwy 158 and Lakeview Drive.



GENERAL PLAN CONSISTENCY

The General Plan Land Use Designation for this property is Commercial (C). According to the Mono County General Plan, “the ‘C’ designation is intended to provide for a wide range of uses and services for the resident and visitor including retail, business and professional uses and services in community areas...” Cannabis activities, including manufacturing and distribution, are subject to a use permit and Chapter 13 of the Mono County General Plan Land Use Element, and an operation permit under MCC 5.60.

The proposed development is also consistent with June Lake Area Plan policies contained in the Mono County General Plan Land Use Element. The sections below from the Mono County General Plan support the development of commercial cannabis services in the community of June Lake.

MONO COUNTY LAND USE ELEMENT, Countywide Land Use Policies Objective D

Provide for commercial development to serve both residents and visitors.

Policy 1: Concentrate commercial development within existing communities.

Action 1.1: Designate a sufficient amount of commercial land within communities to serve the needs of residents and visitors.

MONO COUNTY LAND USE ELEMENT, June Lake 2010: June Lake Area Plan Objective B

Promote well-planned and functional community development that retains June Lake's mountain-community character and tourist-oriented economy.

Objective C

Contain growth in and adjacent to existing developed areas.

Policy 1: Encourage compatible development in existing and adjacent to neighborhood areas.

Action 1.1: Use the area specific land use maps, specific plans, the Plan Check and Design Review processes to guide development.

Action 1.2: Encourage compatible infill development in the Village and Down Canyon areas.

Objective I

Maintain the June Lake village as the Loop's commercial core by providing a wide range of commercial and residential uses in a pedestrian-oriented atmosphere.

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.

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.*

USE 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 manufacturing, distribution, and microbusinesses are permitted in commercial land use designations, subject to Use Permit and compliance with Chapter 13, Cannabis Regulations.
 - b) Adequate site area exists for the proposed use. The project proposes no physical expansion of the current layout. Current lot coverage (calculated by the amount of impermeable surface) is approximately 30 percent, which is well below the maximum allowable for commercial land use designations of 70 percent.
 - c) The project has capacity to meet parking requirements. Three paved spaces and a paved loading area/ADA space currently exist per the site's current retail requirements. There is room for an additional three spaces beyond the current paved parking (see: Figure 9). Manufacturing operation will be closed to the public and will require no additional employees. Delivery truck size is undetermined at this time, but will be fully compliant with all DCC requirements. Delivery truck will either be kept off-site or behind the retail store, on property, abutting Hillside Road.
 - d) The location of the proposed project is consistent with the June Lake Area Plan's intent for concentrating resident- and visitor-oriented services in commercial core in the June Lake village.
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) The parcel is accessed by Lakeview Drive via SR 158 and is adequate for the kind of traffic generated by the proposed use. Lakeview Drive and SR 158 are used for accessing existing commercial businesses in the June Lake commercial core. Parking is sufficient for employees and visitors as the manufacturing area is closed to the public and staffed by the same employees as the retail operation.
 - b) The manufacturing expansion on-site is not open to the public, and not expected to generate significant amounts of traffic to alter existing circulation patterns.
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. An existing building is being used and no new construction is proposed. Avalanche danger has been deemed insignificant enough to allow for year-round use during initial review of CUP 18-003.
 - b) The proposed project is a conforming use according to the Mono County General Plan's Land Use Element. The use permit process provides the public the opportunity to comment on the proposal; no comments have been received at the time this staff report was written.
 - c) The project complies with General Plan Chapter 13, *Commercial Cannabis Activities*, and General Plan Amendment 17-03: *Commercial Cannabis Policies*, which minimize and mitigate any detrimental impacts to the public welfare and injury to property and improvements. See analysis below.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
- a) Cannabis manufacturing operations are permitted in commercial land use designations, provided they meet the criteria set forth in Chapter 13.
 - b) The project is located within the June Lake Planning Area. The June Lake Area Plan encourages providing a wide range of commercial uses and services for residents and tourists.
 - c) General Plan Amendment 17-03, *Commercial Cannabis Policies*, established policies and actions with the purpose of establishing a regulated commercial cannabis industry in Mono County.

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.

None of the above-mentioned facilities are located within 600 feet of the site. The June Lake community has one school (Our Lady of the Rosary) located at 4479 SR 158, which is 1.9 miles from the project site. The June Lake Community center (also the location for the County's First 5 program), library, and Gull Lake park are over 1,800 feet from the project site. The baseball field in June Lake Highlands is approximately 4,000 feet from the site. Currently the nearest childcare facility is down-canyon, approximately 20 minutes away.

The site is immediately surrounded by Commercial and Residential land-use designations. To the north is a commercial property currently occupied with a single-family residence; on the east side is a residential property owned by the applicant; to the south is a commercial property currently occupied with a single-family residence; and to the west are vacant commercial parcels. Single Family Residential, Mixed-Use, and Multi-Family Residential - High land use designations are within the 600-foot radius of the site (see: Figure 5).

In addition to a published notice in The Sheet, property owners within a 300-foot radius of the site were provided 10-day notice of this project. At this time, no letters of support or opposition have been received.

Figure 5: 600 ft. radius around site location.

13.070 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.

The structure currently meets setback standards for commercial designations (10' front, 5' rear, 0' side) and the proposal does not include expansion of the existing building footprint. (See: Site Plan, Attachment 3)

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.

Any non-volatile cannabis manufacturing will take place indoors in a controlled manufacturing area. This area is equipped with a commercial forced air unit with a HEPA filter. Cannabis will be dried and past its most odorous phase prior to pick-up by High Sierra. Applicant does not anticipate there being any noticeable odor outside of the building, or that further mitigation is necessary for this expansion.

13.070 F. Signage and Notices

A Sign Plan shall be required to demonstrate compliance with General Plan Land Development Regulations, Chapter 4.190 Signs, and Chapter 7 Signs.

No new / additional signage is proposed with this project. Existing signage was reviewed with initial Use Permit.

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.

The proposal states that the interior layout will not allow for any cannabis products to be visible from the street and no cannabis products will be placed in the existing display window. The project will also be required to comply with Mono County Code Chapter 5.60.140 (A), "no cannabis or cannabis products shall be visible from the exterior of the retail premises." Screening plan remains unchanged from previously approved Use Permit.

13.070 F. 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.

The proposal does not include any changes to the existing compliant lighting.

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.

The project has capacity to meet parking requirements. There currently exists three paved spaces and a paved loading area/ADA space per the original use permit (See: Figure 6). The retail area requires one space for every 200 square feet of gross leasable area and Insane Audio's former warehouse space required one space for every 1,000 square feet of gross floor area. Existing retail area is 425 square feet and the former warehouse area is 625 square feet, requiring a total of three spaces and a loading area. Manufacturing portion of building shall not be open to the public and will be managed on-site by High Sierra staff, requiring no more parking than was previously approved.

Figure 6: Location of existing parking and loading.



13.070 J. Noise

Noise generation shall comply with the Mono County General Plan Noise Element and Mono County Code, Chapter 10.16.

Proposed non-volatile Cannabis manufacturing (jarring) does not utilize any heavy machinery or other noise-generating equipment, and therefore is not expected to generate noise beyond that of traditional commercial operations in the June Lake commercial core. Jarring and labeling of product requires only non-motorized, non-mechanical, manual labor.

13.090 Cannabis Distribution

In addition to 13.070 requirements, a permit for distribution is subject to the following additional requirements:

A. Indicate truck parking and loading areas;

B. Storage and handling plans; and

C. Closed to general public. Cannabis distribution premises shall be fully enclosed and inaccessible by the general public unless supervised by the permittee.

D. Any other relevant information requested by the Director of the Community Development Department, or his or her designee.

E. The information provided may be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a).

Site has three existing parking spaces plus one van-accessible handicap space. Cannabis product will be stored in secured, limited access areas within the RFID access areas formerly operated by Insane Audio. Cannabis will be stored in the manufacturing portion of the building, or on partner farms prior to pick-up. Cannabis will only be on trucks when actively transporting product to High Sierra June Lake. Delivery truck will be under the supervision of High Sierra staff and shall adhere to all DCC guidelines. Distribution premises meets all enclosure and accessibility requirements.

13.100 Cannabis Manufacturing

In Addition to 13.070 requirements, a permit for manufacturing is subject to the following additional requirements:

A. A Cannabis manufacturer shall manufacture cannabis products only; products that do not contain cannabis shall not be manufactured at the same premises.

B. In no case shall any hazardous, flammable, or explosive substances be used to process or manufacture cannabis products on the premises unless all necessary permits have been obtained from all appropriate agencies;

C. Closed to general public. Cannabis manufacturing premises shall be fully enclosed and inaccessible by the general public unless supervised by the permittee.

D. Closed loop system. Cannabis manufacturing using volatile solvents must utilize a closed-loop system certified by a qualified engineer and approved by the County Building Official and local Fire District Chief.

Cannabis manufacturing will be in strict adherence to California Department of Cannabis Control (DCC) guidelines. Only non-volatile manufacturing is proposed at this time and therefore no hazardous, flammable or explosive substances will be used. Only cannabis will be manufactured on the premises. The proposed manufacturing area (formerly insane audio) will be closed to the public and has existing RFID access control for employees.

13.130 Cannabis Microbusiness

In addition to 13.070 requirements, a permit for a microbusiness is subject to the following additional requirements:

A. A cannabis microbusiness that includes cultivation, manufacturing, distribution and/or retail within one State license shall comply with all permit and operating requirements set forth in this chapter for cannabis cultivation, cannabis distribution, cannabis manufacturing, and cannabis retailer.

B. In reviewing an application for a Use Permit the following additional information may be requested:

1. Storage protocol and hazard response plan; and

2. Any other relevant information requested by the Community Development Director or his or her designee.

3. The information provided may be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a).

High Sierra June Lake will comply fully with all DCC and Mono County guidelines and permit processes. All product

shall be stored in a secured, limited access area at High Sierra June Lake, separately partitioned from the existing retail area. Non-volatile manufacturing requires no hazardous or flammable materials.

ENVIRONMENTAL REVIEW

The project qualifies for a categorical exemption from the provisions of CEQA as the project is considered a Class 3 – Conversion of Small Structure (CEQA Guidelines, 15303). A Class 3 exemption consists of construction and location of limited number of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Class 3 categorical exemptions specifically include stores, motels, offices, restaurants or similar structures not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. The project proposes no expansion to the building footprint or modifications to the exterior of the structure. The manufacturing use is consistent with current and historical uses for the property.

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

Attachments:

1. Notice of Decision
2. Conditions of Approval
3. Site Plan
4. 18-003 Use Permit

MONO COUNTY

Planning Division

NOTICE OF DECISION & USE PERMIT

USE PERMIT: UPM 23-004

APPLICANT: John DeCoster

APN: 015-085-010

PROJECT TITLE: High Sierra Cannabis
Manufacturing/Microbusiness

PROJECT LOCATION: 2555 HWY 158, June Lake, CA 93529

CONDITIONS OF APPROVAL
See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHELD AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

NOTICE IS HEREBY GIVEN PERSUANT TO CODE OF CIVIL PROCEDURE SECTION 1094.6 THAT THE TIME WITHIN WHICH TO BRING AN ACTION CHALLENGING THE COUNTY'S DECISION IS 90 DAYS FROM THE DATE THE DECISION BECOMES FINAL. IF NO APPEAL IS MADE TO THE PLANNING COMMISSION, THE PLANNING COMMISSION DECISION SHALL BECOME FINAL ON THE EXPIRATION OF THE TIME TO BRING AN APPEAL (10 DAYS). NOTICE IS ALSO HEARBY GIVEN THAT FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES BY FILING AN APPEAL TO THE BOARD OF SUPERVISORS MAY BAR ANY ACTION CHALLENGING THE PLANNING COMMISSION'S DECISIONS.

DATE OF DECISION/USE PERMIT APPROVAL: December 21, 2023

EFFECTIVE DATE USE PERMIT: December 31, 2023

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

MONO COUNTY PLANNING COMMISSION

DATED: _____

cc: X Applicant
 X Public Works
 X Building
 X Compliance



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 12, 2024

Departments: County Administrative Office

TIME REQUIRED 15 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Sandra Moberly, County
Administrative Officer

SUBJECT Funding Request from Bridgeport
Fire Protection District

AGENDA DESCRIPTION:

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

Bridgeport Fire Protection District Funding Request

RECOMMENDED ACTION:

Staff recommends that the Board consider the request from BFPD and provide direction to staff regarding an increase in the monthly payment made to BFPD. Staff will bring a resolution and agreement back to the Board reflecting Board direction.

FISCAL IMPACT:

Depending on direction from the Board, County costs may increase by about \$25,100 per fiscal year.

CONTACT NAME: Sandra Moberly

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

SEND COPIES TO:

Nick Way <bptfire@gmail.com>

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> Staff Report
<input type="checkbox"/> Attachment 1 - BFPD Letter 9-22-23
<input type="checkbox"/> Attachment 2 - Resolution 93-62
<input type="checkbox"/> Attachment 3 - 1974 Agreement

History

Time	Who	Approval
3/5/2024 4:28 PM	County Counsel	Yes
3/6/2024 2:22 PM	Finance	Yes
3/8/2024 12:31 PM	County Administrative Office	Yes



COUNTY ADMINISTRATIVE OFFICER
COUNTY OF MONO
Sandra Moberly, MPA, AICP

ASSISTANT COUNTY ADMINISTRATIVE OFFICER
Christine Bouchard

BOARD OF SUPERVISORS

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PROBATION

Karin Humiston

PUBLIC WORKS

Paul Roten

To: Mono County Board of Supervisors

From: Sandra Moberly, Mono County Administrative Officer

Date: March 12, 2024

Re: Bridgeport Fire Protection District Funding Request

Background

Since 1975 Mono County has been providing Bridgeport Fire Protection District (BFPD) with a monthly payment to help the District provide services in Bridgeport where the County houses a number of administrative buildings as well as the County jail. In September 2023, the County received a request from BFPD to increase the monthly payment from \$750 to \$2,840.99 (Attachment 1). The letter cites the need for an increase in the monthly payment due to inflation as well as the number of County properties within Bridgeport that are not subject to property tax. The increase was based on the US Bureau of Labor and Statistics cumulative inflation rate from 1975 to 2023 of 468.2%. This increase would result in an annual payment of \$34,091.88.

Property owned by government agencies in California is exempt from property taxation. The purpose of the exemption is to avoid the circularity of taxpayers' dollars being used by one government agency to pay taxes to another. Accordingly, and for example, the County (and hence the taxpayers of the County) pays no property tax for the County-owned Civic Center in Mammoth Lakes, nor for the various buildings and properties which the County owns in the County seat of Bridgeport. Likewise, property taxes are not paid by special districts, tribal entities, or the federal government.

As a result, the amount of tax received by those agencies that are entitled to receive a portion of local property taxes (e.g., counties, cities, water districts, fire districts, hospital districts, schools, etc.) is calculated based on the total amount of property taxes collected from *taxable* properties countywide.

Here, the percentage of countywide property taxes that BFPD is entitled to receive varies based on which tax rate area (TRA) within the district boundaries is implicated. There are eight different TRAs within the boundaries of BFPD. These tax rates were established under Proposition 13 and through a series of complex rules implementing that law. Overall, the amount received by BFPD amounts to 13.9% of every property tax dollar received within the County.

However, there are instances in which local taxing agencies, by agreement between them, agree to override State-established tax rates where a determination is made that the allocation between them should be altered in order to better serve a public purpose. Here,

an agreement was made by the Board of Supervisors with BFPD in 1975, whereby the County would pay BFPD an additional \$500 per month (\$6,000 annually). The premise of the agreement at the time was that there are a significant number of County-owned buildings within the boundaries of the BFPD which are exempt from property taxation and that the property tax rate under State law should therefore be overridden.

In 1993, the Board approved an updated agreement with BFPD to increase the payment to \$750 per month (\$9,000 annually). That agreement remains in effect.

At that time, County Counsel analyzed whether the County was required to contract with BFPD in order to receive its services (as had been understood to be the case in 1975) and determined that there is no legal requirement for the County to contract with BFPD to receive services. However, County Counsel did point out that it is within the Board's discretion to provide funding to BFPD, so long as there is a public purpose for doing so.

Analysis

Staff analyzed this request to provide the Board with information to help frame the request. We have reviewed the County-owned property within Bridgeport to determine, if property tax was owed on those properties, what portion of those taxes would go to BFPD. Because these properties are public, there is no assessed value associated with them. Staff reviewed the insured amounts for each property in Bridgeport and determined that they total \$24,187,254 and the property tax for Bridgeport averages 13.9 % for the impacted tax rate areas of the 1% general property tax rate. This would mean (hypothetically without performing complex Proposition 13 calculations) if County-owned properties were subject to property tax and insured value represented tax value, the County would pay \$241,873 annually. The BFPD would receive an estimated \$33,620, or \$2,801.67 monthly (average 13.9%). Further to illustrate the circularity of non-tax jurisdictions paying taxes, the County would receive back \$110,624 (the County's tax rate in BFPD tax rate areas averages 45.736%). The net hypothetical tax impact of the County's property in Bridgeport being subject to property taxes is the net \$131,250. While this provides a reference point to consider this request, it is important to note that the insured amounts are different than what the value of the buildings would be if they were not county-owned and the assessed values grandfathered in from Proposition 13 base years (plus adjustments for subsequent CPI allowances) most certainly results in a different value from insured valuation.

While the agreement with BFPD is discretionary and is not provided to any other fire district within Mono County, there is also a need to ensure the highest level of fire protection for the historic County buildings within Bridgeport. Previously the Board has made findings to support payments to BFPD citing the historic structures in Bridgeport and the comparative value of County property within Bridgeport. If the Board feels that these statements continue to be true, staff would recommend funding BFPD pursuant to their requested amount as it represents an appropriate increase in funding commensurate with CPI since the agreement was first established as well as the approximate value of payments to BFPD if property taxes were paid by Mono Count.

Recommendation

Staff recommends that the Board consider the request from BFPD and provide direction to staff regarding an increase in the monthly payment made to BFPD. Staff will bring a resolution and agreement back to the Board reflecting Board direction.

Attachments

Attachment 1: BFPD Letter dated September 22, 2023

Attachment 2: Resolution 93-62

Attachment 3: Agreement with BFPD dated September 10, 1975



Bridgeport Fire Department

309 Main St, Bridgeport, CA, 93517 * Phone (760) 932-7353

Chief Nick Way

Asst. Chief John Pelichowski

9/22/2023

To: Sandra Moberly, CAO

From: Nick Way, Chief

Subject: Bridgeport Fire Protection District Protection of County Buildings

CAO Moberly,

In 1975 the Bridgeport Fire Protection District (District) and Mono County (County) entered into a contract in which the District would provide fire protection services to the County's buildings. The original agreement stated these services would be provided at the cost of \$500.00 per month paid from the County to the District. In 1993 Mono County Board of Supervisors voted in resolution 93-62 to increase this payment to \$750.00 per month. For the last 30 years fees for fire protection have remained the same at \$750.00 per month.

As you know the County owns 4 parcels in the District's response area which total over 6.5 acres of land. In addition to owned land the County owns at least 23 structures in the District's response area with plans to build additional structures. These structures and the land they sit on are not subject to property tax and therefore the District does not receive any revenue aside from the \$750.00 monthly fee to provide fire protection services to them.

When the contract for fire protection was originally signed in 1975 the agreed upon fees were \$500.00 per month. According to the United States Bureau of Labor and Statistics the cumulative inflation rate between 1975 and 2023 is 468.2%. In order for the original fee of \$500.00 per month to keep up with the rate of inflation it would need to be increased to \$2,840.99 per month. Between 1975 and today our departments expenses in every category have increased and therefore the cost to provide these fire protection services must also increase to keep pace with inflation. I would ask that the County and District enter into a new contract at the price of \$2,840.00 per month in exchange for fire protection services.

Please feel free to reach out to me for any questions or points of clarification on this matter. I look forward to working with you, best regards,

Nick Way
Chief
Bridgeport Fire Protection District
bptfire@gmail.com
916-716-0414



RESOLUTION NO. 93-62
BOARD OF SUPERVISORS, COUNTY OF MONO

A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
PROVIDING CERTAIN FUNDING TO THE BRIDGEPORT FIRE
PROTECTION DISTRICT TO ASSURE
THE PROTECTION OF COUNTY PROPERTY

WHEREAS, Mono County has substantial property within the jurisdiction of the Bridgeport Fire Protection District ["the District"], including a courthouse which is an historic landmark; and,

WHEREAS, the limited tax base of the District makes it difficult to provide the funds for the personnel, equipment and other costs necessary to provide adequate fire protection services; and,

WHEREAS, in light of the comparative value of its property within the District, this Board has determined that the continuation of its policy of providing limited funding to the District will best assure the protection of that property; and,

WHEREAS, the District will continue to provide fire protection services.

NOW THEREFORE BE IT RESOLVED as follows:

1. That it is in the public interest for Mono County to supplement the financing of the District in order to assure the protection of the courthouse and other public properties.
2. That effective July 1, 1993, and until further order of this Board, Mono County shall pay to the District the sum of seven hundred fifty dollars (\$750.00) per month for the purposes set forth in this resolution.

PASSED AND ADOPTED this 10th day of August, 1993 by the following vote:

AYES : Supervisors Alpers, Jarvis, Lawrence, Paranick, Reid
NOES : None
ABSTAIN : None
ABSENT : None

ATTEST: Nancy Wells
Nancy Wells
Clerk of the Board
Andrea Lawrence
ANDREA LAWRENCE
CHAIR
BOARD OF SUPERVISORS

APPROVED AS TO FORM:

James S. Reed
JAMES S. REED
COUNTY COUNSEL

The foregoing instrument is a full, true and correct copy of the original on file in this office.

Attest August 13, 19 93
NANCY WELLS, Clerk of the Board of Supervisors in and for the County of Mono, State of California.
Nancy Gordon Deputy
Signature



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 12, 2024

Departments: County Counsel

TIME REQUIRED 5 minutes

PERSONS APPEARING BEFORE THE BOARD Stacey Simon, County Counsel

SUBJECT Legal Services Agreement for Representation of the Mammoth Lakes Fire Protection District by Mono County Counsel

AGENDA DESCRIPTION:

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

Proposed legal services agreement with the Mammoth Lakes Fire Protection District (MLFPD) to receive limited legal services from Mono County Counsel.

RECOMMENDED ACTION:

Approve and authorize County Counsel to sign and contract with MLFPD for limited legal services for the period March 5, 2024, through June 30, 2025, with automatic 1-year renewals until either party decides to terminate the agreement.

FISCAL IMPACT:

Some amount of reimbursement for direct and indirect costs. MLFPD will reimburse the County for its costs incurred to provide services to the District.

CONTACT NAME: Jeff Hughes

PHONE/EMAIL: 760-924-1707 / jhughes@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> Staff Report
<input type="checkbox"/> Legal Services Agreement

History

Time

Who

Approval

2/20/2024 9:49 AM	County Counsel	Yes
2/26/2024 5:02 PM	Finance	Yes
2/28/2024 9:29 AM	County Administrative Office	Yes

County Counsel
Stacey Simon

Assistant County Counsel
Christopher L. Beck

Deputy County Counsel
Emily R. Fox
Jeff Hughes

**OFFICE OF THE
COUNTY COUNSEL**
Mono County

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

Telephone
760-924-1700

Risk Manager
Jay Sloane

Paralegal
Kevin Moss

To: Board of Supervisors

From: Jeff Hughes, Deputy County Counsel

Date: 03/05/2024

Re: Legal Services Agreement for Representation of the Mammoth Lakes Fire Protection District by Mono County Counsel

Strategic Plan Focus Area(s) Met

A Thriving Economy Safe and Healthy Communities Mandated Function
 Sustainable Public Lands Workforce & Operational Excellence

Discussion

Mono County currently provides services to its Special Districts. The Mammoth Lakes Fire Protection District (“MLFPD”) would like to take advantage of County Counsel services on a regular basis, essentially having a County Counsel attorney attend monthly board meetings and providing advice on various topics. County Counsel would not engage in any sort of litigation on behalf of MLFPD and may decline work if staff resources are not available or the work calls for expertise outside of the specialization of the office. MLFPD will pay for County Counsel services based on actual cost, including all benefits, as provided by our finance department.

If you have any questions regarding this item, please call or email me.

**AGREEMENT BETWEEN THE MAMMOTH LAKES FIRE PROTECTION DISTRICT
AND THE COUNTY OF MONO FOR LEGAL SERVICES TO BE PROVIDED BY
THE OFFICE OF THE MONO COUNTY COUNSEL**

The Mammoth Lakes Fire Protection District (“SPECIAL DISTRICT”) and COUNTY OF MONO (“COUNTY”), who may be referred to jointly herein as “the Parties”, enter into this Legal Services Agreement (“Agreement”) which shall be effective on the date stated in Paragraph 1.

1. DURATION OF AGREEMENT.

This Agreement shall commence on March 19, 2024, and end on June 30, 2025, unless sooner terminated as specified in paragraph 7. The agreement shall automatically renew for successive one-year periods commencing on July 1, 2025, upon the same terms and conditions, unless either party gives the other party written notice not less than thirty (30) days prior to the expiration of the initial agreement term or any successive term of its intention not to renew.

2. SCOPE OF SERVICES.

The COUNTY, for the SPECIAL DISTRICT’s benefit, shall provide legal services through the Office of the Mono County Counsel as requested by the SPECIAL DISTRICT, including legal research, review of legal documents such as contracts and ordinances, attendance at public meetings, and general advisement. Services shall not include representation at or initiation of litigation, or any other matter which the Office of the County Counsel determines and advises SPECIAL DISTRICT is outside of its scope or beyond available resources, including staff time.

3. COMPENSATION FOR SERVICES.

In consideration for the COUNTY’s performance, the SPECIAL DISTRICT shall pay the following compensation to the COUNTY:

- a total lump sum payment of \$ _____, or
- a total sum not to exceed \$ _____, or
- consideration determined specifically as follows:

The SPECIAL DISTRICT shall pay to the COUNTY the fully loaded – hourly rate (“Rate”) for the County Counsel employee providing the services. The amount shall not exceed the cost to the COUNTY for the employee’s services. Attached hereto as **Attachment A** is a list of fully loaded rates at the time this agreement is entered into. These rates will automatically adjust from time-to-time to reflect changes in the Rate.

4. BILLING.

Charges for services rendered pursuant to the terms and conditions of this agreement shall be invoiced on the following basis: (check one)

- One month in arrears.

- Upon the complete performance of the services specified in paragraph 2.
- The following basis: quarterly in arrears

5. PAYMENT.

Payment shall be made by the SPECIAL DISTRICT to the COUNTY at the address specified in paragraph 8 of this Agreement, net thirty (30) days from the invoice date.

6. INDEMNIFICATION.

The COUNTY and the SPECIAL DISTRICT each agree to indemnify, defend, and hold harmless the other party, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs, attorney's fees, and any other legal expenses (such as court costs, investigation costs, and experts' fees), arising out of, resulting from or in connection with the performance of this Agreement by the indemnifying party, or its agents, officers, or employees. The Parties' obligation to defend, indemnify, and hold the other party, its agents, officers, and employees harmless applies to any actual or alleged personal injury, death, damage or destruction to tangible or intangible property, including the loss of use. The Parties' obligation under this Paragraph extends to any claim, damage, loss, liability, expense, or other costs that are caused in whole or in part by any act or omission of a Party, its agents, employees, supplier, or anyone directly or indirectly employed by any of them, or anyone for whose acts or omissions any of them may be liable. A Party's "performance" includes the Party's action or inaction and the action or inaction of that Party's agents, officers, and employees.

7. TERMINATION.

Either party may terminate this Agreement, with or without cause. In order to terminate this Agreement, the terminating party shall give thirty (30) days advance written notice to the other party. The termination notice shall be delivered as specified in paragraph 8, below. In the event of termination, the SPECIAL DISTRICT shall pay the COUNTY for all work performed prior to the effective date of the termination.

The SPECIAL DISTRICT acknowledges that County Counsel's primary client is the COUNTY. If a conflict arises between the interests of the SPECIAL DISTRICT and the interests of the COUNTY, which conflict may include a lack of resources sufficient to provide legal services to both the SPECIAL DISTRICT and the COUNTY, County Counsel may determine to withdraw from this Agreement or to decline representation in a specific matter.

8. NOTICE

The Agreement Administrator for each party is listed below. Notice to a party shall be provided to the Agreement Administrator and as set forth in paragraph 9. Either party may update the name or contact information for its Agreement Administrator by providing notice under paragraph 9 of the change.

FOR THE SPECIAL DISTRICT:

FOR THE COUNTY:

	Mono County Counsel P.O. Box 2415 Mammoth Lakes, CA 93546 ssimon@mono.ca.gov , with a copy to kmoss@mono.ca.gov
--	--

9. NOTICES - MANNER.

Notices to the parties in connection with the administration of this Agreement shall be given to the parties' Agreement Administrator personally, by regular mail, or by electronic transmission as specified in this paragraph. Notices will be deemed given on:

- (a) The day the notice is personally delivered to the Agreement Administrator or the office of the party's Agreement Administrator; or
- (b) Five days after the date the notice is deposited in the United States mail, addressed to a party's Agreement Administrator, with first-class postage fully prepaid; or
- (c) On the day that the notice is transmitted by electronic mail to a party's e-mail address specified in paragraph 9, provided that an original of such notice is deposited in the United States mail, addressed to a party's Agreement Administrator as indicated in this Agreement, on the same day as the electronic transmission is made.

10. INDEPENDENT CONTRACTOR.

The COUNTY and its officers and employees, in the performance of this Agreement, are independent contractors in relation to the SPECIAL DISTRICT and not officers or employees of the SPECIAL DISTRICT. Nothing in this Agreement shall create any of the rights, powers, privileges or immunities of any officer or employee of the SPECIAL DISTRICT. The COUNTY shall be solely liable for all applicable taxes or benefits, including, but not limited to, federal and state income taxes, Social Security taxes, or ERISA retirement benefits, which taxes or benefits arise out of the performance of this MOU. The COUNTY further represents to the SPECIAL DISTRICT that the COUNTY has no expectation of receiving any benefits incidental to employment. It is understood by both SPECIAL DISTRICT and COUNTY that this Agreement shall not, under any circumstances, be construed to create an employer-employee relationship or a joint venture. As an independent contractor:

- (a) COUNTY shall determine the method, details, and means of performing the work and services to be provided by COUNTY under this Agreement.
- (b) COUNTY shall be responsible to SPECIAL DISTRICT only for the requirements and results specified in this Agreement, and except as expressly provided in this Agreement, shall not be subjected to SPECIAL DISTRICT'S control with respect to the physical action or activities of COUNTY in fulfillment of this Agreement.
- (c) COUNTY, its agents, officers and employees are, and at all times during the term of this Agreement shall represent and conduct themselves as, independent contractors, and not employees of SPECIAL DISTRICT.

11. CONFLICT OF INTEREST.

The COUNTY covenants that it presently has no interest and shall not acquire any interest, direct or indirect, financial or otherwise, which would conflict in any manner or degree with the performance of the services hereunder. The COUNTY further covenants that, in the performance of this Agreement, no subcontractor or person having such an interest shall be used or employed. The COUNTY certifies that no one who has or will have any financial interest under this Agreement is an officer or employee of the SPECIAL DISTRICT.

12. COMPLIANCE WITH APPLICABLE LAWS.

The COUNTY and the SPECIAL DISTRICT shall comply with all applicable federal, state and local laws now, or hereafter, in force, and with any applicable regulations, in performing the work and providing the services specified in this Agreement. This obligation includes, without limitation, the acquisition, and maintenance of any permits, licenses, or other entitlements necessary to perform the duties imposed expressly or impliedly under this Agreement.

13. NONDISCRIMINATION.

During the performance of this Agreement, neither the COUNTY, its agents, officers, and employees nor the SPECIAL DISTRICT, its agents, officers, and employees shall unlawfully discriminate in violation of any federal, state, or local law, against any employee, or applicant for employment, or person receiving services under this Agreement, because of race, religious creed, color, ancestry, national origin, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation. Both parties and their agents, officers, and employees shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900, et seq.), and the applicable regulations promulgated thereunder in the California Code of Regulations. Contractor shall also abide by the Federal Civil Rights Act of 1964 (P.L. 88-352) and all amendments thereto, and all administrative rules and regulations issued pursuant to said Act.

14. PROHIBITION AGAINST ASSIGNMENT AND DELEGATION OF DUTIES.

This is an agreement for the personal services of COUNTY. SPECIAL DISTRICT has relied upon the skills, knowledge, experience, and training of COUNTY as an inducement to enter into this Agreement. Except as specifically authorized herein, no rights under this Agreement may be assigned and no duties under this Agreement may be delegated by the COUNTY without the prior written consent of the SPECIAL DISTRICT, and any attempted assignment or delegation without such consent shall be void.

15. NEGOTIATED AGREEMENT.

This Agreement has been arrived at through negotiation between the parties. Neither party is to be deemed the party which prepared this Agreement within the meaning of California Civil Code Section 1654.

16. SEVERABILITY.

If any portion of this Agreement or application thereof to any person or circumstance shall be declared invalid by a court of competent jurisdiction, or if it is found in contravention of any federal, state, or county statute, ordinance, or regulation, then the remaining provisions of this Agreement, or the application thereof, shall not be invalidated thereby, and shall remain in full force and effect to the extent that the provisions of this Agreement are severable.

17. ENTIRE AGREEMENT.

This Agreement contains the entire agreement of the parties, and no representations, inducements, promises, or agreements otherwise between the parties not embodied herein or incorporated herein by reference, shall be of any force or effect. Further, no term or provision hereof may be changed, waived, discharged, or terminated, unless executed in writing by the parties hereto. This Agreement supersedes and terminates any prior agreement between the parties.

18. AUTHORITY AND CAPACITY.

The COUNTY and the SPECIAL DISTRICT, and their signatories, each warrant and represent that each has full authority and capacity to enter into this Agreement.

19. INDEPENDENT ADVICE.

Each party hereby represents and warrants that in executing this Agreement it does so with full knowledge of the rights and duties it may have with respect to the other. Each party also represents and warrants that it has received independent legal advice from its attorney with respect to the matters set forth in this Agreement and the rights and duties arising out of this Agreement, or that such party willingly foregoes any such consultation.

20. COUNTERPARTS.

This Agreement may be executed in two (2) or more counterparts (including by electronic transmission), each of which shall constitute an original, and all of which taken together shall constitute one and the same instrument. For purposes of this Agreement, a photocopy, facsimile, .pdf, or electronically scanned signatures, including but not limited to DocuSign or similar service, shall be deemed as valid and as enforceable as an original.

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS, EFFECTIVE AS OF THE DATE LAST SET FORTH BELOW, OR THE COMMENCEMENT DATE PROVIDED IN PARAGRAPH 2 OF THIS AGREEMENT, WHICHEVER IS EARLIER.

COUNTY OF MONO:

SPECIAL DISTRICT:

By: _____

By: _____

Name: Stacey Simon
Title: County Counsel

Name:
Title:

Date: _____

Date: _____

APPROVED AS TO FORM:

County Counsel

ATTACHMENT A

**AGREEMENT BETWEEN THE MAMMOTH LAKES FIRE PROTECTION DISTRICT
AND THE COUNTY OF MONO FOR LEGAL SERVICES TO BE PROVIDED BY
THE OFFICE OF THE MONO COUNTY COUNSEL**

TERM:

FROM: March 19, 2024 TO: June 30, 2025

SCHEDULE OF FEES:

Stacey Simon:	\$132.85 per hour
Jeff Hughes:	\$71.64 per hour
Christopher Beck:	\$98.46 per hour
Emily Fox:	\$83.48 per hour
Anne Frievalt:	\$84.49 per hour
Kevin Moss:	\$51.33 per hour



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 12, 2024

TIME REQUIRED

SUBJECT Closed Session - Existing 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 - EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Claim for damages filed by Leonel Acero.

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
3/5/2024 3:33 PM	County Counsel	Yes
2/28/2024 3:50 PM	Finance	Yes
3/5/2024 4:38 PM	County Administrative Office	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 12, 2024

TIME REQUIRED

SUBJECT Closed Session – Existing 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 – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Mono v. KR Property et al. Case number: CV200081

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)
No Attachments Available

History

Time	Who	Approval
3/8/2024 11:48 AM	County Counsel	Yes
3/8/2024 12:58 PM	Finance	Yes
3/8/2024 2:34 PM	County Administrative Office	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 12, 2024

TIME REQUIRED

SUBJECT Closed Session – Real Property
 Negotiation

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Government Code section 54956.8. Property Address: 264 Highway 182, Bridgeport, CA. County Negotiator: Mary Booher Negotiating Parties: Garth Moore and Mono County Under Negotiation: Price, terms, and conditions.

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>
--

History

Time	Who	Approval
3/8/2024 11:49 AM	County Counsel	Yes
3/8/2024 12:58 PM	Finance	Yes
3/8/2024 2:33 PM	County Administrative Office	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE March 12, 2024

TIME REQUIRED

SUBJECT Closed Session - Labor Negotiations

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Sandra Moberly, Mary Booher, Stacey Simon, Janet Dutcher, and Christine Bouchard. 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 Correctional Deputy Sheriffs' Association. 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>
--

History

Time	Who	Approval
2/27/2024 4:05 PM	County Counsel	Yes
2/26/2024 4:54 PM	Finance	Yes
2/28/2024 9:10 AM	County Administrative Office	Yes

